

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 AUGUST 2, 2011

COMMUNITY DEVELOPMENT AGENCY MEETING FOLLOWING

Opened: 9:03 P.M. Closed: 9:04 P.M.

7:00 P.M. – TOWN HALL

Opened: 7:09 P.M. Closed: 9:03 P.M.

(Resolutions #2011-369 to 2011-407)

HEARINGS:

ACTION

1. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Prime Avenue, Lake Place - No Standing Restriction.
(2011-TC-23-Ch. 3)

DECISION RESERVED

2. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article II, §2-3, Schedule C. Re: Hearthstone Drive, Prohibited Turns.
(2011-TC-24-Ch. 2)

DECISION RESERVED

3. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article II, §2-3, Schedule C. Re: Pulaski Road, Driveway - Prohibited Turns.
(2011-TC-25-Ch. 2)

DECISION RESERVED

HEARINGS (Continued):

4. Consider issuing a Certificate of Approval in an Historic District Re:
324 Park Avenue - Old Huntington Green Historic District.
(Applicant: Paul Warburgh) (SCTM # 0400-74.00-2.00-017.00)
(2011-ZC-5-Ch. 198)

5. Consider issuing a Certificate of Approval in an Historic District Re:
35 Spring Street - Cold Spring Harbor Historic District.
(Applicant: Marceline Van Cott) (SCTM # 0400-63.00-02.00-008.000)
(2011-ZC-6-Ch. 198)

6. Consider adopting Local Law Introductory No. 15-2011 amending the Code
of the Town of Huntington, Chapter 198, (Zoning), Article III (Residence
Districts) §198-19 (R-5 Residence District), Article XI (Conditional Uses;
Special Use Permits) §198-68 (19).
(Local Law Introductory No. 15-2011)

7. Consider adopting Local Law Introductory No. 17-2011 amending the Code
of the Town of Huntington, Chapter 193 (Recreational Vehicles), so as to
amend Section 7 (Penalties for Offenses).
(Local Law Introductory No. 17-2011)

ACTION

**ENACTMENT
RESOLUTION # 2011-397**

**HEARING INVALID
AFFIDAVIT OF SERVICE
NOT RECEIVED FROM
APPLICANT**

DECISION RESERVED

DECISION RESERVED

**AGENDA FOR TOWN BOARD MEETING
MEETING DATED: AUGUST 2, 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**

2011-369.	<p>AUTHORIZE the Supervisor to execute instruments granting easements to National Grid to provide energy efficient natural gas service to the U.S. Veterans Administration Medical Center in Northport and to provide mitigation thereto. (Re: Veterans Park – SCTM# 0400-086-01-001.000 and 002.002; Veterans Nature Study Area – SCTM# 0400-086-01-005.001)</p>	MM GJ	SB	5
2011-370.	<p>AUTHORIZE the filing and execution of an application with the Federal Transit Administration (FTA) for financial capital assistance for the Huntington Area Rapid Transit (HART) System.</p>	SB	GJ	5
2011-371.	<p>AUTHORIZE the Supervisor to execute an agreement for the use of the property located on the N/E corner of Broadhollow Road (Route 110) and Pinelawn Road (CR3) for use for fall festival daytime parking under terms and conditions acceptable to the Town Attorney. (Re: Schmitt's Farm Fall Festival – SCTM # 257-03-009.005 aka BDG 115 Broadhollow parcel)</p>	SB MM	GJ	5
2011-372.	<p>AUTHORIZE the Supervisor to execute an extension to the requirements contract for removal of scrap metal with Gershow Recycling Corporation. (Re: Extension period one year commencing October 9, 2011)</p>	MM GJ	SB	4-AYES 1-ABST (MC)
2011-373.	<p>AUTHORIZE the Supervisor to execute an extension to the requirements contract for hydraulic repairs and parts with Dependable Repair, Inc. (Re: Extension period one year commencing September 27, 2011)</p>	SB	FP	5
2011-374.	<p>AUTHORIZE the Supervisor to execute a contract with L.K. McLean Associates, P.C. for the design services for the reconstruction of the Woodbine Marina, Northport, NY.</p>	SB GJ	FP	5
2011-375.	<p>AUTHORIZE the Supervisor to execute a contract with QScend Technologies, Inc. for website design and development services and a web-based Citizen Relationship Management System (CRMS). (Re: Subject to Permissive Referendum)</p>	FP MC	GJ SB	4-AYES 1-NO (MM)
2011-376.	<p>AUTHORIZE the Supervisor to execute an agreement with an artist for design and installation of a public art project for the Huntington Station Plaza. (Re: Artist – Madeline Wiener; First Alternate – Frank</p>	GJ		

**AGENDA FOR TOWN BOARD MEETING
MEETING DATED: AUGUST 2, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
Swanson; Second Alternate – John Clement)	<u>SB</u>	<u>FP</u>	<u>5</u>
2011-377. AUTHORIZE the Supervisor to apply for and receive funding from state assistance pursuant to the New York State Environmental Protection Fund and/or Federal Land and Water Conservation Fund regarding Manor Field Park Re: Construction of a splashpark/sprayground and new accessible playground at Manor Field Park.	<u>GJ</u> <u>MM</u>	<u>SB</u>	<u>5</u>
2011-378. AUTHORIZE the Supervisor to execute an amendment to a license agreement with Starflower Experiences, Inc. for use of Manor Farm Park to provide for establishment of a demonstration site for small-scale agriculture at this location. (Re: Project known as "Development of a Site Plan for Manor Farm")	<u>SB</u> <u>GJ</u>	<u>FP</u>	<u>5</u>
2011-379. AUTHORIZE the Supervisor to execute a contract with Interfleet, Inc. to provide short term global positioning system services for Town vehicles. (Re: Month to month basis commencing August 31, 2011)	<u>SB</u>	<u>GJ</u>	<u>5</u>
2011-380. AUTHORIZE the Supervisor to execute a license agreement with Paramount Theater, LLC to utilize portions of certain Town of Huntington parking lots. (Re: Upper Elm Street lot, Huntington; Town Hall Lot, Huntington; Commuter Lot west side of Route 110, Huntington Station – Term: Seven years)	<u>FP</u> <u>SB</u>	<u>GJ</u>	<u>5</u>
2011-381. AUTHORIZE the Supervisor to execute an agreement with Albrecht, Viggiano, Zureck & Company for attestation engagement and other services related to the costs incurred by the Town for the maintenance of Suffolk County roadways. (Re: Town of Huntington v. County of Suffolk)	<u>FP</u> <u>MC</u>	<u>MM</u> <u>GJ</u> <u>SB</u>	<u>5</u>
2011-382. AUTHORIZE the Huntington Township Chamber of Commerce to hold the Long Island Fall Festival at Huntington events and authorizing the Supervisor to execute a license agreement in conjunction with same. (Festival Dates/Times: 9/30/2011 – 11:00 AM – 11:00 PM; 10/1/2011 – 11:00AM – 11:00 PM; 10/2/2011 – 11:00 AM – 11:00 PM)	<u>MM</u> <u>GJ</u>	<u>SB</u> <u>FP</u>	<u>5</u>
2011-383. AUTHORIZE the issuance of a permit to extend the operation of a “Haunted House” at 26 Pinelawn Road, Melville, New York. (SCTM# 0400-255.00-01.00-012.000) (Date/Times: 9/30, 10/1, 10/2, 10/7, 10/8, 10/9/2011 – 7:00 PM – 12:00 AM; 10/10, 10/14, 10/15, 10/16, 10/21, 10/22 – 7:00 PM – 12:00 AM)	<u>SB</u> <u>MM</u>	<u>FP</u> <u>GJ</u>	<u>5</u>
2011-384. AUTHORIZE the execution of a settlement agreement and release in the matter of Town of Huntington against Metro Fuel Oil Corp., et al. (Re: Index No. 07-6856)	<u>MC</u>	<u>FP</u>	4-AYES 1-NO <u>(MM)</u>

**AGENDA FOR TOWN BOARD MEETING
MEETING DATED: AUGUST 2, 2011**

RESOLUTIONS:

OFF. SEC. VOTE

- | | |
|---|---|
| <p>2011-385. 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: Alrose Larkfield LLC, 336 Larkfield Road, East Northport, SCTM# 0400-118.00-01.00-006.000, Chapters 119, 133, 156; Lauren Sivan, 25 7th Avenue S, Huntington Station, SCTM# 0400-094.00-01.00-086.000, Chapters 133, 156; Cynthia Cubero, 33 Keeler Street, Huntington, SCTM# 0400-206.00-03.00-071.000, Chapters 133, 156; Sarah Murphy - Trustee, 53 Lafayette Street, Huntington, SCTM# 0400-160.00-03.00-066.000, Chapters 133, 156; Kanic Realty Associates, Inc., 29 Little Neck Road, Centerport, SCTM# 0400-044.00-01.00-016.007, Chapter 133; Estate of Joseph M. Juliano, 101 W Pulaski Road, Huntington Station, SCTM# 0400-141.00-03.00-058.000, Chapters 133, 156; Yolette Ahmad, 1013 Commack Road, Dix Hills, SCTM# 0400-284.00-03.00-026.000, Chapter 156 Sections 45A and 46A; Huseyin TooZlu, 4 Grange Street, Huntington, SCTM# 0400-161.00-02.00-012.000, Chapter 156)</p> | <p>SB
<u>GJ</u> <u>FP</u> <u>5</u></p> |
| <p>2011-386. AUTHORIZE the Comptroller to appropriate monies from the Environmental Open Space and Park Improvement Fund for recommended park improvement (Mill Dam Park). (Re: Bocce Courts)</p> | <p>GJ
<u>SB</u> <u>FP</u> <u>5</u></p> |
| <p>2011-387. AUTHORIZE the Comptroller to amend the 2011 Operating Budget for the Town of Huntington and its special districts-various departments.</p> | <p><u>FP</u> <u>MC</u> <u>5</u></p> |
| <p>2011-388. ACCEPT the donation of a Harry R. Thompson Plaque for display at the Depot Road Park Baseball Field which was dedicated in his honor.</p> | <p>MM
<u>GJ</u> <u>SB</u> <u>5</u></p> |
| <p>2011-389. AMEND Town Board Resolution 2009-264 authorizing the Supervisor to apply for and receive financial assistance from the Greater Long Island Clean Cities Coalition. (Re: Two additional compressed natural gas refuse collection vehicles)</p> | <p>FP SB
<u>GJ</u> <u>MM</u> <u>5</u></p> |
| <p>2011-390. APPOINT and REAPPOINT members to the Town of Huntington Renewable Energy Task Force (RETF). (Re: Chief Sustainability Officer of the Town of Huntington to serve as an ex-officio member to the Renewable Energy Task Force; Appoint/Reappoint: Jacob Goldman, Chair, Kenneth Wood, Recording Secretary, Gene Stern, Jay Best, Judy Fairbanks, Peter Smith, Marilyn Urso, Nancy Pogensky, Helen Roberti, Daniel Fucci and Nick Weiland)</p> | <p><u>MM</u> <u>FP</u> <u>5</u></p> |
| <p>2011-391. APPOINT a Marriage Officer for the Town of Huntington for the purpose of solemnizing a marriage.(Re: Councilwoman Susan Berland for the period August 2, 2011 – August 31, 2011)</p> | <p>4-AYES
1-ABST
<u>FP</u> <u>MM</u> <u>(SB)</u></p> |

**AGENDA FOR TOWN BOARD MEETING
MEETING DATED: AUGUST 2, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
2011-392. GRANT permission for a sidewalk sale in Huntington Station and authorizing use of Huntington Station commuter parking lots and garages in connection with the Saturday, September 17, 2011 Huntington Awareness Day “Unity in the Community” Parade and Fair. (Parking lot usage from 10:00 AM – 5:00 PM) (Parade route New York Avenue from East 15th Street to Church Street)	<u>SB</u> <u>GJ</u>	<u>MM</u>	<u>5</u>
2011-393. REAPPOINT a member to the Audit Committee. (Re: Brian Orange; Term: 1/1/2011-12/31/2013)	<u>FP</u>	<u>SB</u>	<u>5</u>
2011-394. ENACTMENT: AMEND the Uniform Traffic Code of the Town of Huntington, Chapter 4, §4-1, Schedule K. (Re: Handicapped/Fire Zone)	<u>SB</u>	<u>FP</u>	<u>5</u>
2011-395. ENACTMENT: AMEND the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G. Re: West Mall Drive – Stop Signs.	<u>MC</u>	<u>MM</u> <u>GJ</u>	<u>5</u>
2011-396. ENACTMENT: AMEND the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article I, §2-1, Schedule A Re: Traffic Signal – Town Line Road (CR4) at Sunshine Acres Park Entrance/Exit and Hubbell Street.	<u>SB</u> <u>GJ</u>	<u>FP</u>	<u>5</u>
2011-397. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a Historic District. Re: 324 Park Avenue – Old Huntington Green Historic District. (Applicant: Paul Warburgh) (SCTM# 0400-074.00-02.00-017.000)	<u>SB</u>	<u>GJ</u>	<u>5</u>
2011-398. SCHEDULE A PUBLIC HEARING: September 20, 2011 at 7:00 PM To consider adopting Local Law Introductory No. 18 – 2011, amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article VIII (General Restrictions and Requirements).	<u>MC</u>	<u>SB</u>	<u>5</u>
2011-399. SCHEDULE A PUBLIC HEARING: September 20, 2011 at 7:00 PM To consider adopting Local Law Introductory No. 19 – 2011 amending the Code of the Town of Huntington, Chapter 98 (Domestic Partnership Registry), Local Law 18-2004.	<u>FP</u>	<u>MM</u> <u>SB</u>	<u>5</u>
2011-400. SCHEDULE A PUBLIC HEARING: September 20, 2011 at 7:00 PM To consider adopting Local Law Introductory Number 20 - 2011, amending Town Board Resolution 1995-137, Local Law No. 47-1998 and Local Law No. 3-2001 so as to revoke all of the Covenants and Restrictions previously recorded against properties bearing S.C.T.M. #0400-257-03-(008.3 and 009.2,) and, in lieu thereof, establishing certain Covenants and Restrictions upon Tax Lots 0400-257-03-(009.3, 009.4 and 009.5). (Applicants: BDG 115 Land LLC ("BDG"); Broad Hollow/Pinelawn CW NF LLC; and Broad Hollow/Pinelawn J.E.S. NF LLC (Collectively, "Broad Hollow/Pinelawn") (Re: Fitness Center/Gym)	<u>FP</u>	<u>MC</u>	<u>5</u>

