

**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://town.huntington.ny.us>

**PRESENT:**

<b>Supervisor</b>	<b>Frank P. Petrone</b>
<b>Councilwoman</b>	<b>Susan A. Berland</b>
<b>Councilman</b>	<b>Mark A. Cuthbertson</b>
<b>Councilwoman</b>	<b>Glenda A. Jackson</b>
<b>Councilman</b>	<b>Mark Mayoka</b>
<b>Town Clerk</b>	<b>Jo-Ann Raia</b>
<b>Town Attorney</b>	<b>John J. Leo</b>

**AGENDA FOR TOWN BOARD MEETING DATED OCTOBER 11, 2011**

**BOARD OF TRUSTEES' MEETING FOLLOWING**

Opened: 8:13 P.M. Recessed: 8:17 P.M. Resumed: 8:53 P.M. Closed: 8:54 P.M.

**COMMUNITY DEVELOPMENT AGENCY MEETING FOLLOWING**

Opened: 8:54 P.M. Closed: 8:55 P.M.

**6:00P.M. – TOWN HALL**

Opened: 6:08 P.M. Recessed: 8:00 P.M. Resumed: 8:08 P.M. Recessed: 8:13 P.M.  
Resumed: 8:17 P.M. Closed: 8:53 P.M.

(Resolutions #2011-455 to 2011-496)

**HEARINGS:**

**ACTION**

1. Discussion re: Preliminary Annual Operating Budget for the fiscal year beginning January 1, 2012.  
(2011-M-29)

**HEARING CONCLUDED**

2. Discussion re: Preliminary Capital Budget for the fiscal year beginning January 1, 2012.  
(2011-M-30)

**HEARING CONCLUDED**

3. Consider adopting Assessment Roll for the Huntington Sewer District.  
(2011-M-31)

**HEARING CONCLUDED**

4. Consider adopting Assessment Roll for the Centerport Sewer District.  
(2011-M-32)

**HEARING CONCLUDED**

**HEARINGS:**

5. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Greenland Drive, No Standing Restriction.

(2011-TC-31-Ch. 3)

6. Consider acquiring Columbia Street Park addition (Gershon).

**(SCTM #0400-140-02-018.000)**

(2011-M-33)

7. Consider adopting Local Law Introductory No. 22-2011 amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article III (Building Permits), Article IV (Certificates of Occupancy and of permitted use), and Article VI (Administration and Enforcement).

(Local Law Introductory No. 22-2011)

8. Consider adopting Local Law Introductory No. 23-2011 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions), Article XVIII (Administration and Enforcement).

(Local Law Introductory No. 23-2011)

9. Consider adopting Local Law Introductory No. 21-2011 amending the Code of the Town of Huntington, Chapter 193 (Recreational Vehicles), Section 193-3 (Operation on Private Property).

(Local Law Introductory No. 21-2011)

**BOARD OF TRUSTEES' HEARINGS:**

1. Consider the issuance of a Special Use Permit pursuant to the Marine Conservation Law, Town Code Chapter 137.

**Applicant: Edward A.T. Carr on behalf of Eaton Harbors Corp.**

**Location: South End of Beach Rd., Eaton's Neck, N.Y. 11768**

**SCTM #0400-005.00-05.00-002.000.**

(2011-BT-21-Ch. 137)

**ACTION**

**DECISION RESERVED**

**HEARING CONCLUDED**

**DECISION RESERVED**

**DECISION RESERVED**

**HEARING WITHDRAWN**

**DECISION RESERVED**

**AGENDA FOR TOWN BOARD  
MEETING DATED: OCTOBER 11, 2011**

**RESOLUTIONS:**

**OFF. SEC. VOTE**

**ABBREVIATIONS FOR PURPOSE OF AGENDA:**

**Supervisor Frank P. Petrone - FP  
Councilwoman Susan A. Berland - SB  
Councilman Mark A. Cuthbertson - MC  
Councilwoman Glenda A. Jackson - GJ  
Councilman Mark Mayoka - MM**

- |                  |  |                                      |                                      |  |
|------------------|--|--------------------------------------|--------------------------------------|--|
| <b>2011-455.</b> | <b>AUTHORIZE</b> the Supervisor to execute a requirements contract for communication equipment repair with Telecom Communication, Inc.<br><b>(Term: One year)</b>  | <b><u>SB</u></b>                     | <b><u>GJ</u></b>                     | <b><u>5</u></b>                                      |
| <b>2011-456.</b> | <b>AUTHORIZE</b> the Supervisor to execute an extension to the requirements contract for the Lawn and Landscape Maintenance for the Highway Department with Looks Great Services, Inc.<br><b>(Term: One year commencing 1/1/2012)</b>          | <b><u>SB</u></b>                     | <b><u>MM</u></b>                     | <b><u>5</u></b>                                      |
| <b>2011-457.</b> | <b>AUTHORIZE</b> the Supervisor to execute an amendment to the agreement with Roof Consulting Services, Inc. for a roof design for the Cavanaugh Maintenance Facility, Emergency Operations Center.  | <b><u>GJ</u></b>                     | <b><u>MM</u></b>                     | <b><u>5</u></b>                                      |
| <b>2011-458.</b> | <b>AUTHORIZE</b> the Supervisor to apply for and receive funding from the United States Department of Housing and Urban Development (HUD) for a Community Challenge Planning Grant for Huntington Station, New York, nunc pro tunc.            | <b><u>SB</u></b><br><b><u>GJ</u></b> | <b><u>FP</u></b>                     | <b><u>5</u></b>                                      |
| <b>2011-459.</b> | <b>AUTHORIZE</b> the Supervisor to execute a contract with Eastern Resource Recycling, Incorporated for the delivery of processible waste to the Huntington Resource Recovery Facility. <b>(Term: 10/1/2011 – 9/30/2013)</b>                   | <b><u>FP</u></b>                     | <b><u>SB</u></b>                     | <b><u>5</u></b>                                      |
| <b>2011-460.</b> | <b>AUTHORIZE</b> the Supervisor to execute a contract with Jet Sanitation Service Corporation for the delivery of processible waste to the Huntington Resource Recovery Facility. <b>(Term: 10/1/2011 – 9/30/2013)</b>                         | <b><u>FP</u></b>                     | <b><u>SB</u></b><br><b><u>GJ</u></b> | <b><u>5</u></b>                                      |
| <b>2011-461.</b> | <b>AUTHORIZE</b> the Supervisor to execute a contract with Jamaica Ash & Rubbish Removal Co., Incorporated for the delivery of processible waste to the Huntington Resource Recovery Facility. <b>(Term: 10/1/2011 – 9/30/2013)</b>            | <b><u>FP</u></b>                     | <b><u>GJ</u></b><br><b><u>SB</u></b> | <b><u>5</u></b>                                      |
| <b>2011-462.</b> | <b>AUTHORIZE</b> the Supervisor to execute a contract with Winters Brothers Recycling Corporation for the delivery of processible waste to the Huntington Resource Recovery Facility. <b>(Term: 10/1/2011 – 9/30/2013)</b>                     | <b><u>FP</u></b>                     | <b><u>SB</u></b><br><b><u>GJ</u></b> | <b>4-AYES</b><br><b>1-ABST</b><br><b><u>(MC)</u></b> |
| <b>2011-463.</b> | <b>AUTHORIZE</b> the Supervisor to execute a contract with Cornell Cooperative Extension of Suffolk County for development of Crab Meadow Watershed Educational Materials.<br><b>(Contract commencing 11/1/2011 for a term up to 4 months)</b> | <b><u>MM</u></b><br><b><u>GJ</u></b> | <b><u>SB</u></b>                     | <b><u>5</u></b>                                      |
| <b>2011-464.</b> | <b>AUTHORIZE</b> the Supervisor to execute a State Pollutant Discharge   | <b><u>SB</u></b>                     |                                      |  |

**AGENDA FOR TOWN BOARD  
MEETING DATED: OCTOBER 11, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
Elimination System (SPDES) permit application, nunc pro tunc.	<u>GJ</u>	<u>MM</u>	<u>5</u>
<b>2011-465. AUTHORIZE</b> named Financial Institutions as depositories for tax receipts and authorizing the Receiver of Taxes to execute collateral agreements for tax receipt accounts on behalf of the Town of Huntington. <b>(Re: JP Morgan Chase Bank, State Bank of Long Island, HSBC Bank USA, Wells Fargo Bank and TD Bank)</b>	<b>MM</b> <u>GJ</u>	<b>MC</b>	<u>5</u>
<b>2011-466. AUTHORIZE</b> an extension of time to pay taxes for those persons granted a Senior Citizen Tax Exemption and Enhanced Star Exemption pursuant to Chapter 178 of the Code of the Town of Huntington. <b>(Re: Extension to June 5, 2012)</b>	<b>FP</b> <u>GJ</u>	<b>MM</b> <u>SB</u>	<u>5</u>
<b>2011-467. AUTHORIZE</b> the Town of Huntington Animal Shelter to institute a microchip implantation program. <b>(Re: Dr. Russell Fredericks will donate his services to train and certify four Animal Control Officers to perform the microchip implantation procedure upon seized dogs being adopted)</b>	<b>MM</b>	<b>SB</b> <u>GJ</u>	<u>5</u>
<b>2011-468. AUTHORIZE</b> settlement of a claim (Lopez v Town of Huntington).	<u>GJ</u>	<u>MC</u>	<u>5</u>
<b>2011-469. AUTHORIZE</b> the acceptance of a quit claim deed from the Developmental Disabilities Institute. <b>(Re: 25 Little Plains Road, Greenlawn) (SCTM# 0400-157.00-02.00-031.001)</b>	<b>SB</b> <u>GJ</u>	<b>MM</b> <u>FP</u>	<u>5</u>
<b>2011-470. AUTHORIZE</b> the correction of Code Violations at various locations pursuant to the Code of the Town of Huntington and/or the Uniform Codes of the State of New York. <b>(Re: Maura Rudyk, 227 Depot Road, Huntington Station, SCTM# 0400-145.00-03.00-111.002, Chapter 119; Chi H. Lee/Sang Young Lee/Min Ja Lee, 60 East Park Drive, Huntington Station, SCTM# 0400-150.00-03.00-039.000, Chapter 119; Joshua Marcik/Gina Palmieri, 62 East Park Drive, Huntington Station, SCTM# 0400-145.00-02.00-131.000, Chapter 119; Suntrust Mortgage, Inc., 52 East 8<sup>th</sup> Street, Huntington Station, SCTM# 0400-149.00-01.00-016.000, Chapter 133, 156; Lawrence/Cynthia Mason, 226 Bagatelle Road, Melville, SCTM# 0400-273.00-03.00-070.000, Chapter 133, 156; Russell Van Deirse, 17 Carmen Road, Dix Hills, SCTM# 0400-243.00-01.00-029.000, Chapter 133, 156(Section 39 &amp; 63), 191; Stanley/Flora Krisman, 46 Homeland Drive, Huntington, SCTM# 0400-189.00-03.00-042.000, Chapter 133, 156; Myra Ticker, 138 Wyman Avenue, Huntington Station, SCTM# 0400-099.00-05.00-007.000, Chapter 133, 156, 191; Ruth Klein (L/E)/Donna/Linda Klein, 3 Milligan Street, Dix Hills, Chapter 156; Abdul Omar/Noorullah Zadran, 2 Holdsworth Drive, Huntington, SCTM# 0400-093.00-02.00-115.001, Chapter 156, 191; Ronald Friedmann, 18 Paul Revere Lane, Centerport, SCTM# 0400-081.00-02.00-012.000, Chapter 156)</b>	<b>SB</b> <u>GJ</u>	<b>FP</b>	<u>5</u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: OCTOBER 11, 2011**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2011-471. AUTHORIZE</b> the Comptroller to distribute interest earned on Tax Revenue to the various taxing districts within the Town of Huntington.	<u><b>GJ</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2011-472. AUTHORIZE</b> the Comptroller to amend the 2011 Operating Budget for the Town of Huntington and its special districts – various departments.	<u><b>FP</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2011-473. AUTHORIZE</b> the Town Attorney to enter into a stipulation of settlement on behalf of the Town Board of the Town of Huntington, the Town of Huntington and the Board of Trustees of the Town of Huntington in the fishing licensing case. <b>(Re: Docket No. 2010-05268)</b>	<u><b>MM</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2011-474. DECLARE</b> certain equipment and vehicles as surplus and/or obsolete and authorizes the sale at auction, trade in or disposal of the same.	<u><b>MM</b></u> <u><b>GJ</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2011-475. GRANT</b> permission to the Cold Spring Harbor Main Street Association to sponsor the Fifth Annual “Howl-Ween” Canine Costume Parade & Contest and Sidewalk Sale Event, October 29, 2011. <b>(Date: October 29, 2011 from 1:00 PM until 5:00 PM; Raindate: October 30, 2011 from 1:00 PM until 5:00 PM)</b>	<u><b>FP</b></u>	<u><b>SB</b></u> <u><b>GJ</b></u>	<u><b>5</b></u>
<b>2011-476. ENACTMENT: AMEND</b> the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Broadway-Greenlawn Road, Huntington, No Parking Restriction.	<u><b>GJ</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2011-477. ENACTMENT: AMEND</b> the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article V, §2-10, Schedule I. Re: South Huntington School District, Huntington, Huntington Station, Melville, School Speed Limits.	<u><b>GJ</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2011-478. ENACTMENT: AMEND</b> the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Walt Whitman Road, Melville, Parking Restrictions.	<u><b>GJ</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2011-479. ENACTMENT: APPROVE</b> the issuance of a Certificate of Approval in a Historic District. Re: 247 Park Avenue – Old Huntington Green Historic District. <b>(Applicant: John and Jennifer Haight)</b> <b>(SCTM# 0400-027.00-03.00-016.000)</b>	<u><b>SB</b></u>	<u><b>MC</b></u>	<u><b>5</b></u>
<b>2011-480. ENACTMENT: ADOPT</b> Local Law Introductory Number 18-2011 amending the Code of the Town of Huntington Chapter 87 (Building Construction), Article VIII (General Restrictions and Requirements).	<u><b>SB</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2011-481. ENACTMENT: ADOPT</b> Local Law Introductory Number 19-2011 amending the Code of the Town of Huntington Chapter 98 (Domestic Partnership Registry), Local Law 18-2004.	<u><b>SB</b></u> <u><b>GJ</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2011-482. ENACTMENT: AMEND</b> the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Eighth Avenue,			

**AGENDA FOR TOWN BOARD  
MEETING DATED: OCTOBER 11, 2011**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
East Northport, No Parking Restriction.	<u><b>GJ</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2011-483. ENACTMENT: ADOPT</b> Local Law Introductory Number 16-2011, considering Zone Change Application #2010-ZM-383, Gulbahar Corp., to change the zoning from C-6 General Business District to C-11 Automotive Service Station District for property located on the northeast corner of Larkfield Road and Pulaski Road, East Northport. (SCTM# 0400-120-03-039)	<u><b>FP</b></u>	<u><b>MC</b></u>	<u><b>5</b></u>
<b>2011-484. SCHEDULE A PUBLIC HEARING: November 9, 2011 at 7:00 PM</b> To consider adopting Local Law Introductory No. 24 – 2011, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article XI (Conditional Uses; Supplementary Regulations).	<u><b>SB</b></u> <u><b>GJ</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2011-485. SCHEDULE A PUBLIC HEARING: November 9, 2011 at 7:00 PM</b> To consider adopting Local Law Introductory No. 25 – 2011 amending the Code of the Town of Huntington Chapter 114 (Fire Prevention and Safety Education).	<u><b>SB</b></u> <u><b>GJ</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2011-486. SCHEDULE A PUBLIC HEARING: November 9, 2011 at 7:00 PM</b> To consider adopting Local Law Introductory No. 26 – 2011 amending the Code of the Town of Huntington, Chapter 111 (Fire Prevention).	<u><b>SB</b></u>	<u><b>GJ</b></u>	<u><b>5</b></u>
<b>2011-487. SCHEDULE A PUBLIC HEARING: November 9, 2011 at 7:00 PM</b> To consider adopting Local Law Introductory No. 27 – 2011 amending the Code of the Town of Huntington, Chapter 157 (Public Benefit Incentives), to implement the Long Island Unified Solar Energy System Fast Track Permit Process.	<u><b>MC</b></u> <u><b>SB</b></u>	<u><b>FP</b></u> <u><b>MM</b></u> <u><b>GJ</b></u>	<u><b>5</b></u>
<b>2011-488. SCHEDULE A PUBLIC HEARING: November 9, 2011 at 7:00 PM</b> To consider awarding a license agreement for a transit advertising and marketing program for the Town of Huntington. (Re: Creative Advertising Concepts, Inc.)	<u><b>GJ</b></u>	<u><b>FP</b></u>	<b>4-AYES</b> <b>1-NO</b> <u><b>(MM)</b></u>
<b>2011-489. SCHEDULE A PUBLIC HEARING: November 9, 2011 at 7:00 PM</b> To consider acquiring Williams Property with Suffolk County and North Shore Land Alliance. (Re: DeForest-Williams Estate) (SCTM# 0400-016-02-013.004)	<u><b>FP</b></u> <u><b>GJ</b></u> <u><b>MM</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2011-490. SCHEDULE A PUBLIC HEARING: November 9, 2011 at 7:00 PM</b> To consider issuing a Certificate of Approval for an individually designated Historic Site. Re: 117 West Shore Road, Huntington – The Daniel Smith House. (Applicant: John and Catherine Collins) (SCTM# 0400-026.00-02.00-059.003)	<u><b>GJ</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2011-491. SCHEDULE A PUBLIC HEARING: November 9, 2011 at 7:00 PM</b> To consider issuing a Certificate of Approval in a Historic District Re: 478 Park Avenue, Huntington. (Applicant: Sunny Pond, LLC)	<u><b>SB</b></u>		

**AGENDA FOR TOWN BOARD  
MEETING DATED: OCTOBER 11, 2011**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>(SCTM# 0400-073.00-03.00-021.000)</b>	<u><b>GJ</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2011-492. RESCHEDULE A PUBLIC HEARING: November 9, 2011 at 7:00 PM</b> To consider issuing a Certificate of Approval in an Historic District Re: 35 Spring Street, Cold Spring Harbor – Cold Spring Harbor Historic District. <b>(Applicant: Marceline Van Cott)</b> <b>(SCTM# 0400-063.000-02.00-008.000)</b>	<u><b>MM</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2011-493. ESTABLISH an Independent Budget Committee.</b> <b>(Re: Five individuals appointed to serve without compensation for a two year term commencing 1/1/2012; the Supervisor shall nominate one individual and four other individuals shall each be nominated by one member of the Town Board; the Committee shall designate a chairperson; Ex-officio members shall include the Town Attorney and the Comptroller or their appointees)</b>	<u><b>MM</b></u>	<b>NO SECOND RESOLUTION FAILS</b>	
<b>2011-494. SCHEDULE A PUBLIC HEARING: November 9, 2011 at 7:00 PM</b> To consider adopting Local Law Introductory No. 28 – 2011, amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article VIII (General Restrictions and Requirements).	<u><b>SB</b></u> <u><b>GJ</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2011-495. AUTHORIZE the Director of Planning and Environment to issue a Density Flow Credit Certificate from the Town Density Rights Bank for the Station Sports Family Fun Center on Depot Road, Huntington Station, SCTM# 0400-146-01- (004 &amp; 074) and 0400-147-05-(050, 103, 104 &amp; 106.002)</b>	<u><b>FP</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>MOTION TO ADD RESOLUTION #2011-496 TO THE AGENDA.</b>	<u><b>FP</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2011-496. AUTHORIZE the Town Attorney to enter into a compensation agreement for the payment of compensation and expenses of Robert J. Flynn, Jr., Esq., as temporary receiver, pursuant to the order of Honorable C. Stephen Hackeling, index number HUC 4158-11, for the purpose of bringing the premises located at 19 East Fifth Street, Huntington Station, New York, (SCTM No. 0400-146.00-03.00-027.004) into compliance with the Code of the Town of Huntington and the Uniform Fire and Building Codes of New York State. (Re: Property owner Jose Machuca)</b>	<u><b>FP</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>

**AGENDA FOR BOARD OF TRUSTEES'  
MEETING DATED: OCTOBER 11, 2011**

**RESOLUTIONS:**

**OFF. SEC. VOTE**

**2011-BT22. AUTHORIZE** the Town Attorney to enter into a stipulation of settlement on behalf of the Town Board of the Town of Huntington, the Town of Huntington and the Board of Trustees of the Town of Huntington in the fishing licensing case. **(Docket No. 2010-05268)**

**MM    SB    5**

**2011-BT23. SCHEDULE A PUBLIC HEARING: November 9, 2011 at 7:00 PM**  
To consider the execution of a license agreement with the Cold Spring Harbor Seafarers, Inc. for Trustee Property in Cold Spring Harbor.  
**(SCTM# 0400-064-01-001)**

**MM  
SB    GJ    5**

**AGENDA FOR COMMUNITY DEVELOPMENT AGENCY  
MEETING DATED: OCTOBER 11, 2011**

**RESOLUTIONS:**

**OFF. SEC. VOTE**

**2011-CD7. AUTHORIZE** the Chairman of the Huntington Community Development Agency to execute a contract of sale, deed and transfer documents necessary to transfer title to vacant land located on Woodbury Road, Huntington, New York (S.C.T.M. #0400-092.00-01.00-064.002) to the adjoining neighbor to restore the parcel to a conforming lot.

**GJ    FP    5**

2011-455

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A REQUIREMENTS CONTRACT FOR COMMUNICATION EQUIPMENT REPAIR WITH TELECOM COMMUNICATION, INC.

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Department of Public Safety, Environmental Waste Management, General Services, and the Highway Department utilize communication equipment in order to expedite prompt responses to various townwide service requests, and such equipment needs to be maintained and kept in good working order. This contract provides for the repair and installation of two-way communication equipment for all Town of Huntington mobile, hand-held or base station radios, repeaters and antennas; and

WHEREAS, sealed bids were received on September 15, 2011 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for communication equipment repair, Bid No. TOH 11-09R-073 and the same were opened publicly and read aloud; and

WHEREAS, Telecom Communication, Inc., 234 Newtown Road, Plainview, New York, 11803 is the sole bidder; and

WHEREAS, communication equipment repair is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection therewith, with Telecom Communications, Inc. for communication equipment repair. The contract period shall be effective for a one (1) year term commencing upon execution of the contract but not before December 31, 2011. The contract may be extended for one (1) additional one (1) year period under the same prices, terms and conditions to be charged to Operating budgets of various departments of the Town 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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011- 456

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR THE LAWN AND LANDSCAPE MAINTENANCE FOR THE HIGHWAY DEPARTMENT WITH LOOKS GREAT SERVICES, INC.

