

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:

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

AGENDA FOR TOWN BOARD MEETING DATED APRIL 12, 2011

BOARD OF TRUSTEES' MEETING FOLLOWING

Opened: 8:03 P.M. Recessed: 8:06 P.M. Resumed: 8:42 P.M. Closed: 8:43 P.M.

7:00P.M. – TOWN HALL

Opened: 7:02 P.M. Recessed: 8:03 P.M. Resumed: 8:06 P.M. Closed: 8:41 P.M.

(Resolutions #2011-157 to 2011-211)

HEARINGS:

ACTION

1. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article V, §2-10, Schedule I. Re: Elwood School District, School Speed Limits.
(2011-TC-5-Ch. 2)

DECISION RESERVED

2. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article V, §2-10, Schedule I. Re: Commack School District, School Speed Limits.
(2011-TC-6-Ch. 2)

DECISION RESERVED

3. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article V, §2-10, Schedule I. Re: Cold Spring Harbor School District, School Speed Limits.
(2011-TC-7-Ch. 2)

DECISION RESERVED

HEARINGS (Continued):

ACTION

4. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article III, §2-4, Schedule D. Re: Fort Hill Road (East Fork) - One Way Streets.
(2011-TC-8-Ch. 2)

DECISION RESERVED

5. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: West Neck Road, No Standing Restriction.
(2011-TC-9-Ch. 3)

DECISION RESERVED

6. Consider adopting Local Law Introductory No. 6-2011 amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article III (Building Permits) and Article VI (Administration and Enforcement).
(Local Law Introductory No. 6-2011)

DECISION RESERVED

7. Consider adopting Local Law Introductory No. 7-2011 amending the Code of the Town of Huntington, Chapter 124 (Housing Standards and Property Maintenance). (Re: Mobile Homes)
(Local Law Introductory No. 7-2011)

DECISION RESERVED

8. Consider adopting Local Law Introductory No. 5-2011, considering Zone Change Application No. 2011-ZM-385 of the Huntington Community Development Agency, to change the Zoning from I-5 General Industry District to R-5 Residence District for the properties located on the West Side of Lowndes Avenue, between Railroad Street and Columbia Street, Huntington Station, and relieving the Community Development Agency from certain requirements of the Town of Huntington Zoning Code.
S.C.T.M. #0400-140-03-[072, 073, 108 & 109.003].
(Local Law Introductory No. 5-2011)

DECISION RESERVED

BOARD OF TRUSTEES' HEARINGS:

1. Consider the issuance of a Special Use Permit pursuant to the Marine Conservation Law, Town Code, Chapter 137, Applicant: Cramer Consulting Group on behalf of Celeste Morin.
Location: 45 Prospect Rd., Centerport, NY 11721
S.C.T.M. #400-045.00-01.00-022.000
(2011-BT-9-Ch. 137)

DECISION RESERVED

2. Consider the execution of a license agreement pursuant to the Marine Conservation Law, Town Code Chapter 137, Applicant: Cramer Consulting Group on behalf of Celeste Morin.
Location: 45 Prospect Rd., Centerport, NY 11721
S.C.T.M. #400-045-00-01.00-022.000
(2011-BT-10)

DECISION RESERVED

**AGENDA FOR TOWN BOARD
MEETING DATED: APRIL 12, 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

- | | | | | |
|------------------|---|--|------------------|-----------------|
| 2011-157. | AUTHORIZE the Supervisor to execute agreements with the Suffolk County Youth Bureau for the provision of various youth services through the Youth Bureau’s Comprehensive Youth Service Plan for 2011.
(Term: 1/1/2011-12/31/2011) | <u>GJ</u> | <u>SB</u> | <u>5</u> |
| 2011-158. | AUTHORIZE the Supervisor to apply for and receive financial assistance from the New York State Department of Environmental Conservation from the Household Hazardous Waste (HHW) State Assistance Program. | <u>FP</u>
<u>GJ</u> | <u>SB</u> | <u>5</u> |
| 2011-159. | AUTHORIZE the Supervisor to execute an agreement with Mark McGowan for the remainder of the term of the license agreement for the bait and tackle shop at the Northport Boat Ramp facility.
(Re: d/b/a Cow Harbor Bait and Tackle) | <u>FP</u> | <u>MM</u> | <u>5</u> |
| 2011-160. | AUTHORIZE the Supervisor to execute an agreement with the Long Island North Shore Heritage Area, Inc., for inclusion of the Nathan Hale Memorial, adjacent to the Soldiers and Sailors Memorial Building, in a “Culper Spy Ring Audio Tour”. | <u>SB</u>
<u>MM</u>
<u>GJ</u> | <u>FP</u> | <u>5</u> |
| 2011-161. | AUTHORIZE the Supervisor to execute a contract for supplying, installing, and maintaining a Building Management System (BMS) in the Town of Huntington, New York with Control Solutions Group, Inc..
(Term: Five years) | <u>MC</u> | <u>MM</u> | <u>5</u> |
| 2011-162. | AUTHORIZE the Supervisor to execute a contract with Highway Rehabilitation Corp. for the requirements contract for hot surface recycling of various town roads. (Term: One year) | <u>GJ</u> | <u>SB</u> | <u>5</u> |
| 2011-163. | AUTHORIZE the Supervisor to execute a contract with Welsbach Electric Corp. of L.I. for traffic signal improvements on Larkfield Road, Town of Huntington, New York. (Term: One year)
(Re: P.I.N. 0758.94 [The Project] and NYSDOT Marchiselli Funding) | <u>SB</u>
<u>MC</u> | <u>GJ</u> | <u>5</u> |
| 2011-164. | AUTHORIZE the Supervisor to execute a professional services agreement with L.K. McLean Associates, P.C. for professional engineering services and construction monitoring of the East Northport Landfill Brush Fire Restoration Project. | <u>FP</u> | <u>MM</u> | <u>5</u> |
| 2011-165. | DECLARE certain equipment and vehicles as surplus and/or obsolete and authorizes the sale at auction, trade in or disposal of the same. | <u>SB</u>
<u>GJ</u> | <u>MM</u> | <u>5</u> |

**AGENDA FOR TOWN BOARD
MEETING DATED: APRIL 12, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
2011-166. AUTHORIZE Wells Fargo Bank, N.A. as depository for tax receipts and authorizing the Receiver of Taxes to execute a collateral agreement for a tax receipt account on behalf of the Town of Huntington.	<u>GJ</u>	<u>SB</u>	<u>5</u>
2011-167. AUTHORIZE the Comptroller to amend the 2011 Operating Budget for the Town of Huntington and its special districts – various departments.	<u>FP</u>	<u>MC</u>	<u>5</u>
2011-168. AUTHORIZE the Comptroller to amend the 2011 Operating & Capital Budget for the Town of Huntington and its special districts.	<u>FP</u>	<u>MC</u>	<u>5</u>
2011-169. AUTHORIZE the Comptroller to amend the 2011 Operating Budget for snow removal expenses for the Town of Huntington and its special districts - Highway Department.	<u>FP</u>	<u>SB</u>	<u>5</u>
2011-170. AUTHORIZE the Comptroller to appropriate funds from the Parks & Recreation Capital Improvement Reserve, Technology Reserve and General Reserve for the purpose of funding various Capital Projects in lieu of bonding – various departments. (Subject to Permissive Referendum)	<u>FP</u>	<u>SB</u>	<u>5</u>
2011-171. AUTHORIZE the acquisition of equipment, stating the estimated maximum cost thereof is \$150,000, appropriating said amount for such purpose, and authorizing the issuance of \$150,000 bonds of said town to finance said appropriation. (Subject to Permissive Referendum)			RC
	<u>MC</u>	<u>FP</u>	<u>5</u>
2011-172. AUTHORIZE the acquisition of vehicles, stating the estimated maximum cost thereof is \$150,000, appropriating said amount for such purpose, and authorizing the issuance of \$150,000 bonds of said town to finance said appropriation.			RC
	<u>MC</u>	<u>FP</u>	<u>5</u>
2011-173. AUTHORIZE the construction of improvements to the parking lots at Hobart Beach, stating the estimated maximum cost thereof is \$168,000, appropriating said amount for such purpose, and authorizing the issuance of \$168,000 bonds of said town to finance said appropriation. (Subject to Permissive Referendum)	MC		RC
	<u>SB</u>	FP	
	<u>GJ</u>	<u>MM</u>	<u>5</u>
2011-174. AUTHORIZE the installation of fencing at various town sites, stating the estimated maximum cost thereof is \$100,000, appropriating said amount for such purpose, and authorizing the issuance of \$100,000 bonds of said town to finance said appropriation.			RC
			MC-AYE
			SB-AYE
			GJ-AYE
			MM-NO
	<u>MC</u>	<u>GJ</u>	<u>FP-AYE</u>
2011-175. AUTHORIZE the construction of improvements to various town buildings and facilities, stating the estimated maximum cost thereof is \$311,000, appropriating said amount for such purpose, and authorizing the issuance of \$311,000 bonds of said town to finance said appropriation.			RC

**AGENDA FOR TOWN BOARD
MEETING DATED: APRIL 12, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
(Subject to Permissive Referendum)	<u>MC</u>	<u>FP</u>	<u>5</u>
2011-176. AUTHORIZE the construction of improvements to an elevator at Town Hall, stating the estimated maximum cost thereof is \$90,000, appropriating said amount for such purpose, and authorizing the issuance of \$90,000 bonds of said town to finance said appropriation.			RC
(Subject to Permissive Referendum)	<u>GJ</u>		
	<u>SB</u>		
	<u>MM</u>	<u>FP</u>	<u>5</u>
2011-177. AUTHORIZE the replacement of the roof at the Emergency Operations Center, stating the estimated maximum cost thereof is \$140,000, appropriating said amount for such purpose, and authorizing the issuance of \$140,000 bonds of said town to finance said appropriation.			RC
(Subject to Permissive Referendum)	<u>SB</u>		
	<u>FP</u>		
	<u>MM</u>	<u>GJ</u>	<u>5</u>
2011-178. AUTHORIZE the acquisition and installation of computer equipment for townwide computerization, stating the estimated maximum cost thereof is \$410,000, appropriating said amount for such purpose, and authorizing the issuance of \$410,000 bonds of said town to finance said appropriation.			RC
	<u>MC</u>		
	<u>SB</u>	<u>GJ</u>	<u>5</u>
2011-179. AUTHORIZE the replacement of a network server, stating the estimated maximum cost thereof is \$161,000, appropriating said amount for such purpose, and authorizing the issuance of \$161,000 bonds of said town to finance said appropriation.			RC
	<u>SB</u>		
	<u>GJ</u>	<u>MM</u>	<u>5</u>
2011-180. AUTHORIZE harbor improvements at the Woodbine Marina, including dredging and installation of a wave baffle, stating the estimated maximum cost thereof is \$1,100,000, appropriating said amount for such purpose, and authorizing the issuance of \$1,100,000 bonds of said town to finance said appropriation. (Subject to Permissive Referendum)			RC
	<u>SB</u>	<u>FP</u>	
		<u>GJ</u>	<u>5</u>
2011-181. AUTHORIZE the acquisition and installation of traffic signals, stating the estimated maximum cost thereof is \$150,000, appropriating said amount for such purpose, and authorizing the issuance of \$150,000 bonds of said town to finance said appropriation. (Subject to Permissive Referendum)			RC
	<u>GJ</u>	<u>MC</u>	<u>5</u>
2011-182. AUTHORIZE the construction of various drainage improvements, stating the estimated maximum cost thereof is \$250,000, appropriating said amount for such purpose, and authorizing the issuance of \$250,000 bonds of said town to finance said appropriation. (Subject to Permissive Referendum)			RC
	<u>MC</u>	<u>GJ</u>	<u>5</u>
2011-183. AUTHORIZE the construction of improvements to various roads, stating the estimated maximum cost thereof is \$2,600,000, appropriating said amount for such purpose, and authorizing the issuance of \$2,600,000 bonds of said town to finance said appropriation. (Subject to Permissive Referendum)			RC
	<u>FP</u>	<u>SB</u>	
	<u>MM</u>	<u>GJ</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: APRIL 12, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
<p>2011-184. AUTHORIZE the acquisition of highway equipment, stating the estimated maximum cost thereof is \$250,000, appropriating said amount for such purpose, and authorizing the issuance of \$250,000 bonds of said town to finance said appropriation. (Subject to Permissive Referendum)</p>	FP <u>MM</u>	SB <u>SB</u>	RC <u>5</u>
<p>2011-185. AUTHORIZE the construction of dock improvements at the Woodbine Marina, stating the estimated maximum cost thereof is \$400,000, appropriating said amount for such purpose, and authorizing the issuance of \$400,000 bonds of said town to finance said appropriation. (Subject to Permissive Referendum)</p>	SB <u>GJ</u>	FP <u>FP</u>	RC <u>5</u>
<p>2011-186. SCHEDULE A PUBLIC HEARING: May 3, 2011 at 2:00 PM To consider the increase and improvement of facilities of the Consolidated Refuse District, in the Town of Huntington, in the County of Suffolk, New York, pursuant to Section 202-B of the Town Law, consisting of the acquisition of vehicles at the estimated maximum cost of \$400,000.</p>	SB <u>SB</u>	GJ <u>GJ</u>	RC <u>5</u>
<p>2011-187. SCHEDULE A PUBLIC HEARING: May 3, 2011 at 2:00 PM To consider the increase and improvement of facilities of the Huntington Sewer District, in the Town of Huntington, in the County of Suffolk, New York, pursuant to Section 202-B of the Town Law, consisting of various improvements at the estimated maximum cost of \$550,000.</p>	GJ <u>GJ</u>	FP <u>FP</u>	RC <u>5</u>
<p>2011-188. AUTHORIZE 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. (Re: Pear/Auttaya Munkongcheansakul, 54 Foxwood Drive, Huntington Station, SCTM# 0400-136.00-04.00-003.000, Chapter 133; Alison/Laurence Kokell, 11 Juliet Lane, Northport, SCTM# 0400-014.00-06.00-021.000, Chapter 133 and 19I; Charles Haley, Jr., 39 Smith Street, Greenlawn, SCTM# 0400-107.00-05.00-008.000, Chapter 133)</p>	SB <u>GJ</u>	FP <u>FP</u>	5 <u>5</u>
<p>2011-189. AUTHORIZE the Town Attorney to enter into a compensation agreement for the payment of compensation and expenses of David T. Reilly, Esq., as temporary receiver, pursuant to the order of Honorable C. Stephen Hackeling, Index Number 2373-2010, for the purpose of taking possession of the premises located at 3 Forest Court, Halesite, New York, (SCTM No. 0400-033.00-01.00-015.000) and to remove or remedy nuisances, and to make the directed repairs, nunc pro tunc. (Re: Jeannette and David Lagone and Indymac Bank FSB)</p>	FP <u>SB</u>	MM <u>MM</u>	5 <u>5</u>
<p>2011-190. ACCEPT Remote Deposit Capture Service Scanner and to authorize the Receiver of Taxes to execute an agreement with HSBC Bank, USA for</p>			

**AGENDA FOR TOWN BOARD
MEETING DATED: APRIL 12, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
<p>2011-191. Cash Management Services for the purpose of swift and efficient processing of Dix Hills Water District revenues. ACCEPT donations from various individuals, merchants and businesses Re: March 3rd, 2011 Youth Speak Out, nunc pro tunc.</p>	<u>SB</u> <u>GJ</u>	<u>FP</u> <u>SB</u>	<u>5</u> <u>5</u>
<p>2011-192. ACCEPT the dedication of a drainage easement for the subdivision known as Old Orchard Woods.</p>	<u>SB</u>	<u>GJ</u>	<u>5</u>
<p>2011-193. ADOPT the <u>Town of Huntington Policy and Procedure Manual</u> and establishing a Policy and Procedure Review Committee. (Re: Policy and Procedure Review Committee composed of Deputy Supervisor, Town Attorney, Town Comptroller, Town Personnel Officer and Director of Intergovernmental Relations)</p>	<u>FP</u>	<u>MC</u>	<u>5</u>
<p>2011-194. REMOVED FROM AGENDA AT WORKSHOP.</p>			
<p>2011-195. APPOINT and REAPPOINT members to the Town of Huntington Harbors and Boating Advisory Council. (Re: Jonathan Heidelberger, Esq., Dan Wolfe, Frank Knoll, George Devine, George Udalovas, Jon Ayers, Richard Puccinelli, Michael G. Gordon, Michael O'Rourke, Pamela Setchell and Russell Bostock)</p>	<u>SB</u>	<u>GJ</u>	<u>5</u>
<p>2011-196. ENACTMENT: AMEND the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G. Re: Maple Hill Road – Stop Signs.</p>	<u>GJ</u>	<u>SB</u>	<u>5</u>
<p>2011-197. ENACTMENT: ADOPT Local Law Introductory Number 3-2011 amending the Code of the Town of Huntington, Chapter 36 (Administrative Hearing Officer).</p>	<u>FP</u>	<u>MC</u>	<u>5</u>
<p>2011-198. REAPPOINT Administrative Hearing Officers. (Re: Eric Sachs, Esq., Andrew Cangemi, Esq. and Edward Nitkewicz, Esq.)</p>	<u>MC</u>	<u>GJ</u>	<u>5</u>
<p>2011-199. SCHEDULE A PUBLIC HEARING: May 3, 2011 at 2:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article V, §2-10, Schedule I. Re: Huntington School District, School Speed Limits.</p>	<u>MC</u> <u>GJ</u>	<u>MM</u> <u>SB</u>	<u>5</u>
<p>2011-200. SCHEDULE A PUBLIC HEARING: May 3, 2011 at 2:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article V, §2-10, Schedule I. Re: Northport–East Northport School District, School Speed Limits.</p>	<u>MC</u> <u>GJ</u>	<u>SB</u>	<u>5</u>
<p>2011-201. SCHEDULE A PUBLIC HEARING: May 3, 2011 at 2:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article V, §2-10, Schedule I. Re: Harborfields School District, School Speed Limits.</p>	<u>GJ</u>	<u>SB</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: APRIL 12, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
2011-202. SCHEDULE A PUBLIC HEARING: May 3, 2011 at 2:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article V, §2-10, Schedule I. Re: Half Hollow Hills School District, School Speed Limits.	MC GJ <u>SB</u>	<u>MM</u>	<u>5</u>
2011-203. SCHEDULE A PUBLIC HEARING: May 3, 2011 at 2:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Boulevard Avenue, Parking Restrictions.	<u>GJ</u>	<u>FP</u>	<u>5</u>
2011-204 SCHEDULE A PUBLIC HEARING: May 3, 2011 at 2:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G. Re: Woodlee Road – Stop Signs.	<u>GJ</u>	<u>FP</u>	<u>5</u>
2011-205. SCHEDULE A PUBLIC HEARING: May 16, 2011 at 7:00 PM To consider issuing a Certificate of Approval in an Historic District Re: 7 Titus Lane – Cold Spring Harbor Historic District. (Applicant: Judith Hogan) (SCTM# 0400-016.00-06.00-025.001)	<u>GJ</u>	<u>SB</u>	<u>5</u>
2011-206. SCHEDULE A PUBLIC HEARING: May 3, 2011 at 2:00 PM To consider adopting Local Law Introductory No. 9-2011, amending Local Law 2-2011 so as to extend a moratorium on public hearings, approvals, grants and conditional use permits by the Zoning Board of Appeals for wireless transmission facilities.	<u>GJ</u>	<u>SB</u>	<u>5</u>
2011-207. SCHEDULE A PUBLIC HEARING: May 3, 2011 at 2:00 PM To consider adopting Local Law Introductory No. 10–2011 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions) and Article XI (Conditional Uses; Supplementary Regulations) (Re: Wireless Telecommunication Facilities).	<u>GJ</u>	<u>SB</u>	<u>5</u>
2011-208. REMOVED FROM AGENDA AT WORKSHOP.			
2011-209. REMOVED FROM THE AGENDA AT EXECUTIVE SESSION.			
2011-210. REMOVED FROM THE AGENDA AT EXECUTIVE SESSION.			
2011-211. AUTHORIZE the Town Attorney to retain Greenberg Traurig LLP for the provision of governmental relations and consulting services in connection with tax grievances and Article 7 Proceeding filed by LIPA and/or National Grid.	<u>FP</u>	<u>SB GJ</u>	<u>5</u>

**AGENDA FOR BOARD OF TRUSTEES'
MEETING DATED: APRIL 12, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
2011-BT15. ENACTMENT: APPROVE the granting of a variance and the issuance of a special use permit under Chapter 137 (Marine Conservation) Applicant: Dan P. DeBono Location: 140 Old Winkle Point Rd., Eaton's Neck, N.Y. 11768 S.C.T.M. #0400-005.00-03.00-001.001.	<u>MC</u>	<u>SB</u> <u>GJ</u>	<u>5</u>
2011-BT16. ENACTMENT: APPROVE the execution of a license agreement pursuant to the Marine Conservation Law, Town Code Chapter 137, for the construction of a residential fixed pier and floating dock assembly. Applicant: Dan P. DeBono Location: 140 Old Winkle Point Rd., Eaton's Neck, N.Y. 11768 S.C.T.M. #0400-005.00-03.00-001.001.	<u>SB</u>	<u>FP</u> <u>GJ</u>	<u>5</u>
2011-BT17. ENACTMENT: APPROVE the issuance of a special use permit under Chapter 137 (Marine Conservation). Applicant: Donna Myers of Shore Solutions on behalf of Timothy J. Cox & Kathy M. Staib Location: 33 Prospect Rd., Centerport, N.Y. 11721 S.C.T.M. #0400-045.00-01.00-028.000.	<u>MC</u>	<u>FP</u> <u>MM</u>	<u>5</u>
2011-BT18. ENACTMENT: APPROVE the execution of a license agreement pursuant to the Marine Conservation Law, Town Code Chapter 137, Applicant: Donna Myers of Shore Solutions on behalf of Timothy J. Cox & Kathy M. Staib Location: 33 Prospect Rd., Centerport, N.Y. 11721 S.C.T.M. #0400-045.00-01.00-028.000.	<u>MC</u>	<u>SB</u>	<u>5</u>

**INFORMATIONAL SHEET FOR TOWN BOARD MEETING
DATED: APRIL 12, 2011**

COMMUNICATION

ACTION

1. Letters received Certified Mail – Applying for Liquor Licenses:
From: Stephen Griffin for Hilton Long Island/Huntington; Fuse Restaurant; Watercolors; From: Patrick DeLuca for Alex Moschos or Corp. to be formed; From: Fabio Machado for Corp to be formed (56 Stewart Avenue, Huntington); From: Ralph Delcore for RNR Catering Inc. or Corp. to be formed (143 Vernon Valley Road, East Northport; From: Christopher Caslin for The Hamlet Golf and Country Club;

Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
2. Letters received Certified Mail – Renewal for Liquor Licenses:
From: Fabio Machado for Pomodoro Suffolk Inc.; From: Henry Warokomski for Jadem Tavern Corporation; From: Leobardo Berdeto for The Goldmine Mexican Grill Inc.; From: Luigi Aloe for Lacos Inc.; From: Nicole Offerman for Batata Café; From: William Conrad for KGC Enterprises d/b/a The Colony of Huntingrton; From: Jeffrey Hoban for Chili's Grill & Bar;

Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
3. Email received from Theresa Orsini expressing her concern for the upcoming Cinco de Mayo celebration at Panco Villa Restaurant.

Supervisor
Town Board
Town Attorney
Public Safety
Engineering Services
cc: Fire Prevention
4. Letter hand delivered from Virginia Galow Furman (daughter of August H. Galow, the architect of the Hotel Huntington) addressed to Jo-Ann Raia, Town Clerk. Included were a copy of a letter she wrote to Jospeh Willen (property owner of 410 Fairview Avenue), a copy of the 1934 obituary of August H. Galow and a copy of the booklet, Huntington Murals, which describes the murals in the Chase Bank (corner of Woodbury Road and Main Street) which had been in the Huntington Hotel.

Supervisor
Town Board
Town Attorney
Engineering Services
Planning & Environment
cc: Historic Preservation Commission
5. Letter received from Bridge Consulting Services LLC d/b/a as Bridge Imports, advising that they are applying for a Wine Wholesale Permit. The premises is located at 23 Polly Drive, Huntington.

Supervisor
Town Board
Town Attorney
Fire Inspector
Public Safety
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
6. Letter received from Gayle Snyder, Chairperson of the Cold Spring Hills Civic Association, expressing her concerns about the property owned by John and Wayne Dougal (d/b/a Big Doug's).

Supervisor
Town Board
Town Attorney
Public Safety
Engineering Services
cc: Planning & Environment
7. Received South Huntington Water District Financial Statements for year ended December 31, 2010.

Comptroller
cc: File

8. Email received from Alicia Hendel, Legislative Aide for Suffolk County, with copies of resolutions approved on March 8, 2011. The resolutions are as follows: 51-2011 –to readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature and 58-2010 – authorize the sale, pursuant to Local Law No. 16-1976, of real property acquired under section 46 of the Suffolk County Tax Act Arthur Lima.
- Supervisor
Town Board
cc: Town Attorney
9. Letter received from Andrew Freleng, Chief Planner for Suffolk County, regarding the Change of Zone application # 2011-ZM-385. The Department of Planning for Suffolk County is requesting additional information.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
10. Email received from Cecilia Thomas of the Loans and Grants Department for the Empire State Development Corporation regarding a Public Hearing to be held on April 11, 2011 from 9:30 to 10:30 am at the W.H. Rogers Legislative Building, Hearing Room 105, 725 Vets Memorial Highway, Hauppauge. The hearing is regarding the Gardiner House Restoration Project (roof and shutter repair).
- Supervisor
Town Board
Town Attorney
Historian
Parks & Recreation
Engineering Services
cc: Planning & Environment
11. Certified letter received from Cecilia Thomas, Loans & Grants Department for the Empire State Development regarding the Public Hearing to be held on April 11, 2011 (see # 10 above for additional info) for the Greenlawn-Centerport Historical Association Project. Included was a complete overview of the project.
- Supervisor
Town Board
Town Attorney
Historian
Parks & Recreation
Engineering Services
cc: Planning & Environment
12. Email received from Alicia Hendel, Legislative Aide for the Suffolk County Legislature, advising of the passage of the following resolutions: **142-2011-** to readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature; **148-2011-** to readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature; **239-2011-** amending the 2011 Capital Budget and program and appropriating funds in connection with the county share for participation in the reconstruction of CR11, Pulaski Road from Larkfield Road to NYS Route 25A, Phase III, Towns of Huntington and Smithtown; **240-2011** – Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$6,500,000 Bonds to finance a part of the cost of the reconstruction of CR11, Pulaski Road, from Larkfield Road to NYS 25A, in the towns of Huntington and Smithtown, **257-2011** – appropriating funds in connection with the reconstruction of CR11 Pulaski Road from Larkfield Road to the NYS 25A in the vicinity of Old Bridge Road to the vicinity of Gull Hill Road, (Phase I), Town of Huntington; **258-2011** – Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,000,000 bonds to finance the cost of the reconstruction of CR11 Pulaski Road from the vicinity of Old Bridge Road to the vicinity of Gull Hill Road (Phase I), in the Town of Huntington; **259-2011** – Appropriating funds in connection with construction of sidewalks on CR 35, Park Avenue; CR 76 , Townline Road; CR 79 Bridgehampton-Sag Harbor Turnpike; CR 85, Montauk Highway; CR 92, Oakwood Road; Towns of Huntington, Islip, Smithtown and Southampton; **260-2011** – Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance a part of the cost of construction of sidewalks on CR 35, CR 76, CR79, CR 85 and CR 92, in the Towns of Huntington, Islip, Smithtown and Southampton.
- Supervisor
Town Board
Town Attorney
cc: Highway
13. An email received from Lauren Meagher, a Huntington resident and School District #3 parent, regarding the conditions at 28 Columbia Street in Huntington. No attachment was received however, another report on this residence was received and has been attached.
- Supervisor
Town Board
Town Attorney
cc: Public Safety

2011-157

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AGREEMENTS WITH THE SUFFOLK COUNTY YOUTH BUREAU FOR THE PROVISION OF VARIOUS YOUTH SERVICES THROUGH THE YOUTH BUREAU'S COMPREHENSIVE YOUTH SERVICE PLAN FOR 2011

Resolution for the Town Board Meeting dated: April 12, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington provides youth and family services for Town residents such as counseling services, runaway youth services, parenting workshops, homework help, recreational programs, employment and career planning, college prep and conflict resolution training within the Town's school districts; and

WHEREAS, the Suffolk County Youth Bureau desires to fund various components of the Town of Huntington Youth Bureau Comprehensive Youth Service Plan. These include: REACH CYA, Sanctuary's STILS and Family Social Worker, Tri-Community and Youth Agency, Project EXCEL, Contract Management, and FACILE Project; and

WHEREAS, the Town of Huntington Youth Bureau is eligible to receive funding from Suffolk County Youth Bureau for programs covered under the Comprehensive Youth Services Plan in the amount of TWO HUNDRED NINE THOUSAND FOUR HUNDRED ELEVEN AND NO/100 (\$209,411.00) DOLLARS for the period commencing January 1, 2011 and ending December 31, 2011; and

WHEREAS, this funding will allow the Town of Huntington Youth Bureau to continue to provide services through various youth programs; and

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

WHEREAS, the execution of this agreement is not an action as defined 6 N.Y.C.R.R., Section 617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

2011-157

HEREBY AUTHORIZES the Supervisor to execute agreements and any documents in connection and related therewith with the Suffolk County Youth Bureau to obtain funds for various programs under the Town of Huntington Youth Bureau in an amount not to exceed the total sum of TWO HUNDRED NINE THOUSAND FOUR HUNDRED ELEVEN AND NO/100 (\$209,411.00) DOLLARS for the period commencing January 1, 2011 and ending December 31, 2011 to be recorded in Operating Budget Revenue Item A3831; and

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendments to the 2011 Operating Budget as follows:

Decrease the following revenue:

A3831	County Aid Youth Services	\$9,186
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Decrease the following appropriation:

A7320-4001	Contractual Agreement	\$9,186
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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 DECLARED DULY ADOPTED.

2011-158

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FINANCIAL ASSISTANCE FROM THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM

Resolution for Town Board Meeting Dated: April 12, 2011

The following resolution was offered by: **SUPERVISOR PETRONE,
COUNCILWOMAN JACKSON**

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the State of New York provides financial aid for household hazardous waste programs, and

WHEREAS, the Town maintains a permanent household hazardous waste disposal facility at the Town's Recycling Center that allows residents to safely dispose of their household hazardous wastes thereby protecting the health and safety of our drinking water and the environment, and

WHEREAS, the operation of this facility qualifies the Town to apply for this aid from the state which will potentially reimburse fifty percent of the costs incurred with the disposal of items collected at the Town's facility, and

WHEREAS, submitting this application 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 apply for and receive financial assistance from the New York State Department of Environmental Conservation for the Household Hazardous Waste Program and to execute any documents in connection therewith upon such terms and conditions as are acceptable to the Town Attorney

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH MARK MCGOWAN FOR THE REMAINDER OF THE TERM OF THE LICENSE AGREEMENT FOR THE BAIT AND TACKLE SHOP AT THE NORTHPORT BOAT RAMP FACILITY.

Resolution for Town Board Meeting Dated: April 12, 2011

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

WHEREAS, Town Board Resolution 2003-114 authorized the Supervisor to execute a license agreement with Joseph DeGaetano d/b/a Baitacular for the operation of the Bait and Tackle Shop at the Northport Boat Ramp, (RFP No. 2002-11); and

WHEREAS, said agreement provides for one five (5) year extension upon mutual consent of both parties; and

WHEREAS, Town Board Resolution 2007-688, granted said five (5) year extension until December 31, 2012; and

WHEREAS, Joseph DeGaetano d/b/a Baitacular has given notice to the Town of his inability to fulfill his license agreement until 2012; and

WHEREAS, Mark McGowan, d/b/a Cow Harbor Bait and Tackle, 8 Judyann Court, Northport has requested a license agreement to operate the Bait and Tackle Shop at the Northport Boat Ramp for the remainder of the license agreement to December 31, 2012 upon the same terms and conditions as the existing license agreement; and

WHEREAS, the work to be performed under this agreement 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 a license agreement with Mark McGowan d/b/a Cow Harbor Bait and Tackle 8 Judyann Court, Northport, New York 11768 for the operation of the Bait and Tackle Shop at the Northport Boat Ramp for the remainder of the license agreement authorized by Town Board Resolution 2003-114, with Joseph DeGaetano d/b/a Baitacular which terminates December 31, 2012 to be deposited into Revenue Code A2410, and upon such terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-160

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE LONG ISLAND NORTH SHORE HERITAGE AREA, INC., FOR INCLUSION OF THE NATHAN HALE MEMORIAL, ADJACENT TO THE SOLDIERS AND SAILORS MEMORIAL BUILDING, IN A "CULPER SPY RING AUDIO TOUR"

Resolution for Town Board Meeting Dated: April 12, 2011

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

WHEREAS, on the night of September 12, 1776 Captain Nathan Hale landed on the shore of Huntington Bay at the start of his heroic, but tragically unsuccessful, spy mission to obtain information on the activities and intentions of British troops based in Manhattan; and

WHEREAS, the circumstances of Hale's capture and eventual execution on September 22, 1776 may have influenced his former Yale roommate, Major Benjamin Tallmadge, who was subsequently assigned by General George Washington with the task of forming a new spy network – known as the Culper Spy Ring – to continue with greater secrecy and success the work initiated by Hale; and

WHEREAS, the Long Island North Shore Heritage Area, Inc. (LINSHA) has researched and is prepared to produce and promote for educational purposes a Culper Spy Ring self-guided audio tour along the Long Island North Shore Heritage Trail (a/k/a Washington Spy Trail), a New York State-designated heritage trail within the New York State-designated Long Island North Shore Heritage Area, and

WHEREAS, it is in the public interest and the best interests of both LINSHA and the Town of Huntington to collaborate and partner in promoting public awareness and education about this important aspect of the region's history; and

WHEREAS, participation in a self-guided Culper Spy Ring audio tour is not an action 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 Supervisor to execute an agreement with the Long Island North Shore Heritage Area, Inc., PO Box 265, East Norwich, NY 11732, and any and all documents in connection therewith, for inclusion of the Nathan Hale Memorial adjacent to the Soldiers and Sailors Memorial Building, 228 Main Street, Huntington, NY as a site

2011-160

on the self-guided Culper Spy Ring audio tour, including permitting installation of an appropriate site marker, on such terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-161

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR SUPPLYING, INSTALLING, AND MAINTAINING A BUILDING MANAGEMENT SYSTEM (BMS) IN THE TOWN OF HUNTINGTON, NEW YORK WITH CONTROL SOLUTIONS GROUP, INC.

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington, in its mission of pursuing sustainability, performed a LEED-based evaluation for Town Hall, which included EPA's Energy Star reporting and building commissioning. To improve energy efficiency, reduce the Carbon Footprint and pursue USGBC LEED Certification for Town Hall, the Facility Improvement Measures (FIMs) were evaluated and prioritized. It was determined that the most efficient use of the US Department of Energy EECBG funds was to upgrade and optimize the Town's Building Management System (BMS) which is 2-3 generations behind current standard. Upgrading the BMS for Town Hall could yield approximately a 15-20% reduction in energy usage; and

WHEREAS, it is the intent of this contract to provide for the installation of a modular and expandable Building Management System (BMS) to optimize the control of the heating, ventilating, and air conditioning of the Town Hall buildings (the Main Building and the Annex), and the John J. Flanagan Center. The Contractor shall: (1) survey the existing building's HVAC systems and the existing 1996 BMS system, (2) propose a new BMS system to control the three buildings while incorporating the old system into the new supervisory control and monitoring system, (3) provide design schematics, component specifications, and as-built drawings, (4) install the approved system with all components that are specified, (5) maintain the system for a period of 5 years through a renewable BMS maintenance contract. The Contractor shall also provide training to designated Town employees for the basic day-to-day operation, interface and web access with the BMS system; and

WHEREAS, sealed proposals were received on April 1, 2011, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the supplying, installing, and maintaining a building management system (BMS) Town of Huntington, New York, RFP No. 2011-04-002 and the same were opened and read aloud; and

WHEREAS, Control Solutions Group, Inc., 122 West 27th Street, New York, New York 10001 is the successful proposer; and

WHEREAS, supplying, installing, and maintaining a building management system (BMS) in the own of Huntington, New York is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(2), and therefore no further SEQRA review is required.

2011-161

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Control Solutions Group, Inc. for supplying, installing, and maintaining a building management system (BMS) in the Town of Huntington, New York. The contract period shall be for a five (5) year term commencing upon execution for an amount not to exceed the sum of TWO HUNDRED TWENTY SIX THOUSAND AND NO/100 (\$226,000.00) DOLLARS, and authorizes the Director of Engineering to execute change orders up to 5% of the proposed amount. Additionally, this agreement includes a five (5) year maintenance contract for an amount not to exceed the annual sum of FOURTEEN THOUSAND TWO HUNDRED AND NO/100 (\$14,200.00) DOLLARS. The maintenance contract shall have a renewable second five (5) year term. The first annual maintenance is to be charged to TT1997-2102-GT018 and operating budget item A1621-4570 thereafter, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS:0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-162

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH HIGHWAY REHABILITATION CORP. FOR THE REQUIREMENTS CONTRACT FOR HOT SURFACE RECYCLING OF VARIOUS TOWN ROADS.

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town requires a contractor to perform hot surface recycling of various Town roads. This process is a cost-effective type of pavement rehabilitative maintenance in which the existing pavement surface is heated and processed with rejuvenating oil and then is recycled as the asphalt base material for the roadway upon which a new top layer of asphalt is overlaid. This process eliminates the costs associated with transporting, processing and stockpiling asphalt and other materials required for traditional road reconstruction; and

WHEREAS, sealed bids were received on March 24, 2011, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the requirements contract for the hot surface recycling of various Town roads, Contract No. HWY 2011-02/O-E and the same were opened publicly and read aloud; and

WHEREAS, Highway Rehabilitation Corp., 2258 Route 22, Brewster, New York 10509 is the low bidder; and

WHEREAS, the hot surface recycling of various Town roads is at Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(2), (c)(4) 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 Highway Rehabilitation Corp. for the hot surface recycling of various town roads. The contract period shall be effective for a one (1) year term commencing upon execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for two (2) additional one (1) year periods under the same prices, terms and conditions, to be charged to DB 5112 2000, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-163

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH WELSBACH ELECTRIC CORP. OF L.I. FOR TRAFFIC SIGNAL IMPROVEMENTS ON LARKFIELD ROAD, TOWN OF HUNTINGTON, NEW YORK.

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, The Town of Huntington has received federal funding in the amount of \$1,450,400.00 for the Larkfield Road Traffic Signal Improvement Project, P.I.N. 0758.94, (the PROJECT), and an additional \$271,950.00 will be reimbursed with NYSDOT Marchiselli funding; and local match of \$ 99,650.00; and

WHEREAS, the Department of Transportation and Traffic Safety is responsible for maintaining and upgrading traffic signals in order to ensure their proper operation and its critical effects on public safety; and

WHEREAS, the Larkfield Road Traffic Signal Improvement Project will include traffic signal upgrades along Larkfield Road and the installation of a Centralized Traffic Signal Control System at Town Hall. The proposed central system will have the ability to accommodate all of the Town of Huntington signalized intersections, centralized operations and maintenance, and allow local timing plan changes based on time-of-day/day-of-week or traffic responsive control. This system will permit the Town to improve air and noise quality, reduce vehicle emissions and delays, and manage roadway capacity along Town roads; and

WHEREAS, the contract for traffic signal improvements on Larkfield Road includes equipment upgrade and complete rebuilding of eleven (11) local intersections from Daly Road to Bellerose Avenue, and is located within the Hamlets of East Northport and Commack; and

WHEREAS, sealed bids were received on March 3, 2011, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the traffic signal improvements Larkfield Road Town of Huntington, New York, contract no. TTTS 2011-01, and the same were opened publicly and read aloud; and

WHEREAS, Welsbach Electric Corp. of L.I., 300 Newtown Road, Plainview, New York 11803 is the low bidder; and

WHEREAS, traffic signal improvements is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1), (c)(2) and (c)(16), 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 Welsbach Electric Corp. of L.I. for the traffic signal improvements on Larkfield Road Town of Huntington, New York. The contract period shall be effective for a one (1) year term commencing upon the execution of the contract for an amount not to exceed the sum of ONE MILLION EIGHT HUNDRED TWENTY-TWO THOUSAND AND NO/100 (\$1,822,000.00) DOLLARS, to be charged to Capital Budget Items TT3397-2775-FB907, TT3397-2775-RS310, TT3397-2775-GT015, TT3397-2775-01305 and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-164

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH L.K. McLEAN ASSOCIATES, P.C. FOR PROFESSIONAL ENGINEERING SERVICES AND CONSTRUCTION MONITORING OF THE EAST NORTHPORT LANDFILL BRUSH FIRE RESTORATION PROJECT.

Resolution for Town Board Meeting Dated: April 12, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, on July 7th 2010 there was a brush fire at the East Northport Landfill which caused extensive damage to the methane venting pipes, drainage structures and vegetation; and

WHEREAS, Under the NYSDEC Regulations 6NYCRR Part 360-2.15(k)(3), the Town must ensure that soil cover integrity, slopes, cover vegetation, drainage structures and gas venting structures be maintained during the post closure period of the landfill; and

WHEREAS, L.K. McLean Associates P.C., has submitted a proposal that would provide professional engineering services and construction oversight for the restoration of the East Northport Landfill; and

WHEREAS; the Town has submitted a claim to the Town's property insurance carrier and after consulting with the agent these engineering costs would be covered; and

WHEREAS, the proposed action has been classified as a Type II Action pursuant to 6 NYCRR Part 617.5 (c)(1) and (c)(2), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a professional services agreement with L.K. McLean Associates P.C., 437 South Country Road, Brookhaven, New York 11719, to provide professional engineering services and construction oversight for the restoration of the East Northport landfill for an amount not to exceed the sum of SIXTEEN THOUSAND FIVE HUNDRED FIFTY AND XX/100 (\$16,550.00) DOLLARS, to be charged to Operating Budget Item A8166-2103, and upon such other terms and conditions as approved by the Town Attorney.

2011-164

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.

2011-165

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

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

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

ITEM	YEAR/MAKE	MODEL	VIN#/SER#	TOWN INV. #
1	1992 Ford	Taurus Sedan	1FACP50U7NA255647	3307
2	1991 Ford	Crown Vic Sedan	1FACP74F6MX174300	4162
3	1992 Ford	Explorer SUV	1FMDU34X4NUC57754	4172
4	1986 Hyster Trailer		1HKDCSA6C024263	4187
5	1992 Ford	F350 Utility Body	1FDKF38M4NNB04478	4055
6	2001 Ford	F150 Pick up	1FTRF18W61KC00987	N/A
7	1994 Ford	Bronco SUV	1FMEU15NXRLB32596	3615
8	1994 Ford	Bronco SUV	1FMEU15NXRLB40200	3618
9	1992 Ford	F350 Dump Body	1FDKF38M2NNB04477	4053
10	1991 Ford	F350 Dump Body	1FDKF38MYMNA67561	4046
11	1989 Ford	F150 Pick up	1FTEF14H9KNB47191	3232
12	1988 Ford	F150 Pick up	1FTEF14H3JNB40963	2687
13	1989 Ford	F150 Pick up	2FTEF14H6KCB50202	4283
14	1984	L8000 10 Wheel Dump	1FDYU80UOEVA4046	1583
15	1985 Mobil	Sweeper	1A9A14GB7ER059201	1980
16	1982 Mobil	Sweeper	820421240	1152
17	1988 Powerscreen	616 Trommel	9101144	N/A
18	1992 Gillig	30' Transit Bus	15GCA0913N1084315	4676
19	Evinrude	E35RC18 Outboard Motor	E0004862	N/A
20	Boat	Wolf Larson	N/A	N/A
21	Barber	Surf Rake Machine 600HD	6664	5833

2011-1660

RESOLUTION AUTHORIZING WELLS FARGO BANK, N.A. AS DEPOSITORY FOR TAX RECEIPTS AND AUTHORIZING THE RECEIVER OF TAXES TO EXECUTE A COLLATERAL AGREEMENT FOR A TAX RECEIPT ACCOUNT ON BEHALF OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

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 Wells Fargo Bank, N.A., 58 South Service Road, Melville, New York, as depository for tax receipts, pursuant to Town Law 64 (1); and

HEREBY AUTHORIZES the Receiver of Taxes to execute a collateral agreement for tax receipts account with Wells Fargo Bank, N.A. on behalf of the Town of Huntington.

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.

2011-167

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: April 12, 2011

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

and seconded by: **COUNCILMAN CUTHBERTSON**

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, in order to be in compliance with a recent arbitration decision the Town must create and abolish certain positions within the Department of General Services; 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:

A-1355-1100	Clerk Typist	\$24,745
A-1621-1100	Labor Crew Leader III	\$57,841
A-1621-1100	Labor Crew Leader III	\$57,841
A-1621-1100	Groundskeeper III	\$59,750

Reinstate the following positions:

SS1-8131-1100	Sewer Plant Dispatcher	\$23,209
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Abolish the following positions:

A-1355-1100	Sr. Clerk Typist	(\$39,582)
A-1621-1100	Labor Crew Leader I	(\$54,846)
A-1621-1100	Labor Crew Leader I	(\$54,846)
A-1621-1100	Town Maintenance Crew Leader II	(\$56,355)

2011-167

Adjust the following Appropriations:

A-1990-1100	Contingency	\$5,452
SS1-1990-1100	Contingency	(\$23,209)

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.

2011-168

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2011 OPERATING & CAPITAL BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS the Town Board wishes to appropriate funds for a leak detection and repair program for the Dix Hills Water District approved in the 2011 Capital Budget; and

WHEREAS, the Town Board wishes to appropriate funds for a street lighting replacement vehicle in the Street Lighting District approved in the 2011 Capital Budget; and

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

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

WHEREAS, the funding of these capital projects in lieu of bonding is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(1), (c)(25) and (c)(4) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to amend the 2011 Operating and Capital Budget as follows:

Increase the following revenue account:

SW1-0599R	Appropriated Fund Balance	\$ 100,000
SL-0599R	Appropriated Fund Balance	\$ 60,000
DB-0599R	Appropriated Fund Balance	\$ 1,000,000

Increase the following appropriations:

EG8397-2778	Water Mains	\$ 100,000
IT5989-2314	Vehicle Replacement	\$ 60,000
HW5197-2776	Roadway Rehabilitation	\$ 1,000,000

2011-168

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.

2011-169

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2011 OPERATING BUDGET FOR SNOW REMOVAL EXPENSES FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – HIGHWAY DEPARTMENT

Resolution for Town Board Meeting Dated: April 12, 2010

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, as a result of multiple snowstorms, accumulated salt and sand must be cleaned out of the Town's catch basins to prevent environmental and flooding damage; and

WHEREAS, the Town Board established a Snow and Ice Removal Reserve Fund (DB-0835) under GML section 6-f for the removal of snow and ice and for repairing and maintaining roadways, to the extent damage to such roadways was caused by the removal of snow and ice; 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:

Increase the following Revenue:

DB-0511R	Appropriated Reserve	(\$300,000)
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Decrease the following appropriation:

DB-1900-1100	Contingency	(\$60,000)
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Increase the following appropriation:

DB-5142-4270	Motor Vehicle Rentals	\$360,000
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2011-169

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.

2011-170

RESOLUTION AUTHORIZING THE COMPTROLLER TO APPROPRIATE FUNDS FROM THE PARKS & RECREATION CAPITAL IMPROVEMENT RESERVE, TECHNOLOGY RESERVE AND GENERAL RESERVE FOR THE PURPOSE OF FUNDING VARIOUS CAPITAL PROJECTS IN LIEU OF BONDING – VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: April 12, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, pursuant to Resolution 2010-543, the Huntington Town Board adopted the 2011 Capital Project Budget and upon review of all capital projects approved therein, the Town's Capital Projects Committee has recommended that specific projects, including roof repairs for beach buildings, final phase of the Dix Hills golf course renovation, various information technology initiatives, sand rake and the Town's match for the Federal Transportation Act funding should be funded through available Town reserves; and

WHEREAS, the Town Board has appropriated funds to be set aside for the purpose of funding future capital projects in a Parks and Recreation Capital Improvement Reserve Fund, General Reserve Fund and the Technology Reserve Fund in accordance with Section 6-c of General Municipal Law and can be used to fund; and

WHEREAS, the Town Board wishes to appropriate funds for projects approved in the 2010 capital budget from Reserve Fund accounts in lieu of bonding, which saves the taxpayers of the Town of Huntington the cost of additional debt service payments for principal and interest; 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

WHEREAS, this resolution is adopted subject to permissive referendum as set forth in Town Law Section 90 and shall take effect thirty (30) days after its adoption or, if a referendum is held, upon the affirmative vote of a majority of the qualified electors of the issuer voting on the referendum; and

WHEREAS, the funding of these capital projects in lieu of bonding is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(1), (c)(2), (c)(20) and (c)(25) and therefore no further SEQRA review is required

NOW THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to appropriate funds from the General Reserve, Parks & Recreation Capital Improvement Reserve and Part Town Reserve for the purpose of funding various Capital Projects in lieu of bonding for various departments and amend the Capital Budget as follows:

<u>Capital Projects to be Amended</u>	<u>Original Budget</u>	<u>Increase (Decrease)</u>	<u>New Budget</u>
Roof Repairs-Centerport/Asharoken beach buildings	20,500	(7,500)	13,000
Dix Hills Golf Course Renovation	70,000	(47,300)	22,700
Digital Imaging-GIS Professional Services	100,000	(41,000)	59,000
Sand Rake	0	42,600	42,600
HART Bus- Town Share of FTA funding	112,758	33,702	146,460

Reserves to be appropriated

A-0878	Parks and Recreation Capital Improvement Reserve Fund	\$ (78,300)
	Roof Repair- Centerport/Asharoken	\$ 13,000
	Dix Hills Golf Course Renovation	\$ 22,700
	Surf Rake	\$ 42,600
A-0888	Technology Reserve Fund	\$ (99,000)
	Digital Imaging-GIS Professional Services	\$ 59,000
	Software Replacement	\$ 40,000
A-0889	General Reserve Fund	\$ (146,460)
	HART Bus- Town share of FTA funding	\$ 146,460

FURTHER BE IT RESOLVED THAT the Town Clerk is hereby authorized and directed to, within ten (10) days after the adoption of this resolution, cause this resolution to be (a) published in the official newspapers of the Issuer, and (b) posted on the sign board of the Town maintained pursuant to the Town Law, together with a notice of adoption thereof.

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.

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Huntington, in the

County of Suffolk, New York

April 12, 2011

* * *

A regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, was held at the Town Hall, 100 Main Street, Huntington, New York on April 12, 2011.

There were present: Hon. Frank P. Petrone, Supervisor; and

Board Members: **COUNCILWOMAN SUSAN A. BERLAND
COUNCILMAN MARK A. CUTHBERTSON
COUNCILWOMAN GLENDA A. JACKSON
COUNCILMAN MARK MAYOKA**

There were absent:

Also present: Hon. Jo-Ann Raia, Town Clerk

* * *

COUNCILMAN CUTHBERTSON offered the following resolution and moved its adoption:
SECONDED BY: SUPERVISOR PETRONE

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING THE
ACQUISITION OF EQUIPMENT, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$150,000, APPROPRIATING
SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING
THE ISSUANCE OF \$150,000 BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to acquire equipment. The estimated maximum cost
thereof, including preliminary costs and costs incidental thereto and the financing thereof, is
\$150,000 and said amount is hereby appropriated for such purpose. The plan of financing
includes the issuance of \$150,000 bonds of the Town to finance said appropriation, and the levy
and collection of taxes on all the taxable real property in the Town to pay the principal of said
bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$150,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter
33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to
finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

(d) The Town Board has determined that the project described herein is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.5(c)(25) and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the

Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in "*The Observer*," and "*The Long Islander*," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF HUNTINGTON, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2011, the Town Board of the Town of Huntington, in the County of Suffolk, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Huntington, New York, adopted April 12, 2011, authorizing the acquisition of equipment, stating the estimated maximum cost thereof is \$150,000, appropriating said amount for such purpose, and authorizing the issuance of \$150,000 bonds of said Town to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire equipment; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$150,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$150,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$150,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; the proposed maturity of said bonds will exceed five (5) years; and the project is a Type II action under the State Environmental Quality Review Act (SEQRA) and no further environmental review is required;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

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SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: April 12, 2011
Huntington, New York

Hon. Jo-Ann Raia
Town Clerk

2011-171

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspapers referred to in Section 7 hereof, and hereby designated the official newspapers for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Huntington, in the

County of Suffolk, New York

April 12, 2011

* * *

A regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, was held at the Town Hall, 100 Main Street, Huntington, New York on April 12, 2011.

There were present: Hon. Frank P. Petrone, Supervisor; and

Board Members: COUNCILWOMAN SUSAN A. BERLAND
COUNCILMAN MARK A. CUTHBERTSON
COUNCILWOMAN GLENDA A. JACKSON
COUNCILMAN MARK MAYOKA

There were absent:

Also present: Jo-Ann Raia, Town Clerk

* * *

COUNCILMAN CUTHBERTSON offered the following resolution and moved its

adoption:

SECONDED BY: SUPERVISOR PETRONE

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING THE
ACQUISITION OF VEHICLES, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$150,000, APPROPRIATING
SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING
THE ISSUANCE OF \$150,000 BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to acquire vehicles. The estimated maximum cost
thereof, including preliminary costs and costs incidental thereto and the financing thereof, is
\$150,000 and said amount is hereby appropriated for such purpose. The plan of financing
includes the issuance of \$150,000 bonds of the Town to finance said appropriation, and the levy
and collection of taxes on all the taxable real property in the Town to pay the principal of said
bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$150,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter
33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to
finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 77. of the Law, is three (3) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five years.

(d) The Town Board has determined that the project described herein is a Type II project pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617, Section 617.5 c (25), and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the

Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE OBSERVER," and "THE LONG ISLANDER," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Huntington, in the

County of Suffolk, New York

April 12, 2011

* * *

A regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, was held at the Town Hall, 100 Main Street, Huntington, New York on April 12, 2011.

There were present: Hon. Frank P. Petrone, Supervisor; and

Board Members: COUNCILWOMAN SUSAN A. BERLAND
COUNCILMAN MARK A. CUTHBERTSON
COUNCILWOMAN GLENDA A. JACKSON
COUNCILMAN MARK MAYOKA

There were absent:

Also present: Hon. Jo-Ann Raia, Town Clerk

* * *

COUNCILMAN CUTHBERTSON,
COUNCILWOMAN BERLAND,
COUNCILWOMAN JACKSON

offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING THE
CONSTRUCTION OF IMPROVEMENTS TO THE PARKING
LOTS AT HOBART BEACH, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$168,000, APPROPRIATING
SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING
THE ISSUANCE OF \$168,000 BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to construct improvements to the parking lots at Hobart
Beach. The estimated maximum cost thereof, including preliminary costs and costs incidental
thereto and the financing thereof, is \$168,000 and said amount is hereby appropriated for such
purpose. The plan of financing includes the issuance of \$168,000 bonds of the Town to finance
said appropriation, and the levy and collection of taxes on all the taxable real property in the
Town to pay the principal of said bonds and the interest thereon as the same shall become due
and payable.

Section 2. Bonds of the Town in the principal amount of \$168,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (f) of the Law, is ten (10) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

(d) The Town Board has determined that the project described herein is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617, Section 617.5 (c)(1), (2) and (4), and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation

as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in "*The Observer*," and "*The Long Islander*," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF HUNTINGTON, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2011, the Town Board of the Town of Huntington, in the County of Suffolk, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Huntington, New York, adopted April 12, 2011, authorizing the construction of improvements to the parking lots at Hobart Beach, stating the estimated maximum cost thereof is \$168,000, appropriating said amount for such purpose, and authorizing the issuance of \$168,000 bonds of said Town to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct improvements to the parking lots at Hobart Beach; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$168,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$168,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$168,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is ten (10) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; the proposed maturity of said bonds will exceed five (5) years; and the project is a Type II action under the State Environmental Quality Review Act (SEQRA) and no further environmental review is required;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: April 12, 2011
Huntington, New York

Hon. Jo-Ann Raia
Town Clerk

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspapers referred to in Section 7 hereof, and hereby designated the official newspapers for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Huntington, in the

County of Suffolk, New York

April 12, 2011

* * *

A regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, was held at the Town Hall, 100 Main Street, Huntington, New York on April 12, 2011.

There were present: Hon. Frank P. Petrone, Supervisor; and

Board Members: **COUNCILWOMAN SUSAN A. BERLAND
COUNCILMAN MARK A. CUTHBERTSON
COUNCILWOMAN GLENDA A. JACKSON
COUNCILMAN MARK MAYOKA**

There were absent:

Also present: Jo-Ann Raia, Town Clerk

* * *

COUNCILMAN CUTHBERTSON offered the following resolution and moved its

adoption:

SECONDED BY: COUNCILWOMAN JACKSON

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING THE
INSTALLATION OF FENCING AT VARIOUS TOWN SITES,
STATING THE ESTIMATED MAXIMUM COST THEREOF IS
\$100,000, APPROPRIATING SAID AMOUNT FOR SUCH
PURPOSE, AND AUTHORIZING THE ISSUANCE OF
\$100,000 BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to install fencing at various Town sites. The estimated
maximum cost thereof, including preliminary costs and costs incidental thereto and the financing
thereof, is \$100,000 and said amount is hereby appropriated for such purpose. The plan of
financing includes the issuance of \$100,000 bonds of the Town to finance said appropriation, and
the levy and collection of taxes on all the taxable real property in the Town to pay the principal
of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$100,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter
33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to
finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five years.

(d) The Town Board has determined that the project described herein is a Type II project pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.5(c) (1) and (2), and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in

anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE OBSERVER," and "THE LONG ISLANDER," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Huntington, in the

County of Suffolk, New York

April 12, 2011

* * *

A regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, was held at the Town Hall, 100 Main Street, Huntington, New York on April 12, 2011.

There were present: Hon. Frank P. Petrone, Supervisor; and

Board Members: COUNCILWOMAN SUSAN A. BERLAND
COUNCILMAN MARK A. CUTHBERTSON
COUNCILWOMAN GLENDA A. JACKSON
COUNCILMAN MARK MAYOKA

There were absent:

Also present: Hon. Jo-Ann Raia, Town Clerk

* * *

COUNCILMAN CUTHBERTSON offered the following resolution and moved its

adoption:

SECONDED BY: SUPERVISOR PETRONE

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING THE
CONSTRUCTION OF IMPROVEMENTS TO VARIOUS TOWN
BUILDINGS AND FACILITIES, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$311,000, APPROPRIATING
SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING
THE ISSUANCE OF \$311,000 BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to construct improvements to various Town buildings
and facilities. The estimated maximum cost thereof, including preliminary costs and costs
incidental thereto and the financing thereof, is \$311,000 and said amount is hereby appropriated
for such purpose. The plan of financing includes the issuance of \$311,000 bonds of the Town to
finance said appropriation, and the levy and collection of taxes on all the taxable real property in
the Town to pay the principal of said bonds and the interest thereon as the same shall become
due and payable.

Section 2. Bonds of the Town in the principal amount of \$311,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12 (a) (2) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

(d) The Town Board has determined that the project described herein is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.5(c)(1) and (2), and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation

as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in "*The Observer*," and "*The Long Islander*," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF HUNTINGTON, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2011, the Town Board of the Town of Huntington, in the County of Suffolk, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Huntington, New York, adopted April 12, 2011, authorizing the construction of improvements to various Town buildings and facilities, stating the estimated maximum cost thereof is \$311,000, appropriating said amount for such purpose, and authorizing the issuance of \$311,000 bonds of said Town to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct improvements to various Town buildings and facilities; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$311,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$311,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$311,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; the proposed maturity of said bonds will exceed five (5) years; and the project is a Type II action under the State Environmental Quality Review Act (SEQRA) and no further environmental review is required;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspapers referred to in Section 7 hereof, and hereby designated the official newspapers for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

2011-176

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Huntington, in the

County of Suffolk, New York

April 12, 2011

* * *

A regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, was held at the Town Hall, 100 Main Street, Huntington, New York on April 12, 2011.

There were present: Hon. Frank P. Petrone, Supervisor; and

Board Members: COUNCILWOMAN SUSAN A. BERLAND
COUNCILMAN MARK A. CUTHBERTSON
COUNCILWOMAN GLENDA A. JACKSON
COUNCILMAN MARK MAYOKA

There were absent:

Also present: Hon. Jo-Ann Raia, Town Clerk

* * *

COUNCILWOMAN JACKSON,
COUNCILWOMAN BERLAND,
COUNCILMAN MAYOKA

_____ offered the following resolution and moved its

adoption:
SECONDED BY: SUPERVISOR PETRONE

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING THE
CONSTRUCTION OF IMPROVEMENTS TO AN ELEVATOR
AT TOWN HALL, STATING THE ESTIMATED MAXIMUM
COST THEREOF IS \$90,000, APPROPRIATING SAID
AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE
ISSUANCE OF \$90,000 BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to construct improvements to an elevator at Town Hall.
The estimated maximum cost thereof, including preliminary costs and costs incidental thereto
and the financing thereof, is \$90,000 and said amount is hereby appropriated for such purpose.
The plan of financing includes the issuance of \$90,000 bonds of the Town to finance said
appropriation, and the levy and collection of taxes on all the taxable real property in the Town to
pay the principal of said bonds and the interest thereon as the same shall become due and
payable.

Section 2. Bonds of the Town in the principal amount of \$90,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 13 of the Law, is ten (10) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

(d) The Town Board has determined that the project described herein is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.5(c)(1) and (2), and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation

as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in "*The Observer*," and "*The Long Islander*," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF HUNTINGTON, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2011, the Town Board of the Town of Huntington, in the County of Suffolk, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Huntington, New York, adopted April 12, 2011, authorizing the construction of improvements to an elevator at Town Hall, stating the estimated maximum cost thereof is \$90,000, appropriating said amount for such purpose, and authorizing the issuance of \$90,000 bonds of said Town to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct improvements to an elevator at Town Hall; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$90,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$90,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$90,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is ten (10) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; the proposed maturity of said bonds will exceed five (5) years; and the project is a Type II action under the State Environmental Quality Review Act (SEQRA) and no further environmental review is required;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspapers referred to in Section 7 hereof, and hereby designated the official newspapers for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

2011-177

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Huntington, in the

County of Suffolk, New York

April 12, 2011

* * *

A regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, was held at the Town Hall, 100 Main Street, Huntington, New York on April 12, 2011.

There were present: Hon. Frank P. Petrone, Supervisor; and

Board Members: COUNCILWOMAN SUSAN A. BERLAND
COUNCILMAN MARK A. CUTHBERTSON
COUNCILWOMAN GLENDA A. JACKSON
COUNCILMAN MARK MAYOKA

There were absent:

Also present: Hon. Jo-Ann Raia, Town Clerk

* * *

COUNCILWOMAN BERLAND,
SUPERVISOR PETRONE,
COUNCILMAN MAYOKA

_____ offered the following resolution and moved its

adoption:
SECONDED BY: COUNCILWOMAN JACKSON

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING THE
REPLACEMENT OF THE ROOF AT THE EMERGENCY
OPERATIONS CENTER, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$140,000, APPROPRIATING
SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING
THE ISSUANCE OF \$140,000 BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to replace the roof at the Emergency Operations Center.
The estimated maximum cost thereof, including preliminary costs and costs incidental thereto
and the financing thereof, is \$140,000 and said amount is hereby appropriated for such purpose.
The plan of financing includes the issuance of \$140,000 bonds of the Town to finance said
appropriation, and the levy and collection of taxes on all the taxable real property in the Town to
pay the principal of said bonds and the interest thereon as the same shall become due and
payable.

Section 2. Bonds of the Town in the principal amount of \$140,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12 (a) (2) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

(d) The Town Board has determined that the project described herein is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.5(c)(1) and (2), and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation

as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in "*The Observer*," and "*The Long Islander*," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF HUNTINGTON, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2011, the Town Board of the Town of Huntington, in the County of Suffolk, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Huntington, New York, adopted April 12, 2011, authorizing the replacement of the roof at the Emergency Operations Center, stating the estimated maximum cost thereof is \$140,000, appropriating said amount for such purpose, and authorizing the issuance of \$140,000 bonds of said Town to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to replace the roof at the Emergency Operations Center; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$140,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$140,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$140,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; the proposed maturity of said bonds will exceed five (5) years; and the project is a Type II action under the State Environmental Quality Review Act (SEQRA) and no further environmental review is required;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

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SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: April 12, 2011
Huntington, New York

Hon. Jo-Ann Raia
Town Clerk

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspapers referred to in Section 7 hereof, and hereby designated the official newspapers for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Huntington, in the

County of Suffolk, New York

April 12, 2011

* * *

A regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, was held at the Town Hall, 100 Main Street, Huntington, New York on April 12, 2011.

There were present: Hon. Frank P. Petrone, Supervisor; and

Board Members: COUNCILWOMAN SUSAN A. BERLAND
COUNCILMAN MARK A. CUTHBERTSON
COUNCILWOMAN GLENDA A. JACKSON
COUNCILMAN MARK MAYOKA

There were absent:

Also present: Jo-Ann Raia, Town Clerk

* * *

COUNCILMAN CUTHBERTSON,
COUNCILWOMAN BERLAND

_____ offered the following resolution and moved its

adoption:

SECONDED BY: COUNCILWOMAN JACKSON

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING THE
ACQUISITION AND INSTALLATION OF COMPUTER
EQUIPMENT FOR TOWNWIDE COMPUTERIZATION,
STATING THE ESTIMATED MAXIMUM COST THEREOF IS
\$410,000, APPROPRIATING SAID AMOUNT FOR SUCH
PURPOSE, AND AUTHORIZING THE ISSUANCE OF
\$410,000 BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to acquire and install computer equipment for
Townwide computerization. The estimated maximum cost thereof, including preliminary costs
and costs incidental thereto and the financing thereof, is \$410,000 and said amount is hereby
appropriated for such purpose. The plan of financing includes the issuance of \$410,000 bonds of
the Town to finance said appropriation, and the levy and collection of taxes on all the taxable
real property in the Town to pay the principal of said bonds and the interest thereon as the same
shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$410,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five years.

(d) The Town Board has determined that the project described herein is a Type II project pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617, Section 617.5(c)(25), and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation

as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE OBSERVER," and "THE LONG ISLANDER," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Huntington, in the

County of Suffolk, New York

April 12, 2011

* * *

A regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, was held at the Town Hall, 100 Main Street, Huntington, New York on April 12, 2011.

There were present: Hon. Frank P. Petrone, Supervisor; and

Board Members: **COUNCILWOMAN SUSAN A. BERLAND
COUNCILMAN MARK A. CUTHBERTSON
COUNCILWOMAN GLENDA A. JACKSON
COUNCILMAN MARK MAYOKA**

There were absent:

Also present: Jo-Ann Raia, Town Clerk

* * *

**COUNCILWOMAN BERLAND,
COUNCILWOMAN JACKSON**

_____ offered the following resolution and moved its

adoption:
SECONDED BY: COUNCILMAN MAYOKA

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING THE
REPLACEMENT OF A NETWORK SERVER, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$161,000,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE,
AND AUTHORIZING THE ISSUANCE OF \$161,000 BONDS
OF SAID TOWN TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to replace a network server. The estimated maximum
cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is
\$161,000 and said amount is hereby appropriated for such purpose. The plan of financing
includes the issuance of \$161,000 bonds of the Town to finance said appropriation, and the levy
and collection of taxes on all the taxable real property in the Town to pay the principal of said
bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$161,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter
33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to
finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five years.

(d) The Town Board has determined that the project described herein is a Type II project pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617, Section 617.5(c)(25), and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the

Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE OBSERVER," and "THE LONG ISLANDER," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Huntington, in the

County of Suffolk, New York

April 12, 2011

* * *

A regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, was held at the Town Hall, 100 Main Street, Huntington, New York on April 12, 2011.