**AGENDA FOR TOWN BOARD MEETING
MEETING DATED: AUGUST 2, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
2011-401. SCHEDULE A PUBLIC HEARING: September 20, 2011 at 7:00 PM To consider acquiring development rights to Ellgreen Company/Delea Farm property with Suffolk County. (SCTM# 0400-168-03-041.003)	<u>MC</u>	<u>SB</u> <u>GJ</u>	<u>5</u>
2011-402. SCHEDULE A PUBLIC HEARING: September 20, 2011 at 7:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Broadway – Greenlawn Road, No Parking Restriction.	<u>MC</u>	<u>GJ</u>	<u>5</u>
2011-403. SCHEDULE A PUBLIC HEARING: September 20, 2011 at 7:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Conifer Court, No Parking Restriction.	<u>FP</u>	<u>MC</u>	<u>5</u>
2011-404. SCHEDULE A PUBLIC HEARING: September 20, 2011 at 7:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Eighth Avenue, No Parking Restriction.	<u>MC</u>	<u>FP</u>	<u>5</u>
2011-405. SCHEDULE A PUBLIC HEARING: September 20, 2011 at 7:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article V, §2-10, Schedule I. Re: South Huntington School District, School Speed Limits.	<u>SB</u> <u>GJ</u>	<u>MM</u>	<u>5</u>
2011-406. SCHEDULE A PUBLIC HEARING: September 20, 2011 at 7:00 PM To consider issuing a Certificate of Approval in an Historic District Re: 247 Park Avenue – Old Huntington Green Historic District. (Applicant: John/Jennifer Haight) (SCTM# 0400-027.00-03.00-016.000)	<u>SB</u>	<u>GJ</u>	<u>5</u>
2011-407. SCHEDULE A PUBLIC HEARING: September 20, 2011 at 7:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II §3-3, Schedule J. Re: Walt Whitman Road, Parking Restrictions.	<u>GJ</u>	<u>FP</u>	<u>5</u>

**AGENDA FOR COMMUNITY DEVELOPMENT MEETING
MEETING DATED: AUGUST 2, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
2011-CD3. AUTHORIZE the Chairman of the Community Development Agency to execute an agreement with REACH CYA, Inc. (Re: To provide social, recreational, informational, educational and advocacy programs to the residents of Millennium Hills for the period 4/1/2011 through 3/31/2012)	SB <u>GJ</u>	FP <u>FP</u>	<u>5</u>
2011-CD4. AUTHORIZE the Chairman to execute an agreement with Long Island Housing Services, Inc. (Period: 4/1/2011-3/31/2012) (Re: Outreach, public education and counseling for Town residents regarding landlord and tenant responsibilities, real estate discrimination and pre-purchase and post-purchase financial counseling)	MM <u>GJ</u>	FP <u>SB</u>	<u>5</u>
2011-CD5. AUTHORIZE the Chairman to execute an agreement with the Family Service League, Inc. for the provision of a Home Share Program for Huntington residents. (Period: 4/1/2011 – 3/31/2012)	<u>GJ</u>	MM FP <u>SB</u>	<u>5</u>

**INFORMATIONAL SHEET FOR TOWN BOARD MEETING
DATED: AUGUST 2, 2011**

COMMUNICATION

ACTION

1. Letters received Certified Mail – Applying for Liquor Licenses:
From: Henry Warokomski for Clydesdales (279 Main Street, Huntington)
From: Gianni Vigliotti for Porto Fino Restaurant; From: Gennaro Sbarro
for name to be determined – 138 East Main Street, Huntington;

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: Nader Gebrin for Bravo Nader; Ali Rahimi for Ariana Restaurant;
From: Mahendra Patal for Kiran Palace; From: Choi Hung Penny Au Wong
for Dao Asian Restaurant; From: Alissa Yohey for California Pizza Kitchen;
From: Georgios Mattheo for Ocenacrest Diner Inc.; From: Sotirios Triantis
for Gyro Time Corporation; From: Gary Melius for Oheka Catering Inc.;
From: Remila Ilyas for Moonlight Hodrah Lounge;

Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
3. Email received from Alicia Hendel, Legislative Aide for Suffolk County,
advising of the following resolution that was adopted at the June 21, 2011
meeting: 533-2011 – authorizing the planning steps for the acquisition of land
under the Suffolk County Drinking Water Protection Program as amended
by Local Law No. 24-2007 (Carpenter Farm Property) Town of Huntington
(SCTM# 0400-080.00-02.00-022.000)

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
4. Letter received from Lynn Pincomb, Village Administrator for Huntington Bay,
advising of a Zoning Board of Appeals Hearing to be held on July 21, 2011
at Village Hall for property located at 8 L'Ecluse Lane – to legalize various
retaining walls, slate columns, brick and slate walkways, a concrete patio,
a brick patio, and an enlarged driveway all built without a permit.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
5. Letter received from Andrew Freleng, Chief Planner for Suffolk County,
regarding a Certificate of Approval for 498 Sweet Hollow Road. They have
determined that this is a matter of local determination (not to be construed as
an approval or disapproval).

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
6. Letter received from Michael Kane, Chairman of the Town of Babylon Zoning
Board of Appeals, notifying the Town of Huntington about a Public Hearing to
be held on August 4, 2011 at 6:00 PM for property located at 18 Emerson Street,
(which is located within 500' of Town of Huntington property), to increase total
building area from 20% maximum to 22.5% in connection with the erection of
an inground pool. Attached was copy of application, full disclosure affidavit,
short environmental assessment form, copy of the radius report, and a copy
of the hearing notice.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
7. Letter received from Barbara Muller, District Clerk for Harborfields Central
School District, with an updated listing of the officials for the 2011-2012
school year.

Supervisor
Town Board
Town Attorney
cc: Comptroller

8. Letter received from Susan Guarriello, Mitchell Saltzman and Ron Goldberg in support of Kensington Estates.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
9. Letter received from Michael Kane, Chairman for the Town of Babylon Zoning Board of Appeals regarding a Public Hearing to be held on August 11, 2011 at 6:15 PM for application # 11-178, this property is located within 500' of the Town of Huntington. The hearing is for a renewal of a special exception permit for outdoor storage of building materials as per site plan. The actual application, Notice of Public Hearing, Radius Report and maps were included.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
10. Letter received from Andrew Freleng, Chief Planner for Suffolk County, regarding Huntington Town Resolution #2011-365. The Commission has decided that this is a matter of local determination and this decision should not be construed as either an approval or disapproval.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
11. Letter received from Andrew Freleng, Chief Planner for Suffolk County, regarding Huntington Town Resolution # 2011-366. The Commission has decided that this is a matter of local determination and this decision should not be construed as either an approval or disapproval.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
12. Letter received from Theodore Klein, Senior Planner for Suffolk County, regarding a special use/variance submitted to them by the Town of Smithtown for property located at the southwest corner of Henry Street and Crooked Hill Road in Commack. The applicant is Lowe's Home Centers Inc. A copy of the Town Smithtown legal notice was also included.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
13. Letter received from Nancy Magno, District Treasurer for Dix Hills Fire District, with a copy of the audited Financial Statements for the year ending 12/31/10.
- File
cc: Comptroller
14. Emails received in support of stricter laws for the operation of ATV's from
A) Michael Vitti, CLIMB President and B) Ken Kindler.
- Supervisor
Town Board
Town Attorney
Public Safety
cc: Planning & Environment
15. Email received from Brian McGunnigle requesting that Suffolk County become the new home of the Islanders.
- Supervisor
Town Board
Town Attorney
cc: Parks & Recreation
16. Letter received from Edward C. Flynn, District Treasurer for the Melville Fire District with a copy of the Financial Statements and Independent CPA Auditors' Report for the period ended December 31, 2010.
- File
cc: Comptroller

2011-369

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE INSTRUMENTS GRANTING EASEMENTS TO NATIONAL GRID TO PROVIDE ENERGY EFFICIENT NATURAL GAS SERVICE TO THE U.S. VETERANS ADMINISTRATION MEDICAL CENTER IN NORTHPORT AND TO PROVIDE MITIGATION THERETO

Resolution for Town Board Meeting Dated: August 2, 2011

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, National Grid LLC has requested authorization to install and maintain an 8-inch PVC natural gas pipeline on Town-owned property known as Veterans Park and Veterans Nature Study Area, and County-owned Knolls Park, located north of Bellerose Avenue in East Northport and Northport to serve the U.S. Veterans Administration Medical Center; and

WHEREAS, allowing construction and installation of the natural gas pipeline will serve a public purpose to enable conversion of boilers from oil to natural gas at the U.S. Veterans Administration Medical Center to result in enhanced energy efficiency and air quality, as well as substantial cost savings for the federal agency; and

WHEREAS, as mitigation, National Grid LLC proposes to connect and provide heating equipment to the two existing Town buildings in the Veterans Parks Complex for similar environmental benefits and cost efficiency and will provide and install additional trees and landscape material there, as well as provide gas service and heating equipment to other Town buildings at other sites, pursuant to a separate agreement; and

WHEREAS, National Grid LLC provided a set of plans on June 13, 2011 depicting the proposed easement area that have been available for review in the Town Clerk's office since and held a community meeting on the proposal on June 21, 2011 and the Town Board held a public hearing on July 12, 2011 and has considered the proposed authorization; and

WHEREAS, the Department of Planning and Environment has prepared a full Environmental Assessment Form (EAF) for the proposed Unlisted action to facilitate completion of the necessary SEQRA evaluation prior to the Town Board authorizing any action;

NOW, THEREFORE, BE IT

RESOLVED, the Town Board finds, on review of the full EAF, there shall be no significant adverse impacts associated with constructing, installing and maintaining the proposed natural gas pipeline and executing instruments to grant the necessary public utility easements therefor and hereby issues a Negative Declaration pursuant to SEQRA, and

BE IT FURTHER

RESOLVED, the Town Board hereby authorizes the Supervisor to execute the necessary instruments to grant the public utility easements to National Grid, LLC for the proposed natural gas pipeline through Veterans Park (SCTM 0400-086-01-001.000 and 002.002) and the Veterans Nature Study Area (SCTM 0400-086-01-005.001) to provide natural gas service to the U.S. Veterans Administration Medical Center buildings, incorporating as mitigation the connection of the Town buildings and installation of trees and landscaping material in the Veterans parks, as well as connecting gas service to various other Town buildings, 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.

RESOLUTION AUTHORIZING THE FILING AND EXECUTION OF AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR FINANCIAL CAPITAL ASSISTANCE FOR THE HUNTINGTON AREA RAPID TRANSIT (HART) SYSTEM

Resolution for Town Board Meeting dated: August 2, 2011

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

And seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Federal Transportation Administrator has been delegated authority to award federal financial assistance for mass transportation projects; and

WHEREAS, the Town of Huntington proposes to submit an application to the Federal Transit Administration (FTA) for federal capital assistance for the Huntington Area Rapid Transit (HART) system; and

WHEREAS, the Town of Huntington is a Designated Recipient of federal formula funds for mass transportation capital projects as defined by 49 USC Section 5307 (a) (2); and

WHEREAS, based upon the FTA Section 5307 apportionment to the New York-Newark, NY-NJ-CT Urbanized Area for Federal Fiscal Year 2008 and sixty-percent of the apportionment for Federal Fiscal Year 2009, the Town will receive \$1,171,668 in Federal capital funds; and

WHEREAS, the FTA will reimburse 80% (\$1,171,668) of the total eligible project costs of \$1,464,585, and the New York State Department of Transportation (NYSDOT) will reimburse 10% (\$146,458) of such costs under existing capital assistance programs for which the Town is eligible, with the Town providing 10% (\$146,459) of the total costs; and

WHEREAS, the agreement for federal capital assistance will impose certain obligations upon the Town of Huntington; and

WHEREAS, the Town of Huntington has or will provide all certifications and assurances required for the project to the United States Department of Transportation; and

WHEREAS, these projects are in conformance with comprehensive land use and transportation planning in the area and are consistent with the adopted programming of projects in the Nassau/Suffolk Transportation Improvement Program; and

WHEREAS, these projects will continue to assist the Town of Huntington in providing efficient and accessible transportation to the elderly and handicapped who may otherwise be denied the opportunity for mobility; and

WHEREAS, the projects to be undertaken are Type II actions pursuant to 6 NYCRR 617.5(c)(2) and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor or his designee to file an application on behalf of the Town of Huntington with the Federal Transit Administration (FTA) for federal capital assistance authorized by 49 USC Chapter 53, Title 23, or other federal statutes authorizing a project administered by the FTA; and

HEREBY AUTHORIZES the Supervisor or his designee to file with such application, any assurance certification, or any other document required by the FTA, and to furnish any additional information as the FTA may require in connection with the grant application; and

HEREBY AUTHORIZES the Supervisor or his designee to execute the grant agreements with FTA and upon such other terms and conditions as approved by the Town Attorney and utilize such capital assistance on behalf of the Town of Huntington to aid in the financing of the Program of Projects described below; and

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

PROGRAM OF PROJECTS

Capital Projects – (100% Federal funds / 20% Local funds)

<u>PROJECT DESCRIPTION</u>	<u>FEDERAL AMOUNT</u>	<u>TOTAL AMOUNT</u>
PURCHASE REPLACEMENT TRANSIT BUSES (30FT) WITH SPARE PARTS AND ASSOCIATED EQUIPMENT	\$864,000	\$1,080,000
PURCHASE REPLACEMENT PARATRANSIT BUSES (<30FT) WITH SPARE PARTS AND ASSOCIATED EQUIPMENT	\$156,000	\$195,000
PURCHASE REPLACEMENT SUPPORT VEHICLES WITH SPARE PARTS AND ASSOCIATED EQUIPMENT	\$52,000	\$65,000
REHABILITATE BUS ADMINISTRATION/ MAINTENANCE FACILITY	\$61,760	\$77,200
REHABILITATE BUS STORAGE FACILITY	\$6,240	\$7,800
CONTINGENCIES/RESERVE	\$31,668	\$39,585
TOTAL PROJECT COSTS	\$1,171,668	\$1,464,585
FEDERAL SHARE		\$1,171,668
LOCAL (NON-FEDERAL SHARE)		\$292,917

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 FOR THE USE OF THE PROPERTY LOCATED ON THE N/E CORNER OF BROADHOLLOW ROAD (ROUTE 110) AND PINELAWN ROAD (CR 3) FOR USE FOR FALL FESTIVAL DAYTIME PARKING UNDER TERMS AND CONDITIONS ACCEPTABLE TO THE TOWN ATTORNEY

Resolution for Town Board Meeting Dated: August 2, 2011

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

WHEREAS, in 2008, 2009 and 2010 requests were received to permit the temporary waiving of certain covenants and restrictions imposed as a result of a change of zone so as to permit daytime parking in a portion of said rezoned property for the limited purpose of the annual Schmitt's Farm Fall Festival ; and