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington Highway Department is responsible for the lawn and landscape maintenance of various Town roads, right of ways, pedestrian walkways, medians, shoulders and recharge basins. This service includes mowing all grassed areas, trimming grass along fence lines, trees, shrubs, curb strips, base of buildings, light poles, stanchions and all fixed objects, in addition to sweeping of sidewalks and driveways after service and removal of all debris; and

WHEREAS, Town Board Resolution 2011-247 authorized the execution of a contract with Looks Great Services, Inc. for lawn and landscape maintenance for the Town of Huntington Highway Department, Bid No. TOH 11-05R-041; and

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

WHEREAS, Looks Great Services, Inc., 7 Lawrence Hill Road, Huntington, New York 11743 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 Looks Great Services, Inc for lawn and landscape maintenance for the Town of Huntington Highway Department. The extension period shall be effective for one (1) year commencing on January 1, 2012 to be charged to Operating Budget Item No. DB-5140-4420, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2011-456

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-457

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH ROOF CONSULTING SERVICES, INC. FOR A ROOF DESIGN FOR THE CAVANAUGH MAINTENANCE FACILITY, EMERGENCY OPERATIONS CENTER

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington retained Roof Consulting Services, Inc. (RCS) to develop design drawings and specifications for the roofs that were investigated, as authorized by Town Board Resolution 2009-350; and

WHEREAS, the Cavanaugh Facility, which houses the Emergency Operations Center, has deteriorated and developed leaks and is now in need of a full roof replacement; and

WHEREAS, the Department of Engineering Services has reviewed the RCS proposal for the Cavanaugh Facility roof, and recommends that RCS completes the drawings and specifications; and

WHEREAS, pursuant to 6NYCRR Section 617.5(c)(2): consultant services are a Type II action, not subject to SEQRA review.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an amendment to the agreement with Roof Consulting Services, Inc., 1660 Mountain Road, Glen Allen, Virginia 23060 for roof replacement design services to include the Cavanaugh Maintenance Facility, Emergency Operations Center for an amount not to exceed the sum of EIGHT THOUSAND FOUR HUNDRED AND NO/100 (\$8,400.00) DOLLARS, to be charged to Capital Budget Item No. GS1997-2102-11107, and upon such other terms and conditions as approved by the Town Attorney; and

VOTE:            AYES: 5        NOES: 0        ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR A COMMUNITY CHALLENGE PLANNING GRANT FOR HUNTINGTON STATION, NEW YORK, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: October 11, 2011

The following resolution was offered by: Councilwoman Berland  
Councilwoman Jackson

And seconded by: **SUPERVISOR PETRONE**

WHEREAS, the U.S. Department of Housing and Urban Development announced a competitive funding opportunity for a planning grant that will sustain economic development in low income communities and job creation opportunities for low income residents; and

WHEREAS, the Town of Huntington is facilitating activities to increase economic development and job creation in Huntington Station, New York and the said criteria fits the grant; and

WHEREAS, this grant will fund a development plan for Huntington Station to increase affordable housing, recreation, while stimulating economic development; 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, this authorizing Resolution 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 AUTHORIZES the Supervisor to apply for and receive the sum of THREE HUNDRED NINETY-NINE THOUSAND NINE HUNDRED SIXTY-EIGHT AND NO/100 (\$399,968.00) DOLLARS from the United States Department of Housing and Urban Development (HUD) for a Community Challenge Planning Grant for Huntington Station, New York and to authorize the Supervisor to execute any documents in connection and related therewith upon such terms and conditions as may be acceptable to the Town Attorney, nunc pro tunc; and

2011-458

HEREBY AUTHORIZES the Comptroller to amend the Town's Operating and/or Capital Budgets, as necessary, upon execution of all required documentation, not to exceed the amount awarded and the Town's share of funding required.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH EASTERN RESOURCE RECYCLING, INCORPORATED FOR THE DELIVERY OF PROCESSIBLE WASTE TO THE HUNTINGTON RESOURCE RECOVERY FACILITY

Resolution for Town Board Meeting Dated: October 11, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, The Town of Huntington issued a Request For Proposals to contract available processing capacity at the Huntington Resource Recovery Facility; and

WHEREAS, sealed proposals were received on September 9, 2011 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the delivery of processible waste to Huntington Resource Recovery Facility, RFP 2011-09-10 and the same were opened and read aloud; and

WHEREAS, Eastern Resource Recycling, Incorporated, 88 Old Dock Road, Yaphank, New York, 11980 is the successful proposer(s); and

WHEREAS, execution of this contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(20) and (c)(27), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Eastern Resource Recycling, Incorporated for the delivery of processible waste to Huntington Resource Recovery Facility. Contract shall be effective from October 1, 2011, and end September 30, 2013 with an optional one-year extension commencing October 1, 2013 until September 30, 2014, 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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH JET SANITATION SERVICE CORPORATION FOR THE DELIVERY OF PROCESSIBLE WASTE TO THE HUNTINGTON RESOURCE RECOVERY FACILITY

Resolution for Town Board Meeting Dated: October 11, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND, COUNCILWOMAN JACKSON**

WHEREAS, The Town of Huntington issued a Request For Proposals to contract available processing capacity at the Huntington Resource Recovery Facility; and

WHEREAS, sealed proposals were received on September 9, 2011 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the delivery of processible waste to Huntington Resource Recovery Facility, RFP 2011-09-10 and the same were opened and read aloud; and

WHEREAS, Jet Sanitation Service Corporation, 228 Blydenburgh Road, Islandia, New York, 11749 is the successful proposer(s); and

WHEREAS, execution of this contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(20) and (c)(27), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Jet Sanitation Service Corporation for the delivery of processible waste to Huntington Resource Recovery Facility. Contract shall be effective from October 1, 2011, and end September 30, 2013 with an optional one-year extension commencing October 1, 2013 until September 30, 2014, 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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH JAMAICA ASH & RUBBISH REMOVAL CO., INCORPORATED FOR THE DELIVERY OF PROCESSIBLE WASTE TO THE HUNTINGTON RESOURCE RECOVERY FACILITY

Resolution for Town Board Meeting Dated: October 11, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN JACKSON, COUNCILWOMAN BERLAND**

WHEREAS, The Town of Huntington issued a Request For Proposals to contract available processing capacity at the Huntington Resource Recovery Facility; and

WHEREAS, sealed proposals were received on September 9, 2011 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the delivery of processible waste to Huntington Resource Recovery Facility, RFP 2011-09-10 and the same were opened and read aloud; and

WHEREAS, Jamaica Ash & Rubbish Removal Co., Incorporated 172 School Street, Westbury New York, 11590 is the successful proposer(s); and

WHEREAS, execution of this contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(20) and (c)(27), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Jamaica Ash & Rubbish Removal Co., Incorporated for the delivery of processible waste to Huntington Resource Recovery Facility. Contract shall be effective from October 1, 2011, and end September 30, 2013 with an optional one-year extension commencing October 1, 2013 until September 30, 2014, 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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH WINTERS BROTHERS RECYCLING CORPORATION FOR THE DELIVERY OF PROCESSIBLE WASTE TO THE HUNTINGTON RESOURCE RECOVERY FACILITY

Resolution for Town Board Meeting Dated: October 11, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND, COUNCILWOMAN JACKSON**

WHEREAS, The Town of Huntington issued a Request For Proposals to contract available processing capacity at the Huntington Resource Recovery Facility; and

WHEREAS, sealed proposals were received on September 9, 2011 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the delivery of processible waste to Huntington Resource Recovery Facility, RFP 2011-09-10 and the same were opened and read aloud; and

WHEREAS, Winters Brothers Recycling Corporation 1198 Prospect Avenue, Westbury New York. 11590 is the successful proposer(s); and

WHEREAS, execution of this contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(20) and (c)(27), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Winters Brothers Recycling Corporation for the delivery of processible waste to Huntington Resource Recovery Facility. Contract shall be effective from October 1, 2011, and end September 30, 2013 with an optional one-year extension commencing October 1, 2013 until September 30, 2014, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 4            NOES: 0            ABSTENTIONS: 1

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>ABSTAIN</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-463

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH CORNELL COOPERATIVE EXTENSION OF SUFFOLK COUNTY FOR DEVELOPMENT OF CRAB MEADOW WATERSHED EDUCATIONAL MATERIALS

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington is desirous of contracting with a vendor to develop an educational campaign to inform and encourage the public to enhance environmental quality of the Crab Meadow Watershed; and

WHEREAS, Town Board Resolution 2010-223 authorized the Supervisor to apply for and receive financial assistance from the Iroquois Gas Transmission System Community Grant Program, and \$4,000 was awarded, for Phase 1 of the Crab Meadow Watershed Hydrology Study and Stream Assessment and a watershed educational campaign to include visually appealing items to be submitted in digital format, such as:

- a brochure introducing the dynamic hydrological processes, varied habitats and wildlife of the Crab Meadow Watershed, recreational opportunities, and sustainable actions to protect water quality;
- a poster for placement at points of interest, such as in kiosks and schools;
- a sign to mark the primary and overall watershed area boundaries;
- a simple informative website; and
- a simple logo to "brand" all materials developed; and

WHEREAS, the equipment for the study and assessment was purchased using part of the grant funding and was installed by Trout Unlimited in May 2011 and data is being collected; and

WHEREAS, letters were sent to non-profit environmental educational-oriented organizations requesting proposals to draft an educational campaign for the Crab Meadow Watershed, working with the Crab Meadow Watershed Advisory Committee; and

WHEREAS, Cornell Cooperative Extension of Suffolk County, 423 Griffing Avenue, Riverhead, New York 11901 is the sole responder, and has knowledge of the area from programming it provides at the Fuchs Pond Preserve; and

WHEREAS, watershed education is a continuing Town objective and is a Type II action pursuant to SEQRA 6 NYCRR §617.5(c)(18, 20 and 27), and therefore no further SEQRA review is required.

NOW, THEREFORE

2011-463

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Cornell Cooperative Extension of Suffolk County for the Town of Huntington Crab Meadow Watershed educational program with an effective contract term of up to four (4) months commencing on November 1, 2011, at a cost of TWO THOUSAND FIVE HUNDRED AND NO /100 (\$2,500.00) DOLLARS to be charged to Budget No. B8020-4550 (Professional Services), including the option to grant a no-cost extension for two months, 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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-464

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMIT APPLICATION, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the New York State Department of Environmental Conservation regulates the discharge of all treated water to all bodies of water via a State Pollutant Discharge Elimination System (SPDES) permit; and

WHEREAS, the SPDES permit for the Huntington Sewage Treatment Plant expires on March 1, 2012 and the Town must submit a SPDES renewal application to NYSDEC for the plant; and

WHEREAS, the proposed action has been classified as a Type II Action pursuant to 6 NYCRR Part 617.5 (c) (20) and no further action is required; and

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a State Pollutant Discharge Elimination System (SPDES) Permit Application, nunc pro tunc, and any and all documents in connection and related therewith.

FURTHER AUTHORIZE

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING NAMED FINANCIAL INSTITUTIONS AS DEPOSITORIES FOR TAX RECEIPTS AND AUTHORIZING THE RECEIVER OF TAXES TO EXECUTE COLLATERAL AGREEMENTS FOR TAX RECEIPT ACCOUNTS ON BEHALF OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: October 11, 2011

The following resolution was offered by: **COUNCILMAN MAYOKA, COUNCILWOMAN JACKSON** and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, in accordance with Town Law §64(1), the Town Board must designate by resolution, the financial institutions in which Town funds are on deposit; and

WHEREAS, the Receiver of Taxes deposits tax revenue received in the normal course of business with various financial institutions designated by the Town Board; and

WHEREAS, banks doing business with the Town must collateralize all held amounts above the federal depository insured balances with acceptable instruments as defined in General Municipal Law §10 as outlined in the Town's Investment Policy; and

WHEREAS, authorizing financial institutions as depositories and authorizing the execution of collateral agreements is a Type II action pursuant to SEQRA as defined by 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 following financial institutions as depositories for tax receipts, JPMorgan Chase Bank, 395 North Service Road, Suite 302, Melville, New York; State Bank of Long Island, 699 Hillside Avenue, New Hyde Park, New York; HSBC Bank USA, 534 Broadhollow Road, Melville, New York; Wells Fargo Bank, 58 South Service Road, Melville; and TD Bank, 45 Melville Park Road, Melville, New York pursuant to Town Law 64 (1); and

HEREBY AUTHORIZES the Receiver of Taxes to execute collateral agreements for tax receipt accounts with said banks on behalf of the Town of Huntington.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-466

RESOLUTION AUTHORIZING AN EXTENSION OF TIME TO PAY TAXES FOR THOSE PERSONS GRANTED A SENIOR CITIZEN TAX EXEMPTION AND ENHANCED STAR EXEMPTION PURSUANT TO CHAPTER 178 OF THE CODE OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: October 11, 2011

The following resolution was offered by: Supervisor Petrone, **COUNCILWOMAN JACKSON**  
and seconded by: **COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND**

WHEREAS, pursuant to §925-b of the Real Property Tax Laws of the State of New York, the Town Board, by Resolution 1997-589, adopted Local Law No. 20-1997 amending the Code of the Town of Huntington, Chapter 178 (Taxation), Article I (Senior Citizens Tax Exemption and Enhanced Star Exemption) allowing an extension of time to pay taxes of up to five (5) business days; and

WHEREAS, said amendment allows the Town Board to enact a resolution each year prior to the adoption of the final budget of the Town, extending the deadline for payment of taxes without interest or penalty to those residents granted Senior Citizen Tax Exemptions pursuant to the Code of the Town of Huntington, §178-3; and

WHEREAS, said extension of time to pay must comply with deadlines set forth in the Suffolk County Tax Act; and

WHEREAS, the extension of the time to pay taxes for persons granted a Senior Citizen tax exemption and Enhanced Star exemption is not an action as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, upon the recommendation of the Receiver of Taxes,

THE TOWN BOARD

HEREBY AUTHORIZES an extension of the time to pay taxes without interest or penalty to those residents granted Senior Citizen Tax Exemptions and Enhanced Star Exemptions pursuant to the Code of the Town of Huntington §178-3 to Tuesday, June 5, 2012.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-467

RESOLUTION AUTHORIZING THE TOWN OF HUNTINGTON ANIMAL SHELTER TO INSTITUTE A MICROCHIP IMPLANTATION PROGRAM

Resolution for Town Board Meeting Dated: October 11, 2011

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

And seconded by: **COUNCILWOMAN BERLAND, COUNCILWOMAN JACKSON**

WHEREAS, under current Town Code, the adoption fee for a seized dog is eighty dollars (\$80), which includes the spaying and/or neutering of an adopted dog; and

WHEREAS, the Town Board wishes to add a microchip implantation procedure for seized dogs upon adoption at no cost to the prospective owner through December 31, 2011; and

WHEREAS, in the event a dog is lost or missing, the implantation of a microchip will more quickly identify the dog and its owner; and

WHEREAS, Dr. Russell Fredericks, a licensed veterinarian, will donate his services to train and certify four (4) Animal Control Officers to perform the microchip implantation procedure; and

WHEREAS, the Huntington Animal Shelter has agreed to pay approximately \$1000 per year for the microchips; and

WHEREAS, the Microchip Implantation Program is not an action defined by 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 Town of Huntington's Animal Shelter to institute a "microchipping implantation" program within the Department of Public Safety's Division of Animal Control.

VOTE:            AYES: 5    NOES: 0    ABSTENTIONS: 0

Supervisors Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-468

RESOLUTION AUTHORIZING SETTLEMENT OF A CLAIM  
(Lopez v Town of Huntington)

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, on August 22, 2008 a Notice of Claim was filed against the Town of Huntington on behalf of Gerald Lopez, infant by his mother and natural guardian Lori Anne Lopez seeking to recover damages sustained in an accident which occurred on July 7, 2008; and

WHEREAS, the Town Attorney has determined it to be in the Town's best interest to settle this matter for a total of SEVEN THOUSAND FIVE HUNDRED and NO/100 (\$7,500.00) DOLLARS for strategic purposes with no admission of liability on the part of the Town; and

WHEREAS, the claimant has agreed to accept SEVEN THOUSAND FIVE HUNDRED and NO/100 (\$7,500.00) DOLLARS in full settlement of their claim; and

WHEREAS, all parties have agreed to this settlement subject to the approval of the Town Board and an Infant Compromise Order of the Court; and

WHEREAS, the settlement of this personal injury lawsuit 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 AUTHORIZES the Comptroller to issue checks in settlement of this matter, not to exceed a total of SEVEN THOUSAND FIVE HUNDRED and NO/100 (\$7,500.00) DOLLARS pending receipt of closing papers therein and subject to an Infant Compromised Order, applied against Operating Budget Item No. A1930-4160 and authorizes the Town Attorney to execute all documents required to effectuate this settlement

2011-468

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-469

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A QUIT CLAIM DEED  
FROM THE DEVELOPMENTAL DISABILITIES INSTITUTE

Resolution for Town Board Meeting Dated: October 11, 2011

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

WHEREAS, Developmental Disabilities Institute (DDI) is the owner of real property at 25 Little Plains Road, Greenlawn, New York further identified as Suffolk Tax Map Number 0400-157.00-02.00-031.001; and

WHEREAS, DDI acquired title to 25 Little Plains Road by deed from the Harborfields School District; and

WHEREAS, thereafter it was determined that the deed transfer between DDI and the Harborfields School District included a metes and bounds description which was incorrect, in that said description included the Gardiner Family Cemetery, a historic Town of Huntington Cemetery; and

WHEREAS, the Suffolk County Real Property Tax Map incorrectly reflects the aforesaid portion of land as a part of the DDI parcel; and

WHEREAS, DDI wishes to file a deed in the Office of the Suffolk County Clerk reflecting the correct boundaries of their ownership and the Town Board is desirous of receiving same and correcting the tax map information; and

WHEREAS, the acceptance of a quit claim deed to correct and record correct boundaries of a parcel of land owned by the Town 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 authorizes the Town Attorney's Office to accept a filed quit claim deed from DDI; and

HEREBY directs the Assessor to file the appropriate documents with the Real Property Tax Service to reflect the accurate boundaries contained in the corrected quit claim deed, the metes and bounds description to be included are herein attached as Schedule "A."

2011-469

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

## SCHEDULE "A"

Description of part of Suffolk County Tax Map Parcel: District 0400, Section 157, Block 02, Lot 31.1

**ALL** that certain piece or parcel of land, situate, lying and being at Huntington, Town of Huntington, County of Suffolk, State of New York, being more particularly bounded and described as follows;

**BEGINNING** at a point on the northerly side of Little Plains Road a distance of 716.68 Westery as measured along the northerly side of Little Plains Road from the intersection of the northerly side of Little Plains Road with the westerly side of Shady Lane;

**THENCE** from said point of beginning along the northerly side of Little Plains Road along the arc of a curve to the left having a radius of 205.15 feet an arc length of 12.97 feet to a point on the northerly side of land now or formerly of the Town of Huntington; thence the following 5 courses and distances along the northerly and easterly side of the land now or formerly of the Town of Huntington:

1. North 60 degrees 14 minutes 00 seconds West a distance of 173.48 feet to a point;
2. North 30 degrees 42 minutes 30 seconds East a distance of 119.54 feet to a point;
3. North 19 degrees 40 minutes 30 seconds East a distance of 289.19 feet to a point;
4. North 69 degrees 57 minutes 35 seconds West a distance of 281.71 feet to a point;
5. North 05 degrees 32 minutes 29 seconds East a distance of 297.91 feet to a point on the southerly side of the Map of Hillside Acres;

thence along the southerly side of the Map of Hillside Acres South 69 degrees 57 minutes 35 seconds East a distance of 291.71 feet to a point; thence the following 6 courses and distances through Suffolk County Tax Map Parcel District 0400, Section 157, Block 02, Lot 31.1:

1. South 02 degrees 37 minutes 30 seconds East a distance of 106.56 feet to a point;
2. South 05 degrees 07 minutes 00 seconds West a distance of 88.14 feet to a point;
3. South 14 degrees 09 minutes 00 seconds West a distance of 105.48 feet to a point;
4. South 19 degrees 40 minutes 30 seconds West a distance of 290.09 feet to a point;
5. South 30 degrees 42 minutes 30 seconds West a distance of 110.34 feet to a point;
6. South 60 degrees 14 minutes 00 seconds East a distance of 171.57 feet to the northerly side of Little Plains Road and the point of beginning.