There were present: Hon. Frank P. Petrone, Supervisor; and

Board Members: **COUNCILWOMAN SUSAN A. BERLAND
COUNCILMAN MARK A. CUTHBERTSON
COUNCILWOMAN GLENDA A. JACKSON
COUNCILMAN MARK MAYOKA**

There were absent:

Also present: Hon. Jo-Ann Raia, Town Clerk

* * *

COUNCILWOMAN BERLAND offered the following resolution and moved its adoption:
SECONDED BY: SUPERVISOR PETRONE, COUNCILWOMAN JACKSON

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING
HARBOR IMPROVEMENTS AT THE WOODBINE MARINA,
INCLUDING DREDGING AND INSTALLATION OF A WAVE
BAFFLE, STATING THE ESTIMATED MAXIMUM COST
THEREOF IS \$1,100,000, APPROPRIATING SAID AMOUNT
FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE
OF \$1,100,000 BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to implement harbor improvements at the Woodbine
Marina, including dredging and installation of a wave baffle. The estimated maximum cost
thereof, including preliminary costs and costs incidental thereto and the financing thereof, is
\$1,100,000 and said amount is hereby appropriated for such purpose. The plan of financing
includes the issuance of \$1,100,000 bonds of the Town to finance said appropriation, and the
levy and collection of taxes on all the taxable real property in the Town to pay the principal of
said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$1,100,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 22(b) of the Law, is twenty (20) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

(d) The Town Board has determined that the project is an Unlisted action as defined by the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.2. The Town Board has reviewed a Short Environmental Assessment Form and has determined that the project will not result in any significant adverse environmental impacts.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal

and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in "*The Observer*," and "*The Long Islander*," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF HUNTINGTON, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2011, the Town Board of the Town of Huntington, in the County of Suffolk, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Huntington, New York, adopted April 12, 2011, authorizing harbor improvements at the Woodbine Marina, including dredging and installation of a wave baffle, stating the estimated maximum cost thereof is \$1,100,000, appropriating said amount for such purpose, and authorizing the issuance of \$1,100,000 bonds of said Town to finance said appropriation.”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to implement harbor improvements at the Woodbine Marina, including dredging and installation of a wave baffle; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,100,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$1,100,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,100,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is twenty (20) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; the proposed maturity of said bonds will exceed five (5) years; and the project is an Unlisted action under the State Environmental Quality Review Act (SEQRA) which will not result in any significant environmental impacts;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

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FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: April 12, 2011
Huntington, New York

Hon. Jo-Ann Raia
Town Clerk

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Huntington, in the

County of Suffolk, New York

April 12, 2011

* * *

A regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, was held at the Town Hall, 100 Main Street, Huntington, New York on April 12, 2011.

There were present: Hon. Frank P. Petrone, Supervisor; and

Board Members: COUNCILWOMAN SUSAN A. BERLAND
COUNCILMAN MARK A. CUTHBERTSON
COUNCILWOMAN GLENDA A. JACKSON
COUNCILMAN MARK MAYOKA

There were absent:

Also present: Hon. Jo-Ann Raia, Town Clerk

* * *

COUNCILWOMAN JACKSON offered the following resolution and moved its

adoption:
SECONDED BY: COUNCILMAN CUTHBERTSON

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING THE
ACQUISITION AND INSTALLATION OF TRAFFIC SIGNALS,
STATING THE ESTIMATED MAXIMUM COST THEREOF IS
\$150,000, APPROPRIATING SAID AMOUNT FOR SUCH
PURPOSE, AND AUTHORIZING THE ISSUANCE OF
\$150,000 BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to acquire and install traffic signals. The estimated
maximum cost thereof, including preliminary costs and costs incidental thereto and the financing
thereof, is \$150,000 and said amount is hereby appropriated for such purpose. The plan of
financing includes the issuance of \$150,000 bonds of the Town to finance said appropriation, and
the levy and collection of taxes on all the taxable real property in the Town to pay the principal
of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$150,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter
33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to
finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 72 (a) of the Law, is twenty (20) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

(d) The Town Board has determined that the project described herein is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.5(c)(16), and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in

anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in "*The Observer*," and "*The Long Islander*," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF HUNTINGTON, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2011, the Town Board of the Town of Huntington, in the County of Suffolk, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Huntington, New York, adopted April 12, 2011, authorizing the acquisition and installation of traffic signals, stating the estimated maximum cost thereof is \$150,000, appropriating said amount for such purpose, and authorizing the issuance of \$150,000 bonds of said Town to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire and install traffic signals; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$150,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$150,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$150,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is twenty (20) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; the proposed maturity of said bonds will exceed five (5) years; and the project is a Type II action under the State Environmental Quality Review Act (SEQRA) and no further environmental review is required;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspapers referred to in Section 7 hereof, and hereby designated the official newspapers for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

EXTRACT OF MINUTES
Meeting of the Town Board of the
Town of Huntington, in the
County of Suffolk, New York

April 12, 2011

* * *

A regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, was held at the Town Hall, 100 Main Street, Huntington, New York on April 12, 2011.

There were present: Hon. Frank P. Petrone, Supervisor; and

Board Members: **COUNCILWOMAN SUSAN A. BERLAND
COUNCILMAN MARK A. CUTHBERTSON
COUNCILWOMAN GLENDA A. JACKSON
COUNCILMAN MARK MAYOKA**

There were absent:

Also present: Hon. Jo-Ann Raia, Town Clerk

* * *

COUNCILMAN CUTHBERTSON offered the following resolution and moved its

adoption:

SECONDED BY: COUNCILWOMAN JACKSON

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING THE
CONSTRUCTION OF VARIOUS DRAINAGE
IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM
COST THEREOF IS \$250,000, APPROPRIATING SAID
AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE
ISSUANCE OF \$250,000 BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to construct various drainage improvements. The
estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the
financing thereof, is \$250,000 and said amount is hereby appropriated for such purpose. The
plan of financing includes the issuance of \$250,000 bonds of the Town to finance said
appropriation, and the levy and collection of taxes on all the taxable real property in the Town to
pay the principal of said bonds and the interest thereon as the same shall become due and
payable.

Section 2. Bonds of the Town in the principal amount of \$250,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

(d) The Town Board has determined that the project described herein is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.5(c)(1), and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation

as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in "*The Observer*," and "*The Long Islander*," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF HUNTINGTON, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2011, the Town Board of the Town of Huntington, in the County of Suffolk, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Huntington, New York, adopted April 12, 2011, authorizing the construction of various drainage improvements, stating the estimated maximum cost thereof is \$250,000, appropriating said amount for such purpose, and authorizing the issuance of \$250,000 bonds of said Town to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct various drainage improvements; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$250,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$250,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; the proposed maturity of said bonds will exceed five (5) years; and the project is a Type II action under the State Environmental Quality Review Act (SEQRA) and no further environmental review is required;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

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SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: April 12, 2011
Huntington, New York

Hon. Jo-Ann Raia
Town Clerk

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspapers referred to in Section 7 hereof, and hereby designated the official newspapers for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

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EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Huntington, in the

County of Suffolk, New York

April 12, 2011

* * *

A regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, was held at the Town Hall, 100 Main Street, Huntington, New York on April 12, 2011.

There were present: Hon. Frank P. Petrone, Supervisor; and

Board Members: COUNCILWOMAN SUSAN A. BERLAND
COUNCILMAN MARK A. CUTHBERTSON
COUNCILWOMAN GLENDA A. JACKSON
COUNCILMAN MARK MAYOKA

There were absent:

Also present: Hon. Jo-Ann Raia, Town Clerk

* * *

**SUPERVISOR PETRONE,
COUNCILMAN MAYOKA**

_____ offered the following resolution and moved its

adoption:

SECONDED BY: COUNCILWOMAN BERLAND, COUNCILWOMAN JACKSON

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING THE
CONSTRUCTION OF IMPROVEMENTS TO VARIOUS
ROADS, STATING THE ESTIMATED MAXIMUM COST
THEREOF IS \$2,600,000, APPROPRIATING SAID AMOUNT
FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE
OF \$2,600,000 BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to construct improvements to various roads. The
estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the
financing thereof, is \$2,600,000 and said amount is hereby appropriated for such purpose. The
plan of financing includes the issuance of \$2,600,000 bonds of the Town to finance said
appropriation, and the levy and collection of taxes on all the taxable real property in the Town to
pay the principal of said bonds and the interest thereon as the same shall become due and
payable.

Section 2. Bonds of the Town in the principal amount of \$2,600,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

(d) The Town Board has determined that the project described herein is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.5(c)(4) and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation

as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in "*The Observer*," and "*The Long Islander*," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF HUNTINGTON, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2011, the Town Board of the Town of Huntington, in the County of Suffolk, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Huntington, New York, adopted April 12, 2011, authorizing the construction of improvements to various roads, stating the estimated maximum cost thereof is \$2,600,000, appropriating said amount for such purpose, and authorizing the issuance of \$2,600,000 bonds of said Town to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct improvements to various roads; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,600,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$2,600,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$2,600,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; the proposed maturity of said bonds will exceed five (5) years; and the project is a Type II action under the State Environmental Quality Review Act (SEQRA) and no further environmental review is required;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

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SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: April 12, 2011
Huntington, New York

Hon. Jo-Ann Raia
Town Clerk

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspapers referred to in Section 7 hereof, and hereby designated the official newspapers for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Huntington, in the

County of Suffolk, New York

April 12, 2011

* * *

A regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, was held at the Town Hall, 100 Main Street, Huntington, New York on April 12, 2011.

There were present: Hon. Frank P. Petrone, Supervisor; and

Board Members: COUNCILWOMAN SUSAN A. BERLAND
COUNCILMAN MARK A. CUTHBERTSON
COUNCILWOMAN GLENDA A. JACKSON
COUNCILMAN MARK MAYOKA

There were absent:

Also present: Hon. Jo-Ann Raia, Town Clerk

* * *

**SUPERVISOR PETRONE,
COUNCILMAN MAYOKA**

_____ offered the following resolution and moved its

adoption:

SECONDED BY: COUNCILWOMAN BERLAND

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING THE
ACQUISITION OF HIGHWAY EQUIPMENT, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$250,000,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE,
AND AUTHORIZING THE ISSUANCE OF \$250,000 BONDS
OF SAID TOWN TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to acquire highway equipment. The estimated
maximum cost thereof, including preliminary costs and costs incidental thereto and the financing
thereof, is \$250,000 and said amount is hereby appropriated for such purpose. The plan of
financing includes the issuance of \$250,000 bonds of the Town to finance said appropriation, and
the levy and collection of taxes on all the taxable real property in the Town to pay the principal
of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$250,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter
33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to
finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

(d) The Town Board has determined that the project described herein is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.5(c)(25) and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the

Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in "*The Observer*," and "*The Long Islander*," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF HUNTINGTON, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2011, the Town Board of the Town of Huntington, in the County of Suffolk, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Huntington, New York, adopted April 12, 2011, authorizing the acquisition of highway equipment, stating the estimated maximum cost thereof is \$250,000, appropriating said amount for such purpose, and authorizing the issuance of \$250,000 bonds of said Town to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire highway equipment; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$250,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$250,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; the proposed maturity of said bonds will exceed five (5) years; and the project is a Type II action under the State Environmental Quality Review Act (SEQRA) and no further environmental review is required;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

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SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: April 12, 2011
Huntington, New York

Hon. Jo-Ann Raia
Town Clerk

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspapers referred to in Section 7 hereof, and hereby designated the official newspapers for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED APRIL 12, 2011, AUTHORIZING THE
CONSTRUCTION OF DOCK IMPROVEMENTS AT THE
WOODBINE MARINA, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$400,000, APPROPRIATING
SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING
THE ISSUANCE OF \$400,000 BONDS OF SAID TOWN TO
FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY
OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than
two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Huntington, in the County of Suffolk, New York (herein
called the "Town"), is hereby authorized to construct dock improvements at the Woodbine
Marina. The estimated maximum cost thereof, including preliminary costs and costs incidental
thereto and the financing thereof, is \$400,000 and said amount is hereby appropriated for such
purpose. The plan of financing includes the issuance of \$400,000 bonds of the Town to finance
said appropriation, and the levy and collection of taxes on all the taxable real property in the
Town to pay the principal of said bonds and the interest thereon as the same shall become due
and payable.

Section 2. Bonds of the Town in the principal amount of \$400,000 are hereby
authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 7 of the Law, is twenty (20) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

(d) The Town Board has determined that the project is an Unlisted action as defined by the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.2. The Town Board has reviewed a Short Environmental Assessment Form and has determined that the project will not result in any significant adverse environmental impacts.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal

and interest by general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in "*The Observer*," and "*The Long Islander*," two newspapers each having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF HUNTINGTON, NEW YORK

PLEASE TAKE NOTICE that on April 12, 2011, the Town Board of the Town of Huntington, in the County of Suffolk, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Huntington, New York, adopted April 12, 2011, authorizing the construction of dock improvements at the Woodbine Marina, stating the estimated maximum cost thereof is \$400,000, appropriating said amount for such purpose, and authorizing the issuance of \$400,000 bonds of said Town to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct dock improvements at the Woodbine Marina; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$400,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$400,000 bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$400,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is twenty (20) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; the proposed maturity of said bonds will exceed five (5) years; and the project is an Unlisted action under the State Environmental Quality Review Act (SEQRA) which will not result in any significant environmental impacts;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

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FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: April 12, 2011
Huntington, New York

Hon. Jo-Ann Raia
Town Clerk

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspapers referred to in Section 7 hereof, and hereby designated the official newspapers for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was declared adopted.

2011-186

At a regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, held at the Town Hall, 100 Main Street, Huntington, New York, on the 12th day of April, 2011.

PRESENT:

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

In the Matter

OFFERED BY: COUNCILWOMAN BERLAND

of the

SECONDED BY: COUNCILWOMAN JACKSON

Increase and Improvement of Facilities of the Consolidated Refuse District, in the Town of Huntington, in the County of Suffolk, New York, pursuant to Section 202-b of the Town Law

ORDER CALLING FOR A PUBLIC HEARING TO BE HELD ON MAY 3, 2011 IN CONNECTION WITH THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE CONSOLIDATED REFUSE DISTRICT, IN THE TOWN OF HUNTINGTON, IN THE COUNTY OF SUFFOLK, NEW YORK, PURSUANT TO SECTION 202-B OF THE TOWN LAW, CONSISTING OF THE ACQUISITION OF VEHICLES AT THE ESTIMATED MAXIMUM COST OF \$400,000

WHEREAS, the Town Board of the Town of Huntington (herein called the "Town"), in the County of Suffolk, New York, on behalf of the Consolidated Refuse District, in the Town (herein called the "District"), has determined that it is in the best interests of the Town and the District to increase and improve the facilities of the District, such increase and improvement of facilities to consist of the acquisition of vehicles, at the estimated maximum cost of \$400,000, pursuant to Section 202-b of the Town Law; and

Now, therefore, be it

DETERMINED and STATED that the Town Board, lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project constitutes a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5(c)(25), and no further environmental review is required; and be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 100 Main Street, Huntington, New York, in the Town, on the 3rd day of May, 2011 at 2:00 o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in "THE OBSERVER, and "THE LONG ISLANDER," hereby designated as the official newspapers of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: April 12, 2010

TOWN BOARD OF THE TOWN OF HUNTINGTON

(SEAL)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Huntington, in the County of Suffolk, State of New York, will meet at the Town Hall, 100 Main Street, Huntington, New York, on May 3, 2011, at 2:00 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to the increase and improvement of facilities of the Consolidated Refuse District, such increase and improvement of facilities to consist of the acquisition of vehicles, at the estimated maximum cost of \$400,000, pursuant to Section 202-b of the Town Law.

At said public hearing, the Town Board will hear all persons interested in said subject matter thereof.

Dated: April 12, 2010
Huntington, New York

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF HUNTINGTON, COUNTY OF
SUFFOLK, STATE OF NEW YORK

By _____

Hon. Jo-Ann Raia, Town Clerk
Town of Huntington

2011-186

The adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

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

The Order was declared adopted.

* * * * *

At a regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, held at the Town Hall, 100 Main Street, Huntington, New York, on the 12th day of April, 2011.

PRESENT:

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

In the Matter

of the

Increase and Improvement of Facilities of the
Huntington Sewer District, in the Town of Huntington,
in the County of Suffolk, New York, pursuant to
Section 202-b of the Town Law

Offered by: COUNCILWOMAN JACKSON

Seconded by: SUPERVISOR PETRONE

ORDER CALLING FOR A PUBLIC HEARING TO BE HELD ON
MAY 3, 2011 IN CONNECTION WITH THE INCREASE AND
IMPROVEMENT OF FACILITIES OF THE HUNTINGTON SEWER
DISTRICT, IN THE TOWN OF HUNTINGTON, IN THE COUNTY OF
SUFFOLK, NEW YORK, PURSUANT TO SECTION 202-B OF THE
TOWN LAW, CONSISTING OF VARIOUS IMPROVEMENTS, AT
THE ESTIMATED MAXIMUM COST OF \$550,000

WHEREAS, the Town Board of the Town of Huntington (herein called the
"Town"), in the County of Suffolk, New York, has reviewed a map, plan and report relating to
the increase and improvement of facilities of the Huntington Sewer District, in the Town (herein

called the "District"), consisting of: (a) replacement of manholes at the estimated maximum cost of \$80,000, (b) rehabilitation of sewer lines at the estimated maximum cost of \$220,000, (c) replacement of blowers at the estimated maximum cost of \$180,000 and (d) replacement of the roof on the sludge building at the estimated maximum cost of \$70,000, the aggregate estimated maximum cost thereof, including furnishings or apparatus, and any ancillary or related work required in connection therewith, being \$550,000; and

WHEREAS, grant funds may be received by the Town to pay a part of the cost of the replacement of blowers and any such funds received shall be authorized to be used for such purpose; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project constitutes a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5(c)(1), (2) and (25), and therefore no further environmental review is required;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 100 Main Street, Huntington, New York, on the 3rd day of May, 2011 at 2:00 o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in "THE OBSERVER, and "THE LONG ISLANDER," hereby designated as the official newspapers of

the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing; and that the Town Clerk shall mail, or cause to be mailed, by first class mail to each owner of taxable real property in the District, a notice of such public hearing in substantially the form attached hereto in Exhibit A.

DATED: April 12, 2011

TOWN BOARD OF THE TOWN OF HUNTINGTON

(SEAL)

Exhibit A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Huntington, in the County of Suffolk, State of New York, will meet at the Town Hall, 100 Main Street, Huntington, New York, on May 3, 2011, at 2:00 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to the increase and improvement of facilities of the Huntington Sewer District, consisting of: (a) replacement of manholes at the estimated maximum cost of \$80,000, (b) rehabilitation of sewer lines at the estimated maximum cost of \$220,000, (c) replacement of blowers at the estimated maximum cost of \$180,000 and (d) replacement of the roof on the sludge building at the estimated maximum cost of \$70,000, the aggregate estimated maximum cost thereof, including furnishings or apparatus, and any ancillary or related work required in connection therewith, being \$550,000.

At said public hearing, the Town Board will hear all persons interested in said subject matter thereof.

Dated: April 12, 2011
Huntington, New York

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF HUNTINGTON, COUNTY OF
SUFFOLK, STATE OF NEW YORK

By _____
Jo-Ann Raia, Town Clerk
Town of Huntington

The adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

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

The Order was declared adopted.

* * * * *

2011-188

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: April 12, 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	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.

2011-188

Schedule 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>
54 Foxwood Dr. Huntington Station, NY 11746	0400-136.00-04.00-003.000	Pear Munkongcheansakul Auttaya Munkongcheansakul	12/10/2010	54 Foxwood Dr., E Huntington Station, NY 11746
11 Juliet Ln. Northport, NY 11768	0400-014.00-06.00-021.000	Alison Kokell Laurence Kokell	03/11/2011	N/A
39 Smith St. Greenlawn, NY 11740	0400-107.00-05.00-008.000	Charles Haley, Jr.	03/15/2011	N/A

Chapter 191, Section 4K of the Code of the Town of Huntington
Authorizing the Securing of a Structure

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
11 Juliet Ln. Northport, NY 11768	0400-014.00-06.00-021.000	Alison Kokell Laurence Kokell	03/11/2011	N/A

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RESOLUTION AUTHORIZING TOWN ATTORNEY TO ENTER INTO A COMPENSATION AGREEMENT FOR THE PAYMENT OF COMPENSATION AND EXPENSES OF DAVID T. REILLY, ESQ., AS TEMPORARY RECEIVER, PURSUANT TO THE ORDER OF HONORABLE C. STEPHEN HACKELING, INDEX NUMBER 2373-2010, FOR THE PURPOSE OF TAKING POSSESSION OF THE PREMISES LOCATED AT 3 FOREST COURT, HALESITE, NEW YORK, (SCTM No. 0400-033.00-01.00-015.000) AND TO REMOVE OR REMEDY NUISANCES, AND TO MAKE THE DIRECTED REPAIRS, NUNC PRO TUNC.

Resolution for Town Board Meeting Dated: April 12, 2011

The following resolution was offered by: **SUPERVISOR PETRONE,**
COUNCILWOMAN BERLAND

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington commenced a civil action against Jeannette and David Lagone and Indymac Bank FSB, on May 18, 2010 pursuant to Town Law § 135 for their violation of town ordinances; and

WHEREAS, on September 9, 2010, Honorable C. Stephen Hackeling, Suffolk County District Court issued an Order and Judgment which directed the Town of Huntington, inter alia, to submit an Order appointing a temporary receiver for the purposes of taking possession of the premises located at 3 Forest Court, Halesite, NY for the purpose of removing or remedying nuisances or making directed repairs; and

WHEREAS, the Court directed that the Town's expenses in compensating the temporary receiver may be recovered pursuant to the provisions of Huntington Town Code § 50-5 (c) and 50-8; and

WHEREAS, David T. Reilly, Esq., 170 Old Country Road, Suite 308, Mineola, New York 11501 was appointed temporary receiver by Honorable C. Stephen Hackeling; 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 David T. Reilly, Esq., 170 Old Country Road, Suite 308, Mineola, New York 11501, as temporary receiver of the property known as 3 Forest Court, Halesite, New York (SCTM No. 0400-033.00-01.00-015.000) and to seek recovery of said expenses pursuant to Huntington Town Code 50-5 (c) and 50-8, as directed in the Order and Judgment of Judge C. Stephen Hackeling, dated September 9, 2010, and the Order of Judge Hackeling appointing the temporary receiver nunc pro tunc.

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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 DECLARED DULY ADOPTED.

2011 - 190

RESOLUTION ACCEPTING REMOTE DEPOSIT CAPTURE SERVICE SCANNER AND TO AUTHORIZE THE RECEIVER OF TAXES TO EXECUTE AN AGREEMENT WITH HSBC BANK, USA FOR CASH MANAGEMENT SERVICES FOR THE PURPOSE OF SWIFT AND EFFICIENT PROCESSING OF DIX HILLS WATER DISTRICT REVENUES.

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington Receiver of Taxes is responsible for the collection and distribution of revenues of the Dix Hills Water District; and

WHEREAS, state of the art technology for the swift and efficient electronic processing of Dix Hills Water District revenues is available from HSBC Bank USA; and

WHEREAS, HSBC, Bank USA, as part of the Cash Management Services will furnish to the Town of Huntington Receiver of Taxes a Remote Deposit Capture Scanner in addition to technical support, maintenance and a replacement scanner at no expense to the Town of Huntington; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Town of Huntington Receiver of Taxes to accept a Remote Deposit Capture Scanner and enter into an agreement with HSBC Bank, USA for Cash Management Services for the efficient and swift processing of Dix Hills Water District revenues, in accordance with such terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011- 191

RESOLUTION ACCEPTING DONATIONS FROM VARIOUS INDIVIDUALS,
MERCHANTS AND BUSINESSES RE: MARCH 3RD, 2011 YOUTH SPEAK OUT,
NUNC PRO TUNC

Resolution for Town Board Meeting dated: April 12, 2011

The following resolution was offered by: Councilwoman Jackson

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, Councilwoman Glenda A. Jackson and the Town of Huntington held a Youth Speak Out program on March 3rd, 2011 at the Tri Community and Youth Agency; and

WHEREAS, various individuals and merchants and businesses donated various goods which were then used in conjunction with the 2011 Youth Speak Out program; and

WHEREAS, this policy is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and therefore, no SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY ACCEPTS various donations from the following list of individuals, merchants, and businesses who generously donated to the March 3rd, 2011 Youth Speak Out and thanks them for their generosity, nunc pro tunc:

- Mr. William Perez (donated \$150.00 worth of snacks and drinks)
- Waldbaums (\$25.00 gift card)
- Reinwald's Bakery (donated two-2 lbs trays of cookies - \$60.00 total)

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.

2011 - 192

RESOLUTION ACCEPTING THE DEDICATION OF A DRAINAGE EASEMENT
FOR THE SUBDIVISION KNOWN AS OLD ORCHARD WOODS.

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the application for the development of the subdivision map known as OLD ORCHARD WOODS was granted conditional final approval by the Huntington Planning Board on December 17, 2003; and

WHEREAS, conditions of the Planning Board approval included the dedication of a drainage easement; and

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

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

NOW, THEREFORE, BE IT

RESOLVED that the TOWN BOARD

HEREBY ACCEPTS the dedication of a drainage easement for the subdivision known as OLD ORCHARD WOODS. (Appendix "A")

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

APPENDIX "A"

DRAINAGE EASEMENT

THIS AGREEMENT made this 10th day of March, 2011, between Old Orchard Woods Homeowners Association, Inc., having an address at 22 North Creek Road, Northport, New York 11768, as Grantor and fee owner of the land known as tax lot 400-01-02-4.014, party of the first part, and the Town of Huntington, as Grantee, with offices located at 100 Main Street, Huntington, New York 11743, party of the second part.

WITNESSETH:

THAT the party of the first part, in consideration of One (\$1.00) Dollar, lawful money of the United States and other good and valuable consideration paid by the party of the second part, does hereby grant unto the party of the second part, its successors and assigns forever, an easement to use for drainage purposes and the right to lay and install drainage pipes and facilities and to maintain and operate, replace and remove same on, over and through the lands described on the annexed Schedule "A" (the "Easement Area").

THE PARTIES hereto, by acceptance of this Agreement, hereby covenant and agree as follows, and acknowledge the following rights:

1. It is understood that the Town of Huntington will maintain the above drainage facilities in a working condition and that after the installation of the same, the surface of the ground within the Easement Area will be restored to the same condition as it was before the commencement of the installation and any drainage to the surface of the ground will be immediately repaired.

2. Grantee shall indemnify and hold harmless Grantor for and against any and all claims, damages and expenses arising out of or in connection with the installation, operation and maintenance of said drainage pipes and facilities.

3. Grantor, its successors and assigns, warrants it will permit Grantee free passage over lands owned by it whenever necessary in order to effect the purposes set forth herein.

4. Grantor, its successors and assigns, agrees that it will not, without written consent of Grantee, erect any structures or place any trees which will make it substantially more difficult to replace or repair any of the installations, it being understood and agreed, however, that Grantor shall have the right to construct, maintain and repair the portion of the North Creek Road and all improvements related thereto which currently and in the future traverses the Easement Area at all times.

5. All pipes and appurtenances laid or to be laid by Grantee shall remain the property of Grantee, its successors and assigns forever.

6. It is understood that Grantor herein, its heirs, successors and assigns, reserve the right to

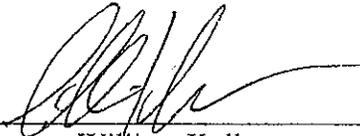
plant and care for grass, shrubbery, flower beds and gardens over the above described strip and to otherwise construct, maintain and repair the portion of North Creek Road which traverses the Easement Area.

7. This easement shall run with the land and be binding upon and inure to the benefits of the heirs, its successors and assigns of both Grantor and Grantee herein.

TO HAVE AND TO HOLD the easement herein granted unto the party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF the party of the first part has executed this Agreement the date and year first above written.

OLD ORCHARD WOODS HOMEOWNERS
ASSOCIATION, INC.:

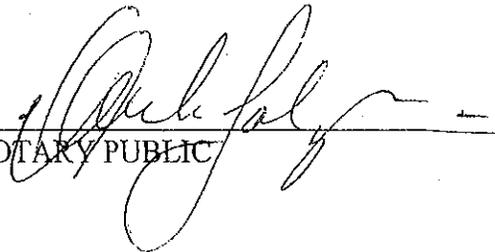


Name: William Kollmer

Title: President

STATE OF NEW YORK)
)ss:
COUNTY OF SUFFOLK)

On the 10th day of March, in the year 2011, before me, the undersigned, personally appeared **WILLIAM KOLLMER**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



NOTARY PUBLIC

DANIELA A. SALAZAR
Notary Public, State of New York
01SA6104449
Qualified in Suffolk County
My Commission Expires January 20, ~~2011~~ 2012

SCHEDULE A

S.C.T.M.: DISTRICT 0400; SECTION 01; BLOCK 02; P/O LOT 4.014

BEGINNING at a point on the northerly side of North Creek Road distant 747.78 feet westerly from the intersection of the northerly side of North Creek Road with the westerly side of Eaton's Neck Road;

RUNNING THENCE the following seventeen (17) courses:

1. South 83 degrees 46 minutes 20 seconds West, 185.56 feet;
2. Northerly along the arc of a curve bearing to the right, having a radius of 228.17 feet, and a length of 158.12 feet;
3. North 18 degrees 41 minutes 40 seconds West, 153.96 feet;
4. Northerly along the arc of a curve bearing to the right, having a radius of 275.00 feet, and a length of 115.39 feet;
5. North 05 degrees 20 minutes 50 seconds East, 225.03 feet;
6. Northerly along the arc of a curve bearing to the left, having a radius of 175.00 feet, and a length of 15.68 feet;
7. North 00 degrees 12 minutes 49 seconds East, 181.80 feet;
8. Northerly along the arc of a curve bearing to the left, having a radius of 175.00 feet, and a length of 34.06 feet;
9. North 10 degrees 56 minutes 11 seconds West, 146.68 feet;
10. North 72 degrees 40 minutes 39 seconds East, 50.31 feet;
11. South 10 degrees 56 minutes 11 seconds East, 174.24 feet;
12. South 00 degrees 12 minutes 49 seconds West, 213.85 feet;
13. South 05 degrees 20 minutes 50 seconds West, 265.12 feet;
14. Southerly along the arc of a curve bearing to the left, having a radius of 225.00 feet, and a length of 94.41 feet;
15. South 18 degrees 41 minutes 40 seconds East, 153.96 feet;
16. Southerly along the arc of a curve bearing to the left, having a radius of 150.00 feet, and a length of 121.82 feet;
17. Southeasterly along the arc of a curve bearing to the left, having a radius of 300.00 feet, and a length of 162.33 feet to the POINT or PLACE of BEGINNING.

2011-193

RESOLUTION ADOPTING THE TOWN OF HUNTINGTON POLICY AND PROCEDURE MANUAL AND ESTABLISHING A POLICY AND PROCEDURE REVIEW COMMITTEE

Resolution for Town Board Meeting Dated: April 12, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Supervisor established a working group to compile, examine and organize the policies and directives of the Town of Huntington and associated procedures in a standardized manual; and

WHEREAS, the Town Board believes that replacing policies and directives issued variously by resolution, memo, letter and e-mail with a Town of Huntington Policy and Procedure Manual conforms to best management practice and improves government efficiency and effectiveness by giving supervisors and employees ready access to the manner and methods by which the Town Board expects official duties and job functions to be carried out; and

WHEREAS, the Town Board wishes to formalize the working group's duties by creating a permanent Policy and Procedure Review Committee that will continue to review and recommend policy revisions for adoption by the Town Board and to revise and adjust procedures as may be necessary to effect said policy and to ensure that the Policy and Procedure Manual remains current and up to date; and

WHEREAS, adopting policies and establishment of a review committee 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 ADOPTS policies for the Town of Huntington and setting them forth with their associated procedures in a reference volume entitled Town of Huntington Policy and Procedure Manual attached in Schedule A, and establishes a Policy and Procedure Review Committee, composed of the Deputy Supervisor, Town Attorney, Town Comptroller, Town Personnel Officer and Director of Intergovernmental Relations, to recommend to the Town Board new or amended policies for inclusion in said Manual and to prepare and/or promulgate revisions to procedures set forth therein as may become necessary or advantageous to the Town of Huntington.

2011-193

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 Policy & Procedure Manual

Frank P. Petrone Supervisor

Mark Cuthbertson Councilman

Susan A. Berland Councilwoman

Glenda A. Jackson Councilwoman

Mark Mayoka Councilman

Policy & Procedure Review Committee

Chair

Patricia DelCol, Deputy Supervisor

Members

John J. Leo, Town Attorney

Tracy Yogman, Comptroller

Lisa M. Baisley, Personnel Officer

Philip C. Ingerman, Intergovernmental Relations

April 12, 2011

Preface

This Policy & Procedure Manual is intended to provide uniform guidance concerning standards for job performance and personal conduct for employees and those representing the Town of Huntington in an official or appointive capacity, generally defined as follows:

Elected Official: A person chosen in accordance with the laws of the State of New York by the electors of the Town of Huntington to hold Town office.

Officer/Public Official/Appointing Official or Authority: *Elected Officials* and those appointed by them to serve on committees, boards, councils or department directorships and deputy directorships who thereby exercise lawful powers of the Town and appoint and/or otherwise exert management authority over the duties and/or assessment of the job performance of other employees.

Management/Confidential Employee: Individuals hired "at-will" by an *Appointing Official* or authority to serve in a salaried capacity in an exempt position and/or without benefit of employment contract.

Covered Employees (Contract/Union/Civil Service): Those employees defined in union contract pursuant to NYS Civil Service Law, employed by a department, agency, board, committee, council, special or improvement district or other unit created by the Town Board. This definition shall further include anyone hired under the terms of a personal employment contract.

This Manual shall apply without exception to *Management/Confidential Employees* and to all *Covered Employees* and *Appointing Officials* to the extent that no conflict exists between policies and procedures set forth herein and a procedural right granted under a union or applicable personal employment contract.

DISCLAIMER:

THIS MANUAL IS NOT, AND SHALL NOT BE CONSIDERED, A CONTRACT OF EMPLOYMENT. NOR SHALL IT SUPERSEDE, ALTER OR ABRIDGE THE RIGHTS OF THOSE COVERED BY COLLECTIVE BARGAINING AGREEMENT OR PERSONAL EMPLOYMENT CONTRACT.

THE TOWN RESERVES THE RIGHT TO SUSPEND, REVISE, REVOKE OR EXPAND POLICIES AND PROCEDURES AT ANY TIME WITH OR WITHOUT NOTICE. TO THE EXTENT THAT ANY POLICY IS (OR MAY IN THE FUTURE) CONFLICT WITH FEDERAL, STATE OR LOCAL LAW, SUCH LAW SHALL SUPERSEDE THE POLICY AND PROCEDURE SET FORTH IN THIS MANUAL.

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Accident & Incident Reports

I. Purpose

The Town of Huntington seeks to ensure that all accidents and/or incidents involving Town employees are reported promptly and accurately. These include but are not limited to those that occur while on Town property, while in or operating a Town vehicle, while using Town equipment or in any other circumstance or location that involves an employee conducting Town business or representing the Town in an official capacity.

II. Policy

Any employee reporting an on-the-job injury or illness will receive immediate and appropriate care and medical treatment. All work-related accidents and incidents will also be reported immediately to the Department Director/Deputy Director or designated supervisory personnel, who shall immediately notify the Supervisor's Office in cases of serious accidents and/or injuries.

All applicable federal, state, and local laws or regulations pertaining to occupational injuries and illnesses will be followed and complied with at all times. Any written reports required by federal, state and/or local law and regulation will be completed fully and submitted to the receiving agency within the time-period prescribed.

III. Procedure

All work-related accidents and/or incidents—regardless of how insignificant or minor they may appear at the time they occur—must be reported immediately to the Department Director/Deputy Director or designee. A standard "Accident/Incident Reporting Form" shall be completed and signed by involved parties.¹

A. Serious Accidents/Injuries

In the case of a serious accident and/or injury that results in bodily harm to an employee and/or other person or results in serious real or personal property damage, the employee shall call "911" immediately if emergency medical services are required. In any case, the employee shall contact his/her Department Director (or designee) who shall come to the scene or dispatch to scene appropriate personnel to ensure the following actions/assessments are made with respect to Accident/Incident Reporting requirements:

1. Damages: Provide an assessment of damages and injuries including scene photographs
2. Statements: Health considerations permitting, obtain statement from involved Town personnel
3. Witnesses: Identify and take names and addresses of witnesses;
4. Compliance: Comply with federal, state, local laws and regulations, including, but not

¹ See: sample Accident/Incident Reporting Form, p. 208.

limited to:

- a. DMV Accident Report (MV-104)
 - b. DOT Accident Reports
 - c. DOT Drug/Alcohol Testing Requirements
 - d. Workers Compensation² Report (C-2)
5. Insurance: Notify the Town Attorney and Comptroller's offices.

The Director shall provide the Supervisor's Office with an on the scene verbal assessment of the accident/incident, or if impossible to do so, as soon as the Director is able to make phone contact with the Supervisor's Office.

B. Minor Accidents/Injuries

In the case of minor or less serious or accidents/injuries, the involved employee(s) must provide an immediate verbal report of the accident/injury to the Department Director (or designee) describing the accident and/or injury, or, at the request of the Department Director file a written Accident/Incident Reporting Form. The employee is further responsible for compliance with all federal, state and local reporting requirements. Department Director will notify the Town Attorney's office with respect to the potential for resulting legal action by or against the Town as a result of the accident/injury.

C. Mandatory Incident Reports

An incident involving or witnessed by a Town employee that occurs on Town property, during work hours or relating to Town business regardless of time or location shall be reported immediately to the Department Director (or designee) in person or by phone.

Furthermore, a Department Director may request from an employee that an Accident/Incident Reporting Form be completed describing a workplace-related occurrence, situation or incident that employee was involved in or was witness to. Refusal to comply with such a request shall constitute insubordination and shall be grounds for disciplinary action up to and including termination of employment.

² Please also review: Workers Compensation Policy, p. 206

Budget Policy

I. Purpose

This policy establishes guidelines to develop, prepare and maintain the Town's annual budget and to promote sound fiscal planning based on comprehensive historical and current economic data.

II. Policy

A. Balanced Budget

The Town shall prepare an itemized annual operating budget for each fund. The annual operating budget will be balanced with current revenues equal to or greater than current expenditures. In any fund in which expenditures exceed revenue, fund balance and reserve balances may be used to meet shortfalls to the extent available. The annual operating budget process and format shall be performance based and focused on goals, objectives and performance indicators.

In accordance with Section 106 of Town Law, a preliminary budget must be submitted to the Town Clerk on or before September 30th of each year. The content of the preliminary budget shall be in the format prescribed by the State Comptroller in accordance with Section 107 of Town Law. The Town Board adopts an annual budget for each fund based on budget requests submitted by each Department Director who have accurately identified and justified their fiscal needs as part of the annual budget process. A notice of hearing that states the time and date where the public hearing will be held, the purpose thereof must be posted no later than five days before the day of the hearing. The budget must be adopted by resolution of the Town Board no later than November 20th of each year.

B. Basis of Budgeting

An appropriated budget is legally adopted by the Town Board for all Governmental Funds each fiscal year. Governmental funds use a current financial resources measurement focus and are accounted for using the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized when susceptible to accrual (measurable and available to finance current operations). "Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to pay liabilities of the current period.

In the Capital Projects Fund, long-term debt is recognized as revenue upon receipt of the proceeds. Expenditures are recorded on the accrual basis except that (a) expenditures for prepaid expenses are recognized when incurred; (b) principal and interest on indebtedness are recognized as expenditures when due; (c) compensated absences, such as vacation and sick leave, which vest or accumulate, are charged as expenditures when paid.

C. Operating Budget Transfers

Budget transfers are a useful and necessary management tool that permits reallocation of funds within the budget in order to respond to changing circumstances, unanticipated needs and price

increases. Department Directors are authorized to request the Comptroller to transfer operating budget appropriations from one line item to another within the same fund.

Department Directors are not authorized to request transfers from full-time salaries, part-time salaries, benefits, or utilities.

The Comptroller, after reviewing the necessity of the transfer and after verifying that funds are available, is authorized to complete transfers in the operating budget of up to \$5,000 from one line item to another.

Town Board approval is required for transfers of more than \$5,000 in the operating budget except for year-end transfers required to close the Town's accounting records. Year-end transfers over \$5,000 will be submitted for Town Board approval, nunc-pro-tunc.

D. Capital Budget Transfers

Department Directors are authorized to request the Comptroller to transfer Capital Budget appropriations from one object code to another for the same project.

The Comptroller, after reviewing the necessity of each transfer and verifying that the funds are available, is authorized to complete transfers from one object code to another for the same project or purpose.

Remaining Capital Budget appropriations for completed projects funded with the Town's reserves will be returned to the original funding reserve.

Any portion of bond proceeds, inclusive of premiums, that is not expended for the purpose for which the bond was issued must be applied only to the payment of the principal and interest on such obligations respectively and cannot be transferred to a different project in accordance with Section 165.00 of the Local Finance Law.

E. Budget Amendments

Amendments to the Town's adopted operating budget require an approval by Town Board resolution and the Comptroller's electronic approval.

F. Vacant Positions

The Comptroller will eliminate funding for all full-time positions from departmental budgets when vacated and transfer budget balances created by such vacancies to the general contingency account for each fund. Part time positions will not be transferred to contingency and do not require reinstatement.

An approval by Town Board resolution amending the operational budget is required to reinstate vacant positions, to abolish, create and upgrade positions.

III. Procedures

G. Budget Development Calendar

Annual budget preparation for the ensuing fiscal year is performed in accordance with Section 106 of Town Law as follows:

<u>Months</u>	<u>Action</u>
January to April	<ul style="list-style-type: none"> • Comptroller closes the books on the prior fiscal year
May	<ul style="list-style-type: none"> • Issuance of Comprehensive Annual Financial Report (CAFR) • Submit CAFR to GFOA
June	<ul style="list-style-type: none"> • Budget preparation for the ensuing fiscal year begins • Budget materials distributed to Town Departments
July to August	<ul style="list-style-type: none"> • Town Departments budget submissions are evaluated • Supervisor and Comptroller review budget submissions with the Department Heads
September	<ul style="list-style-type: none"> • Town Supervisor submits Preliminary Budget to the Town Board and files with the Town Clerk no later than September 30th
October	<ul style="list-style-type: none"> • Town Board holds public hearings and reviews preliminary budget for ensuing fiscal year
November	<ul style="list-style-type: none"> • Town Board adopts budget for ensuing year no later than November 20

H. Budget Transfer Requests

For internal control purposes, budget transfers of \$5,000 or less require the following approval process:

1. All transfer requests must be entered electronically into the accounting software by the requester.
2. Department Director or Assistant Department Director must approve the transfer by releasing the transfer electronically.
3. The Comptroller or the Deputy Comptroller must approve each transfer by releasing the transfer electronically.

Budget transfer requests of more than \$5,000 require an approved Town Board resolution:

1. Department Directors must submit a draft resolution and sponsor's memo for budget transfers of more than \$5,000 to the Comptroller for fiscal review and to the Supervisor's office for inclusion on the Town Board Agenda.
2. Upon Town Board approval, the Comptroller's office will enter the transfer electronically, release and post it in accordance with the approved resolution.

I. Full Time Positions

Full time positions require an approved Town Board resolution:

1. Department Directors must submit a request to reinstate, abolish and
2. create positions within their department to the Comptroller's Office.
3. The Comptroller will submit a draft resolution to the Supervisor's Office for inclusion on the Town Board Agenda for each full time position to be reinstated, abolished or created.
4. Upon Town Board approval, the Department Director may submit an Employee Action Form (EAF) to the Comptroller and then to the Personnel Director.
5. The approved EAF will be submitted to the Supervisor's Office for final approval.
6. The Supervisor will submit the approved EAF to Personnel for processing.

J. Post Budget Adoption Monitoring

Department Directors are responsible for effectively monitoring their operations to ensure that actual results meet budget expectations. Department Directors should immediately take all necessary actions to address and remedy negative budget variances, including requesting budget transfers.

The Comptroller's office will meet with all Department Heads and perform a comprehensive review of the budget on a quarterly basis.

Tri-Sectional Budget reports are issued by the Comptroller's Office quarterly reporting variances to the adopted budget.

Capital Asset Policy

I. Purpose

This policy establishes guidelines to capitalize and depreciate long-term assets in compliance with Government Accounting Standards Board (GASB) Statement No. 34 and GAAFR (Government Accounting, Auditing and Financial Reporting). The recording of capital assets is required to provide control of and accountability of capital assets, provide a record for insurance valuation and to provide a basis for a capital replacement plan.

II. Policy

Capital assets are inventoried, safeguarded, maintained, and controlled. A Capital Asset is an asset that has an initial life extending beyond one reporting period. Capital assets of \$5,000 or more will be depreciated over the useful life of the asset and those between \$500 and \$5,000 will be expensed but recorded in the inventory system. All Capital Assets must be tagged to facilitate the tracking of all assets. The Comptroller maintains accountability over all tangible asset records and such records will be verified by a physical inventory by each department once a year.

III. Procedures

A. Internal Controls

1. Capital asset responsibilities must be distributed among several positions to maintain and control assets. Each department must have procedures in place to adequately safeguard assets from loss, waste or misuse.
2. The Town Comptroller has the custodial and supervisory duties of the capital asset system and designates one staff member in Audit and Control as the Capital Asset Manager. The Capital Asset Manager receives all invoices for the purchase of capital assets and creates an asset in the inventory system. An asset tag is assigned and recorded in the inventory system. The tags are sent to the department who purchased and/or received the asset. The receiving department affixes the tag to the asset.
3. Each department will receive a list of their current inventory and will be required to confirm the list to their physical assets annually and provide any changes to the Internal Auditor. The Internal Auditor will perform periodic physical inventories and will resolve any discrepancies.

B. Asset Valuation

1. Capital assets- including infrastructure are reported at historical cost or fair market value on the date of donation, including ancillary charges to place the asset in its intended location, installation and capitalized interest, net of depreciation. If the cost is not available, an estimate may be used to record the capital asset. All costs should be documented, including methods and sources used to establish estimated costs.

2. Self-constructed Assets- All direct costs including Town labor associated with the construction project that meets the capitalization criteria of over \$5,000 is included in the cost of the asset.
3. Donated Assets- Assets acquired by gift, donation or payment of a nominal sum not reflective of the asset's market value shall be assigned cost equal to the fair market value at the time of acquisition. Fair market value represents the price actually given in current market dealings.
4. Asset System – Many assets consist of multiple components that make up the asset. This is particularly true for Personal Computer systems. The Town of Huntington has decided to value all Personal Computers as a system (CPU plus monitor). A system has the following characteristics:
 - a. Consists of multiple property subunits that function together as a single unit.
 - b. Individual sub-unit costs are generally not significant in comparison to the total cost of the entire system.
 - c. Normally, individual sub-units would not meet the capitalization criteria. The grouping as a whole, however, qualifies as a Controlled Asset (\$500 acquisition cost).
 - d. When a sub-unit is replaced, it generally does not extend the life of the larger asset. Therefore, replacement would generally be treated as maintenance expense.
 - e. Each subunit is integrated and configured in such a way as to make identification of individual components difficult. Therefore, it is impractical to tag, track, and inventory each subunit.

C. Asset Classification

There are three types of capital assets that are maintained in the Town's asset inventory system:

1. Depreciable Capital Assets- Capital assets that benefits more than one fiscal period with a cost of \$5,000 or greater.
2. Non-Depreciable Capital Assets- Capital assets that benefit more than one fiscal period with a cost of more than \$500 but less than \$5,000. Land is considered a non-depreciable capital asset at any cost.
3. Depreciable Intangible Capital Assets- Identifiable assets that cannot be seen, touched or physically present that benefits more than one fiscal period with a cost of \$5,000 or greater such as computer software, patents or copyrights.

Capital assets are classified in one of the following categories:

1. Land- Expenditures for the contracted cost of the land purchase and related expenses such as closing costs, broker's commission, legal fees for examining and recording ownership, cost of ownership guarantee insurance policies, cost of real estate surveys, cost of razing old buildings, structures, or other improvements acquired with the property, draining, clearing, landscaping, land filling, and grading costs. Excluded are fees for ownership searches, expenditures in connection with disposal of refuse, costs of utility easements, and repairs to other improvements.

2. Building and Building Improvements- Expenditures for the purchase price of acquiring an existing building, contracted construction of permanent structures not including land. Expenses incurred in remodeling, reconditioning, or altering a purchased building to make it suitable for the purpose for which it was acquired, cost of excavation, grading or filling of land as part of the construction of a specific building; expenses incurred for the preparation of plans, specifications, blueprints, etc., cost of building permits, architects' and engineers' fees for design and supervision, other costs such as temporary buildings used during the construction period that are not moveable or reusable and are razed at the end of construction. Other depreciable building expenditures include but are not limited to shelving, bleachers, bathroom accessories, carpet, plumbing, sprinkler, heating, ventilating, and air conditioning systems, emergency generator systems for building support, built in public address systems, intrusion alarm systems, fire alarm systems, emergency lighting systems. Excluded are extraordinary costs that are merely incidental to the erection of the building (e.g., those due to strike, flood, fire, or other casualty) and the cost of abandoned construction. If a building is purchased, an allocation must be made between the land, improvements other than buildings, and the buildings.

3. Land Improvements-Expenditures for acquiring improvements, to land or property, whether a building exists or not, including paving, fencing, playground, tennis courts, concrete walks and steps, outside lighting, outside plumbing, irrigation systems, signs, flagpoles, outdoor bleachers, miscellaneous sheds, ball diamonds, swimming pools, retaining walls, fountains and memorials. The amount to be capitalized is the actual dollar cost of installation or acquisition of these assets at the acquisition date, including any labor and installation fees.

4. Machinery and Equipment-Expenditures related to the acquisition of vehicles and equipment including freight and storage charges, installation costs, and costs for testing and preparation for use. All costs incurred after acquisition but prior to placing in service such as installation of ancillary equipment like communication devices and painting/application of logos and signage to make a fixed asset ready for use should be capitalized as part of the cost of the asset. Excluded is any trade-in allowance.

5. Construction in Progress – Expenditures for construction work project, but not yet completed. As construction progresses, the cumulative expenditures are capitalized as Construction in Progress (CIP). Upon completion of the capital asset, the balance in the Construction in Progress account is transferred to the appropriate account (buildings, machinery & equipment, etc). Projects that have not reached 100% completion will continue to be tracked as Construction in Progress. Interest cost incurred during the construction period is subject to capitalization as part of the cost of construction when conditions identified by FASB-34 – Capitalization of Interest Costs exist (for Proprietary funds only).

6. Infrastructure- Expenditures for construction of major renovation to long-lived capital assets that are normally stationary in nature and can be preserved for a significantly greater number of years than most capital assets. These include roadways, bridges, drainage systems and the cost of associated demolition.

D. Other Assets

1. Capital Leases – The National Council on Governmental Accounting (NCGA) requires that a lease agreement that satisfies the criteria established by FASB-13 be capitalized. FASB-13 states that non-cancelable leases that meet ANY ONE of the following criteria must be capitalized:

- a. The lease transfers ownership of the property to the lessee at the end of the lease term
- b. The lease contains a bargain purchase option
- c. The lease term is equal to 75% or more of the estimated economic life of the leased property
- d. The present value of the minimum lease payments at the inception of the lease equals at least 90% of the fair value of the leased property.

2. Repairs, Improvements or Betterments – Major repairs are expenditures that increase the future service potential of the asset. If a major repair will extend the life of the asset several years it should be handled as an improvement. If the expenditure is a replacement, a retirement must be made to the items being replaced, only if the replacement substantially increases the value, the capacity/capability, or useful life of an asset system. Otherwise, the replacement is treated as a maintenance expense. This includes both a reduction in Historical Cost and Accumulated Depreciation. Expenditures to repair and maintain a fixed asset in efficient operating condition without extending the asset's normal accounting life should be expensed.

E. Asset Acquisition Procedures

Departments will be responsible for purchasing capital assets, tracking the assets under their custody and disposing of assets in accordance with this policy. Department Heads or a designated representative will assign and advise the Capital Asset Manager of the individual(s) to be designated as the asset custodian(s), who will have the responsibility for the maintenance of the assets in that department.

Departments are responsible for:

1. Safeguarding and maintaining control over all assets in their custody.
2. Maintaining up-to-date records on asset property including the description, user, location, tag number, purchase order number, purchased cost and, if applicable, Grant number.
3. Attaching identification tags to asset property.
4. Returning the completed Fixed Asset Record Form to the Capital Asset Manager.
5. Notifying the Capital Asset Manager in the event that an asset is added, transferred, moved or sold.
6. Notifying the Capital Asset Manager when surplus assets are identified for disposal.
7. Supplying the Inventory Capital Asset Manager with appropriate police reports, if assets have been stolen.

8. Properly dispose of any assets that are no longer operable.
9. Designate surplus assets and notify the Purchasing Director for auction.
10. Conduct departmental physical inventories and audit on a periodic basis but no less than once per year.

F. Asset Acquisitions

Requisitions and purchase orders for Capital Assets are acquired in accordance with the Town's procurement procedures as outlined below:

1. The Department will electronically enter a purchase requisition. Acquisitions are appropriated against the approved budget line based on the object code as shown in Exhibit A.
2. The Purchasing Department will review and confirm all requisition details and issue a purchase order to the vendor.
3. Upon receipt and acceptance of the ordered item, the Department sends the voucher copy of the purchase order and the invoice to Audit & Control for processing payment.
4. A Capital Asset form is prepared and submitted with the invoices for all assets with a cost basis of \$500 or more and charged to an object code beginning with a 2 (See Exhibit A). The Capital Asset form must include all asset information including the description of the asset, serial number, original cost and other related account/funding information. (See Exhibit B).
5. Audit & Control will record the asset in the inventory system and assign an asset tag number to the asset. The tag will be sent to the appropriate Asset Custodian.
6. The Asset Custodian will be responsible for placing the inventory tag on the equipment in a safe and conspicuous location (NOTE: Vehicles should have the bar code tag applied inside of the glove compartment). Unused identification tags must be returned to the Inventory Control Supervisor along with a memo explaining why the tag was not used.

G. Audit & Control Responsibilities and Procedures

Audit & Control Department is responsible to:

1. Maintain the centralized database records regarding identified asset property, which the Town has in its possession.
2. Identify all requisitions, including change orders, for assets under the scope of this procedure and record asset information in the inventory system.
3. Track and control assets and assign identification tags.
4. Schedule and provide assistance in periodic departmental audits.
5. Ensure that the policy, procedures, guidelines, and regulations governing equipment under inventory control management are followed.
6. Conduct periodic audits and physical inventories of all Town assets.

7. Provide property management reports of all assets exceeding \$500 to department heads, Comptroller and the Town Board.
8. Report any unresolved discrepancies in departmental asset property records to the Town Board.
9. Provide an annual report of all assets exceeding \$5,000 in purchase cost to the auditors.

H. Transfer of an Asset

When an asset is transferred from one department to another, the original department is responsible for notifying the Capital Asset Manager of the transfer using the Capital Asset Record Form. All transfers must include both sending and receiving Department Director approval. Assets will keep the original tag, custodial responsibility will be updated on the Asset Record. Notification will include all necessary information as shown on the Capital Asset record Form in Exhibit A.

I. Retirement of an Asset

Assets under this procedure that have been identified for disposal by a custodial department and confirmed by the Capital Asset Manager will be disposed of according to the procedure allowed under New York State law. **NO PROPERTY SHALL BE DISPOSED OF WITHOUT THE KNOWLEDGE AND WRITTEN APPROVAL OF THE CAPITAL ASSET MANAGER.**

No property with intrinsic value may be sold, disposed of or given to any person or organization without specific approval of the Town Board. Property to be disposed of may be offered for trade-in on new purchases, destroyed and disposed of, sold by sealed bid or auctioned. Property may be transferred between departments by mutual department head agreement and or by Town Board resolution. Each department will be responsible, for the movement and the disposition of asset property in its custodial care. The custodial department will incur all costs associated with asset property disposal.

Department Directors are responsible for notifying the Capital Asset Manager of the retirement of an asset. Notification will include all necessary information on the Capital Asset Record Form, including stolen (police report), destroyed (department head approval), lost (written explanation), trade-in information. When multiple assets of the same kind and value are retired, a list of asset tag numbers may be attached to the Capital Asset Record Form and "See Attached List" must be written in the Town Fixed Asset ID Number field.

J. Depreciation

Both Generally Accepted Accounting Principles (GAAP) and GASB Statement No. 34 require that capital assets be depreciated. Depreciation is the systematic and rational allocation of the historical cost of a capital asset over its useful life other than Land.

Depreciation will be calculated based on the acquisition cost using the straight-line method and assumes that the asset will depreciate at the same rate each year of its useful life. Annual depreciation is calculated by dividing the acquisition cost by the useful life. One full month's depreciation in the month in which the asset is placed in service, regardless of when it was actually placed in service during the month and each month thereafter. The total amount depreciated can never exceed the acquired cost, less any salvage value if applicable.

The table in Exhibit B reflects useful lives of various categories of capital assets that the Town uses for calculating depreciation.

K. Inventory Procedures

1. A physical inventory of all capital assets will be conducted at least annually. In addition, random spot checks will be made by printing several tag numbers from the inventory system and physically verifying that the assets correspond to the tag numbers. This is called "Record to Floor" verification. At the same time, several tag numbers of other assets in the audited area will be verified to the inventory system. This is called "Floor to Record" verification. Emphasis should be placed on identifying newer assets to ensure that they are properly recorded in the inventory system.
2. The physical inventory audit will be completed by December 31 each year.
3. The bar code tags of all assets at each location will be scanned along with an indication of the property, and building. The date the asset was sighted and who performed the inventory will also be recorded.
4. Any Capital Assets found at the location without a bar coded tag will be entered into the inventory system as a new asset. If the inventory audit determines that an asset was formally acquired and is properly in the custody of the Town, but has not been recorded in the inventory system, the Capital Asset Manager will enter the asset as an "addition". An asset that has previously been entered into the inventory system but the tag has been removed, a new bar coded tag will be affixed to the asset and the system subsequently updated to reflect the new bar coded tag number.
5. The Town of Huntington may retain the services of an outside firm to re-evaluate the Town's insurable values on an as needed basis.

L. Capital Asset Codes

EXHIBIT A

<u>Object Code</u>	<u>Account Name</u>	<u>Description</u>
2000	C.H.I.P.S.	Road Rehabilitation- over \$500
2100	Furniture and Furnishings	Desk, File Cabinet, Desk Chair-over \$500
2101	Buildings	New Buildings -Capital Projects
2102	Building Improvements	Buildings improvements -Capital Project-over \$500
2103	Land Improvements	Land improvements -Capital Project
2104	Parking Lots	New Parking Lots or improvements -Capital Project
2108	Purchase of Land	Land purchase -Capital Project
2109	Purchase of Open Space Land	Land purchase with Open Space Funds -Capital Project
2200	Office Equipment	Fax, Time Stamp- over \$500
2210	Software	Software over \$5,000 and installation
2220	Computer Hardware	Computer equipment; printers; routers over \$500
2312	Cars	Car purchases
2314	Trucks	Truck purchases
2315	Buses	Bus purchases
2316	Leased Equipment	Long term capital leases- copiers, postage meters
2317	Truck Bodies	Truck body purchases
2400	Communication Equipment	Telecomm equipment; two way radios purchases -over \$500
2500	Boats & Marine Equipment	Boat/marine equipment purchases over \$500
2600	Equipment & Machinery	General equipment over \$500
2602	Equip Replacement Components	Replacement parts with a life of over 1 year- over \$500
2775	Traffic Signalization	Traffic signal purchases and/or installation
2776	Roads & Drainage	Reconstruction of Roads & Paving
2777	Signage	Road signs or signage supplies over \$500
2778	Water Mains	Water main replacements or improvements
2779	Fire Hydrants	Fire hydrant purchases
2780	Sewer Systems	Sewer system replacements or improvements
2781	Drainage	Reconstruction of Drainage, Recharge Basins
2782	Parking Meters	Purchase of parking meters
2783	Curbs & Sidewalks	Curb and sidewalk repairs and improvements
2784	Trees	Purchase of trees/shrubbery
2785	Streetlights	Street light purchases and/or installation

M. Capital Asset Useful Lives

EXHIBIT B

<u>Asset</u>	<u>Years</u>
Boardwalks	20
Boats	5
Bridges	25
Buildings	40
Building Improvements	25
Bulkheads, Dikes and headwalls	30
Computer, Networks	7
Construction Machinery and Snow Plows	10
Docks, Piers & Wharves	20
Dredging	5
Equipment & Machinery	5
Fire Hydrants	20
Furniture & Fixtures	5
Golf Courses	20
Golf Course Improvements	15
Land Improvements	20
Land Rights & Easements	*
Motor Vehicles	5
Overpasses	30
Parking Lots	30
Parking Meters	10
Parks, Playgrounds and Recreational Areas	20
Paving & Drainage	25
Sewer Systems	40
Sidewalks & Curbs	15
Solid Waste Management Facility	25
Sprinkler Systems	15
Street Lighting	20
Swimming Pools	20
Traffic Signals	20
Traffic Signs	10
Trees	20
Tunnels	30
Voting Machines	10
Water Systems (Mains)	50

*Useful life determined by legal agreement

N. Capital Asset Record Form

Department Initiating Action:		Date:	
Transaction Type:	<input type="checkbox"/> New Asset/Addition	<input type="checkbox"/> Dispose	<input type="checkbox"/> Transfer
	<input type="checkbox"/> Surplus/Available	<input type="checkbox"/> Trade-in	<input type="checkbox"/> Auction/Sold
	<input type="checkbox"/> Stolen	<input type="checkbox"/> Update Record Info	
Location Code:	Department Location: Property		
Building:	Floor:	Room:	
Asset Description:			
Town Fixed Asset ID Number (if assigned):		Brand:	
Serial Number:		Model:	
Fund:	P.O.#:	Received Date:	FY:
Department Code:			
Purchase Cost:		Current Estimated Value:	
Donated By (if applicable new item only):			
Update Location Memo (if transferred or moved):			
Reason for Submitting Form:			
Department Asset Custodian Signature:		Date:	
Comments:			
			
<i>Director's Signature of Disposing/Transferring Department</i>		Date	
<i>Director's Signature of Receiving Department (if applicable)</i>		Date	

FOR COMPTROLLER'S USE ONLY:			
Class Code:	ME <input type="checkbox"/>		
Subclass Code:	BTS <input type="checkbox"/> CAR <input type="checkbox"/> COM <input type="checkbox"/> FFS <input type="checkbox"/> SFW <input type="checkbox"/> TRK <input type="checkbox"/> MEQ <input type="checkbox"/> CMS <input type="checkbox"/> B30 <input type="checkbox"/> B25 <input type="checkbox"/> BPT <input type="checkbox"/>		
Class Code:	LD <input type="checkbox"/>	Condition:	NW <input type="checkbox"/> US <input type="checkbox"/>
Subclass Code:	CEM <input type="checkbox"/> EOS <input type="checkbox"/> UNL <input type="checkbox"/> VCL <input type="checkbox"/>	Acquisition:	AB <input type="checkbox"/> DO <input type="checkbox"/> EM <input type="checkbox"/> PR <input checked="" type="checkbox"/>
Capitalize:	Y <input type="checkbox"/> N <input type="checkbox"/>	Depreciate:	Y <input type="checkbox"/> N <input type="checkbox"/>
Entered by:	_____		Date: _____
Inventory Control Supervisor:	_____		Date: _____

Capital Project Pre-Approval

I. Purpose

The Town of Huntington seeks to ensure that its Capital Projects are undertaken at a time and in a sequence that reflects the priorities established by the Huntington Town Board and the fiscal condition of the Town at the time the project is bid.

II. Policy

Capital Projects may only be bid upon approval of the following Town officials:

1. The Director of Engineering Services who must approve the cost estimate for the project.
2. The Comptroller who, after reviewing the impact on debt service and impact on the Town's operating budget, must verify that there is sufficient funding in place.
3. The Director of the sponsoring Department who will submit to the Comptroller and Town Supervisor an estimate of the additional annual operating cost to maintaining the proposed Capital improvement project.

III. Procedure

A. Approval Requirements

In order to facilitate this policy, Town departments will initiate all Capital Projects by using the "Capital Project Review and Approval Form" in Subsection B. In most instances, it should be initiated by the Department of Engineering Services and, thereafter, forwarded by the Director of Engineering Services to the Comptroller for review and verification. The Department of Engineering Services will, simultaneously, send a copy to the Director of the sponsoring department or the department that will be responsible for maintaining the project or improvement who provide the Comptroller's office with the information needed to determine the impact of additional maintenance costs on annual Operating budgets.

When all elements of the Capital Project Review and Approval Form are complete, it shall be forwarded to the Town Supervisor's Office for review and final approval. If approved, a signed copy will be distributed to Engineering, Comptroller, Purchasing and the maintaining department, after which the project or improvement may be bid.

B. Capital Project Review & Approval Form

REQUEST

- 1. Name of Project: _____
- 2. Capital Budget #: _____
- 3. Maintaining Department: _____
- 4. Project Description: _____

- 5. Estimated Start Date: _____
- 6. Estimated Completion Time: _____

7. Present Cost Estimate: _____ **Estimate:** \$ _____

- 8. Available Funding
 - (a) Town Capital Funds
 - (i) Reserves: \$ _____
 - (ii) Bonds: \$ _____
 - (b) Approved EOSPA Funds: \$ _____
 - (c) Grant Funds
 - (i) Amount: \$ _____
 - (ii) Agency: _____
 - (iii) Contract Term: _____

Total Available Funding: \$ _____

Additional Funding Needed: _____

Current FY 20 _____ \$ _____

9. Estimate Additional Annual Maintenance Costs, if any: \$ _____

APPROVALS		
<u>Director of Engineering Services</u> Cost Estimate: Approved: _____ Rejected: _____ Signature: _____ Date: ____ / ____ / 20__		\$ _____
<u>Comptroller</u> Debt Service Estimate, if any: Approved: _____ Rejected: _____ Signature: _____ Date: ____ / ____ / 20__		\$ _____
<u>Supervisor</u> Approved: _____ Rejected: _____ Signature: _____ Date: ____ / ____ / 20__		

Cash, Payments & Deposits

I. Purpose

The Town of Huntington seeks to ensure that fees and payments tendered in the form of cash, checks or credit cards are accurately counted, recorded and deposited in the appropriate Town bank accounts.

II. Policy

Any employee whose job includes, in part or in whole, the function of collecting and recording payments remitted to the Town of Huntington shall be individually responsible and personally liable for the full amount of all fees and payments for as long as the funds are in his/her care, custody or keeping.

III. Procedures

A. Cash Receipts

All employees collecting fees and payments will issue Town receipts for payments and will be required to record, at a minimum, the following information in accordance with their departmental system:

1. Date of Receipt (Receipts can be pre-stamped with the current date)
2. Total Amount Collected
3. Name and Address of the Payer (Payer Phone Number is Optional)
4. Name of Cashier (Number, Initials or other precise identification is acceptable)
5. Type of Payment (Cash, Check, Credit Card)

B. Issuance of Receipts

A receipt shall be issued for all transactions and recorded in duplicate on official Town pre-numbered cash receipts, or issued through the departmental system. For manual receipts, the first copy is provided to the payer and the second copy will be kept for Town records.

C. Collecting and Counting Cash

All payments in excess of \$25 (Twenty-Five Dollars) collected at town facilities shall be collected in the form of check, money order or credit cards (where accepted) ONLY with the exception of the following locations/purposes:

1. Tax Receivers Office (All Purposes)
2. Dix Hills Park (Daily Pool and Skating Fees)

D. Payment by Check

Checks are accepted as a form of payment by the Town. All personal checks must have a name and account number pre-printed and must be written for the exact amount owed. A Photo ID must be presented with the same name as appears on the check. Checks must endorsed with a Town stamp and the originating department and revenue codes.

The employee collecting payments must (1) count the payments, (2) issue and log a receipt and (3) store the funds in a cash register, locked box, safe or other secure holding mechanism accessible only to him/herself and shall be responsible and liable for all payments in his/her possession until they are turned over to, and accepted by, an authorized manager appointed by the Department Director.

E. Transferring Custody of Payments

At the end of the day or shift, whichever applies, all payments (cash, checks and credit card transactions) shall be turned over to the authorized Manager.

