

RESOLUTIONS AND LEGAL NOTICES OF HEARING LISTED ON THE PRELIMINARY AGENDA ARE AVAILABLE AT THE TOWN CLERK'S OFFICE ONE DAY PRIOR TO THE TOWN BOARD MEETING.

IF YOU ATTEND THE TOWN BOARD MEETING AND WISH TO READ ANY LEGAL NOTICE OF PUBLIC HEARING OR RESOLUTION SCHEDULED, PLEASE SEE THE WHITE BINDER LOCATED ON THE TABLE TO THE RIGHT OF THE DAIS NEXT TO THE TOWN CLERK. IF YOU HAVE ANY FURTHER QUESTIONS PLEASE SEE TOWN CLERK JO-ANN RAIA.

PRELIMINARY/ADOPTED AGENDA AND ADOPTED RESOLUTIONS ARE AVAILABLE AT:
<http://HuntingtonNY.gov>

PRESENT:

Supervisor	Frank P. Petrone
Councilwoman	Susan A. Berland
Councilman	Eugene Cook
Councilman	Mark A. Cuthbertson
Councilman	Mark Mayoka
Town Clerk	Jo-Ann Raia
Town Attorney	Cindy Elan-Mangano

AGENDA FOR TOWN BOARD MEETING DATED APRIL 9, 2013

7:00 P.M. – TOWN HALL

Opened: 6:33 P.M. Closed: 10:14 P.M.

(Resolution #2013-132 to 2013-187)

6:30 P.M. HEARINGS:

ACTION

1. Consider issuing a Certificate of Approval in an Historic District
Re: 471 Park Avenue, Huntington – Old Huntington Green Historic District.

(Applicant: Kiruv Capital Corporation) (SCTM #0400-073.00-01.00-041.001 and relocate to SCTM #0400-073.00-03.00-021.000)

(2013-ZC-7-Ch. 198)

Scheduled per Resolution #2013-128 at 3-5-2013 Town Board Meeting

DECISION RESERVED

2. Consider issuing a Certificate of Approval in an Historic District
Re: 598 Park Avenue, Huntington – Old Huntington Green Historic District.

(Applicant: Young Israel of Huntington)

(SCTM #0400-102.00-01.00-005.003)

(2013-ZC-8-Ch. 198)

Scheduled per Resolution #2013-129 at 3-5-2013 Town Board Meeting

**HEARING TO BE
RESCHEDULED**

3. Consider executing a license agreement with the Family Service League of Suffolk County Inc. **(Re: Field House at Manor Field Park)**
(2013-M-23)

Scheduled per Resolution #2013-130 at 3-5-2013 Town Board Meeting

DECISION RESERVED

HEARINGS (Continued):

ACTION

4. Consider executing a license agreement with the Community Food Council. ((**Re: Field House at Manor Field Park**))
(2013-M-24)
Scheduled per Resolution #2013-131 at 3-5-2013 Town Board Meeting

DECISION RESERVED

5. Consider granting a variance under Local Law 7-1989 (Coastal Erosion Management Regulations) (**Applicant: Kevin Bevilacqua**)
Location: 28 Makamah Road. SCTM #0400-013.00-02.00-000
(2013-M-22)
Scheduled per Resolution #2013-125 at 3-5-2013 Town Board Meeting

ENACTMENT
RESOLUTION 2013-174

6. Consider adopting Local Law Introductory No. 8-2013, amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article III (Building Permits), Article VII (Definitions) and Article VIII (General Restrictions and Requirements).
(Local Law Introductory No. 8-2013)
Scheduled per Resolution #2013-126 at 3-5-2013 Town Board Meeting

DECISION RESERVED

7. Consider adopting Local Law Introductory No. 9-2013, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions), Article II (Zoning Districts; Maps; General Restrictions) and Article IX (Height, Area and Bulk Regulations).
(Local Law Introductory No. 9-2013)
Scheduled per Resolution #2013-127 at 3-5-2013 Town Board Meeting

DECISION RESERVED

7:00 P.M. HEARINGS:

1. Consider exempting the Dix Hills Fire District from Site Plan Review and the Town of Huntington Zoning Code as is necessary to build a Fire Training Building (SCTM #0400-278-02-181.001).
(2013-M-10)
Scheduled per Resolution #2013-77 at 2-5-2013 Town Board Meeting

HEARING
RESCHEDULED FOR
JUNE 4, 2013
RESOLUTION 2013-181

2. Consider authorizing the Town Board to execute a license agreement between the Dix Hills Water District and New Cingular Wireless PCS, LLC, successor in interest to Cellular Telephone Company, to maintain existing cellular antennas and equipment at the water tower located at Colby Drive, Dix Hills, New York.
(2013-M-11)
Scheduled per Resolution #2013-83 at 2-5-2013 Town Board Meeting

DECISION RESERVED

3. Consider authorizing the Town Board to execute a license agreement between the Dix Hills Water District and New Cingular Wireless PCS, LLC, successor in interest to cellular telephone company, to maintain existing cellular antennas and equipment at the water tower located at Wolf Hill Road, Dix Hills, New York.
(2013-M-12)
Scheduled per Resolution #2013-84 at 2-5-2013 Town Board Meeting

DECISION RESERVED

HEARINGS (Continued):

4. Consider adopting Local Law Introductory No. 2-2013, adding Chapter 156A to the Code of the Town of Huntington (Bamboo).

(Local Law Introductory No. 2-2013)

Scheduled per Resolution #2013-71 at 2-5-2013 Town Board Meeting

5. Consider adopting Local Law Introductory No. 3-2013, so as to revoke all of the Covenants and Restrictions previously recorded as part of the Zone Change Application #1970-ZM-012 of Long Island National Bank, and reestablishing Covenants and Restrictions for property located on the northwest corner of Pulaski Road and Cuba Hill Road, Greenlawn.

(SCTM #0400-105-02-027.

Local Law Introductory No. 3-2013)

Scheduled per Resolution #2013-73 at 2-5-2013 Town Board Meeting

ACTION

**ENACTMENT
RESOLUTION 2013-184**

DECISION RESERVED

**AGENDA FOR TOWN BOARD
MEETING DATED: APRIL 9, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
ABBREVIATIONS FOR PURPOSE OF AGENDA:			
	Supervisor Frank P. Petrone	-	FP
	Councilwoman Susan A. Berland	-	SB
	Councilman Eugene Cook	-	EC
	Councilman Mark A. Cuthbertson	-	MC
	Councilman Mark Mayoka	-	MM
2013-132.	AUTHORIZE the Supervisor to execute a contract with the New York State Office for People with Developmental Disabilities for funding the summer 2013 Recreation Program for the Developmentally Disabled. (Period: 1/1/2013-12/31/2013)	SB MM	EC 5
2013-133.	AUTHORIZE the Supervisor to execute a contract with the New York State Office for People with Developmental Disabilities for funding the 2013 Young Teen Program for the Developmentally Disabled. (Period: 1/1/2013-12/31/2013)	SB MM	EC 5
2013-134.	AUTHORIZE the Supervisor to apply for non-competing continuation of funding from the U.S. Department of Health and Human Services, for the Huntington Youth Bureau Sanctuary Runaway, Homeless Youth Program. (Period: 9/30/2013-9/29/2014)	FP	EC MM SB 5
2013-135.	AUTHORIZE the Supervisor to execute an intermunicipal agreement with the South Huntington Water District for constituent emergency notification.	FP	SB 5
2013-136.	AUTHORIZE the Supervisor to execute an agreement with Safety Shred connected with the 2013 Huntington Family Earth Day Expo on April 20, 2013, nunc pro tunc. (Date: 4/20/2013)	MC	MM 5
2013-137.	AUTHORIZE the Supervisor to execute a license agreement with the Long Island Rowing Club, Inc. on a month to month basis nunc pro tunc. (Re: Fleets Cove Beach- expiration 6/30/2013 or the end of school year)	SB	EC FP MM 5
2013-138.	AUTHORIZE the Supervisor to execute a license agreement with the Art League of Long Island for use of Heckscher Park for their annual Art in the Park Fine Art and Crafts Festival event on June 1, 2013 and June 2, 2013. (Time: 7:00 am – 6:00 pm) (Set up 5/31/2013 from 10:00 am – 5:00 pm)	MM SB	EC 5
2013-139.	AUTHORIZE the Supervisor to execute a license agreement with the Long Island Gay, Lesbian, Bisexual and Transgender (LIGLBT) Services Network for the use of Heckscher Park for its festival in conjunction with its annual Pride Parade and further authorizing the Supervisor to execute a New York State Liquor Authority Special Event Permit Application. (Date: 6/8/2013; Time: 10:00 am – 1:15 pm)	FP	SB 5

**AGENDA FOR TOWN BOARD
MEETING DATED: APRIL 9, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
2013-140. AUTHORIZE the Supervisor to execute a Tax Pledge and Collection Agreement with the Harborfields Public Library and the Dormitory Authority of the State of New York, and its designee, Deutsche Bank Trust Company Americas to facilitate the refinancing of the Harborfields Public Library Bonds. (Location: 31 Broadway, Greenlawn)	<u>MC</u>	<u>MM</u> <u>FP</u>	<u>5</u>
2013-141. AUTHORIZE the Supervisor to execute an extension to the requirements contract for the consultant services for pavement and construction management with VHB Engineering, Surveying and Landscape Architecture, P.C. (Extension effective for one year commencing 6/29/2013)	<u>MC</u> <u>MM</u>	<u>FP</u> <u>SB</u>	<u>5</u>
2013-142. AUTHORIZE the Supervisor to execute an extension to the townwide requirements contract for the application of surface treatments on various Town roadways with Thomas H. Gannon & Sons, Inc. (Extension effective for one year commencing 6/25/2013)	<u>MM</u>	<u>EC</u>	<u>5</u>
2013-143. AUTHORIZE the Supervisor to execute an extension to the Townwide requirements contract for general construction with Laser Industries, Inc. (Extension effective for one year commencing 6/29/2013)	<u>MC</u>	<u>MM</u>	<u>5</u>
2013-144. AUTHORIZE the Supervisor to execute an extension to the agreement to provide audit services for the deferred compensation plan for employees of the Town of Huntington with Toski, and Co., CPA's, P.C. (Extension: One year effective 5/2/2013)	<u>FP</u>	<u>SB</u> <u>EC</u>	<u>5</u>
2013-145. AUTHORIZE the Supervisor to execute a requirements contract for Summer Food Service Program for Project P.L.A.Y. and St. John's Camp with Lessing's, Inc. (Term: One year)	<u>SB</u>	<u>MM</u>	<u>5</u>
2013-146. AUTHORIZE the Supervisor to execute a requirements contract for the processing, recycling, marketing and disposal of residential post consumer electronics with NYSARC, Inc., Nassau County Chapter D/B/A eWorks. (Period: Two years)	<u>MC</u> <u>MM</u>	<u>FP</u>	<u>5</u>
2013-147. AUTHORIZE the Supervisor to execute a requirements contract for the processing, disposal and marketing of curbside collected commingled household containers with Omni Recycling of Westbury, Inc. (Period: Two years)	<u>MM</u>	<u>SB</u>	<u>5</u>
2013-148. AUTHORIZE the Supervisor to execute various agreements for the Movies on the Lawn Series. (Re: Swank Motion Pictures/Auburn Moon Agency) (Dates/Locations: 6/24/2013-Heckscher Park, 7/25/2013-Crab Meadow Beach, 8/5/2013- Dix Hills Park, and 8/22/2013- Crab Meadow Beach)	<u>MC</u>	<u>FP</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: APRIL 9, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
2013-149. REMOVED FROM AGENDA AT WORKSHOP.			
2013-150. AUTHORIZE the correction of Code Violations at various locations pursuant to the Code of the Town of Huntington. (Re: Angel/Francis Soto and Yasanka Batiskas, 75 Alton Avenue, Greenlawn, SCTM# 0400-162.00-03.00-049.000, Chapters 87, 133; Michael Macchiarola, 167 West 19th Street, Huntington Station, SCTM# 0400-193.00-02.00-024.000, Chapter 156; Benjamin F. Hill, Sr. , 93 West 11th Street, Huntington Station, SCTM# 0400-137.00-03.00-011.000, Chapter 191)	<u>SB</u>	<u>EC</u>	<u>5</u>
2013-151. AUTHORIZE the Comptroller to amend the 2013 Operating Budget for the Town of Huntington and its special districts – various departments.	<u>MC</u>	<u>MM</u>	<u>5</u>
2013-152. AUTHORIZE the Comptroller to amend the 2013 Operating and Capital Budget for the Town of Huntington and its Special Districts.	<u>FP</u>	<u>SB</u>	<u>5</u>
2013-153. AUTHORIZE the Comptroller to appropriate monies from the Environmental Open Space and Park Improvement Fund and Neighborhood Parks Fund for recommended park improvement (Dix Hills Park). (Re: Dix Hills Park Pool ADA compliant chair lift)	<u>FP</u> <u>SB</u>	<u>MM</u>	<u>5</u>
2013-154. ACCEPT the dedication of Wilder Lane and a drainage easement for the subdivision known as Wilder Estates.	<u>MM</u>	<u>SB</u>	<u>5</u>
2013-155. ACCEPT donations from Ahern’s Lawn and Garden, Inc. and Station Sports Family Fun Center for the purchase of materials associated with the “Spring Eggstravaganza” at Heckscher Park on March 27, 2013, nunc pro tunc.	<u>MC</u>	<u>FP</u> <u>EC</u>	<u>5</u>
2013-156. ADOPT the Town of Huntington Firearm, use of Physical Force and Use of Deadly Physical Force Policies and Procedures. (Re: Supersedes the provisions of Resolution # 1994-485)	<u>MC</u>	<u>MM</u>	<u>5</u>
2013-157. ADOPT the recommendations of the Board of Responsibility in the matter of Jody Enterprises, Inc. and Alpha Carting, Inc.	<u>FP</u>	<u>MC</u>	<u>5</u>
2013-158. ADOPT the recommendations of the Board of Responsibility in the matter of the Landtek Group, Inc.	<u>MC</u>	<u>SB</u>	<u>5</u>
2013-159. AUTHORIZE the Supervisor to execute a requirements contract for drainage and concrete construction with the Landtek Group, Inc.	<u>MM</u>	<u>SB</u>	<u>5</u>
2013-160. APPOINT a New York State RACES (Radio Amateur Civil Emergency Service) Officer for the Town of Huntington. (Re: Steven W. Hines)	<u>FP</u>	<u>MM</u> <u>EC</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: APRIL 9, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
2013-161. CORRECT a Scriveners error in Town Board Resolution 2012-521 nunc pro tunc. (Re: Hohwald Landscaping, Inc. dba Ronald Mennella Landscaping)	<u>FP</u>	<u>EC</u>	<u>5</u>
2013-162. DECLARE certain equipment and vehicles as surplus and/or obsolete and authorizes the sale at auction, trade in or disposal of the same.	<u>MM</u> <u>MC</u>	<u>SB</u>	<u>5</u>
2013-163. ESTABLISH the standard work days for Elected Officials and Appointed Personnel for New York State and Local Retirement System reporting purposes.	<u>FP</u>	<u>SB</u>	<u>5</u>
2013-164. EXEMPT Sprint Spectrum Realty Company, L.P. (“Sprint”) pursuant to §198-68.1 (O) of the Huntington Town Code for work at 7 Boxer Court, Town of Huntington, NY Site NY07XC772 (SCTM #0400-95.00-01.00 Lot 050.001).	<u>MC</u>	<u>FP</u>	<u>5</u>
2013-165. REAPPOINT AND APPOINT members to the Town of Huntington Harbors and Boating Advisory Council. (Reappoint: Russell Bostock term expires 12/31/2017; Appoint: Richard Rothamel term expires 12/31/2014)	<u>SB</u>	<u>MM</u>	<u>5</u>
2013-166. URGE the New York State Legislature and Governor to enact Senator Fuschillo’s legislation that mandates all owners/operators of watercraft to undertake State approved boating safety training and that owners/operators of mechanically propelled watercraft be licensed or certified in order to operate such craft in New York State waters and to consider adding the three suggestions provided herein to the legislation. (Re: Senate Bill S-747-2013)	<u>SB</u> <u>MC</u>	<u>MM</u>	<u>5</u>
2013-167. AUTHORIZE appropriate action(s) in accordance with Huntington Town Code Chapter 156 Property Maintenance; Nuisances, Article VII, Blighted Property, §156-67, action by Town Board for failure to comply or abate violations. (Re: Huntview Estates, Ltd./Donald/Joyce Rose, 58 East 12th Street, Huntington Station, SCTM# 0400-145.00-01.00-085.001, Chapter 156; Elias Moragimos, 43 West 22nd Street, Huntington Station, SCTM# 0400-194.00-03.00-052.000, Chapter 156; Tyrell A. Edwards,, 2370 New York Avenue, Huntington, SCTM# 0400-239.00-02.00-023.005, Chapter 156; Charles/Francesca Bowen, 30 Pearwood Drive, Huntington Station, SCTM# 0400-138.00-01.00-051.000, Chapter 156; Robert/Leila Kea, 10 Keeler Street, Huntington, SCTM# 0400-114.00-04.00-012.000, Chapter 156; Charles McMorrow, 4 Colby Court, Dix Hills, SCTM# 0400-252.00-02.00-045.000, Chapter 156; Theresa Muzio, 296 Main Street, Cold Spring Harbor, SCTM# 0400-066.00-01.00-023.000, Chapter 56)	<u>SB</u>	<u>EC</u>	<u>5</u>
2013-168. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a Historic District Re: 6 Country Meadow Court, Melville – Sweet Hollow Historic District. (Applicant: Charles McGuffog) (SCTM#0400-256.00-01.00-019.008)	<u>MM</u> <u>SB</u>	<u>FP</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: APRIL 9, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
2013-169. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a Historic District Re: 247 Park Avenue, Huntington – Old Huntington Green Historic District. (Applicant: John Haight) (SCTM#0400-027.00-03.00-016.000)	<u>SB</u>	<u>MM</u>	<u>5</u>
2013-170. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a Historic District Re: 356 West Hills Road, Huntington – Whitman Historic District. (Applicant: Charles Sherman) (SCTM#0400-191.00-05.00-013.000)	SB MC <u>MM</u>	<u>EC</u>	<u>5</u>
2013-171. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a Historic District Re: 389 West Hills Road, Melville – The Valentine House. (Applicant: Linda Kosefsky) (SCTM#0400-232.00-05.00-011.000)	<u>SB</u>	<u>FP</u>	<u>5</u>
2013-172. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a Historic District Re: 478 Park Avenue, Huntington – Old Huntington Green Historic District. (Applicant: Sunny Pond Farm, LLC) (SCTM#0400-073.00-03.00-021.000)	MM <u>SB</u>	<u>EC</u>	<u>5</u>
2013-173. ENACTMENT: ADOPT Local Law Introductory Number 7-2013 amending the Code of the Town of Huntington Chapter 64 (Town Attorney’s Office, Department of), Section 64-4 (Powers and Duties).	<u>FP</u>	<u>SB</u>	<u>5</u>
2013-174. ENACTMENT: APPROVE the granting of a variance under Local Law 7-1989 (Coastal Erosion Management Regulations) Applicant: Kevin Bevilacqua Location: 28 Makamah Beach Rd., Northport, NY. (SCTM# 0400-013.00-02.00-003.000)	FP <u>MC</u>	EC <u>SB</u>	<u>5</u>
2013-175. SCHEDULE A PUBLIC HEARING: May 7, 2013 at 2:00 PM To consider acquiring 5 Seaman Neck Road property, Dix Hills (Lower Half Hollow Schoolhouse). (SCTM#0400-275-02-143.000)	<u>SB</u>	<u>MM</u>	<u>5</u>
2013-176. SCHEDULE A PUBLIC HEARING: May 7, 2013 at 2:00 PM To consider adopting Local Law Introductory No. 10-2013, amending the Uniform Traffic Code of the Town Code of the Town of Huntington, Chapter 1 (General Provisions).	Resolution DEFEATED		2-AYES (MM) (EC) 3-NOES (FP) (MC) (SB)
2013-177. SCHEDULE A PUBLIC HEARING: May 7, 2013 at 2:00 PM To consider adopting Local Law Introductory No. 11-2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Carver Street, Huntington – Parking Restrictions.	MM <u>MC</u>	<u>EC</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: APRIL 9, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
2013-178. SCHEDULE A PUBLIC HEARING: May 7, 2013 at 2:00 PM To consider adopting Local Law Introductory No. 12-2013 amending the Code of the Town of Huntington, Chapter 159 (Recreational Facilities).	<u>MC</u>	<u>SB</u> <u>MM</u>	<u>5</u>
2013-179. SCHEDULE A PUBLIC HEARING: May 7, 2013 at 2:00 PM To consider adopting Local Law Introductory No. 13-2013, amending the Code of the Town of Huntington, Chapter 178 (Taxation), Article XIII (Green Building Leed Improvement Exemption).	<u>MC</u>	<u>FP</u>	<u>5</u>
2013-180. SCHEDULE A PUBLIC HEARING: May 7, 2013 at 2:00 PM To consider authorizing various actions be taken upon certain properties designated as blighted in accordance with Chapter 156, Article VII, §156-60 (Blighted Property). (Pine Brook Realty Corp., Old Bridge Road, Northport, SCTM# 0400-060.00-01.00-011.005, Chapter 156; Wayne Farrell, 65 Young Hill Road, Huntington, SCTM# 0400-133.00-03.00-024.000, Chapter 156; Nelson/Helen Chang, 50 West Neck Road, Huntington, SCTM# 0400-070.00-05.00-029.000, Chapter 156; Huseyin Toozlu, 4 Grange Street, Huntington, SCTM# 0400-161.00-02.00-012.000, Chapter 156)	<u>SB</u>	<u>MM</u>	<u>5</u>
2013-181. RE-SCHEDULE A PUBLIC HEARING: June 4, 2013 at 7:00 PM To consider exempting the Dix Hills Fire District from Site Plan Review and the Town of Huntington Zoning Code as is necessary to build a fire training building (SCTM #0400-278-02-181.001).	<u>SB</u>	<u>MM</u>	<u>5</u>
2013-182. SCHEDULE A PUBLIC HEARING: June 4, 2013 at 7:00 PM To consider executing a license agreement with Long Island Rowing Club, Inc., for the use of a Town Beach Facility. (Re: Fleets Cove Beach Parking Lot)	<u>SB</u>	<u>EC</u> <u>FP</u>	<u>5</u>
2013-183. ESTABLISH "A.R.M.S." (Americans Reactivated for Military Service).	<u>SB</u>	<u>FP</u>	<u>5</u>
MOTION TO ADD RESOLUTION #2013-184 TO THE AGENDA.			4-AYES (SB) (FP) (MC) (MM) 1-NO <u>(EC)</u>
	<u>SB</u>	<u>FP</u>	<u>(EC)</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: APRIL 9, 2013**

RESOLUTIONS:

2013-184. ENACTMENT: ADOPT Local Law Introductory No. 2-2013, adding Chapter 156A to the Code of the Town of Huntington (Bamboo).

OFF.	SEC.	VOTE
		3-AYES
		(SB)
		(FP)
		(MM)
		2-NOES
		(EC)
<u>SB</u>	<u>FP</u>	<u>(MC)</u>

MOTION TO ADD RESOLUTION # 2013-185 TO AGENDA.

		Motion DEFEATED
		2-AYES
		(MM)
		(EC)
		3-NOES
		(FP)
		(MC)
<u>MM</u>	<u>EC</u>	<u>(SB)</u>

MOTION TO ADD RESOLUTION # 2013-186 TO AGENDA.