2011-470

RESOLUTION AUTHORIZING THE CORRECTION OF CODE VIOLATIONS AT VARIOUS LOCATIONS PURSUANT TO THE CODE OF THE TOWN OF HUNTINGTON AND/OR THE UNIFORM CODES OF THE STATE OF NEW YORK

Resolution for Town Board Meeting Dated: October 11, 2011

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

And seconded by: **SUPERVISOR PETRONE**

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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

**Schedule A**

Chapter 119, Section 5A & B of the Code of the Town of Huntington  
Authorizing the Removal of Graffiti

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
227 Depot Rd. Huntington Sta., NY 11746	0400-145.00-03.00-111.002	Maura Rudyk	09/22/2011	N/A
60 E. Park Dr. Huntington Sta., NY 11746	0400-150.00-03.00-039.000	Chi H. Lee Sang Young Lee & Min Ja Lee	09/22/2011	N/A
62 E. Park Dr. Huntington Sta., NY 11746	0400-145.00-02.00-131.000	Joshua Marcik Ginamarie Palmieri	09/22/2011	N/A

Chapter 133, Section 2A 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>
52 E. 8 <sup>th</sup> St. Huntington Sta., NY 11746	0400-149.00-01.00-016.000	Suntrust Mortgage, Inc.	09/21/2011	1001 Semmes Ave. Richmond, VA 23224
226 Bagatelle Rd. Melville, NY 11747	0400-273.00-03.00-070.000	Lawrence Mason Cynthia Mason	07/25/2011	N/A
17 Carman Rd. Dix Hills, NY 11746	0400-243.00-01.00-029.000	Russell Van Deirse	09/19/2011	241-16 Linden Blvd. Elmont, NY 11003

2011-470

Chapter 133, Section 2A of the Code of the Town of Huntington  
Authorizing the Removal of Litter and Debris (Continued)

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
46 Homeland Dr. Huntington, NY 11743	0400-189.00-03.00-042.000	Stanley Krisman Flora Krisman	05/26/2011	*770 W. Jericho Tpke. Huntington, NY 11743
46 Homeland Dr. Huntington, NY 11743	0400-189.00-03.00-042.000	Stanley Krisman Flora Krisman	09/15/2011	*49 Harvard Dr. Plainview, NY 11803
138 Wyman Ave. Huntington Sta., NY 11746	0400-099.00-05.00-007.000	Myra Ticker	09/28/2011	**GMAC Mortgage Co. 1 <sup>st</sup> America Way West Lake, TX 76262 Attn: Darlene Smith

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
226 Bagatelle Rd. Melville, NY 11747	0400-273.00-03.00-070.000	Lawrence Mason Cynthia Mason	07/25/2011	N/A
17 Carman Rd. Dix Hills, NY 11746	0400-243.00-01.00-029.000	Russell Van Deirse	09/19/2011	241-16 Linden Blvd. Elmont, NY 11003
3 Milligan St. Dix Hills, NY 11746	0400-284.00-03.00-029.000	Ruth Klein (L/E) Donna & Linda Klein	08/02/2011	N/A

2011- 470

Chapter 156, Section 46A of the Code of the Town of Huntington  
Authorizing the Removal of the Overgrown Weeds and Grass

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
52 E. 8 <sup>th</sup> St. Huntington Sta., NY 11746	0400-149.00-01.00-016.000	Suntrust Mortgage, Inc.	09/21/2011	1001 Semmes Ave. Richmond, VA 23224
2 Holdsworth Dr. Huntington, NY 11743	0400-093.00-02.00-115.001	Abdul Omar Noorullah Zadran	09/16/2011	9 Skyline Dr. North Windham, CT 06256
18 Paul Revere Ln. Centerport, NY 11731	0400-081.00-02.00-012.000	Ronald Friedmann	09/16/2011	N/A
138 Wyman Ave. Huntington Sta., NY 11746	0400-099.00-05.00-007.000	Myra Ticker	09/28/2011	**GMAC Mortgage Co. 1 <sup>st</sup> America Way West Lake, TX 76262 Attn: Darlene Smith

Chapter 156, Section 63 of the Code of the Town of Huntington  
Authorizing the Maintenance of a Blighted Property

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
17 Carman Rd. Dix Hills, NY 11746	0400-243.00-01.00-029.000	Russell Van Deirse	09/19/2011	241-16 Linden Blvd. Elmont, NY 11003
46 Homeland Dr. Huntington, NY 11743	0400-189.00-03.00-042.000	Stanley Krisman Flora Krisman	05/26/2011	*770 W. Jericho Tpke. Huntington, NY 11743
46 Homeland Dr. Huntington, NY 11743	0400-189.00-03.00-042.000	Stanley Krisman Flora Krisman	09/15/2011	*49 Harvard Dr. Plainview, NY 11803

2011- 470

Chapter 191, Section 4K 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>
17 Carman Rd. Dix Hills, NY 11746	0400-243.00-01.00-029.000	Russell Van Deirse	09/19/2011	241-16 Linden Blvd. Elmont, NY 11003
2 Holdsworth Dr. Huntington, NY 11743	0400-093.00-02.00-115.001	Abdul Omar Noorullah Zadrán	09/16/2011	9 Skyline Dr. North Windham, CT 06256
138 Wyman Ave. Huntington Sta., NY 11746	0400-099.00-05.00-007.000	Myra Ticker	09/28/2011	**GMAC Mortgage Co. 1 <sup>st</sup> America Way West Lake, TX 76262 Attn: Darlene Smith

\* More than one owner and/or address listed for this property

\*\* Address obtained through alternate source

2011- 471

RESOLUTION AUTHORIZING THE COMPTROLLER TO DISTRIBUTE INTEREST EARNED ON TAX REVENUE TO THE VARIOUS TAXING DISTRICTS WITHIN THE TOWN OF HUNTINGTON.

Resolution for Town Board Meeting Date: October 11, 2011

The following resolution was offered by **COUNCILWOMAN JACKSON**

And seconded by **COUNCILMAN MAYOKA**

WHEREAS, interest earned on tax monies received and held in interest bearing accounts by the Receiver of Taxes is required to be distributed to the taxing districts; and

WHEREAS, the distribution of interest earned on tax accounts is not an action under SEQRA as defined by 6 N.Y.C.R.R. Section 617.2 (b), and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD HEREBY AUTHORIZES the Comptroller to distribute the earned interest on tax revenue to the various taxing districts within the Town of Huntington pursuant to the schedule attached hereto and made a part of this resolution.

VOTE:           AYES: 5       NOES: 0       ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-471

**TOWN OF HUNTINGTON  
HUNTINGTON, NEW YORK  
INTEREST EARNINGS ON TAX MONIES: 2010-2011**

Interest to be distributed: \$ 22,477.05

<u>Town</u>	<u>2010-2011 Tax Distribution</u>	<u>Percentage of Total</u>	<u>Interest Earned</u>
General Fund - Whole Town	\$ 28,725,489.00	3.2801%	\$ 737.30
Gen. Fund-Unpaid Property Clean-up	18,029.12	0.0021%	0.47
General Fund - Part Town	4,484,462.00	0.5121%	115.10
Highway 1 & 2	30,819,524.00	3.5192%	791.01
Environmental Open Space Bond	4,500,000.00	0.5138%	115.49
	<u>\$ 68,547,504.12</u>	<u>7.8273%</u>	<u>\$ 1,759.37</u>
<b><u>County</u></b>			
County of Suffolk	\$ 114,639,823.96	13.0905%	\$ 2,942.36
	<u>\$ 114,639,823.96</u>	<u>13.0905%</u>	<u>\$ 2,942.36</u>
<b><u>School Districts</u></b>			
Cold Spring Harbor C.S.D.	\$ 39,989,559.78	4.5663%	\$ 1,026.37
Commack U.F.S.D.	44,865,401.70	5.1231%	1,151.52
Elwood Library	1,357,354.96	0.1550%	34.84
Elwood U.F.S.D.	32,233,803.98	3.6807%	827.31
Half Hollow Hills C.S.D.	142,180,473.30	16.2353%	3,649.22
Harborfields Public Library	4,360,907.37	0.4980%	111.94
Harborfields U.F.S.D.	47,495,416.83	5.4234%	1,219.02
Huntington U.F.S.D.	89,690,950.46	10.2416%	2,302.01
Northport/E. Nport U.F.S.D.	128,145,861.87	14.6327%	3,289.00
South Huntington U.F.S.D.	88,103,236.31	10.0603%	2,261.26
Syosset C.S.D.	7,469.00	0.0009%	0.20
	<u>\$ 618,430,435.56</u>	<u>70.6173%</u>	<u>\$ 15,872.69</u>
<b><u>Fire Districts</u></b>			
Centerport	\$ 1,690,596.25	0.1930%	\$ 43.38
Cold Spring Harbor	1,508,762.64	0.1723%	38.73
Commack	1,465,924.48	0.1674%	37.63
Dix Hills	4,464,380.17	0.5098%	114.59
East Northport	3,486,605.22	0.3981%	89.48
Eatons Neck	502,359.83	0.0574%	12.90
Greenlawn	2,429,807.19	0.2775%	62.37
Halesite	1,468,985.47	0.1677%	37.69
Huntington	2,356,786.13	0.2691%	60.49
Huntington Manor	4,743,957.91	0.5417%	121.76
Melville	4,673,293.78	0.5336%	119.94
	<u>\$ 28,791,459.07</u>	<u>3.2876%</u>	<u>\$ 738.96</u>
<b><u>Special Districts</u></b>			
Street Lighting	\$ 3,782,502.00	0.4319%	\$ 97.08
Huntington Sewer District	4,482,024.00	0.5118%	115.04
Centerport Sewer District	115,957.00	0.0132%	2.97
Consolidated Refuse District	23,099,153.00	2.6376%	592.85
Huntington Comm. Ambulance	2,195,567.00	0.2507%	56.35
Commack Ambulance	519,527.00	0.0593%	13.33
Fire Protection Dist. # 1	1,424,635.00	0.1627%	36.57
Dix Hills Water District	3,199,539.00	0.3653%	82.11
Dix Hills-Unpaid Water Bills	139,576.23	0.0159%	3.57
Huntington-BID	87,500.00	0.0100%	2.25
Huntington Station-BID	90,000.00	0.0103%	2.32
Cold Spring Harbor-BID	9,000.00	0.0010%	0.22
	<u>\$ 39,144,980.23</u>	<u>4.4697%</u>	<u>\$ 1,004.66</u>
<b><u>Water Districts</u></b>			
So. Huntington Water Dist.	\$ 3,621,817.00	0.4136%	\$ 92.97
South Huntington-Unpaid Water Bills	130,074.90	0.0149%	3.35
Greenlawn Water District	2,302,500.00	0.2629%	59.09
Greenlawn-Unpaid Water Bills	139,810.76	0.0160%	3.60
	<u>\$ 6,194,202.66</u>	<u>0.7074%</u>	<u>\$ 159.01</u>
<b>Total</b>	<b>\$ 875,748,405.60</b>	<b>100.0000%</b>	<b>\$ 22,477.05</b>

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2011 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

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, amending the 2011 Budget is not an action pursuant to SEQRA as defined by 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 Comptroller to make the following budgetary amendments to the 2011 Operating Budget as follows:

Create the following positions:

A1440-1100	Account Clerk	\$8,327
B3622-1100	Ordinance Inspector	12,560

Abolish the following positions:

A1621-1100	Automotive Equipment Operator (2)	(\$14,589)
B8036-1100	Sign Inspector	(12,866)
B1620-1100	Principal Clerk	(10,934)

Adjust the following Appropriations:

A1990-1100	Contingency	(\$3,349)
A7116-1150	Permanent Part time Salaries	9,611
B1990-1100	Contingency	11,240

2011-472

VOTE:                    AYES: 5    NOES: 0    ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO ENTER INTO A STIPULATION OF SETTLEMENT ON BEHALF OF THE TOWN BOARD OF THE TOWN OF HUNTINGTON, THE TOWN OF HUNTINGTON AND THE BOARD OF TRUSTEES OF THE TOWN OF HUNTINGTON IN THE FISHING LICENSING CASE.

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington commenced a State Supreme Court declaratory judgment action to declare that persons engaged in recreational fishing within the Town's territorial salt waters are exempt from a State fee based license under the Environmental Conservation Law (ECL) §13-0355, based upon the Town's colonial patents; and

WHEREAS, the Court granted the Town of Huntington's motion to have its independent action consolidated with a similar suit instituted by other Long Island Towns and granted the Towns' consolidated action motion for a preliminary injunction while denying the defendant New York State Commissioner of the Department of Environmental Conservation's (DEC) motion to dismiss the Towns' complaints or for summary judgment; and

WHEREAS, the Commissioner of the DEC appealed the Supreme Court's Decision and Order dated May 3, 2010 to the Appellate Division of the Supreme Court, Second Department; and

WHEREAS, while said appeal was pending, the Supreme Court, following a hearing, issued its December 14, 2010 decision granting a permanent injunction against the State's enforcement of its fee based licensing requirement under ECL §13-0355; and

WHEREAS, while this litigation was pending, the New York State Legislature omitted the fee based license requirement and inserting in its place and stead a free registry for anglers wishing to fish within local waters; and

WHEREAS, the Towns having been successful in their opposition to the licensing fee, which no longer exists as a consequence of legislative amendment; and

WHEREAS, the State has proposed that a stipulation of settlement be entered into withdrawing the State's appeal as well as the underlying action.

WHEREAS, the settlement of this lawsuit 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, BE IT RESOLVED, that the Town Attorney is hereby authorized to enter into a Stipulation of Settlement, whereby both the State appeal to the Appellate Divisions, Second Department, under Docket No. 2010-05268 and the Towns' underlying action(s) are withdrawn, without costs or disbursements to any party.

VOTE:        AYES: 5    NOES: 0    ABSENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-474

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: October 11, 2011

The following resolution was offered by: **COUNCILMAN MAYOKA, COUNCILWOMAN JACKSON**  
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 Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

**SURPLUS INVENTORY ITEMS  
TOWN BOARD MEETING 10-11-2011**

<b>ITEM</b>	<b>YEAR/MAKE</b>	<b>MODEL</b>	<b>VIN#/SER#</b>	<b>TOWN INV. #</b>
1	1987/FORD	F250	1FTHF26H4HNA95624	2559
2	1994/FORD	F150	1FTEF14H0RNA47281	4132
3	1989/FORD	F150	1FTEF14H7KNB47190	4128
4	1994/FORD	F150	1FTEF14H4RNA47283	3605
5	1994/FORD	F150	1FTEF14H8RNA47285	3606
6	1989/FORD	F150	1FTHF36HXKNA71485	4294

RESOLUTION GRANTING PERMISSION TO THE COLD SPRING HARBOR MAIN STREET ASSOCIATION TO SPONSOR THE FIFTH ANNUAL "HOWL-WEEN" CANINE COSTUME PARADE & CONTEST AND SIDEWALK SALE EVENT, OCTOBER 29, 2011

Resolution for Town Board Meeting Dated: October 11, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND, COUNCILWOMAN JACKSON**

WHEREAS, the Cold Spring Harbor Main Street Association is sponsoring the fifth annual "Howl-ween" Canine Costume Parade & Contest and Sidewalk Sale event on Saturday, October 29, 2011 from 1:00 p.m until 5:00 p.m. (Raindate: Sunday, October 30 from 1:00 p.m. until 5:00 p.m.); and

WHEREAS, the annual "Howl-ween" Canine Costume Parade & Contest and Sidewalk Sale event is organized to promote enjoyment of the historic Cold Spring Harbor downtown area and its boutique shops and restaurants; and

WHEREAS, permission is requested for outdoor display of merchandise for the sidewalk sale, amplified music, and to allow dogs on leash in Cold Spring Harbor Park for the canine costume parade and contest; and

WHEREAS, for the event's canine costume parade, organizers shall secure a permit from New York State Department of Transportation for a brief road closure (from 1:00 p.m. to 1:15 p.m.) of 25A/Main Street between Spring Road and Cold Spring Harbor Park, and

WHEREAS, granting permission for the "Howl-ween" Canine Costume Parade & Sidewalk Sale event is a Type II action pursuant to 6 NYCRR §617.5 (c) (15), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY GRANTS permission to the Cold Spring Harbor Main Street Association to sponsor the fifth annual "Howl-ween" Canine Costume Parade & Sidewalk Sale event on Saturday, October 29, 2011 from 1:00 p.m until 5:00 p.m. (Raindate: Sunday, October 30 from 1:00 p.m. until 5:00 p.m.)

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-476

ENACTMENT: AMEND THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.  
RE: BROADWAY-GREENLAWN, NO PARKING RESTRICTION  
HUNTINGTON

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 20th day of September, 2011, to consider amending the Uniform Traffic Code of the Town of Huntington, and due deliberation having been had,

HEREBY AMENDS

the Uniform Traffic Code of the Town of Huntington, Chapter 3, Parking Regulations; Article II, Parking, Standing, and Stopping Restrictions; §3-3, Designation of Areas and Restrictions; Schedule J.

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD:	Broadway-Greenlawn Road/West From 375 ft. north of Park Ave. to Park Ave. (HUN)	No Parking	-----
	Broadway-Greenlawn Road/East From Park Ave. north for 420 ft. (HUN)	No Parking	-----

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark L. Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-477

ENACTMENT: AMEND THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE V, §2-10, SCHEDULE I.

RE: SOUTH HUNTINGTON SCHOOL DISTRICT, SCHOOL SPEED LIMITS  
HUNTINGTON, HUNTINGTON STATION, MELVILLE

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

THE TOWN BOARD having held a public hearing on the 20<sup>th</sup> day of September, 2011, to consider amending the Uniform Traffic Code of the Town of Huntington, and due deliberation having been had,

HEREBY AMENDS

the Uniform Traffic Code of the Town of Huntington, Chapter 2, Traffic Regulations; Article V, Speed Restrictions; §2-10, School Speed Limits; Schedule I.

	<u>NAME OF STREET</u>	<u>SPEED LIMIT</u> <u>(miles per hour)</u>	<u>LOCATION</u>
ADD:	Old Country Road (HUS)	25	From 75 feet east of Schubert Court to 55 feet west of Craig Drive
ADD:	West Twenty Second Street (HUN)	15	From 35 feet east of Hobson Place to 80 feet east of MacArthur Avenue
ADD:	Wolf Hill Road (MVL)	15	From 110 feet west of Greenwich Avenue to 50 feet west of King Avenue
ADD:	Wolf Hill Road (MVL)	20	From 230 feet west of Pidgeon Hill Road to Dunford Street
ADD:	School Lane (HUS)	20	From Andover Place to terminus of School Lane
ADD:	Maplewood Road (HUS)	20	From 300 feet east of School Lane to 155 feet west of School Lane

2011-477

	<u>NAME OF STREET</u>	<u>SPEED LIMIT</u> (miles per hour)	<u>LOCATION</u>
ADD:	Oakwood Road (HUS)	15	From 190 feet south of West Nineteenth Street to Foxwood Drive South
ADD:	Pidgeon Hill Road (HUS)	20	From 300 feet south of Greenhills Road to 275 feet north of Hardwick Drive
ADD:	Pidgeon Hill Road (HUS)	20	From 375 feet south of Windham Drive to Old Country Road

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark L. Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-478

ENACTMENT: AMEND THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.  
RE: WALT WHITMAN ROAD, PARKING RESTRICTIONS  
MELVILLE

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 20th day of September, 2011, to consider amending the Uniform Traffic Code of the Town of Huntington, and due deliberation having been had,

HEREBY AMENDS

the Uniform Traffic Code of the Town of Huntington, Chapter 3, Parking Regulations; Article II, Parking, Standing, and Stopping Restrictions; §3-3, Designation of Areas and Restrictions; Schedule J.

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
DELETE:	Walt Whitman Road/East From the Long Island Expwy. (South Service Rd.) to Rt. 110 (MVL)	No Parking	-----
	Walt Whitman Road/East From the Long Island Expwy. (South Service Rd.) to 1,210 ft. south of Sweet Hollow Rd. (MVL)	No Parking	-----
	Walt Whitman Road/East From 150 ft. north of Sweet Hollow Rd. to Old Country Rd. (MVL)	Limited parking 1 hour	-----
	Walt Whitman Road/West From Old Country Rd. to 170 ft. North of Sweet Hollow Rd. (MVL)	Limited parking 1 hour	-----
	Walt Whitman Road/West From 170 ft. north of Sweet Hollow Rd. to Sweet Hollow Rd. (MVL)	No Standing	-----
	Walt Whitman Road/West From 190 ft. south of Sweet Hollow Rd. to the Long Island Expwy. (South Service Rd.) (MVL)	No Parking	-----

	Walt Whitman Road/West From the Long Island Expwy. (South Service Rd.) to Rt. 110 (MVL)	No Parking	-----
ADD:	Walt Whitman Road/East From Rt. 110 to 150 ft. north of Sweet Hollow Rd. (MVL)	No Parking	-----
	Walt Whitman Road/East From 150 ft. north of Sweet Hollow Rd. to 50 ft. south of Arlington St. (MVL)	Limited parking 2 hours	-----
	Walt Whitman Road/East From 50 ft. south of Arlington St. to Old Country Rd. (MVL)	No Parking	-----
	Walt Whitman Road/West From Old Country Rd. south for 220 ft. (MVL)	No Parking	-----
	Walt Whitman Road/West From 220 ft. south of Old Country Rd. to 220 ft. north of Sweet Hollow Rd. (MVL)	Limited parking 2 hours	-----
	Walt Whitman Road/West From 220 ft. north of Sweet Hollow Rd. to Sweet Hollow Rd. (MVL)	No Standing	-----
	Walt Whitman Road/West From Sweet Hollow Rd. to Rt. 110 (MVL)	No Parking	-----

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark L. Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011- 479

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

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **COUNCILMAN CUTHBERTSON**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 20th day of September, 2011, pursuant to Section 198, Article VI of the code of the Town of Huntington, to consider the application of John and Jennifer Haight, 247 Park Avenue, Huntington, NY 11743 for a Certificate of Approval, in accordance with plans dated June 2011, to erect one and two story additions and rear roofed over porch: 1<sup>st</sup> floor for 16'9" x 4' porch, 11'6" x 4' vestibule, 4'10" x 4'6" bathroom; 2<sup>nd</sup> floor for 21'1" x 24'6" master bedroom and bathroom for a one family dwelling located at 247 Park Avenue, Huntington, NY 11743; bearing Suffolk County Tax Map #0400-027.00-03.00-016.000, 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 John and Jennifer Haight for a Certificate of Approval.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-480

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 18-2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 87 (BUILDING CONSTRUCTION), ARTICLE VIII (GENERAL RESTRICTIONS AND REQUIREMENTS)

Resolution for Town Board Meeting dated: October 11, 2011

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

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 20<sup>th</sup> day of September, 2011 at 7:00 p.m. to consider adopting Local Law Introductory No. 18-2011, amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article VIII (General Restrictions and Requirements), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 18-2011 amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article VIII (General Restrictions and Requirements); as follows:

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

LOCAL LAW NO. 26 -2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 87 (BUILDING CONSTRUCTION)  
ARTICLE VIII (GENERAL RESTRICTIONS AND REQUIREMENTS)

Section 1. Chapter 87 (Building Construction), Article VIII (General Restrictions and Requirements) of the Code of the Town of Huntington is hereby amended; as follows:

CHAPTER 87  
BUILDING CONSTRUCTION

\* \* \*

ARTICLE VIII  
GENERAL RESTRICTIONS AND REQUIREMENTS

\* \* \*

§87-55.2. [ENERGY STAR HOMES] Energy Efficient Homes.