In the presence of the authorized Manager, all payments (cash, check and credit card transactions) shall be counted and recorded on a standard Daily Revenue Report provided by the Controller's Office. Daily receipts must be recorded on date of receipt. If a department is using a software to record payments, the reports must be approved by the Controller's Office. The Daily Revenue Report shall be reconciled with the receipts. The employee shall sign the daily revenue reports, and the authorized Manager shall countersign the Daily Revenue Report and thereupon accept the day's receipts. At that point, all custodial duties and liability for the deposit shall transfer to the authorized Manager, and all duties and liability of the employee collecting the payments shall cease.

F. Deposit Protocol

1. Preparation of Deposits

The authorized Manager must prepare a deposit slip and place the slip and the payments in a sealed plastic bag and then in a designated bank bag. The bank bag should then be stored in a safe or locked cabinet until time for deposit.

2. Daily Deposit Requirement

Funds are to be deposited intact, on a daily basis, and the deposit should be made by an Town employee other than the cashier who collected the funds or the authorized Manager who signed for the deposit.

3. Reconciliation of Deposits

Stamped bank deposit slips must be returned immediately following the deposit and the stamped cash deposit slips shall be reconciled with the Daily Revenue Reports. Should a discrepancy arise, the Department Director/Deputy Director or designee (who under no circumstance shall be the employee collecting the cash, the Manager signing for the cash or the employee who deposited the cash) should resolve any discrepancies immediately. If the Director/Deputy or designee is unable to reconcile the discrepancy in a satisfactory manner, the discrepancy shall be reported immediately to the Town Comptroller.

4. Delayed Deposits

On those occasions when it is impossible to deposit payments on the day of collection and must be held overnight or longer, the collecting Department shall be responsible for locking up and securing the deposit. Cash held overnight should be accessible only to the

Department Director/Deputy Director or their designee, who shall assume all custodial functions and personal liability for the payments until deposited.

5. Revenue Report Submissions

Weekly Revenue Reports will automatically be generated from the Daily Revenue Reports and must be completed and submitted to the Comptrollers office at least once per week (twice at month end) with the following attachments:

Stamped Deposit Slips (All deposit slips must add to the same total on the Weekly Revenue Report.)

COBRA**(RIGHT TO CONTINUATION OF HEALTH INSURANCE COVERAGE)****I. Purpose**

The Town of Huntington seeks to ensure that employees and their dependent family members enrolled in a Town group health insurance plan ("GHIP") understand their right to temporary extension of their health coverage through the Town under circumstances where their eligibility would otherwise terminate.

II. Policy

Federal law known as COBRA³ allows qualifying employees and their eligible dependents whose health benefits are scheduled to terminate to "elect" to purchase continuing coverage directly through the employer's plan.

COBRA is triggered by specific "qualifying events" following which an eligible employee or dependent must elect to receive "COBRA Continuation Coverage" under the Town GHIP.

COBRA coverage requires a qualifying Town employee or eligible dependent to elect to exercise their legal rights by the timely submission of a COBRA Election Form (CEF) in Subsection F. This means completing a CEF in writing and mailing (or delivering) it to the Town within a sixty (60) day window of eligibility as specified hereafter. COBRA continuation coverage goes into effect when a properly executed CEF is approved. However, upon approval coverage is retroactive to the date of the qualifying event.

A COBRA beneficiary shall not be subject to examination or other test of insurability as a condition of electing or receiving COBRA coverage. Once a COBRA election is made, coverage for the full period allowable is subject to timely payment in full of all monthly fees and insurance premiums.⁴

III. Procedure**A. Employee COBRA Qualifying Events**

Those eligible for COBRA Continuation Coverage include Town employees and eligible dependents covered under a Town GHIP who would otherwise lose coverage in connection with these qualifying events:

- Reduction in work hours necessary to qualify for GHIP coverage, or
- Termination of Town employment (other than for reasons of gross misconduct).
- Approved Unpaid Leave

In either case, a covered employee may elect to continue Town GHIP coverage and coverage may be continued for up to eighteen (18) months following the date of the qualifying event.

³ COBRA: Consolidated Omnibus Budget Reconciliation Act of 1985, U.S. Public Law 99-272, Title X.

⁴ To receive the coverage the recipient shall pay an amount equal to the gross premium calculated monthly required to maintain that former employee's "Individual" or "Family" GHIP coverage. The Town further reserves the right to charge an administrative fee for *COBRA continuation coverage*, not to exceed two percent (2%) of the actual monthly "Individual" or "Family" health policy premium rate.

The Town is responsible for notifying covered employees and beneficiaries of their COBRA rights within ten (10) days of a Town action that triggers a COBRA qualifying event. Eligible beneficiaries wishing to exercise the option for COBRA Continuation Coverage must complete the CEF and mail or deliver it to the Town of Huntington Personnel Office within sixty (60) days from the date of the qualifying event or sixty (60) days from the date of notice by the Town (whichever is greater). Failure to act within this period will result in loss of all COBRA rights.

If a qualified beneficiary elects to continue coverage, the Town must provide GHIP coverage identical to coverage at the time of the qualifying event. Thereafter, any change in coverage or rates for similarly situated qualified employees and their families covered by the GHIP benefit shall apply to COBRA beneficiaries as well.

If the qualified COBRA beneficiary is the covered former employee, he/she may elect to add newborn or adopted children for COBRA coverage, provided the election is made within thirty (30) days of the record of birth or adoption and payment of any additional premiums is made. (Children added under this provision gain legally qualified beneficiary status.)

B. Dependent COBRA Qualifying Events

A covered dependent has an independent right to elect COBRA coverage by responding within the 60-day window of opportunity when the employee himself/herself fails to exercise his/her COBRA rights. Therefore, all covered beneficiaries should carefully read any information provided by the Town concerning GHIP coverage or COBRA benefits.

Additionally:

1. Qualifying Spouse. A qualifying spouse may elect to purchase COBRA continuation coverage from the Town if the loss of coverage would result from these dependent qualifying events:

- Divorce or legal separation from the employee;
- The employee becomes entitled to Medicare; or
- Death of the employee.

2. Qualifying Dependent Child. A qualifying dependent child⁵ may elect to purchase COBRA continuation coverage from the Town if loss of coverage would result from these dependent qualifying events:

- Employee's divorce or legal separation;
- Employee becomes entitled to Medicare;
- The child ceases to be a "dependent child" under the terms of the health plan; or
- Death of the employee.

In the case of a dependent qualifying event, the initial COBRA coverage period may be extended to thirty-six (36) months by the dependent beneficiary. However, it is the responsibility of the dependent beneficiary to notify the Town that a dependent qualifying event has occurred.⁴

⁵ In the case of a minor, it shall be the responsibility of the custodial parent or guardian to make notification and/or election on behalf of a dependent beneficiary.

C. COBRA Disability Coverage

In addition to regular COBRA coverage, an eligible beneficiary whom the federal Social Security Administration (SSA) determines to be “disabled” is eligible for an additional eleven (11) months of COBRA continuation coverage.⁶

To qualify for additional disability coverage, notification must be made to the Town Personnel Officer before the expiration of the initial 18-month coverage period and no more than sixty (60) days after the date of a final determination by the SSA that the beneficiary is disabled. Similarly, the Town Personnel Officer must be notified within thirty (30) days of the date of final determination by the SSA that the beneficiary is no longer disabled, whereupon the right to extended COBRA disability coverage shall terminate.

The disabled beneficiary and otherwise qualified non-disabled family beneficiaries are jointly entitled to the twenty-nine (29) month extension. During the 11-month extension period, COBRA beneficiaries will be charged premiums at 150% of the standard monthly plan rate.

D. Cancellation of COBRA Coverage

COBRA continuation coverage will be cancelled for the following reasons:

- Failure to pay COBRA premium on time;⁷
- Qualified beneficiary becomes covered under another group health plan which does not exclude or limit coverage for the qualified beneficiary's preexisting conditions;
- Qualified beneficiary becomes entitled to Medicare; or
- SSA determines a beneficiary is no longer disabled, where coverage has been extended beyond the initial 18-month period because of disability.
- The defined allowable COBRA continuation coverage period ends.

(The Town reserves the right to terminate COBRA coverage retroactively to the date an individual is determined to have been ineligible.)

E. Conversion Policies

Qualified beneficiaries who refuse COBRA continuation coverage or whose defined COBRA continuation coverage period ends may convert their Town GHIP coverage to individual/family coverage under what is termed a “conversion policy.” A qualified beneficiary is not subject to medical examination as a condition of offer of a conversion policy. However, the Insurer, and not the Town, will contact the beneficiary, who will be solely responsible for exercising conversion privileges. Furthermore, beneficiaries should be aware that the cost and health care options available under an individual plan are likely to differ from COBRA continuation coverage and may differ substantially.

⁶ This represents a cumulative total of twenty-nine (29) months of COBRA coverage.

⁷ Qualified beneficiaries have forty-five (45) days from the date they elect continuation coverage to pay the initial COBRA premium. Thereafter, they will have a grace period of 30 days to pay any subsequent premiums.

Conference Attendance & Travel

I. Purpose

The Town of Huntington ("Town") seeks a policy that allows for appropriate reimbursement for reasonable, actual and necessary out-of-pocket expenses that employees and officials incur while traveling on Town-related business.

II. Policy

Town employees may be required to periodically travel in fulfilling their official duties or in attending seminars or other professional or educational activities benefiting the Town and must use the most cost effective means of travel available. Officers and employees must be properly authorized to spend or encumber any Town funds for business travel and related expenses as provided for in this policy.

Pre-approval of employee business related travel is required in any of the following circumstances:

1. Any conference/seminar requiring payment of an attendance fee;
2. Any conference/seminar exceeding the length of a normal workday;
3. Any business related travel that includes an overnight stay;
4. Any business related travel which involves air transportation; or
5. Any business related travel in excess of 175 miles (350 miles round trip) from Huntington.

An employee or officer whose travel plans meet the above criteria must request travel authorization by completing a Conference Attendance Form that is approved by the applicable Department Director AND further approved by the Town Supervisor or Deputy Town Supervisor in accordance with General Municipal Law Section 77-b via Town Board Resolution whereby the Town Board delegates the power to authorize conference attendance to the Town Supervisor. All officers and employees, except the Supervisor, require pre-approval of travel meeting the above requirements.

Should an employee fail to obtain pre-approval to attend an event subject to the requirements of this policy and should his/her Department Director or the Town Supervisor subsequently determine that an emergency or special circumstance that might warrant an exemption to the policy did not exist, the employee or officer shall be personally liable for any expenses incurred and shall not be reimbursed by the Town

All other travel and attendance by an employee other than that defined above shall be subject to approval based on requirements promulgated by the Department Director.

III. Procedure

A. Required Documentation

1. Conference Attendance Form

A Conference Attendance Form must be completed as part of the pre-travel approval process for business travel that satisfies the criteria above. In all instances where pre-approval is required, the approved original Conference Attendance Form must accompany the reimbursement voucher submitted to the Comptroller's Office for payment.

2. Transportation

a. Mileage Reimbursement

Mileage for use of a personal vehicle for Town business will be reimbursed in accordance with the Mileage Reimbursement Policy. If a mode of transportation other than a Town vehicle or the employee's personal vehicle is used, the appropriate Department Director must approve the mode and cost of transportation in writing to qualify for reimbursement.

b. Rental Car

Car rentals shall only be permitted in special circumstances when the Director of General Services attests that no Town vehicle is available or suitable to the intended trip; and when the Department Director and Town Supervisor give prior written approval. If authorized the rental of a car : (i) must be at the most economical rate available; (ii) additional insurance coverage must be declined and is not reimbursable and (iii) in the event of an accident, the employee must notify the rental company and his/her Department Director immediately.)

c. Air Travel

Air travel should be considered only for trips of over 175 miles (350 miles round trip) from Huntington. Air travel will be reimbursed at coach/economy rates, and employees and officers are advised to make flight arrangements as far in advance of date of travel as possible to take advantage of rate discounts.

3. Supporting Documentation

All travel related expenses other than the per diem meal expense reimbursement, such as but not limited to, hotel, car rentals and gasoline, require original, dated paid receipts as supporting documentation and proof of disbursement.

Invoices and receipts should be attached to a Town Claim Voucher in order to substantiate business travel expenditures. One claim voucher with all supporting documentation per trip, including the Conference Attendance Form, should be submitted to the Comptroller's Office for reimbursement. All reimbursable requests must be submitted within 30 days after returning from the trip.

Any reimbursement requests that are not in compliance with this policy shall be returned UNPAID by the Comptroller's Office to the originating department.

a. Meal Expenses

Meals that are not otherwise included as part of the conference/seminar fee will be reimbursed on a per diem rate equal to fifty dollars (\$50.00) per day for overnight trips. (Receipts are not required to document the foregoing per diem reimbursements.)

Meal expenses for one day business related events are not reimbursable; except that an employee on a single day business trip whose allowance is not otherwise dictated by a labor contract may be eligible for reimbursement for ONE meal at the discretion of the Department Director, if more than eight (8) consecutive hours of work and travel is required to complete such trip. Such an employee shall consult and be approved in advance in writing by his/her Department Director for a single meal allowance not to exceed twenty dollars (\$20.00) that shall be payable upon successful completion of the business trip.

b. Exemption Certificate

Employees traveling on official Town business within the State of New York are required to submit a completed New York State Exemption Certificate-Tax on Occupancy of hotel rooms (ST-129) to the hotel to avoid being charged hotel occupancy tax and sales tax. The Town will not reimburse employees for such tax.

c. Combined Business and Personal Travel

If an employee combines business and personal travel, the Town will only pay for the employee's portion of the trip and those expenses that are DIRECTLY related to Town business. In cases where an employee decides to have a family member accompany him/her on the business trip, the employee must pay all additional expenses (e.g., incremental hotel charges, meals, travel, etc.). No adjustment is permitted to cover expenses of an accompanying family member (e.g., exchanging a regular round-trip fare for two excursion fares).

d. Non-Reimbursable Expenses

The Town will pay for or reimburse expenses that are directly related to the business purpose of the travel only. Personal expenses will not be reimbursed. Examples of non-reimbursable expenses include, but are not limited to:

- Personal (non-job related) telephone calls
- Dry cleaning
- Personal expenses such as toiletries, clothing, etc.
- Personal trip insurance
- Personal legal charges and traffic violations
- Personal property loss, theft or damage except upon the written approval of the Town Attorney's Office
- Alcoholic beverages
- Airline club fees

- Personal side trips for entertainment, such as movies
- Recreational, health and gym facilities fees
- Movie rentals or pay-per-view
- Loss or theft of cash, travel tickets, credit cards except upon the written approval of the Town Attorney's Office

4. Compliance Auditing

A Department Director signing the Town Claim Voucher is responsible for ensuring that all travel claims originating from their departments are in compliance with the Town's Conference Attendance & Travel Policy. The Department Director should review all submissions for completeness, mathematical accuracy, compliance with budgetary limitations and overall compliance.

The Comptroller's Office is responsible for compliance and verification to the Town's Conference Attendance & Travel Policy. Travel claims that are submitted to the Comptroller's Office for payment processing will be processed only if they contain the following documentation:

1. Original Conference Attendance Form completed and signed by the Supervisor when pre-approval of travel is required.
2. Town Claim Voucher completed and signed by the employee and approved by the Department Director (as per Town-wide Purchasing Procedures.)
3. Original receipts attached to substantiate all expenses, except for per diem meal expenses, or signed and approved affidavit attesting to the accuracy of the submission provided in lieu of original receipts.

Town of Huntington

**Policy & Procedure Manual
Conference Attendance & Travel**

B. Conference Attendance Form

DEPARTMENT		TITLE OF CONFERENCE	
NAME OF EMPLOYEE(S)		LOCATION OF CONFERENCE	
EMPLOYEE TITLE & GRADE		DATES OF CONFERENCE	
JUSTIFICATION FOR CONFERENCE ATTENDANCE: (use additional sheets if necessary):			
ITEM	DESCRIPTION		ESTIMATED COST
TRAVEL	METHOD OF TRAVEL	NO. OF MILES	
LODGING	NUMBER OF DAYS	DAILY RATE	
MEALS	NUMBER OF DAYS	AVERAGE COST/DAY	
OTHER (ITEMIZE)	REGISTRATION FEE ARE MEALS INCLUDED? ___ YES ___ NO		
TOTAL COST OF THIS CONFERENCE			
BUDGET CODE:			
I hereby request authorization for the above employee(s) to attend the named conference. I have reviewed the cost estimates and certify their accuracy.			
Date: _____ Department Head Signature: _____			
Attendance at this conference is hereby approved NOT to exceed the following:			
Supervisor's Signature:		Travel Cost:	
Date:		Total Cost:	

Credit/Debit Card Use

I. PURPOSE

The Town of Huntington currently accepts four major credit cards (MasterCard, Visa, American Express and Discover) for services rendered. Debit cards with the MasterCard or Visa logo are also accepted. All Town departments are required to process card transactions through the merchant services provider selected by the Town of Huntington.

II. POLICY

Merchant fees are generally an expense of the Town except where funds must be remitted to other municipalities in their entirety. The Town must remove the expiration date and all but the last five digits of the credit card number from customer receipts. The Town will use Secure Sockets Layer (SSL) for transmitting credit card information.

III. PROCEDURES

A. Payment Procedures

The following payment procedures must be followed by all departments accepting credit cards:

1. Town departments accepting a credit/debit card for purchases shall obtain an authorization form from the Comptroller's Office.
2. Upon approval, the Comptroller's Office will request a Merchant ID for the new user from the merchant services provider.
3. The Comptroller's Office will work with the department regarding the purchase or lease of all card-processing terminals. All card equipment that prints a receipt is required to truncate the card number on the customer receipt. Only the last four digits should be displayed.
4. In order to dispute a charge, customers must report the item to the credit card company within 120 days after the date of sale.
5. Town departments shall not store electronically any sensitive cardholder data. It is acceptable for Point of Sale devices to store the sensitive cardholder data on the device until transactions are settled. Once settlement occurs, no information shall be stored electronically.
6. On a daily basis, the department shall balance transactions and settle their sales electronically with the merchant services provider. Upon settlement, the department will complete the daily revenue report as provided by the Comptroller's Office. The daily reports will be summarized on a weekly and monthly basis, approved by the Department Head and delivered to the Comptroller's Office for processing.
7. The Comptroller's Offices will coordinate all credit/debit card processing for the Town of Huntington. No individual department may enter into a contract with a credit/debit card

processor, except for Town Clerk and Receiver of Taxes.

8. Departments shall maintain adequate records of all credit/debit card transactions. Individual sales receipts and other documents with cardholder data should be stored in a locked filing cabinet or safe and retained for three years. At the time of disposal, all documents containing sensitive cardholder data shall be shredded using a crosscut shredder.

9. The Comptroller's Office will compare the sales amount per the revenue reports to the bank statements received from the bank and credit card processor. All discrepancies should be resolved within 24 hours with the Comptroller's Office.

10. When the Comptroller's Office receives charge back inquiries from the credit card companies, the applicable department will be contacted immediately to provide the necessary information about the sales transaction in question. These items are time sensitive and must be responded to immediately by the department.

11. Departments should refer to the Guide to Card Acceptance and Best Practices (Credit Card Acceptance Guide) for supplemental training in accepting credit and debit cards for payment. Please contact the Comptroller's Office if you need a copy of the Credit Card Acceptance Guide.

B. Credit/Debit Card Fraud Reduction Procedures

In order to reduce fraud, departments shall follow these procedures for processing cards when the card is presented.

- Ask for identification at the point of sale to verify the card member.
- Always swipe the card through the terminal/point of sale device, if applicable.
- Ensure transaction is complete by obtaining authorization for every card sale.
- Ask the customer to sign the sales receipt.
- Match the embossed number on the card to the number displayed on the terminal.
- Compare the name and signature on the card to those on the transaction receipt. If you believe the card member or card sale is suspicious, make a Code 10 call to the voice authorization center for the card being used. (Refer to the Credit Card Acceptance Guide you received with your credit card processing equipment).
- Credit card payments are accepted via phone, mail or internet. After settlement, all cardholder information including name, credit card number, expiration date and security code must be shredded.

Please contact the Comptroller's Office should you have any question concerning credit or debit card acceptance.

Criminal Conduct Reporting

I. Purpose

In order to maintain the public confidence and trust and protect the integrity of the Town, its employees and appointed and elected officials, employees who witness or otherwise become aware of conduct, activities or actions initiated by, involving or directed at another employee that may constitute "criminal conduct" are required to report such information.

II. Policy

Any Town employee who becomes aware of information or witnesses conduct that leads him or her to believe that: (i) another Town employee has or may be engaged in possible criminal conduct during the course of his/her employment with the Town, or (ii) possible criminal conduct has or may be directed towards a Town employee during the performance of his/her duties with Town is required to report that belief and corroborating information to the appropriate Town official. An employee making a report as required under this policy shall have the full protection of New York State's "Whistleblower" statute (Civil Service Law § 75-B.)

III. Procedure

A. Criminal Conduct

This policy requires the employee, in the face of conduct, activity or action (or reasonable suspicion thereof) that appears to him/her or he/she believes may have criminal implications in the broadest sense of the term to report that knowledge, belief or reasonable suspicion. This policy does NOT require an employee to be conversant with the language or application of the Penal Law or any other criminal statute.

B. Disclosure Reports

An employee who has belief of criminal conduct, activities or action involving another employee or employees must make a Disclosure Report.

1. Employees Engaged in Criminal Conduct. An employee who becomes aware of information or witnesses conduct, activities or actions that result in information or believe that another Town employee has/is/may be engaged in a criminal activity must immediately report that information and belief to the Department Director and/or Town Attorney. (If information or belief pertains to the Department Director or Town Attorney, the employee shall make his/her report to the Deputy Town Supervisor.)

2. Criminal Conduct Directed toward Employees. An employee who becomes aware of information or witnesses conduct, activities or actions that results in information or belief that another town employee in the performance of his/her duties is the victim of a crime or subject to the criminal conduct of others must immediately report that information or belief to the Town Attorney. (If information or conduct pertains to the Town Attorney or a member of his/her office, the required report shall be made to the Deputy Supervisor.)

C. Timeliness of Disclosure Reports

Once an employee concludes that he or she has reasonable grounds to believe that criminal conduct, activities or actions may have, are or may be taking place as outlined above, a required report shall be filed as soon as reasonably possible to the appropriate Town official. That official may require that the employee provide a full written account the information, conduct, activities or actions observed.

Cyber Security Notification

I. Purpose

The Town Board recognizes that private information on individuals is being compromised with alarming frequency throughout the nation and is aware of the adverse impacts that can result when such information is used in an unauthorized manner. The purpose of this policy is to establish a mechanism by which those whose information is (or may be) compromised are notified as required by law and, therefore, the Town intends this policy, in addition to its other beneficial protections, to effect compliance with the New York State Information Security Breach and Notification Act.⁸

II. Policy

A. Definitions

The following terms and definitions shall apply to the Town's Cyber Security Notification policy as set forth in this section:

1. "Consumer Reporting Agency" shall mean any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.
2. "Data" shall mean any information created, stored (in temporary or permanent form), filed, produced or reproduced, regardless of the form or media. Data may include, but is not limited to, personally identifying information, reports, files, folders, memoranda, statements, examinations, transcripts, images, communications, either in electronic form or hard copy.
3. "Information" shall mean the representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by human or automated means.
4. "Personal Information" shall mean any information concerning a natural person that, because of name, number, personal mark or other identifier, can be used to identify such natural person.
5. "Private Information" shall mean personal information in combination with any one or more of the following elements, when either the personal information or the element is not encrypted or encrypted with an encryption key that has also been acquired:
 - a. Social security number; or
 - b. Driver's license number or non-driver identification card number; or

⁸ New York State Technology Law, § 208 as added by Chapters 442 and 491 of the Laws of 2005.

- c. Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

Private information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

6. "Third Party" shall mean any non-municipal employee, including but not limited to a contractor, vendor, consultant, intern or other municipality.

7. "Compromise of Private Information" shall mean the unauthorized acquisition of unencrypted computerized data with private information.

If encrypted data is compromised along with the corresponding encryption key, the data is considered unencrypted and thus falls under the notification requirements.

B. Notice Requirement

The Town of Huntington shall, upon learning of a compromise of information, consult with the New York State Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the nature and scope of the breach and the action to be taken.

The Town shall also notify the local law enforcement agency of the breach, and the agency shall determine whether or not to begin a criminal investigation. Notification may be delayed if the local law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises any such investigation.

Depending on the circumstances, the Town shall notify the New York State Attorney General and the New York State Consumer Protection Board as to the timing, content, distribution of the notices, and approximate number of affected persons.

The Town shall then notify an individual when there has been, or is reasonably believed to have been, a compromise of the individual's private information in compliance with the New York State Information Security Breach and Notification Act.

When more than 5,000 New York State residents must be notified at one time, then the Town of Huntington shall notify the consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the individuals

The Town of Huntington shall maintain a log of each notification.

This policy shall also apply to the compromise of information maintained on behalf of the Town of Huntington by third parties.

III. Procedure

The Town of Huntington will notify the affected individual directly by one of the following methods:

C. Notification Method I

The following shall constitute sufficient substitute service:

1. Written Notice, mailed by regular and certified mail return receipt requested, at the last known address or
2. Electronic Notice, provided that the person to whom notice is required has expressly consented to receiving notice in electronic form, or
3. Telephone Notification or
4. Substitute Notice if it is demonstrated to the New York State Attorney General that the cost of providing notice would exceed \$250,000; that the affected class of persons to be notified exceeds 500,000; or that the Town of Huntington does not have sufficient contact information to deliver the notice.

D. Notification Method II

The following shall constitute sufficient substitute service:

1. E-mail. E-mail notice when the Town has an E-mail address for the subject persons;
2. Posting. Conspicuous posting of the notice on the Town website page; and
3. Media. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice to the person(s) whose information has been compromised, shall include contact details for the Town of Huntington and a description of the categories of information that were, or are reasonably believed to have been, acquired without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

Debt Management Policy

I. Purpose

This policy establishes the parameters for issuing debt as a low cost source of capital while striving to minimize the Town's debt service and issuance costs. Defining debt limits, retaining the highest practical credit rating, meeting or exceeding all financial disclosure and reporting requirements are guidelines set forth in this policy. This policy applies to all general obligation debt issued by the Town of Huntington, debt guaranteed by the Town, and any other forms of obligation of indebtedness. Adherence to a debt management policy helps to ensure that government maintains a sound debt position and that credit quality is protected.

II. Policy

Debt will be issued to finance significant capital construction and renovation projects, land and building acquisitions and equipment purchases that can be capitalized when pay-as-you-go options such as capital grants, contributions from other governments or reserve and fund balances are not available or sufficient. Debt issuance will not be used to finance current operations or normal maintenance.

The Town of Huntington will manage its debt and sustain its financial position in order to seek and maintain the highest credit ratings possible for all categories of short- and long-term General Obligation debt that can be achieved without compromising delivery of basic Town services and achievement of Town policy objectives.

In addition to long term debt obligations, short term obligations (such as bond anticipation notes) may be issued to finance projects or portions of projects or to provide interim financing for projects for which the Town may ultimately intend to issue long term debt.

A. Debt will be structured as follows:

1. Net cost to the Town will be minimized given market conditions and the urgency of the capital project.
2. Debt will be issued for the shortest period consistent with a fair allocation of costs to current and future beneficiaries or users.
3. Debt will not be issued for periods exceeding the useful life or average useful lives of the project or projects to be financed, pursuant to applicable law and as recommended by the Town's Bond Counsel and Financial Advisor.
4. Outstanding debt must be kept within the limits prescribed by Local Finance Law Section 104 (7% of average full valuation of taxable real estate) and at levels consistent with its creditworthiness objectives.
5. Debt service expenditures will be limited and supported by local real property taxes to no more than 15% of the aggregate budgetary appropriations in any given year in order to maintain appropriate budgetary controls and to prevent imposing excessive burdens on taxpayers of the Town.

6. Payment of overall debt service will be budgeted and paid when due in order to maintain the highest possible credit rating to the extent possible.
7. Annual capital debt will be issued through a competitive bidding process in order to achieve the lowest cost and most favorable terms given the financial structure and market conditions. Bond refinancing and/or revenue debt is not subject to the competitive bidding process.
8. Debt will be issued in the best interest of the Town and its citizens, ensuring that actions within the Town Board's control are prudent and beneficial.

B. Use of Bond and Note Proceeds

Bond and note proceeds shall be used only for the purpose for which the bonds were authorized by the Town Board, pursuant to the applicable bond resolution. All bond-financed projects will be reviewed continuously for compliance with applicable laws regarding use of proceeds, including provisions of the Internal Revenue Code of 1986, as amended, and the Regulations promulgated thereunder (the "Code") relating to the private use of bond-financed facilities.

C. Arbitrage Rebate

The Town will comply with all arbitrage rebate requirements as established by the Code. Arbitrage will be calculated at the end of each applicable period, pursuant to the Code and any arbitrage interest earned on the investment of bond or installment purchase proceeds will be reserved to any tax, interest or penalties due. Any such tax, interest, penalties or other amounts due shall be paid in accordance with applicable provisions of the Code and the advice of the Town's Bond Counsel.

III. Procedure

D. Debt Issuance Approval

To enhance creditworthiness and provide prudent financial planning, the Town Board will adopt a five-year Capital Budget annually. Significant capital projects that do not have sufficient funding will be funded through the issuance of debt.

Certain bond resolutions (e.g., under current law, those providing for a maximum maturity in excess of five years) are subject to a permissive referendum. Bond resolutions authorizing the issuance of debt to finance improvements for Special Districts are subject to a public hearing and other proceedings under existing provisions of the Town Law and such Special District bond resolutions are not subject to a permissive referendum. Certain bond resolutions may be subjected to a mandatory referendum on the Town Board's motion, under existing law. In general, bond resolutions must be adopted by at least a two-thirds majority vote of the entire membership of the Town Board (regardless of any temporary vacancies on the Town Board). However, for bond resolutions subject to a mandatory referendum, a three-fifths majority vote is sufficient.

E. Debt Issuance

The Town will retain an external financial advisor selected by the Town Board who will issue the official statements, provide financial guidance and conduct the competitive bid process. The utilization of the financial advisor for particular bond sale will be at the discretion of the Town Board on a case-by-case basis and pursuant to the financial advisory services contract. The selection process for financial advisors will require comprehensive municipal debt experience, experience with diverse financial structuring requirements and pricing of municipal securities.

The Town will seek the highest rating possible from at least one rating agencies for each debt issue in accordance with the financial advisor's recommendations. In order to achieve the highest rating possible, the Town will provide complete and accurate financial information to rating agencies, institutional and individual investors. The Town will meet secondary disclosure requirements on a timely and comprehensive basis.

The Town will retain external bond counsel for all debt issues. All debt issued by the Town will include a written opinion by bond counsel affirming that the Town is authorized to issue the debt, stating that the Town has met all state constitutional and statutory requirements necessary for issuance, and determining the debt's federal income tax status. Bond counsel will be selected by the Town Board and shall coordinate efforts with the Town Comptroller for the preparation of bond authorizations.

Desk Audits

I. Purpose

The Town of Huntington wishes to ensure the prompt and professional processing of employee requests for Desk Audits to determine whether their current job duties and responsibilities are consistent with their civil service title and pay scale.

II. Policy

Any employee of the Town of Huntington may request a Desk Audit by doing so in writing to his/her Department Director who will then promptly forward the Desk Audit request to the Town Personnel Officer.

III. Procedure

An employee requesting a Desk Audit may do so by writing a brief memo or E-mail to his or her Department Director, who is required to promptly forward the memo or E-mail to the Town Personnel Officer.

The Town Personnel Officer will, in turn, deliver the Desk Audit request to the Suffolk County Department of Civil Service and, thereafter, act as the conduit between the County Department of Civil Service and the Town for the purposes of scheduling and processing the audit.

(Please take special note that the Suffolk County Department of Civil Service has been advised of and has agreed to abide by the Town's official policy with respect to Desk Audits. Suffolk County Department of Civil Service will, therefore, only entertain Desk Audit requests submitted by the Town Personnel Officer.)

Driver's License Requirements

I. Purpose

For the safety of the citizens and the employees of the Town of Huntington, all personnel whose job requires them to operate a motor vehicle and/or heavy equipment to perform all or any of their job duties must operate the vehicle/equipment in a manner that is safe, responsible and consistent with applicable laws and regulations governing training, licensing and use.

II. Policy

Employees who operate motor vehicles and/or heavy equipment are expected, at their own time and expense, to maintain a valid New York State Driver's License of the Class designation appropriate to the type of vehicle used or assigned and to do so in a manner consistent with all federal, state and local laws and regulations.

III. Procedure

A. Town Vehicle Use

All employees operating a motor vehicle/heavy equipment owned by or under lease to the Town shall maintain and at all times carry in their immediate possession a valid New York State Driver's License of the Class appropriate to their operational assignment. Town vehicles shall be operated in full compliance with federal, state and local law and regulation at all times.

B. Town Business

Town employees whose job requires them to operate motor vehicles/heavy equipment on Town property, an assigned work route or travel between Town facilities or between a Town facility or work route and any other destination, public or private, during the course of the workday shall maintain and carry in their immediate possession a valid New York State Driver's License. Equipment shall be operated in full compliance with federal, state and local laws and regulation.

C. Suspension/Revocation

An Employee will immediately notify the Town of suspension and/or revocation of his/her New York State Driver's License. Notification shall be made to the Department Director and the Town Personnel Officer. The employee shall agree not to operate any Town vehicle/equipment or operate any vehicle to conduct Town business when and until the suspension and/or revocation has been lifted and a valid Driver's License of the appropriate Class restored. Proof of restoration of a valid Driver's License must be accepted by the Department Director and Town Personnel Officer prior to the operation Town owned/leased vehicles or equipment. Employees are hereby advised that the Department of Public Safety is linked electronically to the New York State Department of Motor Vehicles to receive license suspension and revocation notices. Receipt by Public Safety of such notice that the employee has failed to disclose shall be considered a policy violation.

D. Heavy/Automotive Equipment

Any Heavy/Automotive Equipment Operator having his/her driver's license suspended and/or revoked will be replaced with an employee possessing a valid Driver's License of the appropriate Class. The Heavy/Automotive Equipment Operator whose Driver's License has been suspended and/or revoked will be demoted permanently to a Laborer, if such position exists. The person filling the position will be promoted permanently to Heavy/Automotive Equipment Operator.

E. Violation of Policy

Violation of this policy may result in demotion, suspension or termination from Town employment.

Drug & Alcohol Free Workplace

I. Purpose

The Town of Huntington is committed to health and productivity of its workforce by providing a safe, drug and alcohol free environment for all of its employees.

II. Policy

A candidate otherwise qualified for and the impending recipient of a Town employment offer may be required to pass a pre-employment drug and alcohol screening as a condition of employment. Once hired, no employee shall report to or remain at work while under the influence of alcohol and/or illegal drugs. Employees are prohibited variously from using, soliciting, possessing, distributing, manufacturing or selling prohibited substances while on Town property and/or while engaged in the performance of their duties and responsibilities as Town employees.

III. Procedure

A. Pre-Employment Drug & Alcohol Screening

1. Employment Candidate Advisory

Appointing Town officials must advise employment candidates that the interview process shall require a Drug & Alcohol Screening administered by a qualified professional designated by the Town. A candidate so required may not begin work under any terms until the drug and alcohol screening is conducted. A Town appointing official who makes an offer of employment shall advise the Town Personnel Officer whether the candidate rejects or is receptive to the offer, and if receptive, a Drug & Alcohol Screening will be scheduled.

2. Testing

The candidate shall report to the designated clinic/collection center within twenty-four (24) hours of notice and must present valid Photo Identification in order to be screened. Failure to follow instructions or tampering with a test sample, will invalidate any offer of employment.

3. Privacy

The Town Personnel Officer shall be responsible for handling all information with respect to Drug & Alcohol Screenings and all other personal health information. He/She shall take all appropriate steps to guarantee individual privacy with respect to health records, which shall be kept strictly confidential and stored in a confidential medical file whose access is limited to the Personnel Officer and appropriate Town officials. (The medical file is the appropriate repository for records containing health-testing results, doctors' notes, FMLA paperwork regarding the employee's own serious medical condition, workers' compensation paperwork, short-term disability, long-term disability paperwork and like information).

Under no circumstances will the specific test or any candidate's Drug & Alcohol Screening be discussed with the appointing Department official or any other departmental employee. The Town Personnel Office shall release to the appointing Department official only a determination that a candidate has passed the screening (or failed the screening in which case the candidate is no longer eligible for employment.)

B. Job Performance & Conduct

1. Illegal Drugs or Alcohol. Employees of the Town of Huntington are prohibited from coming to work or remaining at work under the influence of illegal drugs or alcohol.
2. On Town Property or Engaged in Town Work. Employees are prohibited from using, soliciting, possessing, dispensing, distributing, manufacturing or selling illegal drugs and from using, soliciting, dispensing, manufacturing or selling alcohol while on Town property or while engaged in work as a Town employee.
3. Corrective and/or Disciplinary Action. The Town will impose appropriate corrective and/or disciplinary action, up to and including the possibility of discharge from Town employment, in the case of any employee who violates this policy and whose failure to comply with corrective and/or disciplinary intervention merits such action.
4. Employee Cooperation. Employees are expected to cooperate with the Town in its efforts to implement this policy and secure and maintain an alcohol-free and drug-free workplace.
5. Drug Free Workplace Act. In accordance with the Drug Free Workplace Act of 1988, an employee shall notify the Town, in writing, of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

C. Counseling

Employees are reminded that the Town has implemented an Employee Assistance Program (EAP). EAP is available to employees with various problems, including drug or alcohol related ones. Information regarding EAP is available on a confidential and anonymous basis from the Personnel Department.

Drug & Alcohol Testing for CDL Holders (USDOT)**I. Purpose**

The Town of Huntington is gravely concerned about alcohol abuse and illegal drug use. These activities adversely affect personal work habits, jeopardize employee health and create a hazardous work environment endangering the abuser/user and co-workers. To promote a safe, healthy and productive work environment, the Town will implement federally mandated drug and alcohol testing.

II. Policy

The United States Department of Transportation (USDOT) has issued regulations that require the Town to conduct employee drug and alcohol testing for holders of Commercial Driver's Licenses (CDLs). The Town intends to comply fully and freely with federal regulations for drug and alcohol testing. As federal regulations are amended, Town policy will automatically incorporate them so as to maintain full and immediate compliance. (Automatic incorporation and compliance shall expressly eliminate the need to reissue this policy.)

A. USDOT Testing for CDL Holders

The following are subject to USDOT Drug & Alcohol testing requirements:

1. Vehicle Weight. Current and/or prospective employees who have a CDL and operates a vehicle in excess of 26,000 pounds.
2. Passenger Count. Current and/or prospective employees who have a CDL and drive a vehicle designed to carry 16 passengers.
3. Safety Functions. Current and/or prospective employees who perform safety-sensitive functions and/or hold a CDL.

B. Definitions

The following terms and definitions shall apply to the Town's Drug and Alcohol Testing policy as set forth in this section:

1. The term "safety-sensitive function" shall mean any of the following:
 - a. Driving;
 - b. Time spent waiting to be dispatched, at a carrier or shipper's terminal, plant facility or other property, unless the employee has been relieved from duty;
 - c. Inspecting, servicing or conditioning equipment;
 - d. Being in or on a commercial motor vehicle (except resting in the sleeper berth);
 - e. Loading or unloading, including supervising or assisting in loading or unloading, attending a vehicle being loaded or unloaded; remaining in readiness to operate the vehicle; giving or receiving receipts for a shipment being loaded or unloaded;
 - f. Securing the vehicle and taking all of the other precautionary measures required by DOT's regulations following an accident (49 C.F.R. 392.40 and 392.41);
 - g. Repairing, obtaining assistance or attending a disabled vehicle.

Drug & Alcohol Testing for CDL Holders (USDOT)

2. The term, "company business" shall include, but is not limited to, work performed on or in Town property including a Town vehicle, and work performed on or in a non-Town vehicle being used for conducting company business; the term also includes meal and break times.
3. The term "refusing to be tested" means any of the following:
 - a. Failing to provide an adequate urine specimen for a drug test without a valid medical explanation;
 - b. Failing to provide adequate breath for an alcohol test without a valid medical explanation;
 - c. Failing to submit to a test as directed; or
 - d. Engaging in any conduct that clearly obstructs the testing process.
4. Positive Test. For purposes of this policy and the Town's alcohol testing program, an alcohol test will be considered "positive" when the alcohol concentration level registers 0.02 or greater.
5. The term "under the influence" shall mean, with respect to drugs, the presence in an employee's system of any detectable amount of a drug, or its metabolites, and speech, actions or an appearance which lead a supervisor to reasonably suspect that the employee's ability to perform his or her job safely and effectively has been impaired by drugs.
6. The term "drugs" includes any and all controlled substances, such as but not limited to, marijuana, cocaine, amphetamines, PCP, opiates. The term "drugs" also includes prescription and over-the-counter medications that are being abused.

III. Procedure**C. Prohibited Conduct**

The following conduct by an employee is strictly PROHIBITED and will be subject to disciplinary action(s):

1. Using, being under the influence of, or possessing illegal drugs;
2. Using or being under the influence of legal drugs that are being used illegally;
3. Using or being under the influence of legal drugs whose use can adversely affect the ability of the employee to perform his or her job safely;
4. Selling, buying, soliciting to buy or sell, transporting or possessing illegal drugs while on Town time or property;
5. Using alcohol within four (4) hours of driving or performing any other safety-sensitive function;
6. Using or being under the influence of alcohol at any time while driving or performing any other safety-sensitive function;
7. Possessing any amount of alcohol (including possessing medications which contain alcohol) while on duty or driving, unless the alcohol is manifested and being transported as part of the shipment;
8. Testing positive for drugs and/or alcohol;

9. Refusing to be tested for drugs and/or alcohol;
10. Failing to submit to a drug and/or alcohol test as directed by the Town;
11. Failing to stay in contact with the Town and its medical review officer while awaiting the results of a drug test;
12. Violating any applicable federal and/or state requirement governing the use of drugs or alcohol;
13. Doing anything to obstruct the Town's goals with respect to drug and alcohol testing.

An employee who violates these prohibitions will be subject to disciplinary action mandated by the USDOT. Employees who violate these prohibitions will also be subject to disciplinary action by the Town, up to and including discharge. In addition, any employee who is convicted by the judicial system of a felony for a drug or alcohol-related matter will be subject to disciplinary action up to and including termination of employment.

D. Incident/Random Testing

Testing for USDOT affected employees will be conducted under the following circumstances:

1. Pre-employment/pre-duty (Before an employee applicant is hired or an existing non-USDOT employee performs USDOT duties)

The applicant will be informed to report for a drug and alcohol test and asked to sign a general consent and release to be tested.⁹ All offers to hire an applicant or transfer an existing employee to a driving position are contingent upon the applicant/employee signing the consent and release form for drug and alcohol testing; signing the Town's authorization form to obtain past drug and alcohol test results from previous employers¹⁰ during the last 2 years; taking the required drug and alcohol test and having negative results on both tests; passing required physical exams; complying with any other conditions or requirement of the Town. Employees recalled from layoff shall be considered a new hire for the purposes of this policy.

2. Post Accident Testing

An employee must submit to a post-accident drug and alcohol test as soon as possible after an accident which:

- a. Involves a fatality.
- b. The employee receives a citation for a moving violation and either a person is injured and receives immediate medical treatment away from the scene or one or more vehicles are damaged and must be transported away from the scene.
- c. If a law enforcement official conducts a test at the scene, the employee must inform the Town. A refusal to submit to a post-accident test is equal to a positive test result.

3. Random Testing

Random testing of employees will be conducted (50% of testable employees for drug testing and 25% of testable employees for alcohol testing.)

⁹ See Subsection K, #2.

¹⁰ See Subsection K, #3.

Random testing will be unannounced. The employee must report to the collection site immediately after receiving notice to report. Refusal to report to the collection site or submit to the test will be equal to a positive result and the employee will be suspended without pay for 90 days without a hearing. A second refusal will result in termination.

4. Reasonable Suspicion Testing

Any affected employee must report to a collection site and provide a specimen if, in the opinion of a supervisory employee (who has received training covering the indications of probable drug and/or alcohol abuse), there is reasonable cause to suspect the use of drugs and/or alcohol. Their observations must be documented.¹¹

Specimen collection for reasonable suspicion testing will take place under the following circumstances:

- a. When an employee's error appears, on the basis of a preliminary investigation, to have caused an accident, injury, or damage to Town or employee property or vehicle(s);
- b. Based upon their appearance, speech, body odor or actions, a supervisor reasonably suspects that the employees' ability to work may be impaired by alcohol and/or drugs; or the withdrawal effects of alcohol and/or drugs.

Refusal to report to the collection site or submit to the test will be equal to a positive result and the employee will be suspended without pay for 90 days without a hearing. A second refusal will result in termination.

The employee will be escorted to the collection site by an agent of the Town and arrangements will be made for them to be transported to his/her home after the specimen is collected.

An employee who is directed to take a reasonable suspicion test will be placed on unpaid suspension pending the test results. If the result is negative the employee will be reimbursed for the time of suspension. A positive test result will result in disciplinary action up to and including termination from the time of suspension.

5. Return to Duty Testing

After a previous positive test, if the employee is not terminated, the employee must take a return to duty test and have a negative result before they can be considered for job assignment. If return to duty test has a positive result, the employee will be terminated.

6. Follow-up Testing

After a previous positive test, if the employee is not terminated, the employee must participate in unannounced testing for 1 year after their reinstatement. A minimum of 6 specimens and a maximum of 12 specimens will be collected.

E. Test Procedures

1. Urine Specimens. Split sample urine specimens will be collected at a designated collection site under circumstances according to DOT/FEDERAL regulations (Part 40 of

¹¹ See Subsection K, #5.

Title 49) designed to prevent sample switching and tampering. Urine specimens will be sealed and sent to the designated NIDA certified laboratory for testing. Detailed records will be kept to prevent misidentification of samples.

2. Specimen Protocol. The following protocol will apply to all specimen collections:

- a. The applicant/employee will provide a urine sample at the assigned collection site at the appointed time.
- b. The applicant/employee will participate in the chain of custody procedures in order to insure accurate collection by:
 - i. Providing photo identification,
 - ii. Completing and signing consent, release of information and Chain of Custody forms,
 - iii. Following DOT/FEDERAL urine collection procedures in cooperation with the collection site.
- c. Under split specimen procedures, the donor must provide 45 ml. in a specimen container. The collector will pour 30 ml. into one bottle and seal it; the remaining sample of 15 ml. will be sealed in a second bottle. Both bottles will be sent to the laboratory. The bottle with 30 ml. will be the primary specimen, and the second bottle will be held by the laboratory and analyzed only after a verified positive by the MRO and the employee requests the analysis within 72 hours of notification by the MRO.
- d. If the applicant/employee refuses to provide the specimen and/or photo identification for drug testing, and/or consent, it will be equal to a positive result and the employee will be suspended without pay for 90 days without a hearing. A second refusal will result in termination.

3. All Positive Urine Screens will be confirmed through GC MS testing

(Gas Chromatography/Mass Spectrometry) before any discipline is imposed or hiring decisions are made.

On all "positive" drug screen test results, the MRO will make two attempts on two consecutive days to first contact the applicant/employee and review his findings. If the applicant/employee cannot be reached during the above-mentioned time frame, the company management will be contacted and informed to contact the applicant/employee and have such person make him or herself available to be contacted by the MRO to review his findings. If the applicant employee does not make himself or herself available to be contacted by the MRO, the consequences to the applicant/employee will be equal to that of a positive test result, which is immediate discipline, up to and including termination.

4. Alcohol Tests

All alcohol tests conducted under this Policy require that the employee provide a breath specimen. The employee must provide either a breath or blood specimen, as directed by a law enforcement officer after an accident.

Alcohol tests will be administered using a breath specimen, taken by a breath alcohol technician (BAT) using an approved breath testing device (EBT), except in cases of on-scene post-accident testing conducted by federal, state, or local officials.

Before being tested by the Town, each employee will be required to:

- a. Present his/her personal identification, and
- b. Execute a DOT "Breath Alcohol Test Form" provided by the BAT.

An employee who refuses to provide his/her identification, provides a false identification, refuses to execute the DOT "Breath Alcohol Test Form", or who otherwise refuses or fails to cooperate will be treated as though he/she had tested positive and will be subject to disciplinary action, up to and including discharge, in addition to the penalties imposed by DOT.

Prior to each alcohol breath test conducted by the Town, the BAT will instruct the employee on how the test will be performed.

To protect each employee, the BAT will attach to the testing device an individually-sealed mouthpiece in the employee's view. The employee will then be directed to blow forcefully into the breath testing device until an adequate amount of breath has been maintained.

In the event that an employee is unable to provide an adequate amount of breath for the initial or confirmatory test after several attempts to do so, the employee will be required to submit to an evaluation by a licensed medical physician to determine whether a valid medical condition exists. If the physician determines that a valid medical condition does exist, the test result will be reported to the Town as "negative". If the physician determines that a valid medical condition does not exist, the result be reported to the Town as a "confirmed positive".

In the event that the employee provides an adequate breath specimen and the initial test registers as alcohol concentration level that is less than 0.02, the test result will be recorded as a "negative" and no additional tests will be required at that time.

In the event that the employee provides an adequate breath specimen and the initial test registers an alcohol concentration level of 0.02 or greater, a second, confirmatory test will be performed. In the event that the employee provides adequate breath specimen and the confirmatory test registers less than 0.02, the test result will be reported to the Town as "negative".

In the event of a positive test, defined as 0.02 or greater, the employee must be evaluated by a Substance Abuse Professional (SAP) and follow the suggestions for treatment made by the SAP. Prior to returning to work, the employee must submit to a return to duty test, and the results must be negative.

F. Consequences of Positive Test

1. The Consequence of Testing Positive for Drugs

A ten (10) working day suspension without pay, after which a return to duty drug screen will be required and must prove negative. If there is a second positive drug test within twenty-four (24) months after the employee has been cleared to return to work, the employee will be terminated.

Referral to the Town's Employee Assistance Program (EAP): If the counselor concludes that the employee has a drug or alcohol problem, the employee shall be required to enter an

approved counseling/treatment program, successfully complete the program and consent in writing to the disclosure by the program of its recommendations, and dangers it perceives in connection with the employee's continued performance of his or her job and whether the employee is complying with and has successfully completed the program.

2. The Consequence of Testing Positive for Alcohol

- a. If an employee's confirmatory test registers 0.02 or more but less than 0.04:
 - i. 1st Occurrence: he/she will not be allowed to work until their next regularly scheduled duty period.
 - ii. 2nd Occurrence (in a 24-month period): he/she will be suspended for five (5) working days and will be referred to the EAP as indicated below.
 - iii. 3rd Occurrence (in a 24-month period): he/she will be terminated.
- b. If an employee's confirmatory test registers 0.04 or greater:
 - i. 1st Occurrence: he/she will be suspended for 5 working days without pay and referred to the EAP as indicated below.
 - ii. 2nd Occurrence (in a 24-month period): he/she will be suspended without pay for a period of ten (10) working days without pay and referred to the EAP program as indicated below.
 - iii. 3rd Occurrence (in a 24-month period): he/she will be terminated.

Referral to the Town's Employee Assistance Program (EAP): If the counselor concludes that the employee has a drug or alcohol problem, the employee shall be required to enter an approved counseling/treatment program, successfully complete the program and consent in writing to the disclosure by the program of its recommendations and dangers it perceives in connection with the employee's continued performance of his or her job and whether the employee is complying with and has successfully completed the program.

Under no circumstances will an employee be allowed back to work until he/she has tested negative for drugs and/or alcohol.

G. Confidentiality and Privacy

The Town will attempt to insure that all aspects of the testing process are as private and confidential as reasonably practical. Actual test results will be provided to supervisors and managers who have a need to know such information, to the person tested and any person permitted or required by law or regulation to receive such information. Except as required by law, test results will not be disclosed to co-workers, an employee's family, uninvolved supervisors, or law enforcement authorities without the specific permission of the person tested. The Town will, however, inform the police of trafficking in illegal drugs by employees and will turn over any illegal drugs confiscated on Town property to the police.

H. Voluntary Treatment and Counseling

Employees who request treatment or a leave of absence for treatment will not be subject to discipline; employees may not, however, escape discipline by first requesting such treatment or leave of absence after being selected for testing or violating Town policies and rules. Such requests for treatment will be kept confidential in accordance with federal and state law.

Any employee who feels he or she may have a substance abuse problem is urged to contact the Town Personnel Officer. Such employees will not be disciplined or retaliated against. We are interested in a safe workplace and a healthy and productive workforce, not in punishing employees who come to us for help.

I. Discipline for Possession, Use, Sale, Purchase or Transfer

Employees caught possessing, using, selling, buying, or transferring drugs or alcohol while at work or while using Town Vehicles will be terminated.

Employees arrested for selling drugs to, or buying them from another employee will be suspended without pay and if convicted, terminated. Depending on the circumstances, employees arrested for and convicted of other drug offenses may also be terminated.

K. Drug & Alcohol Testing Forms

1. Acknowledgement of Receipt of Drug and Alcohol Policy

I hereby acknowledge that I have received a copy of the TOWN OF HUNTINGTON's Drug and Alcohol Policy, that I have read and fully understand its contents, that I understand I may be subject to drug and/or alcohol testing, and that I may be disciplined or terminated for testing positive or refusing to cooperate in testing.

SIGNED: _____ DATE: _____
(Employee Name)

2. Consent Form for Alcohol And Drug Screening

NAME _____
(Print)

ADDRESS _____
(Street) (City) (State) (Zip Code)

I freely consent to tests of my urine for evidence of marijuana, cocaine, amphetamine, opiate, PCP. I freely consent to tests of my breath and/or (blood, if required by the DOT regulations) for evidence of alcohol.

I also consent to the release of test results and other relevant medical information to Town management, the designated Medical Review Officer and Lancer Compliance Services.

AGREED:

REFUSED:

(Signature)

(Signature)

Reasons for Refusal: _____

(Signature)

(Date/Time)

(Witness Signature)

(Witness Name)

(Date/Time)

3. Applicants Authorization to Obtain Past Drug and Alcohol Test Results

I, _____, understand that as a condition of hire with the
(Applicant's Name)

TOWN OF HUNTINGTON I must give the Town written authorization to receive the results of all DOT-required drug and/or alcohol tests (including any refusals to be tested) from ALL of the companies for which I have worked as an employee, or for which I took a pre-employment drug and/or alcohol test, during the past two (2) years. I also authorize the Town to contact and receive results from any consortium that represents the companies I worked for or applied to. I understand that my signing of this authorization does not guarantee me a job or guarantee that I will be offered a position with the Town.

Listed below are ALL of the companies for which I worked as an employee, or to which I applied as an employee during the past two (2) years. I authorize the Town to obtain from those companies, and I authorize those companies to furnish the Town, the following information concerning my drug and alcohol tests: (I.) all positive drug test results during the past two (2) years; (II.) all alcohol test results of 0.04 or greater during the past two (2) years; (III.) all alcohol test results of 0.02 or greater but less than 0.04 during the past two (2) years; (IV.) all instances in which I refused to submit to a DOT-required drug and/or alcohol test during the past two (2) years.

The following is a list of ALL of the companies for which I worked as an employee, or to which I applied for work as an employee, during the past two (2) years:

<u>Company Name & Address:</u>	<u>Dates Worked for/Applied to:</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

APPLICANT CERTIFICATION:

I have read and understand this authorization to release my past drug and alcohol test results. I certify that all of the information which I have furnished on this form is true and complete, and that I have identified ALL of the companies for which I have either worked, or applied for work, as an employee during the past two years.

_____ Signature of applicant	_____ Print name	_____ Date
_____ Social Security #	_____ Date of Birth	

4. Request for Past Test Results

To: _____ *(Name of previous employer)*
 From: _____ *(Name and title of Company representative)*
 Subject: Request to Obtain past Drug and Alcohol Test Results
 Date: _____ *(Date)*

_____ has advised us that he/she has worked for your company as an employee, or that he/she
(Applicant's Name)
 has applied to your company for work as an employee, during the previous two (2) years.

_____ *(Social Security #)*

_____ *(Date of Birth)*

Regulations of the Federal Highway Administration (FHWA) (49 C.F.R. 382.413) require us to obtain from your company and require your company to provide us, information concerning the above-named employee's past drug and alcohol test results (including refusals to be tested).

In accordance with FHWA's regulations, therefore, we are providing you with the employee's written authorization directing your company to provide us with the following information concerning this employee:

- All positive drug test results during the past two (2) years;
- All alcohol test results of 0.04 or greater during the past two (2) years;
- All alcohol test results of 0.02 or greater but less than 0.04 during the past two (2) years;
- All instances in which the employee refused to submit to a DOT-required drug and/or alcohol test during the past two (2) years.

Please send this information to the TOWN OF HUNTINGTON, Attention: Town Personnel Officer as soon as possible either by facsimile FAX # (631) 351-3279 or by mail to: Town of Huntington, Personnel Office, 100 Main Street (Room 210) Huntington, NY 11743.

As required by the FHWA, the information that you furnish will be treated as strictly confidential.

Thank you for your cooperation.

5. Reasonable Suspicion Checklist

EMPLOYEE NAME: _____

DATE: _____
TIME: _____

CHECK ALL BOXES WHICH APPLY. FILL OUT AS COMPLETELY AS PRACTICAL.

Breath smells like alcohol: _____

Breath/hair/hands/clothes smell like marijuana: _____

Bodily odors masked by gum/mints/cologne, etc.: _____

Eyes bloodshot: _____ Eyes glassy: _____ Eyelids swollen: _____

Eyes watery: _____ Pupils dilated: _____ Pinpoint pupils: _____

Face flushed: _____ Face pale: _____ Unusual sweating: _____

Speech slurred: _____ Incoherent: _____ Rambling: _____

Won't stop talking: _____ Won't talk: _____

Voice unusually loud/soft: _____

Stumbles, staggers or falls when walking: _____

Sways, sags or leans on support when standing: _____

Movements jerky/uncoordinated: _____

Acts sleepy: _____

Acts hyperactive/moves very slowly: _____

Sudden, marked mood swings: _____

Sudden, marked changes in activity level: _____

Unusually quarrelsome or irritable: _____

Doesn't seem to care about anything: _____

Describe any recent changes in attendance: _____

Describe any recent changes in quantity and quality of work: _____

Describe any suspicious accidents/errors: _____

Describe any other reasons why employee has been selected for testing: _____

What is employee's explanation of behaviors/appearance? _____

Supervisor Signature

Date

Drug & Alcohol Testing for CDL Holders (USDOT)

6. Last Chance Agreement for Commercial Driver's Licensees

Date: _____

Town of Huntington
100 Main Street
Huntington, NY 11743-6990

Re: Last Chance Agreement

In consideration of the Town of Huntington's willingness to continue to employ me, I, _____, agree:

(Print Name)

1. To abstain from using, possessing or trafficking in illegal drugs at any time;
2. Not to report to work under the influence of alcohol and not to possess or consume alcohol while at work or working; or 4 hours prior to reporting for work.
3. To devote my best efforts to an earnest and sincere effort at rehabilitation and to follow my counselor and therapist's directions and recommendations;
4. To authorize persons involved in counseling, diagnosing, and treating me to disclose to my employer my progress and cooperation, my drug and alcohol use, and any dangers they perceive in connection with me performing my job duties;
5. To cooperate in a test of my breath, blood or urine for evidence of alcohol/drug use on completion of rehabilitation; and
6. To cooperate and test negative in up to twelve (12) unannounced, tests of my _____ breath, blood or urine for evidence of alcohol/drug use in the twelve (12) months following reinstatement to my job.

I understand and agree that I may be terminated from my job without recourse if I violate or revoke any paragraphs of this Agreement.

I understand that this Agreement is not a guarantee of employment and that I may be terminated for lack of work, attendance or performance problems, rule violations or other reasons, notwithstanding my compliance with this Agreement.

Signature

Date

Employee Assistance Program (EAP)

I. Purpose

The Town seeks to ensure that its employees have access to professional, confidential assistance for any type of personal problem. The Employee Assistance Program (EAP) was established to provide these resources.¹² The Town encourages their full and complete confidential use as the need arises.

II. Policy

Employees bear individual responsibility for their conduct and job performance and, therefore, an obligation to recognize and take constructive steps to resolve personal and behavior problems that, if unaddressed, would affect, threaten or undermine their job performance and effectiveness as a Town employee. EAP is designed to encourage early awareness and intervention to offer help at the earliest opportunity.

In addition to employees, supervisory personnel are responsible for remaining alert to all instances of substandard work performance and behavioral changes that may signal an EAP-related problem. A supervisor is upon suspicion that if a problem exists to bring it to the attention of the employee in private and offer of assistance in accessing Town EAP resources.

III. Procedure

EAP is voluntary, regardless of a recommendation or referral by a supervisory employee. However, it may be a mandatory condition of continued employment under a "last chance" or similar disciplinary proceeding agreement, in which case the employee shall give written consent of agreement to seek help and/or treatment and written consent of agreement to provide proof of compliance with program requirements as determined by the Town Personnel Officer.

The decision to seek or accept assistance through the EAP will not adversely affect an employee's job security or advancement opportunities. (However, participation in the EAP in no way relieves the employee of the responsibility to meet acceptable work performance and attendance standards.)

All full-time and part-time employees, members of an employee's household, and benefit-eligible dependents may also receive assistance through the EAP and family treatment may be recommended if it is determined to be a contributing factor to the employee's difficulties.

The EAP will not reveal any information that the individual discloses to the EAP, subject to the following exception:

1. Consent. Written consent given by the employee or family member receiving EAP help.
2. Lawful Disclosure. Disclosure is required under lawful statutory authority or ordered by a court of competent jurisdiction; or
3. Imminent Danger. Counselor or Professional providing treatment believes, to the best of their professional judgment, that life or safety of the employee, a family member or other person(s) is in imminent danger.

¹² See subsection I of "Drug & Alcohol Testing" policy for additional utilization of EAP resources.

Equal Employment Opportunity

I. Purpose

The Town resolves to take all necessary steps to promote equal opportunity and ensure that all persons are treated equitably with respect to employment opportunity with the Town of Huntington. This policy demonstrates the Town's clear commitment to comply with applicable Federal, State and Local laws and regulations relating to non-discrimination in employment and employment opportunity.

II. Policy

No employee or applicant for employment will be discriminated against because of age, marital status, religion, national origin, disability and/or military status, alienage, citizenship, race, color, creed, gender, disability, marital status, political affiliation, sex, sexual orientation, domestic partnership, pre-disposing genetic characteristic, carrier status or other category applicable under Federal, State and Local laws and regulations.

It is the policy of the Town of Huntington to provide equal opportunity to all employees and applicants for employment and to investigate all claims of violation of this policy. It is also the policy of the Town of Huntington to prohibit retaliation against any employee who reports, testifies in the case of or otherwise opposes discriminatory practices against any individual.

Those found to have violated this policy may be subject to disciplinary action which, depending upon the severity of the violation, can include termination from Town employment.

III. Procedure

A. Applicability

The non-discrimination provisions of this policy apply to all aspects of the employer-employee relationship, including: recruitment, selection, compensation, promotion, transfer, benefits, termination of employment and retirement.

B. Implementation

The Town of Huntington considers the implementation of this policy to be an important responsibility and duty of all supervisory personnel in the management hierarchy to carry out the steps necessary to attain the Town's equal employment opportunity objectives. To ensure adherence to the policy and compliance with Federal, State and Local equal employment opportunity laws, the Town's equal opportunity policies will be reviewed on an annual basis and updated if necessary in accordance with applicable governmental regulations and personnel guidelines.

C. Responsibilities

The Town Supervisor and members of the Town Board have overall responsibility for the implementation of the Town's EEO policy. Every Department Director and management personnel generally have a responsibility to ensure that all departments take appropriate steps to meet the Town's stated EEO objectives.

D. Complaints

All complaints of illegal discrimination based upon this policy should be filed with the Town EEO Officer. An EEO Complaint Form¹³ is available and can be obtained by visiting or contacting the Equal Opportunity Employment Office.¹⁴

A complaint filed with the Town of Huntington and only with the Town shall proceed in accordance with the procedures set forth hereafter.

An employment discrimination complaint first filed with a Federal, State or Local agency other than the Town of Huntington shall be subject to investigation by the Town Attorney's Office to the full extent permitted by law. However, remedies otherwise available hereunder shall be stayed while the outside agency action is pending. A complainant who first files with the Town of Huntington and subsequently files the complaint with an outside agency shall also stay further Town action in accordance with this policy. In either instance, the outcome of an outside agency action may permanently bar further redress under this policy.

E. Complaint Resolution**1. Equal Employment Opportunity Grievance Procedure ("EEO Grievance Procedure").**

Any and all claims and causes of action against the Town of Huntington, its divisions, departments, or affiliate corporations, and their current and former officers, public officials, elected officials, directors, agents and employees, arising out of or in connection with an application for employment, employment, the terms and conditions of employment, or the termination of employment may be submitted for resolution according to the EEO Grievance Procedure as set forth herein. All complaints shall be confidential to the extent feasible.

Claims that may be submitted include, but are not limited to; wrongful discharge under statutory law and common law, employment discrimination based on federal, state or local statute, ordinance, or governmental regulations, retaliatory discharge or other action, compensation disputes, tortuous conduct, contractual violations, and other statutory and common law claims and disputes, regardless of whether the statute was enacted or whether the common law doctrine was recognized at the time this procedure was adopted.¹⁵

¹³ See Subsection I: "EEO Complaint Form".

¹⁴ Town Hall, 100 Main Street, Room 207, Huntington, NY 11743.

¹⁵ This shall include but not be limited to claims based upon the following statutes: 42 U.S.C. §1981, 42 U.S.C. § 1983, 42 U.S.C. §1985, 42 U.S.C. §1988; any and all claims for discrimination including, but not limited to, claims of discrimination on the basis of age, alienage, citizenship, creed, gender, disability, marital status, national origin, race, religion, political affiliation, sex, or domestic partnership and any and all claims arising under Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act, as amended; the Equal Pay Act; Title IX; claims of pre-termination or post-termination or post-termination defamation; the Rehabilitation Act of 1973; the Americans With Disabilities Act; the New York State Human

2. Definitions.

a. Equal Employment Opportunity Complainant. A "Complainant" may be either an employee of the Town of Huntington or an applicant for employment with the Town of Huntington.

b. Equal Employment Opportunity Officer. An "EEO Officer" is the officer appointed by majority vote of the Huntington Town Board to carry out the functions and responsibilities of the EEO Policy.

c. Equal Employment Opportunity Complaint Review Committee. A "EEO Complaint Review Committee" shall consist of the EEO Officer and up to sixteen (16) members appointed by the eight elected officials of the Town of Huntington (Supervisor, four Council Members, Superintendent of Highways, Receiver of Taxes and Town Clerk), each of whom shall have the right to make two (2) appointments. An appointee shall be a resident and/or employee of the Town of Huntington of at least eighteen years of age and serve at the pleasure of the appointing elected official. The elected official may withdraw and replace either or both of his/her appointees at any time. Otherwise an appointee shall serve until voluntarily resigning. An appointee who relocates outside the Town of Huntington shall be considered to have voluntarily resigned. Should, a vacancy occur, the appointing elected official alone shall fill that vacancy on the Complaint Review Committee. In no event shall an elected official appoint more than two (2) members to sit on the EEO Review Committee at the same time.

d. Equal Employment Opportunity Findings Panel. An "EEO Findings Panel" shall consist of three members, including the EEO Officer who shall, on a continuing rotational basis, empanel two members of the Complaint Review Committee to sit on a separate Findings Panel to discover and review the facts relevant to each allegation of EEO violation. No person appointed by an elected official shall serve on a Findings Panel hearing a complaint against the appointing elected official's Department and in no event shall the two appointees of a single elected official sit on the same Findings Panel.

e. Equal Employment Opportunity Findings Panel Chair. An "EEO Panel Chair" shall be the Town EEO Officer who shall schedule and preside over all Findings Panel meetings. In the event that the EEO Officer is unavailable or unable to serve on a Findings Panel for any reason, the Supervisor shall appoint a Temporary EEO Panel Chair. The Supervisor may appoint the Town Attorney or choose from among the members of the EEO Complaint Review Committee when selecting a Temporary EEO Panel Chair. In no event shall a Findings Panel, including the person of the Temporary EEO Panel Chair, be composed with more than one appointee of any single elected official.