WHEREAS, by resolutions in 2008, 2009 and 2010 the Town Board resolved to temporarily waive the covenants and restrictions upon the R-40 five acre portion of the split-zone parcel designated on the Suffolk County Tax Map as parcel number 0400-257-03-009.005 also known as the BDG 115 Broadhollow parcel, subject to conditions to minimize any impact of parking upon the abutting residential neighbors; and

WHEREAS, the Town Board is aware that a request to permanently amend certain same covenants and restrictions to allow daytime parking on the BDG 115 Broadhollow parcel for the last two weeks of September and the entire month of October in conjunction with the annual Schmitt's Farm Fall Festival was agreed to by the Board of the Villages at Huntington Homeowners Association (HOA) in 2010; and

WHEREAS, the Town Board has been advised by the Villages at Huntington Managing Agent, NAI, Inc. that the conditions imposed within the 2008, 2009 and 2010 Agreement(s) that allowed parking upon the BDG 115 Broadhollow parcel in conjunction with the 2008, 2009 and 2010 Schmitt's Farm Fall Festivals were complied with and yielded no complaints from abutting Villages at Huntington property owners; and

WHEREAS, in order to bring about a permanent modification of covenants and restrictions to allow the annual temporary parking on the R-40 five acre portion of the BDG 115 Broadhollow parcel, an application requesting said modification must be made by the record owner of the parcel, BDG 115 Broadhollow; and

WHEREAS, in order to extend the terms of the 2008, 2009 and 2010 Agreements pending an application by BDG 115 Broadhollow and to grant a temporary waiver of the covenants and restrictions to apply to the use of the BDG Broadhollow parcel in conjunction with the 2011 Schmitt's Farm Fall Festival the Town Board desires to authorize the execution of an agreement between BDG 115 Broadhollow, Schmitt's Farm and the Villages at Huntington HOA; and

WHEREAS, the Town Board wishes to have the terms of such an Agreement approved by the Town Attorney and memorialized in writing and signed by the attorney or management agent for the Villages at Huntington Homeowners Association, the attorney for Schmitt's Farm and BDG 115 Broadhollow before its execution by the Supervisor; and

WHEREAS, temporarily waiving Covenants and Restrictions to permit limited parking is classified as a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(15) and (27) and, therefore, no further SEQRA review is required.

NOW THEREFORE BE IT

RESOLVED that the Town Board

HEREBY AUTHORIZES the Supervisor to execute an agreement with the owners/operators of the Schmitt's Farm, the property owners of the parcel identified on the Suffolk County Tax Map as number 0400- 257-03-009.005, and the agent for the Villages HOA, temporarily waiving the covenants and restrictions upon the R-40 portion of the property to be used for daytime parking for the 2011 Schmitt's Farm Fall Festival and setting forth mandatory conditions designed to mitigate any effects of permitting parking on the R-40 portion of the covenanted property upon residents/property owners abutting the property; and

BE IT FURTHER RESOLVED that the terms of the Agreement temporarily waiving the covenants and restrictions must be agreed to by the Town Attorney and signed by the attorneys or managing agent for the Villages at Huntington Homeowners Association and attorneys for Schmitt's Farm prior to its execution by the Supervisor; and

BE IT FURTHER RESOLVED that the temporary waiving of the covenants and restrictions upon the R-40 portion of the parcel identified as 0400- 257-03-009.005 authorized by this resolution is limited to the use for the 2011 Schmitt's Farm Fall Festival.

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 EXTENSION TO THE REQUIREMENTS CONTRACT FOR REMOVAL OF SCRAP METAL WITH GERSHOW RECYCLING CORPORATION.

Resolution for Town Board Meeting Dated: August 2, 2011

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

WHEREAS, various departments within the Town accumulate various types of commingled scrap metal that must be recycled and requires storage containers to be delivered and replaced by a vendor as needed; and

WHEREAS, Town Board Resolution 2009-447 authorized the execution of a contract with Gershow Recycling Corporation for removal of scrap metal , Bid No. 09-08R-059; and

WHEREAS, said contract provides for two (2) one (1) year extensions with no increase in the bid price or change in the terms and conditions. Town Board Resolution 2010-412 authorized the first one (1) year extension; and

WHEREAS, Gershow Recycling Corporation, 71 Peconic Ave., Medford, New York 11763 has requested a final one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a final extension to the requirements contract, and any documents in connection and related therewith, with Gershow Recycling Corporation for the removal of scrap metal. The extension period shall be effective for one (1) year commencing on October 9, 2011 to be deposited into Revenue Account A2650, DB2650 and SL2650, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 4 NOES: 0 ABSTENTIONS: 1

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR HYDRAULIC REPAIRS AND PARTS WITH DEPENDABLE REPAIR, INC.

Resolution for Town Board Meeting Dated: August 2, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, Federal regulations require annual inspection, testing and certification of Hydraulic Bucket Trucks to assure safe operation and performance and the Town of Huntington is committed to maintaining safe and efficient vehicles and equipment that utilizes these specialty services; and

WHEREAS, Town Board Resolution 2010-403 authorized the execution of a contract with Dependable Repair, Inc. for hydraulic repairs and parts, Bid No. TOH 10-06R-048; and

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

WHEREAS, Dependable Repair, Inc., 18 Ranick Drive West, Amityville, New York 11701 has requested the one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Dependable Repair, Inc. for hydraulic repairs and parts. The extension period shall be effective for one (1) year commencing on September 27, 2011 to be charged to the various operating budgets of the Town, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	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 A CONTRACT WITH L.K. MCLEAN ASSOCIATES, P.C. FOR THE DESIGN SERVICES FOR THE RECONSTRUCTION OF THE WOODBINE MARINA, NORTHPORT, NY

Resolution for Town Board Meeting Dated: August 2, 2011

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

WHEREAS, the Woodbine Marina facility constructed circa 1960, consists of several floating timber dock structures built in Northport Harbor, a tidal waterway tributary to Northport Bay and subsequently the Long Island Sound. The facility is owned by the Town of Huntington and operates from April 1 through November 1 of each year, and accommodates thirty-eight (38) seasonal boat slips. As part of the reconstruction the Woodbine Marina will also be expanded. Currently the Marina is in various states of disrepair including the wind/wave baffles, steel bulkhead, and floating dock sections that need to be repaired; and

WHEREAS, sealed proposals were received on July 15, 2011, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the design services for the reconstruction of the Woodbine Marina, Northport, NY, RFP 2011-07-007 and the same were opened and read aloud; and

WHEREAS, L.K. McLean Associates, P.C., 437 South Country Road, Brookhaven, New York 11719 is the successful proposer; and

WHEREAS, pursuant to Town Board Resolution, 2011-220, the Town Board issued a negative declaration for the design services and the reconstruction of the Woodbine Marina.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with L. K. McLean Associates, P.C. for the design services for the reconstruction of the Woodbine Marina, Northport, NY. The contract period shall be effective upon the execution of the contract for an amount not to exceed the sum of ONE HUNDRED FORTY-FIVE THOUSAND TWENTY AND NO/100 (\$145,020.00) DOLLARS, to be charged to Capital Project Fund EG7197-2103-OS080 and MS5720-2103-11701 upon such other terms and conditions as may be acceptable to the Town Attorney.

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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.

2011-375

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH QSCEND TECHNOLOGIES, INC. FOR WEBSITE DESIGN AND DEVELOPMENT SERVICES AND A WEB-BASED CITIZEN RELATIONSHIP MANAGEMENT SYSTEM (CRMS)

Resolution for Town Board Meeting Dated: August 2, 2011

The following resolution was offered by: Supervisor Frank P. Petrone
Councilman Mark A. Cuthbertson
and seconded by: **COUNCILWOMAN JACKSON, COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington seeks to contract for professional services for the redesign and hosting of a Town website that offers residents increased ease of use and functionality and, additionally, provide a system for the web-based system to manage and respond to citizen inquiries (CRMS); and

WHEREAS, the residents of the Town of Huntington expect the Town to keep pace with technological advances that allow them to access Town Government through the Internet using home computers, laptop computers and hand-held mobile devices; and

WHEREAS, the Town's new website will provide residents with better access to the Town's knowledge base, Town personnel and on-line Town services, as well as permit the Town to continue to expand the number of services it is able to offer on-line; and

WHEREAS, the CRMS will, in addition to making it easier for Town employees to input and/or access resident queries, permit residents to directly input their questions and comments and have those comments directed to the appropriate elected officials and Town departments using their home computers, laptops and mobile devices; and

WHEREAS, the website upgrades and the CRMS ability to accept, track and help manage resident requests will greatly increase the efficiency of the Town workforce and provide for increased responsiveness with respect to provision of citizen services;

WHEREAS, sealed proposals were received on June 24, 2011, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the Citizen Relationship Management Solution (CRMS), RFP No. 2011-06-006 and for the website design and development services for the Town of Huntington Suffolk County, New York, RFP No. 2011-06-004 and the same were opened and read aloud; and

WHEREAS a cross-functional evaluation team used the RFP process to evaluate proposals in the two key areas of need; an on-line citizen request management system and a new website architecture and the overall assessment against our selection parameters: technology, organizational capability, track record and cost; and

WHEREAS, QScend Technologies, Inc., 231 Bank Street, Waterbury Connecticut 06702 is the successful proposer for both, leveraging synergies and gaining cost effective pricing; and

WHEREAS, the Town Board approved appropriated funds to be set aside for the purpose of a Technology Reserve Fund (A-0888) in accordance with Section 6-c of General Municipal Law; and

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

WHEREAS, this 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, citizen relationship management solution (CRMS) and website design and development services 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 contracts, and any documents in connection and related therewith, with QScend Technologies, Inc. for the citizen relationship management solution (CRMS) and website design and development services for the Town of Huntington Suffolk County, New York for an amount not to exceed THIRTY-SEVEN THOUSAND EIGHT HUNDRED AND NO/100 (\$37,800.00) DOLLARS for the first year of the contract that includes a one-time design and buildout fee and three months of service. The contract period shall be effective upon execution of the contract for a three (3) year period with two (2) one year options to renew to of which the one-time design/buildout fee of THIRTY-ONE THOUSAND FIVE HUNDRED AND NO/100 (\$31,500.00) DOLLARS will be charged to Capital Budget Item IT1997-2220 and the monthly hosting for three months of SIX THOUSAND THREE HUNDRED AND NO/100 (\$6,300.00) DOLLARS will be charged to Operating Budget Item A1680-4570 in addition to consulting fees for design changes in subsequent years at a rate not to exceed ONE HUNDRED FIVE AND NO/100 (\$105.00) DOLLARS per hour and upon such other terms and conditions as may be acceptable to the Town Attorney; and

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendments and appropriate funding from the Technology Reserve Account (A-0888) to the 2011 Capital and Operating Budget as follows:

Increase the following revenue:

A0511-0511R Appropriated Reserves \$31,500

Increase the following appropriation:

TT1997-2220 Townwide Computerization \$31,500

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: 4 NOES: 1 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	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-376

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH AN ARTIST FOR DESIGN AND INSTALLATION OF A PUBLIC ART PROJECT FOR THE HUNTINGTON STATION PLAZA.

Resolution for Town Board Meeting Dated: August 2, 2011

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

WHEREAS, to enhance the beauty of Huntington and the integration of art throughout our community, the Town Board established a Public Art Initiative for the Town of Huntington in 1998, appointed a nine-member Public Art Advisory Committee and approved related guidelines and procedures (Resolution 2001-550); and

WHEREAS, the Town Board subsequently approved a 2005 Public Art Plan recommended by the Public Art Advisory Committee (Resolution 2003-834), which included the planned development of a public art project in association with the establishment of a new plaza at the southeast corner of New York Avenue and Olive Street as part of plans for revitalization of Huntington Station being coordinated by the Town of Huntington Economic Development Corporation (EDC) on behalf of the Town; and

WHEREAS, in accordance with this approved plan and procedures, and as authorized by the Town Board (Resolution 2006-10), an agreement was executed with the artist Janet Zweig (Brooklyn, NY) for the design and implementation of this public art project, as recommended by the Public Art Advisory Committee, the EDC, and the appointed Artist Selection Panel that reviewed responses to the Request for Qualifications (RFQ) issued in 2005 for this project; and

WHEREAS, implementation of this public art project was delayed for several years pending approval by the New York State Department of Transportation of construction plans for the plaza project within which the public art project would be located; and

WHEREAS, due to this delay, the artist Janet Zweig is no longer available to implement the planned public art project and has withdrawn from participation in the project; and

WHEREAS, due to the passage of time since issuance of the first RFQ, the Public Art Advisory Committee in consultation with the EDC requested the re-issuance of a revised RFQ for this project, the responses to which were subsequently reviewed by a new Artist Selection Panel including representatives from the Public Art Advisory Committee, the EDC Board, and the neighborhood surrounding the project site; and

WHEREAS, the recommendations of the new Artist Selection Panel resulting from this most recent review have been forwarded to the Town Board by the Public Art Advisory Committee with their endorsement; and

WHEREAS, the Public Art Advisory Committee proposes that the artist contract be written with distinct phases, requiring subsequent Town Board approval of a detailed design proposal for the project, prior to authorization of fabrication and installation of the work and the major expenditures associated therewith; and

WHEREAS, the installation of a public artwork in this location 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 recommended artist Madeline Wiener, 1335 35th Street, Denver, CO 80205, for an amount not to exceed the total sum of SIXTY-FIVE THOUSAND AND NO/100 (\$65,000.00) DOLLARS charged to PR7197-2103-GT01, of which not more than TEN THOUSAND AND NO/100 (\$10,000.00) DOLLARS will be available for expenditure prior to the approval of a detailed Artist's Design Proposal by the Town Board, and on such other terms and conditions as may be acceptable to the Town Attorney.

AND FURTHER AUTHORIZES the Supervisor to execute, in substitution, a similar agreement with an alternate artist in accordance with the following prioritized list of alternates recommended by the Artist Selection Panel and endorsed by the Public Art Advisory Committee, should execution of an agreement with the primary artist indicated above be precluded for any reason:

First Alternate: Frank Swanson, 8718 S. Allison Street, Littleton, CO 80128

Second Alternate: John Clement, 36 Eckford Street, #1B, Brooklyn, NY 11222-4837

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.