[A.] [The plans and specifications for construction of new one-family dwellings shall comply with the ENERGY STAR Labeled Homes Program in accordance with paragraphs B and C below.]

[B.] [As of June 1, 2008 and prior to the issuance of a building permit, the applicant shall certify that the plans and specifications submitted for the construction of a new one-family dwelling shall comply with the ENERGY STAR Program and achieve a rating of 84 or higher on the current Home Energy Rating System (HERS) scoring system adopted by the State of New York.]

[C.] [As of January 1, 2009 and prior to the issuance of a building permit, the applicant shall certify that the plans and specifications submitted for the construction of a new one-family dwelling shall comply with the ENERGY STAR Program, and the dwelling must meet all required on-site inspections and performance testing requirements. No Certificate of Occupancy will be issued until the performance testing requirements have been satisfied and the dwelling has passed the tests.]

[D.] [Home Energy Rating System (HERS) Underwriter Certification.]

[1.] [A Home Energy Rating System (HERS) Underwriter, as found qualified by the Director of Engineering Services, is hereby authorized to make inspections and re-inspections of all ENERGY STAR Labeled Homes Program installations heretofore and hereafter described and to approve or disapprove same. In no event, however, will the cost or expense of such inspections and re-inspections be a charge against the Town of Huntington.]

[2.] [Duties. A duly qualified HERS Underwriter shall have the following duties:]

[a.] [To certify that building construction plans and specifications for a one-family dwelling to be submitted as part of a building permit application to the Director of Engineering Services comply with the design criteria of the ENERGY STAR Labeled Homes Program.]

[b.] [To make inspections or re-inspections of ENERGY STAR Labeled Homes Program installations, appliances and equipment in and on properties within the Town of Huntington.]

[c.] [To furnish written reports of each inspection to the Director of Engineering Services, the building permit applicant and such other parties as the Director may designate.]

[d.] [To issue a certificate of compliance when ENERGY STAR Labeled Homes Program installations and equipment are in conformity with this chapter. The Underwriter shall furnish a copy of the certificate to the Director of Engineering Services, the building permit applicant and such other parties as the Director may designate.]

[E.] [Exemption. Notwithstanding any provision contained in this Article, the testing and verification requirement may be waived upon the Long Island Power Authority (LIPA) submitting a certification that no testing or verification protocol and procedure can be applied accurately in a particular building configuration.]

(A) Commencing on January 1, 2012 prior to the issuance of a building permit for the construction of a new one-family dwelling, the owner or applicant shall certify that the plans and specifications comply with the energy conservation requirements by submitting with the building permit application a New York State HERS compliance certificate issued by an independent certified HERS rater that is acceptable to the Director of Engineering Services, indicating that the building was designed to meet a HERS Index Rating of 70 or less as defined by the most current rating system promulgated by RESNET. Said certificate must indicate compliance with the most current version of the Energy Conservation Construction Code of New York State (ECCCNYS).

(B) Prior to the issuance of a Certificate of Occupancy for a newly constructed one-family dwelling where the building permit was issued on or after January 1, 2012, the property owner or applicant shall produce a Home Energy Rating Certificate (HERC) from an independent certified RESNET rater acceptable to the Director of Engineering Services that the as-built structure achieves a HERS Index Rating of 70 or less and that the structure complies with the most current version of the Energy Conservation Construction Code of New York State (ECCCNYS). The applicant shall also produce a certificate by an independent certified rater that the structure is in compliance with the most current Combustion Safety Standards promulgated by RESNET. Any Certificate of Occupancy issued shall indicate that the structure is in compliance with the Energy Efficient Home Standard.

(C) Commencing on January 1, 2012, prior to the issuance of a Certificate of Occupancy for a newly constructed one-family dwelling for which a building permit has been previously issued, the owner or applicant shall provide a Home Energy Rating Certificate (HERC) from an independent third party certified RESNET rater acceptable to the Director of Engineering Services. Any Certificate of Occupancy issued shall indicate that the structure is ESLH V.2 compliant.

(D) The Director of Engineering Services may establish requirements for HERS raters practicing within the Town of Huntington as to the submission of proof regarding certification, insurance, experience, independence, and such other proof or disclosure as deemed advisable or necessary by the Director; and may maintain a list of approved raters that have provided the required information. The Director may establish rules and regulations to limit conflicts of interest in the HERS rating of buildings and structures. If an approved list is maintained by the Director, no HERS rater may provide the services required in this section unless the rater is on the approved list. HERS raters may be removed from the list of approved raters by the Director for cause and upon reasonable notice.

\* \* \*



2011-481

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 19-2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 98 (DOMESTIC PARTNERSHIP REGISTRY), LOCAL LAW 18-2004

Resolution for Town Board Meeting dated: October 11, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

THE TOWN BOARD having held a public hearing on the 20th day of September, 2011 at 7:00 p.m. to consider adopting Local Law Introductory No. 19-2011, amending the Code of the Town of Huntington, Chapter 98 (Domestic Partnership Registry), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 19-2011 amending the Code of the Town of Huntington, Chapter 98 (Domestic Partnership Registry); as follows:

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

LOCAL LAW NO. 27 -2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 98 (DOMESTIC PARTNERSHIP REGISTRY)

Section 1. Amendment to Chapter 98 (Domestic Partnership Registry) of the Code of the Town of Huntington; as follows:

CHAPTER 98  
DOMESTIC PARTNERSHIP REGISTRY

§ 98-1. Legislative intent.

A. It is the intention of the Huntington Town Board to establish a mechanism by which those who choose not to [or are legally prohibited from marrying] marry can express and document their commitment to each other as "domestic partners." The Town Board deems it is appropriate and fair that certain societal benefits and privileges now accorded to those who are in a legally recognized partnership be available to domestic partners.

\* \* \*

§98-3. Statement(s) of domestic partnership.

A. Contents. The statement shall be signed under the penalty of perjury and shall include the date on which the persons became each other's domestic partner and the address of both partners. [Statements must include certified] Certified copies of each partner's birth certificate or proof of birth date in a form acceptable to the Town Clerk, and a copy of either a driver's license or other photo identification acceptable to the Town Clerk shall be provided to the Town Clerk at the time of registration.

\* \* \*

C. Amendment of domestic partnership statement. Partners may amend the domestic partnership statement at any time [in order to change an address] by filing an amended statement.

D. Termination of domestic partnership. The domestic partnership statement may be terminated as follows:

(1) Either one or both members to [Either member of] a domestic partnership may terminate the domestic partnership by filing a termination statement with the Town Clerk. The person filing the termination statement must declare, under penalty of perjury, [(a) The] that the domestic partnership is terminated[;], and if the termination statement has not been signed by both members, that a copy of the termination statement has been mailed to the other member by regular mail and certified mail, return receipt requested, to the last known address of the other member, [(b) A] or that a copy of the termination statement has been [mailed or] personally given to the other [domestic partner.] member.

(2) If signed by only one member of the partnership, the termination statement shall [include] be filed with a notarized affidavit of service or [United States Postal Service] proof of [its] mailing issued by the United State Postal Service, together with a copy of the certified mail receipt, as evidence that the statement has been mailed to the other partner, or a notarized statement of the other partner acknowledging the termination.

(3) A domestic partnership shall automatically terminate [in the event of the marriage or death of either partner] whenever one of the members to the domestic partnership marries a third party, or the domestic partners marry each other, or upon the death of one of the members.

\* \* \*

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

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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 immediately upon filing in the Office of the Secretary of the State of New York.

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

VOTE:                    AYES: 5        NOES: 0        ABSTENTIONS: 0

Supervisor Frank P. Petrone	<u>AYE</u>
Councilwoman Susan A. Berland	<u>AYE</u>
Councilman Mark A. Cuthbertson	<u>AYE</u>
Councilwoman Glenda A. Jackson	<u>AYE</u>
Councilman Mark Mayoka	<u>AYE</u>

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2011- 482

ENACTMENT: AMEND THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.  
RE: EIGHTH AVENUE, NO PARKING RESTRICTION  
EAST NORTHPORT

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 20th day of September, 2011, to consider amending the Uniform Traffic Code of the Town of Huntington, and due deliberation having been had,

HEREBY AMENDS

the Uniform Traffic Code of the Town of Huntington, Chapter 3, Parking Regulations; Article II, Parking, Standing, and Stopping Restrictions; §3-3, Designation of Areas and Restrictions; Schedule J.

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD:	Eighth Avenue/South From 70 ft. west of First Street North to 75 ft. east of First Street North. (ENP)	No Parking	*****

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark L. Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 16-2011, CONSIDERING ZONE CHANGE APPLICATION #2010-ZM-383, GULBAHAR CORP., TO CHANGE THE ZONING FROM C-6 GENERAL BUSINESS DISTRICT TO C-11 AUTOMOTIVE SERVICE STATION DISTRICT FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF LARKFIELD ROAD AND PULASKI ROAD, EAST NORTHPORT.

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by **COUNCILMAN CUTHBERTSON**

WHEREAS, GULBAHAR CORP., 245 Larkfield Road, East Northport, NY 11731, applicant, submitted application #2010-ZM-383 for a change of zone from C-6 General Business District to C-11 Automotive Service Station District for property located on the northeast corner of Larkfield Road and Pulaski Road (CR 11), East Northport, designated as 0400-120-03-039 on the Suffolk County Tax Map; and

WHEREAS, said application was forwarded to the Planning Board by the Town Board for study and recommendation under the applicable provisions of Huntington Town Code §198-127, and pursuant to the New York State Environmental Conservation Law, Article 8, State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617; and

WHEREAS, the applicant has submitted an Environmental Assessment Form (EAF) in connection with the application, and the Department of Planning and Environment has reviewed the information provided with the EAF, has duly classified the action Unlisted in accordance with the provisions of 6 NYCRR 617, SEQRA, and has coordinated the action which has established the Town Board, 100 Main St., Huntington, NY 11743, as Lead Agency and has prepared an EAF Parts II and III dated June 30, 2011, which analyzes the planning and zoning issues relative to the subject application as well as consistency with the Horizons 2020 Comprehensive Plan and evaluates potential project impacts in accordance with the SEQRA regulations, and these documents and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: [planning@huntingtonny.gov](mailto:planning@huntingtonny.gov); and

WHEREAS, by resolution dated June 29, 2011 the Planning Board recommended to the Town Board that the Town Board schedule a public hearing on the application, but that prior to the SEQRA determination of significance the Town Board should request that the applicant submit a traffic study to analyze traffic and public safety impacts of the proposed zone change and future development; and

WHEREAS, the Planning Board found that the rezoning of the subject property from C-6 to C-11 appears to conflict with the intent and recommendations of the Horizons 2020

Comprehensive Plan in that development patterns should be less vehicular oriented and more pedestrian oriented, and that the proposed use is inappropriate based on the existing land use pattern;

NOW THEREFORE BE IT

RESOLVED, upon due deliberation of the completed Environmental Assessment Form on file in the offices of the Town Clerk and the Department of Planning and Environment, the Town Board finds that this Unlisted action will not have a significant effect upon the environment because the rezoning action will incorporate measures, provided for in present town standards and regulations, to effectively mitigate potential impacts; and further finds that the proposed action to rezone the subject property is not inconsistent with the Town of Huntington Horizons 2020 Comprehensive Plan and with long term planning policies and goals and is unlikely to pose significant adverse environmental impacts; and additionally finds that any variance application or site plan resulting therefrom may require its own determination of significance, following SEQRA assessment of the specific project's environmental consequences based upon new information or revisions to the concept plans, the Town Board hereby:

- (1) Issues a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law based on the reasons outlined in the EAF, Parts II and III, which is hereby appended and made part of this resolution and Negative Declaration; and
- (2) Finds that the requirements for a SEQRA review have been met; and

BE IT FURTHER RESOLVED, that the Town Board, having held a public hearing on the 20th day of September, 2011, to consider adopting Local Law Introductory Number 16-2011 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), §198-7 of the Huntington Town Code, thereby rezoning from C-6 General Business District to C-11 Automotive Service Station District the property designated on the Suffolk County Tax Map as 0400-120-03-039, and due deliberation having been had

HEREBY ADOPTS

Local Law Introductory No. 16-2011, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts, Map, General Regulations), as follows on the terms and conditions as set forth herein.

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

LOCAL LAW NO. 28 - 2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 198 (ZONING)

ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)  
SECTION 7 (ZONING MAP)

Section 1. The Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), Section 7 (Zoning Map) is amended as follows:

CHAPTER 198 (ZONING)  
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)

\* \* \*

§ 198-7 Zoning Map

The boundaries of the districts enumerated in §198-6 of this Chapter are hereby established as shown on the map designated as the "Amended Building Zone Map of the Town of Huntington." The said map, together with all notations, references and every other detail shown thereon shall be as much a part of this chapter as if the map and every other detail shown thereon was fully described therein. Section 198-55 contains symbols on the map for the aforesaid districts.

The premises located on the northeast corner of Larkfield Road and Pulaski Road, East Northport, designated on the Suffolk County Tax Map as 0400-120-03-039, to be rezoned from C-6 General Business District to C-11 Automotive Service Station District, more particularly described as:

BEGINNING at a POINT on the northerly side of Pulaski Road, which point is the southerly end of a line bearing North 56 degrees 03 minutes 02 seconds West which connects the northerly side of Pulaski Road with the easterly side of Larkfield Road,

THENCE from said POINT OF BEGINNING North 56 degrees 03 minutes 02 seconds West 30.24 feet,

THENCE North 12 degrees 46 minutes 07 seconds West, 81.01 feet,

THENCE North 77 degrees 22 minutes 50 seconds East, 146.00 feet,

THENCE South 12 degrees 37 minutes 10 seconds East, 104.00 feet,

THENCE South 77 degrees 51 minutes 20 seconds West, 125.01 feet to the POINT OF BEGINNING.

\* \* \*

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.

Section 3. Effective Date

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

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011 - 484

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 24 -2011, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

Resolution for Town Board Meeting Dated: October 11, 2011

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

WHEREAS, the Town Board intends to amend the Huntington Town Code to comply with State Fire Code provisions on places of assembly; 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 proposal, 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 9<sup>th</sup> day of November, 2011 at 7:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 24 -2011, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article XI (Conditional Uses; Supplementary Regulations); as follows:

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

LOCAL LAW INTRODUCTORY NO. 24 - 2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 198 (ZONING), ARTICLE XI (CONDITIONAL USES;  
SUPPLEMENTARY REGULATIONS)

Section 1. Chapter 198 (Zoning), Article XI (Conditional Uses; Supplementary Regulations) of the Huntington Town Code is hereby amended as follows:

CHAPTER 198  
(ZONING)

\* \* \*

ARTICLE XI  
(CONDITIONAL USES; [SUPPLEMENTARY] SUPPLEMENTAL REGULATIONS)

\* \* \*

§198-68. Uses permitted by Board of Appeals.

A. The Zoning Board of Appeals may authorize the following uses after making all of the required findings and after public hearing as provided in Article XVI. Plans for parking and loading facilities for proposed uses shall be referred to the Planning Department for technical evaluation and advisory report, and no decision shall be made until the report has been received or thirty (30) days has elapsed. Landscaping and fencing and, screening may be required in connection with any use permitted under this section.

\* \* \*

(24) The use of any outdoor area, whether or not partially enclosed by a temporary or permanent structure, as a "place of [public] assembly" as defined [by the Town Fire Prevention Code, § 111-306A,] in the Fire Code of New York State, as part of a restaurant, bar, tavern, nightclub or other establishment for the on-premises consumption of food or alcoholic beverages, provided that:

(a) There are sufficient means of egress directly from the outdoor area which do not lead through the establishment so that the maximum number of persons who may lawfully occupy the outdoor area may escape safely in case of an emergency. In making its determination of sufficient means of egress, the Board of Appeals shall consider:

[1] The maximum potential occupant load for the outdoor area [as defined by the Town Fire Prevention Code, §111-306C] as established in the Fire Code of New York State.

\* \* \*

§198-69. Prohibited uses. Any other provision of this chapter notwithstanding, uses listed in this section are prohibited in all districts:

\* \* \*

F. Manufacture or storage of explosives.

\* \* \*

I. Class I and II flammable liquids as defined in the Fire Code of New York State. The storage of Class I and II flammable liquids in above-ground tanks outside of buildings and structures.

J. [I.] \* \* \*

K. [J.] \* \* \*

L. [K.] Open burning of garbage, rubbish, pesticides, plastics, or other [refuse] non-organic materials.

M. [L.] \* \* \*

N. [M.] \* \* \*

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.

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.

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2011 - 485

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 25 -2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 114 (FIRE PREVENTION AND SAFETY EDUCATION)

Resolution for Town Board Meeting dated: October 11, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Huntington Town Board intends to update the Huntington Town Code to remove antiquated provisions regarding grant monies available solely for the fiscal year 1983; 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 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 9<sup>th</sup> day of November, 2011, at 7:00 p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 25 -2011 amending the Code of the Town of Huntington, Chapter 114 (Fire Prevention and Safety Education); as follows:

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

LOCAL LAW INTRODUCTORY NO. 25 -2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
SO AS TO ADD CHAPTER 114 (FIRE PREVENTION AND SAFETY EDUCATION)

Section 1. Amendment to the Code of the Town of Huntington, Chapter 114 (Fire Prevention and Safety Education); as follows:

CHAPTER 114  
**RESERVED**

[FIRE PREVENTION AND SAFETY EDUCATION]

[§ 114-1.] [Purpose.]

[Recognizing that fires are responsible for enormous damage and destruction to lives and property, and that the fighting of fires involves substantial expenditures of money, time and effort and risk to volunteer fire fighters, the Town of Huntington finds it to be in the public interest to undertake reasonable efforts to prevent and/or diminish the incidences of fires in the Town of Huntington, and to encourage the installation of devices which provide early warnings of fires and/or which aid in quickly extinguishing same when they do occur. To this end, the Town of Huntington hereby embarks on a program of fire prevention and safety education throughout the Town of Huntington.]

[§114-2.] [Expenditure of funds.]

[Pursuant to Municipal Home Rule Law and consistent with other applicable laws of New York State and the Code of the Town of Huntington, state aid received by the Town of Huntington, during 1983, for administration and enforcement of fire prevention and building codes in 1982, under State Finance Law, §54-g may be expended in an amount not to exceed \$100,000 for the following purposes:]

[A.] [To provide fire prevention and fire safety education and instruction throughout the unincorporated area of the Town of Huntington.]

[B.] [To provide for the printing, publishing and dissemination of literature, films and/or other educational programs informing and educating property owners, citizens and residents of the Town of Huntington, outside of the incorporated area of the town, as to fire prevention and safety.]

[C.] [To provide assistance to those fire districts, located within the Town of Huntington, which employ fire district inspectors who perform inspections on behalf of the town in order to encourage a cooperative effort by and between the Town of Huntington and the Fire District, relative to fire prevention activities, including:]

[(1)] [Funding of training courses for fire district inspectors, and travel and other related expenses in connection with such training sessions.]

[(2)] [Funding of fire prevention literature, films or other educational programs for use of the dissemination by fire district inspectors.]

[D.] [Any other similar purpose which is directly germane to fire prevention and safety and which is not inconsistent with this chapter, and which is deemed similar by resolution of the Town Board.]

[§114-3.] [Severability.]

[If any section, provision or part hereof, as contained in this chapter shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication

shall not affect the validity of this chapter as a whole, or any section, provision or part thereof not so adjudged invalid or unconstitutional.]

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.

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.

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2011-486

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 26 -2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 111 (FIRE PREVENTION)

Resolution for Town Board Meeting dated: October 11, 2011

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Town Board intends to bring the Town Code into compliance with the Fire Code of New York State containing the mandatory minimum standards to safeguard life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the use and occupancy of buildings and structures; and

WHEREAS, pursuant to §617.5 (c)(20) and (27) of the SEQRA regulations amending the Code of the Town of Huntington to comply with state mandates is a "routine or continuing agency administration and management, not including new programs of 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 9<sup>th</sup> day of November, 2011 at 7:00pm at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 26 -2011 amending the Code of the Town of Huntington, Chapter 111 (Fire Prevention); as follows:

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

LOCAL LAW INTRODUCTORY NO. 26 -2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 111 (FIRE PREVENTION)

Section 1. Amendment to Chapter 111 (Fire Prevention) of the Code of the Town of Huntington; as follows:

**THE EXISTING PROVISIONS OF CHAPTER 111 (FIRE PREVENTION) ARE REPEALED IN THEIR ENTIRETY.**

**CHAPTER 111**  
**FIRE PREVENTION**

**ARTICLE I**  
**GENERAL PROVISIONS**

**§111-1. Title.**

This chapter shall be known and may be cited as the "Fire Prevention Code.

**§111-2. Legislative Intent.**

- A. It is the intention of the Town Board to establish regulations to safeguard life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings and structures.
- B. The Town Board hereby adopts the provisions of the Fire code of New York State and successor law for application within its jurisdictional borders, which shall be enforced in accordance with the enforcement provisions of this chapter to the fullest extent permitted by law.
- C. The Town Board intends to enforce the provisions of the Fire Code of New York State; the standards and regulations published by the National Fire Protection Association; and the provisions of this Chapter to prevent the loss of life and the destruction of property by fire and other hazards.
- D. Pursuant to §119.1 (Administration and Enforcement) of the New York State Uniform Fire Prevention & Building Code; 19 NYCRR §1203.2; Executive Law §381(2) and §382; Municipal Home Rule Law §10(1)(ii)(a)(11) and (12), §10(1)(ii)(d)(3), §10(3)(b) and (4)(a) and (b); Town Law §130(3-a), (5), (11), (15) and (16); and other applicable laws, rules, and regulations, or successor laws, the enforcement provisions of this Chapter shall control and supersede any remedy or enforcement provision contained in the Fire Code of New York State, and other applicable state law, rule, regulation or successor law to the fullest extent permitted by law.

**§111-3. Scope.**

This chapter establishes regulations affecting or relating to buildings, structures, installations, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;

2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or fire alarm systems.

**§111-4. Conflicting provisions.**

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

**§111-5. Definitions.** For the purpose of this Chapter the following terms shall have the meanings indicated. Where terms are not defined in this chapter and are defined in the Fire Code of New York State, Building Code of New York State, Mechanical Code of New York State, Fuel Gas Code of New York State, Residential Code of New York State, Property Maintenance Code of New York State or the Plumbing Code of New York State, such terms shall have the meanings ascribed therein. Where terms are not defined through the methods authorized by this section, such terms shall have their ordinary accepted meaning.