3. Phases of the EEO Grievance Procedure.

The EEO Grievance Procedure shall consist of three (3) Phases: the "Processing" Phase, the "Complaint Review" Phase and the "Binding Arbitration" Phase. A complaint alleging a violation of the obligations of the Town under its EEO Policy may be made by a Complainant at any time within one hundred and eighty (180) days from the date of the incident that gave rise to the complaint.

a. Processing Phase.

i. EEO Grievances. An EEO complaint filed under this policy shall be made in writing within one hundred and eighty (180) days from the date of the incident and be signed and dated by the Complainant.¹⁶

ii. Format. Regardless of its form, a complaint in addition to being signed and dated shall contain the following information:

- (1) The full name and address of the Complainant;
- (2) If an employee, the Complainant's job title and department; and if an applicant for employment, the position applied for and date of the Complainant's employment application; and
- (3) A clear and concise statement of the facts constituting the complaint, including a reference to the provision of the Town's EEO Policy on which the complaint is based to the best of the Complainant's ability.

iii. Delivery. The complaint shall be addressed to the EEO Officer at Huntington Town Hall, 100 Main Street (Room 207) Huntington, New York 11743. It may be sent via the U.S. Postal Service as regular, registered or certified mail. The Complainant or the Complainant's representative may also personally deliver it during normal business hours by presenting it to the Town EEO Office. In this case, the EEO Office personnel shall provide date/time stamped receipt of delivery to the bearer and retain a copy of the receipt affixed to the complaint as part of the Town's legal record.

iv. Optional Preliminary Interview. A Complainant may at his/her option request a Preliminary Interview with the EEO Officer whose purpose shall be an informal assessment of the nature and gravity of the allegation. If as a result of the Interview, the EEO Officer and Complainant mutually agree that the allegation appears unlikely to rise to the level of an EEO violation and/or that a satisfactory resolution may be readily achieved without proceeding to the Complaint Review Phase, the EEO Officer shall in addition to his/her other responsibilities under this policy have fourteen (14) days to implement an informal solution. If unsuccessful, the allegation shall proceed to the Processing Phase of an EEO Complaint in accordance with this policy and neither Town nor the Claimant shall make any representation, or otherwise use the Interview Phase to advance or defend a formal EEO Complaint.

¹⁶ See Subsection I: "EEO Complaint Form".

b. Complaint Review Phase.

i. Labor Contract Grievances. In addition to an EEO complaint, a Complainant who is a Town employee is permitted to file a labor contract grievance alleging discrimination pursuant to an applicable collective bargaining agreement. A Department Director whose employee alleges discrimination shall inform the employee of these dual avenues of redress.

ii. Preliminary EEO Complaint Review. The EEO Officer, assisted by the Town's Personnel Officer, shall, within fourteen (14) days of receipt of a complaint by the EEO Officer determine whether a labor contract grievance has been commenced, is pending and/or whether a decision has been issued which involves the same or similar issues and so notify the Complainant in writing.

(1) In the event a pertinent Labor Contract Grievance is pending, the EEO Officer shall notify and advise the Complainant that the EEO Complaint Review Committee will defer all proceedings pending the resolution of such labor contract grievance. Once a resolution has been made on the underlying labor contract grievance, if the Complainant requests in writing, within forty-five (45) days of said resolution, the complaint will be revived and processed in accordance with the procedures set forth herein, except such complaint shall not be submitted for review and consideration hereunder if the resolution of the labor contract grievance resulted in the issuance of an arbitration decision under the labor contract. Said request to revive the complaint under the EEO Grievance Procedure shall be made by the Complainant to the EEO Officer.

(2) In the event a pertinent Labor Contract Grievance is NOT pending, the EEO Officer shall notify and advise the Complainant that the complaint has been received and will be processed.

iii. EEO Findings Panel Meeting. Upon issuance of notice that a complaint will be processed, the EEO Officer/Panel Chair shall promptly name the two members Complaint Review Committee who shall sit on the three-member EEO Findings Panel to consider the complaint. The EEO Findings Panel, as soon as practicable but no later than sixty (60) days following the filing of the Formal EEO complaint, shall agree on a date, time and place for an EEO Findings Panel meeting to consider the complaint. Thereafter, at least ten (10) days prior to convening the EEO Findings Panel, the EEO Panel Chair shall schedule a meeting notify in writing with the time, date and place the following: the Complainant; and, if the Complainant is a Union member, the appropriate Union Representative; the Town Attorney; and the director of the Department involved. The Panel Chair may entertain any reasonable request to adjourn and reschedule a EEO Findings Panel meeting. Such request shall be submitted in writing.

iv. Findings Panel Purpose and Protocol. The EEO Findings Panel is intended to be an informal and non-adversarial forum designed to elicit relevant facts and/or information that can lead to an appropriate resolution of a complaint.

(1) The EEO Panel Chair shall preside at all EEO Findings Panel

meetings.

(2) The EEO Findings Panel may request other persons be present and/or provide information or documents relevant to the complaint. A Complainant shall, however, maintain the right to meet alone with the EEO Findings Panel at least once.

(3) Town employees shall comply with the EEO Findings Panel's request to attend and/or to provide relevant information or documents.

(4) Neither the Complainant, Town nor any person identified in the complaint will be represented by a second party. The Town Attorney (or designee) at the request of the EEO Findings Panel may provide legal guidance or information, but shall not attend any Panel meetings. Likewise, a Complainant may retain legal counsel who can provide guidance or information to his client but shall not attend any hearings with the Complainant.

(5) At the EEO Findings Panel meeting, the Complainant shall present the complaint to the panelists, identifying those provisions of the EEO Policy the Complainant believes were violated and further providing any documents or other information he/she believes is relevant to the complaint.

(6) The EEO Findings Panel may exercise its option to request documents that relate to the complaint. The EEO Findings Panel may also call others to attend and provide information in person, in which instance the EEO Findings Panel shall advise the Complainant of his/her right to meet alone with the EEO Findings Panel and, upon request, provide at least one such opportunity.

v. Findings Panel Deliberations. The EEO Findings Panel shall deliberate with all members present in person or by conference call.

(1) As a result of an EEO Findings Panel meeting, the panelists may request additional documents or information it deems necessary. Additionally, the EEO Panel Chair may reconvene the meeting, upon written notice to those persons required to be notified of the initial EEO Findings Panel meeting.

(2) Further, any person who attended the initial meeting may of their own volition submit additional information or documents, believed to be relevant to the complaint by forwarding them to the EEO Panel Chair within ten (10) days after such meeting. Copies of any submissions, provided to the Panel at its request or by volition of the sender shall be made available to the Complainant.

(3) Meetings of an EEO Findings Panel are considered to be personnel matters and shall not be subject to the New York State Open Meetings law and shall not be open to the general public or to the media or anyone other than the Complainant and those whose appearance is requested by the

EEO Findings Panel, according to this policy. In the case where a Union employee is requested to appear by the EEO Findings Panel, such employee may choose to be accompanied by his/her Union representative.

(4) Each member of the EEO Findings Panel shall have one vote in determining whether the complaint involves a violation, which shall be decided by a simple majority of the panelists.

(5) As soon as practicable, but in no event longer than forty-five (45) days after the EEO Findings Panel concludes its meeting or submissions relevant to the complaint have been received, the EEO Panel Chair shall notify the Complainant, in writing, of its vote, affirmative or negative, as to whether the complaint involves an EEO Policy violation. Copies of the finding shall also be forwarded to the Supervisor, Town Attorney, and Director of any Department affected by the determination.

(6) In the event the EEO Findings Panel determines the complaint involves an EEO violation, it shall further and within the same forty-five (45) days prepare a written report, and a Recommendation for Resolution (RFR). The report and RFR will be provided to the Complainant, and copies forwarded to the Town Supervisor, the Town Attorney and the Director of any affected Department.

(7) The EEO Findings Panel RFR shall be non-binding upon a Department Director. However, should a Department Director refuse to adopt the RFR, the Department Director shall prepare a detailed written response addressed to the EEO Panel Chair, identifying the basis for the refusal. The EEO Panel Chair shall notify each member of the Town Board and provide each member with the report and RFR of the Panel together with copies of the Department Director's response.

(8) The conclusion of the Complaint Review Phase shall be upon formal written notice by the EEO Panel Chair to the Complainant informing him/her of the outcome of the Complaint Review. Such notification shall include a copy of the Panel's report and RFR, as well as the response of the Department Director. A Department Director who fails to follow the procedures contained in this policy or fails to effect, without just cause, the RFR of a Findings Panel when it determines that Employment Discrimination has occurred is subject to disciplinary action consistent with any applicable provisions of collective bargaining agreements.

vi. Record Keeping. Documents and information collected and records of proceedings made during the Complaint Review Phase shall be maintained in accord with Statutes of Limitation regarding claims and causes of action subject to this policy. The EEO Officer (or his/her designee) shall be responsible for maintaining all records pertaining to the activities of each Panel and shall take non-verbatim minutes of all Panel meetings.

c. Binding Arbitration Phase.

A Complainant who is dissatisfied with the Complaint Review Phase for any reason shall have thirty (30) days from the conclusion of the Complaint Review Phase to submit the grievance to Binding Arbitration under the provisions of this policy.

i. Binding Arbitration. Binding Arbitration is a recognized legal process for resolving disputes during which disputants are entitled to be represented by legal counsel. In the case of the Town, this shall be the Town Attorney (or designee.) The National Rules for the Resolution of Employment Disputes of the American Arbitration Association, except as otherwise expressly set forth herein, shall apply to the conduct of arbitrations and the selection of the arbitrators.

ii. Notice of Interest. In the event the complaint remains unresolved following the conclusion of previous phases of the EEO Grievance Procedure, the Complainant has the option to elect to submit the complaint to Binding Arbitration in the form of a "Claim" against the Town.

(1) An employee, employee applicant or former employee, having completed the earlier Formal phases of this procedure, shall indicate his/her desire to frame an unresolved or unsatisfactorily resolved complaint as a Claim against the Town and submit it to Binding Arbitration as a "Claimant" and shall do so by notifying the Town Attorney.

(2) The prospective Claimant shall thereupon receive a written notice from the Town Attorney advising that:

(a) A Claimant who elects to proceed to Binding Arbitration may withdraw from the Binding Arbitration Phase at any time up to the commencement of the arbitration hearing by notifying the Town Attorney in writing.

(b) A Claimant's failure to complete the Binding Arbitration Phase once the arbitration hearing has commenced shall be deemed abandonment of the Claim and shall bar the Claimant from asserting the Claim against the Town of Huntington in any forum whatsoever.

iii. Submission to Arbitration. Upon receipt of written notice from the Town Attorney of a Claimant's obligations under Binding Arbitration, a Claimant or the Claimant's attorney may elect to submit the Claim to Binding Arbitration by doing so in writing to the Town Attorney, indicating the precise nature of the claim and the supporting facts thereto. Such written submission shall be deemed to constitute affirmation of the Claimant's understanding that failure to complete the Binding Arbitration Phase once an arbitration hearing has commenced shall bar him/her from asserting the Claim in this or any other forum in the future.

iv. Legal Defenses. The Town of Huntington shall have reserved to it, its officers, agents and employees any and all defenses to the claims available to it under law. The Town of Huntington shall provide to the Claimant or the Claimant's attorney, a detailed statement of defenses not more than fifteen (15) business days

following receipt of written election to proceed to Binding Arbitration set forth above.

v. Hearing Dates. Arbitration hearings shall be conducted at mutually agreeable dates and times.

vi. Fee Payments. Fees to be paid to the arbitrator, together with the cost of stenographic transcription of arbitration hearings, shall be borne by and paid in a timely manner by the Town of Huntington.

vii. Voluntary Resolution. In the event, the parties voluntarily, resolve a claim during binding arbitration, the agreement shall be reduced in writing and appropriate releases executed.

viii. Basis for Determination. The arbitrator shall decide the matters submitted based upon the evidence presented and the terms of this Policy. The arbitrator is fully bound to apply, applicable to the type(s) of claims made, 42 U.S.C. §1981, 42 U.S.C. §1983, 42 U.S.C. §1985, 42 U.S.C. §1988; Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act, as amended, the Equal Pay Act; the Rehabilitation Act of 1973; Title IX; the Americans With Disabilities Act; the New York State Human Rights Law; the New York State and United States Constitutions; and other applicable public laws, both as to substance and remedy, in accordance with statutory requirements and prevailing judicial interpretation.

ix. Written Awards. The arbitrator shall issue a written award that shall state the basis of the award, and include detailed findings of fact and conclusions of law and relief, which shall be limited to relief that may be otherwise granted under public law identified above.

x. Improper Use of Award. The arbitrator's award shall be held in confidence and shall not be used as evidence in any other arbitration proceeding or any other administrative statutory proceeding, arbitration or plenary lawsuit brought by any party or by any attorneys or law firms on behalf of other persons, against any party to this proceeding.

(xi. Appeals. The United States District Court for the Eastern District of New York or any other court of competent jurisdiction, if the United States District Court for the Eastern District of New York determines that it does not possess jurisdiction, may enter judgment upon any award, either by confirming the award, or by vacating, modifying or correcting the award. The Court shall vacate, modify or correct any award:

- (1) Based upon any of the grounds referred to in the Federal Arbitration Act,
- (2) Where the arbitrator's findings of fact are not supported by substantial evidence, or
- (3) Where the arbitrator's conclusions of law are erroneous.

No award shall be payable by the Town of Huntington until after a Claimant has executed appropriate releases. The award shall be final and binding on Huntington

and the Claimant, and shall bar any further prosecution of the claim in any forum, except to vacate, modify, correct or enforce said award as hereinabove set forth.

xii. Documents. At the conclusion of the arbitration, the arbitrator shall return all documents or written materials, submitted by the parties, to the respective parties.

xiii. Attorney's Fees. In those matters proceeding to arbitration, the Town of Huntington will not be required to pay attorneys' fees in the event the Dispute Resolution Process ends with a decision by an arbitrator dismissing a complaint. Attorney Fees are available to every Complainant who the arbitrator determines is entitled to attorneys' fees.

F. Non-Retaliation

The Town of Huntington prohibits retaliation against any employee who reports, testifies in the case of or otherwise opposes discriminatory practices against any individual.

G. Confidentiality

Documents, discussions, negotiations, statements, testimony, and the like, and any arbitrators, or their agents or employees, suggestions, comments, decisions, recommendations or directions, will be held confidential by the parties and shall only be revealed pursuant to subpoena or to a financial advisor or accountant.

H. Violations

Those found to have violated this policy are subject to disciplinary action which, depending upon the severity of the violation, can include termination from Town employment.

I. EEO Complaint Form

All information provided will be handled as CONFIDENTIAL to the extent possible. However, it may be necessary to contact the individuals named and /or to reveal some of the information contained in your complaint in order to insure a thorough and fair investigation of this matter.

Answer ALL questions! If the question is not applicable to your complaint indicate with "N/A".

General Information

1. Name: _____ Job Title: _____

Department: _____ Location: _____

Are you a member of _____ CSEA _____ Local 342 _____

Name and title of your Supervisor: _____

2. Name of Person(s) you are complaining about: _____

Job Title: _____ Department: _____

Location: _____ Phone: _____

How long have you worked with this person? _____

Does this person have any supervisory authority over you? _____

Details of Your Complaint

1. Original (first) date of discrimination: _____

Most recent date of discrimination: _____

2. Please check the reason(s) you believe you have been treated differently than others:(check all that apply)

___ Sex

___ National Origin

___ Physical/mental disability (either real or perceived)

___ Race and/or Color

___ Creed/religious beliefs

___ Age

___ Marital Status

___ Use of a guide dog

___ Sexual orientation

___ Retaliation

___ Other (explain) _____

CONFIDENTIAL

- 3. Please describe in detail the problem you have been experiencing. Be specific and include dates and persons involved. Attached additional sheets if necessary.

- 4. Were there any witnesses? If so, please list each one's name, job, title, job location and what you believe each saw and/or heard.

- 5. Have you witnessed anyone else being treated in the same manner? _____. If yes, give their names, job titles and details of what you saw and/or heard.

- 6. Have any other employees told you that they had similar experiences with the individuals you are complaining about? _____. If yes, give names and job titles.

- 7. a) What papers, records and/or documents do you possess regarding your complaint?

(Please attach copies with appropriate explanation that support your complaint.)

- b) What papers, records and/or documents do you not possess but that you believe support your complaint. Please indicate who would have these records.

- 8. Have you filed a complaint with any union, outside agency, or court? _____. If yes, where have you filed the complaint? _____

What is the status of that complaint? _____

9. How do you think your complaint can be reasonably resolved?

10. How do you believe you have been affected by this complaint?

PLEASE NOTE: *It is a violation of State and Federal law, as well as county regulations, to retaliate against an individual because they file a discrimination complaint. If you are subjected to any adverse action that you feel may be retaliatory, you should promptly report it to your Department Director or the Town's Equal Employment Opportunity Officer.*

Date: _____

Signature: _____

Date: _____

Received by: _____

Please return completed form to:

Equal Employment Opportunity Officer
Town of Huntington
Room 207
100 Main Street, 2nd Floor
Huntington, NY 11743

Ethics**ARTICLE I: Code of Ethics**¹⁷**I. Purpose**

Pursuant to the General Municipal Law of the State of New York, the Town Board of the Town of Huntington must adopt a code of ethics with reasonable standards of conduct for town government officials. It is the purpose of the Town Board of the Town of Huntington in enacting this article to codify the policy of requiring the highest standards of ethical and professional conduct by all those who choose to engage in public service to the populace of the Town of Huntington, in order for the town to meet all of its responsibilities to its residents and taxpayers, at the highest levels of honesty, integrity and propriety.¹⁸

II. Policy

The Town Board of the Town of Huntington hereby declares and finds it to be in the public interest of the residents and taxpayers of the Town of Huntington to provide for the establishment of regulations regarding the conduct of all elected officials, officers, employees, public officials and public servants of the town and its various departments, agencies, boards, committees, councils, special districts, improvement districts and all other facets of the government and its subdivisions by prohibiting, restricting, overseeing, requiring and enforcing certain conduct by them as a condition of employment and/or service to the populace of the Town of Huntington.¹⁹

III. Procedure²⁰**3. Definitions**

As used in this article, the following terms shall have the meanings indicated:

BOARD MEMBERS — Includes all members of the Town of Huntington Planning Board, Zoning Board of Appeals, Accessory Apartment Review Board, Board of Assessment Review, Historic Preservation Commission, all citizen's advisory committees, councils and/or boards and/or any and all other committees, councils, boards, commissions, agencies or other groups appointed by the Town Board of the Town of Huntington, on a permanent, temporary or ad-hoc basis.

BUSINESS ENTITY — Includes all corporations, professional corporations, companies, partnerships, DBA's (doing business as), associations, holders of business certificates filed with a

¹⁷ ARTICLE I: Code of Ethics [Adopted 11-9-1995 by Ord. No. 95-CE-9 Editor's Note: This ordinance also repealed former Art. I, Code of Ethics, adopted 2-23-1971 by Ord. No. 71-CE-2 (Ch. 37 of the 1969 Code of the Town of Huntington), as amended. ; amended in its entirety 5-19-1998 by L.L. No. 23-1998.]

¹⁸ See: § 29-2.

¹⁹ See: § 29-1 (Legislative Intent).

²⁰ See: §§ 29-3 to §§ 29-23, inclusive.

county clerk or other proper authority of any state or the federal government or any other organization holding itself out as a business for the purpose of earning a profit.

DUTIES — Includes those functions performed in the service of the Town of Huntington, as distinguished herein below:

A. **ADVISORY DUTIES** — Include those functions performed by any volunteer public official, as defined herein under, involving the mere gathering, analysis, dissemination or retrieval of general information for the purpose of rendering advice to the Town Board or the various town departments, agencies, boards, committees, councils, special districts, improvement districts, and all other facets of the town government and its subdivisions, in regard to their volunteer public service.

B. **DISCRETIONARY DUTIES** — Include those functions performed by any government official involving greater than the mere dissemination or retrieval of general information; or those functions imposed by law, job description or general practice that involve decision-making, policy-making or the rendering of a judgment.

C. **OFFICIAL DUTIES** — Shall include all functions regarding the reasonably expected responsibilities, charges, obligations, trusts and liabilities of any and all elected officials, officers, employees, public officials and/or public servants of the Town of Huntington and its various departments, agencies, boards, committees, councils, special districts, improvement districts and all other facets of the town government and its subdivisions, in regard to their public service.

ENGAGE — Includes any recognized dictionary definition thereof and/or of the following words: participate, enter into, join, take part in, arrange, bargain and/or deal.

GOVERNMENT OFFICIAL — Include all of the following categories of individuals, as distinguished herein below:

A. **ELECTED OFFICIAL** — Includes all persons elected by the electors of the Town of Huntington pursuant to the laws of the State of New York.

B. **EMPLOYEE and/or PUBLIC SERVANT** — Include all persons, other than officer, as defined herein below, whose salary is paid in whole or in part by the Town of Huntington, its various departments, agencies, boards, committees, councils, special districts, improvement districts and all other facets of the town government and its subdivisions, whether pursuant to civil service regulations, contractual employment agreements or any other arrangements.

C. **MANAGEMENT AND CONFIDENTIAL OFFICIAL** — Includes all persons holding salaried positions that have been classified as exempt, provisional or excluded from permanent civil service status or permanent contractual status, appointed by the Town Board or other government official of the town.

D. **OFFICER, OFFICIAL and/or PUBLIC OFFICIAL** — Includes all elected officials of the Town of Huntington; all officials as defined in the Laws of the State of New York; all persons holding salaried positions with or memberships on committees, councils or boards of the town and appointed by the Town Board; all persons appointed to salaried positions by the Town Board; all persons appointed by any government official of the town to any salaried position which has been classified as exempt from civil service regulations and contractual

employment agreements; and all the members of the Historic Preservation Commission, even though unsalaried.

E. VOLUNTEER OFFICER, OFFICIAL and/or PUBLIC OFFICIAL — Includes all persons holding unsalaried positions with or memberships on committees, councils or boards of the town and appointed by the Town Board; all persons appointed to unsalaried positions by the Town Board; and all persons appointed any government official of the town to any unsalaried position.

SUBSTANTIAL — Includes any recognized dictionary definition thereof and/or of the following words: material, significant, actual or tangible; and shall further include any circumstance more than mere happenstance and/or inuring to a benefit, financial or otherwise.

THE BOARD — The Board of Ethics and Financial Disclosure of the Town of Huntington, as empowered herein.

TOWN OF HUNTINGTON, TOWN and/or TOWN OR ANY SUBDIVISION THEREOF — Include the government of the Town of Huntington, as well as its various departments, agencies, boards, committees, councils, special districts, improvement districts and all other facets of the town government and its subdivisions.

4. General Provisions

A. Town Councilmen as liaisons.

(1) Appointment by the Supervisor. The Supervisor of the Town of Huntington shall appoint each of the Town Councilmen of the Town of Huntington as liaisons to the various town departments, agencies, boards, commissions, committees, councils, special districts, improvement districts or other subdivisions thereof to oversee compliance with this Code of Ethics.

(2) Reports to the Supervisor. Said liaisons shall provide the Supervisor, in writing, their evaluations and recommendations, and any ongoing matters pursuant to this Code of Ethics, regarding the town departments, agencies, boards, commissions, committees, councils, special districts, improvement districts or other subdivisions thereof that they are appointed to oversee, when appropriate or at the request of the Supervisor.

B. Professional's notices of appearance.

(1) Filing required. Prior to any government official of the town or any subdivision thereof exercising any discretionary duties in reaction to any professional, verbally or in writing, who purports to be retained by a person, business entity, association or other client, said government official must require the filing of a written notice of appearance by said professional.

(2) Form. Said notice of appearance shall either be by letter or on a form prepared by the Town Attorney's office and must include the business name, individual name, address and telephone number of both the professional and client, the date the professional was retained by the client, the matter the professional is appearing on and the department the professional is appearing before.

(3) Filing. The department with which the notice of appearance has been filed shall keep the original, and a copy shall be forwarded to and maintained by the Town Attorney, as a readily available public document.

5. Standards

A. Conflicts of interest. No government official of the town or any subdivision thereof shall engage in any conduct, business transaction or professional activity, or shall have any financial or other private interest, direct or indirect, which is in substantial conflict with the proper discharge of their official duties.

B. Appearance of impropriety.

(1) No government official of the town or any subdivision thereof shall allow their family, social or other relationships to influence their conduct or judgment in relation to their official duties.

(2) No spouse, child, parent or sibling of an elected official, or the spouse of any such person, shall hold any position, paid or unpaid, as a government official of the town, or any subdivision thereof, unless they have attained a permanent civil service employee status or permanent contractual employee status prior to the election of said official. This, however, shall not prevent the employment of college and/or high school students for summer, seasonal positions.

(3) No government official of the town or any subdivision thereof shall use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others.

(4) No government official of the town or any subdivision thereof shall conduct themselves in such a manner as to give reasonable basis for the impression that any person or business entity can improperly influence them or unduly enjoy their favor in the performance of their official duties, or that they are affected by the kinship, rank, position or influence of any party or person.

(5) All government officials of the town or any subdivision thereof shall endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of their trust.

C. Conflicting employment or business transactions.

(1) No government official of the town, or any subdivision thereof, shall accept other employment, engage in any business transaction or make any investment which will impair their independence of judgment in the exercise of their official duties, or interfere in any manner whatsoever with the discharge of their official duties, as set forth in greater detail in § 29-7 of this Article.

(2) No government official of the town, or any subdivision thereof, shall receive, accept or enter into any agreement, express or implied, to receive or accept compensation for services to be rendered in relation to any matter before any department, district, administrative body, board or agency of the town, or any subdivision thereof, if said matter is contingent upon any discretionary action by the town, or any subdivision thereof, as set forth in greater detail in § 29-7 of this Article.

6. Disclosure of Interest**A. Elected officials.**

(1) Generally. Elected officials of the town who have direct or indirect financial or other private or business interest in any proposed legislation shall publicly disclose in the official records of the Town Board the nature and extent of such interest, by filing said disclosure with the Town Clerk, and an additional copy with the Board of Ethics and Financial Disclosure for retention purposes.

(2) Town Board Members. Any member of the Town Board who decides to vote on any matter that presents a potential for conflict of interest must state in the above referenced disclosure the reasons that have caused them to determine that they are able to vote on the matter and otherwise participate fairly, objectively and in the public interest.

B. All governmental officials. Any government official of the town, or any subdivision thereof, who has, will have or later acquires an interest in any actual or proposed contract with the town, or any subdivision thereof, shall publicly disclose the nature and extent of such interest in writing to the Town Board as soon as they have knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of the Town Board, by filing said disclosure with the Town Clerk.

C. Exceptions. The provisions of this section shall not apply to any corporation in which such government official has an interest by reason of stockholding, when less than five (5%) percent of the outstanding stock of said corporation is owned or controlled, directly or indirectly, by such government official.

7. Restrictions during and subsequent to employment

A. Salaried Licensed Professionals. The following restrictions shall apply to licensed professionals who receive or received a salary during their tenure as a government official, including attorneys, engineers, accountants, financial officers, surveyors, and real estate brokers, agents and appraisers.

(1) During public service. Any professional who serves as an officer of the town or any subdivision thereof is prohibited from exercising any discretion in any matter pending before the town which shall involve any person whom, or business entity which, during the five (5) years prior to said matter arising before the town, has been a client of:

- (a) theirs,
- (b) any firm or professional association they have been connected with, or
- (c) any other professional with which they have shared a business relationship.

This, however, shall not prevent the assignment of such a matter to another professional in the same department who has no interest in said matter.

(2) Resolution of conflicts. Any professional who is faced with such a conflict shall immediately recuse themselves from all participation therein by reporting same, in writing, to their department head, who shall then be charged with reassigning said matter to another professional in the department, with a directive, in writing, not to expose the recused professional to said matter in any manner whatsoever. If the conflict involves the department director, they shall follow the same procedure by reporting same to their deputy, or if there is

no deputy, to their most senior management staff member, who shall then assume the responsibilities of the director regarding said matter.

(3) Subsequent to public service. Any professional who has served in that professional capacity with the town is prohibited from accepting employment, representing, or entering into a professional or business relationship with anyone employed by or representing any party, in connection with any specific matter in which said professional exercised any discretion on behalf of the town's interest, for a period of two (2) years after the professional's involvement with said specific matter. Furthermore, such professional shall be subject to the five (5) year restriction set forth hereunder at § 29-7E(1)(b).

(4) Ethics opinion. Both during and subsequent to employment, any individual who feels that there may be extenuating circumstances in any given situation, except the prohibition on serving as a political officer set forth in this section, may refer the question and their reasons for seeking waiver, in writing, to the Board of Ethics and Financial Disclosure for an opinion.

B. Management and confidential officials. The following restrictions shall apply to all management and confidential officials, including department heads and directors, deputy department heads and directors and all persons holding salaried positions that have been classified as exempt, provisional or excluded from permanent civil service status or permanent contractual status, appointed by the Town Board or any other government official of the town, or any subdivision thereof.

(1) During public service. All management and confidential officials are prohibited from exercising discretion in any matter pending before the town which shall involve any person whom, or business entity which, during the five (5) years prior to said matter arising before the town, has been a client of:

- (a) theirs,
- (b) any firm or business association they have been connected with, or
- (c) any other entity with which they have shared a business relationship.

Furthermore, management and confidential officials are prohibited from serving as an officer and/or executive board members of any political party, committee, club or organization and may not hold a position greater than member in any such entity.

(2) Resolution of conflicts. Any management or confidential official who is faced with such a conflict shall immediately recuse themselves from all participation therein by reporting same, in writing, to their department head, who shall then be charged with reassigning said matter to another employee in the department, with a directive, in writing, not to expose the recused official to said matter in my manner whatsoever. If the conflict involves the department director, they shall follow the same procedure by reporting same to their deputy, or if there is no deputy, to their most senior management staff member, who shall then assume the responsibilities of the director regarding said matter.

(3) Subsequent to public service. Any management or confidential official who has ceased service to the town or subdivision thereof is prohibited from accepting employment, representing, or entering into a professional or business relationship with anyone employed by or representing any party, in connection with any specific matter in which said official exercised any discretion on behalf of the town's interest, for a period of two (2) years after

the board member's involvement with said specific matter. Furthermore, such board member shall be subject to the five (5) year restriction set forth hereunder at § 29-7E(1)(b).

(4) Ethics opinion. Both during and subsequent to employment, any individual who feels that there may be extenuating circumstances in any given situation, except the prohibition on serving as a political officer set forth in this section, may refer the question and their reasons for seeking waiver, in writing, to the Board of Ethics and Financial Disclosure for an opinion.

C. Members of boards. The following restrictions shall apply to members of the Planning Board, Zoning Board of Appeals, Board of Assessment Review, Historical Preservation Commission, and all other boards, councils, committees and agencies of the town, or any subdivision thereof.

(1) During public service. All board members are prohibited from exercising any discretion in any matter pending before the town which shall involve any person whom, or business entity which, during the five (5) years prior to said matter arising before the town, has been a client of:

- (a) theirs,
- (b) a firm or business association they have been connected with, or
- (c) any other entity with which they have shared a business relationship.

Furthermore, the members of any board are prohibited from serving as an officer and/or executive board members of any political party, committee, club or organization, and may not hold a position greater than member in any such entity.

(2) Resolution of conflicts. Any board member who is faced with a conflict regarding a specific application shall recuse themselves, in writing, to the chairman, which shall become part of the board's official records of said proceedings. In the case of a conflict involving the chairman, they shall recuse themselves in the same manner to the vice chairman or most senior board member.

(3) Subsequent to public service. Any board member who has ceased service to the town or any subdivision thereof is prohibited from accepting employment, representing, or entering into a professional or business relationship with anyone employed by or representing, any party, in connection with any specific matter in which said board member exercised any discretion on behalf of the town's interest, for a period of two (2) years after the board member's involvement with said specific matter. Furthermore, such board member shall be subject to the five (5) year restriction set forth hereunder at § 29-7E(1)(b).

(4) Ethics opinion. Both during and subsequent to employment, any individual who feels that there may be extenuating circumstances in any given situation, except the prohibition on serving as a political officer set forth in this section, may refer the question and their reasons for seeking waiver, in writing, to the Board of Ethics and Financial Disclosure for an opinion.

D. Other salaried government officials. The following restrictions shall apply to various other government officials, as described herein below, who receive or received a salary during their tenure as a government official.

(1) Restrictions. None of the following (1) government officials of the town or any subdivision thereof shall engage in the businesses of real estate, insurance, building contracting or

building material supply, within the town, during the course of their association with the town or any subdivision thereof:

(a) Department of Assessment: the assessor, any deputies or assistants thereto or any other government officials who exercise any discretionary duties in processing applications, investigations, studies or reviews of matters coming before the department.

(b) Department of Engineering Services: the Director, any deputies or assistants thereto, or any other government officials who exercise any discretionary duties in processing applications, investigations, studies or reviews of matters coming before the Department.

(c) Department of Environmental Control: the Director, any deputies or assistants thereto or any other government officials who exercise any discretionary duties in processing applications, investigations, studies or reviews of matters coming before the Department.

(d) Department of Planning: the Director, any deputies or assistants thereto or any other government officials who exercise any discretionary duties in processing applications, investigations, studies or reviews of matters coming before the Department.

(e) Division of Code Enforcement: any government officials who exercise any discretionary duties in processing applications, investigations, studies or reviews of matters coming before the Department.

(f) The Planning Board, Zoning Board of Appeals, Board of Assessment Review and the Historical Preservation Commission: any government officials of said boards, excluding the board members thereof, who exercise any discretionary duties in processing applications, investigations, studies or reviews of matters coming before said boards. The restrictions shall not apply to board members, who are appointed by the Town Board, and may be selected because of the special expertise, experience and/or talents they bring to the decision-making process of the boards.

(2) Ethics opinion. Any individual who feels that there may be extenuating circumstances in any given situation may refer the question and their reasons for seeking waiver, in writing, to the Board of Ethics and Financial Disclosure for an opinion.

E. Representation of private interests. The following restrictions shall apply to all government officials of the town or any subdivision thereof who receive or received a salary during their tenure as a government official.

(1) Restrictions.

(a) During public service. No government official of the town or any subdivision thereof shall represent any private interests before the town or any subdivision thereof, or in any litigation in which the town has any interest, other than representing themselves or regarding a matter over which:

[1] they have no influence, direct or indirect; and

[2] they personally do not participate in any manner; and

[3] the subject matter of their duties as a government official are in no manner involved.

(b) Subsequent to public service. For a period of five (5) years after a government official has concluded employment with or service to the town or any subdivision thereof they

shall not be permitted to appear in the representation of any private interests before any town decision-making body regarding any matter over which they had direct influence and in which they personally participated during their tenure as a government official of the town or any subdivision thereof.

(2) Ethics opinion. Any individual who feels that there may be extenuating circumstances in any given situation may refer the question and their reasons for seeking waiver, in writing, to the Board of Ethics and Financial Disclosure for an opinion.

F. Volunteer officer, official and/or public official.

(1) The restrictions set forth hereinabove in this section shall not apply to volunteer officers, officials and/or public officials except to the extent directly related to the subject matter of their services to the town or any subdivision thereof, and the above referenced political restrictions shall not apply to them, unless directly relevant to the subject matter of said services.

(2) Ethics opinion. As to those restrictions that do apply, any individual who feels that there may be extenuating circumstances in any given situation may refer the question and their reasons for seeking waiver, in writing, to the Board of Ethics and Financial Disclosure for an opinion.

8. Reserved

9. Misconduct

A. Political promise, use of influence and solicitation.

(1) No candidates for town office, candidate committee, political committee, political club, political party committee, political party organization, government official of the town or any subdivision thereof or individual acting on behalf thereof, shall use or promise to use, directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, in any way, for the following purposes:

(a) To confer upon any person, or in order to secure, or aid any person in securing, any office, public employment, nomination, confirmation, promotion, increase in salary, contract, agreement, government benefit, business arrangement, or dealings, in consideration of, or in exchange for, any benefit, vote, support, contribution, subscription, donation, political, personal or business influence or action, of the person so to be benefited or of any other person, on behalf of any candidate, officer or party or upon any other corrupt condition or consideration.

(b) To affect the nomination, public employment, confirmation, promotion, removal or increase or decrease of salary of any government official, or relationship of any business entity with the town, to affect the vote or political action of any government official, person or business entity or on account of the vote or political action of such government official, person or business entity;

(c) To make, tender or offer to procure, or cause any nomination or appointment for any public office, employment or business relationship; or to place, accept or request any such nomination, appointment, employment or business relationship, upon the payment or contribution of any valuable consideration or upon an understanding or promise thereof;

(d) To make any gift, promise or contribution to any person, upon the condition or consideration of receiving an appointment or election to a public office or a position of public employment, or a business relationship with the town, for receiving any such office or position, or promotion, privilege, increase of salary, compensation, business relationship therein, or exemption from removal or discharge therefrom.

(2) No government official of the town shall directly solicit political contributions from any officers or employees of the town, or any subdivision thereof; nor prepare, send or take any part in preparing or sending, any request for political contribution, subscription, assessment or donation, with the intent that same shall be presented to, or collected from, any officer or employee of the town, or any subdivision thereof.

(3) No government official of the town, or any subdivision thereof, shall engage in any activity in any building, office or room occupied for any governmental purpose, which constitutes the making, collecting, receiving, requesting or giving notice therein, of any political assessment, subscription, contribution or donation.

(4) No elected official of the town, nor any officer personally and solely appointed by him/her individually, shall directly solicit political contributions from any person or business entity or any employee of any such person or entity selling or providing goods or services to the town or any subdivision thereof in the course of doing business with the town or any subdivision thereof.

B. Acceptance of gifts and gratuities. No government official of the town, or any subdivision thereof, shall solicit, accept or receive any gift or thing of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, from any person, partnership, corporation, association or private or business entity who or which has received, sought, is seeking or is known to be in contemplation of seeking any service, action, decision, determination, agreement, contract, stipulation or business relationship from or with the town, or any subdivision thereof, within the preceding or following twenty-four (24) months, which would render a benefit to said person, partnership, corporation, association or private or business entity either directly or on behalf of a client, agent, principal, heir, assignee, benefactor or associate thereof, a "gift" being defined as having a monetary value greater than seventy-five (\$75) dollars, as set forth in § 73(5) of Public Officers Law of the State of New York, and subject to revisions of said state law.

C. Disclosure of confidential information. Except where required by law to do so, no government official of the town, or any subdivision thereof, shall disclose confidential information concerning the affairs of the town, or any subdivision thereof, acquired by them in the course of their official duties; nor use such information to further their personal interest, except as required by law; nor accept employment or engage in any business or professional activity which would require them to disclose confidential information gained by reason of their official position or authority.

D. Use of property. No government official of the town or any subdivision thereof shall use or remove or permit the use or removal of town property (including but not limited to land, vehicles, equipment, materials and any other property) for personal gain, convenience or profit, except when such use is available to town citizens generally. This provision shall supersede any

and all previous practices or general or departmental policies (written or unwritten) that may have been promulgated with respect to the use of town property.

E. Use of employees for personal services. No government official of the town or any subdivision thereof, or individual acting on behalf thereof, shall use or promise to use, directly or indirectly, any official authority or influence to procure for themselves the provision of personal services by other town employees either for personal gain, convenience or profit.

10. Code of Ethics as Condition of Employment

A. Compliance. It shall be a condition of employment and/or service to the town, or any subdivision thereof, that all government officials thereof be in compliance with this Code of Ethics and any and all opinions rendered by the Board of Ethics and Financial Disclosure.

B. Distribution.

(1) New officers and employees. The Personnel Division of the Supervisor's office shall issue a copy of this Article and any controlling opinions of the Board ratified by the Town Board to all new officers and employees of the town, or any subdivision thereof, at the time their employment information is processed and shall note their personnel file accordingly.

(2) Oaths of office. The Town Clerk's office shall not administer the oath of office to any new employee, reappointed officer or elected official until notified by the Personnel Division that said employee or officer has received said copies.

(3) Current officers and employees. Said Personnel Division shall issue a copy of this Article to all current officers and employees of the town, or any subdivision thereof, within thirty (30) days of its adoption, by attaching a copy to their paycheck, and shall note their personnel files accordingly.

(4) Volunteer officers, officials and/or public officials. Unsalaries government officials shall be required to file an oath of office with the Town Clerk and, upon doing so, shall be issued a copy of the Code of Ethics from the Town Clerk. It shall be the responsibility of the government official appointing said volunteer to inform them of the requirements herein.

(5) Subsequent changes and ratified controlling opinions. Said Personnel Division shall issue a copy of any changes to this Article or any controlling opinion of the Board ratified by the Town Board, to all officers and employees of the town, or any subdivision thereof, within thirty (30) days of adoption or ratification by the Town Board, by attaching a copy to their paycheck, and shall note their personnel files accordingly. The government official appointing a volunteer shall be responsible for issuing a copy of said changes to volunteers, unless said volunteers serve on a committee, board, council or task force, in which case the Supervisor's office shall issue same to the chairman thereof, who shall be responsible for notifying the members thereof.

(6) Failure by the town to timely issue a copy of this article or any ratified controlling opinion of the Board to officers and employees of the town or any subdivision thereof shall have no effect on the duty of compliance with this code, nor the enforcement of the provisions herein.

11. Board of Ethics and Financial Disclosure

Pursuant to the General Municipal Law of the laws of the State of New York, the Town Board of the Town of Huntington has created and established the Board of Ethics and Financial Disclosure, to be governed pursuant to the following provisions:

A. Membership.

(1) Generally. The Board shall consist of five (5) members appointed by the Town Board, who: shall be residents of the Town of Huntington; shall serve without compensation of any kind; shall have established a record of community service; shall not be town officers or employees nor hold any elected or appointed public office; shall not serve as officers and/or executive board members of any political party, committee, club or organization, nor hold a position greater than member in any such entity; and shall not be comprised of more than two (2) members of the same political party as defined by Election Laws of the State of New York.²¹

(2) Ex officio member. The Town Attorney or their designee shall serve as an ex officio member of the Board, without voting privileges, shall not serve as chairman of the Board and shall be the legal advisor to the Board.

B. Term.

(1) The members of the Board of Ethics and Financial Disclosure shall serve for terms of five (5) years. All terms shall be staggered, ending on December 31 of the final year of their term.

(2) The terms of the members of the first Board appointed by the Town Board subsequent to adoption of this resolution shall be as follows: one (1) member whose term shall expire on December 31 of the year of appointment; one (1) member whose term shall expire on December 31 of one (1) year after appointment; one (1) member whose term shall expire on December 31 of two (2) years after appointment; one (1) member whose term shall expire on December 31 of three (3) years after appointment; one (1) member whose term shall expire on December 31 of four (4) years after appointment.

C. Chairman. The Chairman of the Board of Ethics and Financial Disclosure shall be appointed by the Town Board from among the members of the Board. The term of the Chairman shall end on December 31 of the year in which they are appointed. The Chairman shall preside at all meetings of the Board.

D. Resources. The Town Board shall provide to the Board of Ethics and Financial Review such assistance and resources as are necessary to fulfill the functions of the Board set forth in this Article.

E. Opinions of the Board of Ethics and Financial Disclosure.

(1) Generally. Opinions of the Board are required in order to comply not only with the letter of the Code of Ethics, but also with the spirit of preventing violations of an acceptable code of conduct. All opinions of the Board shall be rendered within thirty (30) days of receipt, and shall be published and available in the Town Clerk's office, with all references to names, addresses and other information that would constitute a breach of confidentiality removed

²¹ [Amended 3-9-1999 by L.L. No. 6-1999]

therefrom. The Board shall at all times protect the confidentiality of all government officials of the town or any subdivision thereof requesting an opinion therefrom.

(2) Controlling opinions. The Board shall render controlling opinions with respect to any questions arising under the Code of Ethics, pursuant to the written request of the Town Board, which opinions, if thereafter ratified by the Town Board, shall have the same force and effect as being adopted into this chapter. Controlling opinions shall never make reference to a specific individual or government official, in order to ensure rights to confidentiality, and shall be issued by the Board as general decisions.

(3) Advisory opinions. The Board shall render advisory opinions with respect to any questions arising under the Code of Ethics, pursuant to the written request of the Town Board, or at the request of any government official of the town or any subdivision thereof requesting an opinion concerning themselves, in regards to a particular matter. Advisory opinions shall be rendered and returned only to the party requesting same and shall be held and labeled as confidential by the Board. The Board shall have the authority to recommend the removal or resignation of any government official from their position on any matter referred to them by the Town Board, where appropriate.

(4) Complaint. Any employee or resident of the Town may file a sworn complaint alleging a violation of the Code of Ethics. All supporting documentation and/or information shall be supplied with the complaint, which shall be filed with the Board of Ethics by delivery to the Town Attorney's Office. The Board shall determine whether the complaint involves conduct proscribed by the Code of Ethics and, if so, whether sufficient evidence has been presented to proceed with an investigation of the complaint. If the Board determines that the improper conduct alleged is not within its jurisdiction or that insufficient evidence has been presented to initiate an investigation, it shall so notify the complainant and close the file, which shall remain confidential. If the Board determines that an investigation is warranted, it shall notify the person against whom the complaint has been filed and provide them with copies of the complaint and all materials submitted in support of the complaint and allow the submission of responsive materials. The Board shall have the power to issue subpoenas to compel appearance for testimony and the production of documents. The Board shall determine whether and to what extent it will hear testimony. After concluding the investigation, the Board shall render a written opinion which shall be filed with the Town Clerk and become a public document. All documents and materials considered or generated in the investigation of a complaint shall be subject to disclosure pursuant to the Freedom of Information Law.²²

F. Public hearings.

(1) The Board shall schedule a public hearing once in March of every year, wherein the general public of the Town of Huntington is invited to bring forward any improvements to this Code of Ethics.

(2) Notice of these public hearings shall be given by the placing of a quarter-page advertisement in the official newspaper of the town on two (2) separate occasions, once approximately thirty (30) days prior to said hearings and once approximately fifteen (15) days prior to said hearings.

²² [Added 5-6-2003 by L.L. No. 16-2003]

(3) Transcribed stenographic records of the minutes of said hearings shall be filed with the Town Clerk.

(4) After the holding of said hearings, the Board shall forward to the Town Board its recommendations for proper actions to be taken subsequent thereto, including changes to the code; removal, termination, resignation or other discipline of any town government official; or any other action it deems appropriate.

G. Seminars for government officials.

(1) The Board shall schedule seminars for all government officials of the town, or any subdivision thereof, once every year, wherein the Board will review and interpret the Code of Ethics and any controlling opinions, as a means of education and information for said government officials. The government official will be invited to ask questions and propose improvements relevant to the Code of Ethics.

(2) Notice of these seminars shall be given by the issuance of a memo to each government official and the posting of fliers in multiple locations in all town facilities, in a manner where they can be easily read and noticed, approximately fifteen (15) days prior to said seminars.

(3) Transcribed stenographic records of the minutes of said seminars shall be filed with the Town Clerk.

(4) After the holding of said seminars, the Board shall forward to the Town Board its recommendations for changes to the code, where it deems appropriate.

H. Financial disclosure. The members of the Board shall also carry out the duties and responsibilities delegated to them regarding financial disclosure, as set forth in Article II of this chapter.

I. Rules and regulations. The Board shall promulgate such rules and regulations as it deems fit and proper in order to function within the charge of this article and submit such rules and regulations or any amendments thereto, in the form of a resolution, to the Town Board for approval. Such rules and regulations shall set forth specifically how the records of the Board shall be maintained and kept secured from unauthorized disclosure.

J. Records and expenditures. The Board shall maintain appropriate records, in addition to the rules and regulations required hereinabove, of its opinions and proceedings and be permitted to expend such funds as are necessary and proper in order to function within the charge of this article.

12. Penalties for Offenses

A. Any conduct which is a violation of this article, which is or may also be a violation of any and all criminal and/or penal laws of the State of New York or United States of America shall be referred to the proper authorities, including the Suffolk County District Attorney, the New York State Attorney General and the United States Attorney for the Eastern District of New York, for investigation and prosecution, wherever and whenever appropriate, and any prosecution by the town pursuant to this chapter shall not preclude the criminal prosecution set forth hereinabove.

B. In addition to any other applicable provisions of law, any violation of the provisions of this Code of Ethics shall, constitute a cause for suspension or removal from office as provided by

law, constitute an offense and shall be grounds for declaring any contract knowingly entered into with the Town of Huntington, or any subdivision thereof, in violation of this article to be null, void and wholly unenforceable.

C. Any person convicted of violating this article shall be liable to the Town of Huntington for a civil penalty not to exceed five thousand (\$5,000) dollars.

D. In addition to any other remedy provided by law, the town may bring an injunction proceeding to enforce this article or a civil action to recover any damages.

ARTICLE II: Disclosure of Financial Status**13. Statement Required²³**

A. All elected and appointed members of the Town Board, Zoning Board of Appeals, Planning Board and Accessory Apartment Review Board, all other elected town officials, all department heads and deputy department heads, all division heads and all attorneys in the Town Attorney's office, all other salaried officials of the Town of Huntington appointed by the Town Board and all town inspectors shall file a financial disclosure statement with the Huntington Board of Ethics and Financial Disclosure as required by this article. For purposes of this article, all persons required to file statements will be referred to as "employees" and the Board of Ethics and Financial Disclosure will be referred to as "Board."²⁴

B. All employees shall file with the Board a disclosure statement answering each and every question. This statement shall be in the form prescribed by the Board as approved by Town Board resolution, and such statement may be amended from time to time as recommended by the Board and approved by Town Board resolution.

C. All statements filed with the Board shall be filed with the Town Clerk after the Board has completed review pursuant to this article and shall become a public record; except that an employee may request confidentiality in regard to parts of his financial statement that have no relationship to his official duties and, as delineated in Section 3 of such statement only, confidentiality may be granted by the Board in regard to such parts that, in the opinion of the Board, pose no conflict of interest and/or have no relationship to official duties of the employee. Parts of the statement that are granted confidential status by the Board shall be retained by the Board and shall only be disclosed pursuant to this article.

14. Board of Ethics and Financial Disclosure²⁵

A. Generally. The membership, designation of Chairman, term and organization of the Board is set forth in Article I of this chapter.

B. Ethics. The members of the Board shall also carry out the duties and responsibilities delegated to them regarding ethics, as delineated in Article I of this chapter.

15. Powers and duties of Board of Ethics and Financial Disclosure

A. The Board shall promulgate any amendments to the financial disclosure statement that it deems fit and proper or that may be required by law, order to function within the charge of this article, and submit such amendments, in the form of a resolution, to the Town Board for approval.²⁶

B. The Board shall mail the approved financial disclosure statement by certified mail, return receipt requested, to all employees required to file a statement under this article.²⁷

²³ ARTICLE II Disclosure of Financial Status [Adopted 11-12-1985 by Ord. No. 85-CE-18 Editor's Note: This ordinance also repealed former Article II, Disclosure of Financial Status, adopted 12-16-1969 by Ord. No. 69-CE-15 (Ch. 63 of the 1969 Code of the Town of Huntington), as amended.]

²⁴ [Amended 6-25-1991 by Ord. No. 91-CE-4; 11-9-1995 by Ord. No. 95-CE-9.]

²⁵ [Amended 8-22-1995 by Ord. No. 95-CE-3; 11-9-1995 by Ord. No. 95-CE-9.]

²⁶ [Amended 8-22-1995 by Ord. No. 95-CE-3; 11-9-1995 by Ord. No. 95-CE-9]

²⁷ [Amended 8-22-1995 by Ord. No. 95-CE-3; 11-9-1995 by Ord. No. 95-CE-9]

(1) The Board shall obtain a list of all employees who must file pursuant to this article from the appropriate town agency in February of each year.

(2) The statements shall be mailed to all employees by March 30 of each year, and employees must return the completed statement, as the Board directs, by April 30 or within fifteen (15) days after any extended time for filing his or her income tax return, if the Board is so notified, but in no event later than July 15.

(3) Any changes in personnel, that would add to the list an employee required to file, occurring after February of each year should be reported to the Board by the Department of Personnel and the appropriate town agency. The Board shall then mail the statement to such employee in the manner herein prescribed and shall allow the employee thirty (30) days to respond.

C. The Board shall receive, date, review and file all financial disclosure statements, pursuant to the rules, regulations and procedures promulgated by the Board and approved by the Town Board. The Board must review financial disclosure statements filed by employees within thirty (30) days of receipt thereof.²⁸

(1) If any employee refuses or fails, unknowingly or intentionally, to timely file a statement as required by this article, the Board shall notify the employee of such failure and simultaneously notify the Town Comptroller that said individual has not filed and, upon such notification, the Comptroller shall withhold the paycheck of that employee. Once a statement is filed, the Board shall promptly notify the Comptroller and all moneys withheld because of non-filing shall be promptly released.

(2) If an employee fails to file a statement within forty-five (45) days after receipt of the notice of non-filing from the Board, or if the employee files a statement which the Board determines was filed with the intent to deceive, to intentionally misrepresent or otherwise fraudulently answer any question set forth in the statement or to intentionally withhold any information asked or demanded in the statement, such action shall be grounds for dismissal or removal pursuant to Civil Service Law § 75; the Public Officers Law, Article 3, and other applicable laws.

(3) If the Board determines that an employee filed a statement with the intent to deceive, to intentionally misrepresent or otherwise to fraudulently answer any question set forth in the statement or to intentionally withhold any information asked or demanded in the statement and if such deception or misrepresentation is found by the Board to be both intentional and material as to a conflict of interest, then such employee shall be charged with a violation of this article punishable by a fine of not more than five hundred dollars (\$500.) or imprisonment of not more than three months, or both. In all criminal proceedings under this article, the Board, through a designated representative, shall act as a complaining witness.

(4) If, after review of the statement, the Board determines that a conflict of interest exists or that there appears to be an impropriety that could reflect upon the integrity of Town government, the following procedures shall apply:

²⁸ [Amended 11-9-1995 by Ord. No. 95-CE-9]

- (a) The Board shall specify, by written opinion, stating its findings and the basis for its opinion that a conflict or impropriety exists, and mail such opinion by certified mail, return receipt requested, to the employee.
- (b) The employee shall have twenty-one (21) days from the date he receives the opinion to respond, rebut or refute the Board's findings.
- (c) The Board may recommend to the employee a manner in which the conflict of interest or appearance of impropriety may be rectified.

(5) When conditions in Subsection C(2) and C(3) of this section exist or if any employee fails to respond to the Board within twenty-one (21) days of receipt of the Board's opinion or fails to satisfactorily cure a conflict or impropriety as addressed in Subsection C(4) of this section, the Board shall publicly disclose the employee's statement or relevant portions of such statement along with the Board's opinion, by filing them with:

- (a) The Town Clerk.
- (b) The Huntington Board of Ethics.
- (c) The Town Supervisor.
- (d) The Town Board.

D. Any part of a financial disclosure statement that has been granted confidential status by the Board pursuant to the employee's request shall be maintained by the Board as confidential information. It shall be a violation for any Board member or any other individual, except the employee who filed the statement, to disclose any information that has been granted confidential status. Such violation shall be punishable by a fine of not more than two hundred fifty dollars (\$250.), as determined by the Board.

E. If information granted confidential status is intermixed with parts of the statement that will be filed with the Town Clerk as a public record, such confidential information shall be deleted by the Board on the copy to be so filed, and the original statement containing the confidential information shall be retained by the Board.

16. Form of Statement²⁹

The statement shall consist of four (4) sections, containing the following information:

A. Section 1 shall contain the following information regarding the employee:

- (1) The name and business address of employee.
- (2) The Town position of employee and grade and step, if applicable.
- (3) The Town salary of employee.
- (4) Sources of other income for the previous year.
- (5) Other compensated employment of whatever nature.
- (6) All directorships and other fiduciary positions for which compensation has or will be claimed.
- (7) Sources of all honorariums, lecture fees and other miscellaneous sources of income.
- (8) Listing of real estate owned by the employee.

²⁹ [Amended 5-6-2003 by L.L. No. 16-2003]

B. Section 2 shall include, but is not limited to, the following information regarding the employee and members of his or her family.

(1) Real estate transactions. Whether or not the employee or any member of his family has received, shared or participated in, by gratuity or otherwise, any fee or commission derived from the sale of any real estate in the Town of Huntington within four (4) years of the date of his taking office, except for the sale of single-family residences where no change of zone or variance was involved. If the answer is in the affirmative, the following matters shall be disclosed:

- (a) The date of transaction.
- (b) The description of the property.
- (c) The amount received as a fee, commission or gratuity and whether in the form of money, stock or any other remuneration.
- (d) Who participated or shared in said fee or commission.
- (e) The name of purchaser and seller.
- (f) Whether or not the official or any member of his family, at that time or at the present, was a duly licensed real estate broker of the State of New York.
- (g) Whether or not the employee or members of his family owned an interest in said property, or had legal or equitable ownership (if answered in the negative, the facts which form the basis for sharing in said commission or fee should be set forth).
- (h) Whether or not said real property had been affected by any change in the Zoning Map and Zoning Code of the Town of Huntington. Editor's Note: See Ch. 198, Zoning.

(2) Zoning. Whether or not the employee or any member of his family has shared in, received or participated in, directly or indirectly, any fee, commission, gratuity or otherwise derived from the change of zone of any real estate in the Town of Huntington within the last four (4) years. If the answer is in the affirmative, the official is to set forth the following.

- (a) The description of the property.
- (b) The amount received as fee, commission or gratuity.
- (c) Who received or participated in said fee or commission.
- (d) The date of the change in the zoning.
- (e) The owner of said property at the time of said change.
- (f) The zoning prior to and subsequent to the granting of the change of zone.
- (g) The market value prior to and subsequent to said change of zone.
- (h) The name of the applicant and the representative who presented the application.

(3) Insurance. Whether or not the employee or any member of his family has, directly or indirectly, received, participated in or shared in, by gratuity or otherwise, in any way, any fee or commission derived from any insurance coverage in which the town is named insured. If said answer is in the affirmative, the following shall be disclosed:

- (a) The type of coverage.
- (b) The name of the insurer and the name of the broker.
- (c) The amount of the premium.
- (d) The amount of the broker's commission.

- (e) The amount received as fee, commission or gratuity by the employee or member of his family.
- (f) The persons participating in said fees or commissions, whether or not related, and, if so, how.
- (g) The dates of transactions and whether or not the employee or member of his family is a duly licensed insurance broker pursuant to the laws of the State of New York.

(4) Litigation. Whether or not the employee or any member of his family has received, shared in or participated in, directly or indirectly, by gratuity or otherwise, any fee or settlement with respect to litigation or a claim in which the town or a department, board or agency of the town was a party within the last four (4) years. If the answer is in the affirmative, the following shall be disclosed:

- (a) If litigation was instituted, the date, caption and court, calendar and index number, when possible, and, if settled, prior to trial or at trial, the names of the parties and the date and amount of settlement.
- (b) If the matter did not go to litigation, whether or not the claim was settled out of court, the names or the parties or claimants and the date of settlement.
- (c) In the event that the town was not a plaintiff, the name and address of the plaintiffs attorney and the amount received as a fee shall be stated; the amount received as a fee or commission, by the gratuity or otherwise; who received or participated in said fee or commission and, if related, how related.
- (d) Whether the employee or any member of his family is licensed as an attorney and counselor at law pursuant to the laws of the State of New York.

(5) Variance and special exceptions. Whether or not the employee or any member of his family has shared in, received or participated in, directly or indirectly, any fee, commission, gratuity or otherwise derived from any variance of the town's Zoning Ordinance, with respect to any real estate in the Town of Huntington, within the last four (4) years. If the answer is in the affirmative, the official is to set forth the following:

- (a) The description of property (street description).
- (b) The amount received as fee, commission or gratuity.
- (c) Who received or participated in said fee or commission.
- (d) The date of the variance.
- (e) The owner of said property at the time of said variance.
- (f) The status prior to and subsequent to the granting of the variance.
- (g) The market value prior to and subsequent to said variance.
- (h) The name of the applicant and the representative who presented the application.

C. Section 3 shall include, but is not limited to, the following information regarding the employee, including jointly held assets and liabilities; and the information given shall indicate in whose name or names such assets or liabilities are held as well as the relationship of the joint owners or obligors:

- (1) Assets.
 - (a) Cash on hand.

- (b) Cash in banks.
- (c) Notes receivable.
- (d) Accounts receivable.
- (e) Loans receivable.
- (f) Life insurance, cash surrender value.
- (g) Stocks and bonds.
- (h) Government obligations.
- (i) Interest in government contracts.
- (j) Mortgage owned.
- (k) Real estate interests.
- (l) Automobile and other assets.

(2) Liabilities.

- (a) Notes payable to a bank, secured or unsecured.
- (b) Notes payable to others, secured or unsecured.
- (c) Mortgages or liens on real estate.
- (d) Accounts payable.
- (e) Taxes, federal and state income.
- (f) Loans against life insurance.
- (g) Brokers' margin accounts.
- (h) Other indebtedness, due within one (1) year.
- (i) Other indebtedness, due beyond one (1) year.

(3) Income and other interests.

- (a) All compensated continuing employment of whatever nature.
- (b) All directorships and other fiduciary positions for which compensation has or will be claimed.
- (c) All honorariums, lecture fees and other miscellaneous sources of income.

D. Section 4 shall include disclosure of whether the appointed town employees has utilized, retained and/or has otherwise entered into a contract with a person, corporation or other business entity having an existing contract with the Town of Huntington or otherwise doing business with the Town of Huntington, for the purpose of having said person, corporation or business entity perform services on behalf of or for the appointed official. Disclosure of the name and address of the person, corporation or business entity; the nature of the agreement; and the services rendered or to be rendered on behalf of or for the appointed official shall only be required if the services rendered or to be rendered amount to, either singly or in the aggregate, one thousand (\$1,000) dollars or more in the calendar year. The Board of Ethics may, at its sole discretion, request whatever documentation it deems advisable or necessary of the appointed town official.

E. Certification. The statement and information shall be in affidavit form.

ARTICLE III: Allegations of Misconduct**17. Purpose³⁰**

This article is intended to set forth investigation procedures regarding allegations of misconduct and to protect employees who, reasonably believing them to be true and to constitute improper government action as defined in this chapter, make allegations of corrupt or other criminal activity, conflicts of interest, unethical conduct, and misconduct, in conformity with Civil Service Law § 75-b (Retaliatory action by public employers) of the Laws of the State of New York.

18. Designation of Improper Government Action

Improper governmental action shall mean any action by a government official, as defined in this chapter, which is undertaken in performance of said government official's official duties, whether or not such action is within the scope of their employment, and which is in violation of any federal, state or local law, rule or regulation, as set forth in Civil Service Law § 75-b(2)(a).

19. Protection of Employees

In conformity with Civil Service Law § 75-b(2)(a), this Article affords protections to employees making allegations of misconduct during and subsequent to the appointing authority's investigation of such allegations, unless it can be demonstrated that the employee making the allegations did not have reasonable cause to believe the allegations to be true, or made such allegations in bad faith or with ulterior motives.

20. Procedures for Investigation of Allegations of Misconduct

A. Allegations. Any employee who has reasonable cause to believe that improper government actions are occurring, relevant to the government of the Town of Huntington, may provide such information to any of the following authorities:

- (1) The Board of Ethics and Financial Disclosure;
- (2) The Town Attorney;
- (3) The Town Comptroller, if the matter involves misuse of public funds;
- (4) Any proper federal, state or local authority, if the employee reasonably believes the matter cannot be resolved at the town level.

B. Identity of accuser. The identity of any person providing such information or making such allegations shall be kept confidential, unless the investigating authority determines said employee did not have reasonable cause to believe the allegations to be true or was acting in bad faith in making the allegations.

C. Investigation.

- (1) A town government official receiving such an allegation shall maintain confidentiality and refer it to either the Board of Ethics and Financial Disclosure, or the Town Attorney or Town Comptroller if the matter involves misuse of public funds, who shall then conduct a confidential investigation.

³⁰ ARTICLE III Allegations of Misconduct [Adopted 2-9-1999 by L.L. No. 4-1999]

(2) Such investigation shall not exceed ninety (90) days to determine the validity of the charges.

(3) At the conclusion of the investigation, a confidential memorandum shall be prepared containing a summary of the information received, the results of the investigation, and any determination made by the investigating authorities:

(a) If it is concluded that the allegations are so unsubstantiated that no further action is warranted, the investigating authority shall so notify the person making the allegation by copy of the confidential memorandum, to said person's attention only, taking all necessary actions to protect their identity:

(b) If it is concluded that further review, prosecution or administrative action is warranted by a town, county, state or federal official, the investigating authority shall forward an original of the confidential memorandum to said official, along with any details and documentation deemed necessary, together with a request for appropriate action, and shall cause the person who provided the information to be so notified, if permissible under law, by copy of the confidential memorandum, to their attention only, taking all necessary actions to protect their identity.

21. Use of Authority or Influence Restricted

A. No government official may, directly or indirectly, use or attempt to use their official authority or influence to intimidate, threaten, coerce, command, influence or attempt to intimidate, threaten, coerce, command or influence any individual in order to interfere with such individual's right to disclose information relative to improper government action.

B. Use of official authority or influence shall include:

(1) Promising to confer any benefit (such as compensation, grant, contract, license or ruling) or effecting or threatening to effect any reprisal (such as deprivation of any compensation, grant, contract, license or ruling); or

(2) Taking, directing others to take, recommending, processing or approving any personnel action as defined in this section.

22. Investigations of Changes in Employee's Work Situation

A. For two (2) years, any employee who made allegations of misconduct may file a complaint with the Board of Ethics and Financial Disclosure regarding changes in their work situation which they believe are related to the allegations they made.

B. Said Board shall investigate such changes in the employee's work situation, if they determine that a personnel action has been taken as a reprisal against such employee, they shall report such determination to the Town Board, the appropriate department, the Town Attorney, the Town Personnel Officer, the officer to whom the original complaint was made, the Suffolk County District Attorney and to such other authorities as said Board deems appropriate.

C. For the purposes of this section, "personnel action" shall mean those actions set forth in Civil Service Law § 75-b(1)(d), as well as any of the following acts that are otherwise unjustified or unsupported by facts:

- (1) Any action resulting in loss of staff assistance, office space or equipment or similar benefit;
- (2) Any action resulting in loss of position, stature, seniority or authority;
- (3) Any action that negatively alters said employee's work situation.

23. Other Rights Not Affected

Nothing in this article shall be deemed to diminish or impair the rights of a public employee or employer under any law, rule, regulation or collective bargaining agreement, or to mean a limitation on any grievance mechanism or right of appeal and/or judicial review currently enjoyed thereby.

Exposure Control

I. Purpose

The Town of Huntington is committed to provide a safe and healthful work environment for our entire staff.

II. Policy

In accordance with OSHA Blood-borne Pathogens Standard, Title 29 code of Federal Regulations 1910.1030, the Town is adopting an Exposure Control Plan intended to minimize or eliminate occupational exposure to blood-borne pathogens. The ECP and procedures here set forth are critical to Town implementation and compliance with Federal standards designed for the protection our employees.

III. Procedure

The elements of the Exposure Control Plan (ECP) include: (i) Employee exposure determination; (ii) Procedures for evaluating the circumstances surrounding an exposure incident and (iii) A schedule and method for implementing the specific sections of the standard, including:

- Methods of compliance
- Hepatitis B vaccination and post-exposure follow-up
- Training and communication of hazards to employees
- Recordkeeping

A. Program Administration

The Personnel Officer is responsible for the implementation of the ECP. The Personnel Officer will maintain and review the written ECP at least annually and review the written ECP at least annually and update whenever necessary to include new or modified tasks and procedures.

Those employees who are reasonably anticipated to have contact with or exposure to blood or other potentially infected materials are required to comply with the procedures and work practices outlined in this ECP.

Each Department Director will have the responsibility to ensure that:

- Disinfectants are purchased and readily available for use.
- All medical actions required are performed and that appropriated medical records are maintained and forwarded to the Town Director of Personnel immediately.
- All necessary personal protective equipment (PPE), engineering controls, label and red bags are maintained and provided as required by the standard.

Each Department Director, in conjunction with the Personnel Officer, will be responsible for training, documentation of training and making the written ECP available to employees.

B. Employee Exposure Determination

The following is a list of job classifications in which some employees at our establishment

might have occupational exposure. Included is a list of tasks and procedures in which occupational exposure may occur for these individuals.