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FUNDING FROM STATE ASSISTANCE PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL PROTECTION FUND AND/OR FEDERAL LAND AND WATER CONSERVATION FUND REGARDING MANOR FIELD PARK RE: CONSTRUCTION OF A SPLASHPARK/SPRAYGROUND AND NEW ACCESSIBLE PLAYGROUND AT MANOR FIELD PARK

Resolution for Town Board Meeting Dated: August 2, 2011

The following resolution was offered by: Councilwoman Jackson, **COUNCILMAN MAYOKA**

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund, and simultaneously for consideration under the federal Land and Water Conservation Act, for a park project to be located in Huntington Station, a site located within the territorial jurisdiction of this Board, and

WHEREAS, the Town Board is requesting park development support for construction of a splashpark/sprayground and new accessible playground at Manor Field Park, and

WHEREAS, the Town Board has hereby determined that the proposed project is desirable and is in the public interest, and

WHEREAS, matching funds for the grant will be provided by the Environmental Open Space and Park Improvement Fund and Neighborhood Parks Fund, and

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

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

NOW, THEREFORE

THE TOWN BOARD

AUTHORIZES the Supervisor to apply for and receive funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions

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of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$400,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Town of Huntington for implementation of the Manor Field Sprayground/Playground Project and, if appropriate, a conservation easement/ preservation covenant to the deed of the assisted property, and

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	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 AMENDMENT TO A LICENSE AGREEMENT WITH STARFLOWER EXPERIENCES, INC. FOR USE OF MANOR FARM PARK TO PROVIDE FOR ESTABLISHMENT OF A DEMONSTRATION SITE FOR SMALL-SCALE AGRICULTURE AT THIS LOCATION

Resolution for Town Board Meeting Dated: August 2, 2011

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

WHEREAS, via Resolution 2001-328 the Town Board authorized the Supervisor to execute a license agreement with Starflower Experiences, Inc., 79 Martin Court, Jericho, New York, for use of Manor Farm Park to provide environmental education programs to residents of Huntington and greater Long Island region; and

WHEREAS, via Resolution 204-736 and Resolution 2010-575 the Town Board has subsequently twice authorized extension of this agreement, which currently ends on December 31, 2015; and

WHEREAS, Starflower Experiences, Inc. has proposed the establishment of a demonstration site for small-scale agriculture on approximately one-half acre of Manor Farm Park as part of a larger island-wide Small Farms Initiative with other not for profit organizations, including Slow Foods, North Shore Land Alliance, Abundant Communities Together, Sustainable Long Island and LI Green; and

WHEREAS, the goals of this demonstration site would be to help determine model best practices for the farming of small plots such as those found in individual back yards, provide a base for teaching others techniques for small scale agricultural food production, and build a volunteer workforce of "practice experts" to conduct this training throughout Huntington and the Long Island region; and

WHEREAS, Starflower Experiences, Inc. proposes that the organically grown agricultural products resulting from this project will be distributed as follows:

- A portion will be donated to Island Harvest for distribution to local food pantries
- A portion will be shared by program participants
- A portion will be sold to the public at local farmers markets and on site, with sales proceeds providing part of the funding necessary to support this project; and

WHEREAS, the Town Board wishes to amend its license agreement with Starflower Experiences, Inc. for the purpose of providing a framework for operation this demonstration site for small-scale agriculture at Manor Farm Park; and

WHEREAS, Starflower Experiences, Inc. is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for development of a comprehensive site plan for use of

Manor Farm Park, a municipal park owned by the Town of Huntington, for environmental educational activities as permitted under its license agreement with the Town of Huntington, including its newly proposed small-scale agriculture demonstration project; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located”;

WHEREAS, the proposed amendment of a license agreement and endorsement of a grant application are classified Type II pursuant to 6 NYCRR 617.5(c)(20) and (27) and as these actions are consistent with and support the intent of Chapter 95 (Community Garden Program) of Town Code; thus, no further review is required pursuant to SEQRA;

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an amendment to the license agreement with Starflower Experiences, Inc. concerning use of Manor Farm Park, along with execution of any and all documents in connection therewith, so as to permit the establishment of a demonstration site for small-scale agricultural production, including permitting the produce grown on site to be sold and the proceeds used to support this project and its educational purposes, subject to such terms and conditions acceptable to the Town Attorney:

AND FURTHER, does hereby approve and endorse the application of Starflower Experience, Inc. for a grant under the Environmental Protection Fund for a park project known as “Development of a Site Plan for Manor Farm” located within Manor Farm Park.

AND FURTHER, resolves that, should Starflower Experience, Inc. be unable to do so, said property shall be forever maintained by the Town of Huntington as a municipal park in this community consistent with the rules promulgated by OPRHP.

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 AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH INTERFLEET, INC. TO PROVIDE SHORT TERM GLOBAL POSITIONING SYSTEM SERVICES FOR TOWN VEHICLES

Resolution for Town Board Meeting Dated: August 2, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, Town Board Resolution 2006-478 authorized the Supervisor to execute a requirements contract with Interfleet, Inc., for a global positioning system for Town vehicles, and a contract was entered into with Interfleet, Inc., 1685 H Street, #1195, Blaine, WA 98230, for a five year period which expires August 30, 2011; and

WHEREAS, Interfleet has agreed to provide monthly services to the Town of Huntington for the balance of the calendar year at the same rate which it charged the Town under the contract expiring August 30, 2011, so that, service will not be interrupted; and

WHEREAS, Interfleet has indicated that its hardware and software are both patented and/or copyrighted and therefore no other company can provide short term services using the existing hardware equipment; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an CONTRACT with Interfleet, Inc. for a global positioning system for the Town vehicles commencing August 31, 2011, and ending December 31, 2011, to be charged on a monthly basis to the various operating budgets code .4570, 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.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH PARAMOUNT THEATER, LLC TO UTILIZE PORTIONS OF CERTAIN TOWN OF HUNTINGTON PARKING LOTS

Resolution for Town Board Meeting Dated: August 2, 2011

The following resolution was offered by: Supervisor Petrone
Councilwoman Berland

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Paramount Theater, LLC is unable to provide for adequate parking during planning and constructing the expansion of its business, and accessing parking on streets will generally cause crowded conditions on surrounding streets; and

WHEREAS, the Paramount Theater, LLC has approached the Town for assistance in helping to resolve this parking dilemma and together have considered various options; and

WHEREAS, the Town of Huntington is the owner of certain parking lots described as the Upper Elm Street Lot, Huntington; the Town Hall Lot, Huntington; and the Commuter Lot West Side Route 110, Huntington Station; and

WHEREAS, in an effort to facilitate the development and functioning of the Paramount Theater, LLC business as an entertainment destination in the Town, the Town of Huntington is desirous of entering into a License Agreement with Paramount Theater, LLC for the limited use of portions of the aforementioned parking lots; and

WHEREAS, on August 27, 2010 the Town of Huntington Zoning Board of Appeals granted a Special Use Permit to the Paramount Theater, LLC with conditions, and issued a Negative Declaration and the Town Board hereby adopts the SEQRA review of the Zoning Board.

NOW, THEREFORE,

THE TOWN BOARD,

HEREBY AUTHORIZES the Supervisor to execute an License Agreement with the Paramount Theater, LLC, 12 Wall Street, Huntington, New York 11743, for the use of certain Town of Huntington parking lots, the Upper Elm Street Lot, Huntington; the Town Hall Lot, Huntington; and the Commuter Lot West Side Route 110, Huntington Station, for a term of seven (7) years commencing on the date of execution of the agreement by all parties and the issuance of a certificate of occupancy for the theater, and the Paramount Theater, LLC shall pay the Town of Huntington a License Fee in the

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amount of NINE THOUSAND AND NO/100 DOLLARS (\$9,000.00) per year, 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.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH ALBRECHT, VIGGIANO, ZURECK & COMPANY FOR ATTESTATION ENGAGEMENT AND OTHER SERVICES RELATED TO THE COSTS INCURRED BY THE TOWN FOR THE MAINTENANCE OF SUFFOLK COUNTY ROADWAYS

Resolution for Town Board Meeting Dated: August 2, 2011

The following resolution was offered by: Supervisor Petrone
Councilman Cuthbertson

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

WHEREAS, the Town has expended labor, resources and money to maintain, resurface and remove snow from the roadways which courts decided in Town of Huntington v. County of Suffolk to be within the jurisdiction of the County of Suffolk and for which costs and expenses the Town desires to be reimbursed from the County of Suffolk; and

WHEREAS, the Town of Huntington is desirous of retaining the services of an independent auditor to review and report on the costs and expenses for maintenance of said roadways incurred by the Town of Huntington Highway Department, Department of Transportation and Safety and other Town departments and for which the Town will seek to charge back said costs and expenses to the County of Suffolk; 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 subject of this resolution 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 Albrecht, Viggiano, Zureck & Company, 25 Suffolk Court, Hauppauge, New York 11788, for services related to the costs incurred by the Town of Huntington Highway Department and other Town department costs for maintenance of Suffolk County roadways related to the matter of Town of Huntington v. County of Suffolk, that includes a scope of work, term and maximum price commencing on the date of execution agreed upon by all parties, to be charged to Operating Budget Item A1420-4550 (Outside Professional), and on such other terms and conditions as may be acceptable to the Town Attorney; and

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HEREBY AUTHORIZES the Comptroller to make the following budgetary amendments based on the estimated cost of the engagement:

Decrease the following appropriation:

A1930-4160 Judgments and Claims \$50,000

Increase the following appropriation:

A1420-4550 Outside Professional \$50,000
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 HUNTINGTON TOWNSHIP CHAMBER OF COMMERCE TO HOLD THE LONG ISLAND FALL FESTIVAL AT HUNTINGTON EVENTS AND AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT IN CONJUNCTION WITH SAME

Resolution for Town Board Meeting Dated: August 2, 2011

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

and seconded by: **COUNCILWOMAN BERLAND, SUPERVISOR PETRONE**

WHEREAS, the Huntington Township Chamber of Commerce (the "Chamber") has requested permission to hold The Long Island Fall Festival at Huntington events on Friday, September 30, 2011, between the hours of 11:00 am and 11:00 pm; Saturday, October 1, 2011 between the hours of 11:00 a.m. and 11:00 p.m.; Sunday, October 2, 2011, between the hours of 11:00 a.m. and 11:00 p.m.;

WHEREAS, the Chamber has requested permission to open the festival with a carnival, live band entertainment, Corporate Sponsors, Food Court, and a Beer & Wine Tasting on Friday, September 30, 2011, with the use of the Harry Chapin Rainbow Stage for live performances through Sunday, October 2, 2011 for the Festival live band entertainment; and

WHEREAS, in conjunction with the festival events and carnival, the Chamber has requested permission to use certain town facilities; and

WHEREAS, the Chamber has also requested an extension of all tent permits to allow for extra time; and

WHEREAS, such permission is contingent upon the execution of a license agreement which includes provisions requiring the Chamber to hold harmless and indemnify the Town of Huntington; and

WHEREAS, the authorization of the Long Island Fall Festival at Huntington events and execution of a license agreement in conjunction with same is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20), and therefore no further SEQRA review is required.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Huntington hereby authorizes the Huntington Township Chamber of Commerce to hold The Long Island Fall Festival at Huntington events on Friday, September 30, 2011, between the hours of 11:00 am and 11:00 pm; Saturday, October 1, 2011 between the hours of 11:00 a.m. and 11:00 p.m.; Sunday, October 2, 2011, between the hours of 11:00 a.m. and 11:00 p.m.; and be it further

RESOLVED, that the Town Board of the Town of Huntington hereby authorizes the Chamber to open the festival with a carnival, live band entertainment, Corporate Sponsors, Food Court, and a Beer and Wine Tasting on Friday, September 30, 2011, with the use of the Harry Chapin Rainbow Stage for live performances through Sunday, October 2, 2011 for the Festival live band entertainment; and be it further

RESOLVED, that the Town Board of the Town of Huntington hereby authorizes the following actions in order to facilitate the Chamber in relation to these events:

1. Authorizes the use of the Harry Chapin Rainbow Stage in conjunction with the Huntington Arts Council on Friday, September 30, 2011, beginning at 12 noon and ending at 11:00 p.m.; Saturday, October 1, 2011, beginning at 11:00 a.m. and ending at 11:00 p.m.; Sunday, October 2, 2011, beginning at 11:00 a.m. and ending at 11:00 p.m.; and
2. Authorizes the use of the cottage at Heckscher Park as a command center and the exterior grounds thereof as a first aid station, beginning at 11:00 a.m. on Friday, September 30, 2011 through Sunday, October 2, 2011 at 11:00 p.m., inclusive; and
3. Grants permission for restricted parking by special pass for the disabled issued by the Chamber for Saturday, October 1, 2011 and Sunday, October 2, 2011, beginning at 11:00 a.m. and ending at 11:00 p.m., at the following Town parking fields:
 - A. 150 parking spaces in the lot of the John J. Flanagan Center (Village Green Parking Lot).
 - B. Town Hall Lot.
 - C. Lot west of the Elks Club.
4. The roads will be closed to vehicular traffic on Saturday, October 1, 2011, and Sunday, October 2, 2011, beginning at 8:30 a.m. and ending at 7:00 p.m. The Chamber will coordinate with the Department of Engineering Services and the Department of Highways, and abide by all applicable Town, County and State laws and regulations. All necessary permits and approvals shall be acquired and provided to the Huntington Town Clerk prior to September 23, 2011; and
5. Extends all permits for tents by 48 hours to a total of 120 hours, beginning on Thursday, September 29, 2011 at 11:00 am and ending on Monday, October 3, 2011 at 11:00 a.m. All tents erected or maintained shall be in compliance with Chapter 111, Article 29 of the Town of Huntington Fire Prevention Code and all permits shall be acquired and provided to the Huntington Town Clerk prior to September 23, 2011; and

6. Authorizes the Department of Engineering Services and the Department of General Services to run shuttle buses, at a cost of \$1.00 round trip per person to defray the cost of the service. Said shuttle schedule shall accommodate the needs of the participants and/or attendees for the duration of these events; and
7. Waives the fees currently being charged by the Bureau of Fire Prevention for tents and propane gas; and
8. Grants permission for the use of the Heckscher Park Pond for kayak/boat demonstrations on Saturday and Sunday October 1 and 2, 2011 from 11:00 a.m. to 6:00 p.m. In no event shall there be more than four vessels within the pond at one time; and
9. The Huntington Township Chamber of Commerce and any and all vendors and/or organizations participating in the Food Court shall obtain any and all permits required by the Suffolk County Department of Health and any and all other agencies having jurisdiction and shall present same to the Town Clerk prior to September 23, 2011. The Huntington Township Chamber of Commerce and any and all vendors and/or organizations participating in the Food Court shall defend, indemnify and hold the Town, its agents, servants and/or employees harmless from and against all claims, including defense costs, reasonable attorney fees, liability arising out of or in connection with the aforesaid Food Courts, and/or the failure to obtain said proper permits.
10. The Chamber shall obtain, or cause the appropriate organizations to obtain any and all necessary permits and licenses required to provide a beer and/or wine tasting area in Heckscher Park and shall present same to the Town Clerk prior to September 23, 2011. Such area shall be self-contained and subject to strict rules and regulations. The Chamber, and any and all vendors and/or organizations participating in the beer/wine tasting area shall defend, indemnify and hold the Town, its agents, servants and/or employees harmless from and against all claims, including defense costs, reasonable attorney fees, liability arising out of or in connection with the aforesaid beer/wine tasting area, and/or the failure to obtain said proper permits.
11. The Chamber shall be restricted from using certain areas of Heckscher Park, as directed by the Town of Huntington for the purpose of maintaining the beauty and nature of the park. Prior to submitting the site plan as required by Huntington Town Code, said site plan shall be approved by the Director of the Town of Huntington Department of General Services or his designee.
12. The Huntington Township Chamber of Commerce shall be responsible for restoring Heckscher Park to its pre-festival condition, especially the area where the carnival takes place. They shall be required to accompany the Director of the Town of Huntington Department of General Services or his designee on an inspection of the park prior to and following the festival. Following the post festival inspection, the

Director of General Services will notify the Chamber of restoration work required to be undertaken by the Chamber. Said restoration work shall be completed within a reasonable timeframe agreed upon between the Chamber and the Town. Any and all costs associated with such restoration work shall be the sole responsibility of the Chamber.