APPROVED. Acceptable to the fire code official.

AUTOMATIC FIRE-EXTINGUISHING SYSTEM. A listed system of devices and equipment that automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of a fire.

AUTOMATIC SPRINKLER SYSTEM. A sprinkler system, for fire protection purposes, is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply. The portion of the system above the ground is a network of specially sized or hydraulically designed piping installed in a structure or area, generally overhead, and to which automatic sprinklers are connected in a systematic pattern. The system is usually activated by heat from fire and discharges water over the fire area.

CARBON DIOXIDE EXTINGUISHING SYSTEM. A system supplying carbon dioxide (CO<sub>2</sub>) from a pressurized vessel through fixed pipes and nozzles. The system includes a manual or automatic actuating mechanism.

CLEAN AGENT EXTINGUISHING SYSTEM. A fire extinguishing system using electrically non-conducting, volatile, or gaseous fire extinguishant that does not leave a residue upon evaporation.

CONSTRUCTION PERMIT. A construction permit allows the applicant to install or modify fire protection equipment.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

FIRE ALARM SYSTEM. A system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

FIRE CODE OFFICIAL. The Town of Huntington Chief Fire Marshal, Senior Fire Marshal or Fire Marshal charged with the administration and enforcement of the Fire Code of New York State or the Fire Prevention Code of the Town of Huntington.

FIRE PROTECTION EQUIPMENT. Listed devices, equipment and systems or combinations of systems used to detect a fire, activate an alarm, extinguish or control a fire, control or manage smoke and products of a fire or any combination thereof. Fire protection systems include: automatic fire-extinguishing systems, automatic sprinkler systems, carbon dioxide extinguishing systems, clean agent extinguishing systems, fire alarm systems, foam-extinguishing systems, mechanical smoke control systems, and halogenated extinguishing systems.

FOAM-EXTINGUISHING SYSTEM. A special system discharging foam made from concentrates, either mechanically or chemically, over the area protected.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable space.

HALOGENATED EXTINGUISHING SYSTEM. A fire-extinguishing system using one or more atoms of an element from the halogen chemical series: fluorine, chlorine, bromine and iodine.

HIGH-PILED COMBUSTIBLE STORAGE. The storage of combustible materials in closely packed piles on pallets, in racks or on shelves where the top of the storage is greater than twelve (12) feet in height. High piled combustible storage also includes certain high-hazard commodities, such as rubber tires, Group A plastics, flammable liquids, roll paper, idle pallets and similar commodities, where the top of the storage is greater than six (6) feet in height.

HIGH-PILED STORAGE AREA. An area within a building or structure that is designated, intended, proposed or actually used for high-piled combustible storage.

HOT WORK. Operations including cutting, welding, thermite welding, thawing pipe, installation of torch-applied roof systems or any other similar activity.

HOT WORK AREA. The area exposed to sparks, hot slag, radiant heat, or convective heat as a result of the hot work.

LISTED. Equipment or materials included on a list published by an approved testing laboratory, inspection agency or other organization concerned with current product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states that equipment or materials comply with approved nationally recognized standards and have been tested or evaluated and found suitable for use in a specified manner.

OCCUPIABLE SPACE. A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or other purposes or in which occupants engage at labor, which is equipped with means of egress and light and ventilation facilities meeting the requirements of the Building Code of New York State.

OPEN BURNING. The burning of materials where products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses.

OPERATIONAL PERMIT. An operational permit allows the applicant to conduct an operation, activity, or business for which a permit is required under this Chapter for either a prescribed period, or until renewed or revoked.

PERMIT. A permit shall constitute permission to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify any fire protection system or equipment or any other construction, equipment, installation or modification for which the permit is issued.

PERSON. An individual, business entity, association, or a group acting as a unit.

PLACE OF ASSEMBLY. The use of a building or structure, or a portion thereof, for the gathering together of persons for purposes including but not limited to civic, social or religious functions, recreation, food or drink consumption or awaiting transportation.

RECREATIONAL FIRE. An outdoor fire burning materials other than rubbish for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

SMOKE CONTROL SYSTEM. An engineered system that uses mechanical fans to produce pressure differences across smoke barriers or to establish air flows to limit and direct smoke movement.

TORCH APPLIED ROOF SYSTEM. Bituminous roofing systems using membranes that are adhered by heating with a torch and melting asphalt back coating instead of mopping hot asphalt for adhesion.

**§111-6. Bureau of Fire Prevention.**

The Bureau of Fire Prevention is a division of the Department of Engineering Services of the Town of Huntington, under the supervision of the Director of Engineering Services. The Chief Fire Marshal shall be the administrative head of the bureau and shall have such powers necessary for the proper administration of the bureau consistent with applicable provisions of law. The Bureau shall have additional enforcement personnel including the Senior Fire Marshal and Fire Marshals.

**§111-7. Appointment of Chief Fire Marshal.** The Director of Engineering Services shall appoint the Chief Fire Marshal.

**§111-8. Qualifications of Chief Fire Marshal.**

The Chief Fire Marshal shall be a graduate of a State Code Enforcement training program established by the State of New York, and shall meet the requirements of all applicable laws and regulations. If at the time of appointment he lacks completion of a state-approved course of study in fire prevention and protection, such course shall be completed within eighteen (18) months after the appointment.

**§111-9. Duties of the Chief Fire Marshal.**

A. The Chief Fire Marshal shall administer and enforce the Fire Prevention Code of the Town of Huntington, the Fire Code of the State of New York, and the provisions of all other applicable laws and rules, and shall perform the following duties:

- (1) Investigation of fires: all major fires within the Town shall be investigated for cause and origin.
- (2) Plan review: review of all system plans and design specifications, pertaining to the issuance of construction permits.
- (3) Inspection: inspection of sprinkler system installations, standpipe system installations, commercial fire detection and fire alarm system installations, alternate agent suppression system installations; and preparation of inspection reports.
- (4) Enforcement: issuance of notices of violation and summonses and provide assistance to the Town Attorney and other town departments in the prosecution of violations in the Town of Huntington.
- (5) Complaints: review and assign personnel to investigate all complaints pertaining to the existence of conditions or activities that fail to comply

with the Fire Code of New York State, the provisions of this chapter and, or other applicable laws and rules.

- (6) Instructional: preparation and distribution of literature on fire prevention and protection, and training of Fire Code Officials regarding inspection procedures.
- (7) Permits: the granting or denial of construction permits; the granting or denial of operating permits after inspection and report by the Fire Code Officials, except that permits for household or commercial burning may also be granted or denied by local fire district authorities.
- (8) Records: maintenance of records and preparation of statistics on matters pertaining to fire prevention in the Town of Huntington, such as permits, violations, complaints, summonses issued, disposition of court cases and number, location, cause and type of fires.
- (9) Standard forms: standardization of forms and procedures utilized by all Fire Code Officials regarding matters which pertain to the Fire Prevention Code of the Town of Huntington and Fire Code of New York State.
- (10) Liaison: liaison between all fire service agencies and other Town departments.
- (11) Fees: collection of fees resulting from the review and inspection of construction permits, operating permits, and property maintenance inspections.
- (12) Reports: submission of an annual report to the Town Board containing a review of the operations of the Bureau, recommending necessary changes and providing related statistics and other information requested by the Town Board.
- (13) Supervision: coordinate the activities of Fire Code Officials.

B. Duties of the Senior Fire Marshal and Fire Marshals.

- (1) The Senior Fire Marshal shall assist the Chief Fire Marshal in the coordination of the activities of all Fire Marshals; perform inspections pertaining to construction permits for the installation of fire protection systems; and conduct investigation of fires as directed by the Chief Fire Marshal.
- (2) Fire Marshals shall perform inspections pertaining to the issuance of operational permits and temporary operational permits; perform property maintenance and fire safety inspections; investigate complaints; schedule

and perform fire safety programs throughout the Town; and perform activities as directed by the Chief Fire Marshal or the Senior Fire Marshal.

**§111- 10. Authority to enter premises.**

If, in the judgment of the Fire Code Official, an emergency exists as when a condition or hazard is an immediate peril to the public health and safety, or a serious and immediate danger to property, he may enter any building or structure, during reasonable hours, to inspect and investigate.

**§111-11. Notification of fire or explosion.**

The chief of any fire department providing fire fighting services within the Town of Huntington shall promptly notify the Chief Fire Marshal of any fire or explosion involving any structural damage to a building, fuel burning appliance, chimney or gas vent on property within his jurisdiction.

**§111- 12. through §111-17. (Reserved).**

**ARTICLE II**  
**FIRE PREVENTION ADVISORY BOARD**

**§111-18. Purpose and scope.**

The Fire Prevention Advisory Board of the Town of Huntington shall meet for the purpose of making written recommendations to the Town Board relating to the Fire Prevention Code, fire prevention and protection.

**§111-19. Members and terms.**

A. The Board shall consist of nine (9) members comprised as follows:

- (1) The Chief Fire Marshal of the Town of Huntington; and
- (2) Three (3) fire chiefs from the Town of Huntington Fire Chiefs Council; and
- (3) Three (3) members from the Town of Huntington Fire District Officers Association; and
- (4) One (1) member to be chosen by the Town Board for a term of (3) years.
- (5) The president of the Fire Inspectors Association.

- B. The Town Board shall appoint the Fire Chief and District Officers Association Representatives upon the recommendation of their respective organizations to a term of (3) years, except that the members first appointed shall have staggered terms of office for one (1), two (2), and three (3) years as recommended by their respective organizations.
- C. The Fire Prevention Advisory Board shall be selected from its duly appointed members a Chairman and Vice Chairman on an annual basis.

**§111-20. Vacancies; compensation.**

- A. Appointments to fill vacancies shall be made by the Town Board and shall be for the unexpired term of the vacancy.
- B. The members of the Fire Prevention Advisory Board shall serve without compensation.

**§111-21. Quorum; voting; meetings.**

- A. A quorum shall consist of five (5) members and shall be necessary for the transaction of business of the Board.
- B. A majority of the members present at a meeting shall be necessary for passage of a written recommendation to the Town Board.

**§111- 22. through §111-25. (Reserved).**

**ARTICLE III**  
**PERMIT APPLICATION PROCESS**

**§111-26. Permits Generally.**

- A. Permits for the same location. A single permit may be granted for one (1) or more of the purposes for which approval is sought at the discretion of the Chief Fire Marshal.
- B. Permit Placement. Permits shall be posted in a conspicuous place on the premises designated therein and shall be readily available for inspection at all times by the fire code official, an officer of the police department, or any officer of the fire district. It shall be unlawful to fail to post the required operational or construction permit on site where an operation is being conducted or work is being performed.
- C. Scope of permit. Permits shall be issued for a specific purpose or activity and shall not be construed to authorize any other work or activity under this chapter or other applicable state or local law, regulation or rule.

**§111-27. Permit application.**

Application for a permit required by this chapter shall be made to the Bureau of Fire Prevention Chief Fire Marshal with the non-refundable application fee and shall be accompanied by plans and specifications where required by the Chief Fire Marshal.

- A. An application for any proposed work, activity, or operation shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued, except that the Director of Engineering Services is authorized to grant one or more extensions not exceeding ninety (90) days each for good cause shown, as long as it can be demonstrated that the applicant is proceeding diligently and the delay is not under the control of or due to the actions of the applicant.
- B. Denial of application. If the application for a permit describes a use or activity that does not conform to state or local requirements, a permit shall not be issued and the application shall be returned with the reason for denial.
- C. Where field conditions necessitate any substantial change from the approved construction documents, corrected construction drawings shall be submitted for approval along with the requisite plan review fee.
- D. Correction of errors. The issuance of a permit based on construction documents and other data shall not prevent the fire code official from requiring the correction of errors in the documents submitted. The Chief Fire Marshal shall approve any addition to or alteration of approved construction documents in advance, and a new permit issued.
- E. Construction documents shall be submitted in such form and detail as required by the Chief Fire Marshal and shall be prepared by a licensed design professional in accordance with New York State Department of Education regulations. All construction plans and specifications shall be stamped and signed by a New York State Licensed Engineer or a Registered Architect.
- F. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the requirements of this chapter, the Fire Code of New York State, and other applicable law, rule or regulation.

**§111-28. Term of permits; extensions.**

- A. Operational permits. An operational permit shall remain in effect until reissued, renewed, or revoked or for a period not to exceed the date specified in the permit; operating permits may not be extended or transferred.

**B. Construction permits.**

- (1) Construction permits are valid for one (1) year from the date of issuance. The Bureau of Fire Prevention may extend such permits for no more than two (2), one (1) year terms. In no event shall a construction permit be renewed beyond three (3) years of the original date of issuance. Such permit shall be null and void at the end of the extension period(s). An expired constructions permit must be replaced with a new permit upon the submission of a new application and payment of the requisite fee.
- (2) The fee for each extension period shall be one-half (1/2) of the total application fee paid for the original permit. If, at the discretion of the Director of Engineering Services, payment of the fee for an extension in full for a construction permit would constitute a severe hardship to the applicant, the fee may be pro-rated on a monthly basis, provided the project is substantially complete and no hazard to the public health or safety will be created.
- (3) Construction permits are not transferable.

**§111-29. Frequency of inspections.**

- A. The fire code official shall perform operational permit inspections and conduct fire safety property maintenance inspections of buildings and structures at the following intervals:
  - (1) Areas of public assembly, dormitories, and business operations that require operational permits shall be inspected at least once every twelve (12) months.
  - (2) Inspection of multiple dwellings and all non-residential buildings, structures, uses and occupancies that do not require an operational permit shall be performed at least once every thirty-six (36) months. Requests for an inspection to be conducted less than once every thirty-six (36) months shall be accommodated upon payment of the requisite fee in the amount of one hundred (\$100.00) that shall be payable in advance of the inspection.
- B. Before a new operational permit is approved or an existing permit is renewed, an inspection of the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used shall be conducted to determine compliance with the provisions of this chapter or of any other applicable state or local law, regulation or rule.

- C. A certificate of completion for work completed under a construction permit may not be issued until such time as an acceptance test has been performed by the contractor identified on the construction permit and approved by the fire code official. Prior to scheduling an acceptance test the contractor of record shall provide the fire code official with copies of all required regulatory approvals.
- D. Whenever any system installation is completed and is covered or concealed prior to inspection, the fire code official may require that such work be exposed for inspection.
- E. It shall be unlawful for any person or business entity to resist, obstruct or impede the fire code official of the Town of Huntington in the inspection process. Any action to resist, obstruct or impede the inspection process shall be in violation of this chapter and subject to the fines and penalties provided herein.

**§111-30. Issuance of permit.**

The Chief Fire Marshal may approve an application for a permit in whole or in part if the proposed work, project, activity or operation meets all applicable laws, rules and regulations. Any permit issued pursuant to this Chapter can be made subject to conditions or restrictions that, in the judgment of the Chief Fire Marshal, are necessary or proper to protect the health or safety of persons or property, and in the public interest. Such conditions or restrictions shall be set forth in the permit.

**§111-31. Violation of conditions.**

Any person who fails, neglects or refuses to abide by a condition or restriction established in a permit issued pursuant to this Chapter shall be in violation of this Chapter.

**§111-32. Acceptance of permit.**

- A. The acceptance of a permit shall constitute an agreement by the property owner and/or permit holder that the work to be performed, or activity or operation, will comply in all respects with the plans and specifications approved by the bureau, and that no modification, alteration or deviation from the approved plans and specifications, or the permit, will occur without the prior approval of the Chief Fire Marshal. A property owner and/or permit holder who performs work, or causes work to be performed, or conducts an operation or activity which modifies, alters or deviates from the approved plans, specifications or permit in any way shall be in violation of this Chapter. In addition to any other penalty provided for herein, the Town may issue a stop-work order and the Chief Fire Marshal may revoke the permit.

- B. Non-transferability of permit to other property. It shall be unlawful to cause or permit a permit to be posted at a premise other than the premises for which the permit was issued. The permit holder, property owner to whom the permit was originally issued and the owner of the property on whose property the permit is unlawfully posted shall be strictly liable for a violation of this Chapter. In addition to any other penalty provided for herein, the Town may issue a stop-work order and the Chief Fire Marshal may revoke the permit.
- C. Alteration of permit. It shall be unlawful to alter, obscure, deface, change or otherwise tamper with any portion of a permit issued pursuant to this Chapter. The property owner and/or permit holder shall be strictly liable for a violation of this section. In addition to any other penalty provided for herein, the Town may issue a stop-work order, and the Director may revoke the permit.

**§111-33. Revocation of permits.**

A permit may be revoked by the Chief Fire Marshal when it is found by inspection or otherwise that there has been a false statement or misrepresentation or incomplete information as to a material fact in the application or construction documents on which the permit or approval was based, or there has been an unlawful act in connection with the permit, including but not limited to any of the following:

- A. The permit is used for work, or an activity or operation, location or establishment other than that for which it was issued; or
- B. A condition or restriction set forth in the permit has been violated, neglected or ignored; or
- C. There has been a false statement, an error, mistake or misrepresentation as to a material fact in the application for a permit, the construction documents or the plans submitted for approval; or
- D. The permit is used by a different person or firm than the name for which it was issued; or
- E. The applicant failed, refused or neglected to comply with orders or notices duly issued by the Bureau of Fire Prevention pertaining to the subject of the permit within the time provided therein; or
- F. The permit was issued in error or in violation of state, county, or local law, rule or regulation; or
- G. Such other material basis as deemed proper or necessary by the Fire Code Official.

**§111-34. through §111-38. (Reserved)**

**ARTICLE IV**  
**FEES**

**§111-39. Construction permit fees.**

A. The following fees are established for the installation or modification of fire alarm system equipment. If the system should fail any portion of the review, testing or inspection process, payment of the requisite fee for such service must be paid before an inspection will be rescheduled.

- (1) Fee exemption. The permit fee shall be waived if the owner of the property for which a construction permit is sought is a municipality, special improvement district or other entity for which real property taxes are not collected, and if the construction or use is for governmental, municipal or district purposes and is not proprietary in nature.

**FEE SCHEDULE FOR AUTOMATIC FIRE ALARM SYSTEMS**

	System Size (Number of Devices)			
	1 - 25	26 - 100	100 - 250	More than 250
Plan Review	\$100	\$150	\$300	\$450
Inspection and acceptance test	\$200	\$200	\$250	\$350
Final report and permit issuance	\$25	\$50	\$750	\$75
Total	\$325	\$400	\$625	\$875

B. The following fees are established for the installation or modification of commercial and residential fire sprinkler system equipment. If the system should fail any portion of the review, testing or inspection process, payment of the requisite fee for such service must be paid before an inspection will be rescheduled.

- (1) Fee exemption. The permit fee shall be waived if the owner of the property for which a construction permit is sought is a municipality, special improvement district or other entity for which real property taxes are not collected, and if the construction or use is for governmental, municipal or district purposes and is not proprietary in nature.

**FEE SCHEDULE FOR AUTOMATIC FIRE SPRINKLER SYSTEMS**

	System Size			
	Small 1 - 25 Heads	Intermediate 26 - 100 Heads	Large 100 - 250 Heads	More than 250 Heads
Plan Review	\$100	\$150	\$300	\$450
Inspection and acceptance test	\$200	\$200	\$250	\$350
Final report and permit issuance	\$25	\$50	\$75	\$75

Total	\$325	\$400	\$625	\$875
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C. The following fees are established for the installation or modification of automatic fire extinguishing system equipment. If the system should fail any portion of the review, testing or inspection process, payment of the requisite fee for such service must be paid before an inspection will be rescheduled.

(1) Fee exemption. The permit fee shall be waived if the owner of the property for which a construction permit is sought is a municipality, special improvement district or other entity for which real property taxes are not collected, and if the construction or use is for governmental, municipal or district purposes and is not proprietary in nature.

**FEE SCHEDULE FOR AUTOMATIC FIRE-EXTINGUISHING SYSTEMS**

	Type of System		
	Wet or Dry Chemical Extinguishing System	Service Station Extinguishing System	Clean Agent / CO2 / Halon Extinguishing System
Plan Review	\$150	\$150	\$250
Inspection and acceptance test	\$100	\$100	\$200
Final report and permit issuance	\$50	\$50	\$50
Total	\$300	\$300	\$500

**FEE SCHEDULE FOR MISCELLANEOUS FIRE PROTECTION EQUIPMENT**

	Type of System		
	Fire Pump Installation	Standpipe System	Mechanical Smoke Control System
Plan Review	\$150	\$150	\$150
Inspection and acceptance test	\$200	\$200	\$200
Final report and permit issuance	\$50	\$50	\$50
Total	\$400	\$400	\$400

**§111-40. Operational permit fees.**

A. The following fees are established for operational permit, for conducting an operation or a business for which a permit is required.

(1) Fee exemption. The permit fee shall be waived if the owner of the property for which an operational permit is sought is a municipality, special improvement district or other entity for which real property taxes are not collected, and if the construction or use is for governmental, municipal or district purposes and is not proprietary in nature.