		Motion DEFEATED
		2-AYES
		(MM)
		(EC)
		3-NOES
		(FP)
		(MC)
<u>MM</u>	<u>EC</u>	<u>(SB)</u>

MOTION TO ADD RESOLUTION # 2013-187 TO AGENDA.

		Motion DEFEATED
		2-AYES
		(MM)
		(EC)
		3-NOES
		(FP)
		(MC)
<u>MM</u>	<u>EC</u>	<u>(SB)</u>

INFORMATIONAL SHEET FOR TOWN BOARD MEETING

DATED: APRIL 9, 2013

COMMUNICATION

ACTION

1. Letters received Certified Mail – Applying for Liquor Licenses:
From: Alissa Yohey for P.F. Chang’s China Bistro Inc. (160Walt Whitman Road, Huntington Station);

Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
2. Letters received Certified Mail – Renewal for Liquor Licenses:
From: Hua Liu for Dragon Gate; Ping Zhu for Tokoyo Sushi of Suffolk County Corp; From: Maria Bautista for Melissa Tavern Inc. (1419 New York Avenue, Huntington Station);

Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
3. Postcards received opposing the down zoning and over development of the Oak Tree Farms on Elwood Road, Elwood. Cards received from: Tim/Amparo Becker, Elizabeth/Seth Aitken, JoAnn/Fred Bisogno, Andrew/Linda Krycinski, Jaymi/Fred Bisogno, Roxanne/Orlando Luzi, John-David/Hannah Becker, MaryAnn/Eugene Weiss

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
4. Letter received from Judith Hammond, District Clerk for the South Huntington School District, advising that Laura B. Carey was appointed as a member to the Board of Education to fill the seat vacated by Chad Lupinacci.

Supervisor
Town Board
cc: Town Attorney
5. Letter received from James Cameron, Founder of Preserving Elwood Now, with form letters attached (additional letters received without cover letter) that expressed opposition to the proposed rezoning of property located at 544 Elwood Road that is currently occupied by Oak Tree Dairy. Letters signed by William Donovan, Barbara Tocci, Karen Kessler, Eleanore Conklin, Robert Silberstein, Vickie Rathgeber, Ralph Seidenfeld, Katherine Lanzafame, Irene Jaeger, Doreen McGlone, Helga Smedley, Song Rye Koo, Hyosum Kim, Walter Jalak, Ruth Vonzitzewitz, Verna Kasofsky, Ian Silverman, Alan Bayliss, Steven Koss, Donald Kraft,

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
6. Letter received from Andrew Freleng, Chief Planner for Suffolk County, regarding Town of Huntington Resolutions # 2013-73 and #2013-77. The Commission has determined that this is a matter for local determination.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

7. Letter received from Andrew Freleng, Chief Planner for Suffolk County, regarding the Avalon at Huntington Station. Attached was a Resolution # ZSR-13-07 that was adopted by the Commission regarding this property. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
8. Letter received from Dianne Rapczyk, Office Manager for South Huntington Water District, attached was the Financial Statement for the year ended 12/31/2012. cc: Comptroller
9. Letter received from Michael Kane, Chairman of the Zoning Board of Appeals for the Town of Babylon, regarding a Public Hearing to be held on April 11, 2013 at 6:15 PM at Town Hall for property located within 500' of the Town of Huntington. Property is located at 1815 Broad Hollow Road; requesting permission to diminish off-street parking from 18 to 15 spaces. Included was copy of the application, mailing list, resolution and maps. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
10. Certified letter received from Kerri O'Brien, Deputy Commissioner for the New York State Liquor Authority, advising of a Public Hearing to be held on 4/4/2013 at 11:00 AM, at 317 Lenox Avenue, NY, NY regarding a license for Lin's Gourmet Inc d/b/a Alberts Mandarin Gourmet (269 New York Avenue, Huntington). This establishment is located within a 500 foot radius of at least 3 other licensed and operating liquor establishments. Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
11. Letter received from Kerri O'Brien, Deputy Commissioner for the New York State Liquor Authority, advising of a Public Hearing to be held on 4/4/2013 at 11:00 AM, at 317 Lenox Avenue, NY, NY regarding a license for Huntington Restaurant Group (371 New York Avenue, Huntington). This establishment is located within a 500 foot radius of at least 3 other licensed and operating liquor establishments. Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
12. Email received from Rocco Donnino, President of the Cow Harbor Warriors, attached was a copy of the Cow Harbor Warriors Board of Directors letter addressed to Supervisor Petrone and the Town Board members. This letter was written in response to a letter from Mr. John Cooney of the Northport American Legion Post # 694. Supervisor
Town Board
Town Attorney
cc: Parks & Recreation
13. Copies of "The View" the Cold Spring Hills News letter was sent to Jo-Ann Raia, Town Clerk, for distribution to certain Town employees. Supervisor
Town Board
cc: Town Attorney
14. Letter received from Andrew Freleng, Chief Planner for the Suffolk County Planning Commission, regarding Town of Huntington Resolution #2013-125. The commission has determined that this is a matter for local determination which should not be construed as an approval or disapproval. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

15. Letter received from Vincent Puleo, Smithtown Town Clerk, regarding a Public Hearing scheduled for April 9, 2013 at 2:00 PM at Town Hall, regarding Chapter 323 – Transfer of Density Flow Rights and Chapter 322 Zoning as it relates to Use Regulations. Copy of the Public Notice was included. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
16. Letter received from Rob Ciatto, Senior Director of the Citizens organization regarding the proposed individualized residential alternative (community residence) to be located at 9 Rondel Lane in Commack. Supervisor
Town Board
Town Attorney
Engineering Services
Human Services
Public Safety
Planning & Environment
cc: Community Development
17. Memorandum received from the Gail Devol, Village Administrator for Huntington Bay, regarding a Board of Trustee hearing to be held on April 8, 2013 at 7:30 PM at the Huntington Yacht Club. The property involved is 21 Highview Drive – the request is to demolish an existing house and construct a new dwelling. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
18. Notification received from Byron Alford, P.E. for the New York State Department of Transportation regarding a designation of a restricted highway. The letter indicates that NY 110 from the LIE South Service Road to Amityville Road, Town of Huntington in Suffolk County is designated as a restricted highway until December 31, 2014. Supervisor
Town Board
Town Attorney
Public Safety
Highway
cc: Traffic & Transportation
19. Letter received from Jonathan Ayers, resigning from the Harbor and Boating Advisory Committee effective April 4, 2013. Supervisor
Town Board
Town Attorney
cc: Maritime Services
20. Memorandum received from Jennifer A Zoufaly, Legal Assistant for Humes & Wagner, LLP, on behalf of the Incorporated Village of Lloyd Harbor, regarding a Public Hearing to be held on April 15, 2013 at 7:30 PM at Village Hall. The hearing is regarding a proposed Local Law for a moratorium on construction of more than one attached garage and one free standing garage on a single lot. Attached was a copy of the law and legal notice. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
21. Two emails forwarded from Councilman Cooks office. A) Email from Kathy O’Hara regarding the Building Codes. The writer lives on 3 acres of property, has an existing 3 car garage and would like the codes to include approval for an additional detached 3 car garage. B) Email from Eleanor McGinn, regarding the proposed ban on bamboo. The writer agrees with Councilman Cuthbertson’s statement “We’re going into an area of regulation that is more of a civil dispute between neighbors than a town regulatory issue”. cc: File

2013-132

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH THE NEW YORK STATE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES FOR FUNDING THE SUMMER 2013 RECREATION PROGRAM FOR THE DEVELOPMENTALLY DISABLED

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILWOMAN BERLAND, COUNCILMAN MAYOKA**

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington Department of Parks and Recreation offers a Summer Recreation Program for the Developmentally Disabled; and

WHEREAS, direct funding is available for this program through the New York State Office for People with Developmental Disabilities (OPWDD) in the amount of THIRTY FOUR THOUSAND NINE HUNDRED NINETY-NINE AND NO/100 (\$34,999.00) DOLLARS; and

WHEREAS, the execution of this contract is not an action as defined by 6 N.Y.C.R.R. 671.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract with the New York State Office for People with Developmental Disabilities (OPWDD) for funding the Summer 2013 Recreation Program for the Developmentally Disabled in the amount of THIRTY FOUR THOUSAND NINE HUNDRED NINETY-NINE AND NO/100 (\$34,999.00) DOLLARS for the period January 1, 2013 to December 31, 2013, and to execute all necessary documents in connection therewith, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-133

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH THE NEW YORK STATE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES FOR FUNDING THE 2013 YOUNG TEEN PROGRAM FOR THE DEVELOPMENTALLY DISABLED

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILWOMAN BERLAND, COUNCILMAN MAYOKA**
and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington Department of Parks and Recreation offers a Young Teen Program for the Developmentally Disabled; and

WHEREAS, funding has been awarded for this program through the New York State Office for People with Developmental Disabilities (OPWDD) in the amount of THIRTEEN THOUSAND SIX HUNDRED SEVENTY FIVE AND NO/100 (\$13,675.00) DOLLARS; and

WHEREAS, the execution of this contract is not an action as defined by 6 N.Y.C.R.R. 671.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract with the New York State Office for People with Developmental Disabilities (OPWDD) for funding the 2011 Young Teen Program for the Developmentally Disabled in the amount of THIRTEEN THOUSAND SIX HUNDRED SEVENTY FIVE AND NO/100 (\$13,675.00) DOLLARS for the period January 1, 2013 to December 31, 2013, and to execute all necessary documents in connection therewith and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR NON-COMPETING CONTINUATION OF FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE HUNTINGTON YOUTH BUREAU SANCTUARY RUNAWAY, HOMELESS YOUTH PROGRAM

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN COOK, COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND**

WHEREAS, the Sanctuary Project provides runaway and homeless youth services to Town residents including referrals to short-term emergency housing, crisis intervention, youth and family counseling, advocacy and independent living skills training; and

WHEREAS, funding in the amount of ONE HUNDRED SEVENTY-EIGHT THOUSAND SIX THIRTY-SEVEN AND NO/100 (\$178,637.00) DOLLARS is available from the U.S. Department of Health and Human Services for the continuation of the Huntington Youth Bureau Sanctuary Runaway and Homeless Youth Program for the period September 30, 2013 to September 29, 2014; and

WHEREAS, the authorization to apply for and receive funding is not an action as defined 6 N.Y.C.R.R., §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to apply for and receive funding from the U.S. Department of Health and Human Services in the amount of ONE HUNDRED SEVENTY-EIGHT THOUSAND SIX HUNDRED THIRTY SEVEN AND NO/100 (\$178,637.00) DOLLARS for the period September 30, 2013 through September 29, 2014 to implement the Huntington Youth Bureau Sanctuary Runaway and Homeless Youth Program and to execute any documents in connection therewith upon such terms and conditions as approved by the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilmen Mark Mayoka	AYE
Councilmen Eugene Cook	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2013-135

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN INTERMUNICIPAL AGREEMENT WITH THE SOUTH HUNTINGTON WATER DISTRICT FOR CONSTITUENT EMERGENCY NOTIFICATION.

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the South Huntington Water District, 75 Fifth Avenue South, PO Box 370, Huntington Station, New York 11746-0302, is desirous of entering into an intermunicipal agreement with the Town of Huntington to enable the District to notify their utility customers of any emergency regarding water service and other notifications as requested by the District; and

WHEREAS, the Town of Huntington would welcome the participation of the South Huntington Water District in its emergency alert system in order to provide the residents of the Town of Huntington who are serviced by the South Huntington Water District, with vital information in the event of an emergency regarding water delivery service; and

WHEREAS, the South Huntington Water District will pay the Town of Huntington \$2,500.00 annually to participate in the Town of Huntington emergency notification system and all other notifications will be billed at cost. The determination as to emergency notification will be by the Town of Huntington emergency communications vendor; and

WHEREAS, the subject of this resolution is not an action as defined by 6 NYCRR 617.2(b), and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD,

HERBY AUTHORIZES the Supervisor to execute a contract with the South Huntington Water District, 75 Fifth Avenue, South, PO Box 370 Huntington Station, New York 11746-0302, for participation in the Town of Huntington emergency notification system to provide vital information to the Town of Huntington residents serviced by South Huntington Water District in the event of an emergency for the annual fee of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), - all other notifications will be billed at cost, the determination of emergency notifications will be made by the Town of Huntington emergency communications vendor, to be deposited in operating budget account A2389 Miscellaneous Revenue, Other Governments and upon such other terms and conditions as may be acceptable to the Town Attorney.

2013-135

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2013-136

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH SAFETY SHRED CONNECTED WITH THE 2013 HUNTINGTON FAMILY EARTH DAY EXPO ON APRIL 20, 2013, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town would like to continue to expand on the success of its environmental programs and provide a forum for residents to learn about ways of conserving our natural resources through reduction, refuse and recycling measures by promoting a special event in conjunction with Earth Day 2013; and

WHEREAS, Safety Shred, 366 North Broadway – Suite 410, Jericho, New York 11753, will provide a community paper shredding event in conjunction with the 2013 Huntington Family Earth Day Expo; and

WHEREAS, the signing of a contract for business services is not an action in accordance with SEQRA, 6 NYCRR Part 617.2 (b), and therefore no SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an Agreement, on such terms and conditions as may be acceptable to the Town Attorney, with Safety Shred, 366 North Broadway – Suite 410, Jericho, New York 11753, nunc pro tunc, for the provisions of shredding services on April 20, 2013 not to exceed FOUR HUNDRED FIFTY DOLLARS (\$450.00) to be charged to Operating Budget Line A-8565-4990; and

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-137

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH THE LONG ISLAND ROWING CLUB, INC. ON A MONTH TO MONTH BASIS NUNC PRO TUNC

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN COOK, SUPERVISOR PETRONE, COUNCILMAN MAYOKA**

WHEREAS, the Long Island Rowing Club, Inc., PO Box 2786, Huntington Station, New York 11746 is in need of space for the temporary storage of boats and related equipment, and a location to continue the operation of their rowing program; and

WHEREAS, the Town of Huntington is desirous of permitting the Long Island Rowing Club, Inc. to temporarily utilize a designated, fenced in 8,625 square foot area of the south end of the parking lot at Fleets Cove Beach for the storage of such boats and related equipment, and to use the east end of Fleets Cove Beach for the purpose of entering the water to conduct its rowing and sculling programs for high school athletes; and

WHEREAS, as the high school rowing teams train and compete beginning March 1, 2013, the Long Island Rowing Club, Inc. seeks to begin utilizing Fleets Cove Beach facilities immediately and wish to continue to use the facility through June 30, 2013 (or the end of the school year); and

WHEREAS, a public hearing and enactment are necessary for use of Town property and will require a 60-day time period. This delay will severely impact the successful training and ability to compete for high school crew athletes; and

WHEREAS, the Long Island Rowing Club, Inc. seeks to enter into an immediate month to month agreement with the Town of Huntington for use of a designated portion of Fleets Cove Beach nunc pro tunc which will expire June 30, 2013 (or the end of the school year); and

WHEREAS, authorizing the Supervisor to enter into a license agreement with the Long Island Rowing Club, Inc. is not an action defined by 6 NYCRR 617.2(b), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a month to month license agreement nunc pro tunc, with the Long Island Rowing Club, Inc. to utilize a designated portion of Fleets Cove Beach for the temporary use approved by the Director of the Town of Huntington Department of Parks and Recreation, for the storage of boats and related equipment and for the purpose of conducting its rowing and sculling programs for high

2013-137

school athletes expiring upon the execution of a permanent license agreement and upon such terms and conditions as may be acceptable to the Town Attorney. The monthly rent for use of the town property of FIVE HUNDRED AND 00/100 (\$500.00) will be recorded in Operating Budget Code A2410 Rental.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2013-138

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH THE ART LEAGUE OF LONG ISLAND FOR USE OF HECKSCHER PARK FOR THEIR ANNUAL ART IN THE PARK FINE ART AND CRAFTS FESTIVAL EVENT ON JUNE 1, 2013 AND JUNE 2, 2013

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND**

And seconded by: **COUNCILMAN COOK**

WHEREAS, the Art League of Long Island has requested permission to utilize Heckscher Park for their Annual Art in the Park Fine Art and Crafts Festival fundraising event on June 1, 2013 and June 2, 2013 from 7:00 a.m. until 6:00 p.m.; and

WHEREAS, the Art League of Long Island event is held to help raise funds for their agency and to promote the works of their artists and art school; and

WHEREAS, the execution of this license agreement is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (15) and therefore, no further SEQRA review is required.

NOW, THEREFORE BE IT RESOLVED

THE TOWN BOARD, hereby authorizes the Supervisor to execute a License Agreement with the Art League of Long Island for the use of Heckscher Park for their Annual Art in the Park Fine Art and Crafts Festival" on Saturday, June 1st and Sunday, June 2nd from 7:00.am. until 6:00 p.m. to hold a festival with craft and food vendors.

BE IT FURTHER RESOLVED, That said authorization is subject to compliance with the following terms and conditions:

1. That the Art League of Long Island shall coordinate the activities and secure all necessary approvals from the Town Department of Parks and Recreation, the Huntington Town Clerk's Office, the Town Department of General Services, the Town Bureau of Fire Prevention, the Town Department of Public Safety/Code Enforcement and any other Town agency having jurisdiction; and
2. That the Art League of Long Island will be permitted to begin setting up for the event from 10:a.m. to 5:00 p.m. on Friday, May 31, 2013
3. That the Art League of Huntington shall execute a License Agreement, which shall contain provisions indemnifying and holding the Town of Huntington harmless from and against any and all claims for personal injury and/or property damage, including death and attorney fees arising from or as a result of the festival; and

4. That all necessary approvals and/or permits for the activities of the Art League of Long Island, and any vendor and/or entity providing services for said event, shall be secured from all local, county, state and federal agencies having jurisdiction and provided to the Town of Huntington Department of Parks and Recreation no later than 15 days prior to the event, including, but not limited to, Suffolk County Department of Health Services and, if applicable, NYS Liquor Authority Permits; and
5. The Art League is required to post a refundable \$1,000.00 performance bond in the form of cash or certified check made payable to the Department of Parks and Recreation upon submission of application, which is held to cover any required restoration work. The Art League of Long Island shall be responsible for restoring Heckscher Park to its pre-festival condition. They shall accompany the Director of the Town of Huntington Department of General Services or his designee on an inspection of the park prior to and following the festival. The Director of General Services will notify the Art League of any restoration work required to be undertaken by the Art League. Said restoration work shall be completed within 10 days from the close of the event, or as otherwise agreed upon between the Art League and the Town at the time of inspection. Any and all direct and indirect costs associated with such restoration work shall be the sole responsibility of the Art League; and
6. All costs incurred by the Town of Huntington for labor and services in connection with security to be provided by the Town shall be reimbursed by the Art League of Long Island; and
7. That the Art League of Long Island shall provide insurance coverage for property damage, personal injury, breach of agreement/contract and lost profit naming the Town of Huntington, its officers and employees as additional insured by endorsement. The insurance must be unrestricted and primary coverage. The Art League of Long Island shall be required to sign a license agreement, which includes the procurement of insurance and a hold harmless and indemnity provisions to defend the Town in any personal injury, property damage, breach of contract, violation of civil rights and discrimination suite or claim in a form and on terms acceptable to the Town Attorney; and
8. The failure to procure insurance in accordance with the requirements of the above and the terms and conditions of an insurance procurement agreement acceptable to Town Attorney will constitute a breach of any agreement with the Town for use and operation at the premises and the entities may be held liable for such breach and will be held responsible for costs, expenses and attorney fees; and

2013-138

9. The Art League of Long Island shall provide insurance coverage for the event with minimum policy limits of \$2,000,000.00 per occurrence for bodily injury, including death, and \$2,000,000.00 for property damage. The Art League of Long Island shall furnish to the Town of Huntington Attorney's Office a Certificate of Insurance evidencing the aforesaid insurance requirements no later than two weeks prior to the event. Said Certificate shall: (a) name the Town of Huntington as additional insured by endorsement (b) provide for the Town as Certificate Holder; and (c) further provide that the Certificate Holder shall be notified thirty (30) days prior to any cancellation, non-renewal or material change in the policy; and
10. Such other terms and conditions deemed necessary or advisable by the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED

2013-139

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH THE LONG ISLAND GAY, LESBIAN, BISEXUAL AND TRANSGENDER (LIGLBT) SERVICES NETWORK FOR THE USE OF HECKSCHER PARK FOR ITS FESTIVAL IN CONJUNCTION WITH ITS ANNUAL PRIDE PARADE AND FURTHER AUTHORIZING THE SUPERVISOR TO EXECUTE A NEW YORK STATE LIQUOR AUTHORITY SPECIAL EVENT PERMIT APPLICATION

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Long Island Gay, Lesbian, Bisexual and Transgender (LIGLBT) Services Network will be holding its annual Pride Parade and Festival on Saturday, June 8, 2013; and

WHEREAS, the LIGLBT has requested permission from the Town of Huntington to utilize the Town of Huntington Heckscher Park from 12:00 p.m. until 8:00 p.m. on June 8, 2013 for such Festival, and the Town of Huntington Village Green Senior Center Parking Lot on June 8, 2013 from 10:00 a.m. until 1:15 p.m., for a staging area for the parade,; and

WHEREAS, such permission to utilize said Town property is contingent upon the execution of a license agreement, which includes provisions requiring the LIGLBT to hold harmless and indemnify the Town of Huntington; the issuance of a valid Special Event Permit by the Town of Huntington Department of Parks and Recreation; the issuance of any and all requisite New York State Liquor Authority Permits; and the issuance of all required approvals and/or permits from any other Town department and/or other agency having jurisdiction; and

WHEREAS, as licensor and owner of the property to be utilized for said event, it is necessary for the Supervisor to sign the New York State Liquor Authority Special Event Permit Application (Temporary Beer and Wine Permit) for the applicant, LIGLBT; and

WHEREAS, the execution of a license agreement for this purpose and the execution of a New York State Liquor Authority Special Event Permit application constitutes a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c)(15), (20), (27) and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD,

2013-139

HEREBY AUTHORIZES the Supervisor to execute a license agreement with Long Island Gay, Lesbian, Bisexual and Transgender (LIGLBT) Services Network, The Center at Garden City, 400 Garden City Plaza, Suite 110; Garden City, New York 11530, for the use of Heckscher Park for its annual Festival in conjunction with its annual Pride Parade from 12:00 p.m. until 8:00 p.m. on June 8, 2013, and the Town of Huntington Village Green Senior Center Parking Lot on June 8, 2013 from 10:00 a.m. until 1:15 p.m., for a staging area for the parade. Such authorization is subject to: 1) the execution of a license agreement which includes provisions requiring the LIGLBT to hold harmless and indemnify the Town of Huntington and signed by an authorized representative of the LIGLBT; 2) appropriate insurance documents in a form satisfactory to the Town Attorney; 3) the issuance of a valid Special Event Permit by the Town of Huntington Department of Parks and Recreation; 4) the issuance of any and all requisite New York State Liquor Authority Permits; 5) and the issuance of all required approvals and/or permits from any other Town department and/or other agency having jurisdiction and on such other terms and conditions as may be acceptable to the Town Attorney; and

FURTHER AUTHORIZES the Supervisor to execute a New York State Liquor Authority Special Event Permit Application (Temporary Beer and Wine Permit) for the applicant, LIGLBT.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-140

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A TAX PLEDGE AND COLLECTION AGREEMENT WITH THE HARBORFIELDS PUBLIC LIBRARY AND THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK, AND ITS DESIGNEE, DEUTSCHE BANK TRUST COMPANY AMERICAS TO FACILITATE THE REFINANCING OF THE HARBORFIELDS PUBLIC LIBRARY BONDS

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILMAN MAYOKA, SUPERVISOR PETRONE**

WHEREAS, in 2003, the Harborfields Public Library issued \$8,000,000.00 dollars in bonds through the Dormitory Authority of the State of New York (the "Dormitory Authority"), for the modernization, renovation and equipping of, and expansion of a parking lot at its facility located at 31 Broadway, Greenlawn, New York (the "Library Project"); and

WHEREAS, in 2013, the Harborfields Public Library seeks to refinance its debt through the Dormitory Authority; and

WHEREAS, Public Authorities Law Section 1680, authorizes and permits the Town of Huntington to pay the amount of all taxes levied and collected for Library purposes, including the annual tax approved by the voters to pay debt service relating to the Library Project, to the Dormitory Authority, or its designee, Deutsche Bank Trust Company Americas (the "Trustee"); and

WHEREAS, the Library has requested that the Town of Huntington, pursuant to Public Authorities Law Section 1680 pay the amount of all taxes levied and collected for Library purposes to the Dormitory Authority or the Trustee, for the purpose of facilitating the proposed refinancing which is expected to result in a tax savings to the residents of the Harborfields Library District, but will not result in any additional expense to the Town of Huntington; and

WHEREAS, the execution of a tax pledge and collection agreement is not an action defined by 6 NYCRR 617.2(b), and therefore no further SEQRA review is required.