13. The Town Board again reiterates that the use of Heckscher Park will continue to be subject to various restrictions and limitations to be determined by the Town of Huntington.

and be it further

RESOLVED, all costs incurred by the Town of Huntington for labor, services and materials in connection with or resulting from the festival events, excluding restoration work as outlined in item 13 above, shall be fully reimbursed by the Chamber, however, said amount shall not exceed the sum of \$12,500.00 and shall be paid to the Town of Huntington on or before November 1, 2011. All such labor, services and materials provided by the Town shall, to the best of the ability of the parties, be agreed upon in advance, by the Chamber and the Town; and be it further

RESOLVED, that the Town of Huntington shall be named as a festival sponsor; and be it further

RESOLVED, that the Chamber shall provide insurance coverage for property damage, personal injury, breach of agreement/contract and lost profit naming the Town of Huntington, its officers and employees as additional insured by endorsement and the insurance coverage must be provided prior to the commencement of the work or the use of the premises by providing the Town with a copy of the insurance policy including the endorsement naming the Town as additional insured. The insurance must be unrestricted and primary coverage. The Chamber shall be required to sign a license agreement, including the procurement of insurance, hold harmless and indemnity provisions to defend the Town regarding any personal injury, property damage, breach of contract, violation of civil rights and discrimination in a form and on terms acceptable to the Town Attorney.

The failure to procure insurance in accordance with the requirements of the above and the terms and conditions of an insurance procurement agreement acceptable to Town Attorney will constitute a breach of any agreement with the Town for use and operation at the premises and the entities may be held liable for such breach and will be held responsible for costs, expenses and attorney fees.

The policies of insurance shall be in a minimum of \$1,000,000 per occurrence for bodily injury and \$2,000,000 in aggregate and bodily injury including death and \$1,000,000 for property damage. The Town shall be named by endorsement as a beneficiary on any excess policies that any of the entities may have. The insurance which names the Town by endorsement shall be provided to the Huntington Town Clerk and the Town

Attorney's Office by September 23, 2011. Any and all insurance agreements shall be entered that are acceptable in terms and conditions by the Town Attorney's Office; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a license agreement in conjunction with the festival events and carnival, 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 A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT TO EXTEND THE OPERATION OF A "HAUNTED HOUSE" AT 26 PINELAWN ROAD, MELVILLE, NEW YORK

Resolution for Town Board Meeting Dated: August 2, 2011

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

WHEREAS, the operator of F & W Schmitts Farm has applied for a permit to operate a "haunted house" at 26 Pinelawn Road, Melville, New York 11747 bearing Suffolk County Tax Map #0400-255.00-01.00-012.000 on the 30th of September, 2011 and the 1st, 2nd, 7th, 8th and 9th of October, 2011, from 7:00 p.m. until 12:00 a.m. and on the 10th, 14th, 15th, 16th, 21st, and 22nd of October, 2011 from 7:00 p.m. until 12:00 a.m.; and

WHEREAS, §91-3 of the Huntington Town Code (Carnivals, Circuses, Fairs and Amusement Events) provides that each permit for such an event may be issued for a term not to exceed six (6) days and that no more than two (2) permits may be issued per person or organization for each calendar year; and

WHEREAS, the operator of F & W Schmitts Farm has applied for a permit to extend the operation of the "haunted house" for the 23rd, 27th, 28th, 29th, 30th and 31st of October, 2010, from 7:00 p.m. until 12:00 a.m.; and

WHEREAS, the issuance of a permit to extend the operation a haunted house 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 issuance of a permit to F & W Schmitts Farm for the operation of a haunted house on the 23rd, 27th, 28th, 29th, 30th and 31st of October, 2011, from 7:00 p.m. until 12:00 a.m., upon the following terms and conditions:

1. F & W Schmitts Farm shall secure an extension of the bond to cover the event including the period of extension; and
2. There shall be full compliance with the Code of the Town of Huntington including but not limited to the requirements of the Department of Public Safety, the Department of Engineering Services, the Huntington Fire Marshal, the Melville Fire Department and the rules and regulations of all County, State and Federal agencies having jurisdiction; and

3. F & W Schmitts Farm shall secure a policy of insurance covering the event which names the Town as certificate holder and as an additional insured, by endorsement, on the policy, with a policy limit in the minimum amount of \$2,000,000.00 per occurrence and a Certificate of Insurance evidencing same shall be provided to the Town Attorney's Office; and
4. F & W Schmitts Farm shall execute a hold harmless agreement in favor of the Town of Huntington, its agents and employees in a form acceptable to the Town Attorney; and
5. All applicable permit and/or application fees and/or deposits shall be fully paid in accordance with the Code of the Town of Huntington; and
6. Any additional costs incurred by the Town of Huntington for labor; services and/or inspections in connection with or resulting from the event shall be fully reimbursed by F & W Schmitts Farm and shall be paid to the Huntington Town Clerk no later than November 4, 2011; and
7. Patrons of the haunted house attraction at F & W Schmitts Farm shall not be permitted to park vehicles on the property identified as Suffolk County Tax Map # 0400-257-03-009.005; 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.

RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE IN THE MATTER OF TOWN OF HUNTINGTON AGAINST METRO FUEL OIL CORP., ET AL

Resolution for Town Board Meeting Dated: August 2, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, pursuant to Town Board Resolution No. 2004-365, the Town Attorney was authorized to commence legal action against Metro Fuel Oil Corp., its owners, operators, employees, subcontractors, agents and/or hirees regarding the April 19, 2004 spillage on that date of 3,171 gallons of diesel fuel being delivered to the HART bus facility; and

WHEREAS, an action was commenced against Metro Fuel Oil Corp. and East Coast Fueling Services, Inc., in the Supreme Court of the State of New York under Index No. 07-6856, in or about February, 2007, and subsequently prosecuted by Lewis Johs Avallone Aviles LLP, outside counsel; and

WHEREAS, the parties having laid bear their cases and examined the facts and circumstances of the oil spillage incident, now on recommendation of Lewis Johs Avallone Aviles LLP, a settlement is proposed in the net sum or amount of THREE HUNDRED EIGHTY-FIVE THOUSAND AND NO/00 (\$385,000.00) DOLLARS to be paid by defendants jointly; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the matter of Town of Huntington against Metro Fuel Corp. et al is hereby settled as defined in the settlement releases, without prejudice, for the net sum of THREE HUNDRED EIGHTY-FIVE THOUSAND AND NO/00 (\$385,000.00) DOLLARS to be recorded in Operating Budget Item A2690 and further authorizes the Supervisor to execute all documents required to effectuate this settlement on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: **4** NOES: **1** 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	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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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: August 2, 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.

Schedule A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
336 Larkfield Rd. East Northport, NY 11731	0400-118.00-01.00-006.000	Alrose Larkfield LLC	07/13/2011	*1 Station Plz. Woodmere, NY 11598
336 Larkfield Rd. East Northport, NY 11731	0400-118.00-01.00-006.000	Alrose Larkfield LLC	07/13/2011	*Hanover Community Bank 2131 Jericho Tpke. Garden City Park, NY 11040

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>
25 7 th Ave S Huntington Sta., NY 11746	0400-094.00-01.00-086.000	Lauren Sivan	07/18/2011	6 Darrow Ct. Greenlawn, NY 11740
33 Keeler St. Huntington, NY 11743	0400-206.00-03.00-071.000	Cynthia Cubero	07/11/2011	N/A
53 Lafayette St. Huntington, NY 11743	0400-160.00-03.00-066.000	Sarah Murphy (Living Trust) Sarah Murphy – Trustee	07/22/2011	N/A
336 Larkfield Rd. East Northport, NY 11731	0400-118.00-01.00-006.000	Alrose Larkfield LLC	07/13/2011	*1 Station Plz. Woodmere, NY 11598
336 Larkfield Rd. East Northport, NY 11731	0400-118.00-01.00-006.000	Alrose Larkfield LLC	07/13/2011	*Hanover Community Bank 2131 Jericho Tpke. Garden City Park, NY 11040
29 Little Neck Rd. Centerport, NY 11721	0400-044.00-01.00-016.007	Kanic Realty Associates, Inc.	07/11/2011 (SUMMONS)	10 Gilbert St. Northport, NY 11768
101 W Pulaski Rd. Huntington Sta., NY 11746	0400-141.00-03.00-058.000	Joseph M. Juliano (Estate of)	07/14/2011	c/o Tina Barsony 205 Holly Ln. Smithtown, NY 11787

Chapter 156, Section 45A of the Code of the Town of Huntington
Authorizing the Removal of Stagnant Water

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
1013 Commack Rd. Dix Hills, NY 11746	0400-284.00-03.00-026.000	Yolette Ahmad	07/26/2011	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
25 7 th Ave S Huntington Sta., NY 11746	0400-094.00-01.00-086.000	Lauren Sivan	07/18/2011	6 Darrow Ct. Greenlawn, NY 11740
1013 Commack Rd. Dix Hills, NY 11746	0400-284.00-03.00-026.000	Yolette Ahmad	07/26/2011	N/A
4 Grange St. Huntington, NY 11743	0400-161.00-02.00-012.000	Huseyin Toozlu	06/30/2011	77 S. Merrick Rd. Massapequa, NY 11758
33 Keeler St. Huntington, NY 11743	0400-206.00-03.00-071.000	Cynthia Cubero	07/11/2011	N/A
53 Lafayette St. Huntington, NY 11743	0400-160.00-03.00-066.000	Sarah Murphy (Living Trust) Sarah Murphy – Trustee	07/22/2011	N/A
336 Larkfield Rd. East Northport, NY 11731	0400-118.00-01.00-006.000	Alrose Larkfield LLC	07/13/2011	*1 Station Plz. Woodmere, NY 11598

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
336 Larkfield Rd. East Northport, NY 11731	0400-118.00-01.00-006.000	Alrose Larkfield LLC	07/13/2011	*Hanover Community Bank 2131 Jericho Tpke. Garden City Park, NY 11040
101 W Pulaski Rd. Huntington Sta., NY 11746	0400-141.00-03.00-058.000	Joseph M. Juliano (Estate of)	07/14/2011	c/o Tina Barsony 205 Holly Ln. Smithtown, NY 11787

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

2011-386

RESOLUTION AUTHORIZING COMPTROLLER TO APPROPRIATE MONIES FROM THE ENVIRONMENTAL OPEN SPACE AND PARK IMPROVEMENT FUND FOR RECOMMENDED PARK IMPROVEMENT (MILL DAM PARK)

Resolution for Town Board Meeting Dated: August 2, 2011

The following resolution was offered by: Councilwoman Jackson, **COUNCILWOMAN BERLAND**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, Resolution No. 2003-569 was adopted at a meeting of the Town Board on August 27, 2003 and said resolution authorized the issuance of \$30,000,000 serial bonds of the Town of Huntington for the Environmental Open Space and Park Improvement Fund, subject to mandatory referendum that was supported by Huntington voters, for which \$7 million was to be used for park improvements, and

WHEREAS, Resolution No. 2008-481 was adopted at a meeting of the Town Board on August 26, 2008 and said resolution authorized the issuance of \$15,000,000 serial bonds of the Town of Huntington for the Environmental Open Space and Park Improvement Fund, subject to mandatory referendum that was supported by Huntington voters, for which \$5 million was to be used for park improvements, and

WHEREAS, the EOSPA Committee reviewed and voted to support a park improvement nomination to reconstruct two existing and construct two additional regulation size bocce courts at Mill Dam Park, using Town labor, in an amount not to exceed \$10,000 to be split between the EOSPA Program and the Neighborhood Parks Fund, and

WHEREAS, the proposed action is classified Type II pursuant to SEQRA 6 NYCRR 617.5(c)(2) and (7) as it involves reconstruction of a structure or facility, in kind, on the same site and also construction of a non-residential structure less than 4,000 square feet in size, and thus, requires no further SEQRA review

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds on an as-needed basis to be transferred from A-0870 Open Space Land and Park Improvements Reserve Fund, and from Neighborhood Parks TA-0037-A9301, in addition to funding that may have already been authorized for these projects, and charged to the appropriate capital budget account for the park improvement recommended by the EOSPA Committee as listed below for implementation by the identified department/entity:

DEPARTMENT OF GENERAL SERVICES

Mill Dam Park, not to exceed 10,000

Reconstruct two bocce courts and construct two additional regulation size bocce courts

AND BE IT FURTHER

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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: August 2, 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, 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:

Adjust the following positions:

A-5630-1100	Bus Maintenance Supervisor	\$19,304
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Create the following positions:

A-5630-1100	Bus Operations Supervisor	\$34,950
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Reinstate the following positions:

SR-8158-1100	Laborer (Refuse)	\$14,249
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Adjust the following Appropriations:

A-1990-1100	Contingency	(\$54,254)
SR-1990-1100	Contingency	(\$14,249)

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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- 388

RESOLUTION ACCEPTING THE DONATION OF A HARRY R. THOMPSON
PLAQUE FOR DISPLAY AT THE DEPOT ROAD PARK BASEBALL FIELD
WHICH WAS DEDICATED IN HIS HONOR NUNC PRO TUNC

Resolution for Town Board Meeting Dated: August 2, 2011

The following resolution was offered by: Councilwoman Jackson

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

WHEREAS, the Town Board, by Resolution Numbered 1994-31, dated January 11, 1994, dedicated the Depot Road Baseball Field in memory of Harry R. Thompson; and

WHEREAS, the Thompson family has donated a plaque in honor of HARRY R. THOMPSON affixed and/or to be affixed to a suitable rock to be provided by the Town of Huntington for location at the Depot Road Park baseball field, which was named in honor of HARRY R. THOMPSON; and

WHEREAS, the acceptance of this donation 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 ACCEPTS the donation from the Thompson family of a plaque in honor of HARRY R. THOMPSON nunc pro tunc and thanks them for their generosity.

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.

2011-389

RESOLUTION AMENDING TOWN BOARD RESOLUTION 2009-264
AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FINANCIAL
ASSISTANCE FROM THE GREATER LONG ISLAND CLEAN CITIES COALITION

Resolution for Town Board Meeting Dated: August 2, 2011

The following resolution was offered by: Supervisor Petrone , **COUNCILWOMAN JACKSON**

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

WHEREAS, a grant in the amount of TWO HUNDRED SIXTY THOUSAND AND NO/100 (\$260,000.00) DOLLARS was applied for and approved by the Greater Long Island Clean Cities Coalition (GLICCC) pursuant to Town Board Resolution 2009-264 in order to purchase and retrofit compressed natural gas refuse collection vehicles into the Town's existing diesel fleet; and

WHEREAS, subsequent to the adoption of Town Board Resolution 2009-264 GLICCC amended the amount of such funding to THREE HUNDRED NINETY THOUSAND AND NO/100 (\$390,000.00) DOLLARS in order to provide for the retrofit of two additional diesel trucks. The total cost of retrofitting two refuse trucks from diesel to CNG is \$139,600.00 and the Town's share will be the incremental cost of \$9600.00; and

WHEREAS, receiving additional grant funding 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 AMENDS Town Board Resolution 2009-264 to receive additional funds in the amount of ONE HUNDRED THIRTY THOUSAND AND NO/100 (\$130,000.00) DOLLARS from the Greater Long Island Clean Cities Coalition for the purpose of retrofitting two additional compressed natural gas refuse collection vehicles into the Town's existing diesel fleet and authorizes the Supervisor to execute any documents in connection therewith, upon such terms and conditions as are acceptable to the Town Attorney; and

HEREBY AUTHORIZES the Comptroller to amend the Town's Operating and Capital Budgets, for the purpose set forth in the grant, upon execution of all required documentation, and the Town's share of funding required.

2011-389

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.

2011-390

RESOLUTION APPOINTING AND REAPPOINTING MEMBERS TO THE TOWN OF HUNTINGTON RENEWABLE ENERGY TASK FORCE (RETF)

Resolution for Town Board Meeting Dated: August 2, 2011

The following resolution was offered by: Councilman Mayoka

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Huntington Town Board established the RETF (2007-652) in order to gain from the knowledge and experience of citizens with respect to promoting energy efficiency and sustainability practices in the Town of Huntington; and

WHEREAS, the RETF whose number was fixed at eleven (2008-300) has proved extremely valuable to the Town in pursuing its energy efficiency and sustainability goals and whose recommendations helped prioritize the use of more than \$2-million in Federal and State grants for energy efficiency and conservation; and

WHEREAS, the Town Board in addition to appointing and reappointing RETF members wishes to designate the positions of Chair and Recording Secretary and appoint the Town's Chief Sustainability Officer as an ex officio member; and

WHEREAS, appointment and reappointment to the Renewable Energy Task Force is not an action as defined by NYCRR Section 617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY APPOINTS the Chief Sustainability Officer of the Town of Huntington to serve as an ex-officio member to the Renewable Energy Task Force; and

HEREBY APPOINTS/REAPPOINTS the following individuals to the Renewable Energy Task Force for terms of two years:

Jacob Goldman, Chair
5 Kantor Avenue, Dix Hills, NY 11746

Kenneth Wood, Recording Secretary
63 Folsom Avenue, Huntington Station, NY 11746

Gene Stern
3 Oakley Drive, Huntington Station, NY 11746

2011-390

Jay Best
76 Derby Avenue, Greenlawn, NY 11740

Judy Fairbanks
28 Abbott Drive, Huntington, NY 11743

Peter Smith
44 West Neck Road, Huntington, NY 11743

Marilyn Urso
31 Rusco Street, Huntington, NY 11743

Nancy Pogensky
20 Robin Drive, Huntington, NY 11743

Helen M. Roberti
53 Hillwood Drive, Huntington Station, NY 11746

Daniel Fucci
5 Lake Road, Huntington Station, NY 11746

Nick Weiland
27 Osage Drive, Huntington Station, NY 11746

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.

2011-391

RESOLUTION APPOINTING A MARRIAGE OFFICER FOR THE TOWN OF HUNTINGTON FOR THE PURPOSE OF SOLEMNIZING A MARRIAGE

Resolution for Town Board Meeting Dated: August 2, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, pursuant to Domestic Relations Law §11, the Town Board may appoint a Marriage Officer(s) to solemnize marriages in the Town of Huntington; and

WHEREAS, Councilwoman Susan A. Berland has been requested to act as a Marriage Officer for the purposes of solemnizing a marriage; and

WHEREAS, the appointment of a Marriage Officer is not an action as defined by 6 NYCRR 617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY APPOINTS Councilwoman Susan A. Berland as a Marriage Officer for the Town of Huntington serving without salary or wage, from Tuesday, August 2, 2011, up to and including Wednesday, August 31, 2011 for the purpose of solemnizing a marriage.

VOTE: AYES: 4 NOES: 0 ABSTENTIONS: 1

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION GRANTING PERMISSION FOR A SIDEWALK SALE IN HUNTINGTON STATION AND AUTHORIZING USE OF HUNTINGTON STATION COMMUTER PARKING LOTS AND GARAGES IN CONNECTION WITH THE SATURDAY, SEPTEMBER 17, 2011 HUNTINGTON AWARENESS DAY "UNITY IN THE COMMUNITY" PARADE AND FAIR

Resolution for Town Board Meeting Dated: August 2, 2011

The following resolution was offered by: Councilwoman Berland
Councilwoman Jackson

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington, in cooperation with the Huntington Awareness Community Partnership, is co-sponsoring its second annual Huntington Awareness Day "Unity in the Community" Parade and Fair on Saturday, September 17, 2011 from 10am until 5pm; and

WHEREAS, the purpose of the parade and fair is to create a pageantry of the many dynamic groups, individuals and organizations throughout the Town of Huntington to publicly demonstrate their unity, diversity and solidarity; and

WHEREAS, the Huntington Awareness Day "Unity in the Community" Parade & Fair planning committee unanimously selected Jack Abrams to serve as this year's Grand Marshal because of his half-century record of service to the community as a beloved School District 3 teacher, administrator and longtime volunteer; and

WHEREAS, the parade will step off at 9:45am from East 15th Street and proceed north on New York Avenue to Church Street, where it will culminate in a fair in Municipal Lots 22 and 24 with vendors, food, children's entertainment, music entertainment, information booths and other festivities; and

WHEREAS, in connection with the parade and fair, event organizers are planning a sidewalk sale along the New York Avenue parade route to allow the businesses there to display and sell their merchandise outdoors; and

WHEREAS, the event organizers are further requesting the use of Huntington Station commuter parking lots, including the garages at Huntington Train Station, for general event parking; and

WHEREAS, the event organizers are cooperating with the New York State Department of Transportation, the Town of Huntington Superintendent of Highways and Suffolk County Police to receive permissions and assistance in connection with the required road closures;

WHEREAS, granting permission for a Sidewalk Sale and authorizing use of Huntington Station municipal parking for the Huntington Awareness Day Parade & Fair is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(15), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY GRANTS permission to the Huntington Awareness Community Partnership for a sidewalk sale along the parade route on New York Avenue from East 15th Street to Church Street, and authorizes the use of Huntington Station commuter parking lots and garages in connection with the Saturday, September 17, 2011 Huntington Awareness Day "Unity in the Community" Parade & Fair from 10am until 5pm.

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 REAPPOINTING A MEMBER TO THE AUDIT COMMITTEE

Resolution for Town Board Meeting Dated: August 2, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, Town Board Resolution 2009-615 created an Audit Committee, adopted guidelines and appointed members thereto and designated a Chairperson; and

WHEREAS, pursuant to the Audit Committee Guidelines, the Town Board shall appoint committee members for a three year term following their initial term; and

WHEREAS, the appointment of members to the Audit Committee is not an action as defined by 6 NYCRR §617.2(b) and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY APPOINTS the following individual to the Audit Committee to serve without compensation for the terms specified below:

Brian Orange	<u>Term</u>
365 West Hills Road	January 1, 2011-December 31, 2013
Huntington, NY 11743	

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.

2011-394

ENACTMENT: AMEND THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 4, §4-1, SCHEDULE K

Re: Parking at Private Fields

Resolution for Town Board Meeting Dated: August 2, 2011

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

And seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 12th of July at 7:00 PM 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 4 (Parking Fields); §4-1, Schedule K Re: Parking at private fields, as follows:

<u>PARKING FIELDS</u>	<u>SCTM MAP NO.</u>	<u>REGULATIONS</u>
ADD: Huntington Station Food Plaza/ PJ Realty LLC 2035 New York Ave. Huntington Sta., NY 11746	0400-194.00-03.00-035.000	Handicapped/Fire Zone
Rex Corp. 200 Broad Hollow Rd. Melville, NY 11747	0400-255.00-01.00-007.000	Handicapped/Fire Zone
S. Huntington Pub. Library 2 Melville Rd. Huntington Sta., NY 11746	0400-200.00-03.00-054.000	Handicapped/Fire Zone

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: AMEND THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.
RE: WEST MALL DRIVE – STOP SIGNS

Resolution for Town Board Meeting Dated: August 2, 2011

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

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

THE TOWN BOARD having held a public hearing on the 12th day of July, 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:

	<u>SIGN ON</u>	<u>SIGN</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF:</u>
ADD:	West Mall Drive (HUN)	STOP	EAST	Round Swamp 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.

2011-396

ENACTMENT: AMEND THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE I, §2-1, SCHEDULE A
RE: TRAFFIC SIGNAL – TOWN LINE ROAD (CR4) AT SUNSHINE ACRES PARK ENTRANCE/EXIT AND HUBBELL STREET

Resolution for Town Board Meeting Dated: August 2, 2011

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

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 12th day of July, 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 I, Traffic Control Signals; §2-1 Installation of Traffic Control Signals; Schedule A

<u>LOCATION</u>	<u>DESCRIPTION OF SIGNAL</u>
ADD: Town Line Road at Sunshine Acres Park Entrance/Exit and Hubbell Street (CMK)	Semi-traffic-actuated

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.

2011-397

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN A HISTORIC DISTRICT
RE: 324 PARK AVENUE – OLD HUNTINGTON GREEN HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: August 2, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 2nd day of August, 2011, pursuant to Section 198-41 of the code of the Town of Huntington, to consider the application of Paul Warburgh, 324 Park Ave., Huntington, NY 11743 for a Certificate of Approval to demolish an existing 10' x 15' shed and to legalize demolition of an 8' x 5' shed in the rear yard of a one-family dwelling; located at 324 Park Ave., Huntington, NY 11743, bearing Suffolk County Tax Map #0400-074.00-02.00-017.000, and located in the Old Huntington Green Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of Paul Warburgh for a Certificate of Approval.

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- 398

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 18 - 2011, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 87 (BUILDING CONSTRUCTION), ARTICLE VIII (GENERAL RESTRICTIONS AND REQUIREMENTS)

Resolution for Town Board Meeting dated: August 2, 2011

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Huntington Town Board is committed to the construction of homes that are energy efficient and achieve the minimum energy conservation performance standards as verified by the Home Energy Rating System (HERS) and as promulgated by the most current Residential Energy Service Network (RESNET); and

WHEREAS, revising the minimum construction standards for new single-family homes is a Type II action in accordance with SEQRA, 6 N.Y.C.R.R. §617.5(c)(9 and 27), and therefore no further SEQRA review is required.

NOW THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 20th day of September, 2011 at 7:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 18 -2011, amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article VIII (General Restrictions and Requirements); as follows:

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

LOCAL LAW INTRODUCTORY NO. 18 -2011
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 87 (BUILDING CONSTRUCTION)
ARTICLE VIII (GENERAL RESTRICTIONS AND REQUIREMENTS)

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

CHAPTER 87
BUILDING CONSTRUCTION

* * *

ARTICLE VIII
GENERAL RESTRICTIONS AND REQUIREMENTS

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) The Director of Engineering Services may establish requirements for HERS raters practicing within the Town of Huntington as to the submission of proof regarding certification, insurance, experience, independence, and such other proof or disclosure as deemed advisable or necessary by the Director; and may maintain a list of approved raters that have provided the required information. The Director may establish rules and

regulations to limit conflicts of interest in the HERS rating of buildings and structures. If an approved list is maintained by the Director, no HERS rater may provide the services required in this section unless the rater is on the approved list. HERS raters may be removed from the list of approved raters by the Director for cause and upon reasonable notice.

* * *

Section 2. Severability.

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

Section 3. Effective Date.

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

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 19 -2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 98 (DOMESTIC PARTNERSHIP REGISTRY), LOCAL LAW 18-2004

Resolution for Town Board Meeting dated: August 2, 2011

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

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

WHEREAS, it is the intention of the Town Board to remove ambiguities from the Code of the Town of Huntington and to update the Code to facilitate the State's recently enacted Marriage Equality Act; and

WHEREAS, pursuant to § 617.5 (c)(20) and (7) of SEQRA, regulations amending the Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the **20th** day of September, 2011 at **7:00 pm** at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. **19** -2011 amending the Code of the Town of Huntington, Chapter 98 (Domestic Partnership Registry); as follows:

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

LOCAL LAW INTRODUCTORY NO. 19 -2011
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 98 (DOMESTIC PARTNERSHIP REGISTRY)

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

CHAPTER 98
DOMESTIC PARTNERSHIP REGISTRY

§ 98-1. Legislative intent.

A. It is the intention of the Huntington Town Board to establish a mechanism by which those who choose not to [or are legally prohibited from marrying] marry can express and

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document their commitment to each other as "domestic partners." The Town Board deems it is appropriate and fair that certain societal benefits and privileges now accorded to those who are in a legally recognized partnership be available to domestic partners.

* * *

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

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

* * *

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

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

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

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

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

* * *

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law

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

Section 3. Effective Date.