## FEE SCHEDULE FOR OPERATIONAL PERMITS

<u>Section</u>	<u>Permit for:</u>		<u>Fee</u>
<u>§111-58</u>	<u>Aerosol Products</u>		<u>\$130.00</u>
<u>§111-59</u>	<u>Auto Repair Garage</u>		<u>\$195.00</u>
<u>§111-60</u>	<u>Automotive/Wrecking Yard</u>		<u>\$130.00</u>
<u>§111-61</u>	<u>Combustible Material</u>		<u>\$65.00</u>
<u>§111-62</u>	<u>Compressed Gases</u>		<u>\$130.00</u>
<u>§111-63</u>	<u>Cryogenic Fluids</u>		<u>\$165.00</u>
<u>§111-64</u>	<u>Dry Cleaning Plant</u>		<u>\$65.00</u>
<u>§111-65</u>	<u>Explosives</u>		<u>\$195.00</u>
<u>§111-66</u>	<u>Fireworks</u>		<u>\$600.00</u>
<u>§111-67</u>	<u>Flamm/Comb. Liquids</u>		
	<u>6-10,000</u>		<u>\$130.00</u>
	<u>10,0001 – 35,000</u>		<u>\$165.00</u>
	<u>35,001 – 70,000</u>		<u>\$195.00</u>
	<u>70,001 – 110,000</u>		<u>\$260.00</u>
	<u>For every 20,000 over 110,000</u>		<u>\$2.50</u>
<u>§111-68</u>	<u>Hazardous Material</u>		
	<u>Type of Material</u>	<u>Quantity</u>	
	<u>Combustible liquids</u>	<u>See §111-67</u>	<u>N/A</u>
	<u>Corrosive materials</u>		
	<u>Gases</u>	<u>See §111-62</u>	<u>N/A</u>
	<u>Liquids</u>	<u>55 gallons</u>	<u>\$165.00</u>
	<u>Solids</u>	<u>1000 gallons</u>	<u>\$165.00</u>
	<u>Explosive materials</u>	<u>See §111-65</u>	<u>\$165.00</u>
	<u>Flammable materials</u>		
	<u>Gases</u>	<u>See §111-62</u>	<u>N/A</u>
	<u>Liquids</u>	<u>See §111-67</u>	<u>N/A</u>
	<u>Solids</u>	<u>100 pounds</u>	<u>\$165.00</u>
	<u>Highly toxic materials</u>		
	<u>Gases</u>	<u>See §111-62</u>	<u>N/A</u>
	<u>Liquids</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Solids</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Oxidizing materials</u>		
	<u>Gases</u>	<u>See §111-62</u>	<u>N/A</u>
	<u>Liquids</u>		
	<u>Class 4</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Class 3</u>	<u>1 gallon</u>	<u>\$165.00</u>
	<u>Class 2</u>	<u>10 gallons</u>	<u>\$165.00</u>
	<u>Class 1</u>	<u>55 gallons</u>	<u>\$165.00</u>
	<u>Solids</u>		
	<u>Class 4</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Class 3</u>	<u>10 pounds</u>	<u>\$165.00</u>
	<u>Class 2</u>	<u>100 pounds</u>	<u>\$165.00</u>
	<u>Class 1</u>	<u>500 pounds</u>	<u>\$165.00</u>

	<u>Organic peroxides</u> <u>Liquids</u> _____ Class I _____ Class II _____ Class III _____ Class IV _____ Class V <u>Solids</u> _____ Class I _____ Class II _____ Class III _____ Class IV _____ Class V	<u>Any quantity</u> <u>Any quantity</u> <u>1 gallons</u> <u>2 gallons</u> <u>No Permit Required</u>  <u>Any quantity</u> <u>Any quantity</u> <u>10 pounds</u> <u>20 pounds</u> <u>No Permit Required</u>	<u>\$165.00</u> <u>\$165.00</u> <u>\$165.00</u> <u>\$165.00</u> <u>N/A</u>  <u>\$165.00</u> <u>\$165.00</u> <u>\$165.00</u> <u>\$165.00</u> <u>N/A</u>
	<u>Pyrophoric materials</u> _____ Gases _____ Liquids _____ Solids	<u>See §111-62</u> <u>Any quantity</u> <u>Any quantity</u>	<u>N/A</u> <u>\$165.00</u> <u>\$165.00</u>
	<u>Toxic materials</u> _____ Gases _____ Liquids _____ Solids	<u>See §111-62</u> <u>10 gallons</u> <u>100 pounds</u>	<u>N/A</u> <u>\$165.00</u> <u>\$165.00</u>
	<u>Unstable (reactive) materials</u> <u>Liquids</u> _____ Class 4 _____ Class 3 _____ Class 2 _____ Class 1 <u>Solids</u> _____ Class 4 _____ Class 3 _____ Class 2 _____ Class 1	<u>Any quantity</u> <u>Any quantity</u> <u>5 gallons</u> <u>10 gallons</u>  <u>Any quantity</u> <u>Any quantity</u> <u>50 pounds</u> <u>100 pounds</u>	<u>\$165.00</u> <u>\$165.00</u> <u>\$165.00</u> <u>\$165.00</u>  <u>\$165.00</u> <u>\$165.00</u> <u>\$165.00</u> <u>\$165.00</u>
	<u>Water-reactive materials</u> <u>Liquids</u> _____ Class 3 _____ Class 2 _____ Class 1 <u>Solids</u> _____ Class 3 _____ Class 2 _____ Class 1	<u>Any quantity</u> <u>5 gallons</u> <u>55 gallons</u>  <u>Any quantity</u> <u>50 pounds</u> <u>500 pounds</u>	<u>\$165.00</u> <u>\$165.00</u> <u>\$165.00</u>  <u>\$165.00</u> <u>\$165.00</u> <u>\$165.00</u>
<u>§111-69</u>	<u>High-Pile Combustible Material</u>		<u>\$200.00</u>
<u>§111-70</u>	<u>LPG</u>		
	_____ 1 – 100 Gallons		<u>\$35.00</u>
	_____ 101 – 500 Gallons		<u>\$100.00</u>
	_____ 501 – 1,000 Gallons		<u>\$130.00</u>

	1,001 – 2,000 Gallons	\$195.00
	2001 Gallons or more	\$325.00
	Dispense / Transfer	Add \$65.00
§111-71	Lumber Yard	\$200.000
§111-72	Magnesium	\$200.00
§111-73	Place of Assembly	
	1 – 50 Persons	\$65.00
	51 – 100 Persons	\$130.00
	101 – 200 Persons	\$165.00
	201 – 300 Persons	\$260.00
	301 – 500 Persons	\$390.00
	501 – 1000 Persons	\$520.00
	1001 – 1500 Persons	\$650.00
	Each 100 Persons over 1500 Persons	\$35.00
§111-74	Spray Finish	\$100.00
§111-75	Tank Vehicles	\$45.00
§111-76	Tar Kettle	\$65.00
§111-77	Tent	\$100.00
§111-78	Welding & Other Hot Work	\$65.00

**§111-41. Fire safety and property maintenance inspection fees.**

- A. Fire Safety and property maintenance inspections shall consist of inspections required pursuant to the minimum requirements of the *Official Compilation of Codes Rules and Regulations of the State of New York*, 19 NYCRR Part 1203 (*Minimum Standards for Administration and Enforcement*).
- B. Certificates of inspection issued to reflect the completion of these inspections shall be valid for a period not in excess of three (3) years.
- (1) Inspection Fee. The fee to conduct Fire Safety and Property Maintenance Inspections shall be equivalent to one percent (1%) of the assessed value of the property inspected as reflected in the latest assessment rolls of the Town.
- (2) Collection of Fee. Upon completion of inspection, the Bureau of Fire Prevention will invoice the property owner for the fee associated with conducting the inspection, and it shall be payable within thirty (30) days of the invoice date.
- (3) Non-payment of Inspection Fee. It shall be unlawful to fail, neglect, or refuse to pay the required fee within thirty (30) days of the invoice date, and such failure shall be deemed a violation of this chapter and shall result in further legal or equitable action to collect the debt.

**§111- 42. through §111-46. (Reserved).**

**ARTICLE V**  
**CONSTRUCTION PERMITS**

**§111-47. Required Construction Permits**

The Chief Fire Marshal in conjunction with the Director of Engineering Services shall issue construction permits for the installation or modification of fire protection equipment upon compliance by the applicant with all state and local requirements and standards. Construction permits shall be required for automatic fire-extinguishing systems, automatic sprinkler systems, carbon dioxide extinguishing systems, clean agent extinguishing systems, fire alarm systems, foam-extinguishing systems, mechanical smoke control systems, halogenated extinguishing systems, fire pump systems, and standpipe systems.

**§111-48. Installation and maintenance of fire protection equipment.**

- A. It shall be unlawful for a person, firm or corporation to install or modify fire protection equipment or conduct a business operation without benefit of a construction permit for a fire protection system. Any person who fails, neglects or refuses to obtain a permit shall be in violation of this chapter.
- B. It shall be unlawful for any person to engage in the installation, servicing or maintenance of fire protection equipment without benefit of the requisite current manufacturer's certification, and appropriate New York State or Town of Huntington license.

**§111-49. Unlawful transfer of construction permit.**

Construction permits are not transferable and any change in occupancy, operation, use, tenancy, installation contractor or ownership shall require that a new permit be obtained. It shall be unlawful to transfer a permit to another person, or to change the occupancy, operation, use, or tenancy of a premise for which a permit was issued; or to change the installation contractor; or to change ownership of a premise for which a permit was issued without obtaining a new permit from the Chief Fire Marshal.

**§111-50. Commercial fire sprinkler system; additional requirements.**

- A. In all buildings designed or required to be fully protected with an automatic fire sprinkler system, it shall be unlawful to fail, refuse or neglect to fully protect all spaces, including mechanical, electrical, or telephone equipment rooms, or other control rooms, in accordance with NFPA Standard 13, or successor standard.
- B. In a partially occupied building that is designed or required to be fully protected with an automatic fire sprinkler system, it shall be unlawful to fail, refuse, or

neglect to fully protect all floors below the occupied space and any floor so occupied, partially or fully.

C. Basements.

- (1) It shall be unlawful to fail, refuse or neglect to install and maintain adequate and proper automatic fire sprinkler systems in all basements having an area exceeding five thousand (5,000) square feet, when used for the manufacture, sale or storage of combustible goods or merchandise, not including garages. "Area" as used in this section refers to the maximum horizontal projected area of the basement at grade, as measured between exterior walls, fire walls notwithstanding. "Combustible goods or merchandise" shall include those made of wood, paper or rubber; those containing flammable liquids; those packed with quantities of excelsior, moss or paper; and other goods or merchandise of equivalent or greater combustibility.
- (2) In buildings used for assembly, educational, institutional and residential occupancies, it shall be unlawful to fail, refuse or neglect to install and maintain adequate and proper automatic fire sprinkler systems in such portions of the basement as are used for storage purposes or as workshops.

**§111- 51. through §111-55. (Reserved).**

**ARTICLE VI**  
**OPERATIONAL PERMITS**

**§111-56. Required operating permits.**

- A. The Chief Fire Marshal in conjunction with the Director of Engineering Services shall issue operating permits to allow an applicant to conduct an operation or business for which a permit is required pursuant to this chapter upon compliance by the applicant with all state, and local requirements and standards.
- B. Occupancy or Use Prohibited. It shall be unlawful to operate a business, use, or occupy a building or a portion of a building without benefit of a required operational permit.

**§111-57. Unlawful transfer of operational permit.**

Operational permits are not transferable and any changes in occupancy, operation, use, tenancy, or ownership shall require that a new permit be obtained. It shall be unlawful to transfer a permit to another person, or to change the occupancy, operation, use, or tenancy of a premise for which a permit was issued; or to change ownership of a premise for which a permit was issued without obtaining a new permit form the Chief Fire Marshal.

**§111-58. Aerosol products.**

It shall be unlawful for any person to store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds net weight without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

**§111-59. Automotive repair garage / gasoline service stations.**

A It shall be unlawful for any person to operate or to allow the operation of a business for the purpose of servicing or repairing any motor vehicle within any building, shed or enclosure without benefit of an operational permit permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

B. It shall be unlawful for any person to dispense or cause to be dispensed Class I flammable liquids into the fuel tank of a vehicle or into a container unless the activity is under the control of a service station employee.

C. It shall be unlawful for any person to use or cause to be used any device which permits the dispensing of Class I flammable liquids when the hand of the operator is removed from the dispensing nozzle control lever; unless a listed automatic dispensing nozzle is used that has a latch-open device which is an integral part of the assembly, that will shut-off the flow of fuel when the tank is full; nozzles is dropped, or the vehicle is driven away while the nozzle is still in the tank.

**§111-60. Automotive wrecking yard, junkyard and waste handling facilities.**

It shall be unlawful for any person to operate an automotive wrecking yard, junkyard, or a waste handling facility without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

**§111-61. Combustible materials.**

It shall be unlawful for any person to store more than two thousand five hundred (2,500) cubic feet of combustible empty packing cases, boxes, barrels or similar containers, rubber tires or baled cotton, rubber or cork, or other similar combustible material without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

**§111-62. Compressed gases.**

It shall be unlawful for any person to store, handle or use, or cause to be stored, handled or used, compressed gases in excess of the amounts shown in the table without benefit of

an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

**PERMIT AMOUNTS FOR COMPRESSED GASES**

TYPE OF GAS	AMOUNT <i>(cubic ft. at NTP)</i>
Corrosive	200
Flammable <i>(except cryogenic fluids and LPG)</i>	200
Toxic	Any Amount
Inert / simple asphyxiant	6,000
Oxidizing <i>(including oxygen)</i>	504

**§111-63. Cryogenic fluids.**

It shall be unlawful for any person to store, transport on site, use, handle or dispense, or cause to be stored, transported on site, used, handled or dispensed, cryogenic fluids in excess of the amounts shown in the table without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

**PERMIT AMOUNTS FOR CRYOGENIC FLUIDS**

TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (Gallons)	OUTSIDE BUILDING (Gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (includes oxygen)	10	50
Physical or health hazard	Any Amount	Any Amount
Not indicated above		

**§111-64. Dry-cleaning plants.**

It shall be unlawful for any person to operate or maintain a dry cleaning business without an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

**§111-65. Explosives.**

A. It shall be unlawful for any person to handle or use, or cause another to handle or use, explosives without an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

- (1) Application for permits shall be made in writing at least fifteen (15) days in advance of the date of use and shall be accompanied by the requisite fee and supporting documentation.

- (2) Certificate of insurance. The applicant shall indemnify the Town of Huntington and the Huntington Board of Trustees and hold them harmless, and shall furnish a certificate of insurance in an amount deemed adequate by the Town Attorney for the payment of all damages which may be caused to persons or property by reason of the permitted activity or display and arising from any acts of the applicant, his agents, employees or subcontractors. Such certificate of insurance shall name the Town of Huntington and the Huntington Board of Trustees as additional insureds on the policy by endorsement.

**§111-66. Fireworks.**

A. Permit required. It shall be unlawful for any person to conduct or cause to be conducted a fireworks display without an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

- (1) Every such display shall be handled by a competent operator licensed by the State of New York and the Federal Bureau of Alcohol, Tobacco and Firearms and shall be so located, discharged or fired as, in the opinion of the Chief of the Fire Department, after proper inspection, is deemed safe, adequate and proper.
- (2) Application for permits shall be made in writing at least fifteen (15) days in advance of the date of display and shall be accompanied by the requisite fee and supporting documentation, including a copy of the license issued to the handler.
- (3) Certificate of Insurance to conduct a fireworks display. The applicant shall indemnify the Town of Huntington and the Huntington Board of Trustees and hold them harmless, and shall furnish a certificate of insurance in an amount deemed adequate by the Town Attorney for the payment of all damages which may be caused to persons or property by reason of the permitted display and arising from any acts of the applicant, his agents, employees or subcontractors. Such certificate of insurance shall name the Town of Huntington and the Huntington Board of Trustees as additional insureds on the policy by endorsement.

B. Display Site Requirements.

- (1) The pyrotechnic drop zone shall be determined by multiplying one hundred (100) feet per inch of the largest mortar diameter to be utilized for a display. At no time shall the distance separation from mortars/devices be less than two hundred (200) feet from spectators and/or occupied buildings regardless of mortar diameter.

- (2) In the event wind speed exceeds twenty (20) miles per hour, or the wind direction becomes such that pyrotechnic debris is carried, or in the judgment of the fire code official is in danger of being carried, over spectators or occupied buildings regardless of wind speed, the display shall immediately cease. It shall be unlawful to fail, refuse, or neglect to terminate a fireworks display when directed by the fire code official, and the failure, neglect or refusal to do so shall be a violation of this chapter.
- (3) Any pyrotechnic device four (4) inches in diameter or greater and which is discharged from a mortar shall be electronically fired.
- (4) A minimum of four (4) two and one-half (2 ½) gallon pressurized water extinguishers shall be provided by the pyrotechnic company and shall be strategically placed at the discharge site.
- (5) All pre-manufactured box or cake-type multi-shell devices shall have all sides adequately secured to prevent container wall failure. Such devices shall be secured by use of sandbags or placed in an enclosure. At no time shall the enclosure wall height be less than two-thirds (2/3) nor greater than the overall height of any aforementioned device.

C. Disposal of unfired fireworks.

- (1) Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a safe manner as deemed appropriate by the fire code official. Any person who fails, refuses or neglects to dispose of unfired fireworks in the manner directed by the fire code official shall be in violation of this chapter.

**§111-67. Flammable and combustible liquids.**

- A. It shall be unlawful for any person to store, handle, use or dispense, or cause to be stored, handled, used or dispensed, flammable and combustible liquids in excess of the amounts shown in the table without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

PERMIT AMOUNTS FOR FLAMMABLE COMBUSTIBLE LIQUIDS

<u>CLASS OF LIQUID</u>	<u>INSIDE BUILDING (Gallons)</u>	<u>OUTSIDE BUILDING (Gallons)</u>
<u>Class I</u>	<u>More than 5</u>	<u>10</u>
<u>Class II</u>	<u>25</u>	<u>60</u>
<u>Class III A</u>	<u>25</u>	<u>60</u>

**§111-68. Hazardous materials.**

It shall be unlawful for any person to store, transport on site, dispense, use or handle, or cause to be stored, transported on site, dispensed, used or handled, hazardous materials in excess of the amounts shown in the table without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

<u>TYPE OF MATERIAL</u>	<u>QUANTITY</u>
<u>Combustible liquids</u>	<u>See §111-67</u>
<u>Corrosive materials</u>	
<u>Gases</u>	<u>See §111-62</u>
<u>Liquids</u>	<u>55 gallons</u>
<u>Solids</u>	<u>1000 pounds</u>
<u>Explosive materials</u>	<u>See §111-65</u>
<u>Flammable materials</u>	
<u>Gases</u>	<u>See §111-62</u>
<u>Liquids</u>	<u>See §111-67</u>
<u>Solids</u>	<u>100 pounds</u>
<u>Highly toxic materials</u>	
<u>Gases</u>	<u>See §111-62</u>
<u>Liquids</u>	<u>Any quantity</u>
<u>Solids</u>	<u>Any quantity</u>
<u>Oxidizing materials</u>	
<u>Gases</u>	<u>See §111-62</u>
<u>Liquids</u>	
<u>Class 4</u>	<u>Any quantity</u>
<u>Class 3</u>	<u>1 gallon</u>
<u>Class 2</u>	<u>10 gallons</u>
<u>Class 1</u>	<u>55 gallons</u>
<u>Solids</u>	
<u>Class 4</u>	<u>Any amount</u>
<u>Class 3</u>	<u>10 pounds</u>
<u>Class 2</u>	<u>100 pounds</u>
<u>Class 1</u>	<u>500 pounds</u>
<u>Organic peroxides</u>	
<u>Liquids</u>	
<u>Class I</u>	<u>Any quantity</u>
<u>Class II</u>	<u>Any quantity</u>
<u>Class III</u>	<u>1 gallons</u>
<u>Class IV</u>	<u>2 gallons</u>
<u>Class V</u>	<u>No Permit Required</u>
<u>Solids</u>	
<u>Class I</u>	<u>Any quantity</u>

Class II	Any quantity
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required
<u>Pyrophoric materials</u>	
<u>Gases</u>	See §111-62
<u>Liquids</u>	Any quantity
<u>Solids</u>	Any quantity
<u>Toxic materials</u>	
<u>Gases</u>	See §111-62
<u>Liquids</u>	10 gallons
<u>Solids</u>	100 pounds
<u>Unstable (reactive) materials</u>	
<u>Liquids</u>	
Class 4	Any quantity
Class 3	Any quantity
Class 2	5 gallons
Class 1	10 gallons
<u>Solids</u>	
Class 4	Any quantity
Class 3	Any quantity
Class 2	50 pounds
Class 1	100 pounds
<u>Water-reactive materials</u>	
<u>Liquids</u>	
Class 3	Any quantity
Class 2	5 gallons
Class 1	55 gallons
<u>Solids</u>	
Class 3	Any quantity
Class 2	50 pounds
Class 1	500 pounds

**§111-69. High pile storage.**

It shall be unlawful for any person to conduct, maintain, or cause to be maintained high-piled storage in excess of five hundred (500) sq. ft in area of any building or portion thereof without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

**§111-70. Liquefied petroleum gas.**

It shall be unlawful for any person to store, handle, dispense or use, or cause to be stored, handled, dispensed or used, liquefied petroleum gas without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

**§111-71. Lumber yards and wood working plants.**

It shall be unlawful for any person to store, or process or cause to be stored or processed, lumber in excess of one hundred thousand (100,000) board feet without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

**§111-72. Magnesium.**

It shall be unlawful for any person to melt, cast, heat-treat, machine or grind magnesium, or cause another to do the same, without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

**§111-73. Places of assembly.**

- A. Permit required. It shall be unlawful for any person to operate or maintain a place of assembly without benefit of an operational permit, except that a permit shall not be required for any place of assembly used solely as a place of religious worship. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.
- B. Posting of placard. It shall be unlawful for the owner, operator or person-in-charge of a place of assembly to fail, refuse or neglect to post the occupant placard in a conspicuous place at or near the entrance to each place of assembly including those spaces used solely as a place of religious worship. Any person who fails, refuses or neglects to post the placard in a conspicuous location shall be in violation of this chapter.
- C. Exceeding occupant limit. It shall be unlawful for an owner, manager or person-in-charge of a place of assembly to allow the premise to exceed the posted occupant load identified on the occupancy placard. Any person who fails, refuses or neglects to maintain the posted occupancy limit shall be in violation of this chapter.
- D. All owners, managers, or persons-in-charge of places of assembly shall have a system or method in place by which the level of occupancy is monitored at all times during business hours in order to maintain safety and protect against exceeding the occupancy load. Such persons must disclose with specificity the method utilized and provide the number of existing occupants at the establishment upon request of a fire code official or other officer having jurisdiction. It shall be unlawful and a violation of this chapter to fail, refuse or neglect to maintain a system by which the occupancy load is monitored, or to fail to provide the number of occupants at an establishment upon request.