JOB TITLE	DEPARTMENT/LOCATION	TASK PROCEDURE
Sanitation worker	Environmental Waste Management	Custodial
Custodial staff	General Services	" "
Sewer Workers	General Services	" "
Lifeguard	Beaches/Pool	First Aid/Rescue
Bay Constables	Harbor & Waterways	" "
Harbormaster's Office	Harbor & Waterways	" "
Sr. Harbormaster	Harbor & Waterways	" "
Sr. Bay Constable	Harbor & Waterways	" "
Security Guards	Public Safety	" "
AED Trained Personnel	Various Departments	" "

C. Exposure control plan

Universal Precautions. As of March 6, 1992, all employees were required to utilize Universal Precautions, an infection control method that requires employees to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood-borne pathogens and must be treated accordingly.

D. Exposure Control Plan (ECP)

All employees will have an opportunity to review this ECP at any time during normal working hours by contacting their Department Director. (A photocopy of the Plan will be made available free of charge and within 15 days of the request.) Employees in job classifications covered by their Blood-borne Pathogens Standard will receive a copy of the ECP upon commencing service and be included in all refresher trainings and/or EPC updates.

E. Personal Protective Equipment (PPE)

Personal protective equipment must also be used if occupational exposure is anticipated. Training will be provided by the Department in the use of the appropriate personal protective equipment for employees' specific job classification and tasks they will perform.

Additional training will be provided whenever necessary, such as if an employee takes a new position or if new duties are added to their current position.

Appropriate personal protective equipment is required for the following tasks; the specific equipment to be used is listed after the task:

<u>TASK</u>	<u>EQUIPMENT</u>
Custodial	Heavy Duty Gloves
Sanitation	Heavy Duty Gloves
First Aid	Disposable Gloves
CPR	Masks (one way valve)
AED	Gloves, mask (one way valve)

As a general rule, all employees using PPE must observe the following precautions:

- Wash hands immediately or as soon as feasible after removal of gloves or other personal protective equipment

- Remove protective equipment before leaving the work area and after a garment becomes contaminated.
- Place used protective equipment in appropriately designated areas or containers when being stored, washed, decontaminated, or discarded.
- Wear appropriate gloves when it can be reasonably anticipated that you may have contact with blood or other potentially infectious materials and when handling or touching contaminated items or surfaces.
- Follow any contact of body areas with blood or any other infectious materials, you must wash your hands and any other exposed skin with soap and water as soon as possible. Employees must also flush exposed mucous membranes (eyes, mouth, etc) with water.
- Never wash or decontaminate disposable gloves for reuse or before disposal.
- Repair or replacement of PPE will be at no cost to the employee.

F. Training

All employees who have or are reasonably anticipated to have occupational exposure to blood-borne pathogens will receive training conducted by the Town relating to the epidemiology of blood-borne pathogen diseases. (OSHA pamphlet #3102 "Worker Exposure to AIDS and Hepatitis B" and Fact Sheets will be used to inform employees of the epidemiology, symptoms, and transmission of blood-borne diseases.) In addition, the training program will cover, at a minimum, the following elements:

- A copy and explanation of the standard Epidemiology and symptoms of blood-borne pathogens
- Modes of transmission
- Our exposure Control Plan and how to obtain a copy
- Methods to recognize exposure tasks and other activities that may involve exposure to blood.
- Use and limitations of Engineering Controls, Work Practices, and PPE.
- PPE — types, use location, removal, handling, decontamination, and disposal.
- PPE — the basis for selection
- Hepatitis B vaccine — free of charge. Training will be given prior to vaccination on its safety, effectiveness, benefits, and method of administration.
- Emergency Procedures — for blood and other potentially infectious materials.
- Exposure incident procedures
- Post-exposure evaluation and follow-up
- Signs and labels — and/or color coding
- Questions and answer session

An Employee Education and Training Record will be completed for each employee upon completion of training. This document will be kept with the employee's Personnel records.

G. Hepatitis B Vaccination

The Town will provide information on Hepatitis B vaccinations addressing its safety, benefits, efficacy, methods of administration and availability. A general overview of these considerations is given in Appendix L for review. The Hepatitis B vaccination series will be made available at

no cost within 10 days of initial assignment to employees who have occupational exposure to blood or other potentially infectious materials. All employees are strongly encouraged to receive the Hepatitis B vaccination series and will be directed to do so, unless:

- Employee chooses NOT to participate. However, if an employee chooses to decline HB vaccination, he/she must sign a statement to this effect (Section J) that will be kept in the Personnel file, or
- Employee has received and can document previous series Antibody testing revealing Medical reasons that prevent his/her taking the vaccination.

An Employee who declines may request and obtain the vaccination at a later date at no cost.

H. Post Exposure Evaluation And Follow-Up

Should an exposure incident occur, contact your Supervisor immediately and seek emergency medical treatment as necessary. Each exposure must be documented by the employee on an "Exposure Report Form" (Section K). Your Supervisor will add any additional information as needed.

A confidential medical evaluation and follow-up will be conducted by a doctor approved by the Town and contain the following elements:

- Document the routes of exposure and how exposure occurred
- Identify and document the "source individual" (Section L), unless the employer can establish that identification is infeasible or prohibited by State or Local law.
- Obtain consent and test source individual's blood as soon as possible to determine HIV and HBV infectivity and document the source's blood test results.
- If the source individual is known to be infected with either HIV or HBV, testing need not be repeated to determine the known infectivity.
- Provide the exposed employee with the source individuals test results and information about applicable disclosure laws and regulations concerning the source identity and infectious status.
- After obtaining consent, collect exposed employee's blood as soon as feasible after exposure incident and test blood for HBV and HIV serological status.
- If the employee does not give consent for HIV serological testing during the collection of blood for baseline testing, preserve the baseline blood sample for at least 90 days.

Section K: "Exposure Incident Report" and Section L: "Request for Source Individual Evaluation" and Section M: "Employee Exposure Follow-up Record" should be provided to the employee so he/she may bring them (along with any additional relevant medical information) to the medical evaluation. Original copies of these sections, once completed, will be maintained with employee's medical records.

The Personnel Officer will review the circumstances of the exposure incident to determine if procedures, protocols and/or training need to be revisited. Workers compensation form must be submitted within 24 hours of incident.

I. Recording Keeping

1. Medical Records

Medical records are to be maintained for each employee with occupational exposure in

accordance with 29 CFR 1910.20.

The Personnel Officer is responsible for maintenance of the required medical records and they are kept in the Personnel Office in the employee's personnel file.

In addition to the requirements of 29 CFR 1910.20, the medical record will include:

- a. The name and social security number of employees;
- b. A copy of the employee's Hepatitis B vaccination and any medical records relative to the employee's ability to receive vaccination;
- c. A copy of all results of examinations, medical testing, and follow-up procedures as required by the standard;
- d. A copy of all healthcare professional's written opinion(s) as required by the standard.

All employee medical records will be kept confidential and will not be disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by the standard or may be required by law.

Employee medical records shall be maintained for at least the duration of employment plus 30 years in accordance with 29 CFR 1910.20.

Employee medical records shall be provided upon request of the employee or to anyone having written consent of the employee within 15 working days.

2. Training Records

Blood-borne pathogen training records will be maintained by the Personnel Officer and shall include:

- a. Date of the training sessions
- b. Contents or a summary of the training sessions
- c. Names and qualifications of persons conducting the training;
- d. Names and job titles of all persons attending the training sessions.

Training records will be maintained for a minimum of three (3) years from the date on which the training occurred. Employee training records will be provided upon request to the employee or the employee's authorized representative within 15 working days.

J. Employee Declination Statement

I, _____, the undersigned, understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring Hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to myself. However, I decline Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Signature: _____

Date: _____

K. Exposure Incident Report

(Please Print)

DATE COMPLETED: _____

EMPLOYEE'S NAME: _____

HOME PHONE: _____

BUSINESS PHONE: _____

DOB: _____

JOB TITLE: _____

EMPLOYEE VACCINATION STATUS: _____

DATE OF EXPOSURE: _____ TIME OF EXPOSURE: ____ AM ____ PM

LOCATION OF INCIDENT (HOME, STREET, CLINIC, ETC.) - BE SPECIFIC: _____

NATURE OF INCIDENT (AUTO ACCIDENT, TRAUMA, MEDICAL EMERGENCY) - BE SPECIFIC: _____

DESCRIBE WHAT TASK(S) YOU WERE PERFORMING WHEN THE EXPOSURE OCCURRED (BE SPECIFIC): _____

WERE YOU WEARING PERSONAL PROTECTIVE EQUIPMENT (PPE)? YES NO

IF YES, LIST _____

DID THE PPE FAIL? YES NO

IF YES, EXPLAIN HOW: _____

WHAT BODY FLUIDS) WERE YOU EXPOSED TO (BLOOD OR OTHER POTENTIALLY INFECTIOUS MATERIAL)? BE SPECIFIC: _____

Exposure Incident Report (Page 2)

WHAT PARTS OF YOUR BODY BECAME EXPOSED? BE SPECIFIC:

ESTIMATE THE SIZE OF THE AREA OF YOUR BODY THAT WAS EXPOSED:

FOR HOW LONG?

DID A FOREIGN BODY (NEEDLE, NAIL, AUTO PART, DENTAL WIRES, ETC.) PEN-
ETRATE YOUR BODY? YES NO

IF YES, WHAT WAS THE OBJECT? _____

WHERE DID IT PENETRATE YOUR BODY? _____

WAS ANY FLUID INJECTED INTO YOUR BODY? YES NO

IF YES, WHAT FLUID? _____ HOW MUCH? _____

DID YOU RECEIVE MEDICAL ATTENTION? YES NO

IF YES, WHERE? _____

WHEN? _____

BY WHOM? _____

IDENTIFICATION OF SOURCE INDIVIDUAL/ INDIVIDUALS:

NAME/NAMES: _____

DID YOU TREAT THE PATIENT DIRECTLY? YES NO

IF YES, WHAT TREATMENT DID YOU PROVIDE. PLEASE BE SPECIFIC:

OTHER PERTINENT INFORMATION:

L. Request For Source Individual Evaluation**1. Sample Letter**

Dear (Emergency Room Medical Director, Infection Control Practitioner):

During a recent transport of a patient to your facility, one of our pre-hospital care providers was involved in an event that may have resulted in exposure to a blood-borne Pathogen.

I am asking you to perform an evaluation of the source individual who was transported to your facility. Given the circumstances surrounding this event please determine whether our pre-hospital care worker is at risk for infection and/or requires medical follow-up.

Attached is a "Documentation and Identification of Source Individual" form that was initiated by the exposed worker. Please complete the source individual section and communicate the findings to the designated medical provider.

The evaluation form has been developed to provide confidentiality assurances for the patient and the exposed worker concerning the nature of the exposure. Any communication regarding the findings is to be handled at the medical provider level.

We understand that information relative to human immunodeficiency virus (HIV) and AIDS has specific protections under the law and cannot be disclosed or released without the written consent of the patient. It is further understood that disclosure obligates persons who receive such information to hold it confidential.

Thank you for your assistance in this very important matter.

Sincerely,

2. Documentation of Source Individual

CONFIDENTIAL

Name of Exposed Employee: _____

Name and phone number of Medical Provider who should be contacted: _____

INCIDENT INFORMATION

Date: _____

Name or Medical Record Number of the Individual Who is the Source of the Exposure: _____

NATURE OF THE INCIDENT

- Contaminated Needle-Stick Injury
- Blood or Body-Fluid Splash Onto Mucous Membrane or Non-Intact Skin

Other: _____

REPORT OF SOURCE INDIVIDUAL EVALUATION

Chart review by: _____ Date: _____

Source Individual Unknown / Researched by: _____ Date: _____

Consent for Testing of Source Individual's Blood: Obtained Refused

CHECK ONE:

- Identification of source Individual Infeasible or prohibited by state or local law. State why if Infeasible. _____
- Evaluation of the source Individual reflected no known exposure to Blood-borne Pathogen.
- Evaluation of the source Individual reflected possible exposure to Blood-borne Pathogen and medical follow-up Is recommended.

Person completing report: _____ Date: _____

NOTE: Report the results of the source individual's blood tests to the medical provider named above who will inform the exposed employee. Do not report blood test findings to the employer.

HIV-related Information cannot be released without the written consent of the source individual.

M. Employee Exposure Follow-Up Record**CONFIDENTIAL**

Employee's Name: _____ Job Title: _____

Occurrence Date: _____ Reported Date: _____

Occurrence Time: _____

SOURCE INDIVIDUAL FOLLOW-UP

Request made to: _____

Date: _____ Time: _____

EMPLOYEE FOLLOW-UP

Employee's Health File Reviewed by: _____ Date: _____

Information given on Source Individual's blood test results: Yes Not Obtained **Referred to Healthcare Professional with Required Information**

Name of Healthcare Professional: _____

By Whom: _____ Date: _____

Blood Sampling/Testing Offered

By Whom: _____ Date: _____

Vaccination Offered/Recommended

By Whom: _____ Date: _____

Counseling Offered

By Whom: _____ Date: _____

Employee Advised of Need for Further Evaluation of Medical Condition

By Whom: _____ Date: _____

N. Evaluating Regulated Medical Waste

The following information is included to assist you in evaluating and contracting for a transport, handling, and disposal company, should you not be equipped to handle your regulated waste.

Checklist for regulated waste contracting:

1. Request the company's identification number:

2. Request to review the manner of recordkeeping:

3. Documentation to include

- List of items collected: _____
- Method of destruction: _____
- Site for destruction: _____
- Proof of destruction: _____

4. Requested information on insurance and bonding:

For additional information on regulated medical waste, contact:

Waste Transporter Permit Section
 NYS Department of Environmental Conservation
 50 Wolf Road
 Albany, New York 12233-7252
 (518) 485-8394

Freedom of Information Law (FOIL)

I. Purpose

The Town of Huntington and the Office of the Town Attorney wish to insure that all requests for public documents and records under the New York State Freedom of Information Law (FOIL) are complied uniformly and in a manner consistent with the rules promulgated by New York State's Committee on Open Government and Article 6 of the New York State Public Officers Law.

II. Policy

Each Department Director shall appoint at least one (1) individual to act as and perform the duties of departmental FOIL Officer. Departments that receive frequent FOIL requests should in addition to a FOIL Officer appoint at least one (1) Deputy FOIL Officer to ensure prompt compliance. Officers appointed to carry out this FOIL policy are to become familiar with Huntington's sample FOIL documents and the concepts in the "Your Right to Know" pamphlet, published by the NYS Committee on Open Government of the NYS Department of State.³¹ In addition, every Department will be assigned an Assistant Town Attorney who will act as the Department's FOIL Liaison with the Town Attorney's Office.

III. Procedure

A. Officer Assignments/Posting Notices

Each Department Director shall appoint a FOIL Officer and such Deputy FOIL officers necessary to process the FOIL workload in the Department and assure prompt compliance with respect to public requests for records and documents. The Department Director shall make appointments and fill vacancies promptly and upon making appointments, notify the Public Information Officer (PIO) and Town Attorney's FOIL Liaison of the name, title and phone number of FOIL officer appointments.

The Department shall also dedicate sufficient resources to prepare signage and rules for processing of FOIL requests within the Department, including:

1. Posting Signs

Each Department will conspicuously post a sign in a public portion of its office containing:

- a. Name of the department's FOIL Officer (and deputies).
- b. Statement that the cost of records under FOIL are twenty-five cents (25¢) per page for pages up to nine inches by fourteen inches (9" x 14") in size or the actual cost of the reproduction of the record requested.
- c. An advisory that there is no charge (0¢) for viewing the records in the department's office during normal business hours.³⁰
- d. An advisory that documents larger than 9" x 14" in size or unavailable as an ordinary paper record shall be charged at the actual cost of reproduction.

²⁹ See Appendix A "Public Officers Law"

³² See Appendix A.

e. A disclaimer that reads:

“The Town of Huntington makes NO representation as to whether or not information furnished to the Town on a form, application or other instrument will be disclosed pursuant to a request under New York State’s Freedom of Information Law (FOIL). Those who believe information or a portion thereof is exempt from FOIL must assert their claim of privacy and the basis therefore in writing at the time the information is furnished to the Town. The examining departmental FOIL Officer will consider such claim in the event FOIL disclosure of this record is requested.”

2. Subject Matter Lists

Each Department will maintain and display a "subject matter list" of records kept in the normal course of business that are available upon request by FOIL.³³

3. FOIL Request Forms

A standard FOIL request template is available from the NYS Committee on Open Government³⁴ and a supply should be kept on hand for distribution to the members of the public upon request. (Note: A FOIL request does NOT require the completion of this or any particular form to constitute a lawful request for public records or documents. A FOIL request can be written in any form (e.g. a note or letter) that "reasonably describes" the document/record sought.) In addition, a FOIL request should identify the name of the individual making the request and contact address/phone number in order to be able to respond when the records search is completed.³⁵

B. Processing FOIL Requests

Upon receipt of a FOIL request, a departmental FOIL Officer shall immediately notify his/her Department Director and confirm notification by E-mail, with copies to the FOIL Liaison in the Town Attorney’s Office and the Public Information Officer (PIO) in the Supervisor’s Office. Such E-mail notice should include a description of the information requested and the contact information for the person(s) making the request.

1. Exemptions. The following departments shall be exempt from the standard procedure for “Processing FOIL Requests” as provided for immediately below:

a. Engineering Services: Upon authorization of the Department Director/Deputy of Engineering Services or his/her designee, the FOIL Officer and Deputy FOIL officers may release records immediately and without notifying the Town Attorney Liaison or the PIO. The Director/Deputy or his/her designee shall determine when the Town Attorney Liaison or the PIO should be notified, in which case strict adherence to standard procedure for “Processing FOIL Requests” is required.

b. Planning & Environment: FOIL officers may release the following records immediately and without notifying their Town Attorney Liaison, PIO or the Department Director/Deputy Director of Planning & Environment:

³³ See Appendix A, “Department’s Subject Matter List,” p. 226.

³⁴ See Appendix A, “Request for Records Under Foil,” p. 228.

³⁵ See Appendix A, “Request for More Information Identifying Records,” p. 230.

- ZBA grant approval letters
- Microfilmed Maps (microfiche) only (Copies may be provided for a fee.)
- Filed Subdivision maps
- Approved resolutions that have been filed with the Town Clerks office. They may also be obtained at the Clerk's office if not available here
- Map scheduled for a public hearing
- Approved Zone changes
- Notice of enactments

Planning & Environment FOIL officers take special precautions to ensure that NO exemption is applied and that STRICT adherence to standard procedure for "Processing FOIL Requests" is required with respect to the following records:

- Technical review memos
- Memos to ZBA, Planning Board, Town Board
- Preliminary maps or site plans that have not been approved by this Department.
- Interoffice, Interdepartmental or Interagency memos, e-mails, or correspondence
- All memos, e-mails, or correspondence with Town Attorney's office.

2. Acknowledgement of Request

FOIL does NOT require that a document or record be provided within a particular timeframe. However, the receipt of the FOIL request must be acknowledged within five (5) business days. The FOIL Officer must acknowledge in writing.³⁶

- a. Ordinary FOIL Requests (20 Days or Less). An acknowledgement must offer a reasonable estimate of how long it will take to determine if requested records/documents are accessible and, if so, can be reproduced.
- b. Complex FOIL Requests (More than 20 Days). In the event that the FOIL Officer determines that it will take longer than twenty (20) business days to process, the FOIL acknowledgement must include an explanation for the length of processing time and a date on which the department will respond.
- c. Unexpected Delays. In the event that a FOIL Officer sends an ordinary Acknowledgement Letter to FOIL applicant and thereafter determines that processing will require more than twenty (20) days the FOIL Officer must mail a second letter within the twenty (20) day window following the procedure for a Complex FOIL Request that explains the delay and provides a date on which the response will be issued.

Failure to follow the FOIL acknowledge requirements above, constitutes technical denial of a FOIL request and entitles the applicant to seek remedies thereby provided under the Public Officers Law.

³⁶ See "Acknowledgement Letter" template in subsection E of this policy. Note that if a FOIL request is unclear or vague, the acknowledgement letter should ask the applicant for more specificity with respect to records being requested, stating that it may otherwise be unfeasible to process the request.

3. Documents Not Subject to FOIL

While it should be the presumption of a FOIL Officer that in general records and documents are publicly accessible, exceptions exist where records are not subject to FOIL and should not be released. These include:

- a. Are exempted by Federal or state statute;
- b. If disclosed would result in an invasion of privacy;
- c. If disclosed would threaten contract awards³⁷ or collective bargaining;
- d. Are trade secrets and would injure competition;
- e. Are compiled for law enforcement purposes and would:
 - i. Interfere with law enforcement investigations;
 - ii. Deprive a person of a fair trial;
 - iii. Identify a confidential source or information relative to a criminal investigation; or
 - iv. Reveal criminal investigative techniques or procedures.
 - vi. If disclosed could endanger the life or safety of a person;
 - vii. Are inter-agency or intra-agency communications, except if they contain:
 - (1) Statistical or factual tabulations or data;
 - (2) Instructions to staff that affect the public;
 - (3) Final agency policy or determinations; or
 - (4) External audits, including those performed by the comptroller and Federal government.
 - viii. Are examination questions/answers requested prior to a test;
 - ix. If disclosed would jeopardize the security of information technology assets, both electronic systems and infrastructures; and
 - x. Inter-agency communications from the Departments of the Town Attorney and Public Safety with the heading, "Not Subject to Foil."

4. Creation of Documents (Not Required)

FOIL is a vehicle that provides the public with the right to request certain records and documents and requires, in turn, that a government agency make them accessible for public inspection. There is NO requirement that documents, summaries or other type of records be CREATED in response to a FOIL request. FOIL only requires the accessibility of documents or records that are actually and regularly kept by the Department and otherwise subject to FOIL.

5. Answering Questions (Not Required)

A FOIL Officer is NOT required to interpret records or documents and, therefore, is NOT required to answer questions posed as a FOIL request. Nor does a FOIL request posed as a question (rather than a request for specific records or documents) create an obligation on

³⁷ Copies of Bid Documents are generally subject to release under FOIL after the submission deadline occurs and the bids are open and read aloud. Requests for Proposals are not subject to FOIL, but a winning proposal is subject to FOIL when: (i) a winning proposal is selected, (ii) the Town Board approves a contract and (iii) the Supervisor and the vendor execute the contract.

behalf of the Town to produce any records or documents; to do so would require a FOIL Officer to interpret the questioner's meaning and intent. A FOIL Officer's sole responsibility is, within a reasonable period of time, to determine whether a requested record or document exists and whether the public has a right under FOIL to view it and to so notify the person(s) making the request of the determination.

6. Confirmation

After analyzing the FOIL request and determining accessibility, a FOIL Officer shall make a recommendation for disposition of the request to his/her Department Director. The Department Director will provide copies of the recommendation to the FOIL Liaison in the Town Attorney's Office and the PIO.

The FOIL Officer shall NOT act on his/her recommendation to release records or documents until receiving authorization to do so by his/her Department Director.

Upon authorization, the FOIL Officer will, after numbering the pages in sequential order and retaining for his/her own file an exact duplicate copy of the pages so numbered, release the requested records and documents with a cover letter stating the page total contained therein.

(Note: Should the Town Attorney's FOIL Liaison disagree with the recommendation of a departmental FOIL Officer and/or Department Director, the Department shall forward the FOIL request to the Town Attorney for further processing. The departmental FOIL Officer will notify the person making the FOIL request that all further communication should be directed to the Town Attorney's Office.)

7. Cost Advisory

In the case that the record or document associated with an approved FOIL request is more than twenty (20) pages or that the cost of reproducing the records requested will be more than five dollars (\$5.00) advance notice should be given to the FOIL applicant. The Departmental FOIL Officer should offer the following options:

- a. Review the record in the department's offices during normal business hours free of charge, or
- b. Agree to pay the cost upon receipt to have copies made³⁸ This will enable the FOIL Officer to avoid the time and expense of copying records or documents that may later be deemed "too costly" and rejected by the person making the request.

8. Fee Waivers

A Department Director may at his/her sole discretion waive part or all of the cost for reproduction of documents.

9. Denials

In cases where a document or record falls within one or more of the record types categorized as deniable (see subsection 2 above) then the Departmental FOIL Officer shall send a "Letter of Denial" within five (5) business days or within a reasonable time of such a

³⁸ See Appendix A, "Advise as to Cost of Reproduction of Records," p. 233.

determination.³⁹ (A FOIL request must still be acknowledged within five (5) business days, regardless of the final disposition.)

10. Appeals

An individual whose request is denied and who wishes to appeal the denial must do so in writing to the Town of Huntington Freedom of Information Appeal Officer, Office of the Town Attorney, Town Hall, Town of Huntington, 100 Main Street, Huntington NY 11743.⁴⁰

C. Improper Release of Information NOT Subject to FOIL

In the event that a FOIL Officer or Department Director becomes aware that information released pursuant to a FOIL request was privileged and/or Not Subject to FOIL, the Department Director shall notify the Town Attorney FOIL Liaison and PIO promptly. In addition to the form and content of the information released, notification shall contain an assessment of the potential consequences of the disclosure. The intentional release of such material or the failure to make notification disclosing the unintentional release of such material is subject to disciplinary action.

D. FOIL Training

All employees appointed as Departmental FOIL Officers/Deputy FOIL Officers are required to be knowledgeable about this policy and appended information. The Office of the Town Attorney shall conduct biennial training/re-training sessions for Departmental FOIL Officers and Deputy FOIL Officers. In addition, all newly appointed FOIL Officers/Deputies shall undergo training conducted by the Assistant Town Attorney assigned to act as FOIL Liaison. Furthermore, FOIL Officers/Deputies who have any questions regarding the performance of their duties may direct questions to the FOIL Liaison at any time. The Town Attorney's Office shall notify the PIO, Department Directors, FOIL Officers and Deputy FOIL of any changes to law, regulation or written opinion that affect the processing of FOIL requests.

E. FOIL Acknowledgement Template⁴¹

1. 20-Days or Less

Date

Name of Requester

Address of Requester

Dear Mr./Ms. _____:

This is to acknowledge receipt of your request, pursuant to the Freedom of Information Law, dated _____ and received in this office on _____, where by you request _____.

This office is processing your FOIL request and expects to respond within _____. In the event more than twenty (20) days is required, I will re-contact you in writing with an explanation and date for our response.

Very truly yours,

FOIL Officer Signature

Name of FOIL Officer

Department Name

³⁹ See Appendix A, "Denial of a FOIL Request", p. 231.

⁴⁰ See Appendix A, "Appeal Denial of FOIL Request," p. 232.

⁴¹ Appropriate information is to be substituted for Underlined place holders in document template.

2. More than 20-Days

Date
 Name of Requester
 Address of Requester

Dear Mr./Ms. _____:

This is to acknowledge receipt of your request, pursuant to the Freedom of Information Law, dated _____ and received in this office on _____, where by you request _____.

This office is processing your FOIL request, but because of _____ it will require more than twenty (20) days to respond. You may expect our response on or before _____, 20__.

Very truly yours,

FOIL Officer Signature
 Name of FOIL Officer
 Department Name

3. Unexpected Delays

Date
 Name of Requester
 Address of Requester

Dear Mr./Ms. _____:

Pursuant to the Freedom of Information Law, this is to follow up on your request for _____, dated _____ and received in this office on _____.

This request was previously acknowledged with a response anticipated within 20-Days. However, because of _____ processing of this request has been delayed.

You may now expect our response on or before _____, 20__.

Very truly yours,

FOIL Officer Signature
 Name of FOIL Officer
 Department Name

Fund Balance and Reserves

I. Purpose

This policy establishes guidelines to maintain the General Fund unreserved, undesignated fund balance at a level sufficient to provide the required resources to meet unforeseen operating cost needs and to absorb fluctuations of revenue sources. Fund Balance is defined as the difference between a fund's assets and liabilities and is necessary for expenses related to emergencies, unexpected events and to enhance the Town's financial position and bond ratings. The financial community and especially the credit rating agencies attach considerable importance to adequate fund balances and policies to monitor and manage those fund balances.

Town Law §107(1) permits municipalities to retain up to a reasonable amount of any remaining estimated unappropriated unreserved fund balance for each fund, consistent with prudent budgeting practices, necessary to ensure the orderly operation of its government and the continued provision of services.

The New York State Comptroller and the Government Finance Officer's Association ("GFOA") and the major credit rating agencies all recommend that governments adopt and adhere to a fund balance policy.

II. Policy

The Town Board will make all reasonable efforts to maintain an unreserved, undesignated fund balance in the General Fund at the end of each fiscal year equal to 10% of its total operating budget. Ten percent is prudent, reasonable and adequate to provide sufficient cash flow to offset certain volatile revenues and expenses and unexpected capital needs. The calculation will be based on the General Fund's Annual Operating Expenses exclusive of the Open Space Budgeted Expenditures.

The Town Board may, by resolution, appropriate funds from the fund balance that would result in reducing the balance below 10% for emergencies or other requirements that the Town Board believes is in the best interest of the Town. Subsequent to such appropriation, the Town would immediately begin the process of reducing expenditures or raising revenues in order to restore the unreserved fund balance to 10%. Such unreserved fund balance will be exclusive of any reserve funds maintained by the Town.

Undesignated, unreserved fund balance above 10% may be appropriated for the following purposes such as:

- Stabilizing subsequent year's property taxes.
- One-time capital expenditures.
- Emergencies caused by natural occurrences such as hurricanes or blizzards.
- Unforeseen operating expenditures.

The Town of Huntington has established a number of formal reserve funds for a variety of purposes pursuant to New York State General Municipal Law §6 ("GML"). The Town has established the following operating reserve accounts by Town Board resolution: Employee Benefit Reserve, Pension Contribution Reserve, Debt Reserve, Snow & Ice Reserve and a Judgment & Claims Reserve. These reserve funds can be utilized to smooth out future expense increases. The Town Board has established the following capital reserve accounts by Town Board resolution: Parks & Recreation Reserve, Technology Replacement Reserve and a Miscellaneous Capital Reserve that will be utilized for capital purchases.

Town Board Resolution pursuant to GML must establish all reserve accounts and Town Board resolutions are required to spend money from these reserve accounts.

III. Procedures

The Department of Audit & Control will be responsible for reviewing, monitoring and projecting fund balances and reserves on a regular basis throughout the year. Fund Balance and reserve projections will be revised and reported on each Tri-Sectional report issued during the year.

Grant Applications

I. Purpose

In order to manage the application and acceptance of federal, state, county and/or not-for-profit organizations, The Town of Huntington seeks to insure that submission of grant applications are approved by and conform to operational and capital budget priorities of the Town Board.

II. Policy

Submission of Grant Applications: Grant applications for submission to Federal, State, County and/or Not-for-Profit organizations, agencies or foundations shall be approved by Huntington Town Board resolution and signed by the Town Supervisor.

Acceptance of Grant Funds: Acceptance of grant funds pursuant to successful grant applications shall be by contract between the Town and granting organization, agency or foundation shall be approved by Huntington Town Board resolution and signed by the Town Supervisor.

Grants Database: A digital record of all grant applications and their disposition shall be maintained by the Department/Institute.

III. Procedure

A. Identifications of Potential Grants

The Town Department or Institute that identifies a grant opportunity and wishes to recommend submission of a grant application to the Town Board must complete a Grant Application Notification Form. With authorization of the Department/Institute Director or his/her designee, the Grant Application Notification Form shall be forwarded to the Supervisor (or designee) and a copy forwarded to the Town Comptroller.

(At minimum, a Notification Form must provide the Grant Title, Grant Amount, Town Matching Grant required in dollars or percent and whether the town Match can be paid "In-kind.")

The Supervisor, Deputy Supervisor or Town Grants Coordinator must then authorize preparation of a full draft grant application. Upon such authorization, the Department/Institute should enter the grant notification information in the Town of Huntington Grants Database and up date the database as the grant application proceeds.⁴²

B. Pre-Application

Prior to actual submission to the Granting Agency, an application requires the signature of the Town Supervisor. Correspondingly, signature by the Supervisor requires an authorizing Town Board resolution. (A Town Board resolution is required regardless of whether the application is submitted by mail in paper form or on-line as a digital document.)

⁴² See below: Subsection D "Grants Database".

1. Ordinary Applications

Following authorization by the Office of the Supervisor to proceed, Department/Institute staff will prepare the following documents:

- a. Draft Grant Application
- b. Town Board Resolution authorizing submission to the Granting Agency
- c. Sponsor's Memorandum explaining the application

Department/Institute staff should be mindful of both the Granting Agency's deadline for the grant application and the Town deadline for submitting resolutions for Town Board approval.

Per the Town Board Resolution requirement listed above, the resolve clauses of said resolution should contain language identical to or conveying the authority set forth in the following template:

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to apply for and receive a grant entitled _____ in the amount of \$ _____ from the _____, as granting entity, for the purpose of _____, and to execute any documents in connection there with, upon such terms and conditions as approved by the Town Attorney, and

HEREBY AUTHORIZES the Comptroller to amend the Town's Operating 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.

The recommending Department/Institute is responsible for submitting a complete grant application package to the Supervisor's office and to ensure that it is mailed/transmitted to the Granting Agency in a timely manner. Signature "flags" must be placed clearly denoting any and all places on the application requiring the Supervisor's signature. If necessary as part of the application, they will obtain from the Town Clerk's Office a certified copy of the enabling Town Board Resolution to attach to the grant application package.)

2. On-Line Applications

On-line applications may, pursuant to Town Board Resolution as otherwise provided for above, be filed directly by the Director of the Department/Institute upon written and/or E-mail confirmation from the Supervisor, Deputy Supervisor or Town Grants Coordinator sanctioning transmission and/or use of the Supervisor's digital signature.

3. Extraordinary Applications

In the rare instance, when a grant application deadline falls prior to the next regularly scheduled Town Board meeting, the Department Director with E-mail authorization of the

Supervisor (or designee) may complete and submit a grant application directly to the granting agency. In this case, the Department will prepare a Town Board Resolution "Nunc Pro Tunc" and the supporting Sponsor's Memorandum will, in addition to its normal informational requirements, provide explanation of the factors necessitating use of this special approval procedure.

C. Letters of Support

In cases where, external supporting testimony for a Town grant application from agencies or officials outside of the Town of Huntington is identified as a useful element, DRAFT letters of a "request for support" and a recommended distribution list shall be submitted to the Town Grants Coordinator for approval.

Letters of support received in response to such a request should be appended as part of the original grant application package. In the event that an application must be filed prior to receipt of support letters, a supporter may be asked to write directly to the head of the granting agency with a carbon copy to the Supervisor.

D. Grants Database

All Town Departments shall designate one or more departmental Grant Managers. After a Department receives initial authorization to proceed from the Town Grants Coordinator in response to submission of a "Grant Application Notification Form," the Department's Grant Manager will enter the grant application into the Town of Huntington Grants Database.

All subsequent activity relative to a grant application by the Town and/or the Granting Agency will be entered and the Grants Database updated in a timely and efficient manner. All county, state, federal and not-for-profit grants must be entered and tracked in the Grants Database.

E. Grant Awards

Upon notification that a grant has been awarded to the Town of Huntington (funded or approved for funding) the applying Department shall notify the Town Grants Coordinator and the Public Information Officer. In addition to any other form of notification, notice shall be verified by E-mail, which shall include a brief synopsis of the grant in electronic format for use for press purposes by the Public Information Officer. The departmental Grant Manager will update the Grants Database as well.

Thereafter and as soon as practical, the Department must notify the Town Comptroller of the grant award and advise as to Town Matching funds required and the budget cycle or cycles for which the Matching funds must be appropriated and in what amounts.

F. Grant Denials

Upon notification that a grant application is denied, terminated or time for the Granting Agency to act expires, the Grants Coordinator and Comptroller should be notified and the Grants Database updated.

G. Contracts for Grant Awards

A contract between a Department/Institute and a Granting Agency for use of grant funds and expenditure of Town matching funds requires an authorizing Town Board Resolution. (Such contract is further subject to the policy and procedure forth in Section L-8: "Town Contracts.")

Hiring, Postings & Promotions

I. Purpose

The Town of Huntington seeks to ensure that its employment practices are uniform and conform to the spending priorities set by the Town Board and that all budgetary practices are responsible, prudent and conform to standard practices.

II. Policy

The Town Supervisor is by state statute the Town's chief fiscal officer and responsible for final fiscal approval for all budgetary revisions that result from changes in employment status, including but not limited to hiring, transfer, temporary employment or new assignments.

III. Procedure

The hiring, promotion, transfer, salary increase or out-of-class salary payment for any Town employee other than direct staff appointments of elected town officials shall require the submission of an Employee Authorization Form (EAF)⁴⁰ or, in the case of seasonal employment, a Seasonal/Summer Employee Authorization Form (SEAF).⁴¹ Pursuant to Section 53 of the Town Law and his/her duties as the Chief Fiscal Officer, the Town Supervisor approves and signs an EAF/SEAF prior to new employment or a change in employment status becoming effective.

In preparation, an EAF or SEAF must be completed accurately and signed by a Department Director/Deputy Director or authorized designee and forwarded to the Personnel Officer for civil service review and Town Comptroller for fiscal review, each of whom shall if acceptable initial the document and forward to the Town Supervisor for execution.

Where out-of-class work is necessary and assigned by a Department Director, the Comptroller will generate a bi-weekly report tracking the total number of days that the employee is working out-of-class during the pay period and a cumulative total of the number of days worked out-of-class since the assignment was made. This bi-weekly report will be forwarded promptly to the Department Director, the Personnel Officer and the Deputy Supervisor.

The Seasonal/Summer Employee Authorization Form (SEAF) is designed to expedite short-term hires, but must include the prospective employee's title, name, hourly rate, fund to be paid out of, start date and end date. Larger departments may submit as many SEAFs as necessary.

⁴³ See sample EAF, p. 133

⁴⁴ See sample SEAF, p. 134.

Information Technology Systems: Acceptable Use

I. Purpose

The Town of Huntington provides employees and other authorized users with access to Information Technology (IT) resources in the form of computer hardware and software, hand-held, mobile and similar devices, network connections, phone, Internet, Website and E-mail services and similar capacity and connectivity in order to create, collect, distribute, share and store print, image, voice and video information in digital electronic format.

IT devices and systems improve productivity, responsiveness and quality of services the Town is able to offer by providing fast, cost-effective communication among Town employees and departments, communications between the Town and external agencies and finally between the Town and the citizens the Town serves. In summary, IT speeds communications, reduces paperwork, automates routine office tasks and makes government more accessible to the public.

The Town of Huntington, therefore, wishes to promote the use of Information Technology in accordance with the highest technical standards and best business practices, thereby maximizing public benefit through the efficient, reliable and proper service.

II. Policy

Assignment of IT devices, capability and internal access to Town IT systems shall be granted at the discretion the Department Director who may revoke some or all privileges at any time without notice.

IT users must abide by the policies and procedures set forth herein as a condition of continued use, access and employment. IT devices, system resources and employee work product thereby facilitated shall be considered assets and property of the Town of Huntington.

Authorization as an IT user is intended to carry out the program mission of the Department and the Town of Huntington. All communications, internal and external, including but not limited to documents, E-mail, messaging, Internet, voice, video, data transmissions, Web pages and all similar electronic information shall be related to legitimate business activities of the Town. Further, individual use should conform to the job description, responsibilities and assignments of the employee. Communications are subject to the same laws, regulations, policies and other requirements as information communicated in other non-digital formats and, likewise, may constitute a legal or official record shall be suitably preserved in a form that does not alter, delete or destroy the original content.

IT users may communicate with others on a personal or non-business related basis, provide that any non-Town business use or personal use is not excessive and that professional standards of conduct are upheld. In NO event shall IT resources be used for illegal, disruptive, slanderous, unethical or unprofessional activities, or for the purposes private, personal gain or in any way that could jeopardize the legitimate interests of the Town of Huntington.

Users of Town IT devices and systems shall have NO express or implied right of personal privacy. The assignment of passwords and similar system security precautions, notwithstanding, properly authorized officials may, at any time, access for lawful purposes an employee's IT devices and/or their content.

III. Procedure**A. Principles of IT System Acceptable Use**

It is expected that authorized users of Town IT resources will:

1. Privacy of Citizens. Safeguard the privacy of citizens and prevent unauthorized disclosure of protected information accessible on Town IT systems as required by Federal and State Personal Privacy Laws and related codes and policies of the Town of Huntington.
2. Copyrights & Licenses. Abide by copyrights and end-user license agreements and such other legal limitations as may be imposed with respect to the lawful use of IT resources.
3. Integrity of IT Systems. Maintain the security and integrity of IT systems (e.g., user shall protect against the intentional introduction of programs that harass other users or infiltrate, corrupt or damage the IT system or component parts thereof.)
4. Accounts & Passwords. Respect the privacy of other users (e.g., unless expressly authorized to do so, no user shall seek to access, copy and/or modify files or data of other users.) To this end, users shall respect accounts and passwords of others and follow internal Department of Information Technology guidelines with respect to change of passwords and proper access to user accounts. Users are expected to report ANY observations of security violations or ANY attempted breach of security protocols.
5. Public Disclosure. IT-enabled communications sent or received in conjunction with Town business or using Town IT resources may (a) be subject to public disclosure under the Freedom of Information Law; (b) require special precautions in compliance with Personal Privacy Laws; and (c) be subject to discovery proceedings in legal actions.

B. Unacceptable and Prohibited Uses

It is generally unacceptable and prohibited to use the Town of Huntington's IT resources for the following activities and/or purposes:

1. Use unrelated to the Department's mission
2. Use unrelated to an employee's assignments and/or job responsibilities
3. Any illegal use or purpose
4. Transmission of threatening, obscene or harassing materials
5. Unauthorized distribution of confidential and/or proprietary Town data or information
6. Interference with or disruption of IT users, services or equipment
7. Private purposes such as marketing or other business transactions
8. Soliciting for religious or political causes
9. Unauthorized not-for-profit activities
10. Private advertising of products and services
11. Activities intended to foster personal gain
12. Unauthorized change, add or removal of any IT resource, including, but not limited to software, hardware or peripheral attached devices

Allowing or abetting the transmission, release or publication into the public domain of confidential and/or proprietary information about the Town, its customers, vendors, suppliers,

employees or agents are prohibited. (This includes, but is not limited to, financial information, new business and product ideas, marketing strategies and plans, customer lists, technical product information, software source codes, network access codes, details of business relationships or other such information generally exempt from disclosure under state law.)

Likewise, using IT resources to receive copyrighted materials, trade secrets, proprietary information without official authorization is prohibited as is receiving otherwise inappropriate or illegal materials from outside the Town.

Using IT resources to display or transmit inappropriate remarks, jokes, innuendoes, sexually explicit images, messages, cartoons, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or disrespectful is prohibited. Employees are solely accountable for their communications and must adhere to standards set in all other Town anti-harassment, anti-discrimination, and non-solicitation policies.

Using IT resources to send, seek and download or retain hateful, obscene, defamatory or other otherwise objectionable material is prohibited. This includes, but is not limited to, sexually explicit images, messages, cartoons, ethnic slurs, racial comments, off-color jokes or any representation that may, intentionally or unintentionally, be intended or construed to harass, annoy, intimidate or show disrespect for another person.

Using IT resources to solicit for commercial ventures, religious or political causes, outside organizations and other non-business matters, gambling or any illegal activity or in ways that are disruptive, offensive to others, harmful to morale or may be otherwise improper are prohibited.

C. Website Links

The Town of Huntington has an official website (<http://town.huntington.ny.us>) in order to facilitate employee and citizen access to information about Town government, its programs, operations and services. In addition to links that allow employees and visitors to navigate the Town's site, links may be provided to other governmental and non-governmental entities:

1. Governmental Entities: Like the Town, other local, county, state and federal Governmental entities maintain websites that provide valuable public information, which can often prove integral to actions and decisions contemplated at the Town level. Links to such Governmental entities can avoid duplication, improve collaboration and otherwise assist employees and citizens as a logical extension of the Town's own mission. Accordingly, such website links may be approved and implemented at the discretion of the Department Director responsible for the web page on which the link shall be found.
2. Non-Governmental Entities: On occasion, information relevant to a public functions may be available on a website maintained by Non-Governmental entities that can avoid duplication of effort, improve collaboration and otherwise assist employees and citizens as a logical extension of the Town's own mission. In some cases such linkages provide information maintained by agencies under contract to the Town.

Accordingly, the Town's Public Information Officer may approve and implement links to the websites of relevant Non-Governmental entities. In addition, the Public Information Officer may approve a request from a Department Director for permission to link a Departmental web page to a Non-Governmental (NG) website.

In assessing the propriety of NG website links, the Public Information Officer and Department Director shall ensure that:

- a. It is relevant to the mission of the Town and, in the case of departmental level links, the sponsoring Town Department.
- b. It is informational and non-commercial in nature. (However, links to business sponsors of Town programs or services is permissible in simple recognition of and in direct conjunction with the program or service being sponsored.)
- c. Expressly forbidden are links to NG websites that:
 - i. Discriminate against and/or contain information that could reasonably be interpreted to discriminate on the basis of race, color, creed, gender, age, religion or religious beliefs, marital status, national origin, disability, sexual orientation or Vietnam era status.
 - ii. Disseminate threatening, obscene or harassing materials.
 - iii. Engage in or encourage others to engage in illegal activities.

With respect to NG websites otherwise deemed suitable for linkage, the Town of Huntington:

- a. Does not endorse any commercial or political message that may be conveyed or advertised as a result of a pop-up or secondary link.
- b. Does not make any representation that the link will be available thereafter or maintain any control over the site provider.
- c. Assumes no responsibility for the content of the linked website or any problems that may arise from an attempt access or leave or during the course of a site visit.

D. Privacy and IT System Access

Communications sent and received over the Town's IT systems are NOT and shall not be considered personal or private and employees shall have no private interest or claim of personal privacy with respect to their use of Town IT resources. However, employees are expressly prohibited from accessing the user accounts of others without permission. The assignment of passwords and other security features is intended to protect the professional confidentiality of employee work products from access by those without proper authorization. As such, no employee or IT system administrator will routinely or randomly access employee user accounts. Access to another's account will be permitted only upon appropriate authorization and cause set forth as follows:

1. Business Purpose: Upon the authorization of a Department Director or Deputy Director for a legitimate business purpose.
2. Technical Problems: Upon authorization of the Director or Deputy Director of the Department of Information Technology to diagnose and/or resolve technical problems involving system hardware, software, or communications.
3. Suspicion of Abuse: Upon the authorization of the Supervisor, Deputy Supervisor, Town Attorney in connection with possible misuse of the IT systems when a reasonable suspicion of abuse exists.

4. Sanctioned Investigation: By order of law enforcement officials with appropriate jurisdiction in conjunction with a sanctioned investigation.

E. IT Systems And Services Changes

The Town reserves the right to change its policies and rules at any time. The Town makes no warranties (expressed or implied) with respect to IT service, and it assumes no responsibilities for:

1. The content of any advice or information received by a user or any costs or charges incurred as a result of seeking or accepting such advice.
2. Any costs, liabilities, or damages caused by the way an employee utilizes IT system access and resources.
3. Any consequences or service limitations or changes, even if these disruptions arise from circumstances under the control of the Town. The Town's IT services are provided on an as is and as available basis.

F. Management and Retention of Electronic Information

Since E-mail is a real-time communications system, IT systems may require E-mail to be archived and not stored in a user "Inbox" or "Trash" folder for extended periods.

Users are asked to remove and/or archive E-mail communications in a timely fashion. If a user needs to retain a specific E-mail message for any reason, including its function as an official record or legal document as described below, in addition to any other archiving technique the message should be printed on paper and filed appropriately. In order to be able to maintain the operability of the IT system, the IT Director (or designee) may remove E-mails and/or attachments retained by an employee in his/her system "Inbox" and/or "Trash" folders for more than thirty (30) days.

G. Official Records

E-mail and other electronic communications may CONSTITUTE an official record. Examples of information and communications that should be printed and retained are as follows:

1. Policies and directives
2. Work schedules and assignments
3. Agendas and minutes of meetings subject to FOIL
4. Documents that initiate, authorize, or complete a business transaction
5. Final reports or recommendations

Examples of E-mail messages that typically DO NOT CONSTITUTE official records are:

1. Personal messages and announcements
2. Copies or extracts of documents distributed for convenience or reference
3. Announcements of social events

Records communicated by employees using IT systems need to be identified, managed, protected, and retained as long as necessary to meet operational, legal, audit, research or other requirements. Department Directors will ensure that records required to support Town of Huntington functions should be retained, managed and accessible in existing paper filing systems

discreet and separate from the Town's IT system in accordance with records retention requirements set forth in law.

H. Violations

Any violation of this policy is cause for disciplinary action up to and including discharge. If you become aware of any violations of this policy, we request that you report it immediately to your supervisor, the Town Personnel Officer or Director of the Department of Information Technology. Failure to do so will be deemed a violation of this policy.

Inter-Governmental Correspondence

(Correspondence Between Other Jurisdictions & Levels of Government)

I. Purpose

The Town of Huntington seeks to ensure that appointed and non-elected officials of the Town of Huntington who communicate formally with elected officials at other levels of government and other local governmental jurisdictions accurately reflect the official policies and determinations of the elected members of the Huntington Town Board.

II. Policy

Departments, boards, committees and other entities created and appointed by the Huntington Town Board for the purposes of carrying out the official duties and functions of the Town shall, prior to release, submit draft copies to the Public Information Officer (PIO) and discuss with the PIO any proposed correspondence with any federal, state, county or local elected official other than those holding Huntington Town office.

III. Procedure

Departments, boards, committees and other entities of the Town of Huntington, in the persons of their respective officials (such as directors, chairpersons, commissioners or deputies thereof) must receive authorization to correspond with a federal, state, county or local elected official concerning legislation or other intergovernmental issue. In order to do so, such appointed official or deputy must:

A. Submit Draft

A draft copy of the proposed correspondence must be submitted to the Office of the Town Supervisor.

B. Explanation of Purpose and Content

Purpose and content of the correspondence must be discussed with the Town Supervisor or Deputy Supervisor.

C. Permission/Approval

The sender must receive permission and the approval of the Town Supervisor/Deputy Supervisor prior to mailing or otherwise releasing documents constituting original public correspondence.

Any question pertaining to the application of this policy should be directed to the Supervisor's Office.

Investment Policy

I. Purpose

This policy establishes guidelines for investing, monitoring and reporting Town of Huntington funds while maximizing the return on the taxpayer dollar being entrusted to its care. This policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity associated with the Town which it has oversight authority. The basic objectives of this policy is to conform investments to all applicable federal, state and other legal requirements, schedule investments to meet the Town's cash requirements, timely deposit of funds, invest surplus funds to maximize returns as allowed by law and minimize risk.

A. Authority

The Town Supervisor (Chief Fiscal Officer) has delegated responsibility for administration of the investment program to the Director of Audit and Control/Comptroller who has established procedures for the operation of the investment program consistent with this policy. Such procedures include a strict internal control structure to provide a satisfactory level of accountability based on records incorporating description and amounts of investments, transaction dates, and other relevant information, and to regulate the activities of subordinate employees.

The primary State statutes that establish the legal authority governing the deposit and investment of public monies are:

General Municipal Law:

- §10 – Deposits of Money
- §11 – Temporary Investments
- §39 – Investment Policies for Local Governments
- Art. 5G – Municipal Cooperation

Banking Law:

- §107-a – Security for Public Deposits

II. Policy

B. Investment Types

Pursuant to General Municipal Law §11, the Town of Huntington is authorized to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs limited to the following types of investments:

1. Time deposit accounts (NOW and Money Market) that are fully collateralized in a bank authorized by the Town Board to do business with the Town.

2. Certificates of Deposit that are fully collateralized and issued by a bank authorized by the Town Board to do business with the Town.
3. Obligations of the United States of America.
4. Obligations of the State of New York.
5. Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America.
6. Repurchase agreements are authorized subject to the following restrictions:
 - a. All repurchase agreements must be subject to a Master Repurchase Agreement.
 - b. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
 - c. Obligations are limited to obligations of the United States of America and obligations of agencies of the United States of America where principal and interest are guaranteed by the United States of America.
 - d. No substitution of securities will be allowed.
 - e. The custodian shall be a party other than the trading partner.

All investments shall be redeemable at the option of the Town of Huntington within such times as the proceeds will be needed to meet expenditures for purposes that the monies were provided and, in the case of obligations purchased with the proceeds of serial bonds or notes, shall be payable or redeemable at the option of the Town of Huntington within two years of the date of purchase.

C. Diversification

It is the policy of the Town of Huntington to diversify its deposits and investments by financial institution when appropriate, by investment instrument and by maturity scheduling in the best interest of the Town.

D. Arbitrage and Derivatives

The Town cannot issue bonds to borrow at a low interest rate and invest at a higher interest rate. The Town will comply with the State Comptroller's position that borrowing for the sole purpose of investing is contrary to public policy and an abuse of the tax-exempt feature of local government borrowings.

The Town of Huntington does not and will not engage in the use of any derivative products.

E. Internal Controls

The Town of Huntington has established and maintains an internal control structure to provide reasonable but not absolute assurance that all deposits and investments are safeguarded against loss. These transactions are executed in accordance with management's authorization and recorded properly and are managed in compliance with applicable laws and regulations.

F. Designation of Depositories:

Authorized financial institutions and the appropriate limits that can be made with each financial institution must be approved by a Town Board resolution. All financial institutions must be

authorized to do business within the State of New York. All financial institutions with which the Town of Huntington conducts business must be credit worthy.

All banks doing business with the Town do so on a free service charge basis (except for paying agent fees for debt service). In addition, the Town uses an electronic cash management system to wire monies to various town accounts and to make payments. These wires are free of service charges and meet the State's objective of minimizing service charges.

All banks doing business with the Town must collateralize all amounts held by them in excess of the Federal Deposit Insurance Act (FDIC) amount.

G. Collateralizing of Deposits:

In accordance with General Municipal Law §10 all deposits of the Town of Huntington, including certificates of deposit, in excess of the amount insured under the provision of the Federal Deposit Insurance Act shall be secured:

1. As provided by GML §10, a pledge of "eligible securities having in the aggregate a market value at least equal to the aggregate amount of public deposits" from the categories designated as follows:
 - a. Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
 - b. Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
 - c. Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of New York or obligations of any public benefit corporation, which under a specific State statute may be accepted as security for a deposit of public monies.
 - d. Obligations issued by states other than New York of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
 - e. Eligible surety bond payable to the Town of Huntington executed by an insurance company authorized to do business in New York State, whose claims paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.
 - f. Commercial paper and/or bankers acceptances issued by a bank (other than the bank with which the money is deposited) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than sixty days from the date they are pledged.
2. Irrevocable letter of credit in the amount of 140% of the aggregate total of deposits issued in favor of the local government by a bank whose commercial paper/unsecured short-term debt is rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

3. Irrevocable letter of credit in the amount of 100% of the aggregate total of public deposits issued in favor of the local government by a Federal Home Loan Bank whose commercial paper/unsecured short-term debt is rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust subject to security and custodial agreements. The security agreement shall provide that the eligible securities are being pledged to secure Town of Huntington deposits and state any agreed upon interest or costs. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events that will enable the local government to exercise its rights against the pledged securities.

Collateral is monitored by the Comptroller's Office, a division of the Department of Audit and Control.

III. Procedures

The Director of Audit & Control/Comptroller is responsible for evaluating the financial position and maintaining a list of proposed depositories, trading partners and custodians. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town of Huntington. Security dealers not affiliated with the bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as a primary broker-dealers. Such listing shall be evaluated on an ongoing basis.

H. Cash Flow

All bank balances are confirmed daily and a bank balance schedule is prepared showing both the balances in depositories and investments currently held, with their respective maturity dates.

The bank balance schedule is then expanded into a cash flow projection schedule. The balances are used as a guide to which anticipated revenues are added and expected disbursements are subtracted.

Unanticipated revenues or disbursements affect investments and the balances are adjusted accordingly. Additional input may be solicited from various departments with direct knowledge of particular revenues and disbursements as seasonal revenues and disbursements must be considered to maximize the Town's investments.

Available balances are used as the fiscal year draws to a close, a sufficient level of cash in money market or "NOW" checking accounts must be maintained to meet the operating needs of the Town.

I. Purchase of Investments

The Director of Audit & Control/Comptroller is authorized to contract for the purchase of investments and an investment schedule is maintained on a weekly basis and reconciled to investment statements:

1. Directly, including through a repurchase agreement, from an authorized trading partner.

2. By participating in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46 and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

J. Certificate of Deposit

When CD's are purchased, a determination is made regarding the amount and the length of time for which the investment will be made.

In order to determine current market rates, rate quotations are obtained from at least three banks authorized to do business with the Town of Huntington.

Funds are generally invested with the bank paying the highest rate of interest, providing that there is sufficient collateral pledged to cover the investment.

A bid sheet is prepared containing the total amount of the investment as well as the individual component parts. A bank can bid on either the total or on any combination of pieces. The bid sheet states the issue date, maturity date, number of days until maturity and date and time the bid is to be received. The banks being canvassed are checked off and the person making the bid for the bank is noted.

Bids received are entered on the bid sheet exactly as received and the winning bid is highlighted.

The bank to which the CD is being awarded is called to confirm the bid. Information as to their cover or spread and other bids are given verbally. All other participants in the bid are then called with the results. A follow up copy of the bid sheet is sent to each participant in the bidding process.

Electronically transmitted wire transfers are used to transfer money to the winning bank. This is done on a fee-waived basis and confirmed in writing to both the bank transferring the money and the bank receiving the wire transfer.

While principal is rolled over from one investment to the next, interest is always returned on the maturity date to the fund investing the money based on its percentage of participation.

Journal entries are set up to record any adjustments to the temporary investment account resulting from the CD transaction and verified.

Upon maturity or roll over, principal and interest is returned to the originating fund. Follow up debit and credit memos are attached to the CD bid sheet and filed.

K. Repurchase Agreements

A repurchase agreement (REPO) is a transaction in which a local government purchases authorized securities from a trading partner. Simultaneously the local government agrees to resell and the trading partner agrees to repurchase the securities at a future date. The Town of Huntington agrees upon prices and dates for the sale and resale at the time of the initial purchase. The securities purchased under a repurchase agreement are limited to federal securities authorized by General Municipal Law §11. The purchase price shall be the present market value

plus any accrued interest not reflected in the market value of the securities as opposed to the face value. The Town of Huntington will only invest in repurchase agreements to buy and sell securities and shall not be the Town's main investment.

A repurchase agreement shall comply with the following requirements:

- The securities, unless registered or inscribed in the name of the Town of Huntington, are purchased through banks or trust companies authorized to do business in the State of New York.
- After ascertaining which bank will give the most favorable rate of interest, directs the custodial bank to purchase specified securities from a designated institution. The custodial bank is the bank or trust company that acts for the Town of Huntington in connection with repurchase agreements involving the investment of funds by the Town of Huntington. The custodial bank shall not be the seller of securities to the Town of Huntington.
- A custodial bank must be a member of the Federal Reserve Bank or maintain accounts with member banks. Usually, U.S. government securities are maintained in book-entry form in the computer system of one of the Federal Reserve Banks. All transfers of book-entry securities must be accomplished on a Reserve Bank computer record through a member of the Federal Reserve System. These securities must be credited to the Town of Huntington on the records of the custodial bank and the transaction must be confirmed in writing to the Town of Huntington by the custodial bank.
- Trading partners are limited to banks or trust companies authorized to do business in New York State or to registered primary reporting dealers.
- The Town of Huntington must have a written master repurchase agreement that outlines the basic responsibilities and liabilities of the Town of Huntington (buyer), seller and custodial bank.
- Agreements may be made for short periods of time, generally 1 to 14 days, and not exceed 30 days. Other more appropriate investments will be used for longer periods.
- Specific guidelines regarding margin maintenance have been established. Generally, the Town of Huntington will require a 1% - 2% margin requirement, meaning the security will have collateralization of 101% - 102% or more.
- The custodial bank then takes delivery of and maintains the securities in its custody for the account of the Town of Huntington and confirms the transaction in writing.
- The custodial bank shall take possession of the securities exclusively for the local government; that the securities are free of any claims against the trading partner; and any claims by the custodian are subordinate to the Town of Huntington's claim to rights to those securities.
- The obligations purchased by the Town of Huntington may only be sold or presented for redemption or payment by the fiscal agent bank or trust company holding the obligations upon the written instruction of the Town of Huntington.
- No substitution of securities is allowed.

L. Collateral

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Huntington by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in securities.

Leave

I. Purpose

The Town of Huntington encourages its employees to make appropriate use of Accrued Leave and other types of allowable Leave that have been established to permit employees to meet expected and unexpected demands on their time that require them to be away from the workplace. The Town seeks to ensure that such use of Leave Time is fair, systematic and consistent with the operational needs of the Town of Huntington.

II. Policy

The Department Director shall establish procedures for request and use of Leave Time by employees within his/her department.⁴⁵ Employees who intend to use Vacation leave or Personal leave should complete a "Request for Leave Form"⁴⁶ and submit it for approval as provided herein. Other types of Leave shall be used according to Town and/or Departmental policy, which shall conform to the practices and procedures set forth in this policy or by a contract or a collective bargaining agreement, if applicable.

III. Procedure

A. Accrued Leave

1. Vacation & Personal

The Department Director must approve the use of all Vacation leave and Personal leave in advance. Covered Employees, as the term is defined by a collective bargaining agreement, should refer to their union contract on accrual and proper use of Vacation and Personal Leave.

Employees should be aware that leave dates may not always be granted "as requested" if the proposed dates interfere with the ability of a Department to perform its official and necessary functions, as determined by the Department Director. (An employee who fails to observe this policy or receive proper authorization for use of leave under terms of an applicable collective bargaining agreement shall forfeit any claim against the Town for financial loss with respect to tickets, deposits or any other vacation related expenditure.)

Department Directors who wish to use Vacation leave or Personal leave must notify the Deputy Supervisor in writing and, other than in emergency situations, should do so at least two (2) weeks prior to the intended leave date.

Written notice for Leave from Directors should include:

- a. Dates of proposed leave;
- b. Name of the individual(s) managing Department during the absence;
- c. Phone number for Supervisor to contact in case emergencies; and
- d. List of meetings and events scheduled to occur during the absence. (If staff has been assigned to attend, attendee's name and phone extension should be noted.)

⁴⁵ Check departmental leave requirements.

⁴⁶ See sample Request for Leave Form, p. 155

Written notice should also include any issue(s), that in the professional judgment of the Director, that may arise during the absence that are likely to require action before the return date and a recommendation on how such issue should be addressed.

2. Sick Leave

Employees shall be entitled to such sick days and the opportunity to accumulate said sick days for later use or reimbursement upon termination of employment as provided for in their collective bargaining agreement.

An employee intending to use Sick Leave shall notify his/her Department Director (or designated representative) prior thereto in accordance with his/her contractual obligations. In the case of non-emergency, scheduled medical procedures and appointments, notice shall be given at the time the procedure/appointment is scheduled. Failure to follow sick leave notification requirements may result in loss of pay and/or other disciplinary action.

Sick time is allocated for the care and treatment of personal medical problems. Upon prior written notice, where an apparent abuse of sick time persists, a Department Director may require an employee to furnish a "Medical Statement of Fitness for Duty"⁴⁷ for any use of Sick time and/or as verification of the employee's fitness to return to work. The Department Director shall administer this policy consistently within his/her department.

An employee out on approved unpaid leave, other than Family Leave, will cease to accrue Leave days (Holiday, Vacation, Sick or Personal) and other benefits during the period of such leave. Such employee shall have the option of retaining insurance benefits by paying for his/her share of the health insurance premium and the full cost of premiums for any other insurance coverage maintained through the Town. For employees using approved unpaid Family Leave, refer to Section C-2 of this policy.⁴⁸

B. Special Leave

Variouly, by statute and code, the Town provides special categories of leave that may neither be accrued nor accumulated, for which, however, an employee shall be reimbursed:

1. Funeral Leave

Funeral Leave is intended for funeral service preparation and/or attendance for relatives as set forth in the applicable collective bargaining agreement. An employee is to be entitled to up to four (4) consecutive workdays⁶² of funeral leave for funeral preparation/attendance in connection with the death of a relative as defined in the collective bargaining agreement. In the case of a non-union employee the relative shall be defined as: (i) wife, (ii) husband, (iii) child, (iv) mother, (v) father, (vi) sibling, (vii) grandparent, (viii) grandchild, (viii) mother-in-law or (ix) father-in-law.⁴⁹

⁴⁷ See: "Medical Statement" Policy, p. 156. (Note therein the requirement of employee to sign at the time of employment a statement agreeing to the terms of the Town Medical Statement policy.)

⁴⁸ Family Medical Leave, p. 152.

⁴⁹ In accordance with NYS Civil Rights Law, Section 79, Funeral Leave shall apply to the relatives herein specified of the "same sex committed partner" of the employee.

2. Jury Duty Leave

Employees called for Jury Duty shall, upon proof of juror service filed with the Payroll Department and provided the employee foregoes any applicable juror compensation, receive their regular Town pay for the period such juror service. (An employee may retain a payment for reimbursement for mileage to and from their home and place of juror service.)

3. Court Appearances

Absence by reason of appearance as a plaintiff defendant or witness is permissible in any action involving the EMPLOYER when such appearance is made at the request of the Town Attorney. Such an employee shall not lose pay for such absence. In the instance of an employee who brings an individual action against the EMPLOYER, the employee shall be granted the use of appropriate accrued vacation or personal leave as necessary, or, in the event accrued leave is exhausted, leave without pay, for the days/times coinciding with court appearances.

4. Breast/Prostate Cancer Screening Leave

Section 159-b of the New York State Civil Service Law provides that the employee of any municipality shall be eligible for up to four (4) hours of leave on an annual basis to undertake a medical screening for breast cancer. Section 159-c of the New York State Civil Service Law provides that the employee of any municipality shall be eligible for up to four (4) hours of leave on an annual basis to undertake a medical screening for prostate cancer.

Breast/Prostate Cancer Screening Leave is available to the employees and officers of the Town of Huntington and shall not be charged against or used in combination with any other type of leave to which the employee or officer is entitled. Notice of intent to use such leave must be given at the time the screening is scheduled and shall include the date, time, location and name of clinic/doctor performing the screening. A Department Director at his/her discretion can require that proof that a breast cancer screening, as permitted under state law, was performed. Such proof shall consist of a written/signed note on the screening clinic/doctor's office stationery.

5. Organ Donor Leave (ODL)

The Town of Huntington provides full time appointed Town employees and Town employees covered under collective bargaining agreements who receive fringe benefits as stipulated in respective union contracts with up to seven (7) days of paid leave to undergo a medical procedure to donate bone marrow and up to thirty (30) days paid leave to donate an organ (kidney, partial liver, lung). ODL shall be in addition to any other leave accrue as a benefit of employment. Any employee requesting ODL shall be required to submit verification by a physician of the purpose, anticipated date and recovery period for bone marrow or organ donation.

6. Blood Donations

The Town of Huntington sponsors two (2) blood donation drives each year. Employees are granted time-off from their regular workday to give blood during these Town sponsored drives. Additionally, pursuant to Town Board Resolution 1996-503, employees who donate blood during a Town sponsored blood drive receive one-half-day in Compensatory time. In order for an employee to receive the one-half-day compensatory time, the employee must

donate blood at the Town sponsored blood drive. Employees who donate blood during the work day at a time and place other than one or both of the Town sponsored drives do so on their own time and are not eligible for the accrual of compensatory time.

Use of the accrued compensatory time must be requested and approved in accordance with normal contractual and departmental procedures.

7. Breast Feeding

Nursing mothers shall be provided sufficient time and privacy to express milk for their newborn infants.

C. Unpaid Leave

In addition to the use of paid Accrued leave (Personal/Sick/Vacation) and paid "Special Leave", as defined above, an employee may, upon approval of the Department Director and the Town Personnel Officer, use one or more types of unpaid leave as described hereafter:

1. Child Care Leave

Employees with one (1) or more years of service shall be entitled to a childcare leave of up to one (1) year without pay or other benefits. Application for such leave shall, whenever possible, be made at least ninety (90) days in advance. Upon return from such leave, an employee shall be reinstated to the same or comparable position.

In requesting Child Care Leave, the employee acknowledges a specific need/desire/responsibility to care for his/her child that employment would otherwise render impossible. An employee on Child Care Leave shall not seek or accept other outside employment during his/her normal Town workday.

In the instance where Child Care Leave is request for the care of a newborn child or for the placement of a child with an employee through legal adoption or foster care services, the first twelve (12) weeks of Child Care Leave shall also be designated as and count as Family Medical Leave, as described hereafter.