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

ADDITIONS ARE INDICATED BY UNDERLINE

*** INDICATES NO CHANGE TO PRESENT TEXT

DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	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.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 20 -2011, AMENDING TOWN BOARD RESOLUTION 1995-137, LOCAL LAW NO. 47-1998 AND LOCAL LAW NO: 3-2001 SO AS TO REVOKE ALL OF THE COVENANTS AND RESTRICTIONS PREVIOUSLY RECORDED AGAINST PROPERTIES BEARING S.C.T.M.# 0400-257-03-(008.3 AND 009.2,) AND, IN LIEU THEREOF, ESTABLISHING CERTAIN COVENANTS AND RESTRICTIONS UPON TAX LOTS 0400-257-03-(009.3, 009.4 AND 009.5)

Resolution for Town Board Meeting dated: August 2, 2011

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Petitioner, BDG 115 Land LLC ("BDG"); Broad Hollow/Pinelawn CW NF LLC; and Broad Hollow/Pinelawn J.E.S. NF LLC (collectively, "Broad Hollow/Pinelawn") are, respectively, the fee owner and ground lessees of the properties known and designated as 10 Pinelawn Road, Melville, New York (SCTM # 0400-257-03-009.3, formerly p/o SCTM #0400-257-03-008.3), 121 Broad Hollow Road, Melville New York (SCTM #0400-257-03-009.4, formerly p/o SCTM #0400-257-03-008.3) and 115 Broad Hollow Road, Melville, New York (SCTM # 0400-257-03-009.5, formerly p/o SCTM # 400-257-03-008.3 and SCTM # 0400-257-03-009.2) (Collectively, the "Properties"); and

WHEREAS, the Property at 115 Broad Hollow Road is developed with a three (3) story office building of approximately 65,455 square feet, together with an auto teller structure of approximately 228 square feet; the Property at 121 Broad Hollow Road is developed with a two (2) story office building of approximately 30,000 square feet; and the Property at 10 Pinelawn Road is presently developed with an 8,500 square foot restaurant building with a 1,700 square foot outdoor dining area; and

WHEREAS, the Town Board previously changed the zoning classification of the Property identified by SCTM. No.: 0400-257-03-008.3 located on the northeast corner of Broadhollow Road and Pinelawn Road (3.682 acres) from C-2 Office Building District to C-6 General Business District and established conditions and restrictions on this parcel bearing SCTM No.: 0400-257-03-008.3 as well as the parcel identified on the SCTM by number 0400-257-03-009.2 by enactment of Town Board Resolution 1995-137; enacted Local Law 47-1998 to modify the Restrictive Covenants applicable to the aforesaid tax lots (008.3 and 009.2); and enacted Local Law 3-2001 further modifying the Restrictive Covenants applicable to tax lot 008.3 (collectively, the "Town Board Resolutions"); and

WHEREAS, pursuant to the terms of the Town Board Resolutions, a Declaration of Covenants and Restrictions was recorded against tax lots 008.3 and 009.2 in the Suffolk County Clerks's Office (the "Declaration"); and

WHEREAS, since the filing of the Declaration in the Suffolk County Clerk's Office, the Town of Huntington Planning Board has granted final subdivision approval to the Map of 115 Broad Hollow Road (the "Map"), which has subdivided lots 0400-257-03-008.3 and 0400-257-03-009.2 into three (3) separate lots, with the tax map designations as 0400-257-03-009.3, 0400-257-03-009.4, and 0400-257-03-009.5; and

WHEREAS, the Petitioners, Broad Hollow/Pinelawn is now proposing to lease approximately 18,000 square feet of space within the building located at 121 Broad Hollow Road, Melville, bearing Suffolk County Tax Map No.:0400-257-03-009.4 (formerly p/o 0400-257-03-008.3) for a fitness center (gym) use and to correct setback and buffer requirements for the subsequently created lots; and

WHEREAS, in connection therewith, the Petitioners have petitioned the Town Board to amend Town Board Resolution 1995-137, Local Law No.: 47-1998 and Local Law No: 3-2001 to revoke all of the covenants and restrictions previously recorded against the Properties in the Declaration and, in lieu thereof, impose covenants and restrictions that would authorize a fitness center (gym) use in the building on 121 Broad Hollow Road (new tax lot 009.4), but would otherwise maintain the use restrictions as set forth in Resolution Nos.: 1995-137, 1998-816 or 2001-74, and revise the setback and buffer requirements on all lots; 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, so the SEQRA review is not required to be completed at this time;

NOW THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 20th day of September, 2011, at 7:00 PM at Huntington Town Hall, New York, to consider adopting Local Law Introductory Number 20 -2011, amending Town Board Resolution 1995-137, Local Law No.: 47-1998 and Local Law No.: 3-2001 so as to revoke all of the covenants and restrictions previously recorded against tax lots 008.3 and 009.2, as set forth in Resolution No.: 1995-137, the aforesaid Local Laws, and in the aforesaid Declaration of Covenants and Restrictions dated the 25th day of June, 2001 and, in lieu thereof, impose against SCTM Nos.: 0400-257-03-009.3, 0400-257-03-009.4, and 0400-257-03-009.5, the subsequently created parcels, covenants and restrictions that would authorize a fitness center (gym) use in the building located at 121 Broad Hollow Road (tax lot 009.4), but would otherwise maintain the use restrictions as set forth in the applicable resolutions and local laws and revise the setback and buffer requirements on all lots, as follows:

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

LOCAL LAW INTRODUCTORY NO. 20 -2011

AMENDING TOWN BOARD RESOLUTION 1995-137, LOCAL LAW NO. 47-1998 AND LOCAL LAW NO: 3-2001 SO AS TO REVOKE ALL OF THE COVENANTS AND RESTRICTIONS PREVIOUSLY RECORDED AGAINST PROPERTIES BEARING SCTM NOS.: 0400-257-03-(008.3 AND 009.2) AND, IN LIEU THEREOF, ESTABLISHING CERTAIN COVENANTS AND RESTRICTIONS UPON TAX LOTS 0400-257-03-(009.3, 009.4, AND 009.5); AS FOLLOWS:

Section 1. Amendment to Town Board Resolution 1995-137, Local Law No.: 47-1998 and Local Law No.: 3-2001. Deleting all existing Covenants and Restrictions and adopting new Covenants and Restrictions, as follows:

(1) The following restrictions shall be imposed against 10 Pinelawn Road, Melville, SCTM # 0400-257-03-009.3 (formerly p/o S.C.T.M.# 400-257-03-008.3) (SEE SCHEDULE A):

- (a) All prior restrictive covenants and restrictions are hereby revoked.
- (b) The use of the parcel shall be limited to banking and general office, and day care uses, and not more than one restaurant not to exceed 8,500 square feet in total building area and no more than 1,700 square feet in outdoor dining areas. Any and all other retail use of the subject property shall be strictly prohibited.
- (c) Building setback for the existing facility and any extension thereto shall be at least 50 feet from Pinelawn Road.

(2) The following restrictions shall be imposed against 121 Broad Hollow Road, Melville, SCTM # 0400-257-03-009.4 (formerly p/o S.C.T.M.# 0400-257-03-008.3): (SEE SCHEDULE B):

- (a) All prior restrictive covenants and restrictions are hereby revoked.
- (b) The use of the parcel shall be limited to banking, general office, and day care uses, and a fitness center (gym) use. Any and all other retail use of the subject property shall be strictly prohibited.
- (c) Building setback for the existing facility and any extension thereof shall be at least 75 feet from New York State Route 110 and at least 20 feet from Pinelawn Road.

(3) The following restrictions will be imposed against 115 Broad Hollow Road, Melville, SCTM # 0400-257-03-009.5 (formerly p/o S.C.T.M.# 0400-257-03-008.3 and S.C.T.M.# 0400-257-03-009.2) (SEE SCHEDULE C):

- (a) All prior restrictive covenants and restrictions are hereby revoked.

- (b) The use of the parcel shall be limited to banking, general office, and day care uses. Any and all other retail use of the subject property shall be strictly prohibited.
- (c) Building setback for the existing facility and any extension thereto shall be at least 75 feet from New York State Route 110.
- (d) The five (5) acre portion of the parcel designated as SCTM # 0400-257-03-009.5 which is zoned R-40 Residence District shall not be developed in the future in any way, and shall remain as a landscaped and/or naturalized buffer area. At the discretion of the Planning Board at the time of any future site plan review a portion of the buffer area described herein may be set aside and dedicated to the Town of Huntington as an addition to the Deanna Moon (a.k.a Snyder Street) Park, presently designated as 0400-257-03-0088.2 on the Suffolk County Tax Map.

These modifications are subject to the filing of the Covenants and Restrictions set forth herein. All such Covenants and Restrictions to be submitted to the Town Attorney by the applicant for approval as to form and substance prior to filing, and upon such approval, to be filed in the Office of the Suffolk County Clerk at the owner or applicant's sole cost and expense. Proof of such filing shall be provided by the applicant to the Town Attorney, Director of Planning and Huntington Town Clerk.

All such Covenants and Restrictions shall be in addition to such terms and conditions as deemed necessary by the Town Attorney to assure compliance with the Covenants.

Section 2. Severability

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

Section 3. Effective Date

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

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

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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.

Schedule A

SUGGESTED DESCRIPTION OF LOT
1 AS SHOWN ON THE "MAP OF 115
BROADHOLLOW PLAT", SITUATED
AT MELVILLE, TOWN OF
HUNTINGTON, COUNTY OF
SUFFOLK, STATE OF NEW YORK.

S.C.T.M. DISTRICT 0400; SECTION 257; BLOCK 03; LOT 9.3

BEGINNING at a point on the northerly side of Pinelawn Road (CR 3) distant easterly 339.00 feet from the northerly end of a line connecting the northerly side of Pinelawn Road (CR 3) with the easterly side of Broadhollow Road (NYS Route 110);

RUNNING THENCE the following eleven (11) courses:

- 1) N 29° 25' 07" E, 60.50 feet;
- 2) N 04° 47' 00" E, 174.59 feet;
- 3) N 80° 31' 21" E, 242.31 feet;
- 4) S 09° 28' 39" E, 142.11 feet;
- 5) N 81° 51' 58" E, 48.55 feet;
- 6) S 10° 17' 07" E, 26.60 feet;
- 7) N 81° 52' 05" E, 62.91 feet;
- 8) S 09° 59' 07" E, 29.89 feet;
- 9) S 84° 51' 58" W, 101.97 feet;
- 10) S 10° 17' 07" E, 150.00 feet;
- 11) S 81° 54' 58" W, 280.57 feet to the northerly side of Pinelawn

Road (CR 3);

THENCE along said road line N 34° 10' 00" W, 132.46 feet to the POINT or PLACE of BEGINNING.

Containing within said bounds: 2.329 acres

Schedule B

SUGGESTED DESCRIPTION OF LOT
2 AS SHOWN ON THE "MAP OF 115
BROADHOLLOW PLAT", SITUATED
AT MELVILLE, TOWN OF
HUNTINGTON, COUNTY OF
SUFFOLK, STATE OF NEW YORK.

S.C.T.M. DISTRICT 0400; SECTION 257; BLOCK 03; LOT 9.4

BEGINNING at the northerly end of a line connecting the easterly side of Broadhollow Road (NYS Route 110) with the northerly side of Pinelawn Road (CR 3);

RUNNING THENCE along the easterly side of Broadhollow Road (NYS Route 110) northerly along the arc of a curve bearing to the left, having a radius of 2,356.83 feet, and a length of 123.90 feet;

THENCE the following the following fifteen (15) courses:

- 1) S 85° 18' 57" E, 183.91 feet;
- 2) N 04° 41' 03" E, 12.00 feet;
- 3) S 85° 18' 57" E, 50.09 feet;
- 4) S 04° 41' 03" W, 16.03 feet;
- 5) N 79° 50' 25" E, 228.47 feet;
- 6) S 09° 28' 39" E, 77.58 feet;
- 7) N 80° 31' 21" E, 89.66;
- 8) S 09° 59' 07" E, 241.44 feet;
- 9) S 81° 52' 05" W, 62.91 feet;
- 10) N 10° 17' 07" W, 26.60 feet;
- 11) S 81° 51' 58" W, 48.55 feet;
- 12) N 09° 28' 39" W, 142.11 feet;
- 13) S 80° 31' 21" W, 242.31 feet;
- 14) S 04° 47' 00" W, 174.59 feet;
- 15) S 29° 25' 07" W, 60.50 feet to the northerly side of Pinelawn

Road (CR 3);

THENCE along said road line the following two (2) courses:

- 1) N 38° 29' 47" W, 281.00 feet;
- 2) N 17° 35' 36" W, 58.00 feet to the POINT or PLACE of

BEGINNING

Schedule C

SUGGESTED DESCRIPTION OF LOT
3 AS SHOWN ON THE "MAP OF 115
BROADHOLLOW PLAT", SITUATED
AT MELVILLE, TOWN OF
HUNTINGTON, COUNTY OF
SUFFOLK, STATE OF NEW YORK.

S.C.T.M. DISTRICT 0400; SECTION 257; BLOCK 03; LOT 9.5

BEGINNING at a point on the easterly side of Broadhollow Road (NYS Route 110) distant 123.90 feet northerly from the northerly end of a line connecting the easterly side of Broadhollow Road (NYS Route 110) with the northerly side of Pinelawn Road (CR 3);

RUNNING THENCE along the easterly side of Broadhollow Road (NYS Route 110) northerly along the arc of a curve bearing to the left, having a radius of 2,356.83 feet and a length of 351.65 feet;

THENCE the following the following fourteen (14) courses:

- 1) N 84° 13' 13" E, 385.53 feet;
- 2) N 84° 26' 38" E, 101.73 feet;
- 3) N 08° 26' 32" W, 136.20 feet;
- 4) N 84° 26' 38" E, 251.40 feet;
- 5) S 09° 17' 47" E, 859.65 feet;
- 6) S 84° 51' 58" W, 251.40 feet;
- 7) N 09° 59' 07" W, 271.33 feet;
- 8) S 80° 31' 21" W, 89.66 feet;
- 9) N 09° 28' 39" W, 77.58 feet;
- 10) S 79° 50' 25" W, 228.47 feet;
- 11) N 04° 41' 03" E, 16.03 feet;
- 12) N 85° 18' 57" W, 50.09 feet;
- 13) S 04° 41' 03" W, 12.00 feet;
- 14) N 85° 18' 57" W, 183.91 feet to the POINT or PLACE of

BEGINNING.

Containing within said bounds: 9.598 acres

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ACQUIRING DEVELOPMENT RIGHTS TO ELLGREEN COMPANY/DELEA FARM PROPERTY WITH SUFFOLK COUNTY

Resolution for Town Board Meeting Dated: August 2, 2011

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

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

WHEREAS, the Town of Huntington Environmental Open Space and Park Fund (EOSPA) Review Committee recommended and the Town Board recognized by resolution of August 3, 1999 the Ellgreen Company/DeLea Farm, totaling approximately 26 acres, identified as SCTM 0400-168-03-041.003 and located on the north side of Elwood Road in Elwood, among the first round acquisition priorities for EOSPA funding, and

WHEREAS, the Town Board initiated acquisition of the Ellgreen Company/DeLea Farm initially as a Town-County partnership for active recreational use when it was a sod farm, and

WHEREAS, the owner has nominated the site that is now a crop farm to the EOSPA Program, indicating willingness to sell the development rights for farmland preservation of 20 acres and Suffolk County Legislator Stern has introduced a planning steps resolution to initiate the process and enable sharing the acquisition cost with the Town of Huntington, and such action will assure the property is maintained as protected open space, and

WHEREAS, Suffolk County has been a national leader in procurement of farmland development rights with resources dedicated specifically to this purpose through several programs and the Town of Huntington's open space funding is far more limited and must serve multiple purposes of natural area and active recreational acquisition, and

WHEREAS, the Town Board is interested in assisting the County in acquiring development rights as a partner, with the extent of such support to be determined following shared appraisal review and negotiations but, prior to acquiring an interest in the property, a public hearing is required to be held pursuant to General Municipal Law §247, and

WHEREAS, pursuant to SEQRA the Town Board recognizes that the Suffolk County Legislature is lead agency in review of the tentative Unlisted action to acquire development rights to approximately 20 acres of the subject property for farmland preservation;

NOW, THEREFORE, BE IT

RESOLVED, the Town Board supports acquisition of farmland development rights as a partnership with Suffolk County for the Ellgreen Co./DeLea Farm property to enable farmland preservation, under the appropriate County Program, and any application to the County Farmland Committee that may be necessary by the owner for such consideration; and

2011-401

BE IT FURTHER

RESOLVED, that the Town Board hereby schedules a public hearing pursuant to General Municipal Law §247.2 for the 20th day of September, 2011 at 7:00 p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York to consider participating with Suffolk County in acquiring development rights for the Ellgreen Co./DeLea Farm property for farmland preservation; and

BE IT FURTHER

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

BE IT FURTHER.

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

BE IT FURTHER

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

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.

2011-402

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: BROADWAY-GREENLAWN ROAD, NO PARKING RESTRICTION

Resolution for Town Board Meeting Dated: August 2, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

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 **20th** day of **September**, 2011, at **7:00** 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>
ADD:	Broadway-Greenlawn Road/West From 375 ft. north of Park Ave. to Park Ave. (HUN)	No Parking	-----
	Broadway-Greenlawn Road/East From Park Ave. north for 420 ft. (HUN)	No Parking	-----

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	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

2011-403

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: CONIFER COURT, NO PARKING RESTRICTION

Resolution for Town Board Meeting Dated: August 2, 2011

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

and seconded by: **COUNCILMAN CUTHBERTSON**

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 **20th** day of **September**, 2011, at **7:00** 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>
ADD:	Conifer Court/South From 615 ft. east of Waterside Rd. To 670 feet east of Waterside Rd. (NPT)	No Parking	-----

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

2011-404

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: EIGHTH AVENUE, NO PARKING RESTRICTION

Resolution for Town Board Meeting Dated: August 2, 2011

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

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 **20th** day of **September**, 2011, at **7:00** 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>
ADD:	Eighth Avenue/South From 70 ft. west of First Street North to 75 ft. east of First Street North. (ENP)	No Parking	-----

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	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

2011-405

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: SOUTH HUNTINGTON SCHOOL DISTRICT, SCHOOL SPEED LIMITS

Resolution for Town Board Meeting Dated: August 2, 2011

The following resolution was offered by: **COUNCILWOMAN BERLAND, COUNCILWOMAN JACKSON**
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 **20th** day of **September**, 2011, at **7:00** 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> <u>(miles per hour)</u>	<u>LOCATION</u>
ADD:	Old Country Road (HUS)	25	From 75 feet east of Schubert Court to 55 feet west of Craig Drive
ADD:	West Twenty Second Street (HUN)	15	From 35 feet east of Hobson Place to 80 feet east of MacArthur Avenue
ADD:	Wolf Hill Road (MVL)	15	From 110 feet west of Greenwich Avenue to 50 feet west of King Avenue
ADD:	Wolf Hill Road (MVL)	20	From 230 feet west of Pidgeon Hill Road to Dunford Street

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	<u>NAME OF STREET</u>	<u>SPEED LIMIT</u> (miles per hour)	<u>LOCATION</u>
ADD:	School Lane (HUS)	20	From Andover Place to terminus of School Lane
ADD:	Maplewood Road (HUS)	20	From 300 feet east of School Lane to 155 feet west of School Lane
ADD:	Oakwood Road (HUS)	15	From 190 feet south of West Nineteenth Street to Foxwood Drive South
ADD:	Pidgeon Hill Road (HUS)	20	From 300 feet south of Greenhills Road to 275 feet north of Hardwick Drive
ADD:	Pidgeon Hill Road (HUS)	20	From 375 feet south of Windham Drive to Old Country Road

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	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

2011-406

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT
RE: 247 PARK AVENUE – OLD HUNTINGTON GREEN HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: August 2, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington for John and Jennifer Haight, 247 Park Avenue, Huntington, NY 11743 for a Certificate of Approval to erect one and two story additions and rear roofed over porch: 1st floor for 16' 9" x 4' porch, 11'6" x 4' vestibule, 4'10" x 4'6" bathroom; 2nd floor for 21'1" x 24'6" master bedroom and bathroom for a one-family dwelling, located at 247 Park Avenue, Huntington, NY 11743; in accordance with plans dated June, 2011 pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is located in the Old Huntington Green Historic District and bears Suffolk County Tax Map #0400-027.00-03.00-016.000, and

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

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

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **20th** day of **September**, 2011, at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application for John and Jennifer Haight.

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: WALT WHITMAN ROAD, PARKING RESTRICTIONS

Resolution for Town Board Meeting Dated: August 2, 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 **20th** day of **September**, 2011, at **7:00** 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:	Walt Whitman Road/East From the Long Island Expwy. (South Service Rd.) to Rt. 110 (MVL)	No Parking	-----
	Walt Whitman Road/East From the Long Island Expwy. (South Service Rd.) to 1,210 ft. south of Sweet Hollow Rd. (MVL)	No Parking	-----
	Walt Whitman Road/East From 150 ft. north of Sweet Hollow Rd. to Old Country Rd. (MVL)	Limited parking 1 hour	-----
	Walt Whitman Road/West From Old Country Rd. to 170 ft. North of Sweet Hollow Rd. (MVL)	Limited parking 1 hour	-----

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	Walt Whitman Road/West From 170 ft. north of Sweet Hollow Rd. to Sweet Hollow Rd. (MVL)	No Standing	-----
	Walt Whitman Road/West From 190 ft. south of Sweet Hollow Rd. to the Long Island Expwy. (South Service Rd.) (MVL)	No Parking	-----
	Walt Whitman Road/West From the Long Island Expwy. (South Service Rd.) to Rt. 110 (MVL)	No Parking	-----
ADD:	Walt Whitman Road/East From Rt. 110 to 150 ft. north of Sweet Hollow Rd. (MVL)	No Parking	-----
	Walt Whitman Road/East From 150 ft. north of Sweet Hollow Rd. to 50 ft. south of Arlington St. (MVL)	Limited parking 2 hours	-----
	Walt Whitman Road/East From 50 ft. south of Arlington St. to Old Country Rd. (MVL)	No Parking	-----
	Walt Whitman Road/West From Old Country Rd. south for 220 ft. (MVL)	No Parking	-----
	Walt Whitman Road/West From 220 ft. south of Old Country Rd. to 220 ft. north of Sweet Hollow Rd. (MVL)	Limited parking 2 hours	-----
	Walt Whitman Road/West From 220 ft. north of Sweet Hollow Rd. to Sweet Hollow Rd. (MVL)	No Standing	-----
	Walt Whitman Road/West From Sweet Hollow Rd. to Rt. 110 (MVL)	No Parking	-----

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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 – CD 3

RESOLUTION AUTHORIZING THE CHAIRMAN OF THE COMMUNITY DEVELOPMENT AGENCY TO EXECUTE AN AGREEMENT WITH REACH CYA, INC.

Resolution for Community Development Agency Board Meeting dated: August 2, 2011

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

And seconded by: **CHAIRMAN PETRONE**

WHEREAS, the Huntington Community Development Agency (HCDA) has the authority to develop programs that enhance the quality of life in the Town of Huntington; and

WHEREAS, REACH CYA, Inc., 525 Half Hollow Road, Dix Hills, 11746, a charitable 501(c)(3), non-profit organization provides social, recreational, informational, educational and advocacy programs for children, youth and families in Commack and Half Hollow Hills; and

WHEREAS, REACH CYA, Inc. and HCDA each recognize the need to provide on-site family support services to alleviate family concerns and promote self sufficiency and a particular need to provide housing assistance and counseling to the residents of Millennium Hills, an affordable housing complex for low income homeowners and renters within the Town of Huntington; and

WHEREAS, the Agency held a public hearing on January 11, 2011 to modify existing Community Development Block Grant (CDBG) funds from the Program Year 2003 and an allocation from 2011 program year to Reach CYA, Inc. to provide public education, and housing counseling programs to the residents of Millennium Hills; and

WHEREAS, providing services for Millennium Hills 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 COMMUNITY DEVELOPMENT AGENCY BOARD

HEREBY AUTHORIZES the Chairman to execute a one year agreement with REACH CYA, Inc., to provide social, recreational, informational, educational and advocacy programs to the residents of Millennium Hills for the period April 1, 2011 through March 31, 2012, for an amount not to exceed the sum of FOURTEEN THOUSAND ONE HUNDRED FIFTY-NINE DOLLARS AND NO/100 (\$14,159.00) and upon such other terms and conditions as approved by the Agency Attorney.

2011 – CD 3

CONTRACTOR
REACH CYA, INC.
525 Half Hollow Road
Dix Hills, N.Y. 11746

<u>APPROPRIATION</u>	<u>AMOUNT</u>
Z MILLEN 4550 2011	\$14,159.00

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Chairman Frank P. Petrone	AYE
Member Susan A. Berland	AYE
Member Mark A. Cuthbertson	AYE
Member Glenda A. Jackson	AYE
Member Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011 – CD4

RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE AN AGREEMENT WITH LONG ISLAND HOUSING SERVICES, INC.

Resolution for Community Development Agency Board Meeting dated: August 2, 2011

The following resolution was offered by: **MEMBER MAYOKA, MEMBER JACKSON**

And seconded by: **CHAIRMAN PETRONE, MEMBER BERLAND**

WHEREAS, it has long been a goal of the Town of Huntington Community Development Agency to promote fair housing by increasing public awareness of fair housing laws; and

WHEREAS, Long Island Housing Service, Inc., 640 Johnson Avenue, Bohemia, New York is a not-for-profit corporation of the State of New York, based in Suffolk County and dedicated to the advancement of fair housing through education and counseling; and

WHEREAS, the adopted April 1, 2011 through March 31, 2012 budget approved by the Town Board for the Huntington Community Development Agency included Community Development Block Grant funds for the purpose of continuing the counseling and assistance provided by Long Island Housing Services, Inc.; and

WHEREAS, providing housing counseling for Town of Huntington Residents is not an action pursuant to 6N.Y.C.R.R. § 617.2 (b), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE COMMUNITY DEVELOPMENT AGENCY BOARD

HEREBY AUTHORIZES the Chairman to execute a one year agreement with the Long Island Housing Services, Inc. whereby outreach, public education, and counseling is provided to Town residents regarding landlord and tenant responsibilities, real estate discrimination, FHA mortgages, conventional mortgages, reverse mortgages and pre-purchase and post-purchase financial counseling, for the period April 1, 2011 through March 31, 2012, for an amount not to exceed the sum of SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO/100 (\$7,500.00) and upon such other terms and conditions as approved by the Agency Attorney.

<u>CONTRACTOR</u>	<u>APPROPRIATION</u>	<u>AMOUNT</u>
LONG ISLAND HOUSING SERVICES, INC. 640 Johnson Avenue Bohemia, N.Y. 11716	Z FAIRHSNG 4550 2011	\$7,500.00

2011 – CD 4

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Chairman Frank P. Petrone	AYE
Member Susan A. Berland	AYE
Member Mark A. Cuthbertson	AYE
Member Glenda A. Jackson	AYE
Member Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE AN AGREEMENT WITH THE FAMILY SERVICE LEAGUE, INC. FOR THE PROVISION OF A HOME SHARE PROGRAM FOR HUNTINGTON RESIDENTS

Resolution for the Community Development Agency Board Meeting dated: August 2, 2011

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

And seconded by: **MEMBER MAYOKA, CHAIRMAN PETRONE, MEMBER BERLAND**

WHEREAS, the Family Service League, Inc., 790 Park Avenue, Huntington, New York, 11743, is a charitable 501 (c) (3), not for profit organization, which provides services to families and individuals in need of financial assistance, housing and counseling; and

WHEREAS, there are Huntington residents who are faced with losing their independence, or, are unable to achieve economic self sufficiency because they cannot find affordable housing, and the Family Service League Home Share Program matches individuals who own homes with individuals in need of housing; and

WHEREAS, the adopted April 1, 2011 through March 31, 2012 budget for the Huntington Community Development Agency included Community Development Block Grant funds for the purpose of entering into a contract with the Family Service League, Inc. for the provision of a Home Share Program for qualified Huntington residents and the HCDA has now received HUD approval for that contract; and

WHEREAS, providing family and housing counseling for seniors is a Type II action pursuant to 6 NYCRR § 617.5 (c) (20), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE COMMUNITY DEVELOPMENT AGENCY BOARD

HEREBY AUTHORIZES the Chairman to execute a one year agreement with the Family Service League, Inc. for the provision of a Home Share Program to the residents of the Town of Huntington for the period April 1, 2011 through March 31, 2012 for an amount not exceed the sum of EIGHT THOUSAND THREE HUNDRED SEVENTEEN DOLLARS AND NO/100 (\$8,317.00) and upon such other terms and conditions as approved by the Agency Attorney.

2011 – CD 5

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Chairman Frank P. Petrone	AYE
Member Susan A. Berland	AYE
Member Mark A. Cuthbertson	AYE
Member Glenda A. Jackson	AYE
Member Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.