NOW, THEREFORE

BE IT RESOLVED

The TOWN BOARD HEREBY AUTHORIZES the Supervisor to execute a Tax Pledge and Collection Agreement with the Harborfields Public Library, the Dormitory Authority the State of New York, and its designee, Deutsche Bank Trust Company Americas, to facilitate the refinancing of the Harborfields Public Library bonds, in accordance with such terms and conditions as may be acceptable to the Town Attorney.

2013-140

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2013-141

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR THE CONSULTANT SERVICES FOR PAVEMENT AND CONSTRUCTION MANAGEMENT WITH VHB ENGINEERING, SURVEYING AND LANDSCAPE ARCHITECTURE, P.C.

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILMAN CUTHBERTSON, COUNCILMAN MAYOKA**
and seconded by: **SUPERVISOR PETRONE, COUNCILWOMAN BERLAND**

WHEREAS, the Town requires consultant services to provide pavement management, analysis and testing on an as needed basis; and

WHEREAS, Town Board Resolution 2012-96 authorized the execution of a contract with VHB Engineering, Surveying and Landscape Architecture, P.C. for the consultant services for pavement and construction management, RFP 2012-02-004; and

WHEREAS, said requirements contract provides for two (2) additional one (1) year extensions with no increase in the price or change in the terms and conditions; and

WHEREAS, VHB Engineering, Surveying and Landscape Architecture, P.C., 2150 Joshua's Path, Suite 300, Hauppauge, New York 11788 has requested the first one (1) year extension; and

WHEREAS, the authorization to extend a contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with VHB Engineering, Surveying and Landscape Architecture, P.C., for the consultant services for pavement and construction management. The extension period shall be effective for one (1) year commencing on June 29, 2013, to be charged to HW 5197 2776 12502, and other various funds as required to perform the services, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-142

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE TOWNWIDE REQUIREMENTS CONTRACT FOR THE APPLICATION OF SURFACE TREATMENTS ON VARIOUS TOWN ROADWAYS WITH THOMAS H. GANNON & SONS, INC.

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILMAN MAYOKA**

and seconded by: **COUNCILMAN COOK**

WHEREAS, under this contract, the Contractor shall provide all necessary labor, equipment and materials to perform micropaving on roadways throughout the Town of Huntington in accordance with Town requirements and construction specifications; and

WHEREAS, Town Board Resolution 2012-155 authorized the execution of a contract with Thomas H. Gannon & Sons, Inc., for the application of surface treatments on various town roadways, contract no. HWY 2012-05/O-E; and

WHEREAS, said requirements contract provides for two (2) additional one (1) year extensions with no increase in the bid price or change in the terms and conditions; and

WHEREAS, Thomas H. Gannon & Sons, Inc., 75 Cedarhurst Avenue, Medford, New York 11763 has requested the first one (1) year extension; and

WHEREAS, the authorization to extend a contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Thomas H. Gannon & Sons, Inc., for the application of surface treatments on various town roadways. The extension period shall be effective for one (1) year commencing on June 25, 2013, to be charged to HW5197-2776-12502, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-143

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE TOWNWIDE REQUIREMENTS CONTRACT FOR GENERAL CONSTRUCTION WITH LASER INDUSTRIES, INC.

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington has the need to construct and/or reconstruct park projects and other miscellaneous projects which require drainage, asphalt, concrete work, park amenities, fence and other general construction; and

WHEREAS, Town Board Resolution 2010-257 authorized the execution of a contract with Laser Industries, Inc. for the townwide requirements contract for general construction, Contract No. ES 2010-03/O-E; and

WHEREAS, Town Board Resolution 2012-158 authorized the first one (1) year extension with no increase in the bid price or change in the terms and conditions; and

WHEREAS, said requirements contract provides for three (3) additional one (1) year extensions with no increase in the bid price or change in the terms and conditions; and

WHEREAS, Laser Industries, Inc., 1775 Route 25, Ridge, New York 11961 has requested the second one (1) year extension; and

WHEREAS, the authorization to extend a contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Laser Industries, Inc. for the townwide requirements contract for general construction. The extension period shall be effective for one (1) year commencing on June 29, 2013, to be charged to those budgets required to implement the work, on an as needed basis and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-144

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE AGREEMENT TO PROVIDE AUDIT SERVICES FOR THE DEFERRED COMPENSATION PLAN FOR EMPLOYEES OF THE TOWN OF HUNTINGTON WITH TOSKI AND CO., CPAs, P.C.

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND, COUNCILMAN COOK**

WHEREAS, the New York State Deferred Compensation Board ("the Board") pursuant to Section 5 of the New York State Finance Law and the Rules and Regulations of the New York State Deferred Compensation Board (the "Regulations") has promulgated the Model Deferred Compensation Plan for Employees of the Town of Huntington (the "Model Plan") and offers the Model Plan for adoption by local employers; and

WHEREAS, the Town of Huntington, pursuant to Section 5 and the Rules and Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Town of Huntington, which is administered by Hartford Life Insurance Company; and

WHEREAS, the Rules and Regulations require that all amounts held under the Deferred Compensation Plan for Employees of the Town of Huntington be audited on an annual basis; and

WHEREAS, Town Board Resolution 2011-84 authorized the execution of an agreement with Toski, Schaefer & Co., P.C. to provide audit services for the deferred compensation plan for employees of the Town of Huntington, RFP No. 2010-11-012; and

WHEREAS, Town Board Resolution 2012-159 authorized the first one (1) year extension and the assignment of the new corporate name to Toski & Co., CPAs, P.C. ;and

WHEREAS, said contract provides for one (4) additional one (1) year extensions under the same prices, terms and conditions; and

WHEREAS, Toski & Co., CPAs, P.C. 300 Essjay Road, Suite 115, Williamsville, New York 14221 has requested the second one (1) year extension; and

WHEREAS, the authorization to extend a contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

2013-144

HEREBY AUTHORIZES the Supervisor to execute an extension to the agreement contract, and any documents in connection and related therewith, with Toski & Co., CPAs, P.C. to provide audit services for the plan year 2011 of the Deferred compensation Plan for the employees of the Town of Huntington. The extension period shall be effective for one (1) year commencing on May 2, 2013, for an amount not to exceed the sum of SIX THOUSAND AND NINE HUNDRED AND NO/100 (\$6,900.00) DOLLARS to be charged to operating A1315-4550 and upon such other terms and conditions as may be acceptable to the Town Attorney. The cost of the audit will be reimbursed to the Town from assets of the Plan and rare to be recorded in Account A-2770.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-145

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A REQUIREMENTS CONTRACT FOR THE SUMMER FOOD SERVICE PROGRAM FOR PROJECT P.L.A.Y. AND ST. JOHN'S CAMP WITH LESSING'S, INC.

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington, through the New York State Department of Education, will provide a summer food service program for children who meet the family income criteria as set by the United States Department of Agriculture (USDA); and

WHEREAS, sealed bids were received on April 4, 2013, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for a summer food service program for project P.L.A.Y. and St. John's Camp, Bid No. TOH 13-04R-017 and the same were opened publicly and read aloud; and

WHEREAS, Lessing's, Inc., 3500 Sunrise Highway, Bldg. 100, Suite 100, Great River, New York 11739 is the lowest responsive, responsible bidder; and

WHEREAS, the supply and delivery of a food service for the 2013 summer food service program is not an action under SEQRA as defined by 6 N.Y.C.R.R. §617.2 (b) and, therefore, no SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a requirements contract, and any documents in connection and related therewith, with Lessing's, Inc., for a summer food service program for project P.L.A.Y. and St. John's Camp. The contract period shall be effective for a one (1) year term commencing upon execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for four (4) additional one (1) year periods under the same terms and conditions and the School Food Authority may negotiate at the end of each one year contract period for a cost increase not to exceed the annual percentage increase of the New York - Northeastern New Jersey Consumer Price Index for all Urban Consumer's for the preceding year, provided it has been satisfactorily established by the Food Service Management Company, that there has been at least an equivalent increase in the amount of its cost of operation during the period of the contract, to be charged to Operating Budget Item A7140.4550, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2013-145

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-146

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A REQUIREMENTS CONTRACT FOR THE PROCESSING, RECYCLING, MARKETING AND DISPOSAL OF RESIDENTIAL POST CONSUMER ELECTRONICS WITH NYSARC, INC., NASSAU COUNTY CHAPTER D/B/A EWORKS

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILMAN CUTHBERTSON, COUNCILMAN MAYOKA**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington will make available, on a regular basis, consumer electronics (e-waste) that are to be recycled rather than be disposed of by landfilling or incineration. This contract will provide for the processing, recycling, marketing and disposal of residential post-consumer electronic (residential e-waste) at the maximum revenue to the Town of Huntington. The vendor will process the materials the Town offers to the vendor and the vendor will separate the materials and market them for highest dollar amount available; and

WHEREAS, sealed proposals were received on March 22, 2013, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the processing, recycling, marketing and disposal of residential post-consumer electronics, RFP No. 2013-03-002 and the same were opened and read aloud; and

WHEREAS, NYSARC, Inc., Nassau County Chapter d/b/a eWorks, 189 Wheatley Road, Brookville, New York 11545 is the successful responsive, responsible proposer; and

WHEREAS, the proposed action is a type II action under SEQRA pursuant to Title 6 NYCRR §617.5(c)(20), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a requirements contract, and any documents in connection and related therewith, with NYSARC, Inc., Nassau County Chapter d/b/a eWorks, for processing, recycling, marketing and disposal of residential post-consumer electronics. The contract period shall be effective for a two (2) year term commencing upon execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for two (2) additional one (1) year periods under the same prices, terms and conditions to be deposited into revenue account A2651, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2013-146

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-147

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A REQUIREMENTS CONTRACT FOR THE PROCESSING, DISPOSAL AND MARKETING OF CURBSIDE COLLECTED COMMINGLED HOUSEHOLD CONTAINERS WITH OMNI RECYCLING OF WESTBURY, INC.

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILMAN MAYOKA**

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington collects commingled household containers from residential dwellings that are to be recycled rather than disposed of by land filling or incineration. The contracted vendor will process the materials the Town offers and separate if necessary. Commingled containers consist of glass bottles (flint, amber and green), ferrous cans, non-ferrous cans, and plastic bottle resins 1-7 (Excluding expanded polystyrene). The Town collects approximately 4,500 tons of these commingled household containers and the contractor must accept full title and possession of the them upon delivery, and dispose of them in a lawful and environmentally sound manner; and

WHEREAS, sealed bids were received on March 7, 2013, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the processing, disposal and marketing of curbside collected comingled household containers, Bid No. TOH 13-03R-011 and the same were opened publicly and read aloud; and

WHEREAS, Omni Recycling of Westbury, Inc., 7 Portland Avenue, Westbury, New York 11590 is the lowest responsive, responsible bidder; and

WHEREAS, the proposed action is a type II action under SEQRA pursuant to 6NYCRR §617.5(c)(20), therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a requirements contract, and any documents in connection and related therewith, with Omni Recycling of Westbury, Inc., for the processing, disposal and marketing of curbside collected comingled household containers. The contract period shall be effective for a two (2) year term commencing upon execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for one (1) additional two (2) year period under the same prices, terms and conditions, to be charged to Operating Budget Item SR8158.4990, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2013-147

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-148

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE VARIOUS AGREEMENTS FOR THE MOVIES ON THE LAWN SERIES

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Councilman Cuthbertson

And seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington is desirous of presenting a series of films at various outdoor locations for the enjoyment of Town residents during the summer of 2013; and

WHEREAS, the Movies on the Lawn Series will be free and open to the public; and

WHEREAS, the presentation of the Movies on the Lawn Series requires that the Town enter into Agreements with Swank Motion Pictures, Inc. for the rental of four (4) films for rental fees per film not to exceed the following amounts: *Wreck It Ralph*: not to exceed FIVE HUNDRED SEVENTY FIVE AND NO/100 DOLLARS (\$575.00); *Free Willy*: not to exceed THREE HUNDRED AND NO/100 DOLLARS (\$300.00); *The Mighty Ducks II*: not to exceed THREE HUNDRED AND NO/100 DOLLARS (\$300.00); and *Superman*: not to exceed TWO HUNDRED SEVENTY FIVE AND NO/100 DOLLARS (\$275.00); and

WHEREAS, in addition, it will be necessary for the Town to retain the Auburn Moon Agency, to provide related technical services for the presentation of said Movies on the Lawn Series at a cost not to exceed ONE THOUSAND EIGHT HUNDRED FIFTY AND NO/100 DOLLARS (\$1,850.00) for each scheduled event; and

WHEREAS, the execution of various agreements regarding the Movies on the Lawn Series is a Type II Action pursuant to 6 N.Y.C.R.R. §617.5(c)(15) and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD,

HEREBY AUTHORIZES the Supervisor to execute various Agreements, on such terms and conditions as may be acceptable to the Town Attorney, with Swank Motion Pictures, Inc., 10795 Watson Road, St. Louis, MO 63127, for the rental of four (4) films for rental fees per film not to exceed the following amounts: *Wreck It Ralph*: not to exceed FIVE HUNDRED SEVENTY FIVE AND NO/100 DOLLARS (\$575.00); *Free Willy*: not to exceed THREE HUNDRED AND NO/100 DOLLARS (\$300.00); *The Mighty Ducks II*: not to exceed THREE HUNDRED AND NO/100 DOLLARS (\$300.00); and *Superman*: not to exceed TWO HUNDRED SEVENTY FIVE AND NO/100 DOLLARS (\$275.00), to be charged to Operating Budget Line A-7020-4550; and

2013- 148

FURTHER AUTHORIZES the Supervisor to execute various Agreements, on such terms and conditions as may be acceptable to the Town Attorney, with the Auburn Moon Agency, 55130 Shelby Rd., Ste. C, Shelby Township, MI 48316, for the provision of related technical services for the Movies on the Lawn Series, at the following locations and in the following amounts, to be charged to Operating Budget Line A-7020-4550:

<u>Date</u>	<u>Location</u>	<u>Contract No.</u>	<u>Amount</u>
June 24, 2013	Heckscher Park	17318	\$1,850.00
July 25, 2013	Crab Meadow Beach	17319	\$1,850.00
August 5, 2013	Dix Hills Park	17320	\$1,850.00
August 22, 2013	Crab Meadow Beach	17321	\$1,850.00

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-150

RESOLUTION AUTHORIZING THE CORRECTION OF CODE VIOLATIONS AT VARIOUS LOCATIONS PURSUANT TO THE CODE OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILWOMAN BERLAND**

And seconded by: **COUNCILMAN COOK**

WHEREAS, violations of the Code of the Town of Huntington and/or the Uniform Codes of the State of New York exist at the locations set forth in Schedule "A", attached hereto and made part of this Resolution, which constitute an attractive nuisance, negatively affect the aesthetic appearance of our neighborhoods, and jeopardize the health and safety of residents in close proximity to these properties; and

WHEREAS, the owner(s) of properties listed in Schedule "A" have failed and/or refused to bring their properties into compliance after a Notice of Violation has been issued by the Department of Public Safety; and

WHEREAS, the correction of code violations by the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 c. (33) and, therefore, no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY DIRECTS the Town Attorney to provide each property owner listed in Schedule "A" with a copy of this Resolution, and notice that such violation must be rectified to the satisfaction of the Town within ten (10) days of mailing of the Notice, and upon the failure to remedy the same on a timely basis, the Town shall take all steps necessary to rectify the hazard or nuisance at the property owner's expense; and

HEREBY AUTHORIZES, the Director of the Department of General Services and other Town departments having jurisdiction, to take all actions necessary to correct the violations on these properties upon the failure of the owners to do so, and charge all costs incurred by the Town against the owners of the properties in the same manner and at the same time as real property taxes in accordance with the applicable provisions of the Code of the Town of Huntington or other applicable law.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule A

Chapter 87, Section 81 of the Code of the Town of Huntington
Authorizing the Securing of a Pool Fence

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>SUMMONS</u>	<u>MAILING ADDRESS</u>
75 Alton Ave. Greenlawn, NY 11740	0400-162.00-03.00-049.000	Angel & Francis Soto & Yasanka Batiskas	02/08/2013	N/A

Chapter 133, Section 2 of the Code of the Town of Huntington
Authorizing the Removal of Litter and Debris

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
75 Alton Ave. Greenlawn, NY 11740	0400-162.00-03.00-049.000	Angel & Francis Soto & Yasanka Batiskas	02/08/2013	N/A

Chapter 156, Section 39 of the Code of the Town of Huntington
Authorizing the Removal of Junk Motor Vehicles

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
167 West 19 th St. Huntington Sta., NY 11746	0400-193.00-02.00-024.000	Michael Macchiarola	03/06/2013	N/A

Chapter 191, Section 3A of the Code of the Town of Huntington
Authorizing the Securing of an Unsafe Structure

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
93 West 11 th Street Huntington Sta., NY 11746	0400-137.00-03.00-011.000	Benjamin F. Hill, Sr.	03/19/2013	PO Box 248 Central Islip, NY 11722

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2013 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, pursuant to Town Board Resolution 2008-569 each position listed below has been evaluated and deemed to be necessary for the continuation of essential Town services and for the safety and welfare of the community; and

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, the elimination of full-time positions, including applicable funding, vacated by retirements and attrition to a general contingency account is not an action as defined 6 N.Y.C.R.R. 617.2(b), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendments to the 2013 Operating Budget as follows:

Reinstate the following positions:

A-1680-1100	Network & Systems Coordinator	\$46,660
A-3510-1100	Kennel Attendant	25,483
DB-5110-1100	Automotive Equipment Operator	25,483
DB-5110-1100	Guard	20,327
DB-5110-1100	Heavy Equipment Operator I	27,379
DB-5110-1100	Labor Crew Leader I	55,465

Create the following positions:

A-1420-1100	Senior Account Clerk Typist	\$33,763
A-7182-1100	Heavy Equipment Operator II	50,966
B-8020-1100	Planner	40,670

Abolish the following positions:

A-1420-1100	Account Clerk Typist	(\$29,004)
A-7182-1100	Heavy Equipment Operator I	(49,024)
B-8020-1100	Planning Aide	(34,913)

Adjust the following Appropriations:

A-1621-1100	General Services	\$2,508
A-1990-1100	Contingency	(81,352)
B-1990-1100	Contingency	(5,757)
DB-1990-1100	Contingency	(128,654)

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013- 152

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2013 OPERATING & CAPITAL BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town Board would like to appropriate funds for the replacement of the rotating biological conductors and the cleaning of the equalization tank for the scavenger waste section of the sewer treatment facility. The result of higher volume of septic materials has resulted in additional maintenance costs, these costs have been offset by higher revenues in prior years that has increased the fund balance in this fund; and

WHEREAS, the Town Board would like to appropriate insurance recovery for Town-wide property damage that were occurred from Super-storm Sandy and;

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, funds would be appropriated from Fund Balance without incurring any additional debt service payments for principal and interest and therefore be cost beneficial to the Town of Huntington taxpayers; and

WHEREAS, the funding of these capital projects in lieu of bonding is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(2), (c)(20) and (c)(25) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to amend the 2013 Operating and Capital Budget as follows:

Increase the following revenue account:

SS30599R	Appropriated Fund Balance	\$70,000
A2680	Insurance Recovery	\$447,900

2013-152

Increase the following appropriations:

SS38133-4510	Equipment	\$ 35,000
SS38133 4990	Refuse Disposal	\$ 35,000
GS1997-2102	Building Improvements	\$ 447,900

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilwoman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-153

RESOLUTION AUTHORIZING COMPTROLLER TO APPROPRIATE MONIES FROM THE ENVIRONMENTAL OPEN SPACE AND PARK IMPROVEMENT FUND AND NEIGHBORHOOD PARKS FUND FOR RECOMMENDED PARK IMPROVEMENT (DIX HILLS PARK)

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Supervisor Petrone
Councilwoman Berland

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the EOSPA Committee reviewed and voted to support a nomination from the Director of General Services at its meeting of March 14th, 2013 for funding from the EOSPA Park Improvement Program to purchase and install an Americans With Disabilities Act (ADA)-compliant chair transfer lift to the Dix Hills Park pool to enhance handicapped accessibility, and

WHEREAS, the Town Board recognizes the Dix Hills pool is a regional park resource that provide recreational programs to serve the needs of many Town residents that can benefit from the proposed transfer lift, and

WHEREAS, the proposed action is classified Type II pursuant to 6 NYCRR 617.5(c)(2 and 25) as it involves rehabilitation of a structure or facility, in kind, on the same site, and purchase of equipment;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds on an as-needed basis to be transferred from A-0870 Open Space Land and Park Improvements Reserve Fund, and charged to the appropriate capital budget account for the park improvement recommended by the EOSPA Committee as listed below for implementation by the identified department/entity:

DEPARTMENT OF GENERAL SERVICES

Enhance Dix Hills Park pool accessibility, not to exceed \$5,000
Purchase and install new ADA-compliant chair lift.

AND BE IT FURTHER

RESOLVED, that should additional funding be necessary to implement the above-listed project approved by the Town Board, including design and engineering of the specific improvements that may need to be contracted to outside consulting professionals, the EOSPA Committee may recommend additional funding to the Town Board.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-154

RESOLUTION ACCEPTING THE DEDICATION OF WILDER LANE AND A DRAINAGE EASEMENT FOR THE SUBDIVISION KNOWN AS WILDER ESTATES.

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by **COUNCILMAN MAYOKA**

and seconded by **COUNCILWOMAN BERLAND**

WHEREAS, the application for the development of the subdivision map known as WILDER ESTATES was granted Conditional Final Approval by the Huntington Planning Board on August 20, 1986; and

WHEREAS, conditions of the Planning Board approval included the dedications of Wilder Lane and a Drainage Easement but said dedications were never completed; and

WHEREAS, the Office of the Town Attorney is in possession of all necessary documentation and filing fees; and

WHEREAS, the subject of this resolution is a Type II action pursuant to 6 NYCRR 617.5 (c)(19), and therefore no further SEQRA review is required.