2. Family Medical Leave

The federal Family Medical Leave Act (FMLA) allows eligible employees to take unpaid leave of up to twelve (12) weeks during any twelve (12) month period for any of the following reasons:

- a. Care for a newborn child; or
- b. For the placement of a child with an employee through adoption or foster care; or
- c. Care for an employee's spouse, child or parent due to serious health condition; or
- d. Serious health condition that renders an employee unable to perform job duties.
- e. Qualifying Exigencies such as Military Caregiver Leave

The Personnel Department will provide any employee contemplating FMLA leave with the appropriate leave request forms and information with respect to definition of terms under federal law. In situations where the need for FMLA leave can be reasonably anticipated, employees are required to give thirty (30) days notice prior to the use of FMLA leave.

To qualify, an employee must be employed by the Town of Huntington for at least twelve (12) months and have worked a minimum of one thousand two hundred fifty (1,250) hours in the twelve (12) months immediately prior to the FMLA leave. An employee meeting these criteria becomes immediately eligible for his/her first FMLA entitlement year and is eligible for use of up to twelve weeks FMLA leave. The window of FMLA entitlement shall, thereafter, reopen following a 12-month period measured forward from the day on which the final use of FMLA leave during an entitlement year terminates. Unused FMLA leave from one entitlement year shall not be carried forward to any other entitlement year.

Use of FMLA leave shall require an employee to exhaust all other forms of Accrued Leave, as defined in Section A above. However, any employee may choose to retain up to ten (10) days of his/her accrued sick leave for any purpose including conformance with departmental "abuse of sick leave" policy.

With the exceptions of health insurance coverage and seniority, employees on FMLA leave will not accrue benefits or be paid a salary. The Town will continue to pay the Employer share of the health insurance premium. Employees will be responsible for the Employee share of said health insurance premium and the full cost of premiums for any other insurance coverage maintained through the Town. The Personnel Office will provide employees with the amounts, due dates and mailing address for any insurance coverage maintained in the employee's name and the employee shall make timely payments directly to insurers while the FMLA leave is in effect.

A request for FMLA leave shall contain a Return-to-Work (RTW) date. Should an extension of FMLA leave be required, it must be requested in writing by forwarding an original to the Town Personnel Officer and a copy of the extension request to the Department Director. In no case shall FMLA leave be extended beyond the 12-week period, nor may an occurrence of FMLA leave that terminates in less than twelve weeks be carried forward. However, upon the approval of the Town Personnel Officer and the Department Director, an employee with accrued Vacation, Personal or Sick Leave may use such accrued leave to extend his/her absence for the purposes set forth in the FMLA.

An employee who fails to return on the RTW date or fails to request an extension of FMLA leave or the use of accrued leave in writing and obtain approval for the extension or use of other leave by the Town Personnel Officer and Department Director shall be considered to have voluntarily resigned.

FMLA leave used for the purposes of care of a newborn or placement of a child by adoption or foster care, shall not be taken intermittently or on a reduced leave schedule unless approved in writing by the Department Director and the Town Personnel Officer. FMLA leave use for serious health conditions of family members or the employee may, however, be utilized intermittently or on a reduced leave schedule as medically necessary and documented as required by the Department Director and Town Personnel Officer. In such instance, the Town Personnel officer shall make a calculation of benefits based on part-time employment status and FMLA leave shall be exhausted upon the aggregate use of twelve (12) weeks leave as otherwise provided for in this subsection.

Employees returning from FMLA leave that results from a serious personal health condition will be required to provide a Medical Statement of Fitness for Duty⁵⁰ indicating that he/she is fully capable of performing all assigned duties and functions. Employees returning from FMLA leave will be reinstated at their prior salary and prior or equivalent job title.

D. Military/Reserve (M/R) Leave

The Town shall abide by all the provisions of the Uniformed Services Employment and Re-Employment Act (USERRA) and §§ 242, 243 and 246 of the New York State Military Law, whereby an employee inducted for training and service in the Armed Forces of the United States, after satisfactorily completing his/her training in service, shall, on their separation from Service, be entitled to re-employment. Military Leave will be granted to full-time and part-time employees for a period of up to four (4) years, with an extension for one (1) year, if the extended duty is at the request of and for the convenience of the United States Government.

To the extent notice is provided by the Armed Forces for reserve training or active duty, employees will provide their Department Director and the Town Personnel Officer with documentation and advance notice of military leave.

Military Leave shall not be considered vacation leave or personal leave (other than the 22-workdays or 30-calendar days established in law) payment of salary will be discontinued during military leave. An employee, however, may elect to use accrued vacation and/or personal time in connection with military leave that exceeds the statutory provision.

Employees must apply for re-employment within ninety (90) days of date of discharge from the military. (Failure to do so will be considered voluntarily termination of employment.) Military Leave shall be completely independent of and not be calculated in combination with any other type or category of leave in determining an employee's RTW date. Upon return to work from Military Leave, seniority, pay, status, and benefit rights will be restored at a rate identical to that which would exist had the employee worked continuously.

Employee health benefit coverage will continue to be paid at the rate and under terms applicable to the employee at the time Military Leave is used. Employees should contact the Personnel Office with respect to benefit rights on health coverage and all other benefits.

⁵⁰ See Policy: "Medical Statement of Fitness for Duty" p. 156.

E. Employee Leave Request Form

REQUEST FOR LEAVE

NAME: _____ EMPLOYEE #: _____

TITLE: _____ DEPARTMENT: _____

DATE: FROM ____ / ____ / ____ TO ____ / ____ / ____

MONTH / DAY / YEAR MONTH / DAY / YEAR

TIME: FROM ____ AM/PM TO ____ AM/PM

TOTAL HOURS: _____

TYPE OF LEAVE (MARK WITH AN "X")

- SICK VACATION PERSONAL OTHER
- COMPENSATORY CANCELLATION OF TIME

EMPLOYEE SIGNATURE: _____ DATE: ____ / ____ / ____

 APPROVED _____ / ____ / ____
 DISAPPROVED (Signature) (Date)
(Name of Division Director)

 APPROVED _____ / ____ / ____
 DISAPPROVED (Signature) (Date)
(Name of Department Director)

_____, Comptroller
 APPROVED _____ / ____ / ____
 DISAPPROVED (Signature) (Date)
(Name, if Required)

COMMENTS: _____

Medical Statement of Fitness for Duty

I. Purpose

At times employees have medical conditions that require an extended recovery absents them from work or rendering them unable to perform some or all of their regular job duties.

The Town seeks to ensure that, consistent with professional medical judgment and substantiated by a "Medical Statement of Fitness for Duty", there exists adequate basis for the absence and/or belief that the employee is fit to work or return to full job duties.

II. Policy

Every employee shall, at the time of employment, sign a statement agreeing to the provisions of the "Medical Statement of Fitness for Duty" policy.

An employee who is absent because of illness or injury or unable to perform normal job duties may be required to submit a Medical Statement, in the format hereafter prescribed and signed by a licensed physician, explaining the absence, inability to perform required job duties and/or fitness to return to work. Unless otherwise specified by union contract or Department policy, this shall apply to employees using three (3) or more consecutive days Sick Leave or any use by those whose personnel file indicates prior apparent abuse of Sick time.

In agreeing to this policy, the employee shall further permit the Town, upon finding an initial Medical Statement of Fitness for Duty unclear or inconclusive, to require a second Medical Statement answering specific questions posed by the Town that shall pertain directly and exclusively to matter of fitness for duty. Finally, the Town reserves the right to have the Town direct the employee to be examined at the Town's expense by a physician determined by the Town as a means of establishing fitness for duty.

III. Procedure

When it is necessary to submit a Medical Statement, the document must be an original and include the following information:

1. Name of treating physician
2. Address of treating physician
3. Telephone number of treating physician
4. Date of treatment
5. Any temporary limitations on work duties (if applicable)
6. Clearance (or expected date of clearance) for full work duties*
7. Signature of treating physician

Medical statements that are submitted that do not include the requisite information will not be accepted, and employees will not be assigned special duties and/or allowed to return to work until all the information is properly submitted.

*When a treating physician is unable to specify a date for return to full work duties, the Town can require submission of a second Medical Statement when return to full duties is sought or required.

Mileage Reimbursement Policy

I. Purpose

The Town of Huntington has established a mileage reimbursement rate for Town employees authorized by their Department Director/Deputy Director to use a privately owned vehicle in order to carry out their assigned duties.

II. Policy

Authorized Town employees on official Town of Huntington business who travel away from their regular work location will be reimbursed for the necessary mileage in excess of that spent for travel to and from their regular work location.

Mileage reimbursement for employees authorized to use their own cars shall be at the standard mileage rate established by the Internal Revenue Service at the time of travel. In the event that the State of New York and/or the County of Suffolk increase the amount of such allowance above the Internal Revenue Service rate, Town employees will be reimbursed at the higher rate. Authorized employees shall be reimbursed for reasonable parking and toll expenses incurred while conducting Town business in a privately owned vehicle.

III. Procedure

A Mileage Reimbursement Form must be completed, signed and attached to an approved claim voucher. Parking and toll expenses should be listed on the claim voucher and original receipts must be attached for all expenses over \$5.00.

Reimbursement shall be calculated based on the shortest possible route only, and reimbursement shall be made only to the owner/driver of the vehicle, as determined by the Comptroller. When using a personal automobile for a day trip which originates from home, the mileage reported for reimbursement should be from home or from Town Hall, whichever is less.

The Comptroller's Office can supply a re-usable electronic version Mileage Reimbursement Form in Microsoft Excel format that will auto-calculate reimbursements. Any employee who wishes to obtain a copy should e-mail a request to the Comptroller.

Mobile Communication Devices

I. Purpose

The Town of Huntington seeks to maximize accessibility, on and off the work site, through the assignment of Mobile Communication Devices ("MCDs"), such as a cell phone, beeper and/or other mobile communication tool, to key employees, officers and official of the Town. This helps ensure the safety and security of employees and those using Town facilities and improves the ability of critical personnel to perform Town business.

II. Policy

A Town cell phone, beeper or other MCD is to be used for Town business only. Those assigned MCDs shall keep them turned on and within reach at all times during the workday. A Department Director may require that such MCD be on and available at other times by directly notifying an individual employee. Those assigned MCDs are responsible for their care, proper use and return in good working order. MCDs shall be returned upon request of the Department Director and as a condition of retirement, termination of Town service or grant of extended leave from Town service.

A. Assignment of MCDs

The Department Director shall, at his/her sole discretion, assign MCDs to certain employees for the purpose of conducting Town business. Assignment shall be based upon the operational needs of the Department and shall under no circumstance be considered a right, term or condition of employment.

B. Authorized Users

MCDs are to be used only by assigned, authorized users. An employee, officer or official who has been assigned such a device is responsible for ensuring that its use is strictly in accordance with this policy.

C. Maintenance

An employee, officer or official who has been assigned a cell phone, beeper or other MCD is responsible for the safekeeping of the device and for its return in good working order as contracted or otherwise directed by the Department Director. A cell phone, beeper or other MCD that is damaged, stolen or lost MUST be reported immediately to the Department Director and, depending upon the circumstances of loss or damage, the assigned user may be held responsible for part or all of the replacement or repair cost of the device.

D. Safety

Employees, officers or officials are expected to operate cell phones and mobile hand-held devices in accordance with all state, local and federal laws and regulations governing their safe and appropriate use.

E. Violation of Policy

Any violation of this policy is cause for disciplinary action up to, and including, termination of employment. Employees assigned an MCD will also be required to reimburse the Town of Huntington for any excessive private use of such device.

Payroll Statement Inserts

I. Purpose

Employees of the Town of Huntington are paid on a bi-weekly basis, when "payroll statements" are distributed to all employees. The comprehensive nature of payroll statement distribution optimizes the ability to provide Town employees with official materials, notices and memoranda as well as unofficial information that may be necessary or of benefit to all employees. The Town seeks to ensure that all information inserted or distributed with payroll statements meets basic standards of importance and relevance to all employees.

II. Policy

All information distributed with payroll statements shall be of use, benefit or importance to all Town employees in white and blue-collar positions without exception.

Non-official information that discusses business, financial, cultural, charitable or similar opportunities shall be distributed in non-discriminatory and non-exclusive basis and shall only be permitted when access to said benefit in case where Town employees could not otherwise obtain the benefit on their own.

III. Procedure

Distribution of official Town information in payroll statements to employees relative to payroll, benefit and/or employment status shall be permissible upon the approval of the Supervisor, Deputy Supervisor or Town Personnel Officer. The distribution of other official Town documents and/or notifications shall be upon the approval of the Supervisor or Deputy Supervisor.

The Distribution of non-official materials shall be approved in advance by a Materials Review Committee (MRC) composed of the Deputy Supervisor, Town Attorney and Town Personnel Officer.

Any unofficial materials suggested for distribution with employee payroll statements shall be submitted to the MRC at least one month prior to the proposed distribution date and approved by a majority of the MRC prior to actual distribution.

Personal Recommendation Letters/Information

I. Purpose

On occasion, Town personnel may receive written or oral requests for letters of recommendation or information about Town employees, detailing work history, job performance and/or professional capabilities. In order to ensure confidentiality and the appropriate use of the Town's name and standing, this policy creates a uniform standard defining those authorized to provide recommendation letters and employee information and offers guidelines for allowable form and content.

II. Policy

Only the Town Personnel Officer or, upon consultation with the Personnel Officer, the Department Director where the employee works (or has previously worked) shall be authorized to give letters of recommendation or answer requests for employment related information. To the extent practicable, such responses shall be limited to objective information and comments.

III. Procedure

A. Town Employee Recommendations

In instituting this policy, when the request for information or letter of recommendation comes directly from a Town employee, that employee's Department Director (or former Department Director) after consulting the Personnel Officer is authorized to:

1. Use Town stationery in providing a recommendation of any person and/or entity.
2. Use his/her Town title in the course of providing said recommendation.
3. Give a recommendation pertaining to the employee's Town job title.

B. 3rd Party Recommendations

Any request for a recommendation from a third party outside of Town government must be sent immediately to the Town Personnel Officer. Any request for employee records (including payroll records) must be sent immediately to the Town Personnel Officer. Under no circumstance shall a response be authorized without consultation with and approval of the Town Personnel Officer.

C. Informational Letters

It is the policy of the Town that any request for information be answered by providing a neutral letter verifying employment, which relates the employee's name, title and/or position, dates of employment and last salary or hourly wage rate.⁵¹ The personnel officer shall review such information prior to its release.

D. Additional Information Requests

Any questions or uncertainty regarding this policy should be directed to the Town Personnel Officer. Any request for more specific information or a more detailed recommendation other than that authorized above must be discussed with and authorized by the Town Personnel Officer.

⁵¹ Disclosure of salary or rates of wage information should be made in consultation with the Town Personnel Officer.

Photo Identification Card Use

I. Purpose

The goal of the Town is to protect the safety of employees and visitors and ensure property security at Town Hall and other Town facilities.

II. Policy

The Town Personnel Office will issue a Town of Huntington Photo Identification (Photo ID) card to employees at the commencement of employment. Upon issuance, the employee will sign a statement acknowledging receipt of the Photo ID and that the Photo ID is and shall remain the property of the Town of Huntington. The employee shall keep and use the Photo ID throughout the term of his/her employment and surrender the Photo ID upon termination of Town service. Return of the Photo ID is a condition of timely receipt of a final paycheck.

III. Procedure

A. Required Photo ID Use

Employees are required to have their Photo ID with them and ready to present at all times during the workday. Employees will present their Photo ID card to gain access Town Hall and Village Green during non-business hours; and, further, will present, wear and prominently display the Photo ID during normal working hours, upon the direction of the Town Supervisor. Employees in the field or at other Town buildings are required to have their Photo ID with them and ready to present and shall wear the Photo ID in a manner determined by the Department Director in accord with personal safety considerations.

An employee otherwise required to wear the Photo ID card will be allowed to temporarily remove the Photo ID, if he/she believes it presents a hazard to personal safety. However, the employee shall report the event to his/her Department Director, who, in consultation with the Town Personnel Officer, shall determine whether such action was appropriate and what additional or alternative steps should be taken if such event occurs in the future.

B. Failure to wear/display Photo ID

Failure to carry the Photo ID card and display as required herein (or as may be stipulated by the Town Supervisor) shall be grounds for disciplinary action.

C. Improper Use of Photo ID

The Photo ID shall be used only in connection with Town business. It shall not be used in any way for personal gain or favor. In addition, an employee shall not loan the ID or otherwise allow another person to use the Photo ID to gain access to a Town facility or any other purpose. Improper Use of the Photo ID can be grounds for termination of employment.

D. Loss of Photo ID

Employees who lose the Photo ID card are subject to a \$5.00 Replacement Fee.

Press, Media and Distribution of Public Information

I. Purpose

The Town seeks to provide the most accurate and up-to-date Public Information for use by the Press and Citizens about the legislative and executive actions of the Town Board and/or departments and offices of the Town of Huntington.

II. Policy

All press releases, photo opportunities and media requests should be submitted to the Public Information Officer for review and consultation prior to the release of information about current actions, including formative policies, pending or recent Town Board enactments and departmental directives with respect to laws, codes, regulations and other Town business.

III. Procedure

All media requests for comments, quotes, interviews, photos, access to Town facilities and/or employees or issuance of press releases and media advisories must first be reviewed by the Public Information Officer prior, respectively, to their being given, scheduled, authorized or issued.

Any employee contacted by the press or media must refer the inquiry directly and immediately to his or her Department Director/Deputy Director.

A Department Director/Deputy Director to whom a referral is made or whom the press or media contacts directly should notify the Public Information Officer prior to any further action and/or release of information.

A Department Director/Deputy Director may fulfill the obligation of this policy by referring a press or media directly to the Public Information Officer without otherwise responding.

Alternatively, upon consultation with and approval of the Public Information Officer, a Director/Deputy may respond to the request or have an employee with special knowledge or background respond for him/her.

As a general rule, any employee, regardless of title, who is authorized to respond to the media, should do so in the presence of a creditable witness who can corroborate the substance of the conversation or interview.

If the Public Information Officer is unavailable and the request is time sensitive or an emergency exists requiring immediate comment, the Deputy Town Supervisor may be contacted.

Printing and Mailings

I. Purpose

The Town wishes to insure that printing and mailing of letters, forms, official documents and other printed material produced by and for the Town of Huntington is done in a cost effective, efficient and consistent manner.

II. Policy

It shall be the policy of the Town of Huntington that all printing and/or mailing intended to be delivered the more than five hundred (500) persons shall be sent to the Town Print Shop and Mailroom for processing. All materials forwarded to the Print Shop and Mail Room shall follow the instructions and procedures set forth below. Any mailing or printing that fails to adhere to the procedures set forth will be returned to the imitating department for correction.

III. Procedure

A. Print Shop

Letterhead used by all departments and the layout for all Town business cards has been standardized. Any department ordering stationery or business cards must use the approved standard format.

All material intend for distribution to the public must be reviewed and approved by the Public Information Officer prior to printing by the Print Shop. All printed material should contain the Town Seal and the name of the Supervisor and each of the Town Board Members.

B. Mailings

Town Receiver of Taxes has a special Pitney Bowes bulk mail permit (known as the PSI permit) that allows her and any Town Department that uses the process to receive a substantial discount on first class mailings that meet the following criteria:

- Mailing must consist of a minimum of 500 pieces (the 500-piece minimum does NOT have to consist of a mailing from just one Department. Two or more departments can combine mailings to reach that number.)
- Bottom three-quarters of an inch on the front of the envelope or mailer must be blank.
- Addresses must be either typed or on a printed label.
- Director/Deputy of General Services or designee must be advised of the size and weight of the item in advance in order to obtain for you the mailing costs.

Every mailing of 500 pieces or more must use the PSI permit and follow the instructions for that process. The Mailroom will reject any mailing of that size that fails to comply with PSI permit requirements and/or have failed to be reviewed and approved by the Public Information Officer.

Purchasing Policy

I. Purpose

This policy establishes guidelines whereby the Town will obtain supplies, equipment and services in a timely manner and at the best value to the residents and taxpayers of the Town. Further this policy will be carried out in such a manner that maintains fairness to competitive vendors and abides by all applicable Federal, State and local laws, rules and regulations governing public purchasing practices.

A. Authority of the Director of Purchasing

Huntington's Division of Purchasing was established within the Department of Audit and Control on December 15, 1981, by the Huntington Town Board, which delegated responsibility and authority to effect purchasing policy to the Director of Purchasing, summarized as follows:

1. The Director of Purchasing with the assistance of the purchasing staff is responsible for the procurement of materials, supplies, and equipment for the proper and efficient operation of the Town of Huntington government.
2. The Purchasing Division shall consolidate the needs of all Departments whenever possible to leverage the Town's purchasing power in obtaining competitive pricing.
3. The Director of Purchasing is responsible for administering the Town's purchasing policy and procedures, inclusive of preparing and reviewing specifications on all bidding procedures for supplies, equipment, services and public works contracts.
4. The Purchasing Division is responsible for administering all purchases.
5. The Director of Purchasing or the Director's designee is authorized to open and record all bids and award purchase contracts.
6. The Director of Purchasing may award purchase contracts for materials, supplies and equipment involving expenditures over the statutory bid limit on a town-wide basis during a fiscal year pursuant to General Municipal Law §103 only upon public advertising for formal bid solicitations.
7. The Director of Purchasing will issue purchase orders to the lowest responsible bidder only after first determining that unencumbered balances of budgetary appropriations are adequate to cover such obligations.
8. The Director of Purchasing is responsible for evaluating any request for special items, supplies or services when only one vendor is available to supply such items. Department Directors must justify in writing to the Director of Purchasing, the need for a special type of item other than those formally bid, if it is consistent with the operational goals, and in the best interest of the Town in terms of efficiency and economy.
9. The Director of Purchasing will be responsible for the disposition of surplus inventory and will dispose of such inventory via auction, sealed bid or disposal for scrap.
10. The Director of Purchasing is responsible for maintaining and revising all Purchasing forms.

B. Capital Expenditure Oversight Committee (CEOC)

By direction of the Town Board, a Capital Expenditure Oversight Committee (CEOC) shall be convened consisting of the: Town Supervisor, Superintendent of Highways, Town Comptroller, Director of Purchasing and Directors of the Departments of Engineering Services, Environmental Waste Management and General Services (or the individually designated representatives of said CEOC members.) The Director of Engineering Services shall Chair the CEOC and shall represent the CEOC in all matters for Town Board consideration and shall sign all correspondence on behalf of the CEOC.

The function of the CEOC shall be to review to all proposed capital projects. The CEOC shall review all policies regarding contracting procedures and make recommendations for change where appropriate. The CEOC, at the direction of the Chair take one or more of the following actions:

1. Review and approve of bid specifications before the bid is issued;
2. Review all bids received and make recommendation of award to the Town Board;
3. Review all payment requests in excess of 110% of the awarded contract price in aggregate of the value of the contract and refer to the Town Board with a recommendation.

The CEOC may at its discretion request the assistance of additional Town personnel or consultants to assist the CEOC in the conduct of its duties.

The CEOC will be responsible for reviewing the Annual Adopted Capital Project Budget versus the capital needs of each Department. The CEOC will plan and coordinate what projects are ready to move forward and recommend to the Town Board the appropriate funding source to finance each project.

II. POLICY

The Purchasing Division shall make ALL purchases and issue contracts for supplies, materials, and equipment for the Town and for any Town official, Department, board or agency for which the Town may be liable, and for any special district other than a district having a separate board of commissioners.

The Purchasing Division shall have sole discretionary authority to initiate the formal bidding process, whether or not a state or county bid exists. The purchase of any item or commodity which the Purchasing Division reasonably estimates will, in aggregate, exceed the statutory limit on a townwide basis during the fiscal year, must be awarded to the lowest responsible bidder after publicly advertising for sealed bids as prescribed by §103 General Municipal Law.

The Purchasing Division shall prepare the notices to bidders, arrange for publication in the official newspaper of the Town, and assure that the affidavit of publication is filed with the Town Clerk's Office.

The Purchasing Division will conduct periodic reviews of the quantities of goods and services purchased by both commodity, as generally defined by National Institute of Government

Purchasing Code, and by vendor to determine if the volume of activity will likely exceed the limits beyond which formal competitive bidding must be conducted.

The Town Board will award purchasing contracts to the lowest, responsible bidder recommended by the Director of Purchasing for contracted public work projects, contracted professional services and contracted services.

D. Materials, Equipment, Supplies and Services

Pursuant to General Municipal Law §104b, all materials, equipment, supplies or services (purchases or leases) that are not purchased through a state or county contract, requires the Town Board to establish guidelines to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost by obtaining vendor pricing as follows:

<u>Dollar Range</u>	<u>Solicitations Required</u>	<u>Method</u>
Less than \$500	One (1)	Verbal Quote
\$500 - \$ 2,499	Two (2)	Verbal Quote
\$2,500- \$9,999	Two (2)	Written Quote
\$10,000 -\$19,999	Three (3)	Written Quote
\$20,000 or Above	Competitive Bid	Formal Sealed Bid

The Director of Purchasing will award materials, equipment and supplies to the lowest, responsible vendor. The Town Board will award contracted services to the lowest responsible bidder. A purchase order will be initiated for all purchases.

E. Public Works

The Purchasing Division shall solicit bids and ordering departments shall solicit quotes for all Public Works Contracts based on the following guidelines:

<u>Dollar Range</u>	<u>Solicitations Required</u>	<u>Method</u>
Less than \$2,499	Two (2)	Verbal Quote
\$2,500 - \$9,999	Two (2)	Written Quote
\$10,000 - \$34,999	Three (3)	Written Quote
\$35,000 or Above	Competitive Bid	Formal Sealed Bid

The Town Board will award bids to the lowest responsible bidder(s) for all contracted public work projects and all public work projects of \$35,000 or above. The Director of Purchasing will provide a recommendation for each award.

F. Professional Services

Professional Services are those that require special/technical skills, training and/or expertise not necessarily available from an individual/entity offering the lowest bid. These services include, but are not limited to, architect/engineering design services, accounting services, consultants, physicians and surveyors. The nature of these services do not readily lend themselves to competitive procurement procedures and therefore do not require a formal bidding process.

Upon the recommendation by the Director of Purchasing, an award for contracted services will be made by Town Board Resolution to the vendor whose proposal is determined to be in the best interest of the Town.

G. Requests for Proposals Process

When the Director of Purchasing determines that services fall outside the realm of competitive bidding, the Requests for Proposals process may be used in place of competitive bidding whenever practical. The use of the RFP demonstrates the Town's intent to rely on a competitive process "to assure the prudent and economical use of public moneys in the best interest of the taxpayers" of the Town "to facilitate the acquisition of goods and services of maximum quality at the lowest cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption" as required by GML §104-b.

Upon recommendation by the Director of Purchasing, an award will be made by Town Board Resolution to the vendor whose proposal is determined to be in the best interest of the Town.

H. Government Contracts

It is not necessary for the Purchasing Division to obtain informal quotations or formal bids when purchases are made from State or County contracts.

Whenever possible the Town will purchase materials, supplies, or equipment through the New York State Office of General Services when state contracts apply to government agencies and municipalities. Department Directors must explore the use of State and County contracts before requesting the initiation of a Town bid for the same or similar commodities or services.

Department Directors may request the Purchasing Division to issue a Town bid if a State or County bid is in existence provided there is reason to believe that better pricing can be sought or any reason that may be in the best interest of the Town.

New York State purchasing information containing the names of vendors, as well as price and packaging, are available from the New York State Office of General Services website at www.ogs.state.ny.us.

Suffolk County purchasing information can be accessed on the county's website at <http://www.co.suffolk.ny.us/dpwcontracts>.

I. Preferred Sources

Commodities produced, manufactured or assembled by the **Department of Correctional Services Correctional Industries Program; Industries for the Blind and Disabled** and approved charitable nonprofit agencies for the severely disabled, qualified special employment programs for mentally ill persons and qualified veterans workshops are considered to be "preferred sources under New York State Finance Law §162 and are exempt from the competitive bidding requirements of General Municipal Law §103. Catalogs for these products are available on their respective websites.

J. Recycled Materials

In accordance with General Municipal Law section 104-a, wherever recycled products meet contract specifications and the price of such products are reasonably competitive, the Director of Purchasing may purchase such products.

Pursuant to General Municipal Law, 'reasonably competitive' shall mean that the cost of the recycled product does not exceed a cost premium of ten percent above the cost of a comparable product that is not a recycled product or, if at least fifty percent of the secondary materials utilized in the manufacture of that product are generated from the waste stream in New York State, the cost of the recycled product does not exceed a cost premium of fifteen percent above the cost of a comparable product that is not a recycled product.

K. Sole Source Procurement

A contract may be awarded without competitive bidding when the Director of Purchasing determines, in writing after researching available resources, that there is only one "Sole Source" for the required commodity or service.

To qualify as a Sole Source, the Division of Purchasing shall, at a minimum, demonstrate:

1. Benefits to the Town compared to others available in the marketplace;
2. Lack of other products providing equivalent or similar benefits;
3. Cost based on benefit received is reasonable compared to other products;
4. No potential competition from other dealers or distributors.

A record of Sole Source procurements shall be maintained by the Purchasing Division as a matter of public record and shall list each suppliers name and the items provided. A vendor classified as a "Sole Source" will be required to provide the Town with written documentation, no less frequently than every two years to prove that their Sole Source status has not changed.

L. Conflict of Interest

1. The acceptance of gratuities, financial or otherwise, from any supplier of materials or services to the Town is strictly prohibited.
2. In accordance with the Town's Code of Ethics, no government official of the town or any subdivision thereof shall receive, accept or enter into any agreement, express or implied, to receive or accept compensation for services to be rendered in relation to any matter before any Department, district, administrative body, board or agency of the Town, or engage in any conduct, business transaction or professional activity, or shall have any financial or other private interest, direct or indirect, which is in substantial conflict with the proper discharge of their official duties.

III. PROCEDURES

These procedures are intended to comply with all applicable Federal, State and Local laws, rules and regulations. To the extent that a provision in this policy may inadvertently, or by virtue of future amendments, conflict with an applicable Federal, State and Local law, rule or regulation, the applicable law, rule or regulation shall prevail.

M. Definitions

Bid item- is an item that has already been advertised for prices and for which a contract is outstanding for delivery during a given period.

Blanket Purchase Order- Written authorization for a vendor to fulfill multiple orders placed on a regular basis for the same commodities or services with a maximum dollar limit.

Direct Claim Voucher – A claim for payment by the Town for goods/services that do not require a purchase order.

Goods Receipt- Confirmation of receipt of ordered goods/services by ordering Department

Invoice- A commercial document which references a purchase order number issued by a vendor to the Town, indicating the products, quantities, and agreed prices for products or services the vendor has provided.

Open Market Item- An item that is not available for purchase on any existing municipal contracts or an existing Town contract.

Public Works- Public facilities and improvements financed by the government for the public good.

Purchase Contract- Legal agreement between the Town and a vendor for goods and/or services.

Purchase Orders- Written authorization signed by the Director of Purchasing for a supplier to ship products at a specified price, which becomes a legally binding contract once accepted by the supplier.

Purchasing System- The Purchasing Module in the financial software used to electronically process all purchases.

Request for Proposals – A Request for Proposal (RFP) is the Town's competitive solicitation for proposed services for technical services or services oriented projects.

Request for Formal Bid– A Request for Bid (RFB) is the Town's competitive solicitation for supplies, materials, equipment or project based on specifications developed by the Town.

Requisition -An electronic request to the Purchasing Division for one or more items or services necessary to carry on or improve a particular Department's operation in the Town.

Specifications- Description of minimum product or service requirements as defined by the Town.

N. Requisitions

All purchases are initiated by an electronic requisition in the Town's Purchasing System for budgeted purchases.

1. An electronic purchase requisition to purchase supplies, materials and equipment required for Town purposes shall be entered into the Purchasing System by authorized Town employees for budgeted items.

2. It is the responsibility of the requisitioning Department to provide an adequate description of the items requisitioned to the Division of Purchasing:
 - a. The requisition shall indicate whether the item to be purchased is a bid item or an open market item. (Any number of items may be included on the same requisition, that is, either a bid item or an open market item for the same vendor except on blanket purchase orders.)
 - b. The Division of Purchasing shall notify all Departments by distribution of an "Award Sheet" providing the terms of the contract, vendor, items and cost.
 - c. Where no reference to an existing bid or contract is indicated on a requisition, the Division of Purchasing shall consider this as an open market item to be ordered through quotations.
3. Electronic release of requisitions in the Purchasing System must be executed by the Department Director (or authorized representative) under whose authority the funds are encumbered.
4. The Director of Purchasing (or designee) will make all purchases in accordance with the Town's Purchasing Policy.

O. Request for Quotation

Written formal quotations are preferred in all cases; however, telephone quotes will be allowed, to expedite the process pursuant to limits set forth in the Purchasing Policy Section II- A and B above.

Informal quotations both telephoned or written may be requested by either the Purchasing Division or the ordering Department from the appropriate number of vendors who can provide the item or service desired.

Quotations from prospective bidders who are unable to supply the required goods or service and offer a "No Quote" response to a request are not to be counted toward compliance with this requirement, unless no other vendors can provide the required goods and services.

If a firm price cannot be obtained at the time a requisition is entered, (repair work), an estimate must be obtained and this figure placed on the requisition with the notation that it is an estimate and any amount that exceeds the estimated price must be approved by the Director of Purchasing.

P. Request for Proposal

The Request for Proposal provides prospective vendors with information about the Town and promotes competition among vendors to provide the Town with realistic proposals tailored to its needs. It provides the Town with competitive pricing and proposer's qualifications and experience for purposes of evaluation.

All requests for proposal (RFP) will be conducted in the same manner as formal bid solicitations and must include such Terms and Conditions approved by the Town Attorney.

Public notice of Request for Proposal shall be given in the same manner as for Competitive Sealed Bidding. The Request for Proposal shall state the importance of price and other evaluation factors. Discussions with responsible offerors and revisions to proposals may be

conducted by the Director of Purchasing and the Director of the requisitioning department(s) for the purpose of clarification to assure full understanding of and conformance to the solicitation requirements, with respondents who are being considered for possible award.

The Director of Purchasing and the requisitioning Department Director will recommend a vendor and upon award by Town Board Resolution, a contract and /or Purchase Order will be issued to the vendor whose proposal was determined to be in the best interest of the Town.

Q. Emergency Orders

Emergency orders may be given in cases where a genuine emergency or necessity for immediate action exists. A purchase emergency is defined by Section §103 of the General Municipal Law as:

"Notwithstanding the provisions of subdivision one of this section, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein."

An emergency order must be cleared through the Purchasing Division, and a Purchase Order number issued. The Town will not be responsible for orders placed without prior approval of the Purchasing Division.

If an emergency occurs when the Purchasing Division is closed, the Department should utilize one of their pre-assigned emergency purchase order numbers. Pre-assigned emergency purchase order numbers will be issued to Department Directors upon their request for use at their discretion. When an emergency purchase order is used, the Department must notify the Director of Purchasing in writing the next business day the Purchasing Division is open.

Requisitions for emergencies will follow the same procedures as other requisitions but shall have priority so the vendor will receive copies of the order without delay. The requisition will be marked "Emergency PO-Do Not Duplicate" and approved by the Department Director. The Department Director must document the need for the action on the requisition or in a memo submitted to the Director of Purchasing.

R. Submitting a Formal Bid Request

For purchases that will require a formal bid, Department Directors must submit to the Purchasing Division, an email or memo detailing the request at least six (6) weeks before the bid is to be opened.

Upon the submission of the above, the Purchasing Division will schedule advertising of bids in the legal section of the "Official Town Newspapers". Legal notices will also be posted on the Town's website at <http://town.huntington.ny.us/> in the "Public Notices" section.

The Purchasing Division will conform the specification into a formal bid proposal and make it available to prospective vendors on-line or for a fee established by Town Board resolution.

After completion of the opening of the bids, the Department submitting the bid request will pick up a copy of the bidder's responses, evaluate them and provide written recommendations to the Director of Purchasing. Bid tabulations for multi-department bids will be processed by the Purchasing Department.

S. Procurement Specifications

The Purchasing Division will work with the requesting Department to prepare specifications for certain supplies, commodities or services by utilizing the information furnished on all other requisitions, and advertise for bids based on the specifications prepared. The requesting Department will have final approval of the specifications. Specifications will not be written in such a manner as to effectively exclude all but one bidder. Specifications shall be written in a manner to allow any product, article, object or service that is reasonably equivalent to satisfy the bid requirements.

No verbal changes to, or verbal clarifications or verbal communications of any kind relating to any bid specification are binding upon the Town. No employee, agent, consultant or representative purporting to be acting on behalf of the Town is authorized to make such communications. All questions regarding bid specifications must be submitted in writing to the Director of Purchasing must be received no later than five business days prior to the opening date to receive a response. If appropriate, responses will be made in the form of addenda to all parties of interest.

No employee, agent, consultant or representative of the Town is permitted to reveal to any prospective bidder for any bid or RFP, issued for any purpose, the names of any other prospective bidder or party of interest until such time as the bid or RFP has been opened and made public.

As defined in GML §103, standardization of a particular type of material or equipment, must be approved by a Town Board resolution setting forth all of the reasons for a need for standardization. The standardized make or model may be stated in the specifications, and anyone who can furnish the item may bid. There is no longer a need for the inclusion of the term "or equivalent" for an approved standardization item.

Specifications provided by Departments must be clearly written and exactly describe the standards of the item to be furnished.

Requests for items requiring specifications must contain the following:

1. Physical, chemical or electrical composition of the item.
2. Dimensions, tolerance and performance expected of the item.
3. Quantity or estimated quantity required, if applicable.
4. If a trade-in is involved, time and locations of where such items may be examined by bidders.
5. Time and place of delivery and type of packaging required.

The Purchasing Division will be responsible for conforming the bid package to include Town standard terms and conditions as approved by the Town Attorney.

T. Public Works Bid Request

In addition to the procedures established for submitting formal bids, the procedures for submitting public works bid requires the following:

1. Requests for Public Work bids, which require Town Board approval and a signed contract, should be submitted at least twelve (12) weeks before the project is to begin.
2. A Capital Projects Form authorized by the Supervisor must be submitted to the Purchasing Division with all public works bid requests.
3. Copies of final bid documents must be submitted to the Purchasing Division no later than one week prior to the official advertising day.
4. Upon the opening of the bids, all copies of the bid responses will be available to the requesting Department and/or consultant. The individual taking custody of any original bids must sign a receipt for them.
5. If bids are reviewed by a consulting engineer, a letter of recommendation with at least four conformed copies of the bid must be returned to the Purchasing Division.
6. The Purchasing Division will prepare a Town Board resolution recommending the vendor to be awarded a contract.
7. The Director of Purchasing will notify the vendor in writing of award, advising the vendor to obtain the required bonding and insurance, and contact the Town Attorney's Office for an appointment to execute the contract within thirty (30) days. The vendor is obligated to comply with all of these requirements.
8. All change orders must be in writing and issued by the Director of the Department. Any change orders that are in excess of the contracted amount must be submitted to the Town Board for approval with any additional funding secured. Purchase orders will be amended upon Town Board approval. The Purchasing Division will provide the approved amended purchase order to the vendor as notice to proceed with the changes.
9. The Town is not obligated to pay for any unauthorized charges or charges that exceed the amount of the amended purchase order if the above procedure has not been followed.
10. The Purchasing Division will furnish a CD with plans and specifications approved in writing by the Department Director to prospective bidders for a nominal, non-refundable fee determined by the Town Board in accordance with General Municipal Law §102.

U. Bid Opening and Award

The procedure for bid openings and awards are as follows:

1. The opening of bids will occur at a place in Town Hall designated by the Director of Purchasing. All interested parties may attend.
2. Bids will be opened at the time specified in the legal notice and no bids will be received or accepted after such time.
3. The sealed bids shall be opened one by one and the information read aloud as follows:
 - a. Name of bidder.
 - b. Amount of bid price on each item in which a separate award is permissible.

- c. And/or the total amount of the bid or alternate bid.
4. The Purchasing Division shall record each bid result on a bid tabulation sheet and shall certify that it reflects the bids as read.
5. All contracts, which require public advertising and competitive bidding, are to be awarded as provided by law and the rules and regulations of the Town Board.
6. If an item for purchase offered by the lowest responsible bidder does not exactly meet all of the bid requirements as advertised, the Director of Purchasing shall still award the bid to such lowest responsible bidder if in his/her opinion and after consultation with the ordering Department, the deviations are so minor in nature that such low bid may be considered in substantial compliance with the specifications, as long as the deviations do not place the bidder in a superior or preferential competitive position to make the low bid.
7. The Purchasing Division reserves the right to reject any and all bids.
8. While the Director of Purchasing reserves the right to make awards up to forty-five (45) days after the date of the bid opening, a Town Board Resolution for awarding the bid will be prepared. This period may be extended for the benefit of the Town by mutual agreement between the bidders and the Town.
9. The Purchasing Division will gather all required information from the successful bidder and will submit the information to the Town Attorney's Office to execute the purchase contracts and obtain any required bonds and certificates of insurance from the successful bidder.
11. The Purchasing Division will return checks submitted as bid security by all bidders when the contract is signed.
12. The Purchasing Division reserves the right to reject all bids, but will not reject any bids without a substantial reason, which will be noted in the official records of his/her office. Bids may be awarded either as a group or item by item, whichever is deemed to be in the best interest of the Town.
13. Purchase contracts shall be entered into for a period of time as set forth in the bid documents. The process for an extension of a contract should begin six to eight weeks in advance of the expiration date to allow for Town Board approval before the term of the contract expires. GML §103 states that an expired contract may not, under any circumstances, be extended.
14. No employee, officer, agent, immediate family member, or member of the Town Board shall participate in the selection, award, or administration of a contract supported by federal funds from the Federal Transit Administration if a conflict of interest, real or apparent would be involved. The Town's Code of Ethics, Chapter 29 of the Code of the Town of Huntington, sets forth the standards of conduct, which shall govern the performance of employees engaged in the award and administration of contracts of the Town of Huntington.

V. Purchase Orders/Blanket Purchase Orders

The Purchasing Division is solely responsible for issuing all Town purchase orders based on requisitions entered into the purchasing module by Departments. Funding must be available in

the budget to create the purchase order. Only purchase order forms prepared by the Director of Purchasing are to be issued to a vendor.

The Director of Purchasing, at his/her discretion, may increase a purchase order up to 10% of its original amount to cover the cost of incidental charges such as freight.

The Director of Purchasing will release and approve all purchase orders. In his/her absence, the Director of Purchasing will designate a responsible staff member to release and approve purchase orders.

Blanket purchase orders are to be used for orders placed with the same vendor on a regular weekly, monthly or quarterly basis for the same commodities and/or services. The Director of Purchasing will approve the amount of a blanket purchase order. Blanket Purchase Orders may be issued for, but are not limited to, the following types of expenses:

- Utilities: Light and power, telephone, water and fuel oil;
- Rentals: Contract or Bid digital copying equipment, communication radios, security alarms;
- Supplies, Materials or Services such as paving materials, industrial parts and automotive parts.

Purchase Order procedures are as follows:

1. The Department enters an electronic requisition in the Town's Purchasing System containing the same information as a regular purchase order requisition. If a Town Board Resolution is referenced, then a copy of the resolution and signed contract pages authorizing the acceptance of a contract or bid must be forwarded to the Purchasing Division referencing the requisition.
2. Upon release of the purchase order, a unique number will be generated and assigned to each purchase order. This number will be documented in the Purchasing System and become the "Purchase Order Number" for all identification purposes.
3. Purchase orders are prepared in two (2) copies. Copies of purchase orders that have been approved and signed by the Director of Purchasing will be distributed as follows:
 - One copy will be provided to the supplier by the Purchasing Division.
 - One copy will be returned to the ordering Department for their records.
4. The Town will not be responsible or make payments for purchases made without a purchase order. Verbal purchase orders will be issued by the Purchasing Division in accordance with all terms of this policy where Town operations would be adversely affected if purchase was made through the normal course of action. Deliveries made or services rendered without a purchase order are non-binding and will not be paid by the Town. Vendors deviating from this purchase procedure will be notified immediately and informed of the possible consequences.
5. The total set forth in the purchase order may never exceed the amount required for the contract period or the amount stated in the resolution authorizing the contract. It is very important to know the expiration date of a contract or bid when submitting a blanket

purchase order. If the amount on a blanket purchase order will be depleted before expiration of the contract period, an adjustment to the purchase order must be requested by the Department Director prior to the blanket amount being exhausted.

6. Requests to increase or decrease all purchase orders must contain the following information and be submitted to the Purchasing Division in writing:

- Purchase Order number
- Vendor name and number
- Department name
- Budget code
- Original amount of purchase order
- Amount of adjustment
- Director's signature

The Purchasing Department will verify all amendments and change orders as to the appropriateness of the modification of the contract and whether it is unreasonable to do a separate bid for the item under consideration; the methods of calculating the amount of the amendment or change order are in conformance with the terms of the contract and to the issuance of change orders for each individual contract shall be handled by the Purchasing Department.

W. Cancellation of a Purchase Order

A Department wishing to cancel a purchase order must notify the vendor in writing. The Department will forward a copy of the correspondence to the Purchasing Division with a copy of the purchase order. The Purchasing Division will cancel purchase orders in the system.

X. Goods Receipts

Packing slips must be signed and dated by the employee accepting the delivery for the Department.

Failure by vendors to make promised deliveries must be documented in writing and reported immediately to the Purchasing Division. The Purchasing Division will notify the vendor in writing of the consequences of his/her actions and their performance will be monitored. The Purchasing Division cannot take appropriate action without written documentation of non-compliance by the vendor.

Y. Direct Claim Vouchers

Purchases of supplies, materials and equipment will be initiated only through the electronic submission of requisitions in the Town's purchasing system.

However, there are certain expenditures for which the processing of a purchase order is unnecessary. A direct claim voucher will be permitted in the following circumstances:

1. Employee expenses, such as: Conferences, Dues, Mileage for use of personal car and other reimbursable expenses, other than supplies or equipment necessary in the performance of day to day activities.
2. Books, Subscriptions, Dues and Postage expenses.

3. Refund of deposits.
4. Debt service and annual insurance fees.

Internal Claim Vouchers are to be used for:

1. Inter-Departmental charges for gasoline, administrative fees, etc.;
2. Petty Cash reimbursement;

All other payments for ANY goods or services must be made through the requisition and purchase order process.

Pre-numbered direct claim vouchers are issued by the Department of Purchasing.

A direct claim voucher to process any transactions other than those listed above, will not be permitted without prior authorization from the Comptroller. Direct claim vouchers submitted for any charges other than those listed above or not approved in advance by the Comptroller will be returned to the originating Department.

Direct claim vouchers are issued in three (3) parts as follows:

- One copy - to Comptrollers office for payment
- One copy - for Department originating claim
- One copy - for claimants file

The direct claim voucher must indicate the vendor's id number if available and any other relevant information and must be signed by the Department Director upon completion of the service provided and submitted to the Purchasing Division for payment processing.

In the event a budget balance is insufficient, the claim voucher will be marked to note the amount available, that a budget transfer is needed and will be returned to the originating Department. The ordering Department should resubmit the claim voucher when sufficient funds are available.

Z. Payment of Invoices and Claims

In order to process a vendor payment, the Comptroller's Office must receive the following documents from the ordering Department:

- Purchase Orders- Original invoices must reference the associated purchase order number. The ordering Department must mark "Final" on the last invoice to be paid on a purchase order.
- Blanket Purchase Orders – A copy of the blanket Purchase Order with a total of associated invoices with an original Department Director or designee signature must be attached to all original invoices. Invoices must be submitted at least monthly for blanket orders.
- Shipping/packing slips- signed by Department designee confirming receipt of goods as ordered.

If an original invoice cannot be obtained, the Department Director must sign a copy of the invoice authorizing payment.

AA. Town of Huntington Object Codes

<u>OBJECT</u>	<u>ACCOUNT NAME</u>	<u>DESCRIPTION</u>
2000	C.H.I.P.S.	Road Rehabilitation- over \$500
2100	Furniture and Furnishings	Desk, File Cabinet, Desk Chair-over \$500
2101	Buildings	New Buildings -Capital Projects
2102	Building Improvements	Buildings improvements -Capital Project-over \$500
2103	Land Improvements	Land improvements -Capital Project
2104	Parking Lots	New Parking Lots or improvements -Capital Project
2108	Purchase of Land	Land purchase -Capital Project
2109	Purchase of Open Space Land	Land purchase with Open Space Funds -Capital Project
2200	Office Equipment	Fax, Time Stamp- over \$500
2210	Software	Software over \$5,000 and installation
2220	Computer Hardware	Computer equipment; printers; routers over \$500
2312	Cars	Car purchases
2314	Trucks	Truck purchases
2315	Buses	Bus purchases
2316	Leased Equipment	Long term capital leases- copiers, postage meters
2317	Truck Bodies	Truck body purchases
2400	Communication Equipment	Telecomm equipment; two way radios purchases -over \$500
2500	Boats & Marine Equipment	Boat/marine equipment purchases over \$500
2600	Equipment & Machinery	General equipment over \$500
2602	Equip Replacement Components	Replacement parts with a life of over 1 year- over \$500
2775	Traffic Signalization	Traffic signal purchases and/or installation
2776	Roads & Drainage	Reconstruction of Roads & Paving
2777	Signage	Road signs or signage supplies over \$500
2778	Water Mains	Water main replacements or improvements
2779	Fire Hydrants	Fire hydrant purchases
2780	Sewer Systems	Sewer system replacements or improvements
2781	Drainage	Reconstruction of Drainage, Recharge Basins
2782	Parking Meters	Purchase of parking meters
2783	Curbs & Sidewalks	Curb and sidewalk repairs and improvements
2784	Trees	Purchase of trees/shrubbery
2785	Streetlights	Street lite purchases and/or installation
4000	Credit Card Fees	Merchant credit card fees for revenue
4001	Contractual Agreement	Funding support to agencies based on an approved contract
4003	Cold Spring Whaling Museum	Program Funding per contractual agreement
4004	Huntington Historical Property	Program Funding per contractual agreement
4005	Northport Historical Property	Program Funding per contractual agreement
4006	Greenlawn/Centerport Hist Prop	Program Funding per contractual agreement
4007	Walt Whitman Historical	Program Funding per contractual agreement
4008	Landfill Contractual Expend	Cell 6 debt and interest payments
4009	Huntington Lighthouse	Program Funding per contractual agreement

Town of Huntington Object Codes (Continued)

<u>OBJECT</u>	<u>ACCOUNT NAME</u>	<u>DESCRIPTION</u>
4010	Contingency	Controllers account
4011	Huntington Housing Initiative	Program Funding per contractual agreement
4012	Public Art Initiative	Program Funding per contractual agreement
4013	Foster Grandparents Program	Program Funding per contractual agreement
4014	Parents Initiative	Program Funding per contractual agreement
4016	Work Plus - Family Service Lea	Work Plus - Family Service League funding
4017	Plan & Manage RTE 110 Corridor	Route 110 funding
4018	Huntington Station-Revitalization	Program Funding per contractual agreement
4019	Huntington Heritage Trust Fund	Program Funding per contractual agreement
4020	Provide For Salary/Fringe Benefits	Program Funding per contractual agreement
4021	Child Care Enhancement Fund	Program Funding per contractual agreement
4022	Working Families Asst -Chamber	Program Funding per contractual agreement
4023	Elder Care Satellite - Chamber	Program Funding per contractual agreement
4024	Community Beautification	Program Funding per contractual agreement
4025	Emergency Housing Relocation-FSL	Program Funding per contractual agreement
4026	Tulip Festival	Program Funding per contractual agreement
4027	Veterans Honor Guard	Program Funding per contractual agreement
4028	Chamber-All American Cities	Program Funding per contractual agreement
4029	Senior Day Care by the Sound	Program Funding per contractual agreement
4030	Grocery Bus Program	Program Funding per contractual agreement
4031	Violence Against Women	Program Funding per contractual agreement
4032	Cultural Arts Internship Program	Program Funding per contractual agreement
4033	Harborfields Foster Grandparents	Program Funding per contractual agreement
4034	Huntington Village BID	Program Funding per contractual agreement
4035	Cold Spring Harbor BID	Program Funding per contractual agreement
4036	Smart Growth	Program Funding per contractual agreement
4037	Community Visioning	Program Funding per contractual agreement
4038	People on the Block-Health Inf	Program Funding per contractual agreement
4039	ElderLink - FSL	Program Funding per contractual agreement
4040	Provide For Restored Positions	Program Funding per contractual agreement
4041	CS Harbor Main St. Association	Program Funding per contractual agreement
4042	Chamber-Pal-O-Mine Trolley Service	Program Funding per contractual agreement
4043	Economic Development	Program Funding per contractual agreement
4044	Inter-Media Art Center	Program Funding per contractual agreement
4045	Huntington Station BID	Program Funding per contractual agreement
4048	Health Information Capsule	Program Funding per contractual agreement
4049	LI View-Hunting Chamber of Com	Program Funding per contractual agreement
4050	CYA Vita-grant	Program Funding per contractual agreement
4051	F.I.R.E. Association Expenses	Program Funding per contractual agreement
4053	HBCAC - Hunt Breast Cancer	Program Funding per contractual agreement
4054	Huntington Freedom Center	Program Funding per contractual agreement
4055	SeniorNet@FSL Huntington	Program Funding per contractual agreement
4100	Depreciation Expense	Depreciation-Controllers
4110	Office Supplies	Consumables-supplies, Paper, manual staplers; drafting supplies
4115	Small Furniture & Office Equip	Office furniture, small office equipment- under \$500

Town of Huntington Object Codes (Continued)

<u>OBJECT ACCOUNT NAME</u>	<u>DESCRIPTION</u>
4120 Fuel for Vehicles & Equipment	Fuel for vehicles/equipment-NOT HEATING FUEL
4122 Computer Supp, Software	Printers, Toner, Software under \$5,000.
4130 Postage	Stamps, Bulk Mailings
4150 Insurance	Insurance policy premiums
4160 Judgments & Claims	Legal settlements
4170 Taxes & Assmts on Muni Prop	Property taxes for TOH properties
4180 Employee Assistance Program	
4190 Celebrations	Town events
4210 Telecommunications	Telephone; internet; cell service; pager service in town facilities
4220 Electric (LIPA)	Electric for town facilities
4230 Water	Water for town facilities
4270 Motor Vehicle Rentals	Car rentals and snow vendors
4280 Protections Systems Rentals	Alarm monitoring
4290 Other Equipment Rental	Lifts and various equipment rentals, Short term rentals
4350 Snow Removal Materials	Salt, sand
4352 Leaf Bags	Plastic leaf bags distributed to residents
4390 Auto Mileage	Reimbursement of personal auto mileage
4400 Travel Expenses	Travel expenses for travel including hotel, meals and tolls for conferences and meetings
4410 Bus Service	Bus service for programs
4420 Subcontract Cost	Services- landscaping, mason, tree removal etc
4460 Outside Stenographic	Town Stenography services
4470 Uniforms	Uniform purchases for staff
4480 Photography	Camera, Camera Batteries
4481 Camp Youth Supplements	Crafts, Photos, Shirts, Tickets, Snacks
4500 Printing	Brochures, Envelopes, Forms, Stickers printed by vendors
4510 Equip Supplies, Repairs & Main	Parts & Supplies needed to repair equipment; pump-out repairs
4520 Vehicle Repairs, Supplies	Auto Parts, Fluids, Bottled Gasses ex: cars, light trucks; vans; buses
4521 Heavy Equip Repairs, Maint, Supplies	Repairs & Equipment of heavy equipment. Ex: Crane, pay-loaders, sweepers, backhoes
4550 Outside Professional	Skilled professional services-Physician, Welder, Appraisal, auditors, surveyors
4551 Outside Professional - Legal	Attorneys
4552 Property Clean up	Landscaping, demolition, garbage pickup
4554 Kemper Management Fee	Kemper management fee- CM golf course
4555 Instructional Services	Skating Pros, Sport Officials
4556 Kemper - Cost of Goods Sold	Kemper COGS at CM golf course
4557 Kemper Payroll	Kemper Payroll at CM golf course
4558 Kemper General Costs	Kemper at CM golf course
4559 Kemper Incentive Fee	Kemper incentive fee at CM golf course
4560 Maintenance Of Equip-Traffic	Traffic Maintenance Contract
4570 Service Contracts	Office / Computer Equipment; Copier Maint; HVAC; maintenance contracts
4585 Oil Spillage	Remediation
4600 Bond & Note Issue & Serv Exp	Bond Sale Expenses; Administration Fee

Town of Huntington Object Codes (Continued)

<u>OBJECT</u>	<u>ACCOUNT NAME</u>	<u>DESCRIPTION</u>
4610	Supplies	Chemicals, program supplies; lab supplies; pet foods
4620	Medical & Safety Supplies	Bandages, Vests, Gloves, Hardhats
4630	Playground & Rec. Supplies	Athletic Equipment, Trophies, Crafts
4640	Lighting & Electric Supplies	Fluorescents, Light Fixtures
4650	Building Repair, Maint & Supplies	Supplies to maintain buildings
4660	Heating Oil	Heating fuel and Bio Diesel
4665	Natural Gas	National Grid natural gas
4670	Signs, Road Paint & Markings	Sign Paint, Sign Decals
4680	Surfacing Materials	Sand, Grit, Gravel, Patches
4690	Fertilizer, Seed & Sod	Topsoil, gravel, seed and sod; landscaping chemicals
4691	Chemical Supplies	Dix Hills Water Chemical Supplies-Chlorine, etc.
4700	Advertising	Observer, Long Islander, Newsday
4710	Rent	Senior Club Meetings and Veterans meetings
4720	Conferences & Dues	Memberships, Seminars, Training
4762	Natural Marine Resources	Shellfish Enhancement
4770	Small Tools & Equipment	Small tools/equipment - less than \$500
4775	Drainage Maintenance	Drainage services and heavy equipment rentals
4850	Tuition	Notary, Driver Safety Classes; seminars
4990	Refuse Disposal Charges	Cell 6 expenses; Garbage Disposal; Medical Waste

Federal Addenda/FTA-Funded Procurement (Title 49 CFR)**Supplemental Guidelines**

In addition to the Town's Purchasing Policies and Procedures, the following guidelines shall apply to all procurements utilizing funds from the Federal Transit Administration in conformance with applicable federal law including Title 49 CFR Part 18, Section 18.36 and Circular 4220.1F.

BB. Written Record of Procurement History (Title 49 CFR)

1. The Purchasing Department shall maintain records detailing the history of each FTA associated procurement.
2. These records are placed in a procurement master file and include:
 - a. Purchase request with:
 - i. Independent cost estimate
 - ii. Project justification
 - iii. Description of work/scope of services
 - iv. Acquisition planning information
 - v. Other presolicitation documents
 - vi. Purchase Requisition indicating availability of funding
 - b. The rationale for the method of procurement:
 - i. Full and open competition under IFB (one or two step)
 - ii. RFP
 - iii. Small or micro purchases
 - iv. Sole negotiations
 - c. List of sources solicited
 - d. Copies of published notices of proposed contract action
 - e. Copy of the solicitation, all addenda, and all amendments
 - f. Selection of contract type.
 - i. Firm fixed price
 - ii. Cost reimbursement
 - iii. Incentive
 - iv. Multi-Year
 - v. Time and Materials
 - vi. Labor Hour
 - vii. Task Order
 - viii. Basic Ordering agreement
 - g. Reasons for contractor selection or rejection:
 - i. An abstract of each offer or quote
 - ii. Source selection documentation if applicable
 - iii. Contracting Officer's determination of contractor responsiveness and responsibility

- h. The basis for the contract price.
 - i. Cost or pricing data
 - ii. Determination that price is fair and reasonable including a tabulation and evaluation of the cost and price data
 - iii. Extent of competition
- i. Required internal approvals for award
- j. Liquidated damages:
 - i. The assessment for damages shall be at a specific rate per day for each day of overrun in contract time
 - ii. The rate must be specified in the solicitation and contract documents.
 - iii. Any liquidated damages recovered shall be credited to the project account involved unless FTA permits otherwise.
- k. Contractor's certifications and representations if applicable
- l. Notice of award
- m. Record of any protest
- n. Piggybacking Checklist (Procurement Manual-Appendix B.16) and all related documents, if applicable
- p. Third party FTA Requirements Checklist and all related documents- including Buy America and Disadvantaged Business Enterprises
- q. Bond and Insurance documents
- r. Executed contract, all signed amendments and notice of award
- s. Options included in contract- An option may not be exercised unless the town has determined that the option price is better than prices available in the market or that an option is the more advantageous offer at the time the options is exercised.
- t. Post-award correspondence with contractor
- u. Notice to proceed
- v. Approvals or disapprovals of contract deliveries
- w. Requests for waivers or deviations and the associated responses
- x. Documentation of settlement of claims and disputes
- y. Documentation regarding stop work or suspension of work orders
- z. Approvals or disapprovals of waivers and deviations
- aa. Contract closeout documentation

CC. Debarment (Title 49 CFR)

The Purchasing Department shall document to the best of its knowledge and belief that none of its FTA assisted purchases involve contractors debarred, suspended, ineligible, or voluntarily excluded from participation in federally assisted transactions or procurements as indicated on the epls.gov website.

DD. Geographic Preferences (Title 49 CFR)

The Purchasing Department shall conduct procurements in a manner that prohibits the use of statutory or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. This does not preempt State licensing laws. However, geographic location may be a selection criterion in procurements for architectural and engineering (A&E) services, provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

EE. Procurement (Title 49 CFR)

All purchases of goods and services shall be made in accordance with the requirements of FTA Circular 4220.1F and in accordance with General Municipal Law and the Town's Purchasing Policy.

FF. Protest Procedures (Title 49 CFR)

Filing of Protests: All Protests must be filed and resolved in a manner consistent with the requirements of FTA Circular 4220.1F Third Party Contracting Guidelines must be clearly stated in the bid documents.

Attachments:

Title 49 CFR Part 18, Section 18.36

Exhibit 6.1-6.2 Third Party Contract Requirements Checklist

Link to FTA Circular 4220.1F: http://www.fta.dot.gov/laws/circulars/leg_reg_8641.html

Safety & Security (Non-Routine Situations)

I. Purpose

The Town of Huntington wishes to ensure that all prudent and reasonable steps are taken to prepare for and handle emergencies that can arise and impact employees and/or visitors to Town facilities.

II. Policy

In the event of an emergency, Town employees shall follow protocol established herein to contact the necessary authorities, evacuate or render aid and assistance as appropriate to the threat or hazard presented. Use of an established protocol is intended to maximize the speed of response and minimize confusion in the event of an emergency.

III. Procedure

A. Medical Emergencies

In the event of a medical emergency in Town Hall, the Security Dispatcher should be called at once (Ext. 3224). The dispatcher will notify in-house responders with emergency medical training and place ambulance calls as necessary. Basic First-Aid Kits are available at the following locations:

- 1st Floor (Security Desk) Main Lobby
- 2nd Floor (Annex) Supervisor's Office
- 3rd Floor (Room 310) Community Development

B. Fires & Evacuations

In the case of fire or other hazard that poses a danger to the health and safety of employees and visitors thereby requiring the evacuation of Town Hall, the following practice and procedure shall apply:

1. Fire Alarm: Upon sounding of a fire alarm, ALL building occupants will evacuate immediately.
2. Evacuation Plan: Flow charts posted at exits show the Evacuation Plan and the Evacuation Officers responsible for sweeping respective office.
3. Orderly Exit: Gather essential personal effects (coats, purse/briefcase) and evacuate in an orderly manner following the instructions of the Evacuation Officer. AVOID excessive speed or slowness. AVOID unnecessary conversation.
4. Elevators: USE STAIRS. Do NOT Use Elevators.
5. Close Doors: The Evacuation Officer or last person exiting his/her area should make sure all doors leading to the exit corridor are closed.
6. Safe Locations: Proceed to your car or other safe location and await instruction from Police and/or Emergency Service staff. Do NOT congregate in or near exterior exits or roadways. Do NOT re-enter the building until instructed.

C. Extraordinary Incidents or Events

As Chief Executive Officer of the Town, the Town Supervisor is also the Incident Commander in emergencies. When an extraordinary incident, event or like emergency occurrence happens anywhere in the Town of Huntington that may, directly or indirectly, require the special assistance, intervention, determination or comment by the Town of Huntington or Town officials, the Supervisor's office must be contacted immediately.

1. If the emergency, incident or event occurs outside of normal business hours the Department Director/Deputy Director who becomes aware of the situation must contact the Deputy Town Supervisor and Public Information Officer without delay by land line or mobile phone and speak PERSONALLY with the Town Supervisor's contact persons. A PHONE MESSAGE IS NOT SUFFICIENT NOTIFICATION.
2. The Supervisor's Office maintains an Emergency Contact List with phone numbers and contact information for Department Directors, Deputies, Security and Emergency staff, individuals who may have to be contacted if an emergency, incident or event as defined in this policy occurs. A copy of the list is also available in the Town Hall Security Office (351-3234). Every Department Director, Deputy Director, security and emergency staff is required to keep an up to date copy of this list at WORK and at HOME.
3. Any individual whose name and contact information is on the Emergency Contact List whose contact information changes must immediately notify the Supervisor's Office and the Security Office with the new contact information.

D. Mail Handling/Bio-Hazards

The Town of Huntington will observe the New York State Department of Health and New York State Police protocols for Bio-hazard and Bio-terror prevention with respect to mail handling.

1. General Safety: Common sense and care should be used in inspecting and opening mail or packages. Wear gloves. Do not open mail with your fingers; use a letter opener. Open mail with a minimum of movement to avoid spilling contents.
2. Types of Suspect Mail (Letters, Envelopes, Packages)
 - a. Any mail with suspicious or threatening messages written on it.
 - b. Letters with oily stains.
 - c. Envelopes that are lopsided, rigid, bulky, discolored or have a strange odor.
 - d. Envelopes with no return address.
 - e. Unexpected envelopes from foreign countries.
 - f. No postage or non-cancelled postage.
 - g. Improper spelling of common names, places or titles.

3. Procedure for UNOPENED Suspect Mail

- a. Do NOT open envelope or package.
- b. Put down the package and evacuate the room.
- c. Do not allow others to enter the room.
- d. Notify your superior and the Security Office (Ext. 3234).
- e. The Director or Deputy Director of Public Safety will assess the situation and notify the appropriate authorities.

4. Procedure for OPENED Suspect Mail

- a. Do NOT panic.
- b. Notify the Security Office (Ext. 3234).
- c. Close the package or envelope to limit additional exposure.
- d. Do NOT attempt to clean up any spilled powder or substance
- e. Keep others away.
- f. Close windows/doors. No one except qualified emergency staff should enter.
- g. Do not touch your hands to eyes, nose, skin or body openings.
- h. If possible, wash hands thoroughly with soap and water.
- i. Do not attempt to brush or remove contaminated clothing.
- j. Make a list of all others beside yourself who have had contact with the substance.

(Anthrax organisms can cause skin, gastrointestinal and pulmonary infection. To do so it must be rubbed into abraded skin, swallowed or inhaled. It does not "leap" from the package to the handler. The same facts and conditions are generally true for other bacterial agents. The protocols in this section are designed to prevent employees from opening contaminated packages and limit additional exposure by a person who has opened such a package causing increased danger to themselves or others.)

E. Emergency Preparedness Plan

The Town of Huntington maintains and regularly updates an Emergency Preparedness Plan and Hazardous Materials Emergency Response Plan. All employees are required to be familiar with and understand their duties and obligations under the EPP and ERP.

F. Pesticide Reporting

The Highway Office and departments of Environmental Waste Management, Maritime Services and General Services must register annually with the New York State Department of Environmental Conservation in accordance with Article 33 of the Environmental Conservation Law. Each department shall adopt an internal procedure to ensure compliance and annually submit proof of compliance to Supervisor's Office.

G. Oil Spill Reporting

Any oil spill or suspected oil spill should be reported to the Department of Public Safety's 24-hour Hotline: 351-3234.

The Department of Public Safety shall notify necessary Town, County, State and/or Federal Officials as set forth the Town's "Oil Spill Notification Procedure." The Town's response shall be conducted in accordance with the "Oil Spill Response Team" procedure as developed and may from time-to-time be revised by the departments of Maritime Services and Environmental Waste Management.

H. Fish Kill Reporting

During normal business hours, reports of Fish Kills shall be made to the Department of Maritime Services. After hours and on weekends and holidays the report shall be made to the Department of Public Safety, which shall notify the Director/Deputy Director of Maritime Services.

Maritime Services shall authority over and coordinate the response of Town departments the event and subsequent clean up in adherence with the "Action Plan for Fish Kills" procedures as are adopted and from time-to-time revised by Maritime Services. In such instance when Maritime Services believes the notification, cooperation or assistance of a non-town agency or department is necessary, such an action shall require the prior authorization of the Supervisor or Deputy Supervisor.

Sexual Harassment

I. Purpose

Title VII of the federal Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, sex and national origin. A form of sex discrimination, sexual harassment, violates individual rights under federal and under state law. In order to uphold the law and protect the rights of its employees, the Town of Huntington requires a work environment free of discriminatory conduct. This policy specifically addresses and prohibits sexual harassment in the workplace whose purpose and/or effect is to interfere with or create a hostile working environment for any employee. It further creates a procedure for prompt and impartial investigation of allegations of any and all occurrences of sexual harassment.

II. Policy

The Town of Huntington has a zero-tolerance policy against acts of sexual discrimination in the workplace. It is the policy of the Town to prohibit sexual harassment whose purpose and/or effect is to interfere with or create a hostile working environment for another employee is, therefore, strictly prohibited. This policy shall apply with equal force to males and females and to heterosexual and homosexual harassment.

Employees are encouraged to report complaints of sexual harassment to the Town. The Town Board prohibits any retaliatory action against complainants or witnesses. In the absence of a reported complaint, the Town EEO Officer shall commence an investigation upon learning, or having reason to believe, that an act of sexual harassment has occurred respect to any Town employee.

III. Procedure

A. Definitions

1. *“Sexual Harassment”* shall mean unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.
2. *“Employee’s Supervisor”* shall mean the elected official, officer, Department Director/Deputy or their designee maintaining supervisory authority over the employee. For the purposes of this policy, the levels of management with supervisory authority over an employee shall, in ascending order of importance, be: designees of Department Directors/Deputies, Department Director/Deputy, Director of Personnel, Town Attorney, Deputy Town Supervisor, and Town Supervisor/Town Board.
3. *“Compliance Officer”* shall mean the Town EEO Officer or in his/her absence, the Town

Attorney.

4. "Findings Panel" shall mean a three-member investigatory panel. The Findings Panel members and panel Chair shall be selected in accordance with the provisions of Town's Equal Opportunity Grievance Procedure.⁵²

B. Complaint Procedure

Employees who believe they have been subjected to *Sexual Harassment* are to report the harassment to their *Employee's Supervisor* and, at the same time, to the *Compliance Officer* designated to coordinate compliance with Title VII. (Should the *Employee's Supervisor* be the alleged harasser, the report shall be made to the next higher level of management.) Incidents of *Sexual Harassment* may be reported verbally as an Informal Complaint or in writing as a Formal Complaint.

Consistent with federal and state law and all applicable provisions contained in the Town's collective bargaining agreements, the following procedures shall be employed in handling any complaint/report, investigation and remedial action concerning allegations of Sexual Harassment:

1. Informal Complaints

An employee may lodge an informal *Sexual Harassment* complaint by requesting a meeting with his/her *Employee's Supervisor*. Once contacted, an *Employee's Supervisor* MUST promptly, and in no event more than five (5) business days, schedule a meeting with the complainant to discuss the allegations and remedial steps available. The *Employee's Supervisor* is to keep written notes as a record of the meeting, specifying at a minimum the name of the complainant and/or victim; name of the alleged sexual harasser; nature and date of the *Sexual Harassment*; and a description of the sexually harassing behavior.

Following the meeting with a complainant, the *Employee's Supervisor* MUST promptly, and in no event more than five (5) business days, forward the complaint with a copy of the meeting notes attached to the *Compliance Officer* for investigation by the *Compliance Officer* OR schedule a meeting directly with the alleged harasser.

If the *Employee's Supervisor* schedules a meeting with the alleged harasser, the *Employee's Supervisor* is to keep written notes as a record of the meeting, indicating: the nature of the allegations; a description of what occurred when the *Employee's Supervisor* informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations.

a. If the harasser ADMITS to the allegations, the *Employee's Supervisor* is to ask the harasser for his/her written assurance the unwelcome behavior will stop.

i. If the harasser AGREES to provide written assurance that the unwelcome behavior will stop, the *Employee's Supervisor* is to:

(1) Obtain the written assurance that unwelcome behavior will stop;

(2) Inform the complainant of the potential resolution and have complainant indicate in writing on the *Employee's Supervisor's* meeting record whether or not he/she is satisfied with this resolution;

⁵² See: Equal Employment Opportunity Policy, Section E (2)(c) "Definitions".

(3) Depending upon the severity of the harassment, recommend to *Compliance Officer* that EITHER further disciplinary action be taken OR that the case be closed, in which case the complainant must also be informed that the complaint can be reopened for investigation if the *Sexual Harassment* recurs or any retaliatory action takes place;

(4) Forward a copy of file and recommendation to the *Compliance Officer*.

ii. If the harasser REFUSES to provide written assurance, then the Employee's Supervisor is to:

(1) File a report with the next appropriate level of management that includes a copy of the meeting record and recommendation that stronger corrective measures be taken.

(2) Advise complainant that a Formal Complaint should be filed.

b. If the alleged harasser DENIES the allegations or REFUSES to meet with the Employee's Supervisor, the Employee's Supervisor is to, first, inform the complainant of the denial or refusal and advise that a written Formal Complaint will be required for further formal investigation and, second, file a report with copies of all meeting notes to the Compliance Officer. (If the complainant submits the Formal Complaint to the Employee's Supervisor, a copy should accompany the Employee's Supervisor's report with a recommendation for further action to the Compliance Officer.)

2. Formal Complaints

a. Formal complaints may be lodged as an:

- i. Initial report of an allegation of Sexual Harassment;
- ii. Follow-up to an unsatisfactory resolution of an Informal Complaint of Sexual Harassment;
- iii. Recurrence of the sexually harassing behavior;
- iv. Retaliatory action based on a Sexual Harassment complaint.

b. In all cases, a Formal Complaint shall be made in writing and submitted as prescribed in the "Format" subdivision of Town's Equal Employment Opportunity grievance procedure.⁵³ The signed and dated written complaint shall contain a clear and concise statement of the relevant facts, including but not limited to date and place of incident(s), description of the sexual misconduct, names of any witnesses and any previous action taken to resolve the matter. It shall be accompanied by copies of any applicable meeting notes and/or reports compiled by the Employee's Supervisor.

C. Formal Sexual Harassment Complaint Review

A Formal Review of a *Sexual Harassment* complaint shall follow the procedure set forth in the "Complain Review Phase" of the EEO Policy.⁵⁴

⁵³ See: Equal Employment Opportunity Policy, Section E (3)(a)(ii).

⁵⁴ See: Equal Employment Opportunity Policy, Section E (3)(b).

D. Remedial Action

1. At the conclusion of the *Sexual Harassment* complaint review, should the Findings Panel determine that *Sexual Harassment* has occurred, appropriate sanctions and remedial action will be implemented in a manner consistent with any applicable law and collective bargaining agreements. Depending on the gravity of the misconduct, the sanction for the sexual harasser may range from a minimum of a formal reprimand with notation of same in his/her employment file up to and including the sanction of dismissal from Town employment. Remedial actions may include transfer, reassignment, training and/or counseling.
2. A Findings Panel recommendation shall be non-binding upon an *Employee's Supervisor*. However, should an *Employee's Supervisor* refuse to adopt the recommendations, he/she shall prepare a detailed written response addressed to the panel Chair, identifying the basis for the refusal. The panel Chair shall notify each member of the Town Board and provide each member with the report and recommendations of the Panel together with copies of the *Employee's Supervisor's* response. An *Employee's Supervisor* who fails to follow the procedures contained in this policy or fails to effect, without just cause, the recommendations of a Findings Panel when it determines that Sexual Harassment has occurred is subject to disciplinary action consistent with any applicable provisions of collective bargaining agreements.
3. Anyone who retaliates in any form against a Complainant or witness in a *Sexual Harassment* or employee who otherwise discloses or opposes *Sexual Harassment* in the workplace shall also be subject to disciplinary action consistent with any applicable provisions in the Town's collective bargaining agreements.

E. Post-Remedial Action

Following a finding of Sexual Harassment, complainants will be periodically interviewed by Employee's Supervisor to ensure that the Sexual Harassment has not resumed and that no retaliatory action has occurred. In the discretion of the Town, these follow up interviews will continue for an appropriate period of time. Written note will be taken and a report will be made of the complainant's responses during the follow up interviews.

F. Investigation in Absence of Complaint

The Town's EEO Officer, in the absence of an Informal or Formal complaint by a complainant, will, upon learning of or having reason to believe the occurrence of any Sexual Harassment, direct and ensure that the appropriate individuals commence a Sexual Harassment investigation as provided for herein.

G. Rights of Employees

Nothing contained in these procedures shall be construed to limit or otherwise abrogate the rights of employees under state or federal law or applicable collective bargaining agreements. The filing of a complaint pursuant to this procedure does not in any manner relieve any complainant from complying with applicable time limitations for filing of complaints as required under any state or federal law or applicable collective bargaining agreements.

Town Board Meetings

I. Purpose

The Town of Huntington seeks to make government open and accessible to the public and ensure that public meetings and town business is conducted in a timely, safe and appropriate manner.

II. Policy

Every Department Director, Deputy, appointee and employee of the Town of Huntington is responsible for adhering to the tenets of open and accessible government and assurance that the business of government is conducted in a timely, efficient and safe manner and a manner that reflects the respect the Town holds for the citizens whom it serves.

III. Procedure

Every Department Director shall be present at Town Board Meetings and Town Board Workshops. A Director unable to attend shall advise the Supervisor or Deputy Supervisor and request permission for the Deputy Director to attend in his/her stead. In addition, if an agenda item, resolution, hearing or presentation may require expert testimony, the Department Director will ensure that necessary staff is present and available at the Board Meeting, Workshop, Hearing and/or Presentation to answer any questions that the Town Board may reasonably be expected to ask. At meetings of the Town Board the following procedures shall be followed:

A. Security

A uniformed officer of the Department of Public Safety shall be present in the Lobby in sight of the sign-in desk at least forty-five (45) minutes prior to the start of a Town Board Meeting and remain on duty until the Board Room has been cleared following the Meeting.

B. Sign-In Cards

The Office of the Supervisor shall post staff at the Town Board Room sign-in desk at least thirty (30) minutes prior to the start of a meeting with sign-in cards and register all persons who wish to speak at a scheduled hearing or during the Public Portion.

C. Proclamations/Presentations

The offices of the Supervisor and Town Council members intending to present proclamations or otherwise conduct honorary ceremonies are responsible to assign staff who shall be present at the Lobby area sign-in desk at least thirty (30) minutes prior the meeting. The staff of the Board member conducting the ceremony will be responsible for coordinating all activities before, during or after the ceremony. Staff shall ensure that ceremonies proceed without unnecessary disruption or delay.

D. Department Director/Deputy Mandatory Attendance

Each Department Director, and assigned staff members of the Town Supervisor, Town Council and Town Attorney shall remain present and visible to the Supervisor and Town Board members for the purpose of asking or referring questions during the course of the meeting. Any Department Director unable to attend a Town Board must advise the Deputy Supervisor in advance of the meeting and upon the approval of the Deputy Supervisor will send the Deputy Department Director in his/her absence.

Town Board Resolutions

I. Purpose

The Town of Huntington seeks to insure that Resolutions are prepared and distributed in a clear, timely, efficient, and professional manner.

II. Policy

Every Department Director, Deputy, appointee and employee of the Town of Huntington is responsible for adhering to the tenets of open and accessible government and assurance that the business of government is conducted in a timely, efficient and safe manner and a manner that reflects the respect the Town holds for the residents whom it serves.

III. Procedure

An original Resolution with Sponsor Memo and pertinent backup material and four copies of same must be submitted in hard copy and E-mailed to the Supervisor's Office no later than 12:00 Noon two (2) Wednesdays preceding the week of a Town Board meeting. Any Resolution submitted thereafter shall in addition include a signed Sponsor's Memo⁵⁵ by the Department Director/Deputy Director explaining the delay and justifying why the matter should not be held over until the next subsequent board meeting.

The Supervisor's Office shall provide copies of the resolution/backup material for comments and recommendations to the Town Attorney (with regard to form) and Town Comptroller (with regard to fiscal implication). Comments and recommendations will be forwarded to the Supervisor by 10:00 am of the Monday preceding the week of the Town Board meeting.

The Supervisor's Office shall distribute the Town Board Agenda to the Town Council Office and the Town Clerk's Office not later than the close of business on Friday preceding the next Town Board meeting. The Agenda shall at the same time also be posted to the Town of Huntington's Internet website.

⁵⁵ See sample Sponsor's Memo, p. 196

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⁵⁵ See sample Sponsor's Memo, p. 196

Huntington Town Board Resolution
Sponsor's Memorandum

Instructions

This memorandum, when completed, shall accompany all requests for Town Board Resolutions, preceded by the resolution and followed by support documents relating to the request. Original and four (4) copies to be delivered to the Supervisor's Office no later than 12:00 noon, two (2) Wednesdays preceding the meeting.

1. **Brief description of the purpose of the resolution, including its effect on present procedures, if any.**

2. **Purpose. Give brief background. If item has previously been before the Board, explain. Explain if similar resolutions have been passed or denied by the Board and the policy implications, if any.**

3. **Fiscal Impact. Describe funding and amount, indicating Operating and/or Budget Item and Account number.**

Signature of Department Head/Town Board Member

Date

Print Name of Department Head/Town Board Member

For Supervisor's Office Use:

Approved by Town Attorney _____

Approved by Comptroller _____

Town Contracts

I. Purpose

The Town of Huntington seeks to improve government efficiency by processing municipal contracts in a timely, accurate and expeditious manner.

II. Policy

Every Department Director, Deputy and employee responsible for contract administration is responsible for collaboration with the Office of the Town Attorney to ensure the timely, accurate processing of contracts authorized by the Town Board, and to further guarantee that contracts provide maximum benefit to and protection of the interests of the residents of the Town.

III. Procedure

A Department Director/Deputy Director or employee at their direction seeking to execute a contract must submit a request for Contract review/drafting to the Office of the Town Attorney. Any request that fails to provide the details specified below will be returned to the Department marked "insufficient documentation" and shall be resubmitted with full documentation and a new cover memorandum.

Departmental requests for review/drafting of a Contract must be accompanied by a memorandum of explanation with attachments that include:

- Draft Town Board Resolution authorizing execution of the Contract;
- Any and all other resolutions related to the Contract;
- All necessary and pertinent contract information (including but not limited to scope of services, conditions, terms, time limitations, signature and notary pages for the Town Board members, the name of the vendor who will execute the contract and in what capacity; and the name and contact information for the contractor and contractor's attorney, if applicable);
- All of the required insurance and bonds (bonds must be signed and notarized);
- A complete Town of Huntington Public disclosure form, including the financial disclosure information required by question number nine and executed affirmation of Public disclosure.
- A statement of Employment Eligibility Verification and guarantee of compliance with U.S. Department of Homeland Security regulation, including proof of identity of employees, verification of right to work legally in the United States and copies of federal I-9 forms if applicable.⁵⁶
- In the event of a Request for Proposals (RFP), a copy of the RFP issued by the Town and a copy of the proposal submitted should also be attached.
- All pertinent background information

In the case of Special Districts represented by outside counsel (i.e., water and sewer districts), contracts must be reviewed by outside counsel in accordance with the procedure above, who must forward a letter to the Town Attorney attesting to same.

⁵⁶ Should Congress enact any changes to federal immigration law or standards for eligibility for employment, those amendments and regulatory requirements shall apply to this subsection of the guidelines for Town Contract approval.

Town Facilities (Use by External Entities)**I. Purpose**

The Town of Huntington seeks to ensure that all individuals and groups wishing to use Town premises and facilities are given fair and equal treatment with respect to their request.

II. Policy

Use shall be predicated upon factors of (1) availability, (2) public security/safety and (3) legal liability. Departments that maintain or control premises/facilities shall, in consultation with each other, maintain policies that ensure that requests for use of Town property are evaluated impartially, fairly and equally.

III. Procedure

This pertains to and regulates the Non-Commercial use of real property, including, but not limited to: Town buildings, meeting rooms, parks, beaches and parking areas and other public gathering places. It shall also regulate and authorize the Non-Commercial use of the "Thimble Theater," movable platforms and Public Address systems, and "field preparation" including use of snow fencing, trash containers and barricades.

A. Buildings/Meeting Rooms/Grounds

Individuals, groups or not-for-profit organizations seeking to use Town Hall or any other Town facility shall obtain from the Department of General Services and complete a written application that identifies: (a) the individual or group making the request (and name of a contact person in the case of a group), (b) the dates and times of proposed use and (c) description of the general purpose of the meeting or event.

The Department managing the property/facility shall process the application (e.g., General Services, Maritime Services, Parks and Recreation or Highway). The Department receiving the application shall consult with the Director/Deputy Director of Public Safety to determine if a security issue will preclude or restrict potential use. In addition, other Departments using the facility should be consulted to determine that no programmatic conflict exists. If an application is acceptable, per the above, the Department processing the application shall forward notice to the Town Attorney's Office, which will draft a Hold Harmless Agreement that the applicant must sign before use is authorized. In addition, the Town Attorney shall determine insurance coverage as feasible or necessary in context of a proposed use, in which case the applicant shall further provide a valid certificate of insurance.

B. Religious Displays

The Town shall allow the display of religious symbols on Town Property during holiday periods within the general guideline that such symbols must not proselytize, must be erected at private expense and must clearly identify the sponsoring group or individual. In the same manner, events such as non-denominational prayer meetings and other "unifying" events shall be deemed appropriate for consideration for use of Town property under this policy.

Town Hall Access

I. Purpose

The Town of Huntington seeks to protect the safety and security of employees and visitors to Town Hall.

II. Policy

Employees shall enter and exit Town Hall through Main Entrance or at the security entrance on Jackson Avenue on the east side of the building.

III. Procedure

A. Entry and Exit

Employees must enter Town Hall through the main entrances on either side of the security desk in the Main Lobby or through the "red door" security entrance on Jackson Avenue.

B. Emergency Exits

Secondary doorways are to be used as Emergency Exits only. (Be advised that "propping open" an Emergency Exit is prohibited without prior authorization from Public Safety is prohibited.)

C. Photo ID

Employees shall wear their Photo ID card upon entering, re-entering and during work hours while in Town Hall.

D. Smoking

For employees who smoke, the designated smoking area is the Courtyard between the main building and the annex. Courtyard access is restricted to the north Main Lobby entrance behind the security desk. Please note that this is the appropriate non-emergency doorway to and from the Courtyard and should be used, as smoking in any other area of Town Hall or its grounds is prohibited.

E. Violations

Violation of this policy is subject to disciplinary action.

Town Vehicle Use

I. Purpose

The Town of Huntington assigns vehicles to certain employees for the purpose of performing the business of the Town efficiently and expeditiously. The Town seeks to ensure that those assigned Town vehicles use them with appropriate care, caution and consideration.

II. Policy

The Town of Huntington assigns vehicles to certain appointed officials and employees for the purpose of conducting Town business, based strictly upon the Town's operational needs. All such Town vehicles shall clearly be marked with the name and/or seal of the Town of Huntington and their use limited to Town business. Under no circumstances shall a Town vehicle assigned to an appointed official or employee be used for personal or unapproved purposes.

III. Procedure

A. Assignment of Vehicles

Assignment of a Town vehicle may be made on a full-time and/or a temporary basis and be used solely to facilitate the conduct of Town business. Assignment is NOT a term or condition of employment and may be revoked, discontinued and/or re-instated at any time at the sole discretion of the Town. Vehicles shall be clearly marked as the property of the Town of Huntington using appropriate lettering and/or Town Seal.⁵⁷ Travel between residence and work location using a Town vehicle may be authorized at certain times and under certain conditions as determined by and at the sole discretion of the Department Director.

B. Passengers

Passengers in Town vehicles shall be limited to authorized-persons. Employees who are assigned a vehicle are responsible for ensuring that only authorized persons are permitted in the vehicle. (In cases of disaster, natural or man-made, or other life-threatening emergency for which emergency service vehicles are unavailable in a timely manner, the operator of a Town vehicle may transport otherwise unauthorized individuals to the nearest point of relief, shelter, safety or emergency treatment. Employees are required to report such use in writing to the Department Director as soon after the incident as reasonably practicable.)

C. Non-Business Use

Certain officials and employees authorized to do so by their Department Director may be allowed or required to take their Town Vehicle home during non-work hours to respond to emergencies or for immediate availability at the beginning of the next workday. Such use must

⁵⁷ In the case of security or public safety assignments or similar circumstance where vehicle markings might comprise the Town's operational needs, an unmarked vehicle may be assigned. The Department Director assigning an unmarked vehicle shall only do so with the knowledge and consent of the Supervisor/Deputy Supervisor.

be reported for each workday on which the use occurs and reported on that employee's payroll record in accordance with the Internal Revenue Service regulation. In addition for the purposes of energy conservation, such travel may include one or more stops on a normal or similarly direct route between home and work to perform personal chores or lawful personal business, provided the combined travel time is equal to or less than one (1) hour over and above the non-stop travel time.

D. Energy Conservation

The Town of Huntington has maintained an ongoing commitment to reduce energy consumption for the dual purpose of reducing energy costs as well as reducing the negative impacts of energy consumption on our environment. The following procedures shall therefore apply to Vehicle Idling and Vehicle Speed and GPS-equipped Town vehicles will be monitored for excessive idling, five (5) minutes or longer and excessive speed on Town Roads, forty (40) mph and over:

1. Vehicle Idling

Employees must adhere to the following idling limitations while operating Town vehicles:

- Vehicles shall never be left idling while unattended
- Engine warm-up periods will not exceed one minute
- Vehicles will be shut off whenever idling time is expected to exceed one (1) minute

The exceptions to the limitations set forth above have been identified and only exist under the following circumstances:

- For vehicle maintenance and diagnostic purposes (to be kept to an absolute required minimum)
- Under extreme weather conditions or any other time when the health or safety of employees or others may be jeopardized
- If the vehicle is not expected to be able to restart due to a mechanical problem (must be repaired ASAP)
- Emergency response units while on an emergency scene
- Transit vehicles in revenue service while carrying passengers
- Engine is immediately required to power auxiliary equipment (i.e. hoist, lift platform, compactors, computers, etc)

2. Vehicle Speed

As a further step to reduce fuel costs and to ensure the safety of our employees and residents, employees are directed to comply with all posted speed restrictions while driving a Town vehicle. Employees are expected to adjust their speed to compensate for weather, road or other conditions that could impact the safe operation of the vehicle.

Adherence to these procedures will be monitored through the Town's Geographic Positioning System (GPS). Employees who exceed idling limitations indicated above and/or exceed 40 miles an hour while operating a Town vehicle will be required to submit an explanation upon request of their department head or designee. Failure to provide a satisfactory explanation and/or repeated violations of these policies will result in the imposition of disciplinary action.

E. Care of Vehicle

Employees are responsible for the reasonable care and appearance of their assigned vehicle. Employees are responsible for ensuring that their assigned vehicle is maintained in accordance with the Town's vehicle maintenance schedule.

F. No Smoking

Smoking is prohibited in Town Vehicles.

G. Safety

Employees driving Town vehicles are required to obey all traffic laws and other laws that govern vehicle use and operation. The Town will not be responsible for the cost of any violation incurred by an employee while driving a Town vehicle. Accidents must be reported immediately to the employee's supervisor.

H. Cell phones

In accordance with New York State law, employees assigned Town vehicles are prohibited from using a handheld cell phone for any purpose while operating the vehicle. Furthermore, in conformance with general Town policy, the activation, operation and/or use of a Personal Mobile Communication or Electronic Device during the workday (other than an assigned lunch period or morning/afternoon break) so as to interfere with departmental operations or work assignments are prohibited. During an assigned lunch or break period, an employee using a Personal Mobile Communication or Electronic Device while operating a Town vehicle shall do so in accord with all law governing motor vehicle operation.

I. Licenses

Employees are required to maintain the license appropriate to the vehicle they have been assigned and shall carry that license on their person while operating the Town vehicle. The employee shall notify his/her Department Director and the Town Personnel Officer immediately upon suspension or revocation of proper license.⁵⁸ Employees are hereby advised that the Department of Public Safety is linked electronically to the New York State Department of Motor Vehicles to receive license suspension and revocation notices. Receipt by Public Safety of such notice that the employee has failed to disclose shall be considered a policy violation.

J. Global Position Systems (GPS)

1. Installation: The Town may install GPS equipment in any Town owned vehicle. The equipment allows supervisory employees to monitor and ensure the safety and accountability of the Town workforce. It also provides valuable data that departments can use to improve the productivity with respect to the deployment of vehicles and personnel.
2. Tampering: GPS systems are installed, maintained and upgraded under the terms of a contractual agreement between the Town and its GPS Vendor. The safe and proper operation of the GPS system is the sole responsibility of the GPS Vendor. The employee/operator of a Town vehicle is not required and is expressly forbidden from having contact with the GPS system without written authorization from the Department Director.

⁵⁸ See "Driver's License Requirements," p. 52.

3. Required Use: Employees assigned vehicles in which GPS has been installed are a) required to use that Town vehicle while performing their job duties and b) expressly forbidden from disconnecting, disabling or otherwise tampering with any GPS equipment installed on their assigned vehicle or any other Town GPS-equipped vehicle. This prohibition extends to the carrying or installation of any other device that intentionally or unintentionally interferes with Vendor-installed Town GPS equipment.

4. Malfunction: In the event GPS equipment malfunctions or becomes disabled, a Department Director may require the employee to whom the vehicle is assigned and/or who was in or observing the vehicle at the time, to prepare a written report describing any knowledge he/she has with respect to the date, time, location and nature of the events that led to the damage or malfunction.

K. Temporary Vehicle Assignments

Employees may be assigned use of a Town vehicle to use in connection with a daily assignment or overnight trip to Albany or similar destination. All requirements set forth in this policy shall apply to temporary vehicle assignments. In addition the Department Director shall establish a procedure for sign-out and return of pool vehicles under his/her authority. Employees assigned vehicles temporarily understand and agree to comply with Town Vehicle Use policy. The procedure established by the Director to track vehicle usage must allow the Director to positively verify the name of employee responsible for the vehicle at any given date and time. Should the Town be cited for an infraction of the traffic laws, the employee responsible for the vehicle shall be responsible for any fines.

L. Violations

ANY VIOLATION OF THIS POLICY IS CAUSE FOR DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION OF TOWN EMPLOYMENT.

Vandalism Reporting

I. Purpose

The damage or destruction of Town property through acts of vandalism increases the cost of government for local taxpayers, can render important facilities and services inoperable for extended periods and in some instances can present a direct danger to public health and safety. Vandalism is not a prank; it is a crime. Huntington seeks to limit vandalism and its costs to taxpayers through the speedy identification, prosecution and punishment of vandals. This shall include full restitution to cover the cost of repairing and replacing public resources.

II. Policy

Any employee who discovers an act of vandalism or observes an act of vandalism taking place or receives a report of such acts, shall immediately notify the Director of the Department of Public Safety or his/her designee, giving the location and assessment of what has been observed or reported. The Department of Public Safety shall immediately dispatch to the scene Public Safety or Security Officer(s) to evaluate, take appropriate steps to secure the scene and notify the appropriate law enforcement officials, make a photographic record and prepare a Department of Public Safety written Inspector's Report of the incident. The Director of Public Safety shall also notify the Supervisor's Office of the incident.

III. Procedure

A. Department of Public Safety

The Department of Public Safety shall formulate a procedure for photographing the scene that will permit the photographic record to be introduced into evidence during a criminal and/or civil prosecution.

The Public Safety/Security Officers dispatched to the scene will notify and report the vandalism to the Suffolk County Police Department (SCPD).

1. Identification or Apprehension of Suspects

Where a vandalism suspect is identified or apprehended, the Public Safety/Security Officers shall accompany or report as directed by the responding SCPD officers to the 2nd Precinct to swear out a criminal complaint for prosecution by the Suffolk County District Attorney.

2. Bias-related Crime

If the act of vandalism includes elements of a racial, ethnic or other bias-related crime, Public Safety/Security Officers will request that SCPD promptly dispatch Hate Crimes Unit officers to the scene. Public Safety/Security Officers will photograph the scene in accordance with departmental procedure. To preserve the chain of custody of the evidence, bias-related crime photos will be placed in a locked vault or other secure repository at the Department of Public Safety. Police Officers from the SCPD Hate Crimes Unit should also make a photographic record of the scene.

3. Serious or Costly Damage to Public Property

In the event of vandalism that is NOT bias-related but that results in serious damage to public property or damage that will be costly-to-repair, Public Safety/Security Officers will also request that SCPD promptly dispatch police officers to the scene to investigate and file a police report. Public Safety/Security Officers can take photographs to accompany the written Department of Public Safety Inspector's report for later use in a civil lawsuit. (These photos are not to be placed in the Department of Public Safety's vault or otherwise mingled with criminal evidence.)

B. Department of General Services

Repairs to public property resulting from acts of vandalism will be coordinated by the Department of General Services.

1. Bias-related Crime

In the event of bias-related acts of vandalism, after all necessary photos are taken by the SCPD Hate Crimes Unit and the Department of Public Safety personnel, the Department of Public Safety will contact the Department of General Services for immediate clean up and removal of the offensive material.

2. Serious or Costly Damage to Public Property

In the event that damage caused by vandalism puts the health and safety of the public in jeopardy (i.e., if public restrooms are vandalized) the Department of Public Safety will contact the Department of General Services so immediate repairs can be made promptly after all photos have been taken and police reports have been filled out.

C. Office of the Town Attorney

The Town Attorney's Office shall be responsible for managing the Town's efforts to seek restitution to cover the cost of repair damage to public property that results from acts of vandalism.

The Department of Public Safety shall notify the Town Attorney every time its officers swear out a criminal complaint at the 2nd Precinct of SCPD. The Town Department whose property has been damaged shall in cooperation with the Department of General Services promptly provide the Town Attorney's Office with a written estimate of the cost of repairs. The Town Attorney will forward the estimate to the Suffolk County District Attorney with a written request that restitution for the estimated amount be sought in addition to any other remedies available under a criminal prosecution.

(Restitution from criminal proceeding requires no additional civil prosecution to recoup the cost of damages. The Town Attorney, however, reserves the right to bring a civil action in concert with or in lieu of a criminal action, when the District Attorney determines criminal prosecution is unwarranted or criminal prosecution fails to result in monetary award sufficient to effect necessary repairs. In such instance, the evidence/information developed by the Department of Public Safety and the Department of General Services will be vital to the Town Attorney's case.)

Workers Compensation

I. Purpose

The Town's Workers' Compensation program provides for medical benefits and wage replacement for employees who are injured or become ill as a direct result of their job.

II. Policy

The Town of Huntington will maintain Workers Compensation Insurance and develop a procedure for compliance with the New York State Workers Compensation Law and all other relevant State statutes. The New York State Workers Compensation Law requires that a written report (C-2) of accident for which medical treatment is required be filed within ten (10) days of knowledge of it. Failure to comply with the Workers Compensation Law can result in a penalty of up to \$2,000.

The Town of Huntington requires that all workplace and work-related accidents be reported in writing within ten (10) days of knowledge that an on the job accident has occurred. An employee suffering such an accident or injury must file a C-2 accident report with the Town Personnel Officer within the required reporting period.

III. Procedure

The following procedures are to be followed when a workplace accident in which a Town employee is injured. These responsibilities are delegated to, respectively, the Employee, the Employee's Supervisor and the Department in which the Employee works.

A. Employee Requirements

1. Report accident and injury/illness to supervisor immediately
2. As soon as practicable, complete the employee section of the "Incident Report". All questions must be answered completely and the employee must provide as much information as possible regarding the the accident and/or injury. The employee must sign the form and forward to his/her supervisor. If unable to complete the form or sign it, another employee who witnessed the accident or the supervisor may complete it on the injured employee's behalf and incicate the reason the injured employee was unable to sign. An injured employee who fails to inform his or her employer, in writing, within 30 days after the date of the accident causing the injury, may lose the right to workers' compensation benefits
3. Submit completed "Incident Report" to supervisor.
4. Immediately complete and return all forms upon receipt from the Town's worker's compensation adminstrator.
5. If the injury is a result of a motor vehcile accident, a copy of the MV-104 must given to supervisor.

6. Continue to follow doctors' instructions for recovery and fully cooperate with Department, Personnel Office and Town's administrator in matters relating to injury, recovery and return to work.

B. Employee's Supervisor Requirements

1. Immediately assess the need for medical attention for injured employee. If medical attention is necessary, employee should be accompanied to the nearest hospital emergency room or in the event of a serious injury, an ambulance should be called.
2. As soon as practicable, complete the supervisor's section of the "Incident Report" All questions should be answered completely and as much information as possible provided. If applicable witness statements should be taken and submitted with the form.
3. Notify Department Head or designee of accident. Forward completed original "Incident Report" to Personnel Office and copy to Department Head as soon as practicable.
4. If the injury is a result of a motor vehicle accident, a copy of the MV-104 must be forwarded to Town Attorney's Office and Personnel Office.

C. Departmental Requirements

1. Report accident/injury to Personnel Office.
2. Communicate with injured employee to monitor recovery and return to work status.
3. Follow up investigation to determine cause of accident and implement procedures to prevent recurrence.

TOWN OF HUNTINGTON

Employee Accident/Incident Report

Name: (Last, First, MI)			Social Security No.:	Date of Incident:
Date of Birth:	Sex: M / F	Day of the Week:	Time Employee Began Work:	Time of Incident:
Home Address:			City:	State: Zip:
Home Phone:	Work Phone:	Work Status: (PT / FT)	Job Title:	
Employee's Dept:	Normal Work Schedule (days/hours):	Date Hired:	Annual Salary:	

Employee's Statement:

Explain how and why the incident/accident occurred.

Address Where Incident Occurred:

Injuries Sustained (List all Parts of the Body Injured):

Is this a reoccurrence of a previous injury? (Yes/No) _____ If Yes, provide details:

Date of First Occurrence:

Names of Witnesses:

Were you engaged in any other employment activities OTHER than with the Town of Huntington as of the date of your injury/illness? (Yes/No). _____ If yes, please answer the following questions:

By whom are you employed?

What are your duties?

Did you lose any time due to this injury/illness? (Yes/No) _____

Physician/Healthcare Professional Information

Was Medical Treatment Provided? (Yes/No) _____ (If yes, please complete)

Were You Treated in a Hospital Emergency Room?

Were You Hospitalized for this Injury? (Yes/No) _____

CONTINUED ON PAGE 2

Employee Accident/Incident Report (Page 2)
Physician/Healthcare Professional Information (Continued)
Name and Address of Facility/Hospital:
Name & Address of Treating Physician:
Date of Treatment:
I hereby present this true statement of facts concerning an injury/illness that arose out of and in the course of my employment with the Town of Huntington. I understand that providing false information to my employer may be cause for disciplinary action up to and including termination.
Employee's Signature: _____ Date: _____
SUPERVISOR'S STATEMENT:
Do you confirm that this incident/accident has been reported to you? (Yes/No) _____
Date/Accident Reported to you:
Details of the Accident/Incident:
Did Employee Continue to Work? (Yes/No) _____ If No, First Date of Lost Time: _____
Has the Employee Returned to Work? (Yes/No) _____ If Yes, Date Returned:
Did you speak to the witnesses? (Yes/No) _____ (If yes, please explain the witness' account of what happened.)
Supervisor's Signature: _____ Date: _____
Supervisor's Name (Please Print): _____
<u>ORIGINAL MUST BE SENT TO THE PERSONNEL OFFICE</u>
PMA Management Corp. PO Box 2854 Clinton, IA 52733-2854 Phone (888) 476-2669 Fax (888) 432-9762

Workplace Protocol (Daily Requirements)

I. Purpose

The Town of Huntington wishes to ensure that its employees understand that citizens expect public employees of all rank to perform official duties in a competent, professional and courteous manner. The purpose of this policy is to establish consistent standards and expectations with regard to job performance and workplace conduct.

II. Policy

An employee is expected to perform all duties associated with his/her job title in a timely and efficient manner. An employee is further expected to take personal responsibility for his/her appearance, conduct, actions, statements and comport himself/herself in a manner that demonstrates respect and consideration for fellow workers, supervisory employees and the public.

III. Procedure

A. Dress & Appearance

In relation to individual job duties, employees will be neat, clean and businesslike in appearance. Those required to wear uniforms will be supplied them on an annual basis and shall be in full uniform at all times while they are on duty. Employees are also expected to wear protective clothing, footwear and/or devices, as appropriate. Non-uniform employees should dress appropriate to their specific job function. Supervisory employees and those who regularly interact with the public should be in business attire.

B. Work Schedule

Departments shall establish a Work Schedule, indicating, at a minimum: Start Time, Morning, Lunch and Afternoon Break. It shall also include the length of each break and the length of the total workday, including all breaks, thereby establishing a Finish Time. The Department Director shall be responsible for assigning starting times and break times. An employee who wishes to temporarily alter an assigned starting time or break time may only do so upon the approval of the Department Director/Deputy Director (or supervisory designee.)

C. Lateness

Employees are expected to be at work on time and ready to perform their job duties. An employee who is late for work, late returning from break or unfit for duty is subject to disciplinary action as set forth in contract, in the case of a Contract/Union/Civil Service employee, or, by the Appointing Authority, in the case of a Management/Confidential employee.

D. No Call / No Show

A No Call/No Show is a "Late" occurrence as defined by a pertinent contract/union contract (or Department policy and a "Late" occurrence for *Management/Confidential* employees.) In those instances where, because of illness, accident or emergency, an employee is unable to get to work,

that employee is responsible for contacting his/her supervisor or arranging to have the supervisor contacted, within a time specified by the Department Director, in order to allow the Department to take appropriate steps to ensure that the employee's duties/responsibilities are covered.

E. Work Expectations

Employees are expected to perform assigned duties in a reasonable time period and in compliance with instructions of supervisory employees. In the case of those who work with documents, records, finances or similar "desk" oriented tasks, these shall perform them promptly, completely and accurately. In the case of those who work with tools, equipment or perform other "manual" tasks, these shall be performed promptly, thoroughly and safely in compliance with state and federal health and safety standards protecting the employee, his/her co-workers and the general public. All Town property and equipment will be used lawfully and appropriately. No property will be "borrowed" from another employee without consent, and in no event shall property or equipment be removed from the workplace without express authorization from the Department Director.

F. Bulk Mail

It is a requirement of the United States Postal Service that the endorsement: "**ADDRESS SERVICE REQUESTED**" be printed on each piece of every bulk mailing. Departments that lay out their own bulk mailings prior to submission to the Print Shop must include this endorsement on the layout design. The Postal Service will accept the endorsement placed in any of the following four positions:

- Directly below the return address
- Directly above the delivery address area (which includes the delivery address block and any related non-address elements such as a barcode, keyline or optional endorsement line)
- Directly to the left of the postage area and below or to the left of any price marking
- Directly below the postage area and below any price marking

In the case that a Department has envelopes that will be used for bulk mailings that were printed **without** the endorsement, send the empty envelopes to the Print Shop (**before** inserting any material) and the Print Shop will add the endorsement and return the envelopes to the department to insert the material to be mailed.

G. Bulletin Boards/Display Cases

All display areas in Town Hall and other Town Facility shall serve a lawful public purpose in connection with the mission of the Town or a Department, Office or entity thereof.

1. Permanent Display Areas

Bulletin boards, permanent and freestanding display cases, shelves and wall-mountings in permanent use shall be considered either "Public" or "Departmental" in nature.

- a. Public Displays shall be for official communications, public documents, Town-sponsored exhibitions and such other information deemed of general public interest. The

Public Information Officer shall be responsibility for or assign responsibly for public exhibitions and displays to a Department, Office or Town entity.

b. Departmental Displays shall be for posting business content, such as safety rules, statutory and legal notices, town and departmental policies, and official memoranda.

Note: Employees are responsible for reading, being familiar with and understanding the information posted by their Department.

2. Temporary Display Areas

In addition to permanent display areas, any Department, Office or Town entity may request permission to set up temporary display tables, easels, kiosks, or exhibits for a Departmental project or in cooperation with the activities of a charitable not-for-profit partner. A written request documenting the date(s), time(s), location(s), content(s) and specification(s) of the display shall be forwarded to the Public Information Officer and approved in writing or by E-mail by the Town Supervisor's Office.

H. Personal Mobile Communication Devices

The activation, operation and/or use of a personal Mobile Communication or Electronic Device during the workday (other than an assigned lunch period or morning/afternoon break) so as to interfere with departmental operations or work assignments is prohibited.

1. Prohibition of Use

Employees should provide family members/domestic partners with their worksite telephone number, which is to be used in the event of an emergency. If the employee is unable to answer his/her phone, other department employees will ensure that the employee is located in the event an emergency call is received.

2. Exceptions

Exceptions to the Mobile Communication requirements of this policy must be requested in writing by the submission of a "Request for Exemption"⁵⁹ form and granted by signature of a Department Director or Town Personnel Officer.

3. Volunteer Firefighters/Rescue Squad Exemption

A certified member of a Volunteer Fire Department or Rescue Squad within the Town of Huntington whose department or squad issues a Mobile Communication Device whose only intended use is to facilitate response to fire and/or emergency rescue calls shall be entitled to an exemption, if he/she follows the written "Request for Exemption" procedure above.

4. Length of Exemption

One-Year Maximum. Please note that all Mobile Communications exemptions, including Firefighter and/or Emergency Services exemptions, shall be valid for not more than one-year from the date of authorization. Exemption must be reviewed and, if appropriate, renewed on an annual basis.

I. Energy Conservation

Energy conservation requires the participation of every employee as a fundamental part of his/her workday routine.

⁵⁹ See: Section M "Waiver for Personal MCD.

1. Office Equipment

Do not leave office equipment running or lights on unnecessarily. Recent studies show that turning off computers and other office equipment can potentially save as much as \$44/year/computer station. Department Directors should ensure the following practices are being employed:

- a. All staff should turn off PC's monitors, printers, scanners and the like every night.
- b. Copiers must be turned off overnight rather than left in energy saver mode, which burns the equivalent of a 40-watt bulb. Turning copiers off also prolongs the life of the copier.
- c. Calculators, fans, radios and other incidental office equipment should also be turned off.

Any questions regard computers should be directed to the Department Information Technology. Questions regarding office equipment should be directed to the Department of General Services.

2. Lights

- a. Turn off lights in unoccupied areas or in spaces with sufficient natural light whenever possible.
- b. At the end of the workday and when offices are unoccupied at lunch-time, turn off lights.
- c. In cooler weather, open shades and blinds to use natural light and turn off lights.

3. Heating, Cooling and Ventilation

Because Town Hall is an older building with few zones, temperatures can vary dramatically. On an average, 1%-2% savings can result for each degree the thermostat is raised or lowered. Using fans to circulate air in summer can help create more comfortable conditions.

- a. Directors should discuss temperature settings with staff to determine a level most comfortable for all. Department Directors should then periodically check the office thermostat, if there is one located in the office, to insure proper levels are being observed.
- b. In summer, close window blinds to shade direct sunlight, which can prevent temperatures from rising. Workers should be encouraged to wear lighter clothing during hot weather and to keep a sweater or jacket on hand for cooler weather. If an office is so cold in summer that the staff needs to wear a sweater or jacket to be comfortable, temperatures should be adjusted.

4. Town Cars and Light-Duty Vehicles

Town assigned automobiles and pickup trucks are to be driven in a safe, economical manner at all times, including but not limited to: (a) Avoiding rapid acceleration; (b) Eliminating unnecessary idling or revving of engines, warming the engines 30-45 seconds in colder weather and checking that the automatic choke disengages properly upon start up; (c) Using

cruise control mode and overdrive gear when safe to do so; (d) Regularly checking tire pressure and (e) Keeping the engine tuned.

Employees who use Town vehicles must further adhere to the specific requirements of Town Vehicle Use policy set forth previously in this manual.⁶⁰

J. Tobacco Use/Smoking

Smoking and use of tobacco products inside any Town building, structure, facility or vehicle is prohibited, which applies before, during and after work hours. A "Designated Smoking Area" has been established in the Courtyard accessible by the north Lobby entrance to Town Hall. In the case of Town facilities other than Town Hall, the designation of smoking areas shall within the authority of the Department Director/Deputy with jurisdiction over facility operations.

K. Weapons

Unless authority is expressly granted by the Town on the basis of job function in connection with peace officer responsibility, employees are prohibited from carrying or possessing a weapon while on Town property, in a Town vehicle or otherwise engaged in Town Business. A weapon shall mean explosive, gun or firearm of any kind or knife. While the Town has a policy prohibiting weapons, nothing in this policy shall be construed as creating any duty or obligation on the part of the Town to take any actions beyond those required of an employer by existing law.

L. Courtesy to the Public

Employees who communicate with the public in person, by phone or by other means are required to maintain a professional demeanor and tone of voice and use proper language at ALL times. An employee who finds him/herself in a situation where he/she is at risk of becoming uncivil or acting in an unprofessional manner should immediately and politely disengage from further communication and refer the matter to his/her immediate superior.

M. Violations

An employee found in violation of this policy is liable to disciplinary action at the discretion of the Department Director and/or Town Personnel Officer.

⁶⁰ Reference: Town Vehicle Use Policy, p. 200.

N. Waiver for Personal MCD

WAIVER TO CARRY & USE PERSONAL MOBILE COMMUNICATION DEVICE

Date: _____

Employee Name: _____

Title: _____

Department: _____

Exemption Type

Cell Phone: _____

Beeper: _____

Other (Describe): _____

Other (Describe): _____

Reasons for Exemption: _____

LENGTH OF EXEMPTION REQUESTED (MM / DD / YY to MM / DD / YY)

(Not to Exceed One Year): ____ / ____ / ____ to ____ / ____ / ____

Volunteer Firefighter: _____ Department/District: _____

Emergency Rescue: _____ Department/Squad: _____

Approved: _____

Disapproved: _____

Date: _____

Signature: _____

Name of Official: _____

Department/Office: _____

____ Original: Employee's File

____ Copy #1: Department's File

____ Copy #2: Town Personnel Officer's File

Workplace Violence

I. Purpose

The Town of Huntington is concerned and committed to its' employees safety and health. The Town strives to provide every employee a place of employment that is free from recognized hazards that are likely to cause death or serious physical harm.

II. Policy

The Town of Huntington endeavors to prevent violent incidents from occurring in the workplace by implementing a Workplace Violence Prevention Program (WPVP). The Town's Workplace Violence Prevention Program will provide guidance, training, reporting systems and management of incidents related to workplace violence. The Town maintains a "zero-tolerance" policy regarding violence in the workplace.

III. Procedure

A. Definitions

Workplace violence is defined as: any gestures or oral or written expression that conveys intent to cause physical harm to persons or property; the use or display of firearms or other weapons with intent to harm; physical hitting, pushing, emotional verbal threats, destroying property, stalking, verbal or written remarks, conversations involving talk of guns that are perceived as threatening, nonverbal threats, and menacing gestures.

B. Reporting

All employees are required to promptly and accurately report, in writing, all violent incidents whether or not physical injury has occurred. Reports are to be made to the employee's Department Director. The requirement to provide written notice does not apply where an imminent danger or threat exists with respect to a specific employee. Department Directors are required to notify the Town Personnel Officer and the Supervisor's Office of all violent incident reports.

C. Responsibilities

All employees are responsible for using safe work practices for following all directives, policies and procedure and for assisting in maintaining a safe and secure workplace. Employees are encouraged to participate in designing and implementing the Town's Workplace Violence Prevention Program.⁶¹

All personnel with supervisory responsibilities are responsible for implementing and maintaining the Town's Workplace Violence Prevention Program and ensuring that all safety and health policies and procedures involving workplace security are clearly communicated and understood by all employees. Further, Supervisory personnel are expected to enforce the rules fairly and uniformly.

⁶¹ See: Workplace Violence Prevention Program.

Appendix A: FOIL**Public Officers Law****Your Right To Know****New York State's Open Government Laws
Committee on Open Government⁶²***Robert J. Freeman, Executive Director*

The Committee on Open Government is responsible for overseeing the implementation of the Freedom of Information Law (Public Officers Law, sections 84-90) and the Open Meetings Law (Public Officers Law, sections 100-111). The Freedom of Information Law governs rights of access to government records, while the Open Meetings Law concerns the conduct of meetings of public bodies and the right to attend those meetings. The committee also administers the Personal Privacy Protection Law.

The committee is composed of 11 members, 5 from government and 6 from the public. The five government members are the Lieutenant Governor, the Secretary of State, whose office acts as secretariat for the committee, the Commissioner of General Services, the Director of the Budget, and one elected local government official appointed by the Governor. Of the six public members, at least two must be or have been representatives of the news media.

The Freedom of Information Law directs the committee to furnish advice to agencies, the public and the news media, issue regulations and report its observations and recommendations to the Governor and the Legislature annually. Similarly, under the Open Meetings Law, the committee issues advisory opinions, reviews the operation of the law and reports its findings and recommendations annually to the Legislature.

When questions arise under either the Freedom of Information Law or the Open Meetings Law, the committee can provide written or oral advice and mediate in controversies in which rights may be unclear. Since its creation in 1974, more than 17,000 written advisory opinions have been prepared by the committee at the request of government, the public and the news media. In addition, several thousand oral opinions have been provided by telephone.

If you need advice regarding either the Freedom of Information Law or the Open Meetings Law, feel free to write to: Committee on Open Government, NYS Department of State, 41 State Street, Albany, NY 12231, or call (518) 474-2518, Fax (518) 474-1927.

In addition, the opinions prepared since early 1993 that have educational or precedential value are identified by means of a series of key phrases in separate indices created in relation to the Freedom of Information Law and the Open Meetings Law. The full text of those opinions is now available through the Department of State's website. To gain direct access to the text of the opinions and open government statutes, you can use the following Internet address: <http://www.dos.state.ny.us/coog/coogwww.html>

Each index to advisory opinions will be updated periodically to ensure that interested persons and government agencies will have the ability to obtain opinions recently rendered. In addition to advisory opinions and the indices to opinions, the website also includes:

- The text of the Freedom of Information, Open Meetings and Personal Privacy Protection laws;
- The rules and regulations promulgated by the committee (21 NYCRR Part 1401);
- *Your right to know*, this guide to the Freedom of Information and Open Meetings Laws;

⁶² For updates and additional information see the Committee on Open Government's page at the New York State Department of State's website <http://www.dos.state.ny.us>

- *You should know*, which describes the Personal Privacy Protection Law;
- Responses to "FAQs" (frequently asked questions); and
- *Food for Thought*, issues relating to E-mail
- Annual Report to the Governor and the State Legislature

Freedom of Information

The Freedom of Information Law, effective January 1, 1978, reaffirms your right to know how your government operates. It provides rights of access to records reflective of governmental decisions and policies that affect the lives of every New Yorker. The law preserves the Committee on Open Government, which was created by enactment of the original Freedom of Information Law in 1974.

Scope of the Law

The law defines "agency" to include all units of state and local government in New York State, including state agencies, public corporations and authorities, as well as any other governmental entities performing a governmental function for the state or for one or more units of local government in the state (section 86(3)). The term "agency" does not include the State Legislature or the courts. As such, for purposes of clarity, "agency" will be used hereinafter to include all entities of government in New York, except the State Legislature and the courts, both of which will be discussed later.

What is a Record?

The law defines "record" as "any information kept, held, filed, produced or reproduced by, with or for an agency or the State Legislature, in any physical form whatsoever. . ." (section 86(4)). Thus it is clear that items such as tape recordings, microfilm and computer discs fall within the definition of "record." An agency is not required to create a new record or provide information in response to questions to comply with the law.

Accessible Records

The original statute granted rights of access to nine specified categories of records to the exclusion of all others. Therefore, unless a record conformed to one of the categories of accessible records, it was presumed deniable. The current law, reversing that presumption, states that all records are accessible, except records or portions of records that fall within one of nine categories of deniable records (section 87(2)). Deniable records include records or portions thereof that:

- a. Are specifically exempted from disclosure by state or federal statute;
- b. Would if disclosed result in an unwarranted invasion of personal privacy;
- c. Would if disclosed impair present or imminent contract awards or collective bargaining negotiations;
- d. Are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
- e. Are compiled for law enforcement purposes and which if disclosed would:
 - i. Interfere with law enforcement investigations or judicial proceedings;
 - ii. Deprive a person of a right to a fair trial or impartial adjudication;
 - iii. Identify a confidential source or disclose confidential information relative to a criminal investigation; or
 - iv. Reveal criminal investigative techniques or procedures, except routine techniques and procedures;
- f. Could if disclosed endanger the life or safety of any person;
- g. Are inter-agency or intra-agency communications, except to the extent that such materials consist of:
 - i. Statistical or factual tabulations or data;
 - ii. Instructions to staff that affect the public;
 - iii. Final agency policy or determinations; or
 - iv. External audits, including but not limited to audits performed by the comptroller and the federal government;
- h. Are examination questions or answers that are requested prior to the final administration of such questions;
- i. If disclosed, would jeopardize an agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or
- j. Are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-a of the vehicle and traffic law.

The categories of deniable records are generally directed to the effects of disclosure. They are based in great measure upon the notion that disclosure would in some instances "impair," "cause substantial injury," "interfere," "deprive," "endanger," etc. This represents a significant change from the thrust of the original enactment.

One category of deniable records that does not deal directly with the effects of disclosure is exception (g), which deals with inter-agency and intra-agency materials. The intent of the exception is twofold. Memoranda or letters transmitted from an official of one agency to an official of another or between officials within an agency may be denied, so long as the communications (or portions thereof) are advisory in nature and do not contain information upon which the agency relies in carrying out its duties. For example, an opinion prepared by staff which may be rejected or accepted by the Director of an agency need not be made available. However, the facts, policies and determinations upon which an agency relies in carrying out its duties should be made available.

There are also special provisions in the law regarding the protection of trade secrets and critical infrastructure information. Those provisions pertain only to state agencies and enable a person submitting records to state agencies to request that records be kept separate and apart from all other agency records on the ground that they constitute trade secrets. In addition, when a request is made for records falling within these special provisions, the submitter of such records is given notice and an opportunity to justify a claim that the records would if disclosed result in substantial injury to his or her competitive position or other harm. A member of the public requesting records may challenge such a claim that records constitute trade secrets.

Generally, the law provides access to existing records. Therefore, an agency need not create a record in response to a request. Nevertheless, each agency must compile the following records (section 87(3)):

- a. A record of the final vote of each member in every agency proceeding in which the member votes;
- b. A record setting forth the name, public office address, title and salary of every officer or employee of the agency; and
- c. Reasonably detailed current list by subject matter of all records in possession of an agency, whether or not the records are accessible.

Protection of Privacy

One of the exceptions to rights of access, referred to earlier, states that records may be withheld when disclosure would result in "an unwarranted invasion of personal privacy" (section 87(2)(b)). Unless otherwise deniable, disclosure shall not be construed to constitute an unwarranted invasion of personal privacy when identifying details are deleted, when the person to whom a record pertains consents in writing to disclosure, or when upon presenting reasonable proof of identity, a person seeks access to records pertaining to him or her.

How to Obtain Records

Subject Matter List

As noted earlier, each agency must maintain a "subject matter list." The list is not a compilation of every record an agency has in its possession, but rather is a list of the subjects or file categories under which records are kept. It must make reference to all records in possession of an agency, whether or not the records are available. You have a right to know the kinds of records agencies maintain. The subject matter list must be compiled in sufficient detail to permit you to identify the file category of the records sought.

Regulations

Each agency must adopt standards based upon general regulations issued by the committee. These procedures describe how you can inspect and copy records. The committee's regulations and a model designed to enable agencies to easily comply are available on request and on the committee's website.

Designation of Records Access Officer

Under the regulations, a records access officer (or officers) must be appointed to coordinate an agency's response to public requests for records. The records access officer is responsible for keeping the subject matter list up to date, assisting you in identifying records sought, making the records promptly available or denying access, providing copies of records or permitting you to make copies, certifying that a copy is a true copy and, if the records cannot be found, certifying either that the agency does not have possession of the requested records or that the agency does have the records, but they cannot be found after diligent search. The regulations also state that the public shall

continue to have access to records through officials who have been authorized previously to make information available.

Requests for Records

An agency may ask you to make your request in writing. The law merely requires you to "reasonably describe" the record in which you are interested (section 89(3)). The responsibility of identifying and locating records sought rests to an extent upon the agency. However, if possible, you should supply dates, titles, file designations, or any other information that will help to find requested records. Within five business days of the receipt of a written request for a record reasonably described, the agency must make the record available, deny access in writing giving the reasons for denial, or furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied.

Fees

Copies of records must be made available on request. Except when a different fee is prescribed by statute, an agency may not charge for inspection, certification or search for records, or charge in excess of 25 cents per photocopy up to 9 by 14 inches (section 87(1)(b)(iii)). Fees for copies of other records may be charged based upon the actual cost of reproduction. If an agency has no photocopying equipment, a transcript of records must be made on request. However, you may be charged for the clerical time involved.

Denial of Access and Appeal

A denial of access must be in writing, stating the reason for the denial and advising you of your right to appeal to the Director or governing body of the agency or the person designated to hear appeals by the Director or governing body of the agency. You may appeal within 30 days of a denial.

Upon receipt of the appeal, the agency Director, governing body or appeals officer has 10 business days to fully explain in writing the reasons for further denial of access or to provide access to the records. Copies of all appeals and the determinations thereon must be sent by the agency to the Committee on Open Government (section 89(4)(a)). This requirement will enable the committee to monitor compliance with law and intercede when a denial of access may be improper.

You may seek judicial review of a final agency denial by means of a proceeding initiated under Article 78 of the Civil Practice Law and Rules. When a denial is based upon one of the exceptions to rights of access that were discussed earlier, the agency has the burden of proving that the record sought falls within one or more of the exceptions (section 89(4)(b)).

The Freedom of Information Law permits a court, in its discretion, to award reasonable attorney's fees when a person challenging a denial of access to records in court substantially prevails. To award attorney's fees, a court must find that the record was of "clearly significant interest to the general public" and that the agency "lacked a reasonable basis at law for withholding the record." While a court may award attorney's fees, such an award is not mandatory.

Public Notice

The regulations require that each agency post conspicuously and/or publicize in a local newspaper:

- locations where records are made available;
- the name, title, business address and telephone number of the records access officer; and
- the right to appeal a denial of access and the name and business address of the person or body to whom appeals should be directed.

Access to Legislative Records

Section 88 of the Freedom of Information Law applies only to the State Legislature and provides access to the following records in its possession:

- a. bills, fiscal notes, introducers' bill memoranda, resolutions and index records;
- b. messages received from the Governor or the other house of the Legislature, as well as home rule messages;
- c. legislative notification of the proposed adoption of rules by an agency;
- d. transcripts, minutes, journal records of public sessions, including meetings of committees, subcommittees and public hearings, as well as the records of attendance and any votes taken;

- e. internal or external audits and statistical or factual tabulations of, or with respect to, material otherwise available for public inspection and copying pursuant to this section or any other applicable provision of law;
- f. administrative staff manuals and instructions to staff that affect the public;
- g. final reports and formal opinions submitted to the Legislature;
- h. final reports or recommendations and minority or dissenting reports and opinions of members of committees, subcommittees, or commissions of the Legislature; and
- i. any other records made available by any other provision of law.

In addition, each house of the Legislature must maintain and make available:

- a. A record of votes of each member in each session, committee and subcommittee meeting in which the member votes;
- b. A payroll record setting forth the name, public office address, title and salary of every officer or employee; and
- c. A current list, reasonably detailed, by subject matter of any record required to be made available by section 88.

Each house is required to issue regulations pertaining to the procedural aspects of the law. Requests should be directed to the public information officers of the respective houses.

Access to Court Records

Although the courts are not subject to the Freedom of Information Law, section 255 of the Judiciary Law has long required the clerk of a court to "diligently search the files, papers, records and dockets in his office" and upon payment of a fee make copies of such items. Agencies charged with the responsibility of administering the judicial branch are not courts and therefore are treated as agencies subject to the Freedom of Information Law.

Sample Letters

1. Requesting Records

*Records Access Officer
Name of Agency
Address of Agency
City, NY, ZIP code*

*Re: Freedom of Information Law Request
Records Access Officer:*

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request records or portions thereof pertaining to _____ (attempt to identify the records in which you are interested as clearly as possible).

If there are any fees for copying the records requested, please inform me before filling the request (or: . . . please supply the records without informing me if the fees are not in excess of \$ ____).

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

*Sincerely,
Signature*

*Name
Address
City, State, ZIP code*

2. Appeal A Denial*Name of Agency Official Appeals Officer**Name of Agency**Address of Agency**City, NY, ZIP code**Re: Freedom of Information Law Appeal*

Dear _____:

I hereby appeal the denial of access regarding my request, which was made on _____ (date) and sent to _____ (records access officer, name and address of agency).

The records that were denied include: _____ (enumerate the records that were denied).

As required by the Freedom of Information Law, the Director or governing body of an agency, or whomever is designated to determine appeals, is required to respond within 10 business days of the receipt of an appeal. If the records are denied on appeal, please explain the reasons for the denial fully in writing as required by law.

In addition, please be advised that the Freedom of Information Law directs that all appeals and the determinations that follow be sent to the Committee on Open Government, Department of State, 41 State Street, Albany, New York 12231.

Sincerely,

Signature

Name

Address

City, State, ZIP code

Open Meetings

The Open Meetings or "Sunshine" Law went into effect in New York in 1977. Amendments that clarify and reaffirm your right to hear the deliberations of public bodies became effective on October 1, 1979. In brief, the law gives the public the right to attend meetings of public bodies, listen to the debates and watch the decisionmaking process in action.

As stated in the legislative declaration in the Open Meetings Law (section 100): "It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy."

What is a Meeting?

Although the definition of "meeting" was vague as it appeared in the original law, the amendments to the law clarify the definition in conjunction with expansive interpretations of the law given by the courts. "Meeting" is defined to mean "the official convening of a public body for the purpose of conducting public business." As such, any time a quorum of a public body gathers for the purpose of discussing public business, the meeting must be convened open to the public, whether or not there is an intent to take action, and regardless of the manner in which the gathering may be characterized. The definition also authorizes members of public bodies to conduct meetings by videoconference.

Since the law applies to "official" meetings, chance meetings or social gatherings are not covered by the law. Also, the law is silent with respect to public participation. Therefore, a public body may permit you to speak at open meetings, but is not required to do so.

What is covered by the Law?

The law applies to all public bodies. "Public body" is defined to cover entities consisting of two or more people that conduct public business and perform a governmental function for the state, for an agency of the state, or for public

corporations, including cities, counties, towns, villages and school districts, for example. In addition, committees and subcommittees consisting solely of members of a governing body are specifically included within the definition. Consequently, city councils, town boards, village boards of trustees, school boards, commissions, legislative bodies and sub/committees of those groups all fall within the framework of the law.

Notice of Meetings

The law requires that notice of the time and place of all meetings be given prior to every meeting. If a meeting is scheduled at least a week in advance, notice must be given to the public and the news media not less than 72 hours prior to the meeting. Notice to the public must be accomplished by posting in one or more designated public locations. When a meeting is scheduled less than a week in advance, notice must be given to the public and the news media "to the extent practicable" at a reasonable time prior to the meeting. Again, notice to the public must be given by means of posting. If videoconferencing is used to conduct a meeting, the public notice for the meeting must inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

When can a Meeting be Closed?

The law provides for closed or "executive" sessions under circumstances prescribed in the law. It is important to emphasize that an executive session is not separate from an open meeting, but rather is defined as a portion of an open meeting during which the public may be excluded. To close a meeting for executive session, the law requires that a public body take several procedural steps. First, a motion must be made during an open meeting to enter into executive session; second, the motion must identify "the general area or areas of the subject or subjects to be considered;" and third, the motion must be carried by a majority vote of the total membership of a public body. Further, a public body cannot close its doors to the public to discuss the subject of its choice, for the law specifies and limits the subject matter that may appropriately be discussed in executive session. The eight subjects that may be discussed behind closed doors include:

- Matters which will imperil the public safety if disclosed;
- Any matter which may disclose the identity of a law enforcement agency or informer;
- Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- Discussions regarding proposed, pending or current litigation;
- Collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);
- The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- The preparation, grading or administration of examinations; and
- The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

These are the only subjects that may be discussed behind closed doors; all other deliberations must be conducted during open meetings. It is important to point out that a public body can never vote to appropriate public monies during a closed session. Therefore, although most public bodies may vote during a properly convened executive session, any vote to appropriate public monies must be taken in public. The law also states that an executive session can be attended by members of the public body and any other persons authorized by the public body.

After the Meeting — Minutes

If you cannot attend a meeting, you can still find out what actions were taken, because the Open Meetings Law requires that minutes of both open meetings and executive sessions must be compiled and made available.

Minutes of an open meeting must consist of "a record or summary of all motions, proposals, resolutions and any matter formally voted upon and the vote thereon." Minutes of executive sessions must consist of "a record or summary of the final determination" of action that was taken, "and the date and vote thereon." Therefore, if, for example, a public body merely discusses a matter during executive session, but takes no action, minutes of an

executive session need not be compiled. However, if action is taken, minutes of the action taken must be compiled and made available.

It is also important to point out that the Freedom of Information Law requires that a voting record must be compiled that identifies how individual members voted in every instance in which a vote is taken. Consequently, minutes that refer to a four to three vote must also indicate who voted in favor, and who voted against.

Enforcement of the Law

What can be done if a public body holds a secret meeting? What if a public body makes a decision during an executive session that should have been open?

Any "aggrieved" person can bring a lawsuit. Since the law says that meetings are open to the general public, you would be aggrieved if you feel that you have been improperly excluded from a meeting or if you believe that an executive session was held that should have been open.

Upon the judicial challenge, a court has the power to nullify action taken by a public body in violation of the law "upon good cause shown." In addition, a court also has the authority to award reasonable attorney fees to the successful party. This means that if you go to court and you win, a court may (but need not) reimburse you for your expenditure of legal fees.

It is noted that an unintentional failure to fully comply with the notice requirements "shall not alone be grounds for invalidating action taken at a meeting of a public body."

The Site of Meetings

As specified earlier, all meetings of a public body are open to the general public. Moreover, the law requires that public bodies make reasonable efforts to ensure that meetings are held in facilities that permit "barrier-free physical access" to physically handicapped persons.

Exemptions from the Law

The Open Meetings Law does not apply to:

1. Judicial or quasi-judicial proceedings, except proceedings of zoning boards of appeals;
2. Deliberations of political committees, conferences and caucuses; or
3. Matters made confidential by federal or state law.

Stated differently, the law does not apply to proceedings before a court or before a public body that acts in the capacity of a court, to political caucuses, or to discussions concerning matters that might be made confidential under other provisions of law. For example, federal law requires that records identifying students be kept confidential. As such, a discussion of records by a school board regarding a particular student would constitute a matter made confidential by federal law that would be exempt from the Open Meetings Law.

Revised, January 2004

SAMPLE A

Public Posting in Department

**THIS DEPARTMENT'S FREEDOM OF
INFORMATION LAW (FOIL) OFFICER IS:**

Officer: _____

Deputy: _____

**THE COST FOR COPIES OF RECORDS
UNDER FOIL IS TWENTY-FIVE CENTS (25¢) PER
PHOTOCOPY FOR PAGES**

**UP TO 9" X 14" OR THE ACTUAL COST OF
REPRODUCTION OF THE RECORD REQUESTED.**

**(THERE IS NO CHARGE FOR INSPECTION OF A
RECORD DURING NORMAL OFFICE HOURS.)**

SAMPLE B

Department's Subject Matter List

DEPARTMENT OF THE TOWN ATTORNEY

**RECORDS REGULARLY KEPT IN THIS DEPARTMENT
CONSIST OF:**

**Abandonment Files
Arbitration Files
Board of Trustees Files
Contract Files
Court Calendars
Dedication Files
District Court Files
Franchise Agreements
Hold Harmless Agreements
Litigation Files
Outside Counsel Files
Outside Professionals Files
Property Appraisals
Subject-Matter Listings
Telecommunications Files
Town Attorney Financial Records**

SAMPLE C**Application for Public Access to Records**

OF THE TOWN OF HUNTINGTON

SECTION I TO BE COMPLETED BY APPLICANT

INSTRUCTIONS TO APPLICANT: Please complete Section I of a four-part set of this form. Carbon paper is not required. Give the form to the agency Freedom of Information Officer. The Freedom of Information Officer will return the original (white copy) to you as a response to your request or will give you part 4 as an interim response.

TO: FREEDOM OF INFORMATION OFFICER

AGENCY NAME: _____

AGENCY ADDRESS: _____, Huntington, NY 11743

I HEREBY APPLY TO INSPECT THE FOLLOWING RECORD (Please describe the record sought. If possible supply a date, a file title and number, and any other information that will help locate the record desired):

Signature of Applicant and Printed Name

Applicant Represents

Applicant's Mailing Address

Date of Application

SECTION II: FOR USE BY AGENCY FREEDOM OF INFORMATION OFFICER ONLY_____
Approved_____
Denied: (for the reason(s) checked below)_____
Confidential Disclosure or Non-final communication_____
Part of Investigatory Files_____
Unwarranted Invasion of Privacy_____
Record of Which This Agency Is Legal Custodian Cannot Be Found_____
Exempted by Statute Other Than the Freedom of Information Law_____
Other (Specify): _____

Receipt of this request is acknowledged. There will be a delay in supplying the requested record until _____ for the following reason: _____

Signature

Title

Date

Freedom of Information Officer

SECTION III: NOTICE TO APPLICANT

YOU HAVE A RIGHT TO APPEAL A DENIAL OF THIS APPLICATION IN WRITING TO THE OFFICE OF THE TOWN ATTORNEY WITHIN 30 DAYS OF THE DENIAL. INFORMATION AS TO THE PERSON TO CONTACT IS SHOWN BELOW. THE CONTACTED PERSON MUST RESPOND TO YOU IN WRITING WITHIN SEVEN BUSINESS DAYS OF RECEIPT OF YOUR APPEAL.

Name

Business Address

Business Telephone

100 Main Street

(516) 351-3042

Huntington, N.Y. 11743

FOIL FORM I (84)

(Prior edition is obsolete)

SAMPLE D

Request for Records Under Foil

Town of Huntington

Department of _____

FOIL Officer
100 Main Street
Huntington, NY 11743

Dear FOIL Officer:

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request records or portions thereof pertaining to (identify the records which you are interested in reviewing or receiving copies of). If my request appears to be extensive or fails to reasonably describe the records(s), please contact me in writing or by telephone at () ____-____.

If the fees for copying the records requested exceeds five dollars (\$5.00), please inform me before filling my request.

I understand that under the Freedom of Information Law, your Department must respond to my request within five (5) business days of the receipt of my request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Very truly yours,

Signature

Printed Name

Representing: _____
Mailing address: _____
Phone Number: _____

SAMPLE E

Acknowledging Receipt of Foil Request**(FOIL OFFICER MUST SEND THIS LETTER WITHIN FIVE (5) BUSINESS DAYS.)**

DEPARTMENT LETTERDIRECTOR

Date

Name

Street Address

Town, Zip Code

RE: FOIL Request

Dear Mr./Ms.:

This office acknowledges the receipt of your FOIL request for "_____". Your request, dated _____, was received by this department on the following date: _____.

Please be advised that it will take approximately one to two weeks to locate and assemble the record(s) that you have requested.

When the record(s) are ready for your review, I will let you know.

Thank you.

Very truly yours,

Signature

Printed Name

Foil Officer

Department

cc: Department Director

SAMPLE F

Request for More Information Identifying Records

Date

Name
Street Address Town,
Zip Code

RE: FOIL Request

Dear Mr./Ms.:

This will acknowledge receipt of your FOIL request for "_____." This department received your request, dated _____, on the following date: _____.

Please be advised that we are unable to identify and locate the record(s) you have requested.

We kindly request that you provide more specifics regarding your request (e.g., the name of/on the record, the time period during which you believe the record was created and any additional information that will assist in locating the record.)

Thank you.

Very truly yours,

*Signature*Name of Foil Officer
Department

cc: Director of Department

SAMPLE G

Denial of a FOIL Request

Date

Name

Address

Town, Zip Code

RE: FOIL Request

Dear Mr./Ms.

Please be advised that your request for, " _____," dated
_____, and received by this Department on _____ is denied.

The reason(s) for the denial of this record is _____.

If you wish to appeal this denial, please address your letter of appeal to:

FOIL Appeals Officer
Office of the Town Attorney
Huntington Town Hall
100 Main Street
Huntington, NY 11743.

Thank you.

Very truly yours,

Signature

Name of FOIL Officer
Department
Town of Huntington

cc: Director of Department

SAMPLE H**Appeal Denial of FOIL Request**

FOIL Appeals Officer
Office of the Town Attorney
Huntington Town Hall
100 Main Street
Huntington, NY 11743.

RE: Foil Request Appeal

Dear Sir or Madam:

I hereby appeal the denial of access regarding my request, which was made on _____⁶³ and sent to _____⁶⁴.

The records that were denied include: _____⁶⁵.

As required by the Freedom of Information Law, the Director or governing body of an agency, or whoever is designated to determine appeals, is required to respond within ten (10) business days of the receipt of an appeal. If the records are denied on appeal, please explain the reasons for the denial fully in writing as required by law.

In addition, please be advised that the Freedom of Information Law directs that all appeals and the determinations that follow be sent to the Committee on Open Government, Department of State, 41 State Street, Albany, NY 12231.

Very truly yours,

Signature

Name
Address
Town, Zip Code

⁶³ Enter the date of the denial letter.

⁶⁴ Enter the name of the Records Access or FOIL Officer, the name of the Department or Agency and its address.

⁶⁵ Describe or enumerate the records that were denied.

SAMPLE I

Advise as to Cost of Reproduction of Records

Date

Name

Street Address Town,
Zip Code

RE: FOIL Request

Dear Mr./Ms. _____:

Please be advised that the records you have requested have now been located and assembled.

The cost to reproduce the records is \$_____. Kindly contact me at your earliest convenience to advise me when you wish to come to this office and pick up the records.

Please note that in cases when the cost of reproducing the records, above, EXCEEDS the sum of five dollars (\$5.00) the Town of Huntington offers the option of reviewing the records free of cost in our office during normal business hours. In such case, you should advise me whether you wish to simply review the records, in which case we will arrange a date and sufficient time for your review. If you agree to remit the sum indicated we will have the copies reproduced for you to pick up. Kindly contact me and indicate your preference.

Thank you.

Very truly yours,

*Signature*Name of FOIL Officer
Department

cc: Director of Department

2011-195

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

Resolution for Town Board Meeting dated: April 12, 2011

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, certain members of the Town's Harbors and Boating Advisory Council, who's term of membership has expired, have continued to serve on the Council with distinction and given freely of their time and expertise in advising the Town Board on matters pertaining to the commercial and recreational use of Town waterways; and

WHEREAS, these certain members have expressed a desire to continue to serve on the Harbor and Boating Advisory Committee; and

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

NOW, THEREFORE

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

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

Jonathan Heidelberger, Esq. 167 Main Street, Northport, NY 11768	<u>Term Expires:</u> December 31, 2015
Dan Wolfe 56 Landing Road, Huntington, NY 11743	December 31, 2015
Frank Knoll 15 Candy Lane, Huntington Station, NY 11746	December 31, 2014
George Devine 145 Nassau Road, Huntington, NY 11743	December 31, 2015

ENACTMENT: AMEND THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.
 RE: MAPLE HILL ROAD – STOP SIGNS

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

THE TOWN BOARD having held a public hearing on the 22nd day of March, 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 IV, Stop and Yield Intersections; §2-7, Stop and Yield Intersections Designated; Schedule G, as follows:

ADD:	<u>SIGN ON</u>	<u>SIGN</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF:</u>
	Maple Hill Road (HLS)	STOP	EAST	Fort Hill Road
	Maple Hill Road (HLS)	STOP	WEST	Fort Hill Road

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.

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ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 3-2011
AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 36
(ADMINISTRATIVE HEARING OFFICER)

Resolution for Town Board Meeting dated: April 12, 2011

The following resolution was offered by: SUPERVISOR PETRONE

and seconded by: COUNCILMAN CUTHBERTSON

THE TOWN BOARD having held a public hearing on the 22nd day of March, 2011 at 7:00 p.m. to consider adopting Local Law Introductory No. 3-2011, amending the Code of the Town of Huntington, Chapter 36 (Administrative Hearing Officer), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 3-2011 amending the Code of the Town of Huntington, Chapter 36 (Administrative Hearing Officer), as follows:

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

LOCAL LAW NO. 12 - 2011
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,
CHAPTER 36 (ADMINISTRATIVE HEARING OFFICER)

Section 1. Chapter 36 (Administrative Hearing Officer), is hereby amended to read
as follows:

CHAPTER 36
ADMINISTRATIVE HEARING OFFICER

§36-1. Legislative Intent.

It is the intention of the Town Board to protect the legal interests of the public by insuring that due process is delivered as expeditiously as possible by providing for an administrative hearing officer to alternatively preside over appeals and [adjudicative] administrative hearings. In order to accomplish this goal, the Town Board is exercising its authority under §10(1)(ii)(a)(11) and (12), §10(1)(ii)(d)(3), §10(3)(b) and (4)(a) and (b) of the Municipal Home Rule Law, §136(1) and §137 of the Town Law and any other applicable provision of law now or hereafter enacted, to supercede and/or expand upon the applicable provisions of §137 of the Town Law, and any other applicable or successor law, in order to permit an appointed administrative hearing officer to preside over appeals or administrative hearings [required] to be held [under this] pursuant to the Huntington Town C[c]ode.

* * *

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§36-3. Authority of the Hearing Officer. The Hearing Officer is authorized to hear and determine the following matters:

A. Appeals. [from a determination of the Director of Engineering Services. If a Certificate of Occupancy or Certificate of Permitted Use has been suspended as provided in Chapter 87 of the Huntington Town Code, the Hearing Officer may make such determination, as he or she deems necessary or proper, with or without conditions, and may reverse the decision of the Director, in whole or in part, and reinstate the certificate or revoke such certificate.]

(1) If on a public works contract the Director of Engineering Services denied the final payment as set forth in the final payment invoice submitted by the contractor, the Hearing Officer may make such determination, as he or she deems necessary or proper, with or without conditions, and may sustain or reverse the decision of the Director, in whole or in part, and authorize the final payment as set forth in the final payment invoice or such portion of the final payment invoice as the interests of justice may require.

(2) Appeals from a determination of the Comptroller denying in whole or in part the final payment as set forth in the final payment invoice submitted by the contractor. The Hearing Officer may make such determination, as he or she deems necessary or proper, with or without conditions, and may sustain or reverse the decision of the Comptroller, in whole or in part, and authorize the final payment as set forth in the final payment invoice or such portion of the final payment invoice as the interests of justice may require.

B. The Hearing Officer is authorized to hear and determine appeals of decisions to suspend, revoke or deny licenses or permits as provided in the Huntington Town Code.

C. The Hearing Officer is authorized to make recommendations and findings to the Town Board or Town Director pursuant to the applicable provisions of the Town Code.

[C.] D. Such other matters as may be directed to the Hearing Officer by the Town Board or its designee, or as otherwise set forth in the Code of the Town of Huntington.

* * *

§36-6. Hearings; procedure.

A. In those instances where the Hearing Officer is to determine the controversy or the appeal, [The] the Hearing Officer shall schedule evidentiary hearings where minutes shall be taken and maintained as official records, together with such exhibits as are submitted to and accepted by the Hearing Officer. The Hearing Officer shall issue a written decision [either] pursuant to the requirements of the relevant code provision [under consideration] and within the time set forth therein, or within [thirty (30)] twenty (20) days of the close of the hearing, whichever is less. [The] Unless otherwise stated, the decision of the Hearing Officer shall be served upon the claimant or other person or

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entity seeking redress before the Hearing Officer by regular or certified mail return receipt requested, and filed in the Office of the Huntington Town Clerk.

B. In those instances where the Hearing Officer acts in an advisory capacity to the Town Board or a Town Director, the Hearing Officer shall submit his/her written findings and recommendations to the Huntington Town Board or such Director pursuant to the requirements of the relevant code provisions and within the time set forth therein, or within [thirty (30)] twenty (20) days of the close of the hearing, whichever is less. [and a] Unless otherwise stated, a copy shall be served by regular or certified mail, return receipt requested, to the claimant or other subject of the hearing. The Town Board or Director may adopt or dismiss, in whole or in part, with or without conditions, the [determination] recommendations of the Hearing Officer.

* * *

§36-9. Appeals.

Any person or business entity that is aggrieved by the determination of the Hearing Officer, Town Director or Town Board may appeal to a court pursuant to Article 78 of the New York Civil Practice Law and Rules, or other applicable provision of law.

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 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 New York.

*** INDICATES NO CHANGE
ADDITIONS ARE INDICATED BY UNDERLINED
DELETIONS ARE INDICATED BY [BRACKETS]

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

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE V, §2-10, SCHEDULE I.

RE: HUNTINGTON SCHOOL DISTRICT, SCHOOL SPEED LIMITS

Resolution for Town Board Meeting Dated: April 12, 2011

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

WHEREAS, amendments to the Uniform Traffic Code of the Town of Huntington regarding parking restrictions are classified as Type II actions pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)16(c)(20) and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the **3rd** day of **May**, 2011, at **2:00** p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 2, Traffic Regulations; Article V, Speed Restrictions; §2-10, School Speed Limits; Schedule I.

	<u>NAME OF STREET</u>	<u>SPEED LIMIT</u> (miles per hour)	<u>LOCATION</u>
ADD:	McKay Road (HUN)	20	From 155 feet east of Oakwood Road to 175 feet west of Horizon Drive
ADD:	Holdsworth Drive (HUN)	20	From 575 feet west of Horizon Drive to 150 feet east of Oakwood Road
ADD:	Greenlawn Road (HUN)	20	From 60 feet west of Loma Place to 390 feet west of Polly Drive

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ADD:	Lowndes Avenue (HUS)	20	From 70 feet north of Tower Street to 220 feet north of Columbia Street
ADD:	Flower Hill Road (HUN)	15	From 500 feet north of Flower Hill Court to Atlanta Drive
ADD:	Oakwood Road (HUN)	15	From 10 feet south of Edcris Lane to 150 feet south of North Street
ADD:	Browns Road (HUN)	15	From 85 feet north of Drohan Street to 295 feet north of Southdown Road
ADD:	Southdown Road (HUN)	15	From 155 feet north of John Dave's Lane to 220 feet north of Browns Road
ADD:	Whitson Road (HUS)	15	From 300 feet east of Ellen Place to 60 feet east of Kivy Street East
ADD:	Woodbury Road (HUN)	20	From 25 feet north of West Carver Street to Route 25A

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

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE V, §2-10, SCHEDULE I.

RE: NORTHPORT-EAST NORTHPORT SCHOOL DISTRICT, SCHOOL SPEED LIMITS

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, amendments to the Uniform Traffic Code of the Town of Huntington regarding parking restrictions are classified as Type II actions pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)16(c)(20) and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the 3rd day of **May**, 2011, at 2:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 2, Traffic Regulations; Article V, Speed Restrictions; §2-10, School Speed Limits; Schedule I.

	<u>NAME OF STREET</u>	<u>SPEED LIMIT</u> (miles per hour)	<u>LOCATION</u>
ADD:	Bellerose Avenue (NPT)	20	From 180 feet west of Gilder Court to 1270 feet west of Gilder Court
ADD:	Dickinson Avenue (ENP)	15	From 180 feet east of Dawn Drive to 70 feet east of Imperial Court
ADD:	Fifth Avenue (ENP)	20	From 130 feet west of Gildare Drive to 90 feet east of Autumn Drive
ADD:	Norwood Road (NPT)	20	From 790 feet west of Starlit Drive to 140 feet east of Starlit Drive

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	<u>NAME OF STREET</u>	<u>SPEED LIMIT</u> (<u>miles per hour</u>)	<u>LOCATION</u>
ADD:	Pulaski Road (ENP)	15	From 370 feet east of Elwood Road to 840 feet east of Elwood Road
ADD:	Fifth Avenue (ENP)	20	From 240 feet west of Howard Court to Atlantic Street
ADD:	Fifth Avenue (ENP)	20	From 70 feet west of Cheshire Place to 175 feet west of Atlantic Street
ADD:	Cheshire Place (ENP)	20	From 245 feet south of Webster Place to Fifth Avenue
ADD:	Middleville Road (NPT)	20	From 45 feet west of Rowley Drive to 1070 feet west of Rinaldo Road
ADD:	Laurel Hill Road (NPT)	20	From Elwood Road to Pine Hill Court
ADD:	Vernon Valley Road (ENP)	20	From 310 feet north of Bellerose Avenue to 60 feet north of Crest Drive

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

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE V, §2-10, SCHEDULE I.

RE: HARBORFIELDS SCHOOL DISTRICT, SCHOOL SPEED LIMITS

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, amendments to the Uniform Traffic Code of the Town of Huntington regarding parking restrictions are classified as Type II actions pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)16(c)(20) and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the 3rd day of **May**, 2011, at 2:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 2, Traffic Regulations; Article V, Speed Restrictions; §2-10, School Speed Limits; Schedule I.

	<u>NAME OF STREET</u>	<u>SPEED LIMIT</u> (miles per hour)	<u>LOCATION</u>
ADD:	Taylor Ave (GLN)	20	From 125 feet north of Pulaski Road to 235 feet south of Boulevard Avenue
ADD:	Oldfield Road (HUN)	15	From 530 feet west of Tilden Lane to 580 feet east of Greenlawn Road
ADD:	Greenlawn Road (HUN)	20	From 455 feet north of Dunlop Road to 170 feet south of Old Field Road

2011-201

ADD: Pulaski Road 15
(GLN)

From 40 feet west of
Naples Lane to 800 feet
west of Greenbrush Court

ADD: Washington Drive 20
(CPT)

From Crooked Cottage
Court to 825 feet west of
Pueblo Avenue

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

AYE
AYE
AYE
AYE
AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE V, §2-10, SCHEDULE I.

RE: HALF HOLLOW HILLS SCHOOL DISTRICT, SCHOOL SPEED LIMITS

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, amendments to the Uniform Traffic Code of the Town of Huntington regarding parking restrictions are classified as Type II actions pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)16(c)(20) and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the **3rd** day of **May**, 2011, at **2:00 p.m.** at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 2, Traffic Regulations; Article V, Speed Restrictions; §2-10, School Speed Limits; Schedule I.

	<u>NAME OF STREET</u>	<u>SPEED LIMIT</u> (miles per hour)	<u>LOCATION</u>
ADD:	Burrs Lane (DXL)	20	From 100 feet south of South Service Road to 325 feet north of Lansdowne Lane
ADD:	DeForest Road (DXL)	15	From 250 feet north of Buttonwood Drive to 100 feet south of Parkwood Lane
ADD:	Otsego Avenue (DXL)	20	From 135 feet west of Old Brook Road to terminus

- ADD: Seaman Neck Road 20 From Scott Street to
(DXL) Nantucket Lane
- ADD: Caledonia Road 20 From 110 feet north of
(DXL) Wolf Hill Road to 310
feet south of Arbor Lane
- ADD: Sweet Hollow Road 20 From 480 feet west of
(MVL) Walt Whitman Road to
230 feet south of Old
Country Road
- ADD: Carlls Straight Path 20 From 730 feet south of
(DXL) Candlewood Path to 280
feet north of Candlewood
Path
- ADD: Old East Neck Road 20 From 930 feet south of
(MVL) Legends Circle to 1910
feet south of Legends
Circle
- ADD: Wolf Hill Road 20 From 350 feet east of
(DXL) Ona Avenue to 130 feet
west of Melrose Road
- ADD: Carman Road 20 From 285 feet north of
(DXL) Langhans Court to 525 feet
south of Langhans Court

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

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

RE: BOULEVARD AVENUE, PARKING RESTRICTIONS

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, amendments to the Uniform Traffic Code of the Town of Huntington regarding parking restrictions are classified as Type II actions pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)16(c)(20) and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the 3rd day of May, 2011, at 2:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 3, Parking Regulations; Article II, Parking, Standing and Stopping Regulations; §3-3, Designation of Areas and Restrictions; Schedule J.

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
DELETE:	Boulevard Avenue/North From 930 ft. east of Broadway- Greenlawn Rd. to 515 ft. east of Broadway-Greenlawn Rd. (GLN)	Limited parking 1 hour	8:00 a.m. to 6:00 p.m., except Sun. and holidays
	Boulevard Avenue/North From 290 ft. east of Broadway- Greenlawn Rd. to 50 ft. east of Broadway-Greenlawn Rd. (GLN)	Limited parking 1 hour	8:00 a.m. to 6:00 p.m., except Sun. and holidays
	Boulevard Avenue/South From 515 ft. east of Broadway- Greenlawn Rd. to 760 ft. east of Broadway-Greenlawn Rd. (GLN)	Limited parking 1 hour	8:00 a.m. to 6:00 p.m., except Sun. and holidays

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ADD:	Boulevard Avenue/North From 930 ft. east of Broadway- Greenlawn Rd. to 515 ft. east of Broadway-Greenlawn Rd. (GLN)	Limited Parking 2 hours	8:00 a.m. to 6:00 p.m., except Sun. and holidays
	Boulevard Avenue/North From 290 ft. east of Broadway- Greenlawn Rd. to 50 ft. east of Broadway-Greenlawn Rd. (GLN)	Limited parking 2 hours	8:00 a.m. to 6:00 p.m., except Sun. and holidays
	Boulevard Avenue/South From 515 ft. east of Broadway- Greenlawn Rd. to 760 ft. east of Broadway-Greenlawn Rd. (GLN)	Limited parking 2 hours	8:00 a.m. to 6:00 p.m., except Sun. and holidays

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

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G
RE: WOODLEE ROAD – STOP SIGNS

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, an amendment to the Uniform Traffic Code of the Town of Huntington regarding stop signs is a TYPE II action pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)(16) (c)20 and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the 3rd day of May, 2011, at 2:00p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 2, Traffic Regulations; Article IV, Stop and Yield Intersections, §2-7, Stop and Yield Intersections Designated; Schedule G.

	<u>SIGN ON</u>	<u>SIGN</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF:</u>
ADD:	Woodlee Road (CSH)	STOP	EAST	Woodbury Road

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.

2011-205

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT
RE: 7 TITUS LANE – COLD SPRING HARBOR HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: April 12, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by Judith Hogan, Owner, 7 Titus Lane, Cold Spring Harbor NY 11724, for a Certificate of Approval to erect a two story addition to an existing garage with first floor for garage storage and second floor for recreation room for a one family dwelling, located at 7 Titus Lane, 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 #0400-016.00-06.00-025.001, 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 **16th** day of **May**,
2010, 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 Judith Hogan.

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.

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 9 -2011 AMENDING LOCAL LAW NO. 2-2011 SO AS TO EXTEND A MORATORIUM ON PUBLIC HEARINGS, APPROVALS, GRANTS AND CONDITIONAL USE PERMITS BY THE ZONING BOARD OF APPEALS FOR WIRELESS TRANSMISSION FACILITIES

Resolution for Town Board Meeting dated: April 12, 2011

The following resolution was offered by: Councilwoman Jackson

and seconded by: COUNCILWOMAN BERLAND

WHEREAS on February 1, 2011 by Resolution No. 2011-63, the Town Board adopted Local Law No. 2-2011 establishing a ninety (90) day moratorium on public hearings, and the issuance of approvals, grants and conditional use permits by the Zoning Board of Appeals for wireless transmission facilities; and

WHEREAS, the moratorium was established to protect the interests of the public while the Town Board studied the development of these sites with a view towards establishing standards, guidelines and amendments to the code which are consistent with existing federal and state laws, rules and regulations; and

WHEREAS, the Town Board finds that it would be in the best interests of the public to extend the moratorium from May 8, 2011 to June 6, 2011 in order to hold a public hearing and adopt proposed amendments to the Town Code regarding the review of applications for the placement and location of cell towers and accessory devices and facilities on private and publicly-owned properties in all zoning districts; and

WHEREAS, an extension of a moratorium on public hearings and approvals for wireless telecommunications facilities is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(30) of the SEQRA regulations, and therefore no further SEQRA review is required.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby schedules a public hearing for the 3rd day of ~~May~~ 2011 at 2:00 p.m., at Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 9-2011, amending Local Law Number 2-2011 so as to extend a Moratorium on public hearings, approvals, grants and conditional use permits by the Zoning Board of Appeals for wireless transmission facilities to June 6, 2011; as follows:

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

LOCAL LAW INTRODUCTORY NO. 9 - 2011
AMENDING LOCAL LAW NO. 2-2011 SO AS TO EXTEND A
MORATORIUM ON PUBLIC HEARINGS, APPROVALS, GRANTS AND
CONDITIONAL USE PERMITS BY THE ZONING BOARD OF APPEALS
FOR WIRELESS TRANSMISSION FACILITIES

Section 1. Amendment to Local Law No. 2-2011 so as to extend a ninety (90) day moratorium on public hearings, approvals, grants and/or conditional use permits by the Zoning Board of Appeals regarding wireless transmission facilities currently required to obtain a conditional use permit from the Zoning Board of Appeals as provided for in §198-68 (A)(6) of the zoning code is in the public interest.

Section 2. Legislative Intent, Purpose and Findings:

- (1) The Code of the Town of Huntington has not been comprehensively updated since 1998 with respect to the regulation of wireless transmission facilities which refers to antennas, beacons, towers and accessory facilities as defined in §198-68 (A)(6)(b) of the zoning code of the Town of Huntington.
- (2) The wireless communications industry is characterized by the rapid development of new technologies that in many instances may result in community impacts as they are installed at various locations throughout the Town; furthermore, there have been numerous court decisions interpreting the extent of permissible local regulation of wireless transmission facilities.
- (3) It has become necessary to update Chapter 198, Section 198-68(A)(6) to ensure that the Code of the Town of Huntington regulates wireless transmission facilities and related improvements to the fullest extent permitted by applicable Federal and/ or State laws, and court decisions interpreting said laws, for purposes of preserving and enhancing the safety and welfare of the residents of the Town of Huntington and the public in general. The code amendments to be considered include but are not limited to the proof necessary to establish compliance with the federal RF emission limit, whether on-site testing of RF emissions should be required, and whether a gap in service requires location at a particular site; what standard of proof should apply to determine whether a gap in service exists and/or whether a particular location is necessary to satisfy a gap in service; what constitutes a gap in service; and to review alternative code language to mitigate the aesthetic impacts and whether particular types of structures such as lattice towers can be prohibited, and in otherwise considering amendments to the code that will comply with all applicable federal and state law.

Section 3. Declaration of Moratorium. A [ninety (90) day] moratorium on public hearings, approvals, grants and conditional use permits by the Zoning Board of Appeals for the construction or installation of wireless transmission facilities which are defined as antennas, beacons, towers and accessory facilities in §198-68 (A)(6)(b) of the zoning code of the Town of Huntington in order to provide the Town sufficient time to review

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the existing code and implement new regulations is hereby declared up to and including June 6, 2011. This declaration applies only to wireless transmission facilities that are required to obtain a conditional use permit from the Zoning Board of Appeals pursuant to Chapter 198, Section 198-68 (A)(6) of the Town Code.

Section 4. Hardship Application. Any person or entity aggrieved by this moratorium may apply to the Town Board for relief from the moratorium based upon a hardship. Applications for such relief shall be made in writing to the Town Clerk and shall specify the basis for the claimed hardship; supply all supporting documentation and proof; and pay an application fee of \$150. The Board shall grant a hardship application only if it is established that the hardship is not self-created; that tangible and identifiable loss will occur if applicant is required to wait until the expiration of this moratorium before a hearing is held and/or a decision is rendered by the Zoning Board of Appeals, or that an emergency situation exists involving an imminent threat to public health and safety. The need for prompt application to provide or maintain emergency protection services shall be sufficient to establish entitlement to a hardship exemption.

Section 5. This moratorium does not apply to publicly owned properties. However, those applications will be required to undergo review by the Department of Engineering Services for compliance with requirements for a building permit before permission to proceed will be granted.

Section 6. 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 7. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

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

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 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.

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 10 -2011, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE I (GENERAL PROVISIONS) AND ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS) (RE: WIRELESS TELECOMMUNICATIONS FACILITIES)

Resolution for Town Board Meeting dated: April 12, 2011

The following resolution was offered by: Councilwoman Jackson

And seconded by: COUNCILWOMAN BERLAND

WHEREAS, the Town has undertaken a comprehensive review of the code provisions regarding the location and construction of wireless telecommunication facilities first adopted in the Town in 1998, including a review of the federal statutes and agency regulations that affect local regulatory authority, decisional law of the federal and state courts and recently adopted codes in other municipalities; and

WHEREAS, the current code needs to be amended to reflect technological growth in the industry as well as developments in the law relating to the regulatory authority of local government; and

WHEREAS, it is the intention of the Town Board to exercise local authority to regulate wireless telecommunication and related facilities to the maximum extent permitted by law; and

WHEREAS, pursuant to the SEQRA regulations, the scheduling of a public hearing to consider amending the Code of the Town of Huntington is not an action, and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 3rd day of May, 2011, at 2:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions) and 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. 10 - 2011
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING), ARTICLE I (GENERAL PROVISIONS) AND
ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

Section 1. Amendment to the Code of the Town of Huntington, Chapter 198

(Zoning), Article I (General Provisions) and Article XI (Conditional Uses; Supplementary Regulations), as follows:

CHAPTER 198
ZONING

ARTICLE I
(GENERAL PROVISIONS)

* * *

§198-2. Definitions and word usage.

* * *

SELF-SERVICE STORAGE FACILITY (or MINI STORAGE) -- A structure containing separate storage spaces of varying sizes leased or rented as individual units, limited to dead storage, except that one (1) apartment, for use as manager's quarters and leasing office, shall be permitted as a customary accessory use. The storage of radioactive materials, explosives or other flammable or hazardous materials is prohibited. All other business activity, other than the rental of storage units, is prohibited, as is the servicing or repair of vehicles, boats, trailers, lawnmowers or any similar equipment. All such facilities shall have rental contracts including clauses prohibiting such activities. Such facilities may only be allowed as a conditionally permitted use and only in the I-3, I-4, I-5, and C-6 zoning districts pursuant to §§ 198-66 and 198-68(A) [(27)].

* * *

ARTICLE XI
(CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

§ 198-66. Conditional uses; special use permits.

* * *

E. [Violation(s) of any of the conditions listed in this section, in § 198-68] Any violation of the conditions established in this chapter for the issuance of a special use permit and/or imposed by the Zoning Board of Appeals [in connection with a grant] shall, after thirty (30) days' notice by said Board or [an] a town enforcement officer [from the Town] to correct such violation, result in revocation of both the Zoning Board of Appeals grant and the certificate of occupancy and/or [for the specific use] permitted use, and any associated accessory uses if there has been a failure or neglect to bring the property into compliance to the satisfaction of the town. The use and its accessory uses shall not be reestablished until all violation(s) are corrected to the satisfaction of the town. Reestablishment of a grant will require an application to the Zoning Board of Appeals and, at the discretion of [said] the Board, a public hearing.

* * *

§198-68. Uses Permitted by the 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.

* * *

[(6)] REPEALED IN ITS ENTIRETY

(6) [(7)] * * *

(7) [(8)] * * *

(8) [(9)] * * *

[(10)] [(Reserved.)]

(9) [(11)] * * *

(10) [(12)] * * *

(11) [(13)] * * *

(12) [(14)] * * *

(13) [(15)] * * *

(14) [(16)] * * *

(15) [(17)] * * *

(16) [(18)] * * *

(17) [(19)] * * *

(18) [(20)] * * *

(19) [(21)] * * *

(20) [(22)] * * *

(21) [(23)] * * *

(22) [(24)]	*	*	*
(23) [(25)]	*	*	*
(24) [(26)]	*	*	*
(25) [(27)]	*	*	*
(26) [(28)]	*	*	*

§198-68.1. Wireless Telecommunications Facilities. The Zoning Board of Appeals may authorize the following use, after making the required findings and holding a public hearing.

(A) **Legislative intent.** These regulations are not intended to prohibit or have the effect of prohibiting the provision of adequate communications systems. The Huntington Town Board has determined that it is in the best interests of town residents to establish standards for the location of telecommunication facilities and the provision of communication services consistent with applicable federal and state laws, statutes, rules and regulations in order to:

- (1) Protect the health, safety and welfare of the residents of the Town.
- (2) Protect natural features, aesthetics and the residential character of [the] neighborhoods and areas surrounding school facilities within the Town, and protect the efficient and orderly development of land uses from potential adverse impacts.
- (3) Promote and encourage the location of these devices in nonresidential areas of the Town.
- (4) Minimize the total number of such devices constructed throughout the Town within functional limits.
- (5) Promote and encourage joint use of such new and existing devices and discourage the erection of such devices for single users.
- (6) Promote and encourage the location of such devices, to the extent possible, in areas where adverse impacts on the surrounding neighborhoods are minimized.
- (7) Promote and encourage the configuration of such devices in a manner that minimizes adverse visual and aesthetic impacts through careful design, siting, landscape screening, and innovative camouflaging techniques.

(8) Promote the ability of service providers to supply such services as effectively and efficiently as possible.

(9) Prohibit potential damage to adjacent and/or nearby properties from collapse or failure of such devices through adequate engineering and siting requirements.

(10) Verify that proposed wireless telecommunication facilities and other facilities subject to this legislation comply with federally established limits for RF emissions and that the proposed facility is truly necessary to remedy a significant gap in service at a specified location.

(11) Require applicants to conduct field studies and produce such other proof as is reasonably necessary to establish the need for the proposed facility at the specified location.

(B) Definitions and word usage. The following terms shall have the meanings indicated herein. Terms which are not defined or found to be ambiguous shall be defined as provided in the Telecommunications Act of 1996, and any successor law, together with the rulings and regulations pursuant thereto.

ACCESSORY FACILITY -Includes any building or other structure which is accessory to the principal use, being subordinate in size, area, extent and purpose to the principal use, and located on the same lot as the principal use.

ANTENNA and/or BEACON - Includes any device that incorporates a system of electrical conductors involved in transmitting or receiving radio frequency waves, including radio navigation, radio and television frequencies (excluding radar), wireless and microwave communications, generally ranging from ten (10) hertz to three hundred thousand (300,000) megahertz, and/or used in communications that radiate or capture electromagnetic waves, digital or analog signals, or other communications signals.

COLLOCATION - The use of any communication, transmission and/or reception antennae and/or towers, radio, television and/or telecommunications beacons to carry two (2) or more antennae by two (2) or more service providers.

FAA - The Federal Aviation Administration of the United States.

FCC - The Federal Communications Commission of the United States.

HEIGHT - The distance measured from the finished mean grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

PREEXISTING TOWERS AND ANTENNAE - Includes any and all towers or antennae possessing a valid, current and proper building permit and/or special use permit issued prior to July 1, 1998.

TOWER - Includes any structure which is designed, constructed or installed primarily for the purpose of supporting one or more antennae for telephone, television, radio and other communication purposes, including self-supporting lattice towers, guyed towers or monopole towers, radio and television transmission and reception towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and similar structures. A Tower hall include the structure and any support systems appurtenant thereto.

TOWN OF HUNTINGTON OR TOWN – Town of Huntington, Huntington Board of Trustees, and any subdivision thereof including special improvement districts and agencies, and including the Dix Hills Water District.

WIRELESS TELECOMMUNICATIONS FACILITIES OR TELECOMMUNICATIONS FACILITY includes ANTENNA, BEACONS, TOWERS and any structure, equipment, installation, facility or appurtenance designed, installed or intended to be used to support antennas or other transmitting or receiving device for cellular, radio, television, SMR, paging, 911, Personal Communication Services (PCS), commercial satellite services, microwave and any commercial wireless telecommunication service not licensed by the FCC, including without limit towers of all types, structures, buildings, church steeples, or anything that is used to support antennas or its functional equivalent; including all accessory facilities, installations and equipment such as cabling, equipment shelters and other appurtenances.

(C) Applicability. Unless otherwise provided, this legislation shall not apply to the following:

(1) Applications for Wireless Telecommunications Facilities located or to be located on property owned, leased, used or otherwise controlled by the Town of Huntington or the Huntington Board of Trustees shall be determined by the Town Board, who shall exercise the same authority as the Zoning Board of Appeals in all respects and shall determine whether or not the applicant meets the requirements of this chapter after holding a public hearing. An original and six copies of the application to the Town Board shall be filed in the Office of the Huntington Town Clerk and shall consist of all documents, information, proof and plans required for applications before the Zoning Board, together with a non-refundable application fee of \$2,500.00. If the application is granted, a lease or license for the use of the land shall be executed on such terms and conditions as deemed advisable to the Town Board or Board of Trustees, as the case may be, after a public hearing.

(2) All antennas which are accessory to permitted residential uses and are mounted on the residential dwelling without a tower.

(3) Such uses that are licensed to operate by the Federal Communications Commission, pursuant to 47 CFR 97, or successor law, such as amateur radio operations, subject to the provisions of Article IX of this chapter.

(4) Uses which are pre-empted from local regulation by federal or state law.

(5) Any repair or maintenance of lawfully existing Wireless Telecommunications Facilities provided that such repair or maintenance does not change, extend or expand the facilities or service.

(D) Pre-Application Conference: All applicants are required to attend a pre-application conference to review the proposal and receive comments from the applicable town departments prior to filing an application for a special use permit before the Town Board or Zoning Board of Appeals, as the case may be, or filing an application for a building permit for those applications that do not require a special use permit. Applicants shall provide such documents and plans as the Directors may reasonably require in advance of the conference for the purpose of providing comments and recommendations.

(E) Application Requirements. Applications for special use permits shall include the following:

(1) Inventory. An inventory of all existing like uses, or sites approved for like uses, that are either within the jurisdiction of the Town or within one (1) mile of all borders thereof, including specific information about the location, height and design of each tower, compiled from public records by the best efforts of the applicant; the distance from the proposed new use as shown on the map or plan submitted with the application; and the name of the owner/operator of each such use, as best as same can be ascertained. The applicant must demonstrate why an existing Wireless Telecommunication Facility in such inventory is not suitable or available to satisfy the stated need.

(2) A certification by a qualified professional establishing that the use meets or exceed the standards and regulations of the FAA and/or FCC, and of any other state or federal agency having jurisdiction.

(3) A site plan drawn to scale meeting all the requirements contained in the Town Code and the Town Subdivision and Site Improvement Regulations.

(4) Delineation of all distances between the proposed use and all adjoining residentially-zoned or residentially-utilized properties, and the distance between the nearest boundary line of any private or public school property and the boundary line of the property on which the proposed use is to be located, if the distance is 500 feet or less.

- (5) A notarized statement of the applicant's compliance with all applicable federal, state, and local laws.
- (6) A notarized statement by the applicant as to whether the construction or placement of a new tower or other structure to locate antennas thereon will accommodate collocation of additional antennae for future users.
- (7) A notarized statement of the suitability or unsuitability of existing [like uses,] towers or other structures and/or alternative technologies that are available in place of the proposed structure, and the uses contemplated for the proposed structure or antenna.
- (8) A notarized statement describing the efforts made to collocate on an existing Wireless Telecommunications Facility or to locate on, upon or within an existing structure.
- (9) A notarized statement containing the following information: (a) frequency, modulation and class of service of radio or other transmitting equipment; (b) actual intended transmission power stated as the maximum effective radiated power (ERP) in watts; (c) certification that an attached copy of the FCC license for the intended use of the Wireless Telecommunication Facilities is a true and complete copy; and (d) the number, type and model of the proposed antenna(s) with a copy of the specification sheet.
- (10) A notarized statement that the proposed Wireless Telecommunication Facility will be in full compliance with the current FCC RF Emissions guidelines, together with a complete study as verification of such compliance.
- (11) A notarized statement that the proposed tower or other structure that will support the proposed antenna or beacon is in compliance with FAA Regulation Part 77 and whether it requires lighting. If a FAA determination is required then all documentation filed in connection with the application must be provided.
- (12) A photograph simulation to demonstrate the appearance of the proposed facility from multiple angles and heights.
- (13) Evidence that a pre-application conference has been held with the relevant town departments in the form of a memorandum with comments from town departments or otherwise.
- (14) Multiple user plans. Applications to collocate on a specific site which has been granted a special use permit under this chapter shall be required to satisfy all of the requirements of this chapter, except an inventory of all existing like uses shall not be required nor is the applicant to establish that alternate locations or alternate technologies are not available or suitable.

(15) Applicants must produce evidence by qualified professional(s) in the form of studies, including field studies where appropriate, that the proposed telecommunications facilities meet or exceed the standards in the industry and that the existence of a gap in service would be remedied at the proposed location by the proposed facility. Such evidence is also required to support requests to locate in a residential zoning district, or within 500 feet of property containing a public or private school, or to erect a new tower or structure in lieu of installing the facilities within or upon an existing tower or structure.

(16) All documents, information and proof required to be provided for a special use permit.

(F) Aesthetic requirements. All such uses shall comply with the following requirements, unless otherwise required by the FAA, FCC or other applicable authority:

(1) Color. All wireless telecommunication facilities shall be of a neutral color or such other color(s) as the Board may require to reduce the visual impact to surrounding areas. If an antenna or beacon is installed on a structure other than a tower, it and its supporting electrical and mechanical components must be of a color that is identical to or closely compatible with the color of the supporting structure so as to render it as visually unobtrusive as practicable.

(2) Design. All wireless telecommunication facilities shall, to the extent practicable, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

(3) Lighting. Towers shall not be artificially lighted. If so required, lighting shall be designed to minimize to the maximum extent practicable the resultant disturbance to the surrounding views and properties.

(4) Signs. No signs or advertising of any kind shall be permitted on an antenna or tower.

(G) Location of uses. These uses shall be located in accordance with the following priority:

(1) Such uses shall only be permitted within or upon existing structures located in commercial and industrial zoning districts or on Town, County, State or Federal property, unless the applicant can demonstrate by clear and convincing evidence that a telecommunications or other system cannot properly function without the location of such a use on or within a tower or other structure the applicant proposes to erect in the commercial or industrial zoning district.

(2) Such uses shall be permitted to be located in a specific residential area only if the applicant can demonstrate by clear and convincing evidence that its

telecommunications or other system cannot properly function within or upon an existing tower or other structure or within or upon a proposed new tower or structure in a commercial or industrial zoning district. Before erecting an entirely new facility in a residential zone, applicant must demonstrate by clear and convincing evidence that it cannot collocate on an existing facility in such zone.

(3) Such uses are not permitted to be located on a site where the property line of the site is within 500 feet of the nearest property line of a lot containing a public or private school, unless the applicant can establish by clear and convincing evidence that its telecommunications or other system cannot properly function within or upon an alternate location in any other zoning district of the Town.

(4) Compliance with the minimum lot setback requirements of the zoning district in which the facility is proposed to be located shall be required.

(5) Principal and accessory use. Such uses may be considered either principal or accessory uses, in that the prior existence of a different use on the same lot shall not preclude the installation of an antenna or tower on such lot.

(H) Authority of the Zoning Board.

(1) The Board may require the applicant to erect a structure at the applicant's expense to house the proposed antenna and related equipment, as it deems necessary or desirable.

(2) The Board may, at the applicant's expense, require a field demonstration with a crane, balloon or other acceptable means to simulate the proposed Wireless Telecommunications Facility. Note: this is related to aesthetic considerations.

(3) The Board may retain qualified professionals at the applicant's expense to verify that the proposed wireless telecommunication facilities and other facilities subject to this code comply with federally established limits for RF emissions; that the proposed facility is truly necessary to remedy a significant gap in service at a specified location; and to advise the Board regarding any aspect of an application in accordance with §198-109(J).

(4) The Zoning Board may refer an application to the Planning Board for its recommendations on any issue it deems necessary and proper. Such referral shall specify the reasons for the referral.

(I) Review of application.

(1) The Zoning Board of Appeals shall give due consideration to the Town's Comprehensive Plan, existing land uses and development, environmentally sensitive

areas, and other appropriate factors in approving the issuance of a special use permit for the siting of Wireless Telecommunications Facilities.

(2) The Zoning Board shall consider the following factors in determining whether to issue a special use permit, in addition to the standards set forth in this chapter for the issuance of a special use permit.

- (a) Height, size and appearance of the proposed structure or device.
- (b) Proximity of the proposed use to residential structures and residential district boundaries.
- (c) Nature of existing and/or proposed uses on adjacent and nearby properties.
- (d) The topography of the site and surrounding areas.
- (e) Surrounding tree coverage and foliage.
- (f) Design and aesthetic appearance of the structure or device, with particular reference to design elements that have the effect of reducing or eliminating visual obtrusiveness.
- (g) The proposed ingress and egress.
- (h) Availability of suitable existing uses or structures, or alternative technologies not requiring the use of new structures or devices.
- (i) Any other relevant factor, including those found by the Board to be relevant considerations under statutory and decisional law, and regulatory agency rulings.

(J) Required proof.

(1) No application for a special use permit shall be granted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Board of Appeals that no existing use, structure or alternative technology not requiring new construction can accommodate the applicant's proposed use.

(2) An applicant shall submit any information requested by the Zoning Board of Appeals relating thereto. Such evidence may consist of any or all of the following:

- (a) That no suitable existing uses or structures are located within the geographic area which meet the applicant's engineering requirements.
- (b) That the fees, costs or contractual provisions required by the owner of an existing like use or structure in order to share it, or adapt it for sharing, are

unreasonable. Costs exceeding new use development are presumed to be unreasonable.

(c) That alternative technologies not requiring the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system are unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(3) The applicant must establish that a significant gap in service exists that requires the location of wireless communication facilities at the proposed location. In determining whether a significant gap in service exists at a specific location, the Board must find that the telecommunications failure is substantial and can only be remedied by the location of the proposed antennas or tower.

(4) The Board may reduce the height of the proposed structure or make other modifications to the proposed wireless communication facilities for the purpose of making aesthetic improvements, even if it means that the gap in service is not fully remedied; substantial remediation of the gap in service shall be sufficient.

(5) In determining what constitutes substantial remediation of a gap in service, and to what extent an applicant needs to locate a facility at a specific location or height, and what level of service is to be made available to users, the Board shall be guided by standards set or as interpreted by federal or state law, decisional law and regulatory agencies.

(K) Conditions. The granting of a special use permit shall require provision of the following conditions:

(1) Setbacks. The following setback requirements shall apply to all such uses for which a special use permit is required:

(a) Towers shall be set back from any adjoining lot line a distance equal to at least one hundred fifty (150%) percent of the height of the tower in order to provide a safe fall zone; this requirement may be varied only if the Board finds that the granting of a variance will not create an unsafe condition.

(b) All accessory structures shall satisfy the minimum district setback requirements for the district in which they are located.

(2) Distance between towers. The required distance between such uses shall be five thousand (5,000) feet, measured by drawing or following a straight line between the base of any existing like use and the base of the proposed use, delineated on a map or site plan. Said distance requirement may be reduced by the

Zoning Board of Appeals only after a finding that a specific application merits a reduction and closer siting due to reception and/or transmission limitations caused by topographical interference or other relevant factors.

(3) Security fencing. Such uses shall be surrounded by security fencing not less than eight (8) feet in height and shall be equipped with appropriate anti-climbing devices.

(4) Landscaping.

(a) All such uses shall be landscaped with a buffer or vegetation sufficient to screen the view of such uses from residential property, consisting of at least one (1) row of mixed evergreen shrubs and trees capable of forming a hedge at least eight (8) feet in height.

(b) Existing mature tree growth and natural land forms and topography at the site shall be preserved to the maximum extent possible.

(L) Conduct of hearing.

(1) All evidentiary requirements shall be by sworn testimony or written affidavit; in both cases, the person providing the evidence must have personal knowledge of any facts.

(M) Abandonment. Any such use that is not operated for a continuous period of twelve (12) months shall be deemed abandoned, and the owner thereof shall be responsible for removal of all structures within ninety (90) days of the issuance of a notice by the Town declaring the facilities abandoned and directing removal, and upon failure to do so the Town may take such action at the owner's expense.

(N) Nonconforming uses. Such uses lawfully existing and operating prior to July 1, 1998 shall be permitted as they presently exist, including routine maintenance and reconstruction in like form and height, excluding substantive change which will require compliance with the requirements of this section.

(O) Access to Wireless Telecommunications Facilities.

(1) All Wireless Telecommunications Facilities shall be operated and maintained so as to prevent unauthorized access to and upon such facilities. Any owner or person-in-charge of the property, an accessory facility or any wireless telecommunications facility who commits an offense against the provisions of this section shall be deemed to be in violation of this chapter.

(2) Town Inspectors shall have access upon notice of at least 24 hours for the purpose of verifying continuing compliance with the special use permit, building permit and, where applicable, site plan approval.

(P) Revocation of special use permit.

The Zoning Board of Appeals may, upon notice after a public hearing, revoke any special use permit it has approved if the Board determines that there are substantial violations of the conditions or provisions of the special use permit or if false documents or statements have been submitted in support of the application. The Town Board may revoke a special use permit it has approved under the same circumstances after a public hearing.

(Q) Site Plan Approval and Building Permits.

(1) All applicants for the location of wireless telecommunications facilities in any zoning district must file an application for and obtain site plan approval from the Planning Board and a building permit from the Department of Engineering Services prior to the commencement of work, including property, installations or facilities which are exempt from the special use permit requirement, except for ordinary repairs or maintenance that does not change, extend or expand the facilities or service. Unless otherwise provided, variances from the requirements of the special use permit shall remain within the jurisdiction of the Zoning Board of Appeals.

(2) For property owned, leased, used or controlled by the Town Board, Huntington Board of Trustees, or any subdivision thereof, the Town Board shall exercise the same authority as the Zoning Board of Appeals in all respects and shall determine whether or not the applicant meets the requirements of these regulations after holding a public hearing. Any grant approved by the Town Board is subject to site plan approval by the Planning Board and the filing of an application for and issuance of a building permit.

(3) All applicants are required to be in compliance with all applicable building and fire codes, and the facilities shall be maintained in a safe manner in compliance with all conditions of the building permit, special use permit and site plan approval, as well as all applicable Town, State and Federal laws, rules and regulations, without exception. Any owner or person-in-charge of the property, accessory facility, or telecommunications facility who commits an offense against the provisions of this section shall be deemed in violation of this chapter.

* * *

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.

2011- 207

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	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.

2011-211

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO RETAIN GREENBERG TRAURIG LLP FOR THE PROVISION OF GOVERNMENTAL RELATIONS AND CONSULTING SERVICES IN CONNECTION WITH TAX GRIEVANCES AND ARTICLE 7 PROCEEDING FILED BY LIPA AND/OR NATIONAL GRID

Resolution for Town Board Meeting Dated: April 12, 2011

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

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

WHEREAS, due to the complexity of issues presented it has become necessary to seek the expertise of a professional with vast experience in governmental law and governmental relations; and

WHEREAS, the retainer of an expert 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 AUTHORIZES the Supervisor to execute an agreement with Greenberg Traurig LLP, 54 State Street, 6th Floor, Albany, NY 12207, to represent the interests of the Town of Huntington in connection with tax grievances and Article 7 Proceeding filed by LIPA and/or National Grid, and all other matters related thereto, at a monthly rate of FIVE THOUSAND DOLLARS (\$5,000.00), to be charged to Operating Budget A-1420-4550 (Outside Professional), and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-BT 15

ENACTMENT: APPROVE THE GRANTING OF A VARIANCE
AND THE ISSUANCE OF A SPECIAL USE PERMIT UNDER CHAPTER 137
(MARINE CONSERVATION)

APPLICANT: DAN P. DEBONO

LOCATION: 140 OLD WINKLE POINT RD., EATON'S NECK, N.Y. 11768

S.C.T.M. #: 0400-005.00-03.00-001.001

Resolution for Board of Trustees Meeting Dated: April 12, 2011

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

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

WHEREAS, pursuant to Chapter 137, the Marine Conservation Law of the Town of Huntington, an application for a variance to § 137-26.A [1] and a special use permit has been submitted by:

Dan P. DeBono
140 Old Winkle Point Rd.
Eaton's Neck, N.Y. 11768

to construct a residential fixed pier and floating dock assembly that exceeds the one hundred (100) ft. maximum length limitation by 79 ft.. Overall length of dock assembly is to measure 179 ft from MHWL. Project site to be accessed via a construction barge at 140 Old Winkle Point Rd. Eaton's Neck, N.Y. 11768, S.C.T.M. # 0402-002.00-03.00-015.000; and

WHEREAS, this action is classified as an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) and the Town Board has been established as lead agency for this action; and

WHEREAS, upon review of the Environmental Assessment Form, submitted by the applicant, and by the SEQRA review prepared by the Town Department of Maritime Services, it has been determined that no potentially adverse environmental impacts are posed by the pending action, providing the conditions requested by the Department of Maritime Services are adhered to.

NOW, THEREFORE

THE BOARD OF TRUSTEES, having held a public hearing on the 22nd day of March, 2011, to consider the matter of a variance to § 137-26.A [1] to construct a residential fixed pier and floating dock assembly that exceeds the one hundred (100) ft. maximum length limitation by seventy-nine (79) ft. at 140 Old Winkle Point Rd. Eaton's Neck, N.Y. 11768, S.C.T.M. # 0402-002.00-03.00-015.000; and due deliberation being had;

HEREBY RESOLVES, that based upon the review of the Environmental Assessment Form (EAF), submitted by the applicant, and the SEQRA review prepared by the Town

2011-BT 15

Department of Maritime Services, the issuance of the permit does not pose a significant adverse environmental impact, provided that the conditions requested by the Department of Maritime Services are adhered to, and hereby issues a negative declaration; and

HEREBY APPROVES the granting of a Variance and the issuance of a special use permit under Chapter 137 of the Code of the Town of Huntington, to Dan P. DeBono to construct a residential fixed pier and floating dock assembly that exceeds the one hundred (100) ft. maximum length limitation by 79 ft.. Overall length of dock assembly is to measure 179 ft from MHWL. Project site to be accessed via a construction barge at 140 Old Winkle Point Rd. Eaton's Neck, N.Y. 11768, S.C.T.M. # 0402-002.00-03.00-015.000; subject to the following conditions:

- 1) Applicant must notify the Dept. of Engineering Services, Dept. Of Maritime Services and the Harbor Master's office 48 hours prior to the commencement of any construction/demolition activities. Notification shall be in writing to each department at 100 Main St., Town Hall, Huntington, N.Y. 11743 and separate facsimile transmissions at (631) 351-3373, (631) 351-3132 and (631) 425-0621
- 2) All activities must be conducted in conformance with the approved New York State DEC Tidal Wetlands Permit and associated approved plans.
- 3) All work associated with the subject project must be completed during periods of low tides to eliminate any potential for turbidity to impact the waterway.
- 4) There will be no disturbance to the vegetated tidal wetlands or protected areas as a result of this project
- 5) Any deviation from or modification of the approved plans for this project will require additional review and/or additional permitting from the Town of Huntington as well as any other regulatory agencies
- 6) Upon the completion of the activity, all construction debris shall be removed from the site and property disposed of at a state approved disposal area.
- 7) No construction equipment, vehicles or material deliveries shall transverse adjacent properties nor access the beach/shoreline via Town of Huntington Park lands.
- 8) No materials or debris shall be discharged or otherwise permitted in tidal waters, wetlands and/or protected buffer areas.
- 9) All necessary precautions shall be taken to preclude contamination of wetlands or waterways by construction debris, suspended solids, sediments, fuel, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with this project.

- 10) There will be no disturbance to the vegetated tidal wetlands or protected areas as a result of the proposed activity.
- 11) Upon the completion of the activity, all construction debris shall be removed from the site and property disposed of at a state approved disposal area.
- 12) All required Town of Huntington inspections are scheduled at appropriated intervals during the course of demolition/construction.
- 13) The applicant is responsible for obtaining and adhering to all necessary Federal, State and locale permits.
- 14) The applicant, owner and their duly authorized representatives (such as contractors, sub-contractors and work-force) are required to adhere to the construction plans, methodology and/or terms/conditions approved by the Town of Huntington, Dept. of Engineering Services, Dept. Of Maritime Services and the Town Attorney's Office.
- 15) Any modification or deviation from the approved plans, methodology and/or terms/conditions as included in the issued permit must be approved by the Town of Huntington prior to the commencement of activities.
- 16) Upon completion of the project the applicant must notify the Dept. of Engineering Services and the Dept. Of Maritime Services in writing to each department at 100 Main St., Town Hall, Huntington, N.Y. 11743

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

President Frank P. Petrone	AYE
Trustee Susan A. Berland	AYE
Trustee Mark A. Cuthbertson	AYE
Trustee Glenda A. Jackson	AYE
Trustee Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-BT 16

ENACTMENT: APPROVE THE EXECUTION OF A LICENSE AGREEMENT PURSUANT TO THE MARINE CONSERVATION LAW, TOWN CODE CHAPTER 137, FOR THE CONSTRUCTION OF A RESIDENTIAL FIXED PIER AND FLOATING DOCK ASSEMBLY

APPLICANT: DAN P. DEBONO

LOCATION: 140 OLD WINKLE POINT RD., EATON'S NECK, N.Y. 11768

S.C.T.M. #: 0400-005.00-03.00-001.001

Resolution for Board of Trustees Meeting Dated: April 12, 2011

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

and seconded by: **PRESIDENT PETRONE, TRUSTEE JACKSON**

WHEREAS, pursuant to the Marine Conservation Law of the Town of Huntington, Chapter 137 an application has been submitted by:

Dan P. DeBono
140 Old Winkle Point Rd.
Eaton's Neck, N.Y. 11768

to construct a residential fixed pier and floating dock assembly that exceeds the one hundred (100) ft. maximum length limitation by 79 ft.. Overall length of dock assembly is to measure 179 ft from MHWL. Project site to be accessed via a construction barge at 140 Old Winkle Point Rd. Eaton's Neck, N.Y. 11768, S.C.T.M. # 0402-002.00-03.00-015.000; and

WHEREAS, a license agreement for the construction of a one hundred and seventy-nine foot long residential fixed pier and floating dock assembly for use on underwater Board of Trustee land is necessary; and

WHEREAS, this action is classified as an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) and the Town Board has been established as lead agency for this action; and

WHEREAS, upon review of the Environmental Assessment Form, submitted by the applicant, and by the SEQRA review prepared by the Town Department of Maritime Services, it has been determined that no potentially adverse environmental impacts are posed by the pending action, providing the conditions requested by the Department of Maritime Services are adhered to.

NOW, THEREFORE

THE BOARD OF TRUSTEES, having held a public hearing on the 22nd day of March, 2011, to consider the matter of executing a license agreement pursuant to the Marine Conservation Law Chapter 137 for the construct of a residential fixed pier and floating dock assembly with a maximum length of one hundred and seventy-nine ft. from the

Mean High Water Line at 140 Old Winkle Point Rd. Eaton's Neck, N.Y. 11768, S.C.T.M. # 0402-002.00-03.00-015.000; and due deliberation being had;

HEREBY RESOLVES, that based upon the review of the Environmental Assessment Form (EAF), submitted by the applicant, and the SEQRA review prepared by the Town Department of Maritime Services, the issuance of the permit does not pose a significant adverse environmental impact, provided that the conditions requested by the Department of Maritime Services are adhered to, and hereby issues a negative declaration; and

HEREBY GRANTS the execution of a license agreement to Dan P. DeBono to construct a residential fixed pier and floating dock assembly that exceeds the one hundred (100) ft. maximum length limitation by 79 ft.. Overall length of dock assembly is to measure 179 ft from MHWL. Project site to be accessed via a construction barge at 140 Old Winkle Point Rd. Eaton's Neck, N.Y. 11768, S.C.T.M. # 0402-002.00-03.00-015.000 such terms and conditions as may be acceptable to the Town Attorney

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

President Frank P. Petrone	AYE
Trustee Susan A. Berland	AYE
Trustee Mark A. Cuthbertson	AYE
Trustee Glenda A. Jackson	AYE
Trustee Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: APPROVE THE ISSUANCE OF A SPECIAL USE PERMIT UNDER CHAPTER 137 (MARINE CONSERVATION)

APPLICANT: DONNA MYERS OF SHORE SOLUTIONS ON BEHALF OF TIMOTHY J. COX & KATHY M. STAIB

LOCATION: 33 PROSPECT RD., CENTERPORT, N.Y. 11721
S.C.T.M. # 400-045.00-01.00-028.000

Resolution for Board of Trustees Meeting Dated: April 12, 2011

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

and seconded by: **PRESIDENT PETRONE, TRUSTEE MAYOKA**

WHEREAS, pursuant to Chapter 137, the Marine Conservation Law of the Town of Huntington, an application for a special use permit has been submitted by

Donna Myers of Shore Solutions

On behalf of

Timothy J. Cox & Kathy M. Staib

33 Prospect Rd.

Centerport, N.Y. 11721

to remove 56.25 LF of existing concrete and timber seawall along western property line and replace with vinyl inter-locking sheet style seawall and along the southern portion of the property stabilize 36 LF of existing concrete seawall with tie rods secured to upland dead-men at 33 Prospect Rd., Centerport, N.Y. 11721, S.C.T.M. # 400-045.00-01.00-028.000; and

WHEREAS, this action is classified as an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) and the Town Board has been established as lead agency for this action; and

WHEREAS, upon review of the Environmental Assessment Form, submitted by the applicant, and by the SEQRA review prepared by the Town Department of Maritime Services, it has been determined that no potentially adverse environmental impacts are posed by the pending action, providing the conditions requested by the Department of Maritime Services are adhered to.

NOW, THEREFORE

THE BOARD OF TRUSTEES, having held a public hearing on the 22 day of March 2011, to consider the issuance of a special use permit to Timothy J. Cox & Kathy M. Staib to remove 56.25 LF of existing concrete and timber seawall along western property line and replace with vinyl inter-locking sheet style seawall and along the southern portion of the property stabilize 36 LF of existing concrete seawall with tie rods secured to upland dead-men at 33 Prospect Rd., Centerport, N.Y. 11721, S.C.T.M. # 400-045.00-01.00-028.000; and due deliberation being had;

HEREBY RESOLVES, that based upon the review of the Environmental Assessment Form (EAF), submitted by the applicant, and the SEQRA review prepared by the Town Department of Maritime Services, the issuance of the permit does not pose a significant adverse environmental impact, provided that the conditions requested by the Department of Maritime Services are adhered to, and hereby issues a negative declaration; and

HEREBY APPROVES the issuance of a Special Use Permit under Chapter 137 of the Code of the Town of Huntington Timothy J. Cox & Kathy M. Staib to remove 56.25 LF of existing concrete and timber seawall along western property line and replace with vinyl inter-locking sheet style seawall and along the southern portion of the property stabilize 36 LF of existing concrete seawall with tie rods secured to upland dead-men at 33 Prospect Rd., Centerport, N.Y. 11721, S.C.T.M. # 400-045.00-01.00-028.000 subject to the following conditions:

- 1) Applicant must notify the Dept. of Engineering Services, Dept. Of Maritime Services and the Harbor Master's office 48 hours prior to the commencement of any construction/demolition activities. Notification shall be in writing to each department at 100 Main St., Town Hall, Huntington, N.Y. 11743 and separate facsimile transmissions at (631) 351-3373, (631) 351-3132 and (631) 425-0621
- 2) All work on the seaward side of the wall must be completed during periods of low tide to eliminate any potential for turbidity to impact the waterway.
- 3) Arrangements must be made through the Dept. of Maritime Services to open the tidal-gate at Centerport Harbor during the weekdays only, for the benefit of the subject project.
- 4) All construction equipment, vehicles and materials shall access the project site via the applicants own property. No construction equipment, vehicles or material deliveries shall transverse adjacent properties nor access the beach/shoreline via Town of Huntington Park lands.
- 5) All activities must be conducted in conformance with the approved New York State DEC Tidal Wetlands Permit and associated approved plans.
- 6) The applicant is responsible for obtaining and adhering to all necessary Federal, State and locale permits.
- 7) All construction equipment, vehicles and materials must be stored/operated upland of any tidal/inter-tidal wetlands areas
- 8) All necessary precautions shall be taken to preclude contamination of wetlands or waterways by construction debris, suspended solids, sediments, fuel, solvents,

lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with this project.

- 9) There will be no disturbance to the vegetated tidal wetlands or protected areas as a result of the proposed activity.
- 10) Upon the completion of the activity, all construction debris shall be removed from the site and property disposed of at a state approved disposal area.
- 11) All required Town of Huntington inspections are scheduled at appropriated intervals during the course of demolition/construction.
- 12) All fill shall be "clean" sand free of asphalt, concrete or any other construction debris.
- 13) The applicant, owner and their duly authorized representatives (such as contractors, sub-contractors and work-force) are required to adhere to the construction plans, methodology and/or terms/conditions approved by the Town of Huntington, Dept. of Engineering Services, Dept. Of Maritime Services and the Town Attorneys Office. Any modification or deviation from the approved plans, methodology and/or terms/conditions as included in the issued permit must be approved by the Town of Huntington prior to the commencement of activities.
- 14) Upon completion of the project the applicant must notify the Dept. of Engineering Services and the Dept. Of Maritime Services in writing to each department at 100 Main St., Town Hall, Huntington, N.Y. 11743

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.

ENACTMENT: APPROVE THE EXECUTION OF A LICENSE AGREEMENT PURSUANT TO THE MARINE CONSERVATION LAW, TOWN CODE CHAPTER 137,

APPLICANT: DONNA MYERS OF SHORE SOLUTIONS ON BEHALF OF TIMOTHY J. COX & KATHY M. STAIB

LOCATION: 33 PROSPECT RD., CENTERPORT, N.Y. 11721
S.C.T.M. # 400-045.00-01.00-028.000

Resolution for Board of Trustees Meeting Dated: April 12, 2011

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

and seconded by: **TRUSTEE BERLAND**

WHEREAS, pursuant to Chapter 137, the Marine Conservation Law of the Town of Huntington, an application for a special use permit has been submitted by

Donna Myers of Shore Solutions

On behalf of

Timothy J. Cox & Kathy M. Staib

33 Prospect Rd.

Centerport, N.Y. 11721

to remove 56.25 LF of existing concrete and timber seawall along western property line and replace with vinyl inter-locking sheet style seawall and along the southern portion of the property stabilize 36 LF of existing concrete seawall with tie rods secured to upland dead-men at 33 Prospect Rd., Centerport, N.Y. 11721, S.C.T.M. # 400-045.00-01.00-028.000; and

WHEREAS, a license agreement for the repair and re-construction of an existing seawall built on Town of Huntington and privately owned land is necessary; and

WHEREAS, this action is classified as an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) and the Town Board has been established as lead agency for this action; and

WHEREAS, upon review of the Environmental Assessment Form, submitted by the applicant, and by the SEQRA review prepared by the Town Department of Maritime Services, it has been determined that no potentially adverse environmental impacts are posed by the pending action, providing the conditions requested by the Department of Maritime Services are adhered to.

NOW, THEREFORE

THE BOARD OF TRUSTEES, having held a public hearing on the 22nd day of March, 2011, to consider the matter of the execution of a license agreement pursuant to the Marine Conservation Law Chapter 137 for the repair and stabilize of an existing seawall; install tie rods/earth anchors, under-pin existing shallow footing, patch and fill all cracks/

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breaches in existing concrete seawall at 45 Prospect Rd., Centerport, N.Y. 11721, S.C.T.M. # 400-045.00-01.00-022.000; and due deliberation being had;

HEREBY RESOLVES, that based upon the review of the Environmental Assessment Form (EAF), submitted by the applicant, and the SEQRA review prepared by the Town Department of Maritime Services, the issuance of the permit does not pose a significant adverse environmental impact, provided that the conditions requested by the Department of Maritime Services are adhered to, and hereby issues a negative declaration; and

HEREBY GRANTS the execution of a license agreement to Timothy J. Cox & Kathy M. Staib to remove 56.25 LF of existing concrete and timber seawall along western property line and replace with vinyl inter-locking sheet style seawall and along the southern portion of the property stabilize 36 LF of existing concrete seawall with tie rods secured to upland dead-men at 33 Prospect Rd., Centerport, N.Y. 11721, S.C.T.M. # 400-045.00-01.00-028.000 on such terms and conditions as may be acceptable to the Town Attorneys Office

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

President Frank P. Petrone	AYE
Trustee Susan A. Berland	AYE
Trustee Mark A. Cuthbertson	AYE
Trustee Glenda A. Jackson	AYE
Trustee Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.