**§111-74. Spraying or dipping operations.**

It shall be unlawful for any person to conduct, or cause to be conducted, a spraying or dipping operation utilizing flammable or combustible liquids, or the application of combustible powders without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

**§111-75. Tank vehicles.**

It shall be unlawful for any person to dispense, or cause to be dispensed, flammable or combustible liquids from a tank vehicle without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

**§111-76 Tar kettle.**

It shall be unlawful for any person to operate, or cause to be operated, any liquid fuel-fired vessel utilized to heat any asphalt based material to the temperature at which the material becomes a liquid without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

**§111-77. Tents, canopies, and temporary membrane structures.**

It shall be unlawful for any person to erect, maintain, or utilize an air supported temporary membrane structure or a tent having an area in excess of two hundred (200) sq. ft., or a canopy in excess of four hundred (400) square feet without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

**§111-78. Welding and other hot work.**

It shall be unlawful for any person to conduct hot work operations including welding, cutting, or use of open torches without benefit of an operational permit. Any person who fails, neglects, or refuses to obtain an operational permit shall be in violation of this chapter.

**§111- 79. through §111-90. (Reserved)**

**ARTICLE VII**  
**FIRE FIGHTING OPERATIONS AND RESTRICTIONS**

**§111-91. Interference with Fire Departments and Bureau of Fire Prevention.**

It shall be unlawful for any person to obstruct or interfere with the Bureau of Fire Prevention or any fire department in the performance of their duties, or to enter or remain within established fire lines without authorization during a fire, or any investigation or act being preformed in conjunction therein.

**§111-92. Fire hydrants and parking restrictions.**

- A. It shall be unlawful for any person to damage, alter, tamper with, cause to be obstructed or utilized for any reason other than fire fighting purposes any fire hydrant within the Town of Huntington without permission of the agency having jurisdiction.
  
- B. It shall be unlawful for any person to park any vehicle, other than municipal fire or rescue apparatus, upon the street or roadway in front of any firehouse or within a radius of fifteen (15) feet of any fire hydrant, fire department automatic fire sprinkler or standpipe connection, or within one hundred (100) feet of any fire or any burning structure.

**§111-93. Fire Protection Equipment.**

- A. It shall be unlawful for an owner, occupant or person-in-charge of property to fail, refuse or neglect to maintain fire protection systems in an operative condition at all times in accordance with the applicable National Fire Protection Association Standard for that system.
  
- B. It shall be unlawful for an owner, occupant or person-in-charge of property to fail, refuse or neglect to inspect or test fire protection systems in accordance with the applicable National Fire Protection Association Standard for that system.
  
- C. It shall be unlawful for an owner, occupant or person-in-charge of a property to fail, refuse or neglect to extend, alter, or augment required fire protection equipment as necessary to maintain and continue protection whenever the building or structure is altered, remodeled or added to.

- D. It shall be unlawful for an owner, occupant or person-in-charge of a property where a required fire protection system is out of service to fail, refuse or neglect to notify the fire department and the fire code official of the system impairment. Where required by the fire code official the building shall either be evacuated or an approved fire watch shall be provided for all building occupants left unprotected by the shut down until such a time as the fire protection system has been returned to service, and it shall be unlawful to fail, refuse, neglect to do either when directed.

**§111-94. False fire alarm activation.**

- A. It shall be unlawful to activate or transmit a false alarm signal to any Fire Department in the Town of Huntington to which the Department responds, except that an alarm signal activated by an act of nature or other unusual condition shall not constitute a false alarm.
- B. It shall be unlawful for any owner, manager or person in charge of any building or premise in which a fire alarm system has been installed to fail or neglect to ensure that the premise is evacuated upon activation of the fire alarm.
- C. It shall be unlawful for any person who has exited a building or premise where a fire alarm system has activated to re-enter the building or premise until such a time as the fire officer in charge has granted permission to do so.

**§111-95. Exterior gas shutoffs.**

It shall be unlawful for an owner, occupant or person-in-charge of a property on which an exterior gas shutoff has been installed to fail to maintain the shutoff free from any covering of soil, dirt, concrete or any other substance or material which may conceal the shutoff or interfere with its accessibility or use.

**§111-96. Burning of rubbish and non-organic materials.**

- A. It shall be unlawful and a violation of this Chapter to burn rubbish, pesticides, plastics, or other non-organic materials.

**§111-97. Open burning.**

- A. It shall be unlawful for any person to conduct open burning activities anywhere within the Town of Huntington where the fire has a pile size of more than three (3) feet in diameter and more than two (2) feet in height.
- B. Exemptions. The following open burning activities shall not be restricted as to size providing the activity conforms to the following specific requirements:

- (1) Organic agricultural waste. It shall be unlawful to maintain or conduct open burning of organic agricultural waste unless the fire is located on contiguous agricultural land larger than five (5) acres in size; it is burned on-site where it is grown or generated; the waste is capable of being fully burned within twenty-four (24) hours of commencement of the burning; fire-extinguishing equipment, such a dirt, sand, water barrel, garden hose or water truck is readily available for immediate utilization; and notification is made to the fire company or fire district having jurisdiction where the burning activity is to commence.
  - (2) Live fire training. It shall be unlawful to conduct open burning for fire training purposes unless performed by an organized fire company or fire district having jurisdiction within the Town of Huntington and all burning activities are conducted in compliance with guidelines prescribed by the New York State Department of State Office of Fire Prevention and Control.
- C. Recreational fires. It shall be unlawful and a violation of this Chapter to conduct open burning activities for recreational purposes if:
- (1) The fire has a pile size of more than three (3) feet in diameter and more than two (2) feet in height; or
  - (2) Materials other than charcoal or dry, untreated or unpainted wood is being used; or
  - (3) The fire is located less than fifty (50) feet from any property line or structure if uncontained, and less than twenty-five (25) feet from a property line or structure if the fire is within a barbecue pit or other container; or
  - (4) The fire is left unattended at any time before it is fully extinguished; or
  - (5) A minimum of one (1) portable fire extinguisher with a minimum of a 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck shall be available for immediate utilization.

**§111-98. through §111-100. (Reserved)**

**ARTICLE VIII**  
**MISCELLANEOUS PROHIBITIONS**

**§111-101. Dangerous conditions or materials.**

- A. Equipment. It shall be unlawful for any person to maintain defective or improperly installed equipment at a premise or within a structure, or equipment that is damaged or dilapidated, or is in disrepair due to prolonged lack of maintenance or otherwise, or is in such condition due to age, owner failure or for other reason that it creates, in the judgment of the fire code official, a fire hazard, or is unsafe, dangerous, or a threat to the health, safety and welfare of the occupants of the premise or the general public, or is hazardous to property.
  
- B. Accumulations of dust and grease. It shall be unlawful for any person to maintain an accumulation of dust or waste material in an air-conditioning or ventilation system, or an accumulation of grease in a kitchen vapor removal system, or in the associated ductwork and fans which, in the judgment of the fire code official, creates a fire hazard, or is unsafe, unsanitary or hazardous, or jeopardizes the safety and welfare of the occupants of the premise or general public, or is hazardous to property.
  
- C. Obstructions. It shall be unlawful to obstruct or maintain an obstruction to or on fire escapes, stairs, passageways, doors or windows, or to provide inadequate exit facilities which, in the judgment of the fire code official, may interfere with the operations of fire department or other emergency personnel, or with the egress of occupants within a building or structure.
  
- D. Vacant buildings. It shall be unlawful for any owner, person-in-possession or in-charge of property to fail, refuse or neglect to board up and secure a vacant building or structure so as to prevent unauthorized entry thereof. A vacant building or structure that is not secured against unauthorized entry shall be deemed unsafe and a public nuisance. Any person who fails, neglects, or refuses to secure vacant buildings to prevent unauthorized entry shall be in violation of this chapter.
  
- E. Unsafe structures. It shall be unlawful for any person to fail to maintain any building or structure which, due to prolonged lack of maintenance, or by reason of its age and decayed or dilapidated condition, or for other reasons in the judgment of the fire code official jeopardizes the health, welfare or safety of the general public, or is hazardous to property. Any person who fails, neglects, or refuses to maintain structures in a safe condition shall be in violation of this chapter.

**§111-102. Flammable Liquids Dispensing Systems.**

It shall be unlawful for an owner, occupant or person-in-charge of a fuel dispensing facility to allow for one other than an employee of the facility to dispense Class I flammable liquids into the fuel tank of a vehicle or into a container.

**§111-103. through §111-106. (Reserved)**

**ARTICLE IX**  
**ADMINISTRATIVE REMEDIES**

**§111-107. Notice of violation.**

When the fire code official finds that a building, structure, premise, installation, equipment, process, storage facility, or outdoor area is in violation of this chapter or of the Fire Code New York State, or that a dangerous or hazardous condition exists he may, at his discretion, prepare a written notice of violation describing the violation or the unsafe and hazardous condition.

- A. Contents. The notice of violation shall identify the violation or offense and may, without limitation, require the abatement, remediation or restoration of the building, structure, installation, equipment, or property within the period identified in the notice.
- B. Service. A notice of violation shall be served upon the property owner, operator, occupant, person in charge of the property, or other person responsible for the condition or violation, by personal delivery, or mailed to the last known address, or by delivering the same to and leaving it with a person of suitable age and discretion at the premise. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises or building and mailed by certified mail return receipt requested to the last known address of the owner or person in charge of the property as shown on the latest tax rolls of the Huntington Tax Assessor.
- C. Extension of time. Upon good cause shown to the satisfaction of the fire code official, the period of compliance may be extended where 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.
- D. Tampering and removal. It shall be unlawful for a person to mutilate, destroy, tamper with or remove a notice of violation, which has been posted or affixed at a premise without authorization from the fire code official.

**§111-108. Placards.** If, in the judgment of the fire code official any portion of a premise, building, structure, dwelling unit, equipment, or installation jeopardizes the public health or welfare, or the safety of the occupants or property, or is unfit for human habitation, he may condemn the premise, building, structure, dwelling unit, equipment, or installation as unsafe and hazardous.

A. Placement. Whenever any portion of a premise, building, structure, dwelling unit, equipment, or installation has been condemned, a placard shall be posted in a conspicuous place in or about the structure, building or unit, and if the placard pertains to equipment, it shall also be posted on the condemned equipment, as access permits.

B. Prohibited acts.

(1) Impeding government action. Any person who resists, obstructs or impedes the fire code official in the placement or posting of placard(s) or the execution of an order to vacate shall be in violation of this chapter and shall be subject to the fines and penalties provided herein.

(2) Occupancy, operation or use. It shall be unlawful for any person to occupy or use, or allow another person to occupy or use any portion of any land, building, structure, or dwelling unit which has been placarded, or to operate or use placarded equipment except as necessary to repair, remedy or abate the condition.

(3) It shall be unlawful and a violation of this chapter for any person to deviate in any way from the activity permitted by the fire code official pending resolution of the hazardous or unsafe condition, or to disobey a lawful order of the fire code official. In addition to any other penalty provided for herein, the Director of Engineering Services may revoke any construction or operational permit that has been issued.

(4) Tampering and removal. It shall be unlawful for any person to deface, mutilate, alter, or remove any placard posted.

**§111-109. Stop-work order.**

Whenever the fire code official finds any work is performed in a manner contrary to the provisions of the state or local fire code, or other law, or in a dangerous or unsafe manner, the fire code official is authorized to issue a stop work order with a notice of violation.

A. Contents and service. A stop-work order shall be in writing and shall state the conditions under which the work may be resumed. The stop work order shall be served upon the permit holder, or property owner or his agent, or the operator, occupant, or person in charge of the property, or other person responsible for the work, condition or violation by personal delivery, or by certified mail return

receipt requested and addressed to the last known address. In all instances the stop work order shall be posted in a conspicuous place on the property, building, structure, or equipment that is the subject of the notice, as access permits.

- B. Upon the issuance of a stop-work order, all activities shall be immediately suspended until the stop work order is rescinded. Notwithstanding the issuance of a stop-work order, the fire code official may, in their sole discretion, permit any part of the work to continue if, in their judgment, it is necessary to protect the health and safety of persons; or to preserve and safeguard the premises or any portion of the building or structures located therein.
- C. Cessation of work. It shall be unlawful and a violation of this section for any person to perform any work or other activity in violation of a stop-work order issued by the Town; or to deviate in any way from the work or activity permitted by the Town pending resolution of the violation or stop-work order; or to disobey a lawful order of the Town. In addition to any other penalty provided for herein, the Director of Engineering Services may revoke any construction permit that has been issued.
- D. Tampering. It shall be unlawful for a person to mutilate, destroy, tamper with or remove a stop-work order posted or affixed upon a premise, building, structure, or equipment without authorization from the fire code official.

**§111-110. Issuance of a summons.**

Nothing in this chapter shall be construed to limit or abridge the right of a fire code official to issue a summons for a violation of this chapter, the Fire Code of New York State, or other law in lieu of a notice of violation, with or without a stop work order or placard.

**§111-111. Emergencies.**

- A. If, in the judgment of the fire code official, an emergency exists as when there is imminent danger of failure or collapse of a structure, building, installation, system or equipment which endangers life; or where there is potential for imminent danger to the occupants of or to those in the proximity of any structure, building, installation, system or equipment because of the existence of explosive fumes or vapors, or the presence of toxic fumes, gases or materials, or due to the operation of defective or dangerous equipment; or other imminent danger, condition or peril which is or may become imminently dangerous or unsafe for human habitation or occupancy, he may issue a verbal or written notice (order) to the owner, his agent, occupant, or person-in-charge of the property to remedy or abate the dangerous, unsafe or hazardous condition to the satisfaction of the fire code official within the period specified by the official; placard the structure, building, system, installation or equipment; and order the occupants off the property, if necessary. If the notice is in writing, service of the written notice may be accomplished in

any manner set forth in this chapter; or y posting the notice in a conspicuous portion of the property so as to be visible from the street; or by overnight express mail; and if the defect or danger arises from equipment by posting same on the equipment.

- B. It shall be unlawful for any person to resist, obstruct or impede the agents, servants, officers or employees of the Bureau of Fire Prevention in the performance of their duties, including the placard or removal process. Any person who resists, obstructs or impedes the agents, servants, officers or employees of the Bureau of Fire Prevention in the performance of their duties, shall be in violation of this chapter and shall be subject to the fines and penalties provided herein.

**§111-112. Penalties for offenses.**

- A. Any person who violates or permits another to violate a provision of this Chapter or of the Fire Code of New York State shall be deemed to have committed an offense and shall, upon conviction thereof, be subject to a fine or penalty as follows:
- (1) On a first conviction thereof, to a fine or penalty of not less than five hundred (\$500) dollars and not more than two thousand (\$2,000) dollars.
  - (2) Upon a second conviction for an offense occurring within two (2) years of the first offense, a fine or penalty of not less than one thousand (\$1,000) dollars and not more than ten thousand (\$10,000).
  - (3) Upon a third or subsequent conviction for an offense occurring within five (5) years of the first offense, shall be deemed a misdemeanor punishable by a fine or penalty of not less than one thousand five hundred (\$1,500) dollars and not more than fifteen thousand (\$15,000) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.
  - (4) For any violation of the provisions of §111-92 there shall be a penalty of two hundred (\$200) dollars.
  - (5) Each day, or part thereof, that a violation continues shall constitute a separate and distinct offense, punishable in like manner. Written notice of a violation is not a prerequisite for the imposition of such fine, penalty and or punishment unless the subject of a prosecution is the noncompliance with such notice.
- B. A violation of the provisions of §111-73(C) shall be deemed a misdemeanor and upon conviction thereof shall be punishable by a fine or penalty of a minimum of one thousand (\$1,000) dollars and a maximum of two thousand five hundred (\$2,500) dollars, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.



2011-487

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 27 -2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 157 (PUBLIC BENEFIT INCENTIVES), TO IMPLEMENT THE LONG ISLAND UNIFIED SOLAR ENERGY SYSTEM FAST TRACK PERMIT PROCESS

Resolution for Town Board Meeting Dated: October 11, 2011

The following Resolution was offered by: Councilman Cuthbertson, **COUNCILWOMAN BERLAND**

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

WHEREAS, the Town of Huntington is a member of the Energy and Environment Task Force of the Suffolk County Planning Commission, which, in collaboration with the Nassau County Planning Commission and the Long Island Power Authority has participated for the past two-years in the development of the Long Island Unified Solar Permitting Initiative intended to create a uniform application and permit process for the installation of residential solar energy systems in towns and villages across Long Island; and

WHEREAS, the Long Island Unified Solar Permitting Initiative recently released its solar permit streamlining guidelines and urged their adoption prior to December 31, 2011; and,

WHEREAS, the Town's proposed unified "Solar Energy System Fast Track Permit" conforms to the Solar Permitting Initiative guidelines, which, when adopted by Huntington and its sister towns and villages will make it easier and more convenient for homeowners to invest in solar energy systems and reduces the costs for the renewable energy industry to install standard solar systems for Long Island homeowners; and

WHEREAS, the development and use of renewable energy resources conforms to the goal of the Huntington Town Board to reduce our national reliance on imported fossil energy and cut greenhouse gas emissions and make our air cleaner; 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 a 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 THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 9<sup>th</sup> day of November, 2011 at **7:00** p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to

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consider adopting Local Law Introductory No. 27 -2011, amending the Code of the Town of Huntington, Chapter 157 (Public Benefit Incentives), as follows:

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

LOCAL LAW INTRODUCTORY NO. 27 - 2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 157 (PUBLIC BENEFIT INCENTIVES)

Section 1. Chapter 157 (Public Benefit Incentives), is hereby amended to read as follows:

CHAPTER 157  
PUBLIC BENEFIT INCENTIVES

\* \* \*

ARTICLE II  
UNIVERSAL DESIGN INCENTIVE

\* \* \*

[\§157-12] [(RESERVED)]  
[\§157-13] [(RESERVED)]  
[\§157-14] [(RESERVED)]  
[\§157-15] [(RESERVED)]

ARTICLE III  
[SOLAR POWER INCENTIVE]  
SOLAR ENERGY SYSTEM FAST TRACK PERMIT PROCESS

§157-12. Legislative intent. It is the intention of the Town Board as part of its goal to limit America's dependence on imported sources of fossil energy, cut green house gas emissions and reduce the cost of energy for our residents to enact a Solar Energy System Fast Track Permit process modeled on the guideline recommendations of the Long Island Unified Solar Permitting Initiative, composed of Suffolk County Planning Commission, Nassau County Planning Commission and the Long Island Power Authority, whereby the installation of standard solar energy systems can be standardized, simplified and accelerated in towns and villages across Long Island; and

§157-13. [§157-16.] Solar Panels. All building permit applications for [the] installations of solar energy panels on residential and non-residential buildings, and legal accessory structures on residential property shall [receive] be expedited [review] by the Department of Engineering Services, [and [the permit application fee for said installation shall be waived.] Applications for "standard installations" on residential and legal accessory structures on residential property shall be determined within fourteen (14) business days of the filing of a completed application.

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[§157-17] [(RESERVED)]

[§157-18] [(RESERVED)]

[§157-19] [(RESERVED)]

§157-14. Fees. All building permit application fees for standard installations of solar energy panels on residential structures or legal accessory structures on residential property shall be waived, provided the installation has not been commenced or completed before a permit has been applied for or issued. In cases where installation has been commenced, the application fee shall be three (3) times the amount established in Chapter 87.

§157-15. For the purpose of this Article the term "standard installation" shall mean, those installations that meet the following criteria, and any subsequent amendment thereto:

- (1) Are not subject to architectural review or review by the Huntington Historic Preservation Commission;
- (2) Are proposed for installation on a roof with a single layer of roof covering;
- (3) Are to be flush-mounted parallel to the roof surface and no more than 6" above the surface;
- (4) Have an 18" clearing at the roof ridge and an 18" clearing path to the ridge;
- (5) Create a roof load of no more than 5 pounds per square foot for photovoltaic (PV) and 6 pounds per square foot for residential solar hot water (RSHW);
- (6) Be installed by LIPA authorized contractors;
- (7) Use PV panels that have been certified by a nationally-recognized testing laboratory as meeting the requirements of the Underwriters Laboratory (UL) Standard 1703 and inverters must be on a list of New York State Public Service Commission type-tested inverters which are tested by UL or other nationally-recognized laboratories to conform with UL 1741;
- (8) Use RSHW equipment that has been certified by the Solar Rating and Certification Corporation under its OG-100 standard for solar collectors;

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(9) Use other equipment such as modules, combiner boxes and a mounting system that have been approved for public use

(10) Be in full compliance with all current National Electrical Code (NEC) requirements.

§157-16. (Reserved)

§157-17. (Reserved)

ARTICLE IV  
APPRENTICESHIP INCENTIVE

§157-18. [§157-20.] Apprenticeship Program Incentive.

\* \* \*

§157-19. [§157-21.] Procedure and Required Documentation.

\* \* \*

§157-20. (RESERVED)

§157-21. [§157-22.] Review and Determination.

\* \* \*

§157-22. [§157-23.] Appeal.

[§157-24 through §157-27] [(RESERVED)]

ARTICLE V (RESERVED)

§157-23. through §157-28. [§157-28. through §157-34.] (RESERVED)

ARTICLE VI (RESERVED)

§157-29. through §157-33. [§157-35. through §157-40.] (RESERVED)

ARTICLE VII (RESERVED)

§157-34. through §157-38. [§157-41. through §157-47.] (RESERVED)

ARTICLE VIII  
PENALTIES AND ENFORCEMENT

§157-39 [§157-48] Penalties [and Enforcement.]

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A. Any [A] person or business entity who commits or causes another to commit [permits any] an act in violation of this Chapter shall be deemed to have committed an offense against this Chapter, [and shall be liable for such violation and the penalty therefor,] and shall upon conviction thereof, be subject to a fine or penalty of not less than One Hundred (\$100) Dollars. Each day, or part thereof, such violation continues or is permitted to exist following notification by the Town, or service of a notice of violation or summons shall constitute a separate offense, punishable in like manner.

\* \* \*

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 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].

VOTES:                      AYES: 5      NOES: 0      ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DULY ADOPTED

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AWARDING A LICENSE AGREEMENT FOR A TRANSIT ADVERTISING AND MARKETING PROGRAM FOR THE TOWN OF HUNTINGTON.