NOW THEREFORE BE IT

RESOLVED that the Town Board

HEREBY ACCEPTS the dedication of Wilder Lane and a Drainage Easement for the subdivision known as WILDER ESTATES.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION ACCEPTING DONATIONS FROM AHERN'S LAWN AND GARDEN, INC. & STATION SPORTS FAMILY FUN CENTER FOR THE PURCHASE OF MATERIALS ASSOCIATED WITH THE "SPRING EGGSTRAVAGANZA" AT HECKSCHER PARK ON MARCH 27, 2013, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: SUPERVISOR PETRONE, COUNCILMAN COOK

WHEREAS, the Town would like to promote family friendly events in order to bring residents together to build a sense of community; and

WHEREAS, Ahern's Lawn and Garden, Inc., 119 East Pulaski Road, Huntington Station, New York 11746 donated \$500 towards the costs of purchasing materials for this event; and

WHEREAS, Station Sports Family Fun Center, 25 Depot Road, Huntington Station, New York 11746 donated \$350 towards the costs of purchasing materials for this event; and

WHEREAS, accepting a donation is not an action pursuant to SEQRA 6 NYCRR Park 617, and therefore no further review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY ACCEPTS the donations from Ahern's Lawn and Garden, Inc. and Station Sports Family Fun Center, nunc pro tunc, in the combined amount of EIGHT HUNDRED FIFTY AND XX/100 (\$850.00) DOLLARS for the purchase of materials for the "SPRING EGGSTRAVAGANZA" and thanks them for their generosity; and

HEREBY AUTHORIZES the Comptroller to amend the 2013 Operating budget as follows:

Increase the following revenue:

A2705-2705	Gifts and Donations	\$850.00
------------	---------------------	----------

Increase the following Appropriation:

A7140-4630	Supplies	\$850.00
------------	----------	----------

2013-155

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Eugene Cook	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013 - 156

RESOLUTION ADOPTING THE TOWN OF HUNTINGTON FIREARM, USE OF PHYSICAL FORCE AND USE OF DEADLY PHYSICAL FORCE POLICIES AND PROCEDURES

Resolution for Town Board Meeting dated: April 9, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, by Resolution No.: 1994-485 on June 28, 1994 the Town Board created a pilot program and authorized the reinstatement of firearms to certain employees of the Division of Harbors and Waterways subject to a number of conditions/policy statements on the standards and requirements to be met by those authorized to carry a firearm in their official duties for the Town; and

WHEREAS, the Town Board desires to update the policy to be followed by these employees as a result of updates in the law, and to remove ambiguities in the existing policy; and

WHEREAS, updating existing employee policies is a Type II Action under SEQRA, 6 NYCRR Part 617.5(c)(20 & 27), requiring no further review,

NOW, THEREFORE THE TOWN BOARD

CONTINUES TO AUTHORIZE peace officers working within the Department of Maritime Services to carry a firearm in the performance of their official duties for the Town of Huntington, subject to compliance with the provisions of the annexed Policy Statement, its Schedules, and all applicable federal, state and local laws, rules and regulations; and

HEREBY ADOPTS policies regarding the use of firearms, the use of deadly physical force, and the use of physical force for the Town of Huntington as set forth in the Policy Statement and Schedules annexed to this Resolution and made a part hereof, and supersedes the provisions of Resolution No. 1994-485 of the Huntington Town Board.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Petrone		AYE	
Councilwoman Susan A. Berland		AYE	
Councilman Mark A. Cuthbertson		AYE	
Councilman Eugene Cook		AYE	
Councilman Mark Mayoka		AYE	

THE RESOLUTION WAS THEREUPON DULY ADOPTED

TOWN OF HUNTINGTON
FIREARMS AND USE OF FORCE POLICY

PURPOSE: The Huntington Town Board has consistently required strict adherence to the laws, rules and regulations governing the carrying of firearms and the use of physical force/deadly physical force by employees authorized to carry a firearm in the course of their proscribed duties for the Town of Huntington. No employee shall be authorized to carry a firearm unless all mandatory training has taken place and the required certifications have been issued. The Board wishes to promulgate additional regulations and standards to be followed by such employees, and same shall be deemed conditions of continued employment with the Town of Huntington.

GENERAL PROVISIONS

Only employees authorized by the Town Board may carry firearms as part of their official duties with the Town of Huntington. No employee is authorized to carry a firearm unless all applicable federal, state and local requirements have been met and mandatory training courses have been completed. All such employees shall comply with the following:

(A) Firearm; Certification Required. Firearms training in accordance with §2.30 of the Criminal Procedure Law and the issuance of a certificate of successful completion by the Suffolk County Police Department, the Suffolk County Sheriff's Department, or other similar accredited law enforcement agency acting pursuant to the Municipal Police Training Council's (MPTC) Standards and Procedures shall be required as a condition of employment with the Town of Huntington. Chapter 18 (Training), Section 1 (Firearms Training) of the Suffolk County Police Department's Rules and Procedures setting forth the training criteria, and any amendments thereto, shall be complied with by all authorized employees. All such employees must be re-certified in the use of firearms annually as a condition of employment. Copies of all certificates of completion shall be provided to the Director of Public Safety annually upon receipt. A copy of Chapter 18, Section 1 of the Suffolk County Police Department's Rules and Procedures is attached to this policy and made a part hereof as Schedule "A".

(B) Use of Deadly Physical Force and Physical Force; Certification Required.

(1) Training in the lawful use of both deadly physical force and physical force under the supervision of and in accordance with the standards promulgated by the Suffolk County Police Department, the Suffolk County Sheriff's Department, or other qualified law enforcement agency pursuant §2.30 of the Criminal Procedure Law shall be required as a condition of continued employment with the Town of Huntington for authorized personnel. A copy of the certificate evidencing successful completion of the training courses shall be provided by the authorized employee to the Director of Public Safety annually upon receipt. All such employees must be re-certified in the lawful use of deadly physical force and physical force annually as a condition of employment.

(2) Chapter 2 (General Regulations), Section 11 (Use of Physical Force) and 12 (Use of Force) of the Suffolk County Police Department's Rules and Procedures shall be adhered to by authorized employees except as indicated below. A copy of Sections 11 and 12 are attached and made a part hereof as Schedule "A". The language in Chapter 2, Section 11, Sub-section VI shall be amended to read as follows, and if there are any inconsistencies between the provisions of sub-section VI and this policy statement, the provisions of this policy statement shall be controlling:

Section C-3: Supervisor is to notify the Director of Public Safety.

Section C-4: Where the use of force has resulted in serious physical injury, the Director of Public Safety will notify the Suffolk County Police Department.

Section D: An employee or employees who have used physical force or deadly physical force shall immediately file an incident report with the Director of Public Safety. A copy of the incident report is annexed as Schedule "D"

Section E, F and G: Not applicable to authorized personnel.

(3) All authorized employees are to comply with the provisions of §35.15 of the New York State Penal Law as to the use of physical force and deadly physical force. A copy of the law is annexed and made a part hereof as Schedule "B".

(C) Authorized Firearm. An employee authorized by the Town Board to carry a firearm may only carry the type of firearm provided by or authorized in writing by the Director of Public Safety while on duty for the Town of Huntington. Carrying or possessing any unauthorized firearm while on duty as an employee for the Town of Huntington is specifically prohibited and shall result in the termination of employment subject to the Civil Service Laws of the State of New York. An employee who is authorized to carry an approved firearm while on duty for the Town is specifically not authorized to carry a firearm on behalf of the Town of Huntington while off duty.

(D) Pistol License. An employee authorized by the Town Board to carry a firearm as part of the employee's official duties must have first obtained a pistol license from the Suffolk County Police Department Licensing Division, or other agency having jurisdiction. The issuance of a valid license to carry the particular firearm is a condition of employment of the Town. Active police or peace officers who are employed by a law enforcement agency and carry a firearm registered with their agency may carry a designated firearm without obtaining a license only with written authorization from their agency and the Director of Public Safety. Authorized employees who possess a Suffolk County Pistol License shall file a copy of the license with their Department Director and the Director of Public Safety. It will be the sole responsibility of the employee/license holder to keep the license current and valid, and to keep the information current with the appropriate Town Directors. If at any time an authorized employee's pistol license becomes invalid, expires, is restricted or amended in any way, the Department Director and the Director of Public Safety shall be notified immediately, and in no event later than twenty-four (24) hours of receiving notice thereof. The Town reserves the right to terminate or

suspend an employee, or to take other disciplinary action against an employee (a) whose pistol license has become invalid, has expired, has been restricted or amended; (b) who has failed to notify their Department Director and the Director of Public Safety of the change in status of the license; and/or (c) has failed to file a copy of the license as set forth herein.

(E) Compliance with law. An employee authorized by the Town Board to carry a firearm shall be subject to all applicable federal, state, county and local laws, rules and regulations governing and regulating the possession and use of firearms; the use of deadly physical force; and the use of physical force while employed by the Town.

(F) Compliance with regulations. An employee authorized by the Town Board to carry a firearm shall be subject to the provisions of Town Board Resolution No. 2013 - _____ dated April 9, 2013, and any amendment thereto, the Civil Service Law of the State of New York; and all other applicable town rules and regulations governing town employees and peace officers. A copy of the Town Board Resolution is annexed and made a part hereof as Schedule "C".

SPECIFIC PROVISIONS

(A) Additional requirements. All personnel authorized to carry a firearm in the performance of their official duties with the Town of Huntington shall be required to:

- (1) Submit to a complete background investigation in accordance with procedures established by the Director of Public Safety; and
- (2) Submit to a mandatory psychological evaluation as determined by the Suffolk County Civil Service Department and as administered by Suffolk County Department of Health Services, or other agencies having jurisdiction; and
- (3) Submit to random alcohol and controlled substance testing in accordance with the Town of Huntington drug and alcohol use and test policy.
- (4) Obtain and maintain a current Suffolk County Pistol License for the particular firearm being carried by the employee while on duty with the Town, and strictly abide by all conditions of their pistol license designation as described in the current Suffolk County Police Pistol License Information Handbook or subsequent publication; and
- (5) Successfully complete the basic course for Peace Officers/Police Officers in accordance with Municipal Police Training Council's (MPTC) Standards and Procedures.

(B) Maintenance and Safekeeping of Firearms. Authorized personnel are solely responsible for the safekeeping, good care, proper maintenance and serviceability of their authorized firearms.

- (1) It is the sole responsibility of authorized personnel to safeguard their firearms while on and off duty; and
- (2) In the event sickness, injury, hospitalization or other form of incapacitation occurs while employed by the Town of Huntington, and an authorized employee is unable to safeguard his/her firearm, the firearm shall be turned over to the Suffolk County Police Department for safekeeping and authorization to carry a firearm while on duty will be suspended until such time as the employee demonstrates to the satisfaction of the Department Director and the Director of Public Safety that he/she is fit for duty. Copies of the receipt issued by the Suffolk County Police Department establishing that the firearm has been turned over to the Police Department shall be provided to the Department Director and Director of Public Safety within five (days) of the date on the receipt. The Department Director shall be notified once the firearm is retrieved by the employee from the Suffolk County Police Property Bureau.

(C) Reporting requirements. In the event a firearm is discharged *by or at* an authorized employee of the Town, the employee shall file a written report of the incident or cause the incident report to be filed immediately after the event to the Director of Public Safety on a form provided by such Director and attached hereto as Schedule "D". If the incident can not be immediately reported in writing the employee or his designee shall report the incident verbally and shall thereafter file a full written report within twenty-four (24) hours of the incident. For the purpose of this section, the term "firearm" shall be as defined in §265.00(3) of the New York State Penal Law, and for the purpose of Town policy shall also include all shotguns and antique firearms.

- (1) Notification shall be given in all instances where a firearm is discharged *by or at* an authorized employee regardless of the circumstances, including:
 - (a) Whether or not the employee is from another department; and
 - (b) Whether the employee is on duty or off duty; and
 - (c) Whether or not injury results; and
 - (d) Whether the shooting was intentional or accidental; and
 - (e) Whether or not the approved weapon was used.
 - (f) Any employee who fails to comply with the notification procedure shall be deemed to be in violation of this section and such failure may subject the employee to disciplinary procedures, including suspension or dismissal.
- (2) Exceptions. Notification to the Director of Public Safety is not required after a firearm has been discharged in the following circumstances:
 - (a) At an authorized site constructed for the purpose of target practice or test firing weapons; or
 - (b) During legitimate competition; or
 - (c) While lawfully engaged in hunting.

VIOLATION OF PROVISIONS

Any employee who violates the provisions of these policies is subject to disciplinary proceedings for employee misconduct, and may be subject to other criminal and civil penalties as provided by law.

EMPLOYEE ACKNOWLEDGEMENT

I have received and reviewed the Town of Huntington Firearm Policy and Policy for the Use of Deadly Physical Force/Physical Force with Schedules "A", "B", "C" and "D".

Signature

Date

Print full name

SCHEDULE "A"



POLICE DEPARTMENT COUNTY OF SUFFOLK
ACCREDITED LAW ENFORCEMENT AGENCY
DEPARTMENT DIRECTIVE
PDCS-2008a

ORDER NUMBER 05-116

TYPE DEPARTMENT GENERAL ORDER	AUTHORITY RICHARD DORMER POLICE COMMISSIONER	SIGNATURE	
SUBJECT/TOPIC/TITLE FIREARMS TRAINING			
DISTRIBUTION ALL MEMBERS OF THE DEPARTMENT	DATE ISSUED 12/8/05	DATE EFFECTIVE 12/8/05	DATE TO BE REVIEWED N/A

RULES AND PROCEDURES

CHAPTER 18: TITLE: TRAINING

SECTION 1: TITLE: FIREARMS TRAINING

I. PURPOSE

To promulgate a firearms training procedure for all members of the Service.

II. POLICY

It shall be the policy of the Suffolk County Police Department to annually qualify its sworn members in the safe and prudent use of firearms and to continually maintain such skills.

III. DEFINITIONS

Regular Firearms Training - is the training course and program designed by the Police Academy staff and approved by the Police Commissioner covering firearms, to be carried on duty and off duty, at the firearms range and demonstrating proficiency by achieving a qualifying score.

Remedial Firearms Training - is additional training over and above the regular firearms training in any or all aspects of the regular firearms training until the member can successfully complete or meet the standards for the regular firearms training program.

Modified Firearms Training - is a training course designed by the Police Academy staff and approved by the Police Commissioner that adapts the segment of the regular firearms training program in which the member fires the weapon so as to accommodate a member's physical limitation, however; the member must still fire the required number of rounds and achieve the appropriate qualifying score, in a safe and prudent manner.

Limited Duty - that duty status wherein a member of Service is temporarily prohibited or physically inhibited from performing all the tasks of a sworn officer by some limitation due to a work-related illness or injury. Note: Members of the Service are directed to refer to Rules and Procedures Chapter 2, Section 1, 'Rules and Regulations' subdivision V. A. 3., which provides an exception to limited duty eligibility for an off-duty temporary physical condition resulting in the unavailability of a Department issued protective vest/body armor.

IV. REFERENCES

N/A

V. RULES AND REGULATIONS

The procedures that follow set forth requirements that are rules and, as such, must be observed by all members of the Service.

VI. PROCEDURES

A. Commanding officers are responsible for the following:

1. Scheduling members of their commands for regular firearms training (but only after they have successfully completed the annual Decentralized Individual In-Service Training Program on the use of deadly physical force) and, where required, remedial firearms training. The commanding officer shall ensure that members assigned to firearms training have in fact attended. When notified by a member that he or she did not attend the scheduled firearms training, the commanding officer shall direct the member to submit an Internal Correspondence stating the reason for not attending. Under these circumstances, the commanding officer shall be responsible for rescheduling the member.

2. When notified by the Chief of Department that a member(s) of his or her command has not met the minimum standards with his or her primary service handgun during that calendar year, shall take possession of handgun(s) possessed by the member(s). After taking the handgun(s) the commanding officer shall:

a. Notify the Police Commissioner via an Internal Correspondence of the safeguarding of the handgun(s).

b. Follow the procedures set forth in Chapter 4, Section 3 of the Rules and Procedures dealing with

the confiscation of weapons and issuance of restricted identification cards.

3. When appropriate, designate those officers in his or her command who will be trained in the use of the shotgun, or specialized weapons in those commands authorized by the Chief of Department.

a. The Chief of Department shall designate the commands authorized to use shotguns and/or specialized weapons as well as the number of sworn personnel to be trained on their use.

4. Maintain a list of all officers within his or her command who have been successfully trained in the use of the shotgun and/or specialized weapons upon notification of such by the commanding officer of the Police Academy.

5. Ensure that no member shall arm himself or herself, or be issued or use a shotgun or specialized weapon unless he or she has been successfully trained with that specific weapon during the current year or in the previous calendar year.

B. Sworn members are responsible for the following:

1. Participate annually in and successfully complete the Decentralized Individual In-Service Training program on the use of deadly physical force. This training must be completed before attending the annual firearms training.

2. Participate annually, unless specifically exempted by the Chief of Department or prohibited by the Department's Rules and Procedures, in the Department's firearms training and qualification program.

3. Achieve a successful score with handguns carried both on and off duty on the approved firearms training program.

a. The selection of the make, model and caliber of a handgun carried off-duty shall be at the discretion of the individual member, however, the firearms training program will not be altered to accommodate diverse weapons (i.e., no extra time allotted for reloading revolvers, derringers, etc.).

b. The opportunity to qualify with a second on duty weapon or off duty weapon will be provided during the annual firearms training program. Each

qualification of an off duty weapon or second on duty weapon shall be effective for a three (3) year period. Time constraints limit qualification to one additional weapon, however, members wishing to qualify with more than one weapon in addition to the Glock 19 may do so on their own time by scheduling through the firearms training section.

c. Cartridges for qualification purposes will be provided for 9mm and .38 caliber only. All other cartridges shall be supplied by the member requiring same. Sixty (60) rounds are required for the non-department issued weapon qualification program.

d. Each weapon that a member selects to carry as an on or off duty weapon is inspected by the Armorer prior to qualification. If the weapon is found to be in need of repair, the member is prohibited from qualifying with that weapon until such repairs are made. Repairs made to personally owned weapons will be at the member's expense.

4. Will not use a Department shotgun or specialized weapon, unless he or she has successfully completed the approved training program established for those weapons.

5. When assigned to attend any scheduled firearms training program or session and for any reason does not attend, the member shall, without unnecessary delay, submit an Internal Correspondence to his or her commanding officer stating the reason(s) for not attending.

C. When the member responds for firearms training and fails to meet the minimum standards set or was unable to participate in all aspects of the Firearms Training Program, the commanding officer of the Firearms Training Section shall notify:

1. The member's commanding officer; and
2. The effected member that he or she must attend remedial training on his or her next regularly scheduled work day that the range is open.

D. The member's commanding officer will:

1. Without unnecessary delay, reschedule the effected member for remedial training on their next regularly scheduled work day that the range is open; and

2. Direct that the effected member be immediately assigned to administrative duties until he/she successfully re-qualifies at the Range.

NOTE: The member will only be required to participate in that portion of the firearms training course which he or she was unable to successfully complete.

- E. A member on leave due to illness or injury whether the illness or injury is work-related or not, shall be prohibited from participating in any firearms training. A member working in a limited duty capacity due to a work-related illness or injury may be prohibited or physically unable to participate in regular firearms training, and if so, may participate in modified firearms training upon approval of the Police Surgeon and with the permission of the Chief of Department. Those members requesting permission to participate in modified training shall submit an Internal Correspondence to his/her commanding officer.

1. The member's commanding officer shall forward a copy of the Internal Correspondence to the commanding officer of the Medical Evaluation Unit. The commanding officer of the Medical Evaluation Unit shall review the request and decide whether an interview or physical examination by the Police Surgeon is necessary. The commanding officer of the Medical Evaluation Unit shall then make a recommendation to the Chief of Department.

- a. Based on the decision of the Chief of Department the commanding officer of the Medical Evaluation Unit shall proceed as follows:

- (1) When a member working limited duty is granted permission to attend a modified firearms training course, the commanding officer of the Medical Evaluation Unit shall notify by an Internal Correspondence the commanding officer of the Police Academy Bureau, with a copy to the member and the member's commanding officer, who shall schedule the member for this training.

- (2) When a member is denied from participating in any firearms training program, the commanding officer of the Medical Evaluation Unit shall notify by an Internal Correspondence the member's commanding officer, with a copy to the member, detailing the reasons for the

denial. After which the member's commanding officer shall, upon approval of the Chief of Department, take possession of and retain all the handguns possessed by that member until he/she can participate in and successfully complete the regular or modified firearms training course.

b. After taking possession of the member's handgun(s) the member's commanding officer shall:

(1) Notify the Police Commissioner via Internal Correspondence.

(2) Follow the procedures set forth in Chapter 4, Section 3 of the Rules and Procedures dealing with the confiscation of the weapons and issuance of restricted identification cards.

F. The commanding officer of the Police Academy Bureau shall be responsible for the following:

1. On or before November 5 of each year he/she shall send to the Chief of Department and all division chiefs a list of all sworn members of the Department who failed to successfully complete or attend firearms training as of that date during the current calendar year.

2. On or before January 5 of each year he/she shall submit to the Chief of Department a list of all sworn members of the Department who have failed to complete or attend firearms training in the preceding calendar year.

3. After January 1 and prior to February 15 of each year he/she shall submit to the Police Commissioner a description of the Firearms Training programs, the proposed passing scores of the proficiency segment, and the training agenda to be utilized during that calendar year. Unless notified by the Police Commissioner to the contrary, the firearms training program, the proposed passing scores, and training agendas shall go into effect on March 1 of that calendar year.

4. On or as close to the first of every month he/she shall send an up to date listing of all personnel successfully trained in the use of the shotgun and/or specialized weapons during the current calendar year to the Chief of Department and all division chiefs.

a. Each precinct and bureau designated by the Chief of Department shall also receive a list in order to maintain a list of all currently trained officers.

(1) If an officer fails to successfully complete the training with the shotgun and/or specialized weapons the commanding officer of the member's command shall be immediately notified to remove said member from the list of qualified officers.

5. Without unnecessary delay, notify the member's commanding officer when a member fails to successfully complete or pass any firearms training program attended.

6. Maintain a separate list of all officers qualified with the shotgun and/or specialized weapons.

7. Prior to the beginning of the annual Regular Firearms Training Program at the Police Academy Range, he or she shall notify the commanding officer of each precinct and bureau of the number of sworn members they may schedule per day for firearms training.

8. Document and maintain a record of the training received by the members to include, but not be limited to:

- a. Regular Firearms Training Course
 - (1) positions utilized
 - (2) weapons utilized
 - (3) scoring
- b. Firearms Safety
- c. Laws and procedures applicable to the use of firearms.

VII. ACCREDITATION STANDARDS

- A. CALEA 1.3.10, 1.3.11
- B. NYSLEAP 33.1

VIII. INDEX

Annual Regular Firearms Training - 18/1
Firearms Training, Regular - 18/1
Limited Duty - 18/1
Modified Firearms Training - 18/1
Remedial Firearms Training - 18/1
Training, Regular Firearms Training - 18/1

END

SCHEDULE "A"



POLICE DEPARTMENT, COUNTY OF SUFFOLK, NY
ACCREDITED LAW ENFORCEMENT AGENCY
DEPARTMENT DIRECTIVE
PDCS-2008-1

ORDER NUMBER 11- 60
11- 81

TYPE DEPARTMENT GENERAL ORDER	AUTHORITY RICHARD DORMER POLICE COMMISSIONER	SIGNATURE	
SUBJECT/TOPIC/TITLE USE OF PHYSICAL FORCE			
DISTRIBUTION ALL MEMBERS OF THE DEPARTMENT	SECTION CREATED 06/01/92	DATE EFFECTIVE 10/25/11 12/08/11	DATE AMENDED 10/25/11 12/08/11

RULES AND PROCEDURES

CHAPTER 2: TITLE: GENERAL REGULATIONS

SECTION 11: TITLE: USE OF PHYSICAL FORCE

I. PURPOSE

To establish guidelines for the use of physical force.

II. POLICY

Members of the Service shall use only the force necessary to effect lawful objectives. Members shall use the least amount of force necessary to effect cooperation and control of a situation which requires police intervention, and then only when all other reasonable alternatives have been exhausted or are not available.

III. DEFINITIONS

A. Instrument - Any article, device, object, apparatus, implement or tool used to effect cooperation and control by forceful means.

B. Restraining Force - Is the use of a minimal amount of physical strength or energy exerted to hold, restrain, control etc., required to overcome resistance or reluctance to obey the direction of an officer.

C. Physical Force - Is the striking, kicking, fighting or any other physical or violent confrontation and force greater than restraining force not amounting to deadly physical force.

D. Physical Injury - Is the impairment of physical condition or substantial pain.

E. Serious Physical Injury - Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

F. Deadly Physical Force - Physical force which is readily capable of causing death or other serious physical injury.

IV. REFERENCES

Article 35 of the New York State Penal Law.

V. RULES AND REGULATIONS

A. Physical force, when used, shall be the minimum force necessary for a given situation and shall be reasonable in degree to the extent that it is necessary to effect cooperation and control of the situation.

1. No member of the Service shall exceed the limits of his/her authority under Article 35 of the New York State Penal Law known as the Defense of Justification.

B. Only issued or approved equipment shall be used when applying physical force, except in emergency situations when it may be necessary to use any instrument at the disposal of the officer(s) involved.

C. Whenever a person or persons are engaged in passive resistance demonstrations, "Pain Compliance" come-along holds shall not be used unless specific authorization has been given to use such holds by a member of the Service holding the rank of Deputy Chief or above. This limitation applies only to passive resistance demonstrations and is not a restriction upon an officer's authority to use reasonable force when the officer is any way endangered, is the subject of an attack or is confronted by someone actively resisting arrest as opposed to passive non-cooperation.

VI. PROCEDURES

A. Physical force may be used when it is lawful and when the exercise of persuasion, advice and/or warning is found to be insufficient to obtain cooperation and control.

B. If it is necessary to use physical force, the officer shall immediately determine if the subject requires medical attention. If the subject suffered a physical injury and/or complains of injury or pain, the member of the Service involved shall transport, or cause the subject to be transported, to the nearest medical facility for a clinical evaluation.

C. If any physical injury occurs a supervisor must be notified. The supervisor will investigate the circumstances and take any other measures deemed appropriate at the time such as:

1. Ensure the member receives medical treatment if necessary and the Injured Employee Report is completed.
2. Ensure the subject receives medical treatment if necessary.
3. Notify the Detective Division as appropriate.

4. Notify the Internal Affairs Bureau (IAB) in cases resulting in serious physical injury. When the incident occurs during non-working hours of the IAB, the Supervisor will contact the Communications Section supervisor. The Communications Section supervisor will notify the Commanding Officer, or designee, of the IAB.

D. Use of Force Reporting - Except for those use of force cases investigated by the Homicide Section (i.e., police shootings resulting in physical injury or death, death in custody, etc.), when a member of the Service uses physical force, including deadly physical force, whether an arrest is made or not and/or in any case where a person is charged with Resisting Arrest (205.30 N.Y.S. P.L.) wherein any level of force is used, all involved officers shall, as soon as practical, prepare a Subject Resistance Report, (PDCS-1040), to detail their respective involvement and submit this report to the supervising sergeant of the zone of occurrence. If a member is incapacitated, his or her immediate supervisor shall prepare and submit the Subject Resistance Report. The member's command shall ensure the distribution of copies of the report as indicated on the report. If the use of physical force is only threatened, notification of a supervisor and submission of the Subject Resistance Report is not required.

E. Submission of the On-Line Use of Force Report - The supervising sergeant of the zone of occurrence shall review the Subject Resistance Reports from said officers and is responsible to submit, as soon as possible or practical, the On-Line Use of Force Report on the SCPD Intranet. This responsibility shall apply to the supervising sergeant of the zone of occurrence even if he or she is involved in or is a witness to the use of physical force.

1. The On-Line Use of Force Report will be completed on the SCPD Intranet by following the instructions provided under the "Programs Menu." The completed On-Line Use of Force Report will be forwarded electronically via the Intranet to the Internal Affairs Bureau.

2. The completing sergeant shall forward printed copies of the On-Line Use of Force report to the Command Administrative staff for inclusion into the case file, review of the Commanding Officer, and distribution to Central Records, the respective Division Chief and the Police Academy.

3. When a use of force case is being investigated by the Homicide Section, the On-Line Use of Force Report shall not be submitted by the supervising sergeant.

F. Required Photographs - Photographs will be taken if a person is subjected to any force in excess of restraining force, or is charged with Resisting Arrest, whether or not the person is injured or alleges injury. In addition, photographs will be taken whenever a person subjected to restraining force is injured, alleges injury, or is arrested. The required photographs are taken in addition to mug shots.

1. The Precinct Crime Section or Crime Scene Section will take the photographs, whenever possible. Digital cameras or 35mm. film cameras will be used. If the Precinct Crime Section or Crime Scene Section is not available, any personnel and/or equipment may be used. The photographs will clearly depict the following body areas of the person:

- a. Overall front and back areas.
- b. Close-ups of all exposed areas.
- c. Close-ups of all injured areas.
- d. Close-ups of all areas alleged by the person to be injured.
- e. Upon consent of the person, close-up photographs of the following unclothed body areas: front and rear torso (male), rear of torso (female), legs and feet. No efforts shall be made to compel or force a person to submit to any photographs of the foregoing body areas.

2. Photographs will be taken of the scene and any evidence pertaining to the person's injury / alleged injury, if applicable.

3. The photographs of the person subjected to force will be documented on a Supplementary Report, (PDCS-1084), by the officer taking the photographs. The officer will also make the proper notations on the Prisoner Activity Log (PDCS-2032), if applicable.

4. The Officer in Charge of the processing command will ensure photographs are taken as required and, if applicable, will make a notation in the Prisoner Activity Log (PDCS-2032).

G. Use of Force Investigations Conducted by the Homicide Section - In cases when an investigation is being conducted by the Homicide Section concerning the use of force by a member of the Service, the Subject Resistance Report, (PDCS-1040), and On-Line Use of Force Report shall not be completed. Instead, the Commanding Officer of the Homicide Section, or the Commanding Officer's designee, shall prepare and submit an Internal Correspondence (PDCS-2042) to the Commanding Officer of the Internal Affairs Bureau within 10 days of the initiation of the investigation. The correspondence shall include the following information:

1. The name, rank, and command of the officer.
2. The date and time of occurrence.
3. Type of force used.

4. Pedigree of the Use of Force subject.
 - a. Date of birth.
 - b. Personal Identification Number (PIN).
 - c. Gender and race.
 - d. Address, home and cell phone numbers.
5. Indicate if the subject was engaged in unlawful activity and if so, what type.
6. Describe the subject's injury.
 - a. Physical injury.
 - b. Serious physical injury.
 - c. Death – Has the Medical Examiner determined the manner and cause of death?

VII. ACCREDITATION STANDARD REFERENCES

A. CALEA - 1.3.1, 1.3.7, 1.3.13, 26.1.1

B. NYSLEAP - 20.1, 20.2, 20.3, 20.6, 20.7, 21.2

VIII. INDEX

Force, Use of Physical 2/11

Physical Force, Use of 2/11

Use of Physical Force 2/11

-END-



POLICE DEPARTMENT, COUNTY OF SUFFOLK, NY
ACCREDITED LAW ENFORCEMENT AGENCY
DEPARTMENT DIRECTIVE
PDCS-2008a

ORDER NUMBER 11- 50

TYPE DEPARTMENT GENERAL ORDER	AUTHORITY RICHARD DORMER POLICE COMMISSIONER	SIGNATURE		
SUBJECT/TOPIC/TITLE USE OF FORCE - USE OF FIREARMS AND DEADLY PHYSICAL FORCE				
DISTRIBUTION ALL MEMBERS OF THE DEPARTMENT	DATE ISSUED 09/27/11	DATE EFFECTIVE 09/27/11	DATE TO BE REVIEWED N/A	

RULES AND PROCEDURES

CHAPTER 2: TITLE: GENERAL REGULATIONS

SECTION 12: TITLE: USE OF FORCE - USE OF FIREARMS AND DEADLY PHYSICAL FORCE

I. PURPOSE

This order establishes the limits within which the use of deadly force, particularly the use of firearms, by members of the Suffolk County Police Department is permitted, and outlines certain situations in which the use of firearms, or other means of deadly force, is not permitted. These rules have been developed, not to restrict officers from properly performing their duty, but rather to make it incumbent upon them to use good judgment before using deadly force. They thus are intended to reduce inappropriate uses of deadly force including shooting incidents, and consequently protect life and property.

II. POLICY

The value of human life in our society is immeasurable. Police officers have been delegated the substantial responsibility to protect life and property and to apprehend criminal offenders. Thus, there is probably no more serious act that a law enforcement officer can engage in than the use of deadly force. The occasions for such use are, literally, life and death situations which are invariably confused and complex, affording precious little time for mediation or reflection. It is imperative then, that the officer, through training and absorption of these rules, be able to respond quickly, confident that he or she is acting within the limits of Departmental rules. This enables the officer to act, without hesitation, to protect himself or another, and it also serves to protect the public from unlawful and unreasonable use of force.

III. DEFINITIONS

A. Deadly Force - for the purposes of this order "deadly force" is defined as physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

B. Serious Physical Injury - Means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted

impairment of health or protracted loss or impairment of the function of any bodily organ.

C. Reasonable Cause to Believe - Reasonable cause to believe that a person has committed an offense exists when evidence or information which appears reliable, discloses facts or circumstances which are collectively of such weight and persuasiveness as to convince a person of ordinary intelligence, judgment and experience that it is reasonable likely that such offense was committed and that such person committed it. Except as otherwise provided in Article 70 of the Criminal Procedure Law, such apparently reliable evidence may include or consist of hearsay.

IV. REFERENCES

A. New York State Penal Law, Article 10, Section 10.00, Article 35, Sections 35.10 to 35.30

B. New York State Criminal Procedure Law, Article 690, Section 690.50

V. RULES AND REGULATIONS

A. Use of Firearms - An officer may discharge a firearm only in the following situations:

1. Confrontational Situations

a. When reasonable and necessary to defend an officer or another from what the officer reasonably believes to be the use, or imminent use, of deadly force.

2. Apprehension in Pursuit Situations

a. To effect the arrest or prevent the escape of a person when:

(1) there is no other reasonable means to effect the arrest, and

(2) the discharge creates no foreseeable risk to innocent bystanders, and

(3) if practicable and consistent with personal safety, the officer has identified himself or herself by voice and warned the fleeing subject to "STOP", without success, before firing, and the officer has reasonable cause to believe that:

(a) the subject has committed or attempted to commit a felony involving the use, or attempted use or threatened imminent use of physical force against a person, and

c. "Dry firing" or snapping the action of an unloaded firearm is prohibited in view or presence of the public, or in or on any Departmental premises, except by or under the direction of a firearms instructor or armorer, or when necessary to clean and lubricate a weapon.

5. Chokeholds and Carotid Holds

a. Chokeholds, carotid holds, and similar compressions of the neck represent potential use of deadly force and shall never be used unless an officer or another is in imminent danger of death or serious physical injury and all other measures to reasonably repel the attack have been exhausted.

VI. PROCEDURES

A. Deadly Force Emergency Measure

1. Since all possible combinations of circumstances cannot be envisioned, notwithstanding any provisions of these Rules and Procedures, a police officer may use deadly force as an emergency measure to avoid the imminent unlawful use of deadly force which is about to occur by reason of a situation occasioned or developed through no fault of the officer; and, which is of such gravity that, according to ordinary standards of intelligence and morality, the desirability of avoiding such injury clearly outweighs the desirability of avoiding the conduct sought to be prevented by these Rules and Procedures.

B. Legal Disclaimer

1. This directive regarding the use of force and firearms is for Departmental administrative use only and, to the extent that it constrains conduct otherwise permissible under law, shall not apply in any criminal or civil proceeding. The Suffolk County Police Department rules regarding the use of deadly force should not be construed as creating a higher standard of safety or care, in an evidentiary sense, with respect to third party claims. Violations of these rules will only be used as the basis for Departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in recognized judicial settings.

C. Sanctions

1. In all cases where an officer's action is determined to be a violation of these rules but not a violation of law, this distinction shall be made clear in all public discussion of such incidents and any disciplinary action which may result. An officer found to have acted in violation of this order shall be subject to internal discipline ranging from reprimand up to and including dismissal, in addition to any criminal sanctions which may be imposed in the courts.

- (b) the subject poses a significant threat of death or serious physical injury to the officer or another if not immediately apprehended.

3. Injured Animal

a. To put to death an animal which presents an immediate serious physical threat to the officer or a third party, or an animal that is so seriously injured that humaneness demands the immediate cessation of its further suffering. All reasonable alternatives to the use of the firearm must be exhausted before shooting the animal, and all applicable Department procedures must be followed.

4. Firearms Practice

a. Firearms practice, for target practice at an approved range, or by members of the Armorer's Unit to test weapons as required.

B. Specific Prohibitions

1. Moving Vehicles

a. Discharging a firearm at or from a moving vehicle is prohibited, except as the ultimate measure of self defense or defense of another when the officer reasonably believes the occupants are using deadly force against the officer, or another, by means other than the vehicle.

2. Warning Shots

a. No "warning shots" shall be fired.

3. Firing Shots for Alarm

a. Firearms shall not be discharged to summon assistance, except where the officer's safety or that of another is endangered, and there is no reasonable alternative. Extreme care must be exercised in such situations to prevent injury to other persons.

4. Drawing or Displaying Firearms

a. An officer shall unholster or display a firearm only if authorized by these procedures, directed by competent authority, or there is reason to believe such may be necessary for the safety of the officer or others.

b. To reduce the potential for accidental discharge, an unholstered or displayed firearm will not be cocked.

SCHEDULE "B"

NEW YORK CONSOLIDATED LAW SERVICE
 Copyright © 2013 Matthew Bender, Inc.
 a member of the LexisNexis (TM) Group
 All rights reserved

*** This section is current through 2013 released chapters 1-6 ***

PENAL LAW
 PART ONE. GENERAL PROVISIONS
 TITLE C. DEFENSES
 ARTICLE 35. DEFENSE OF JUSTIFICATION

Go to the New York Code Archive Directory

NY CLS Penal § 35.15 (2013)

§ 35.15. Justification; use of physical force in defense of a person

1. A person may, subject to the provisions of subdivision two, use physical force upon another person when and to the extent he or she reasonably believes such to be necessary to defend himself, herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful physical force by such other person, unless:

(a) The latter's conduct was provoked by the actor [fig 1] with intent to cause physical injury to another person; or

(b) The actor was the initial aggressor; except that in such case [fig 1] the use of physical force is nevertheless justifiable if [fig 2] the actor has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened imminent use of unlawful physical force; or

(c) The physical force involved is the product of a combat by agreement not specifically authorized by law.

2. A person may not use deadly physical force upon another person under circumstances specified in subdivision one unless:

(a) [fig 1] The actor reasonably believes that such other person is using or about to use deadly physical force. Even in such case, however, the actor may not use deadly physical force if he or she knows that [fig 2] with complete personal safety [fig 3], to oneself and others he or she may avoid the necessity of so doing by retreating; except that [fig 4] the actor is under no duty to retreat if he or she is:

(i) in his or her dwelling and not the initial aggressor; or

(ii) a police officer or peace officer or a person assisting a police officer or a peace officer at the latter's direction, acting pursuant to section 35.30; or

(b) He or she reasonably believes that such other person is committing or attempting to commit a kidnapping, forcible rape, forcible criminal sexual act or robbery; or

(c) He or she reasonably believes that such other person is committing or attempting to commit a burglary, and the circumstances are such that the use of deadly physical force is authorized by subdivision three of section 35.20.

HISTORY:

Add, L 1968, ch 73, § 4, eff March 21, 1968.

RESOLUTION ADOPTING THE RECOMMENDATIONS OF THE BOARD OF RESPONSIBILITY IN THE MATTER OF JODY ENTERPRISES, INC. AND ALPHA CARTING, INC.

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, sealed bids were received on July 28, 2009 (Bid No. 09-07R-056) by the Town of Huntington Department of Purchasing, 100 Main Street, Huntington, New York for Refuse District Bid Specifications for Collection, Transportation and Disposal of Residential Solid Waste, Yard Waste and Recyclables; and

WHEREAS, Town Board Resolution 2009-392, authorized the Supervisor to execute a contract with Jody Enterprises, Inc. and Alpha Carting for the collection, transportation and disposal of residential solid waste, yard waste and recyclables within the Town of Huntington for a period of nine years; and

WHEREAS, a hearing was held on September 20, 2013, before the Board of Responsibility which has recommended, in a written decision dated March 26, 2013, that the contract between the Town of Huntington and Jody Enterprises, Inc. and Alpha Carting, Inc. be continued; and

WHEREAS, the subject of this resolution is a Type II action pursuant to 6 NYCRR 617.5 (c)(20) and (29) therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY ADOPTS the recommendation of the Board of Responsibility.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Eugene Cook	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



100 Main Street
Huntington, NY 11743

Phone: (631) 351-3042
Fax: (631) 351-3032
<http://HuntingtonNY.gov>

TOWN ATTORNEY

March 26, 2013

CINDY ELAN-MANGANO

Mr. Giustino Gallone, President
Jody Enterprises, Inc.
2683 Arthur Avenue
Bellmore, New York 11710

Enri Baca, President
Alpha Carting
70 Princess Avenue
Bay Shore, New York 11706

Re: In the Matter of Jody Enterprises, Inc. and Alpha Carting and Contracting, Inc.

Dear Sirs:

Please be advised that the Board of Responsibility of the Town of Huntington has rendered its decision in the above-referenced matter based upon its findings at the Hearing held on September 20, 2012.

After careful review of the record established at the hearing, the Board of Responsibility has made the following findings:

FINDINGS OF FACT

1. Pursuant to Town Board resolution number 2009-392, the Town of Huntington entered into a contract with Jody Enterprises, Inc. for the collection transportation and disposal of residential solid waste, yard waste and recyclables for the Town of Huntington Refuse District on December 10, 2009, the term of said contract to run until December 31, 2016.
2. Pursuant to Town Board resolution number 2009-392, the Town of Huntington entered into a contract with Alpha Carting, and Contracting, Inc. for the collection transportation and disposal of residential solid waste, yard waste and recyclables for the Town of Huntington Refuse District on December 31, 2009, the term of said contract to run until December 31, 2016.



Litigation papers are NOT to be served by FAX except by express prior written permission

3. Previously employed as managers for Jody Enterprises, Inc., William Stegemann and Michael D'Allessandro were charged with Grand Larceny for stealing cardboard and paper recyclables from the Town of Smithtown.

4. Mr. Enri Baca, President of Alpha Carting and Contracting, Inc. acknowledged a \$50,000. loan was made on October 19, 2009, from Jody Enterprises, Inc. to Alpha Carting and Contracting, Inc. for a fifty percent ownership of Alpha Carting and Contracting, Inc. by Giustino Gallone.

5. The Application for 2009 Solid Waste Collection License filed by Alpha Carting and Contracting, Inc. does not reflect either the loan (item # 2) or a change in ownership of Alpha Carting and Contracting, Inc. (item #1), by the addition of Giustino Gallone as an owner. This application was not amended. The 2010 and 2011, Applications for Solid Waste Collection Licenses are also devoid of the loan or change in ownership, and neither application was amended to reflect this change in ownership.

6. The 2009 Application for Solid Waste Collection License filed by Jody Enterprises, Inc. does not reflect that Mr. Giustino Gallone holds a fifty percent ownership in Alpha Carting and Contracting, Inc. Question number 4, specifically asks whether the applicant or any of its officers, directors...hold an interest in any other business. The 2009, Application was never amended to reflect the partial ownership of Alpha Carting and Contracting, Inc. by Giustino Gallone. The 2010 and 2011 Application for Solid Waste Collection are devoid of this information as well.

7. Subsequent to the hearing, the parties offered proof through Counsel, that the loan was repaid in full, the shares held as collateral released and the two corporations exist as two separate entities in compliance with the contract.

8. There was no evidence that there was a spike, decrease or a change in the recyclables amount which would indicate a theft.

9. It was also learned that Mr. Giustino Gallone has been charged in Suffolk with a violation of §170.35 of the NYS Penal Code, Offering a False Instrument for Filing in the First Degree. The case is still pending in the Suffolk County District Court.

10. The cases against Mr. Stegemann, Mr. D'Allessandro and Mr. Gallone are still pending in Suffolk County. There have been no criminal convictions.

11. The Town of Smithtown has not cancelled the carting contract with Jody Enterprises, Inc. but is awaiting a criminal conviction before taking any additional or further action.

CONCLUSIONS & DETERMINATIONS

1. The Town Attorney acted properly in light of the arrests of Mr. Stegemann and Mr. D'Allessandro involving the alleged theft of paper recyclables from the Town of Smithtown. In addition, the disclosures brought to light during the Town of Babylon

hearing regarding the ownership of a portion of Alpha Carting and Contracting, Inc. by Giustino Gallone, the President of Jody Enterprises, Inc. and the omission of this information on Solid Waste Collection License Applications, required investigation. Finally, the arrest of Mr. Gallone required the Board of Responsibility to review any and all bids and contracts involving Jody Enterprises, Inc. and Alpha Carting and Contracting, Inc. Based on the foregoing, it is the decision of this Board:

2. The Board of Responsibility hereby determines that it appears that there are omissions on the Solid Waste Collection License Applications filed by the parties, Alpha Carting and Contracting, Inc. and Jody Enterprises, Inc., which constitutes a breach of the contract between the Town of Huntington and Jody Enterprises, Inc. and Alpha Carting and Contracting, Inc., pursuant to:

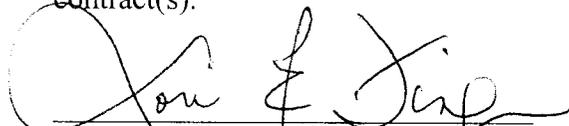
“1.C.12 Notice of Change of Ownership”

The Contractor shall notify the Town, in writing, no less than thirty (30) days prior to any anticipated change in ownership of the company including but not limited to: a change in the structure of ownership, a change of name, sale of the company name and/or assets, any merger or acquisition of the Contractor into or by another company, or any other legal corporate restructuring involving five (5) percent or more of the corporate stock.”

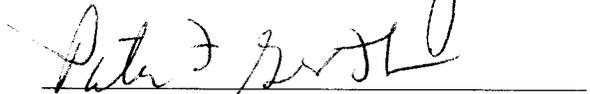
The Contractor shall notify the Town, in writing, within three (3) business days, after obtaining the written final governmental approval needed to effectuate the Contractor’s change in ownership as defined herein. Failure to comply with the terms of this section may result in breach of contract. The Town reserves the right to request any and all documentation that substantiates the change in ownership of the Contractor as defined herein.”

RECOMMENDATIONS:

In light of the above findings, it is the recommendation of the Board of Responsibility that the Town of Huntington take the same position as has been taken by the Town of Smithtown, to monitor the criminal prosecutions by the Suffolk County District Attorney, and at such time as there is a criminal conviction of a principal of either Jody Enterprises, Inc. or Alpha Carting and Contracting, Inc., the Town may move to terminate the contract(s).


Lori Finger, Director of Purchasing


Thom Boccard, Director of General Services


Patricia Grant Flynn, Asst. Town Attorney

2013-158

RESOLUTION ADOPTING THE RECOMMENDATIONS OF THE BOARD OF RESPONSIBILITY IN THE MATTER OF THE LANDTEK GROUP, INC.

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, sealed bids were received on February 14, 2013 by the Town of Huntington Department of Purchasing, 100 Main Street, Huntington, New York for Contract No. HWY 2013-01/O-E, for Townwide Requirements Contract for Drainage and Concrete Construction, and same were opened publicly and read aloud; and

WHEREAS, the LandTek Group, Inc., 235 County Line Road, Amityville, New York 11701, was the lowest bidder; and

WHEREAS, a hearing was held on March 22, 2013, before the Board of Responsibility to allow the LandTek Group, Inc, 235 County Line Road, Amityville, New York 11701, an opportunity to be heard regarding their ability to fulfill the specifications under this contract; and

WHEREAS, pursuant to a review of the testimony proffered by the LandTek Group, Inc., the Board of Responsibility has recommended, in a written decision dated April 4, 2013, to award the Townwide Requirements Contract for Drainage and Concrete Construction (Contract No. HSY 2013-01/O-E) to the LandTek Group, Inc., 235 County Line Road, Amityville, New York 11701; and

WHEREAS, the subject of this resolution is a Type II action pursuant to 6 NYCRR 617.5 (c)(20) and (29), and therefore no further SEQRA review is required.

NOW, THEREFORE BE IT,

RESOLVED, that the Town Board

THE TOWN BOARD

HEREBY ADOPTS the recommendation of the Board of Responsibility.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED



100 Main Street
Huntington, NY 11743

Phone: (631) 351-3042
Fax: (631) 351-3032
<http://HuntingtonNY.gov>

TOWN ATTORNEY

April 4, 2013

CINDY ELAN-MANGANO

Mr. Michael Ryan, President
The LandTek Group, Inc.
235 County Line Road
Amityville, New York 11701

Re: Contract No. HWY 2013-01/O-E
Townwide Requirements Contract for
Drainage and Concrete Construction

Dear Mr. Ryan:

Please be advised that the Board of Responsibility of the Town of Huntington has rendered its decision in the above-referenced matter based upon its findings at the Hearing held on March 22, 2013.

After a careful review of the record established at the hearing, the Board of Responsibility has made the following findings:

FINDINGS OF FACT

1. Sealed bids were received for Townwide Requirements Contract for Drainage and Concrete Construction Contract No. HWY 2013-01/O-E, and opened on February 14, 2013. The LandTek Group, Inc. was the lowest bid.
2. The Town of Huntington Highway Department reviewed, inter alia, the portion of the LandTek Group, Inc. bid regarding references offered by LandTek which raised concerns about LandTek's experience related to scope of work in the bid, to fulfill the specifications of the contract.
3. At the Board of Responsibility Hearing on March 22, 2013, the LandTek Group, Inc. appeared with Counsel, Thomas J. McNamara, and along with Mr. Michael Ryan, President, Mr. Edward Ryan, Vice-President, Mr. Marty Lyons, Vice President of Marketing and Public Relations, Mr. Philip Land, Estimator, Mr. Roland Bedwell Business Manager of Local 175, and Mr. John Sulinski, Vice-President of Operations and gave testimony regarding their ability to fulfill the specifications under the contract by amplifying the work performed for the seven jobs used as references in their bid submission.



Litigation papers are NOT to be served by FAX except by express prior written permission

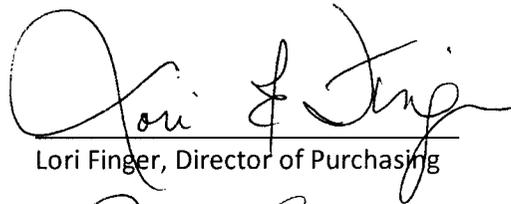
4. Subsequent to the March 22, 2013 Board of Responsibility Hearing, LandTek submitted supplemental documentation to enhance their previous experience submittal, relevant to the seven jobs used as references in their bid submission, including but not limited to checklists and affidavits from parties with firsthand knowledge of the work performed on each referenced project.

CONCLUSIONS AND DETERMINATIONS

1. It is the determination of the Board of Responsibility, based on the foregoing, that the LandTek Group, Inc. is capable of performing the specifications for the work under Townwide Requirements Contract for Drainage and Concrete Construction No. HWY 2013-01/O-E, in a satisfactory manner, and accordingly, the contract be awarded to them as the lowest bidder.


Cindy Elan-Mangano
Huntington Town Attorney


Thom Boccard, Director of General Services


Lori Finger, Director of Purchasing


Patricia Irving, Deputy Superintendent
Of Highways

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A REQUIREMENTS CONTRACT FOR DRAINAGE AND CONCRETE CONSTRUCTION WITH THE LANDTEK GROUP, INC.

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILMAN MAYOKA**

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS: under this contract, the Contractor shall provide all necessary labor, equipment and materials to perform drainage and roadway work in accordance with Town of Huntington requirements and construction specifications; and

WHEREAS, sealed bids were received on February 14, 2013, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the townwide requirements contract for drainage and concrete construction, Contract No. HWY 2013-01/O-E and the same were opened publicly and read aloud; and

WHEREAS, The Landtek Group, Inc., 235 County Line Road, Amityville, NY 11701 is the lowest responsive, responsible bidder; and

WHEREAS, drainage and concrete construction is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1), (c)(2), (c)(4) and (c)(5), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a requirements contract, and any documents in connection and related therewith, with The Landtek Group, Inc., for the townwide requirements contract for drainage and concrete construction. The contract period shall be effective for a one (1) year term commencing upon execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for two (2) additional one (1) year periods under the same prices, terms and conditions, to be charged to HW 8597 2781 12501, and other various funds as required to perform these services, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-160

RESOLUTION APPOINTING A NEW YORK STATE RACES (RADIO AMATEUR CIVIL EMERGENCY SERVICE) OFFICER FOR THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting dated: April 9, 2013

The following resolution was offered by: Supervisor Petrone

And seconded by: **COUNCILMAN MAYOKA, COUNCILMAN COOK**

WHEREAS, the Federal Emergency Management Agency prepared the Civil Service Preparedness Guide as a reference to assist state and local emergency management officials; and

WHEREAS, the Civil Preparedness Guide, recommends appointing a reliable amateur to serve as RACES Officer to act as liaison between the RACES organization and the Emergency Management Office; and

WHEREAS, the Town of Huntington, wishes to have the RACES organization assist with radio communication in the event of an emergency; and

WHEREAS, the Town Board of the Town of Huntington wishes to appoint a RACES Officer; and

WHEREAS, appointing a RACES officer is not an action as defined by 6 NYCRR § 617.2 (b), and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY APPOINTS Steven W. Hines – N2PQJ, 10 Claudine Court, East Northport, NY 11731-2334, as New York State RACES Officer for the Town of Huntington

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark Mayoka	AYE
Councilman Eugene Cook	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2013-161

RESOLUTION TO CORRECT A SCRIVENERS ERROR IN TOWN BOARD RESOLUTION 2012-521 NUNC PRO TUNC.

Resolution for Town Board Meeting dated: April 9, 2013

The following resolution was offered by; **SUPERVISOR PETRONE**

and seconded by: **COUNCILMAN COOK**

WHEREAS, on December 18, 2012 pursuant to Town Board Resolution 2012-521, the Town Board authorized the execution of an agreement with the lowest responsible bidder, Hohwald Landscaping Inc. for the requirements contract for tree removal for Zone 2 for a contract term effective upon contract execution until December 31, 2013; and

WHEREAS, Town Board Resolution 2012-521 incorrectly listed the entity name as Hohwald Landscaping, Inc. as the lowest responsible bidder for the requirements contract for tree removal for Zone 2; and

WHEREAS, the correct entity name for the lowest responsible bidder for the requirements contract for tree removal for Zone 2 is Hohwald Landscaping, Inc. dba Roland P. Mennella Landscaping; and

WHEREAS, the correction of a scrivener's error is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and therefore no further SEQRA review is required.

NOW THEREFORE, BE IT

RESOLVED, that Town Board Resolution 2012-521 is corrected to reflect a change in the entity name to Hohwald Landscaping, Inc. dba Roland P. Mennella Landscaping, as the lowest responsible bidder for the requirements contract for tree removal for Zone 2 and in all other respects Town Board Resolution 2012-521 shall remain in full force and effect.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-162

RESOLUTION DECLARING CERTAIN EQUIPMENT AND VEHICLES AS SURPLUS AND/OR OBSOLETE AND AUTHORIZES THE SALE AT AUCTION, TRADE IN OR DISPOSAL OF THE SAME.

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILMAN MAYOKA, COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington Department of Audit and Control is responsible for the disposition of Town wide Fixed Asset Surplus and/or Obsolete Inventory; and

WHEREAS, the Department of Audit and Control, Division of Purchasing wishes to dispose of the equipment contained in Schedule "A" through trade in, public auction, or disposal for scrap, which will be held on an as-needed basis at various locations that prove to be most cost effective to the Town of Huntington; and

WHEREAS, the disposal of surplus government property is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 (c) (25) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY DECLARES the specified equipment on Schedule "A" as surplus and/or obsolete and authorizes the sale of same at auction, or trade in, or disposal for scrap.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-162

**TOWN OF HUNTINGTON
DEPARTMENT OF AUDIT & CONTROL
DIVISION OF PURCHASING
SCHEDULE A**

**SURPLUS INVENTORY ITEMS
4/9/2013**

ITEM	HWY #	YEAR	MAKE	MODEL	VIN	TOH ASSET
1	362A	1989	VERNMEER	246 STUMPER	1VRC191H5J1000798	N/A
2	363	1988	WOODCHUCK	HI ROLLER	1W9CED891XFS6D7479	4652
3	370	1995	CASE	721B LOADER	JEE0042623	4108
4	382	2000	CATERPILLAR	938G LOADER	9HS00539	4104

*Surplusdisposal
Purch/LF
02/13*

2013-163

RESOLUTION ESTABLISHING THE STANDARD WORK DAYS FOR ELECTED OFFICIALS AND APPOINTED PERSONNEL FOR NEW YORK STATE AND LOCAL RETIREMENT SYSTEM REPORTING PURPOSES

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the New York State & Local Retirement System requires that the Town of Huntington establish by resolution the number of hours in a standard work day and the reportable number of days worked in a month for all elected and appointed positions; and

WHEREAS, an extension has been granted by the New York State Retirement System for certain individuals; and

WHEREAS, the establishment of a standard work day and reportable number of days worked for New York State Local Retirement Services reporting purposes is not an action pursuant to 6 N.Y.C.R.R. §617.2(b) and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY ESTABLISHES that the standard workweek for all full-time appointed employees at the Town of Huntington is seven hours per day, five days a week and such employees participate in the Town's employee time keeping system; and

FURTHER ESTABLISHES standard work days for Town of Huntington elected officials and for part-time appointed officials based on the record of activities maintained and submitted by these officials to the Town Clerk per Schedule A, which is attached hereto and made a part of this resolution; and

FURTHER RESOLVES that the Town of Huntington shall report the information contained on Schedule A to the New York State and Local Employees Retirement System and will cause such information to be posted on the Town of Huntington website as per 2 NYCRR §315.4.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-163

<u>Title</u>	<u>Last Name</u>	<u>First Name</u>	<u>Standard Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates in Employee Time Keeping System</u>	<u>Days/Month (Based on record of activities)</u>
Town Clerk	Raia	Josephine a/k/a/ Jo-Ann	7	01/1/12 - 12/31/15	Y	N/A

2013-164

RESOLUTION EXEMPTING SPRINT SPECTRUM REALTY COMPANY, L.P. ("SPRINT") PURSUANT TO §198-68.1 (O) OF THE HUNTINGTON TOWN CODE FOR WORK AT 7 BOXER COURT, TOWN OF HUNTINGTON, NY SITE NY07XC772 (SCTM #0400-95.00-01.00 Lot 050.001

Resolution for Town Board Meeting dated: April 9, 2013

The following Resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, pursuant to §198-68.1(O) of the Huntington Town Code, the Town Board is authorized to exempt applications for proposed work or modifications to existing wireless telecommunications facilities in cases where the proposed work is determined to be routine maintenance and repair in like form and height, which does not substantially change, extend or expand the facilities; and

WHEREAS, no public hearing is required if the application for exemption is granted; and

WHEREAS, the Town Board has received a request for exemption pursuant to §198-68.1 (O) from Sprint in connection with its proposal to upgrade/modify its existing public utility wireless telecommunications facilities located at 7 Boxer Court, Town of Huntington, NY (SCTM #0400-95.00-01.00 Lot 050.001); and

WHEREAS, the proposed upgrade/modification consists of the removal of six (6) existing antennas to be replaced with three (3) new antennas and add associated equipment; replace two (2) existing cabinets with a new model and install one (1) new additional cabinet and install associated cable; and replace existing GPS unit with a new model; and

WHEREAS, the total number of antennas at the site will be decreased from six (6) to three (3); and

WHEREAS, in accordance with §198-68.1 (O), the Director of Engineering Services has reviewed the proposed documents and drawings submitted with this proposal and recommended that the Town Board exempt this application subject to certain conditions; and

WHEREAS, the subject proposal has been classified a Type II action pursuant to 6 NYCRR of the State Environmental Review Act § 617.5(c)(1) and no further review is required pursuant to SEQRA.

NOW THEREFORE BE IT

RESOLVED, that the application of Sprint to upgrade/modify its existing public utility wireless telecommunications facilities as described in this Resolution located at 7 Boxer Court, Town of Huntington, NY (SCTM #0400-95.00-01.00 Lot 050.001) is hereby granted by the Town Board, as long as no other modifications or upgrades are made, and the work is in compliance with specifications filed as part of this application or as may otherwise be approved by the Director of Engineering; and

BE IT FURTHER RESOLVED, that the application of Sprint to remove six (6) existing antennas to be replaced with three (3) new antennas and add associated equipment, replace two (2) existing cabinets with a new model and install one (1) new additional cabinet and install associated cable and replace existing GPS unit with a new model is granted conditioned on site plan review or waiver by the Planning Board, the filing of a complete application for a building permit, and the submission of all documents and proofs necessary; and

BE IT FURTHER RESOLVED, that the applicant is directed to proceed in accordance with § 198-68.1(R) and pay the requisite fees.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED

2013-165

RESOLUTION REAPPOINTING AND APPOINTING MEMBERS TO THE TOWN OF HUNTINGTON HARBORS AND BOATING ADVISORY COUNCIL

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the reappointment and appointment of members to the Town of Huntington Harbors and Boating Advisory Council is not an action as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD upon the request of the Harbors and Boating Advisory Council,

HEREBY REAPPOINTS the following individual to the Town of Huntington Harbors and Boating Advisory Council for terms to expire as indicated:

Russell Bostock	<u>Term Expires:</u>
55 Normandy Drive, Northport New York 11768	December 31, 2017

And

HEREBY APPOINTS the following individual to the Town of Huntington Harbors and Boating Advisory Council to fill a vacancy for a term to expire December 31, 2014:

Richard Rothamel
14 Vause Street, Northport, New York 11768

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-1666

RESOLUTION URGING THE NEW YORK STATE LEGISLATURE AND GOVERNOR TO ENACT SENATOR FUSCHILLO'S LEGISLATION THAT MANDATES ALL OWNERS/OPERATORS OF WATERCRAFT TO UNDERTAKE STATE APPROVED BOATING SAFETY TRAINING AND THAT OWNERS/OPERATORS OF MECHANICALLY PROPELLED WATERCRAFT BE LICENSED OR CERTIFIED IN ORDER TO OPERATE SUCH CRAFT IN NEW YORK STATE WATERS AND TO CONSIDER ADDING THE THREE SUGGESTIONS PROVIDED HEREIN TO THE LEGISLATION

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Councilwoman Berland
Councilman Cuthbertson

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, this Town Board believes that establishment of uniform State boating safety training, operating and licensing standards is an appropriate step to ensure the safety and wellbeing of those both operating and sailing aboard watercraft in increasingly crowded waters; and

WHEREAS, the Town Board formed a Boating Safety and Education Committee to the Harbors and Boating Advisory Council; and

WHEREAS, the Boating Safety and Education Committee has reviewed the various New York State Senate and Assembly Bills and supports the bill offered by Senator Fuschillo S-747-2013; and

WHEREAS, in addition to supporting New York State Senate Bill S-747-2013, the Committee recommends that the following three suggestions be considered: 1) Any testing not requiring a Boating Safety Course must be proctored; 2) a longer phase-in period for certification; 3) and a restriction on the size and horsepower for vessels operated by those between the ages of 10 – 14 years; and

WHEREAS, requesting the State of New York to consider and act on these recommendations is Type II action pursuant to 6 N.Y.C.R.R. §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

Date: March 19, 2013
Subject: Enacting legislation to mandate state approved
Boating Safety Training
Department of Maritime Services
EC/HVA/tg

2013-166

HEREBY URGES the New York State Legislature and Governor to enact legislation that mandates all owners/operators of watercraft undertake state approved boating safety training and that owners/operators of mechanically propelled watercraft be licensed or certified in order to operate such craft in New York State waters; and

HEREBY DIRECTS the Town Clerk, Jo-Ann Raia, to forward certified copies of this resolution to Governor Andrew Cuomo; Dean G. Skelos, Senate Majority Leader; Assemblyman Sheldon Silver, Speaker of the Assembly; and to the members of Huntington's State Legislative delegation, Senator Carl Marcellino, Senator John Flanagan, Assemblyman Chad Lupinacci and Assemblyman Andrew Raia.

HEREBY ADOPTS.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-167

RESOLUTION AUTHORIZING APPROPRIATE ACTION (S) IN ACCORDANCE WITH HUNTINGTON TOWN CODE CHAPTER 156 PROPERTY MAINTENANCE; NUISANCES, ARTICLE VII, BLIGHTED PROPERTY, § 156-67, ACTION BY TOWN BOARD FOR FAILURE TO COMPLY OR ABATE VIOLATIONS

Resolution for Town Board Meeting dated: April 9, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN COOK**

WHEREAS, on February 5, 2013 by Town Board Resolution 2013-72 the Town Board designated certain properties as “blighted” and scheduled a public hearing to consider further action to remedy the conditions of blight thereon; and

WHEREAS, those properties whose owners have failed to enter into a Restoration Agreement with the Town or to take steps to remedy the conditions of blight upon their properties have been evaluated and considered for further action(s) to be taken at a public hearing held on March 5, 2013; and

WHEREAS, pursuant to its authority under § 64 and §130 of New York State Town Law and the Code of the Town of Huntington the Town Board wishes to authorize certain actions to remedy blight conditions; and

WHEREAS, the authorization of the action(s) to remedy blight conditions upon properties within the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (29) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY DESIGNATES the properties listed on Schedule “A” to this Resolution to be nuisances and that hereafter the Town shall be authorized to enter upon said properties where such nuisance and blight exists to remedy such nuisance and blight and to charge the cost or expense of such remediation against the property tax bill as a lien ; and

HEREBY DIRECTS the Receiver of Taxes to assess the annual registration fees upon the properties as listed in Schedule A to this Resolution; and

HEREBY DIRECTS the Director of General Services to maintain records of all costs and expenses in connection with the abatement of the blight conditions and to provide same reports to the Town Attorney for determination as to the amounts to be assessed against the properties listed on Schedule A to this Resolution; and

**Chapter 156 §67 - (A), (B) and (C) of the Code of the Town of Huntington Authorizing
 Actions by Town Board for Failure to Comply or Abate Violations**

	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
PREVIOUS EXHIBITS- SCHEDULE A					
Exhibit 78	58 East 12th Street Huntington Sta., NY 11746	0400-145.00-01.00-085.00	Huntview Estates, Ltd. Donald & Joyce Rose P.O. Box 2311 Halesite, NY 11743	4-Dec-12	\$2,500.00
Exhibit 79	43 West 22nd Street Huntington Sta., NY 11746	0400-194.00-03.00-052.00	Elias Moragiemos 43 West 22nd Street Huntington Sta., NY 11746	11-Dec-12	\$2,500.00

**Chapter 156 §67 - (A), (B) and (C) of the Code of the Town of Huntington Authorizing
Actions by Town Board for Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
Exhibit 53	2370 New York Avenue Huntington, NY 11743	0400-239.00-02.00-023.000	Tyrell A. Edwards 32 Amsterdam Street Huntington, NY 11743	11-Jun-12	\$2,500.00
Exhibit 55	30 Pearwood Drive Hunt. Sta., NY 11746	0400-138.00-01.00-051.000	Charles & Francesca Bowen 26 Saxon Street Melville, NY 11747	11-Jun-12	\$2,500.00
Exhibit 63	10 Keeler Street Huntington, NY 11743	0400-114.00-04.00-012.000	Robert & Leila M. Kea 10 Keeler Street Huntington, NY 11743	8-Aug-12	\$2,500.00
Exhibit 78	58 East 12th Street Hunt. Sta., NY 11746	0400-145.00-01.00-085.000	Huntview Estates, Ltd. Donald & Joyce Rose P.O. Box 2311 Halesite, NY 11743	12/4/2012	\$2,500.00
Exhibit 79	43 West 22nd Street Hunt. Sta., NY 11746	0400-194.00-03.00-052.000	Elias Moragimos 43 West 22nd Street Hunt. Sta., NY 11746	12/11/2012	\$2,500.00
Exhibit 74	4 Colby Court Dix Hills, NY 11746	0400-252.00-02.00-045.000	Charles f. McMorrow 4 Colby Court Dix Hills, NY 11746	10/24/2012	\$2,500.00
Exhibit 77	296 Main Street Cold Spring Harbor, NY 11724	0400-066.00-01.00-023.000	Theresa Muzio 8 Sumter Avenue East Williston NY 11596	5/4/2012	\$2,500.00

SCHEDULE B

**PROPERTIES PREVIOUSLY CITED FOR BLIGHT; CURRENTLY IN COMPLIANCE OR
PARTY TO RESTORATION AGREEMENT**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE
Exhibit 64	51 East 13th Street Hunt. Sta., NY 11746	0400-145.00-03.00-021.000	Bank of America 301 E. Vanderbilt Way, Suite 350 San Bernardino, CA 92408	\$2,500.00
Exhibit 72	51 Longley Place Huntington Sta., NY 11746	0400-194.00-04.00-018.000	Peter & Ludmilla Kornfield 5 Longley Place Hunt. Sta., NY 11746	\$2,500.00
Exhibit 75	688-690 Deer Park Avenue Dix Hills, NY 11746	0400-278.00-02.00-170.000	K2 LLC 640 Johnson Avenue Suite 5 Bohemia, NY 11716	\$2,500.00
Exhibit 76	686 Deer Park Avenue Dix Hills, NY 1746	0400-278.00-02.00-171.000	Dix Hills Villas LLC 640 Johnson Avenue, Suite 5 Bohemia, NY 11716	\$2,500.00
Exhibit 80	54 Vondran Street Huntington Sta., NY 11746	0400-150.00-01.00-088.000	Diego Gutierrez & Laura Gutierrez 54 Vondran Street Hunt. Sta., NY 11746	17-Dec-12

SCHEDULE C

2013-168

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN A HISTORIC DISTRICT
RE: 6 COUNTRY MEADOW COURT, MELVILLE—SWEET HOLLOW HISTORIC
DISTRICT

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND**
and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 5th day of March, 2013, pursuant to Section 198, Article VI of the zoning code of the Town of Huntington, to consider the application of Charles McGuffog, 6 Country Meadow Court, Melville, NY 11747, for a Certificate of Approval to legalize a tennis court fence with lighting, a gazebo with bar area, a brick patio on a raised wall, and a cabana with roof over porch and attached shed at 6 Country Meadow Court, Melville, NY 11747, bearing Suffolk County Tax Map #0400-256.00-01.00-019.008, and located in the Sweet Hollow Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of Charles McGuffog for a Certificate of Approval.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-169

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN A HISTORIC DISTRICT
RE: 247 PARK AVENUE, HUNTINGTON—OLD HUNTINGTON GREEN
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN MAYOKA**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 5th day of March, 2013, pursuant to Section 198, Article VI of the zoning code of the Town of Huntington, to consider the application of John Haight, 247 Park Avenue, Huntington, NY 11743, for a Certificate of Approval to legalize a conforming irregular shaped wood deck attached to the rear of the one family dwelling at 247 Park Avenue, Huntington, NY 11743, bearing Suffolk County Tax Map #0400-027.00-03.00-016.000, and located in the Sweet Hollow Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of John Haight for a Certificate of Approval.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-170

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN A HISTORIC DISTRICT
RE: 356 WEST HILLS ROAD, HUNTINGTON—WHITMAN HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILWOMAN BERLAND, COUNCILMAN CUTHBERTSON
COUNCILMAN MAYOKA**

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 5th day of March, 2013, pursuant to Section 198, Article VI of the zoning code of the Town of Huntington, to consider the application of Charles Sherman, 356 West Hills Road, Huntington, NY 11743, for a Certificate of Approval to demolish a barn at 356 West Hills Road, Huntington, NY 11743, bearing Suffolk County Tax Map #0400-191.00-05.00-013.000, and located in the Whitman Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of Charles Sherman for a Certificate of Approval.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-171

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN A HISTORIC DISTRICT
RE: 389 WEST HILLS ROAD, MELVILLE—THE VALENTINE HOUSE

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 5th day of March, 2013, pursuant to Section 198, Article VI of the zoning code of the Town of Huntington, to consider the application of Linda Kosefsky, 389 West Hills Road, Melville, NY 11747, for a Certificate of Approval to legalize an in-ground swimming pool, and to demolish a detached shed at 389 West Hills Road, Melville, NY 11747, which is an individually designated historic site bearing Suffolk County Tax Map #0400-232.00-05.00-011.000; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of Linda Kosefsky for a Certificate of Approval.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-172

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN A HISTORIC DISTRICT
RE: 478 PARK AVENUE, HUNTINGTON—OLD HUNTINGTON GREEN
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 5th day of March, 2013, pursuant to Section 198, Article VI of the zoning code of the Town of Huntington, to consider the application of Sunny Pond Farm, LLC, 108 Forest Avenue, Locust Valley, NY 11560, for a Certificate of Approval to erect an open roofed over porch to the rear of the dwelling; restore a detached garage; erect an addition to the rear of the detached garage; and restore two historic houses and erect a one story addition conjoining the two structures at 478 Park Avenue, Huntington, NY 11743, bearing Suffolk County Tax Map #0400-073.00-03.00-021.000, and located in the Old Huntington Green Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of Sunny Pond Farm, LLC for a Certificate of Approval.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 7-2013 AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 64 (TOWN ATTORNEY'S OFFICE, DEPARTMENT OF), SECTION 64-4 (POWERS AND DUTIES)

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILWOMAN BERLAND**

THE TOWN BOARD having held a public hearing on the 5th day of March 2013 at 2:00 p.m. to consider adopting Local Law Introductory No. 7-2013, amending the Code of the Town of Huntington, Chapter 64 (Town Attorney's Office, Department of), §64-4 (Powers and Duties), and due deliberation having been had,

HEREBY ADOPTS

NOW THEREFORE BE IT RESOLVED,

Local Law Introductory No. 7-2013, amending the Code of the Town of Huntington, Chapter 64 (Town Attorney's Office, Department of), §64-4 (Powers and Duties) as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. 7-2013
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 64 (TOWN ATTORNEY'S OFFICE, DEPARTMENT OF)
SECTION 64-4 POWERS AND DUTIES,

Section 1. Chapter 64 (Town Attorney's Office, Department of) is hereby amended to read as follows:

CHAPTER 64
TOWN ATTORNEY'S OFFICE, DEPARTMENT OF

* * *

Section 64-4. Powers and duties.

* * *

C. Litigation. The Town Attorney shall have the following powers and duties:

* * *

(4) Prepare, process and file all necessary pleadings, briefs, memorandum of law, etc., and investigate, examine, evaluate and process all evidentiary matters and witnesses in related legal proceedings.

* * *

(b) Settlement Authority. [The Town Authority is authorized, in his or her discretion, to settle any claim or proceeding instituted against the Town of Huntington, its boards, departments, special districts, agencies, officers and/or employees to recover damages for injury to person or property, upon investigation and the recommendation of the Town Liability Claims Supervisor. Such settlement authority shall apply to those claims or proceedings which do not exceed five thousand (\$5,000) dollars for injury to property; or five thousand (\$5,000) dollars for injury to person; or an aggregate not to exceed ten thousand (\$10,000) dollars for any claim or proceeding commenced to recover for both property damage and personal injury.] The Town Attorney is authorized, in his or her discretion, to settle any claim or proceeding instituted against the Town of Huntington, its boards, departments, special districts, agencies, officers and/or employees to recover damages for injury to persons and/or property which shall not exceed twenty thousand (\$20,000) dollars.

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of his local law, and I shall be constructed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE.
*** INDICATES NO CHANGE IN PRESENT TEXT.
DELETIONS ARE INDICATED BY [BRACKETS].

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-174

ENACTMENT: APPROVE THE GRANTING OF A VARIANCE UNDER LOCAL LAW 7-1989 (COASTAL EROSION MANAGEMENT REGULATIONS)

APPLICANT: KEVIN BEVILACQUA

LOCATION: 28 MAKAMAH BEACH RD., NORTHPORT, NY

Resolution for Board of Trustees Meeting Dated: April 9, 2013

The following resolution was offered by: **SUPERVISOR PETRONE, COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILMAN COOK, COUNCILWOMAN BERLAND**

WHEREAS, pursuant to Local Law 7-1989, Coastal Erosion Management Regulations of the Town of Huntington, an application has been submitted by:

Kevin Bevilacqua
28 Makamah Beach Rd.
Northport, N.Y. 11768

for a building permit and coastal erosion management permit to rebuild a 2 story, 1568 sq. ft. storm damaged dwelling with a 928 sq. ft. 1st floor, 640 sq. ft. 2nd floor, 384 sq. ft. open rear deck & 65 sq. ft. open front entry porch with stairs at 28 Makamah Beach Rd., Northport, N.Y. S.C.T.M. # 0400-013.00-02.00-003.000; and

WHEREAS, said property is located within a Coastal Erosion Hazard area and therefore subject to the provisions of Local Law 7-1989 (Coastal Erosion Management Regulations); and

WHEREAS, the subject application for a Coastal Erosion Management Permit has been denied by the Department of Engineering Services due to the fact that it involves regulated activities that are not authorized by Local Law 7 of 1989; and

WHEREAS, Section 2.6(d) prohibits all development on beaches unless it is specifically provided for by Local Law 7 of 1989; and

WHEREAS, the proposed area of construction is in a "beach area" only because it is less than 100 feet landward of the "place where there is a marked change in material or physiographic form" (the metal seawall); and

WHEREAS, the location of the proposed construction is landward of a structure and metal seawall previously approved by a Coastal Erosion Management variance; and

WHEREAS, the regulated activities that are prohibited by Section 2.6 (d) of Local Law 7 of 1989 are the rebuilding of a 2 story, 1568 sq. ft. storm damaged dwelling with a 928 sq. ft. 1st floor, 640 sq. ft. 2nd floor, 384 sq. ft. open rear deck & 65 sq. ft. open front entry porch with stairs; and

2013-174

WHEREAS, the applicant has filed a request for a variance in accordance with the provisions of Section 4 of Local 7 of 1989; and

WHEREAS, the Town Board has been designated as the Coastal Erosion Hazard Board of Review for the purpose of hearing, approving, approving with modification, or denying requests for variances or other forms of relief from the requirements of Local Law 7 of 1989; and

WHEREAS, the standard for grant a variance under Local Law 7 of 1989, whether the strict application of the law may cause "practical difficulty or unnecessary hardship"

WHEREAS, the instant application meets the criteria for a variance because: (i) no reasonable, prudent alternative site is available; (ii) all responsible means and measures to mitigate adverse impacts on natural systems and their functions and values have been incorporated into the activity's design at the property owner's expense; (iii) the development will be reasonably safe from flood and erosion damage; (iv) the variance requested is the minimum necessary to overcome the practical difficulty or hardship which was the basis for the requested variance; and (v) if non-town public funds are used, the public benefits clearly outweigh the long-term adverse effects; and

WHEREAS, the New York State's 1988 Coastal Erosion Hazard Area Map # 71-1002-83 appears to show that a portion of the proposed garage and the retaining wall will actually be outside the structural hazard area; and

WHEREAS, the project has been reviewed by the Town's Department of Engineering Services, has been determined to be an UNLISTED ACTION and the Town Board has been established as lead agency for this action;

WHEREAS, upon review of the Environmental Assessment form (EAF) submitted by the applicant and the SEQRA determination prepared by the Department of Engineering Services for the activities set forth herein, it has been determined that no potentially adverse environmental impacts are posed by the rebuilding of a 2 story, 1568 sq. ft. storm damaged dwelling with a 928 sq. ft. 1st floor, 640 sq. ft. 2nd floor, 384 sq. ft. open rear deck & 65 sq. ft. open front entry porch with stairs at 28 Makamah Beach Rod., Northport, N.Y. S.C.T.M. # 0400-013.00-02.00-003.000, provided the conditions requested by the Department of Engineering are adhered to.

NOW, THEREFORE, THE TOWN BOARD

Having held a public hearing on March 5, 2013 at 2 p.m. to consider the granting of a variance to Kevin Bevilacqua, 28 Makamah Beach Road, Northport, New York from the requirements of the Coastal Erosion Management Regulations to rebuild a 2 story, 1568 sq. ft. storm damaged dwelling with a 928 sq. ft. 1st floor, 640 sq. ft. 2nd floor, 384 sq. ft. open rear deck & 65 sq. ft. open front entry porch with stairs at 28 Makamah Beach Rod., Northport, N.Y. S.C.T.M. # 0400-013.00-02.00-003.00; and

2013-175

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ACQUIRING 5 SEAMAN NECK ROAD PROPERTY, DIX HILLS (LOWER HALF HOLLOW SCHOOLHOUSE)

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by Councilwoman Berland

and seconded by **COUNCILMAN MAYOKA**

WHEREAS, on November 3, 1998 the voters of the Town of Huntington approved the establishment of the \$15 million Environmental Open Space and Park Fund; on November 4, 2003 Huntington voters extended the program by an additional \$30 million; and on November 4, 2008 voters extended the initial \$15 million program by an overwhelming 75% margin, and

WHEREAS, the Environmental Open Space and Park Fund Review Advisory (EOSPA) Committee

- received and evaluated a nomination and presentations from the Half Hollow Historical Association for a 0.4-acre lot, SCTM 0400-275-02-143.000, located at 5 Seaman Neck Road in Dix Hills and owned by HHS Ltd.;
- conducted site visits to the property;
- reviewed the Half Hollow Schoolhouse landmark designation report prepared for the Town Board;
- recognizes the importance of the property, which is listed for sale, to add recreational space to an area that is underserved for parkland and which adjoins a public school property;
- received indication from the Half Hollow Historical Association of willingness to restore, maintain and program the site for park, historic and educational purposes, and recommended that the Town Board pursue acquisition of this parcel as an addition to Gateway Park; and

WHEREAS, the Town Board wishes to proceed with acquisition for this specific real property as recommended by the EOSPA Committee; and

WHEREAS, prior to acquiring an interest in the property, a public hearing is required to be held pursuant to General Municipal Law §247, and

WHEREAS, this action is classified Type II pursuant to SEQRA 6 NYCRR 617.5(c)(21) as it involves (21) conducting studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action and a SEQRA review will be completed by the Town Board prior to any authorization related to this project;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board hereby schedules a public hearing pursuant to General Municipal Law §247.2 for the 7th day of May, 2013 at 2:00 p.m. at Huntington

Town Hall, 100 Main Street, Huntington, New York to consider acquiring the identified 5 Seaman Neck Road Property; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Town Attorney and Special EOSPA Committee Counsel to take the necessary actions to obtain an appraisal and engineering report and, upon receipt of such appraisal, to facilitate negotiation of a contract to purchase the property identified above; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds from Budget Item PL7197-2109 as necessary for the appraisal and engineering report.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-176

RESOLUTION DEFEATED

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 10 -2013, AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN CODE OF THE TOWN OF HUNTINGTON, CHAPTER 1 (GENERAL PROVISIONS)

Resolution for Town Board Meeting dated: April 9, 2013

The following resolution was offered by: Councilman Mayoka

and seconded by: **COUNCILMAN COOK**

WHEREAS, the board of the Huntington Village Business Improvement District (“Huntington Village BID”) has asked the Town Board to reconsider the increase in metered parking fines that were recently increased from twenty-five dollars (\$25) to fifty dollars (\$50), pursuant to Local Law 18 of 2012; and

WHEREAS, the purpose of this legislation is to return the fines for metered parking to twenty-five dollars (\$25); and

WHEREAS, the scheduling of a public hearing is not an action pursuant to 6 N.Y.C.R.R. §617.2(b) and therefore no further SEQRA review of the scheduling of a public hearing is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on 7th day of May, 2013 at 2:00 p.m. Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 10 -2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 1(General Provisions), as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW INTRODUCTORY NO. 10 -2013
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON
CHAPTER 1 (GENERAL PROVISIONS)

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 1 (General Provisions), as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON
CHAPTER 1 (GENERAL PROVISIONS)

* * *

ARTICLE III
(ENFORCEMENT; PENALTIES)

* * *

§1-7. Penalties.

Any person or business entity who commits any acts in violation of any provision of the Uniform Traffic Code shall be deemed to have committed an offense against this Code and shall be deemed to have committed an offense against this Code and shall be liable for such violation and the penalty therefor and shall, upon conviction thereof, be subject to a fine or penalty or imprisonment as follows:

(A) [Fifty dollars (\$50)] Twenty-five dollars (\$25): §3-6(A) and (D); 3-7[;§4-3(F)(2)].

(B) Fifty dollars (\$50): §4-3(F)(2).

[(B)](C) One hundred dollars (\$100) for the first offense; One Hundred fifty dollars (\$150) for the second offense; One hundred seventy-five dollars (\$175) for each and every offense thereafter: §3-2; §3-3(A), (D) and (E); §3-6(C)(5); §4-1(A)(1) and (C); §4-3(B), (C), (E)[;], (F)(1) and (F)(7); §4-12; §4-13; §4-14; §4-15.

[(C)](D) Two hundred dollars (\$200): §2-2; §2-3; §3-3(C); §4-1(A)(5); §4-2(C); §4-3(F)(6).

[(D)] (E) Two hundred dollars (\$200) and the violator shall be required to remove the vision obstruction: §6-7.

[(E)] (F) Two hundred dollars (\$200) (fire zones, hydrants and fire stations): §3-3(B); § 4-1(A)(2); §4-1(B); [§4-3(F)(5).7] §4-3(F)(5).

[(F)] (G) Two hundred dollars (\$200) in addition to the mandatory surcharge imposed by the State of New York (handicapped parking, transfer areas, access aisles): §3-13(A) and (B); §4-1(A)(3) and (A)(4); §4-2 (A) and (B); §4-3(F)(3) and (F)(4).

[(G)] (H) Two hundred [and] fifty dollars (\$250): §5-1(A) and (B).

[(H)] (I) Not less than two hundred dollars (\$200) and not more than seven hundred [and] fifty dollars (\$750): §5-2.

[(I)] (J) Five hundred dollars (\$500) for each infraction and automatic revocation of the handicapped parking permit: §6-8

[(J)] (K) Not less than one hundred dollars (\$100) and not more than two hundred [and] fifty dollars (\$250): §3-10; §3-11(A) and (B).

[(K)] (L) One hundred dollars (\$100) for the first offense and two hundred dollars (\$200) for each subsequent offense. Each day or part thereof the offense continues shall be deemed a separate offense: §3-12.

[(L)] (M) Misdemeanor punishable by a fine or penalty of not more than two thousand five hundred dollars (\$2,500), or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment: §3-6(E) and (F).

[(M)] (N) Not less than two hundred fifty dollars (\$250) and not more than one thousand (\$1,000) dollars[.]; §2-11

[(N)] (O) In addition to the penalties set forth in this Chapter, any vehicle parked, left standing or stopped in violation of any provision of the Uniform Traffic Code on any street, highway, Town parking field, private parking field listed in Schedule K, or in any shopping center or facility comprising five or more retail stores and having twenty (20) or more off-street parking spaces shall be subject to removal in accordance with the provisions of Chapter 6, Miscellaneous Provisions.

Section 2. Severability

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date

This local law shall take effect September 1, 2013.

ADDITIONS ARE INDICATED BY UNDERLINE
***INDICATES NO CHANGE TO PRESENT TEXT
DELETIONS ARE INDICATED BY BRACKETS

VOTE: AYES: 2 NOES:3 ABSTENTIONS: 0

Supervisor Frank P. Petrone	NO
Councilwoman Susan A. Berland	NO
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	NO
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY **DEFEATED.**

2013-177

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 11 -2013 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

RE: CARVER STREET, HUNTINGTON - PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: April 9, 2013

The following resolution was offered by: **COUNCILMAN MAYOKA, COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to change parking restrictions that reflect upon the needs of residents that live on a roadway near a business area while keeping parking available for businesses and customers in the surrounding neighborhood; and

WHEREAS, pursuant to 6 N.Y.C.R.R. 617.5(c)(20) and (27) of SEQRA, regulations amending the Uniform Traffic Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the **7th** day of May, 2013 at **2:00pm** Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. **11** -2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

LOCAL LAW INTRODUCTORY NO. 11 -2013
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

2013-177

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
DELETE: Carver Street/North From the Municipal Parking Lot Exit to Myrtle Ave. (HUN)	Limited Parking; 1 hour	8:00 a.m. to 6:00 p.m., except Sun. and holidays
Carver Street/North From Myrtle Ave. west for 100 ft. (HUN)	No Parking	-----
Carver Street/South From the Municipal Parking Lot Exit to Myrtle Ave. (HUN)	Limited Parking; 1 hour	8:00 a.m. to 6:00 p.m., except Sun. and holidays
ADD: Carver Street/North From 350 ft. east of New York Ave. (Rt. 110) to 30 ft. west of Myrtle Ave. (HUN)	Limited Parking 1 hour	8:00 a.m. to 6:00 p.m., except Sun. and holidays
Carver Street/North From 30 ft. west of Myrtle Ave. to Myrtle Ave. (HUN)	No Parking	-----
Carver Street/South From 350 ft. east of New York Ave. (Rt. 110) to Myrtle Ave. (HUN)	Limited Parking 1 hour	8:00 a.m. to 6:00 p.m., except Sun. and holidays

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

2013- 177

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2013-178

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 12-2013 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 159 (RECREATIONAL FACILITIES)

Resolution for Town Board Meeting Dated:

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILWOMAN BERLAND, COUNCILMAN MAYOKA**

WHEREAS, intends to update its regulations for the use of parks and beaches and to protect the safety and welfare of those using various town recreational facilities; and

WHEREAS, pursuant to §617.5(c) 20 and 27 of SEQRA, regulations amending the Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposed action, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby schedules a public hearing for the **7th** day of May, 2013 at 2:00 pm at Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No.: 12-2013, amending the Code of the Town of Huntington, Chapter 159 (Recreational Facilities); as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

LOCAL LAW INTRODUCTORY NO. **12** - 2013
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 159 (RECREATIONAL FACILITIES)

Section 1. Chapter 159 (Recreational Facilities) of the Huntington Town Code is hereby amended, as follows:

CHAPTER 159
RECREATIONAL FACILITIES

ARTICLE II
USE REGULATIONS AND RESTRICTIONS

* * *

§159-20. Behavior and conduct. No person shall:

* * *

- D. Except as provided in §78-3(C) and §78-4 of the Code of the Town of Huntington and instances where the Town Board has approved on-leash walking of dogs on trails, it shall be prohibited to bring a dog or other domestic animal into areas other than automobile parking concourses and paved walks immediately adjacent thereto. All dogs and domestic animals in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than four (4) feet in length and shall not run at large. Dog waste must be immediately collected and removed by the owner or person in charge of the dog.

* * *

ARTICLE IV
HUNTINGTON GREENWAY TRAIL

* * *

§159-47. Huntington Trails Committee.

- A. Purpose. The Town Board intends to advance recreational trails and use of its park resources by establishing a Huntington Trails Committee to review the Town's park inventory, identify existing trails and recommend new connections and specific trail uses; organize periodic hikes to open the outdoors to Huntington residents; convey trails information to the public; report on the condition of trails as necessary and to assist maintenance thereof; and provide comments to the Town's review boards on applications for land use that have potential to affect existing trails and/or potentially important future interconnections.

* * *

§159-48. Huntington Greenway Trail; multi-use trails in town parks.

- A. On recommendation of the Huntington Trails Committee, with input from the Director of Parks and Recreation and the Director of Planning and Environment, the Town Board may designate and develop or cause to be developed trails or pathway systems for specific or multiple purposes in town parkland consistent with the needs and recommendations established in the Huntington Comprehensive Plan to be networked and collectively known as the "Huntington Greenway Trail." Recommendations from other town departments and/or other Town Board-appointed advisory committees may be made to the Huntington Trails Committee for consideration.

* * *

- C. To the fullest extent practicable, the Huntington Greenway Trail shall:
- (1) Utilize existing trails, rights-of-way, fire lanes, bridle paths and dirt roads and make connections with other trails, including trails marked by outside agencies, thereby minimizing impacts to natural resources and terrain;
 - (2) Be located with direct access to a roadway;
 - (3) Have segments that can be restricted to [particular] a non-motorized use[s] or combinations of non-motorized uses, such as hiking, jogging, cross-country skiing, horse-back riding, bicycling, wheelchair or stroller use or on-leash dog walking;

* * *

E. A community member or organization may nominate a new trail use to the Huntington Greenway Trails Committee or the Huntington Greenway Trails Committee may nominate a new trail use directly. Prior to designation of a trail in Town parkland for a specified non-motorized recreational purpose, other than hiking, cross country skiing and jogging, the Town Board shall consider a report from the Trails Committee that examines the following factors:

- (1) Environmental conditions at the park and existing trail(s);
- (2) Types and volume of existing trail and park uses;
- (3) Sufficiency of trail access and parking;
- (4) Compatibility of proposal with existing park uses;
- (5) Proximity to neighbors and potential impact thereto;
- (6) Input from the Directors of Public Safety, General Services, and Parks and Recreation; and
- (7) Recommendation of the Trails Committee on the proposed use and anticipated enhancements (e.g., signage, gates).

§159-49. through §159- 55. (Reserved).

* * *

Section 2. Severability.

If any clause, paragraph, subdivision, section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not effect, impair, or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid part therein.

Section 3. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

2013- 178

*** INDICATES NO CHANGE IN PRESENT TEXT.
ADDITIONS ARE INDICATED BY UNDERLINE.
DELETIONS ARE INDICATED BY [BRACKETS].

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-179

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 13 - 2013, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 178 (TAXATION), ARTICLE XIII (GREEN BUILDING LEED IMPROVEMENT EXEMPTION)

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, by enacting Chapter 188 of the Laws of 2012, New York State recently has taken a significant step to support sustainable building by authorizing local municipalities to grant real property tax exemptions for construction that meets certain levels of certification under the U.S. Green Building Council's Leadership in Energy and Environmental Design ("LEED") rating system or substantially equivalent rating systems, and

WHEREAS, this law grants municipalities the power to adopt local laws that exempt LEED qualified real property improvements, based upon the LEED certification criteria, on a sliding scale, dependent on the rating level applied [certified, silver, gold or platinum] for a period of up to then (10) years, and

WHEREAS, the LEED green building rating system developed by the Washington, D.C. based U.S. Green Building Council (USGBC), is intended to promote design and construction practices that reduce negative environmental impacts of buildings and improve occupant health and well-being, and

WHEREAS, the LEED green buildings rating system encourages energy savings, water efficiency, use of solar, wind, geothermal heat pumps and in accord with regional priorities, encourages the reduction of the carbon footprint, greenhouse gas emissions and use of fossil fuels, and

WHEREAS, the Town Board, having previously adopted the NYS Department of Environmental Conservation "Climate Smart Community Pledge" and the US Department of Energy "Better Buildings Challenge" to improve energy efficiency and reduce greenhouse gas emissions, wishes to advance these goals by exercising its municipal option and adopting the local energy efficiency and green construction property tax exemption permitted by Chapter 188 of the Laws of 2012, and

WHEREAS, pursuant to § 617.5 (c) 20 and 27 of SEQRA, regulation amending the Town Code are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connections with any Type II action", and therefore this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE, THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 7th day of May, 2013, at 2:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Code of the Town of Huntington, Chapter 178 (Taxation), by adding Article XIII (Green Building LEED Improvement Exemption) as follows:

LOCAL LAW INTRODUCTORY NO. 13 -2013
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,
CHAPTER 178 (TAXATION), BY ADDING ARTICLE XIII
(GREEN BUILDING LEED IMPROVEMENT EXEMPTION)

Section 1. Amendment to the Code of the Town of Huntington, Chapter 178, Taxation, by adding Article XIII (Green Building LEED Improvement Exemption) as follows:

ARTICLE XIII, Green Building LEED Improvement Exemption.

§ 178-50. Legislative Intent.

The Town Board hereby finds and determines that §470 of the Real Property Tax Law (Chapter 188 of the 2012 Laws of the State of New York) authorizes municipalities to provide a real property tax exemption for improvements to real property meeting certification standards for green building.

The Town Board further finds and determines that the Town of Huntington has historically pursued policies to promote energy efficiency and reduce greenhouse gas emissions.

The Town Board also determines that the Town of Huntington should give homeowners and businesses an incentive to comply with LEED standards when making improvements to their real property.

Therefore, the purpose of this law is to provide a real property tax exemption for improvements to real property which meet LEED certifications standards, as authorized under § 470 of the Real Property Tax Law.

§ 178-51. Statutory Authority.

This Article implements §470 of the New York Real Property Law by granting a real property exemption for improvements to real property located in the Town of Huntington, which meet LEED certification standards for green buildings.

§178-52. Grant of exemptions.

A. Real property, which is certified under a LEED certification standard for the categories of certified silver, gold or platinum, as meeting green building standards, as determined by a LEED accredited professional, when found acceptable to the Assessor, shall be exempt as provided below for the respective percentages provided that a copy of the LEED certification for a qualified category is filed with the Town Assessor's Office and is approved by the Assessor as meeting the requirements of §470 of the New York Real Property Tax law and this article. Such exemption shall be to the extent of any increase in assessed value resulting from the construction or reconstruction of a property meeting LEED certification, and shall not be available until the completion of the project and the issuance of a Certificate of Occupancy, or other applicable documentation deemed acceptable by the Town Assessor.

Year	LEED Exemption		
	Certified/Silver	Gold	Platinum
1	100%	100%	100%
2	100%	100%	100%
3	100%	100%	100%
4	80%	100%	100%
5	60%	80%	100%
6	40%	60%	100%
7	20%	40%	80%
8	0%	20%	60%
9	0%	0%	40%
10	0%	0%	20%

B. No such exemption shall be granted unless:

1. Such construction of improvements was commenced on or after the first day of January, 2013, and

2. The value of such construction exceeds the sum of ten thousand (\$10,000.00) dollars; and

3. Such construction is documented by a building permit and certificate of occupancy for the improvement(s), or other appropriate documentation as required by the Assessor.

C. For the purpose of this article the term "Construction of Improvements" shall not include ordinary maintenance and repairs.

§178-53. Approval of Assessment.

If the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this article, he or she shall approve the application and such real property shall thereafter be

exempt from taxations as provided in this section and §178-52, above, commencing with the assessment roll prepared after the next occurring taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the Assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

§178-54. Applicability.

This law shall apply to improvements of real property occurring on or after January 1, 2013.

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconditional, or invalid parts therein.

Section 3. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINING.

* * * INDICATES NO CHANGE IN PRESENT TEXT.

DELETIONS ARE INDICATED BY [BRACKETS].

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AUTHORIZING VARIOUS ACTIONS BE TAKEN UPON CERTAIN PROPERTIES DESIGNATED AS BLIGHTED IN ACCORDANCE WITH CHAPTER 156, ARTICLE VII, § 156-60 (BLIGHTED PROPERTY)

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town Board by Resolution 2011-358 enacted Local Law No.21-2011 Amending the Code of the Town of Huntington to establish code provisions affecting Property Maintenance and Nuisances for structures and properties within the Town; and

WHEREAS, there are conditions existing upon the locations set forth in Schedule "A" attached hereto and made a part of this Resolution which constitute a Blighted Property as defined in Article VII of Chapter 156; and

WHEREAS, the owner(s) of the properties listed in Schedule "A" have failed to respond to the Notice(s) of Violation(s) issued by the Department of Public Safety and have not taken sufficient steps to correct the blighted conditions listed in the Notice of Violation(s); and

WHEREAS, the correction of code violations by the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. (c) (33) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY DESIGNATES the properties listed on Schedule "A" as Blighted Properties as defined by Chapter 156, Article VII; and

HEREBY DIRECTS the Town Attorney to provide each property owner listed in Schedule "A" with a copy of this Resolution, and a notice stating that failure to enter into a Restoration Agreement or failure to correct such blighted conditions within ten (10) days of mailing of the Notice shall result in the Town taking all steps necessary to correct the blighted conditions existing upon their property at the property owner's expense; and

HEREBY DIRECTS the Director of Planning and Environment to place such blighted properties on the Blighted Property Inventory list; and

HEREBY SCHEDULES a public hearing to be held on the **7th** day of **May, 2013 at 2:00** p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider authorizing various actions be taken with regard to blighted properties to bring about compliance with Article VII, Chapter 156 of the Code of the Town of Huntington.

2013-180

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

**Chapter 156 §67 - (A), (B) and (C) of the Code of the Town of Huntington Authorizing
Actions by Town Board for Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
Exhibit 81	Old Bridge Road Northport, NY 11768	0400-060.00-01.00-011.005	Pine Brook Realty Corp. 152 Asharoken Avenue Northport, NY 11768	21-Mar-13	\$2,500.00
Exhibit 82	65 Young Hill Road Hunt., NY 11743	0400-133.00-03.00-024.000	Wayne Farrell P.O. Box 2452 Atlantic Beach, NY 28512-2452	21-Mar-13	\$2,500.00
Exhibit 83	50 West Neck Road Hunt., NY 11743	0400-070.00-05.00-029.000	Nelson F. Chang and Helen H. Chang 3 Sunset Crest Dix Hills, NY 11746	5-Mar-13	\$2,500.00
Exhibit 84	4 Grange Street Huntington, NY 11743	0400-161.00-02.00-012.000	Huseyin Toozlu 77 S. Merrick Road Massapequa, NY 11758- 6719	14-Mar-13	\$2,500.00

SCHEDULE A

RESOLUTION RE-SCHEDULING A PUBLIC HEARING TO CONSIDER EXEMPTING THE DIX HILLS FIRE DISTRICT FROM SITE PLAN REVIEW AND THE TOWN OF HUNTINGTON ZONING CODE AS IS NECESSARY TO BUILD A FIRE TRAINING BUILDING (SCTM #0400-278-02-181.001)

Resolution for Town Board Meeting dated: April 9, 2013

The following Resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Dix Hills Fire District submitted a site plan pre-application (#S-12-103-X) to the Department of Planning and Environment to build a 2,170 sq. ft. two-story fire training building, 2,500 sq. ft. concrete patio, and associated improvements for firefighter training purposes behind its fire station on the east side of Deer Park Avenue, south of MacNiece Place, Dix Hills, SCTM# 0400-278-02-181.001; and

WHEREAS, the Department of Planning and Environment identified the fact that the proposed construction would require an application to the Zoning Board of Appeals for continuing review of a property subject to a special use permit (ZBA Appl. #18985 & 19795 for the construction of a tower and antennas for cellular telephone service) under Town Code §198-109(I), for a height variance to allow a two-story, 27-foot tall accessory building where a one-story, 20-foot tall accessory building is the maximum allowed under §198-59(C)(1)(a), for an area variance to allow a 2,170 sq. ft. accessory building where a 1,200 sq. ft. accessory building is the maximum allowed under §198-59(C)(2)(a); and for an interpretation that the parking and loading is sufficient for the property because the fire station use is not specifically mentioned in §198-47 or §198-54; and

WHEREAS, re-scheduling a public hearing to consider exempting the Dix Hills Fire District from the aforesaid sections of the Huntington Town Code and waiving site plan approval is not an action as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review for this action is required;

NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby re-schedules a public hearing to be held on the 4th day of **June**, 2013 at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider exempting the Dix Hills Fire District from site plan review by the Planning Board and further exempting the District from compliance with certain provisions of the Huntington Town Code pertaining to further Zoning Board of Appeals review, accessory building height, and accessory building area, and finding that the proposed parking is sufficient and no loading zones are required for the construction of a training building, concrete patio, and associated improvements on the property on the east side of Deer Park Avenue, south of MacNiece Place, Dix Hills, bearing SCTM# 0400-278-02-181.001, at which time all persons interested in the subject thereof may be heard.

2013 -181

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-182

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER EXECUTING A LICENSE AGREEMENT WITH LONG ISLAND ROWING CLUB, INC., FOR THE USE OF A PORTION OF A TOWN BEACH FACILITY.

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN COOK, SUPERVISOR PETRONE**

WHEREAS, the Long Island Rowing Club, Inc. PO Box 2786, Huntington Station, New York 11746, is in need of space for the storage of boats and related equipment, and a location to continue the operations of their rowing program; and

WHEREAS, the Town of Huntington, is desirous of providing space for the operation of the Long Island Rowing Club, Inc., to continue to train current and future high school students in rowing and sculling; and

WHEREAS, the Long Island Rowing Club, Inc. pursuant to a license agreement with the Town of Huntington will use a portion of the Fleets Cove Beach Parking Lot for the storage of boats and related equipment for their rowing program for a period of two years, effective upon execution of the agreement, at the rate of FIVE HUNDRED (\$500.00) AND 00/100 DOLLARS, per month during the nine months of operation (March through November).

WHEREAS, scheduling a public hearing is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(20), and therefore no further SEQRA review is required.

NOW, THEREFORE BE IT RESOLVED THAT THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the **4th** day of **June**, 2013 at **7:00pm** Huntington Town Hall, 100 Main Street, Huntington, New York 11743, to consider entering into a license agreement with the Long Island Rowing Club, Inc. PO Box 2786 Huntington Station, New York 11746 for the use of a portion of the parking lot at Fleets Cove Beach for the storage of boats and related equipment for a period of two years commencing upon the date of execution, at the rate of FIVE HUNDRED (\$500.00) DOLLARS AND 00/100 per month, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013- 183

RESOLUTION ESTABLISHING "A.R.M.S." (AMERICANS REACTIVATED FOR MILITARY SERVICE)

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, Our Country is in a state of heightened alert and our citizens are being called upon to serve their country; and

WHEREAS, the Town Board on behalf of its residents wishes to aid in this effort by supporting the reservists employed by the Town of Huntington and their families as they are called to active duty for our nation; and

WHEREAS, the Town is aware that salaries received by Town employees from the armed services are generally less than the salaries they receive from the Town of Huntington; and

WHEREAS, the Town recognizes the sacrifices these employees are making for our Town and our Country, the Town of Huntington does not want these individuals left at an economic disadvantage; and

WHEREAS, providing compensation or salary to Town employees is not an action as defined by SEQRA in 6 N.Y.C.R.R. §617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE, BE IT RESOLVED, the Town adopts the policy of supplementing the salary of all active duty reservists employed by the Town of Huntington so that they continue to receive their current rate of remuneration while they are actively deployed for combat or other active duty during 2013; and

BE IT FURTHER RESOLVED, the TOWN BOARD does not intend to permanently amend or establish any past practices concerning employees either covered by a collective bargaining agreement or appointed and is herewith authorizing the Supervisor to issue the necessary instructions to the appropriate departments to carry out this policy so that this patriotic benefit can be applied to all qualified employees serving in combat or other active duty, other than to their regular monthly/yearly reserve obligations.

2013- 183

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-184

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 2-2013, ADDING CHAPTER 156A TO THE CODE OF THE TOWN OF HUNTINGTON (BAMBOO)

Resolution for Town Board Meeting Dated: April 9, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 9th day of April, 2013 at 7:00 p.m. to consider adopting Local Law Introductory No. 2-2013 amending the Code of the Town of Huntington, by adding Chapter 156A (Bamboo) and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 2-2013 amending the Code of the Town of Huntington by adding Chapter 156A; as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

LOCAL LAW NO 8-2013
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
BY ADDING CHAPTER 156A (BAMBOO)

CHAPTER 156A (BAMBOO)

Section 1. Amendment to the Code of the Town of Huntington by adding a new Chapter 156A (BAMBOO) as follows:

CHAPTER 156A

BAMBOO

§156A-1. Purpose and Intent

The purpose of this Chapter is to preserve and protect private and public property from the damaging spread of certain running bamboo grasses, protect indigenous plant materials from the invasive spread of running bamboo and maintain the general welfare of the residents of the Town of Huntington.

§156A-2. Definitions:

(A) Bamboo:

(1). "Running bamboo" hereinafter defined as any tropical or semi-tropical grasses with monopodial (leptomorph) rhizome (root) systems which typically send off rhizomes far away from the plant including, but not limited to, the following plant genera Arrow Bamboo, Arundinaria, Bambusa, Chimonobambusa, Common Bamboo, Golden Bamboo, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria.

(2). "Clumping bamboo" hereinafter defined as any tropical or semi-tropical or sympodial (pachymorph) grasses which typically send off rhizomes near the base of the plant, including, but not limited to, Bambusa, Chusquea, Dendrocalamus, Drepanostachyum, Fargesia, Himalayacalamus, Otatea, Thamnocalamus, Thyrostachys and Yushania.

(B). "Bamboo Owner". Any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on the property, or who permits Bamboo to grow or remain on the property even if the Bamboo has spread from an adjoining property. Any property owner or resident at whose property Bamboo is found will be considered a Bamboo Owner, except any property owner or resident who:

(1) Did not plant or grow or cause Bamboo to be planted or grown on his property, and

(2) Has provided satisfactory proof to the Town of Huntington that, within a reasonable period of time after discovering the encroachment of Bamboo onto the property from an adjoining or neighboring property, advised the owner of such property of an objection to the encroachment of the Bamboo, and

(3) Has initiated steps for the removal of the Bamboo from the property, including remedies at law.

§156A-3. Presumption. In the event Bamboo is found to have encroached, spread, invaded or intruded upon any other property or right of way, said species shall be presumed to be classified as "running bamboo." This presumption shall be rebuttable.

§156A-4. Applicability. For the purposes of this Section, Bamboo found growing upon a property shall constitute presumptive evidence that the Bamboo was planted and/or grown by and/or with the consent of the Bamboo Owner.

§156A-5. Prohibition. Upon the effective date of this provision the planting of "running bamboo" shall be prohibited within the Town of Huntington. Any person who thereafter plants or causes to be planted any such "running bamboo" within the Town of Huntington shall be deemed to be in violation of this Section and shall be subject to such penalties as are set forth hereunder.

§156A-6. Duty to confine bamboo. In the event any species of Bamboo is located upon any property within the Town of Huntington, the owner or occupant of said property shall confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other property or right of way.

§156A-7. Regulation. Any Bamboo that has been planted or otherwise permitted to grow on any property within the Town of Huntington prior to the effective date of this Section may remain on such property subject to compliance with this Section.

(A). Bamboo shall not be planted, maintained or otherwise be permitted to exist within 10 feet of the edge of the pavement or traveled portion of any public roadway in the Town of Huntington, and

2013-184

(B). Any Bamboo Owner whose property contains Bamboo shall remove and abate the growth of the Bamboo within 10 feet of the edge of the pavement or traveled portion of a public road in the Town of Huntington, and

(C). Each Bamboo Owner shall be responsible to ensure that the Bamboo planted or growing on the property prior to the effective date of this Section does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and Town of Huntington right-of-ways, and

(D). Each Bamboo Owner shall be required to take such measures as are reasonably expected to prevent such Bamboo from invading or growing onto adjoining or neighboring properties. Such measures shall include, but not be limited to, installation of sheathing impenetrable by Bamboo at a sufficient depth within the property line or lines where the running bamboo is planted or is growing to prevent the growth or encroachment upon adjoining or neighboring property by the Bamboo, and

(E). The Town Board may from time to time prescribe such rules and regulations as may be necessary to give effect to this Section.

§156A-8. Removal from Town Property.

(A). Notice. In the event that Bamboo growing on a Bamboo Owner's property invades or grows on an adjoining or neighboring property that is owned or held on behalf of the Town of Huntington or its Trustees, the Director of Public Safety on behalf of the Town of Huntington or its Trustees shall notify the Bamboo Owner in writing that the Bamboo has invaded the Town of Huntington property and that the Bamboo Owner is responsible for the removal of such bamboo from the Town of Huntington property within 30 days. Such period may be extended for good cause shown, as long as it can be demonstrated that remedial measures have been started and the delay is not under the control of or due to the actions of the person to whom the notice has been issued. The Bamboo Owner shall be liable and responsible to the Town of Huntington for all costs incurred in removing the bamboo from the Town of Huntington property. Such costs may be assessed against the property of the Bamboo Owner.

(B). Service of the notice. The notice shall be served either personally in accordance with the CPLR or by registered or certified mail, return receipt requested, and addressed to the property owner at the last address shown on the most current assessment roll of the Town Assessor and/or Receiver of Taxes, or to the owner's agent at the last known address, or to the occupant of the property, or person having a vested or contingent interest in the property as shown on the most current assessment roll of the Town Assessor and/or Receiver of Taxes. A copy of the notice shall also be posted at the Bamboo Owner's property.

(C). Action upon noncompliance. Upon the failure, neglect or refusal of such owner, agent, or person or business entity occupying the premises to remove, remedy or abate the bamboo nuisance within the specified period of time; or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed, the Director of Public Safety may refer the matter to the Administrative Hearing Officer appointed by the Town Board for further action. The

Administrative Hearing Officer shall conduct a hearing concerning the premises within fifteen (15) days of receipt of a referral from the Director of the Department of Public Safety.

(D). Administrative Hearing. Upon referral to the Administrative Hearing Officer, the Public Safety Department code enforcement officer shall present a report on the status of the property where the bamboo nuisance is alleged to exist; the owner and/or agent of the owner of the affected property shall have the opportunity to present relevant evidence to the Administrative Hearing Officer, with or without legal counsel. A record shall be kept of such hearing including without limitation all documentary evidence presented together with a record of the testimony offered by any witnesses, who shall be duly sworn by the Administrative Hearing Officer prior to offering testimony. The decision of the Administrative Hearing Officer shall be issued within fifteen (15) days of the last day of the hearing conducted, thereon, and, it shall be filed with the Office of the Huntington Town Clerk and mailed to the person(s) to whom the original notice was served by regular mail and by registered or certified mail, return receipt requested, within five (5) days of the date of the decision.

(E). Action of the Administrative Hearing Officer. The Administrative Hearing Officer appointed by the Town Board, may direct the Bamboo Owner whose property has caused the bamboo nuisance to remove, remedy or abate the bamboo nuisance within thirty (30) days of receipt of a copy of the decision of the Administrative Hearing Officer, and upon the failure, neglect or refusal of such person or business entity to comply with the decision of the Administrative Hearing Officer, the Director of Public Safety may direct Town personnel, to remove, remedy or abate the nuisance, by whatever means deemed necessary or proper by the Town, at the expense of the property owner, or his agent and/or the occupier of land. A copy of the Public Safety Director's directive to Town personnel to proceed shall be mailed by certified or registered mail, return receipt requested, and addressed to the property owner at the last address shown on the most current assessment role on file in the Office of the Town Assessor and/or the Receiver of Taxes, or to the owner's agent at the last known address, and/or to the person or business entity occupying the land at the location of the property.

(F). Removal of the nuisance. Upon the failure, neglect or refusal of the owner, his agent, or person, or business entity occupying the premises to remove, remedy or abate such nuisance within the period provided by the decision of the Administrative Hearing Officer, or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed, Town personnel may enter the property, upon reasonable notice, and take all necessary action to remove or abate the nuisance at the expense of the property owner, his agent, or occupier of the land as set forth in this article.

(G). Any person or business entity who resists, obstructs or impedes the agents, servants, officers and/or employees of the Town of Huntington in the remediation or removal process shall be in violation of this article and shall be subject to the fines and penalties provided herein.

(H). Liability for the costs of removal and/or abatement. The property owner, or his agent, and/or person or business entity who occupies the land shall be liable for the direct and indirect costs of abating the nuisance and all expenses incidental thereto, including but not limited to, an administrative fee equal to twenty-five (25%) percent of the total cost of said removal, remediation and/or disposal process. Said administrative fee is intended to reimburse the Town for the monies and time expended by its employees in abating the nuisance and collecting the sums due, including but not limited to, notifying the appropriate party, certifying the amounts due to the Town, and/or charging same against the property.

(I). The costs incurred by the Town as set forth herein shall be certified by the Director of each Town department providing services and the Town Attorney shall mail written notice of such costs by certified or registered mail, return receipt requested, to the owner of the premises at the last address shown on the most current assessment role on file in the Office of the Town Assessor, or to the owner's agent at the last known address, and/or to the occupier of the premises at the location of the property. Said notice shall further state that upon the failure of the property owner, his agent, and/or occupier to pay such sums within ten (10) days of receipt of such written notice by cash, certified or bank check, or money order, shall be sufficient cause to add the amount due to the tax bill without further notice.

(J). Recovery of costs and tax lien. In the event the property owner, his agent and/or the occupier of the land fails, refuses and/or neglects to pay the monies due and owing to the Town within said ten-day period, or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed, such certification of costs shall be provided to the Town of Huntington Tax Receiver who shall cause the costs as shown thereon to be charged against such lands without further notice. The amount so charged shall forthwith become a lien against such lands and shall be added to and become part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

§156A-9. Replanting Prohibited. Any Bamboo either planted or caused to be planted or existing on a property prior to the effective date of this Chapter may not be replanted or replaced in kind once such running bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

§156A-10. Penalties for offenses.

(A) Any person or corporation violating any provisions of Chapter 156A-5 and 156A-9, prohibiting the planting and/or replanting of running bamboo shall be deemed guilty of a violation and, upon conviction, by a fine of \$1,000.00. Each month's continued violation shall constitute a separate additional violation.

(B) Any person or corporation violating any provisions of Chapter 156A-6, 156A-7 and 156A-8 prohibiting the maintaining, growing or failure to remove running bamboo in violation of these regulations shall be deemed guilty of a violation and upon conviction,