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town wishes to engage the services of a qualified licensee to provide a transit advertising and marketing program. These services will promote the Town's many assets and the Town will in turn generate additional nontax levy revenue collections through a targeted marketing and partnership program; and

WHEREAS, requests for proposals were received on September 23, 2011, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, to provide transit advertising and marketing program for the Town of Huntington, New York, RFP No. 2011-09-012 and the same were opened and read aloud; and

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

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 9<sup>th</sup> day of November, 2011 at 7:00 P.M. at Huntington Town Hall, 100 Main Street Huntington, New York to consider awarding a license agreement to provide a transit advertising and marketing program for the Town of Huntington to Creative Advertising Concepts, Inc., 74 West Park Avenue, Long Beach, New York, 11561 for a period of five (5) years commencing upon contract execution, with anticipated annual projected revenue to be \$57,600 for bus advertising, \$87,780 for bus shelter advertising and \$66,000 for the marketing program totaling \$211,380 annually. Said contract has one (1) five (5) year extension at the Town's sole discretion; and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES:    4        NOES:    1            ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>NO</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-489

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ACQUIRING WILLIAMS PROPERTY WITH SUFFOLK COUNTY AND NORTH SHORE LAND ALLIANCE

Resolution for Town Board Meeting Dated: October 11, 2011

The following resolution was offered by Supervisor Petrone, **COUNCILWOMAN JACKSON,**  
**COUNCILMAN MAYOKA**  
and seconded by **COUNCILWOMAN BERLAND**

WHEREAS, the Town Board previously held a public hearing on September 13, 2005 for possible shared Town and County acquisition of up to 25 acres of the Williams property identified as part of SCTM 0400-016-02-013.004 and located at 6 Shore Road in Cold Spring Harbor based on the recommendation of the Environmental Open Space and Park Fund Advisory (EOSPA) Committee; however, the North Shore Land Alliance has now offered to match Town support toward purchase of up to 30 acres of the property, and there is a potentially willing seller; and

WHEREAS, the Town of Huntington's open space acquisition resources are more limited than those of the County, thus the Town Board is interested in assisting the County in acquiring the Williams property as a minor partner to match community contributions to be raised by the North Shore Land Alliance (NSLA), with the Town and NSLA each participating as a quarter (25%) partner, with the dollar extent of such support to be determined following shared appraisal review and negotiations; 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, pursuant to SEQRA the Town Board recognizes that the Suffolk County Legislature is lead agency in review of the tentative Type 1 action to acquire development rights to approximately 30 acres of the subject property as a passive park;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board supports acquisition as a partnership (25%), with the North Shore land Alliance providing same (25%), and Suffolk County (50%) for the Williams property, under the appropriate County Program; and

BE IT FURTHER

RESOLVED, that the Town Board hereby schedules a public hearing pursuant to General Municipal Law §247.2 for the 9th day of November, 2011 at 7:00 p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York to consider participating with Suffolk County in acquiring the Williams property for passive parkland; and

BE IT FURTHER

RESOLVED, that the Supervisor, Town Attorney, EOSPA Counsel and other Town staff are hereby authorized to evaluate the County appraisal review and participate in negotiation as needed; and

BE IT FURTHER.

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds from Budget Item PL7197-2109 as necessary for appraisals of the Williams property, and

BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the County Executive, Presiding Officer, local County legislators and the Suffolk County Director of Planning, Suffolk County Director of Division of Real Property and Acquisition Management, and Commissioner of Parks indicating the Town Board's support for acquisition of the Williams property.

VOTE:            AYES: 5        NOES: 0        ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-490

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A  
CERTIFICATE OF APPROVAL FOR AN INDIVIDUALLY DESIGNATED  
HISTORIC SITE

RE: 117 WEST SHORE ROAD, HUNTINGTON – THE DANIEL SMITH HOUSE

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by John and Catherine Collins, 117 West Shore Road, Huntington, NY 11743, for a Certificate of Approval to remove part of the garage and erect first and second story additions (first floor for exercise room and extend mudroom; second floor for master bathroom and closet) at 117 West Shore Road, Huntington pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is located an individually designated historic site and bears Suffolk County Tax Map #0400-026.00-02.00-059.003, and

WHEREAS, the issuance of a Certificate of Approval in an historic district is a Type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(9) and, therefore no further SEQRA review is required.

NOW, THEREFORE, PURSUANT to Section 198-41 of the Code of the Town of Huntington,

**THE TOWN BOARD**

HEREBY SCHEDULES a public hearing for the **9th** day of **November**, 2011, at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of John and Catherine Collins.

VOTE: AYES: **5** NOES: **0** ABSTENTIONS: **0**

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-491

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A  
CERTIFICATE OF APPROVAL IN A HISTORIC DISTRICT  
RE: 478 PARK AVENUE, HUNTINGTON

Resolution for Town Board Meeting Dated: October 11, 2011

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

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by Sunny Pond, LLC, 478 Park Avenue, Huntington, NY 11743 for a Certificate of Approval to remove a structure attached to the rear of detached garage and to remove an enclosed covered porch attached to the rear of the one family dwelling at 478 Park Avenue, Huntington pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is located in the Old Huntington Green Historic District and bears Suffolk County Tax Map #0400-073.00-03.00-021.000, and

WHEREAS, the issuance of a Certificate of Approval in an historic district is a Type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(9) and, therefore no further SEQRA review is required.

NOW, THEREFORE, PURSUANT to Section 198-41 of the Code of the Town of Huntington,

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **9<sup>th</sup>** day of **November**, 2011, at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of Sunny Pond, LLC.

VOTE: AYES: **5** NOES: **0** ABSTENTIONS: **0**

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-492

RESOLUTION RESCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A  
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT  
RE: 35 SPRING STREET, COLD SPRING HARBOR – COLD SPRING HARBOR  
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by Marceline Van Cott, 35 Spring Street, Cold Spring Harbor, NY 11724, for a Certificate of Approval to legalize a two-tiered retaining wall (15 linear feet) in the rear yard of a single family dwelling located at 35 Spring Street, Cold Spring Harbor, NY 11724, pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington; and

WHEREAS, said premises is located in the Cold Spring Harbor Historic District and bears Suffolk County Tax Map #0400-063.000-02.00-008.000; and

WHEREAS, Town Board Resolution 2011-364 scheduled a public hearing on August 2, 2011 to consider the issuance of a certificate of approval for said application, and due to a notification defect on the part of the Town said hearing must be rescheduled; and

WHEREAS, the issuance of a Certificate of Approval in an historic district is a Type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(9) and, therefore no further SEQRA review is required.

NOW, THEREFORE, PURSUANT to Section 198-41 of the Code of the Town of Huntington,

THE TOWN BOARD

HEREBY RESCHEDULES a public hearing for the **9th** day of **November**, 2011, at **7:00**p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of Marceline Van Cott.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION ESTABLISHING AN INDEPENDENT BUDGET COMMITTEE

Resolution for Town Board Meeting Dated: October 11, 2011

The following resolution was offered by: Councilman Mayoka

and seconded by:

WHEREAS, the Town of Huntington has made sound fiscal management one of the highest priorities; and

WHEREAS, the Town of Huntington is proud of its achievement and maintenance of AAA bond rating due to sound fiscal planning; and

WHEREAS, it is in the best interests of the residents of Huntington for its Town government to continue to plan and operate under sound financial principles and procedures; and

WHEREAS, the Town of Huntington is cognizant of the hardships residents have endured due to the fragile economy; and

WHEREAS, the Town is critically aware that actions of local governments will have an impact on the quality of life of its residents and therefore is seeking input from experts in various fields to review the annual Town of Huntington Budget and report its findings and recommendations back to the Town Board for review and consideration; and

WHEREAS, in order to achieve these sound fiscal goals, it is best to begin with the establishment of an Independent Budget Review Committee that can prioritize budget savings and expenditures, research fiscal issues, explore areas for savings and report back to the Town Board with its findings for consideration and review; and

WHEREAS, the establishment of an Independent Budget Committee 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

THE TOWN BOARD

HEREBY ESTABLISHES an Independent Budget Review Committee that shall be comprised of five (5) individuals, who shall serve without compensation, for 2-year terms commencing January 1, 2012. The Supervisor shall nominate one individual and 4 other individuals shall each be nominated by one member of the Town Board. The Committee shall designate a Chairperson. Ex-officio members shall include the Town Attorney or their appointee, and the Comptroller or their appointee.

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VOTE:

AYES:

NOES:

ABSTENTIONS:

Supervisor Frank P. Petrone  
Councilwoman Susan A. Berland  
Councilman Mark A. Cuthbertson  
Councilwoman Glenda A. Jackson  
Councilman Mark Mayoka

THE RESOLUTION **FAILED. NO SECOND**

2011-494

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 28 - 2011, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 87 (BUILDING CONSTRUCTION), ARTICLE VIII (GENERAL RESTRICTIONS AND REQUIREMENTS)

Resolution for Town Board Meeting dated: October 11, 2011

The following resolution was offered by: COUNCILWOMAN BERLAND, COUNCILWOMAN JACKSON and seconded by: SUPERVISOR PETRONE

WHEREAS, the Huntington Town Board intends to update and consolidate provisions concerning the fast tracking of applications for building permits for solar panels; and

WHEREAS, updating and consolidating code provisions is a Type II action in accordance with SEQRA, 6 N.Y.C.R.R. §617.5(c)(20 and 27), and therefore no further SEQRA review is required.

NOW THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 9th day of November, 2011 at 7:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 28 -2011, amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article VIII (General Restrictions and Requirements); as follows:

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

LOCAL LAW INTRODUCTORY NO. 28 -2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 87 (BUILDING CONSTRUCTION)  
ARTICLE VIII (GENERAL RESTRICTIONS AND REQUIREMENTS)

Section 1. Chapter 87 (Building Construction), Article VIII (General Restrictions and Requirements) of the Code of the Town of Huntington is hereby amended; as follows:

CHAPTER 87  
BUILDING CONSTRUCTION

\* \* \*

ARTICLE VII  
DEFINITIONS

2011-494

§87-46. Definition of terms. As used in this Part 2, the following words shall have the meanings indicated:

\* \* \*

[SOLAR POWER FAST-TRACK PROGRAM -- A program to expedite all applications for commercial and residential solar panel installation to encourage the use of reliable and clean renewable energy.]

\* \* \*

ARTICLE VIII  
GENERAL RESTRICTIONS AND REQUIREMENTS

\* \* \*

[§87-55.3.] [(Reserved)]

[§87-55.4.] [Solar Power Fast-Track Program.]

[A.] [Applies to the installation of solar panels for commercial buildings and residences.]

[B.] [Fees. All building permit application fees for the construction of solar panels for commercial buildings and residences shall be waived.]

[C.] [Fast-Track Treatment - All building permit applications for the construction of solar panels for commercial buildings and residences shall receive "fast-track" treatment from the Department of Engineering Services in order to expedite such applications and the issuance of building permits for solar panel installation.]

\* \* \*

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.

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.

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

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VOTE:

AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

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RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING AND ENVIRONMENT TO ISSUE A DENSITY FLOW CREDIT CERTIFICATE FROM THE TOWN DENSITY RIGHTS BANK FOR THE STATION SPORTS FAMILY FUN CENTER ON DEPOT ROAD, HUNTINGTON STATION, SCTM# 0400-146-01-(004 & 074) AND 0400-147-05-(050, 103, 104 & 106.002).

Resolution for Town Board Meeting dated: October 11, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, Oz Development Group, Inc., Emerald Real Estate, Inc., and Ruby Slipper Realty Corp., property owners all having offices at 25 Depot Rd., Huntington Station, NY 11746, have submitted a transfer of density flow rights application known as Station Sports Family Fun Center - TDFR, file #T-11-003-F, which requests the use of 0.26 sanitary flow credits held by the Town of Huntington for a receiving site known as Station Sports Family Fun Center, site plan file #S-11-006-F, indicated as parcels #0400-146-01-(004 & 074) and 0400-147-05-(050, 103, 104 & 106.002) on the Suffolk County Tax Map; and

WHEREAS, the application complies with all of the standards and guidelines provided in Chapter 172 (Land Conservation) of the Huntington Town Code; and

WHEREAS, a Negative Declaration was issued in accordance with SEQRA by the Zoning Board of Appeals as part of Appl. #20228 on April 7, 2011, and this determination covered the development that will be supported by the flow rights transfer, so no further review is required; and

WHEREAS, by resolution dated September 7, 2011 the Planning Board found that the application met the criteria for using public flow credits, and recommended to the Town Board that the Town Board approve the request;

WHEREAS, by resolution on September 20, 2011, the Town Board found that the proposed project redevelops vacant and underutilized land in the Huntington Station hamlet center, provides recreational opportunities for local residents in an underserved area, and provides amenities to improve public safety along Depot Road and in the surrounding neighborhood;

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Director of Planning and Environment to issue a Density Flow Credit Certificate of 0.26 sanitary flow credits (79 gallons per day) from the Town Density Rights Bank for use on the Station Sports Family Fun Center, SCTM# 0400-146-01-(004 & 074) and 0400-147-05-(050, 103, 104 & 106.002) subject to and conditioned

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upon the execution of an agreement by the applicant on such terms and conditions as are acceptable to the Town Attorney, whereby the applicant agrees to compensate the Town for the value of the 0.26 credit in accordance with to the procedural requirements of Chapter 172 – Land Conservation as set forth in Section 172-11 Public Benefit Transfers and such action by the Town Board shall have no precedential value or work as an estoppel against the Town.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Glenda A. Jackson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-496

RESOLUTION AUTHORIZING TOWN ATTORNEY TO ENTER INTO A COMPENSATION AGREEMENT FOR THE PAYMENT OF COMPENSATION AND EXPENSES OF ROBERT J. FLYNN, JR., ESQ., AS TEMPORARY RECEIVER, PURSUANT TO THE ORDER OF HONORABLE C. STEPHEN HACKELING, INDEX NUMBER HUC 4158-11, FOR THE PURPOSE OF BRINGING THE PREMISES LOCATED AT 19 EAST FIFTH STREET, HUNTINGTON STATION, NEW YORK, (SCTM No. 0400-146.00-03.00-027.004) INTO COMPLIANCE WITH THE CODE OF THE TOWN OF HUNTINGTON AND THE UNIFORM FIRE AND BUILDING CODES OF NEW YORK STATE.

Resolution for Town Board Meeting Dated: October 11, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington commenced a civil action against Jose Machuca owner of 19 East Fifth Street, Huntington Station, New York pursuant to Town Law §135, Town Law §268, for violations of town ordinances and New York State Fire and Building Codes; and

WHEREAS, the Honorable C. Stephen Hackeling, Suffolk County District Court issued an Order appointing Robert J. Flynn, Jr., 70 Main Street, Huntington, New York, 11743; 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 BE IT RESOLVED

RESOLVED, that the Town Board hereby authorizes the Town Attorney to enter into a compensation agreement for the payment of compensation and expenses to Robert J. Flynn, Jr. 70 Main Street, Huntington, New York , 11743, as temporary receiver of the property known as 19 East Fifth Street, Huntington, New York 17743 ( SCTM No. 0400-146.00-03.00-027.004) and to seek recovery of said expenses from the defendant property owner, Jose Machuca.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Petrone		<b>AYE</b>	
Councilwoman Susan A. Berland		<b>AYE</b>	
Councilman Mark A. Cuthbertson		<b>AYE</b>	
Councilwoman Glenda A. Jackson		<b>AYE</b>	
Councilman Mark Mayoka		<b>AYE</b>	

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO ENTER INTO A STIPULATION OF SETTLEMENT ON BEHALF OF THE TOWN BOARD OF THE TOWN OF HUNTINGTON, THE TOWN OF HUNTINGTON AND THE BOARD OF TRUSTEES OF THE TOWN OF HUNTINGTON IN THE FISHING LICENSING CASE.

Resolution for Town Board of Trustees Meeting Dated: October 11, 2011

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

and seconded by: **TRUSTEE BERLAND**

WHEREAS, the Town of Huntington commenced a State Supreme Court declaratory judgment action to declare that persons engaged in recreational fishing within the Town's territorial salt waters are exempt from a State fee based license under the Environmental Conservation Law (ECL) §13-0355, based upon the Town's colonial patents; and

WHEREAS, the Court granted the Town of Huntington's motion to have its independent action consolidated with a similar suit instituted by other Long Island Towns and granted the Towns' consolidated action motion for a preliminary injunction while denying the defendant New York State Commissioner of the Department of Environmental Conservation's (DEC) motion to dismiss the Towns' complaints or for summary judgment; and

WHEREAS, the Commissioner of the DEC appealed the Supreme Court's Decision and Order dated May 3, 2010 to the Appellate Division of the Supreme Court, Second Department; and

WHEREAS, while said appeal was pending, the Supreme Court, following a hearing, issued its December 14, 2010 decision granting a permanent injunction against the State's enforcement of its fee based licensing requirement under ECL §13-0355; and

WHEREAS, while this litigation was pending, the New York State Legislature omitted the fee based license requirement and inserting in its place and stead a free registry for anglers wishing to fish within local waters; and

WHEREAS, the Towns having been successful in their opposition to the licensing fee, which no longer exists as a consequence of legislative amendment; and

WHEREAS, the State has proposed that a stipulation of settlement be entered into withdrawing the State's appeal as well as the underlying action.

WHEREAS, the settlement of this lawsuit 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, BE IT RESOLVED, that the Town Attorney is hereby authorized to enter into a Stipulation of Settlement, whereby both the State appeal to the Appellate Divisions, Second Department, under Docket No. 2010-05268 and the Towns' underlying action(s) are withdrawn, without costs or disbursements to any party.

VOTE:            AYES: 5        NOES: 0        ABSENTIONS: 0

President Frank P. Petrone	<b>AYE</b>
Trustee Susan A. Berland	<b>AYE</b>
Trustee Mark A. Cuthbertson	<b>AYE</b>
Trustee Glenda A. Jackson	<b>AYE</b>
Trustee Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER THE EXECUTION OF A LICENSE AGREEMENT WITH THE COLD SPRING HARBOR SEAFARERS FOR TRUSTEE PROPERTY IN COLD SPRING HARBOR

Resolution for the Board of Trustees Meeting dated: October 11, 2011

The following resolution was offered by: **TRUSTEE MAYOKA, TRUSTEE BERLAND**

And seconded by: **TRUSTEE JACKSON**

WHEREAS, the current license agreement between the Town of Huntington Board of Trustees and the Cold Spring Harbor Seafarers, Inc. for the marina on Trustee property located on NYS Route 25A in Cold Spring Harbor, New York (SCTM #0400-064-01-001) expires on December 31, 2011; and

WHEREAS, the Cold Spring Harbor Seafarers, Inc. is desirous of renewing the agreement in the form of a license agreement and the Trustees are agreeable to such renewal; and

WHEREAS, the scheduling a public hearing is not an action pursuant to SEQRA, and therefore requires no further environmental review.

NOW, THEREFORE,

THE BOARD OF TRUSTEES,

Hereby schedules a public hearing for the **9<sup>th</sup>** day of **November** 2011, at **7:00p.m.** at Town Hall, 100 Main Street, Huntington, New York, to consider a license agreement with the Cold Spring Harbor Seafarers for Trustee property in Cold Spring Harbor, on such terms and conditions as may be acceptable to the Town Attorney

VOTE:                      AYES: **5**                      NOES: **0**                      ABSTENTIONS: **0**

President Frank P. Petrone	<b>AYE</b>
Trustee Susan A. Berland	<b>AYE</b>
Trustee Mark A. Cuthbertson	<b>AYE</b>
Trustee Glenda A. Jackson	<b>AYE</b>
Trustee Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

## 2011-CD 7

RESOLUTION AUTHORIZING THE CHAIRMAN OF THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY TO EXECUTE A CONTRACT OF SALE, DEED AND TRANSFER DOCUMENTS NECESSARY TO TRANSFER TITLE TO VACANT LAND LOCATED ON WOODBURY ROAD, HUNTINGTON, NEW YORK (S.C.T.M. #400-092.00-01.00-064.002) TO THE ADJOINING NEIGHBOR TO RESTORE THE PARCEL TO A CONFORMING LOT

Resolution for Community Development Agency Board Meeting Dated: October 11, 2011

The following resolution was offered by **MEMBER JACKSON**

and seconded by: **CHAIRMAN PETRONE**

WHEREAS, on December 30, 1997, in accordance with Resolution 1997-CD396, the Huntington Community Development Agency acquired the property known as Vacant Land located on Woodbury Road, Huntington, New York as the result of a donation from its previous owner; and

WHEREAS, it was the intention of the Huntington Community Development Agency to have the subject property developed as an affordable housing unit to be sold to an eligible homeowner under the Town of Huntington Affordable Housing Code; and

WHEREAS, after the acquisition of the property it was determined that the lot was created as a result of an illegal subdivision by the previous owner, that the cesspool for the home located on the adjacent parcel is located upon the subject property and that as a result of its substandard size and topography can not be lawfully developed; and

WHEREAS, in order to correct the illegal subdivision and restore the property to its original condition, the Huntington Community Development Agency has determined that it should be remerged with the adjacent parcel; and

WHEREAS, the adjoining neighbor has offered to purchase the property for its appraised value of TWENTY-EIGHT THOUSAND AND NO/100 (\$28,000.00) DOLLARS; and

WHEREAS, the Huntington Community Development Agency has prepared a short Environmental Assessment Form for the proposed action to facilitate completion of the necessary SEQRA evaluation prior to the Agency Board authorizing any action.

NOW, THEREFORE

THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY BOARD

RESOLVED, that the Agency Board finds, on review of the short form EAF, there shall be no significant adverse impacts associated with the selling of property located at Woodbury Road, Huntington, NY, designated as S.C.T.M. #400-092.00-01.00-064.002 to the owner of the adjacent parcel and hereby issues a Negative Declaration pursuant to SEQRA; and

# 2011-CD 7

HEREBY AUTHORIZES the Chairman to execute a contract of sale, deed and related closing documents containing terms approved by the Agency Attorney and necessary to transfer title to the vacant land on Woodbury Road, Huntington, New York to the adjoining property owner for the amount of TWENTY-EIGHT THOUSAND AND NO/100 (\$28,000) DOLLARS to be recorded in Operating Budget Item CDA2660.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

Chairman Frank P. Petrone	<b>AYE</b>
Member Mark A. Cuthbertson	<b>AYE</b>
Member Susan A. Berland	<b>AYE</b>
Member Glenda A. Jackson	<b>AYE</b>
Member Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED