

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 SEPTEMBER 20, 2011

BOARD OF TRUSTEES' MEETING FOLLOWING

Opened: 8:59 P.M. Closed 8:59 P.M.

COMMUNITY DEVELOPMENT AGENCY MEETING FOLLOWING

Opened: 8:59 P.M. Closed: 9:00 P.M.

7:00P.M. – TOWN HALL

Opened: 7:09 P.M. Closed 8:58 P.M.

(Resolutions #2011-408 to 2011-454)

HEARINGS:

ACTION

1. 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.
(2011-TC-26-Ch. 3)

DECISION RESERVED

2. 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.
(2011-TC-29-Ch. 2)

DECISION RESERVED

3. 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.
(2011-TC-30-Ch. 3)

DECISION RESERVED

HEARINGS (Continued):

ACTION

4. 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)
(2011-ZC-7-Ch. 198)

DECISION RESERVED

5. Consider acquiring development rights to Ellgreen Company/Delea Farm
property with Suffolk County. **(SCTM #0400-168-03-041.003)**
(2011-M-26)

DECISION RESERVED

6. 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).
(Local Law Introductory No. 18-2011)

DECISION RESERVED

7. 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.
(Local Law Introductory No. 19-2011)

DECISION RESERVED

8. 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.
(2011-TC-28-Ch. 3)

DECISION RESERVED

9. 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.
(2011-TC-27-Ch. 3)

DECISION RESERVED

10. Consider adopting Local Law Introductory No. 20-2011, amending Town
Board Resolution 1995-137, Local Law No. 47-1998 and Local Law
No. 3-2011 so as to revoke all of the Covenants and Restrictions previously
recorded against properties bearing SCTM #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)**
(Local Law Introductory No. 20-2011)

**ENACTMENT
RESOLUTION # 2011-439**

11. Consider adopting Local Law Introductory No. 16-2011, considering Zone
Change Application #2010-ZM-383, Gulbahar Corp., to change the zoning
from C-6 General Business District to C-11 Automotive Service Station
District for property located on the northeast corner of Larkfield Road and
Pulaski Road, East Northport.
(Applicant: Gulbahar Corp.) (SCTM #0400-120-03-039)
(Local Law Introductory No. 16-2011)

DECISION RESERVED

**AGENDA FOR TOWN BOARD
MEETING DATED: SEPTEMBER 20, 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
2011-408.	AUTHORIZE the Supervisor to execute an agreement with Suffolk County Department of Fire, Rescue and Emergency Services for use of a diesel fuel powered, sound attenuated trailer-mounted generator in the event of a declared disaster or emergency. (Period: 5 years)	FP <u>GJ</u>	MM <u>SB</u> <u>5</u>
2011-409.	AUTHORIZE the Supervisor to execute all necessary agreements, certifications and documentation with the New York State Department of Transportation with respect to an emergency relief project agreement for federal-aid and "Marchiselli" program-aid eligible costs incurred for emergency relief to Asharoken Avenue in March 2010.	FP <u>GJ</u>	MM <u>SB</u> <u>5</u>
2011-410.	AUTHORIZE the Supervisor to extend the Agreement with the Commissioner of Transportation of the State of New York and the Town of Huntington for snow and ice removal on state highways within the boundaries of the Town of Huntington. (Period: 6/1/2011-6/30/2012)	MM	FP <u>GJ</u> <u>5</u>
2011-411.	AUTHORIZE the Supervisor to execute required documents for the 2012 Unified Hazard Mitigation Assistance Program, nunc pro tunc.	FP	SB <u>GJ</u> <u>5</u>
2011-412.	AUTHORIZE the Supervisor to apply for and execute any agreements, contracts or other documents with the United States Department of Housing and Urban Development (HUD), Northport American Legion Post 694 and the Village of Northport for the construction and rehabilitation of Veterans Community Center Facilities in Northport, New York, nunc pro tunc.	FP <u>MC</u>	MM SB <u>GJ</u> <u>5</u>
2011-413.	AUTHORIZE the Supervisor to enter an agreement with Green Long Island, Inc. to assist with enrollment of local homeowners in NYSEERDA'S home performance with Energy Star (HPw/ES) residential energy efficiency retrofit program. (Period: 6/8/2010-5/23/2013)	FP <u>MC</u>	SB GJ <u>MM</u> <u>5</u>
2011-414.	AUTHORIZE the execution of contract of sale and appropriating funding necessary for contract and closing requirements for Town acquisition of Roberg Property, Fort Salonga. (SCTM# 0400-015-01-002)	SB <u>GJ</u>	MM <u>5</u>
2011-415.	AUTHORIZE the Supervisor to execute a contract for the roof replacement of the sludge building at the Huntington Sewage Treatment Plant with Statewide Roofing, Inc. (Period: One year)	MC	FP <u>GJ</u> <u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: SEPTEMBER 20, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
2011-416. AUTHORIZE the Supervisor to execute an extension to the contract for the processing, recycling, and marketing of commingled discrete post consumer paper products with Omni Recycling of Westbury, Inc. (Extension for a period of one year commencing 11/1/2011)	<u>SB</u>	<u>GJ</u>	<u>5</u>
2011-417. AUTHORIZE the Supervisor to execute an extension to the requirements contract for processing and recycling of Huntington residential yardwaste with Omni Recycling of Babylon, Inc. (Extension for one year commencing 1/1/2012)	<u>SB</u>	<u>GJ</u>	<u>5</u>
2011-418. AUTHORIZE the Supervisor to execute a traffic signal maintenance and requirements contract for the Town of Huntington, New York with Welsbach Electric Corp. of L.I. (Period: 12 months)	<u>SB</u> <u>GJ</u>	<u>FP</u>	<u>5</u>
2011-419. AUTHORIZE the execution of an extension to the requirements contract for wastewater treatment facility instrumentation and control maintenance for Huntington Sewer District with Hinck Electrical Contractors, Inc. (Extension for one year commencing 1/1/2012)	<u>GJ</u>	<u>SB</u>	<u>5</u>
2011-420. AUTHORIZE the Supervisor to accept a donation from the Junior Welfare League of Huntington to the Department of Parks and Recreation for various 2011 Summer Programs. (Re: Department of Parks and Recreation)	<u>MM</u> <u>GJ</u> <u>SB</u>	<u>FP</u>	<u>5</u>
2011-421. AUTHORIZE the Supervisor to apply for and receive funding from Suffolk County Office for the Aging for the provision of Nutrition Programs for the elderly. (Period: 1/1/2012-12/31/2012)	<u>SB</u> <u>GJ</u>	<u>MM</u>	<u>5</u>
2011-422. AUTHORIZE the Supervisor to execute agreements for meeting places for the Senior Citizens of the Town of Huntington. (Re: Presbyterian Church of Sweet Hollow and Temple Beth Torah)	<u>SB</u> <u>GJ</u>	<u>MM</u>	<u>5</u>
2011-423. AUTHORIZE the Supervisor to execute an agreement with Touro College School of Health Sciences for the provision of an occupational therapy internship program. (Re: Town's Adult Day Care Center for a period of one year)	<u>GJ</u> <u>SB</u>	<u>MM</u>	<u>5</u>
2011-424. AUTHORIZE the Supervisor to accept a donation from the Junior Welfare League of Huntington for a dance program. (Re: Department of Parks and Recreation)	<u>MM</u> <u>GJ</u>	<u>SB</u>	<u>5</u>
2011-425. AUTHORIZE the Supervisor to execute an agreement with USI Consulting Group for actuarial consulting services-Department of Audit and Control. (Period: 12/31/2011-12/31/2012)	<u>SB</u>	<u>GJ</u>	<u>5</u>
2011-426. AUTHORIZE the Supervisor to execute an amendment to the contract with D.F. Stone Contracting, Ltd. for the Brownfields Remediation	<u>SB</u>		

**AGENDA FOR TOWN BOARD
MEETING DATED: SEPTEMBER 20, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
Program at the Veteran's Nature Study Area.	<u>GJ</u>	<u>MM</u>	<u>5</u>
2011-427. AUTHORIZE the Supervisor to certify an application for pension waiver pursuant to Section 211 of the New State Retirement and Social Security Law on behalf of Kenneth Lindahl.	<u>FP</u> <u>MC</u>	<u>SB</u>	<u>5</u>
2011-428. AUTHORIZE the Town of Huntington to sponsor a children's Halloween Parade on Monday, October 31, 2011. (Location: Gerard Street and Wall Street) (Time: 4:00 PM – 5:00 PM)	<u>MC</u> <u>SB</u> <u>MM</u>	<u>GJ</u>	<u>5</u>
2011-429. AUTHORIZE the sale of sanitary flow credits from the Town Density Rights Bank for the Station Sports Family Fun Center on Depot Road, Huntington Station, SCTM #0400-146-01-(004 & 074) and 0400-147-05-(050, 103, 104 & 106.002).	<u>FP</u>	<u>MC</u>	<u>5</u>
2011-430. 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. (Willard/Laura Lanham, 5 Laura, East Northport, SCTM#0400-185.00-02.00-024.003, Chapter 119; Manuel Cordero, 71 Tower Street, Huntington Station, SCTM# 0400-140.00-02.00-133.000, Chapter 119; Patti Hutton (Estate of), 6 Wyoming Drive, Huntington Station, SCTM# 0400-150.00-04.00-012.000, Chapters 124, 156; Bridgefield Mortgage Corp., 37 10 th Avenue, Huntington Station, SCTM# 0400-136.00-01.00-025.000, Chapters 133, 156; Dennis Carrion, 502 10 th Avenue, East Northport, SCTM# 0400-115.00-02.00-028.000, Chapters 133, 156, 191; Donald/Joyce Rose, 58 East 12 th Street, Huntington Station, SCTM# 0400-145.00-01.00-085.001, Chapters 133, 156, 191; Delvis Arevalo/Elsa Bardales Banegas, 114 Columbia Street, Huntington Station, SCTM# 0400-141.00-01.00-027.000, Chapter 133, 156; Linda Jean Trehly, 41 Goeller Avenue, Huntington Station, SCTM# 0400-201.00-01.00-141.003, Chapter 133, 156; Caroline Ferraro/ Brahim Carol Ann (L/E) Ors, 12 Kelsey Avenue, Huntington Station, SCTM# 0400-147.00-03.00-052.000, Chapter 133, 156; Frederick Powell, 215 Waterside Road, Northport, SCTM# 0400-010.00-02.00-006.000, Chapter 156 Sections 13 & 46A; Denise Van Auken, 10 Liberty Street, Huntington Station, SCTM# 0400-202.00-03.00-142.000, Chapter 156 Sections 45A & 46A; Burr Manor Estates, Inc., 310 Burr Road, Commack, SCTM# 0400-180.00-02.00-031.003, Chapter 156; Lakewood Properties, Inc., 6 Denmark Court, Huntington, SCTM# 0400-160.00-01.00-058.001, Chapter 156; Lakewood Properties, Inc., 7 Denmark Court, Huntington, SCTM# 0400-060.00-01.00-058.002, Chapter 156; Janerlee Gonzalez, 7 Dickens Avenue, Dix Hills, SCTM# 0400-275.00-02.00-100.000, Chapter 156; Babul Malik, 18 Kelsey Avenue, Huntington Station, SCTM# 0400-147.00-03.00-048.000, Chapter 156; Joseph Schoendorf, 9 Stager Lane, Commack, SCTM# 0400-225.00-02.00-034.000, Chapter 156; Robert/Lisa Cook, 4 Tuxedo Drive, Melville, SCTM# 0400-253.00-02.00-055.000, Chapter 156; Hyun S. Kim, 188 Vernon Valley Road, East Northport, SCTM# 0400-058.00-02.00-104.000, Chapter 156; Heather Lazarides, 2 Glover Drive, Dix Hills, SCTM# 0400-284.00-03.00-172.000, Chapter 191)	<u>SB</u> <u>GJ</u>	<u>FP</u>	<u>5</u>
2011-431. AUTHORIZE settlement of a Claim (Joyce v Town of Huntington).	<u>GJ</u>	<u>MC</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: SEPTEMBER 20, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
2011-432. AMEND the Town of Huntington Policy and Procedure Manual. (Re: Domestic Violence Victim Status)	<u>SB</u> <u>GJ</u>	<u>MM</u>	<u>5</u>
2011-433. APPOINT individuals to serve as volunteers in the Handicapped Parking Enforcement Program. (Re: Tom Mangan and David Schoenberg)	<u>SB</u>	<u>GJ</u>	<u>5</u>
2011-434. DEDICATE and NAME Softball Field Number 1 at Mill Dam Park in honor of the Huntington Softball Hall of Fame.	<u>MM</u> <u>GJ</u> <u>SB</u>	<u>FP</u>	<u>5</u>
2011-435. DESIGNATE November 26, 2011 as Small Business Saturday within the Town of Huntington.	<u>MM</u>	<u>SB</u> <u>GJ</u>	<u>5</u>
2011-436. ESTABLISH rates for the rental or hiring of highway machinery and equipment for street sweeping-Highway Department.	<u>FP</u>	<u>MM</u>	<u>5</u>
2011-437. GRANT a permit for aquatic events to Vicobe Productions for Aquatic Triathlon events on September 24 and 25, 2011. (Re: Crab Meadow Beach parking lot and pavilion - 9/24/2011 from 10:00 AM to 2:00 PM and 9/25/2011 from 4:45 AM to 12:00 PM)	<u>MM</u> <u>GJ</u>	<u>SB</u>	<u>5</u>
2011-438. REAPPOINT AND APPOINT members to the Public Art Advisory Committee and designating a Chairperson. (Reappoint: Ed McEvoy for a 3 year term to expire 9/10/2014; Appoint: Janine Seifert for a 3 year term to expire 9/10/2014; Designate: Mark McAteer as Chairperson for a period to expire 9/10/2012)	<u>SB</u>	<u>GJ</u>	<u>5</u>
2011-439. ENACTMENT: ADOPT 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 the properties bearing SCTM #0400-257-03 (008.003 and 009.002) as part of the Zone Change Application of Chemical Bank, #94-ZM-274, and in lieu thereof, establishing certain Covenants and Restrictions upon Tax Lots #0400-257-03- (009.003, 009.004 and 009.005). (Re: Petitioners – BDG 115 Land LLC ("BDG"); Broad Hollow/Pinelawn CW NF LLC; and Broad Hollow/Pinelawn J.E.S. NF LLC (collectively, "Broad Hollow/Pinelawn"))	<u>MC</u>	<u>FP</u>	<u>5</u>
2011-440. ENACTMENT: AMEND 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.	<u>GJ</u>	<u>FP</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: SEPTEMBER 20, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
2011-441. ENACTMENT: AMEND the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article II, §2-3, Schedule C. Re: Hearthstone Drive, Prohibited Turns.	<u>SB</u>	<u>GJ</u>	<u>5</u>
2011-442. ENACTMENT: AMEND the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article II, §2-3, Schedule C. Re: Pulaski Road, Driveway – Prohibited Turns.	<u>GJ</u>	<u>FP</u>	<u>5</u>
2011-443. ENACTMENT: ADOPT 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).	<u>SB</u>	<u>FP</u>	<u>5</u>
2011-444. ENACTMENT: ADOPT 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).	<u>FP</u>	<u>SB</u>	<u>5</u>
2011-445. SCHEDULE A PUBLIC HEARING: October 11, 2011 at 6:00 PM Re: Preliminary Annual Operating Budget. (Re: Fiscal year beginning January 1, 2012.)	<u>MC</u>	<u>SB</u>	4-AYES 1-NO <u>(MM)</u>
2011-446. SCHEDULE A PUBLIC HEARING: October 11, 2011 at 6:00 PM Re: Preliminary Capital Budget. (Re: Fiscal year beginning January 1, 2012.)	<u>MC</u>	<u>SB</u>	4-AYES 1-NO <u>(MM)</u>
2011-447. SCHEDULE A PUBLIC HEARING: October 11, 2011 at 6:00 PM Concerning the adoption of the Assessment Roll for the Huntington Sewer District.	<u>SB</u>	<u>GJ</u>	<u>5</u>
2011-448. SCHEDULE A PUBLIC HEARING: October 11, 2011 at 6:00 PM Concerning the adoption of the Assessment Roll for the Centerport Sewer District.	<u>GJ</u>	<u>SB</u>	<u>5</u>
2011-449. SCHEDULE A PUBLIC HEARING: October 11, 2011 at 6:00 PM To consider adopting Local Law Introductory No. 21 – 2011 amending the Code of the Town of Huntington, Chapter 193 (Recreational Vehicles), Section 193-3 (Operation on Private Property).	<u>SB</u>	<u>FP</u> <u>MM</u>	<u>5</u>
2011-450. SCHEDULE A PUBLIC HEARING : October 11, 2011 at 6:00 PM To consider adopting Local Law Introductory No. 22 – 2011 amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article III (Building Permits), Article IV (Certificates of Occupancy and of permitted use), and Article VI (Administration and Enforcement).	<u>GJ</u>	<u>MM</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: SEPTEMBER 20, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
2011-451. SCHEDULE A PUBLIC HEARING: October 11, 2011 at 6:00 PM To consider adopting Local Law Introductory No. 23 – 2011 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions), Article XVIII (Administration and Enforcement)	<u>SB</u>	<u>FP</u>	<u>5</u>
2011-452. SCHEDULE A PUBLIC HEARING: October 11, 2011 at 6:00 PM To consider acquiring Columbia Street Park addition (Gershon). (SCTM# 0400-140-02-018.000)	<u>FP</u> <u>GJ</u>	<u>MM</u>	<u>5</u>
2011-453. SCHEDULE A PUBLIC HEARING: October 11, 2011 at 6:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Greenland Drive, No Standing Restriction.	<u>GJ</u>	<u>FP</u>	<u>5</u>
2011-454. CREATE the Huntington Small Business Resource and Recovery Center and website to service the needs of the Huntington Business Community nunc pro tunc.	<u>MM</u>	<u>SB</u>	<u>5</u>

**AGENDA FOR BOARD OF TRUSTEES'
MEETING DATED: SEPTEMBER 20, 2011**

RESOLUTIONS:

OFF. SEC. VOTE

2011-BT21. SCHEDULE A PUBLIC HEARING: October 11, 2011 at 6:00 PM

To consider the issuance of a Special Use Permit pursuant to the Marine Conservation Law, Town Code Chapter 137 Applicant: Edward A.T. Carr on behalf of Eaton Harbors Corp. Location: South End of Beach Rd., Eaton's Neck, N.Y. 11768 S.C.T.M. #0400-005.00-05.00-002.000.

FP GJ 5

**AGENDA FOR COMMUNITY DEVELOPMENT AGENCY
MEETING DATED: SEPTEMBER 20, 2011**

RESOLUTIONS:

OFF. SEC. VOTE

2011-CD6. AUTHORIZE the Chairman of the Huntington Community Development Agency to execute a deed and transfer documents necessary to transfer Title to 1 Tower Street, Huntington Station, New York under the Town of Huntington Take Back the Blocks Program, nunc pro tunc.

GJ SB 5

INFORMATIONAL SHEET FOR TOWN BOARD MEETING

DATED: SEPTEMBER 20, 2011

COMMUNICATION

ACTION

1. Letters received Certified Mail – Applying for Liquor Licenses:
From: Fabio Marchado for not yet known (62 Stewart Avenue, Huntington);
From: Joseph Mills for Corp to be formed at 508 Walt Whitman Road,
Huntington Station;

Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility

2. Letters received Certified Mail – Renewal for Liquor Licenses:
From: Lawrence Levine for Homewood Suites by Hilton; From:
Michael Alfano for Chefs of New York; From: Sarbelio Escobar for
Safyro; From: Joan Oliva for Ristorante Joanina; From: Mike Maupin
West Palm Saloon Inc.; From: Douglas Jaffe for Eligah Churchills;
From: Joseph Quirke for La Bottega of Huntington, LLC; From:
Thomas Taxter for Boneyard; From: Dean Philippis for Mill Pond House
(2 licenses); From: Debby Zurzolo for The Cheesecake Factory; From:
Dhanit Choladda for Thai USA; From: Frank Algieri for Sal D's Restaurant;
From: Anthony Castelli for La Parma II; From: Hae Park for HSP
Holding Corp. d/b/a News Stand Deli; From: Guido Iamunno for Guido's
Italian Restaurant; From: Mary Hauptman for Happy Times; From:
James DeNicola for Ruvo Restaurant; From: Jay Grossman for Four (two
license #'s);

Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility

3. Memoranda received from Lynn Pincomb, Village Administrator for Huntington
Bay regarding a Public Hearing to be held on August 15, 2011 at 7:30 PM in
Village Hall re: A) Property located at 30 Bay Crest – to construct additions
and alterations to existing dwelling and garage; steep slope permit required.
B) 7 Heckscher Drive– to construct an in ground pool, additional patios,
remove, reconstruct and enlarge an existing one story addition.

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

4. Hand delivered letter received from Nancy McFadzen, Secretary for the
Commack Fire District with a copy of the audit report for the period of
January 1, 2010 to December 31, 2010.

File
cc: Comptroller

5. Letter received from William Weagly, Manager, of Government Relations
Response for the United States Postal Service, addressed to Jo-Ann Raia,
Town Clerk, in response to her letter of July 16, 2011. The letter indicates that
the Citizens' Stamp Advisory Committee is considering a proposal to issue a
Harry Forster Chapin stamp. The Town of Huntington's support for this
subject will be included in the committee's file.

Supervisor
Town Board
Town Attorney
cc: Huntington Arts Council

6. Letter received from William Wieck, Chairman, James Logan, Secretary and
John McLaughlin, Treasurer of the Greenlawn Water District, with a copy of
the 2012 Budget attached.

Supervisor
Town Board
Town Attorney
cc: Comptroller

7. Letter received from Andrew Freleng, Chief Planner for Suffolk County, regarding Town of Huntington Resolution #2011-400, according to the Suffolk County Planning Department, this is to be considered a matter of local determination; this decision should not be construed as either an approval or disapproval.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
8. Email received from Sally Spanburgh, Chairperson, Southampton Town Landmarks & historic Districts Board, requesting information from any Town Board members or Huntington personnel that could provide direction in forming Historic Districts.

Supervisor
Town Board
Town Attorney
Town Historian
cc: Planning & Environment
9. Letter received from Vincent Puleo, Town Clerk for Smithtown, regarding a Public Hearing to be held on September 6, 2011 at 2:00 PM at the Victor Liss Boardroom in Town Hall, to amend the Zoning Code and/or Map of the Town of Smithtown as it pertains to Chapter 322 Building Zone Ordinance regarding placement of accessory structures and uses (paving).

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
10. Letter received from Vincent Puleo, Town Clerk for Smithtown, regarding a Public Hearing to be held on September 15, 2011 at 7:00 PM at the Eugene Cannataro Senior Citizen Center, to amend the Zoning Code and/or Map of the Town of Smithtown for the following re: A) # 2011-08 Smithtown Long Island Hotel Properties, LLC – Special Exception to construct a Hotel. B) # 2011-09 Smithtown Long Island Hotel Properties, LLC – Special Exception to construct a Hotel.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
11. Email received from Alicia Hendel, Legislative Aide for Suffolk County, attaching the following resolutions that were adopted by the County: A) #570-2011 - to readjust, compromise and grant refunds and charge-backs on real property correction of errors by: County Legislature B) #577-2011 – authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under section 46 of the Suffolk County Tax Act Albert A. Radziunas C)#582-2011 – authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under section 46 of the Suffolk County Tax Act Gary Marcus D) authorizing the creation of an easement for use by National Grid for natural gas service to the United States Department of Veterans Affairs Hospital at Northport.

Supervisor
Town Board
cc: Town Attorney
12. Email received from Alicia Hendel, Legislative Aide for Suffolk County, attaching the following resolutions that were adopted by the County on August 16, 2011: A) # 673-2011 – amending resolution #239-2011 and amending the 2011 capital budget and program to increase funding in connection with the reconstruction of CR11, Pulaski Road from Larkfield Road to NYS Route 25A, Towns of Huntington and Smithtown B) #674-2011- Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$375,000 bonds to finance a part of reconstruction of CR11, Pulaski Road, from Larkfield Road to NYS 25A, in the towns of Huntington and Smithtown.

Supervisor
Town Board
Town Attorney
Highway
cc: Engineering Services

13. Notification received from Karen Navin, Clerk-Treasurer of the Inc. Village of Laurel Hollow, regarding a Board of Trustees Public Hearing to be held on September 8, 2011 at 7:30 PM re: A) Cold Spring Harbor Laboratory is requesting a special use permit and variances B) Saint John's Church is applying for a special use permit and a wetland permit. Supervisor
Town Board
Town Attorney
Maritime Services
Engineering Services
cc: Planning & Environment
14. A) Email received August 11, 2011 from Halesite Fire District, regarding a Legal Notice of a Special Election to be held August 30, 2011. The proposition is to purchase new Ferrara Fire Apparatus 4X4 1000 GPM Pumper. B) Notice of Certificate of Canvas Results and Oath of Inspection of Election was received via mail. The results were: approval – 20 against – 3. Supervisor
Town Board
Town Attorney
cc: Fire Inspector
15. Email received August 25, 2011 regarding a Legal Notice of a Public Hearing to be held on September 8, 2011 by the South Huntington Water District for the following: 1. comments on the proposed fiscal budget for 1/2012 – 12/2012 2. Enactment of a resolution effectuating changes to the Ordinances of the South Huntington Water District. 3. Enactment of a resolution effectuating changes to the water rates and the tax rate of the South Huntington Water District. 4) Comments on the proposed reallocation of money from the reserve fund to the capital fund for the installation of a granulated activated carbon treatment filtration system at Plant #20 in Melville. Supervisor
Town Board
cc: Town Attorney
16. Email received August 25, 2011 regarding a Legal Notice for nominations for the Office of Commissioner for the South Huntington Water District. Supervisor
Town Board
cc: Town Attorney
17. Email received September 6, 2011 regarding a Legal Notice for a Public Hearing to be held on September 21, 2011 at 11:30 AM regarding Greenlawn Water District. The issues involved are recodification of the Ordinances, Rules and Regulations, to update and bring current text to both and to provide that all the water rates, fees and other charges shall be established separately by the Board of Commissioners. Supervisor
Town Board
cc: Town Attorney
18. Letter received from Herbert M. Balin of CertilmanBalin, addressed to the Planning Board, regarding the DeForest Williams Estate. He is requesting a one week extension for the report due on this application. Mr. Balin is representing the Cold Spring Harbor Civic Association. Supervisor
Town Board
cc: Town Attorney
19. Memo received from Lynn Pincomb, Village Administrator for Huntington Bay, regarding a Planning Board Hearing to be held on September 12, 2011 at 7:30 PM for property located at 25 Sydney Road, this is a C1 District and the subject will be the preliminary map. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
20. Memo received from Lynn Pincomb, Village Administrator for Huntington Bay, regarding a Zoning Board of Appeals Hearing to be held on September 15, 2011 for property located at 24 Bay Crest, this is a C1 District, request is to demolish an existing dwelling and construct a new dwelling in its place and to legalize the existing block walls and steps near the North property line, a variance is required. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

21. Letter received from Susan Muller, Clerk to the Smithtown Board of Zoning Appeals regarding a Public Hearing to be heard on July 27, 2011 for property located at 9 Brewster Avenue, Fort Salonga (which is located within 500 feet of the Town of Huntington boundary). Attached was an application for retaining walls, copy of the variance request, Short Environmental Assessment Form and a copy of a map.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
22. Letter received from Andrew Lawrence that he is relocating his law office to 75 Prospect Street, Huntington effective September 30, 2011.
- Supervisor
Town Board
cc: Town Attorney
23. Letter received from William Naughton, Superintendent of Highways, with a copy of 2011-2012 Inventory of the Huntington Highway Office. This was sent to Supervisor Petrone, the Councilpersons and copied to the Comptroller and the Town Clerk.
- cc: File
24. Email received from Patricia Burkhart in support of the Town of Huntington resolution #2011-444 regarding recreational vehicles. The writer is the President of the Edgewood Preserve.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH SUFFOLK COUNTY DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES FOR USE OF A DIESEL FUEL POWERED, SOUND ATTENUATED TRAILER-MOUNTED GENERATOR IN THE EVENT OF A DECLARED DISASTER OR EMERGENCY.

Resolution for Town Board Meeting Dated: September 20, 2011

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

WHEREAS, the Suffolk County Department of Fire, Rescue and Emergency Services in furtherance of its disaster preparedness plans seeks to minimize the effect of disasters and to coordinate the use of local resources and manpower for service prior to, during and after disasters; and

WHEREAS, the Suffolk County Department of Fire, Rescue and Emergency Services has made available to the Town of Huntington a diesel fuel powered, sound attenuated trailer-mounted generator for use by the Town of Huntington in the event of a declared disaster or emergency to provide temporary power services to the residents of the Town of Huntington; and

WHEREAS, authorizing the Supervisor to enter into an agreement for use of a generator for disasters or emergencies is not an action defined by 6 NYCRR 617.2(b), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an Agreement with Suffolk County Department of Fire, Rescue and Emergency Services for use of a diesel fuel powered, sound attenuated trailer-mounted generator for use in a declared disaster or emergency for a period of five years from the execution of the agreement, at no cost to the Town of Huntington, in accordance with such terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE ALL NECESSARY AGREEMENTS, CERTIFICATIONS AND DOCUMENTATION WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION WITH RESPECT TO AN EMERGENCY RELIEF PROJECT AGREEMENT FOR FEDERAL AID AND "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS INCURRED FOR EMERGENCY RELIEF TO ASHAROKEN AVENUE IN MARCH 2010

Resolution for Town Board Meeting Dated: September 20, 2011

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

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

WHEREAS, for the protection of Huntington residents in the aftermath of a severe coastal storm in March 2010, the Supervisor of the Town of Huntington authorized the expenditure of funds necessary to make emergency repairs to Asharoken Avenue, reconnecting the peninsula of Eaton's Neck to mainland Huntington; and

WHEREAS, said roadwork, conducted within the Town of Huntington, Suffolk County, New York (P.I.N.# 0988.98) entitled the Huntington Emergency Relief-Asharoken Avenue, is eligible for Federal reimbursement; and

WHEREAS, through the Federal Highway Administration (FHWA) the Town has been awarded funding in the amount of \$43,536 for expenses incurred for the Emergency Relief of Asharoken Avenue; and

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

WHEREAS, the execution of this 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 all necessary agreements, certifications and documentation with the New York State Department of Transportation with respect to an emergency relief project agreement for Federal aid and "Marchiselli" program-aid eligible costs incurred for emergency relief to Asharoken Avenue in March 2010 in the amount of FORTY-THREE THOUSAND FIVE HUNDRED THIRTY-SIX AND NO/100 (\$43,536.00) DOLLARS to be recorded in Operating Budget Item H974597 and on such other terms and conditions as may be acceptable to the Town Attorney; and

2011-409

HEREBY RESOLVES that this resolution shall take effect immediately and that a certified copy of this resolution shall be filed with the New York State Commissioner of Transportation by attachment to the Emergency Relief Project Agreement (Comptroller's Contract No. D033444) hereby authorized; and

HEREBY FURTHER AUTHORIZES the Comptroller to make the following budgetary amendments to the Capital Budget:

Increase the following revenue:

H974597	Federal Aid- Transportation	\$43,536
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Increase the following appropriation:

GS1997-2103	Building Improvements	\$43,536
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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXTEND THE AGREEMENT WITH THE COMMISSIONER OF TRANSPORTATION OF THE STATE OF NEW YORK AND THE TOWN OF HUNTINGTON FOR SNOW AND ICE REMOVAL ON STATE HIGHWAYS WITHIN THE BOUNDARIES OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: September 20, 2011

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

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

WHEREAS, various business district areas in the Town of Huntington along New York State highways require the removal of plowed snow after snow storms; and

WHEREAS, this removal alleviates road congestion which, if left undone, would interfere with the use of the roadway by vehicles, pedestrians and the adjacent business establishments,

WHEREAS, this action is considered routine or continuing agency administration and management therefore this action is a Type II action pursuant to 6 N.Y.C.R.R.§617.5 (c)(20), therefore no further SEQRA review is required.

NOW THEREFORE,

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to extend the agreement with the Commissioner of Transportation of the State of New York commencing July 1, 1987 for the 2011/2012 season for the performance by the Town of Huntington of removing snow and ice, if ordered by the State, from State highways within the boundaries of the Town of Huntington for the period June 1, 2011 through June 30, 2012.

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- 411

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE REQUIRED DOCUMENTS FOR THE 2012 UNIFIED HAZARD MITIGATION ASSISTANCE PROGRAM, NUNC PRO TUNC.

Resolution for Town Board Meeting Dated: September 20, 2011

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

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

WHEREAS, the Town of Huntington is desirous of filing an application for mitigation project grant funding for the Federal Emergency Management Agency's (FEMA) Fiscal Year 2012 Unified Hazard Mitigation Assistance Program, and

WHEREAS, various documents requiring filing by August 19, 2011 resulted in execution by the Supervisor; and

WHEREAS, Town of Huntington seeks to receive all eligible grant funds; and

WHEREAS, authorizing the Supervisor to execute required documents for the 2012 Unified Hazard Mitigation Assistance Program, nunc pro tunc is not an action defined by 6 NYCRR 617.2(b), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute all necessary documents for the Federal Emergency Management Agency's 2012 Unified Hazard Mitigation Assistance Program, nunc pro tunc for the purpose of receiving all eligible grant funding.

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 APPLY FOR AND EXECUTE ANY AGREEMENTS, CONTRACTS OR OTHER DOCUMENTS WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), NORTHPORT AMERICAN LEGION POST 694 AND THE VILLAGE OF NORTHPORT FOR THE CONSTRUCTION AND REHABILITATION OF VETERANS COMMUNITY CENTER FACILITIES IN NORTHPORT, NEW YORK, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: September 20, 2011

The following resolution was offered by: Supervisor Petrone
Councilman Cuthbertson

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

WHEREAS, the Congress of the United States has allocated funding for three separate grants for construction and rehabilitation of Veterans Community Center facilities in Northport, New York; and

WHEREAS, the contracting Federal agency for the processing and disbursements of these grants is the United States Department of Housing and Urban Development (HUD); and

WHEREAS, the first grant (B-05-SP-NY-0888) sponsored by Congressman Steve Israel was awarded to the Village of Northport and is currently obligated; and

WHEREAS, the second grant (B-09-SP-NY-0377) sponsored by Congressman Steve Israel was awarded to Northport American Legion Post 694 and is currently un-obligated; and

WHEREAS, the third grant (B-10-NI-NY-0033) sponsored by Senator Charles Schumer was awarded to the Town of Huntington and is currently un-obligated; and

WHEREAS, these grants will be purposed for construction and rehabilitation of the existing facilities of the American Legion Hall in Northport, which serves both as a veterans center and congregation and assembly point for war veterans from the Town of Huntington and a community center for the wider Northport area, including its function as a shelter and safe staging area in times of natural disaster, such as Hurricane Irene; and

WHEREAS, a project of this dimension requires coordination and oversight that cannot be accomplished without consolidating the administration of the three grants; and

WHEREAS, the Town of Huntington, which has the requisite staff and experience with respect to engineering, purchasing and financial management to administer the grants using the Federal government's electronic grants registry, is willing to serve as lead agency; and

2011-412

WHEREAS, the purposes articulated in this resolution will require the Town variously to coordinate with and enter agreements, contracts and/or memorandums of understanding with the Northport American Legion, the Village of Northport and HUD, including the immediate obligation of B-09-SP-NY-0377 and B-10-NI-NY-0033; and

WHEREAS, this authorizing resolution is not an action pursuant to 6 NYCRR §617.2(b) and therefore no SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to apply for and execute any agreements, contracts or other documents with the United States Department of Housing and Urban Development (HUD), Northport American Legion Post 694 and the Village of Northport for the construction and rehabilitation of veterans community center facilities in Northport, New York, on such terms and conditions as acceptable to the Town Attorney, nunc pro tunc.

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.

2011-413

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER AN AGREEMENT WITH GREEN LONG ISLAND, INC. TO ASSIST WITH ENROLLMENT OF LOCAL HOMEOWNERS IN NYSERDA'S HOME PERFORMANCE WITH ENERGY STAR (HPw/ES) RESIDENTIAL ENERGY EFFICIENCY RETROFIT PROGRAM

Resolution for Town Board Meeting Dated: September 20, 2011

The following resolution was offered by: Supervisor Petrone

Councilman Mark Cuthbertson

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

WHEREAS, the United States Department of Energy (USDOE) awarded a Better Buildings Grant to the New York State Energy Research and Development Authority (NYSERDA) to encourage energy efficiency and conservation improvements to homes and businesses in New York State; and

WHEREAS, NYSERDA is implementing its Home Performance with Energy Star (HPw/ES) program of subsidized home energy audits, low-cost retrofit financing and workforce development to assist home owners, small businesses and not-for-profit organizations make energy efficiency retrofits that will save money, cut fossil fuel usage and reduce green house gas emissions; and

WHEREAS, NYSERDA has contracted with the Community Development Corporation of Long Island (CDCLI) to help with marketing and outreach for HPw/ES on Long Island through the LI Green Homes and Building Consortium of which the Town of Huntington is a participating member; and

WHEREAS, CDCLI has allocated \$100,000 to Huntington for HPw/ES marketing and outreach for the first year and a like amount for the subsequent two years based on the prior year performance and submission of an acceptable plan for the new year with the goal of enrolling over 1,000 homeowners in the HPw/ES program on or before May 2013; and

WHEREAS, part of Huntington's implementation strategy is to direct market HPw/ES through the Huntington EECO Homes program that currently offers Town residents free in-home energy surveys, energy efficiency tips and education and recommendations for low-cost, high-impact energy retrofits; and

WHEREAS, EECO Homes professional services are provided under contract to the Town of Huntington by Green Long Island, Inc. (d/b/a LI Green), a not-for-profit green energy technical services provider located in Suffolk County whose technicians are trained in utility bill analysis and can help homeowners determine HPw/ES eligibility and complete the NYSERDA application process; and

2011-413

WHEREAS, reaching the Town's overall goal will depend in part upon LI Green's spending additional time and providing addition services to EECO Homes clients, the cost of which is reimbursable through the CDCLI/NYSERDA grant; and

WHEREAS, the execution of this agreement is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(20)(21), and therefore no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract and any documents in connection therewith, and upon such other terms and conditions as approved by the Town Attorney, with Green Long Island, Inc., d/b/a Long Island Green (LI Green) PO Box 1530, Southampton, NY 11969, to perform marketing and outreach and assist reaching the Town's target of one thousand and seventy-two (1072) resident homeowners applying to participate in NYSERDA's HPw/ES comprehensive home energy audit and low-cost energy retrofit financing program. LI Green will be reimbursed at a rate not to exceed FIFTY and NO/100 (\$50.00) DOLLARS per home that undergoes both a Huntington EECO Homes survey and successfully completes a NYSERDA application for an HPw/ES comprehensive energy audit. The term of this contract shall coincide with the term of the Town's HPw/ES marketing and outreach grant from CDCLI (June 8, 2010 to May 23, 2013) and be contingent upon its annual renewal by CDCLI. The contract shall be charged to Operating Budget Item A1440-4550; and

HEREBY AUTHORIZES the Comptroller to amend the 2011 Operating Budget for the grant as follows:

Decrease the following Appropriation

A1440-1150	Part-time Salaries	\$30,000.00
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Increase the following Appropriation

A1440-4550	Outside Professional	\$30,000.00
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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.

2011-414

RESOLUTION AUTHORIZING EXECUTION OF CONTRACT OF SALE AND APPROPRIATING FUNDING NECESSARY FOR CONTRACT AND CLOSING REQUIREMENTS FOR TOWN ACQUISITION OF ROBERG PROPERTY, FORT SALONGA

Resolution for Town Board Meeting Dated: September 20, 2011

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

WHEREAS, the acquisition of a 1.0-acre property held by the Maude D. Roberg Living Trust, identified as SCTM 0400-015-01-002 and located on the east side of Makamah Road in Fort Salonga, was recommended for purchase by the EOSPA Committee and has been negotiated by the Town EOSPA Counsel and contracts of sale are being finalized for signature by all involved parties; and

WHEREAS, specific Town costs and contract requirements must be met, including, but not limited to: surveys, setting of monuments, title insurance, recording of deeds, pro-rated taxes as necessary, and other closing costs and items as may be specified as contract requirements; and

WHEREAS, the property to be acquired is a portion of an existing tax parcel that must be split in accordance with Suffolk County Department of Health Services (SCDHS) requirements; and

WHEREAS, the action to acquire the property for passive park use and to provide a small safe parking area to access the main trail entrance to the Makamah Nature Preserve that lies directly across the road was classified as Unlisted pursuant to SEQRA, and the Town Board, as lead agency, issued a Negative Declaration on September 7, 2010;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor or his representative to execute a contract, on such terms and conditions as may be acceptable to the Town Attorney, to purchase the Roberg property as a trailhead access area to support use of the Makamah Nature Preserve, the trails of which connect to the Town Jerome Ambro and Fuchs Pond Preserves, as identified above for park purposes for the benefit of Huntington residents, for an amount not to exceed the sum of **THREE HUNDRED FIFTY THOUSAND AND NO/100 (\$350,000.00) DOLLARS**, excluding customary closing costs, which are hereby authorized such as title insurance and recording fees; and

BE IT FURTHER

RESOLVED, that the Town Board authorizes all necessary action to complete the division of the tax parcel pursuant to a SCDHS application; and

BE IT FURTHER

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 in an amount not to exceed the purchase price or THREE HUNDRED FIFTY THOUSAND AND NO/100 (\$350,000.00) DOLLARS, excluding customary closing expenses, and charged to the appropriate capital budget account in addition to funding required to cover closing costs related to the Town's acquisition of the subject property; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Town Attorney's office to proceed to schedule a closing of title with the attorney for the owner of the Roberg property and authorizes the Supervisor or his representative to execute all documents related to the acquisition, and upon securing such property in the ownership of the Town, it is hereby declared to be and dedicated as parkland to be held and known as the Roberg / Brickmaker Preserve.

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.

2011-415

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE ROOF REPLACEMENT OF THE SLUDGE BUILDING AT THE HUNTINGTON SEWAGE TREATMENT PLANT WITH STATEWIDE ROOFING, INC.

Resolution for Town Board Meeting Dated: September 20, 2011

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

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

WHEREAS, the roof on the sludge building has reached its useful life and needs to be replaced. The project includes removal of approximately 3,600 SF of roofing material, flashings, and insulation. The construction includes the installation of a white, fully adhered EPDM roofing system over a high-density cover board, tapered roof insulation, flashings, and drainage components; and

WHEREAS, sealed bids were received on September 1, 2011 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the roof replacement of the sludge building at the Huntington Sewage Treatment Plant, HSD 2011-01/O-C and the same were opened publicly and read aloud; and

WHEREAS, Statewide Roofing, Inc., 205 Brookville Ave., Islip, New York 11751 is the lowest responsible bidder; and

WHEREAS, roof replacement of the sludge building at the Huntington Sewage Treatment Plant is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(2), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Statewide Roofing, Inc. for the roof replacement of the sludge building Huntington Sewage Treatment Plant. The contract period shall be effective for one year from the date of execution of the contract until, for an amount not to exceed the sum of SIXTY NINE THOUSAND FIVE HUNDRED AND NO/100 (\$69,500.00) DOLLARS, and authorizes the Director of Environmental Waste Management to execute change orders up to 5% of the proposed amount not to exceed SEVENTY THOUSAND AND NO/100 (70,000.00) DOLLARS, to be charged to WM8197-2102-11806, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2011- 415

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.

2011-416

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE CONTRACT FOR THE PROCESSING, RECYCLING, AND MARKETING OF COMMINGLED DISCRETE POST CONSUMER PAPER PRODUCTS WITH OMNI RECYCLING OF WESTBURY, INC.

Resolution for Town Board Meeting Dated: September 20, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Town of Huntington will either collect or make available on a regular basis, commingled and discrete post consumer paper products that are to be recycled rather than be disposed of by landfilling or incineration; and

WHEREAS, Town Board Resolution 2008-574 authorized the execution of a contract with Omni Recycling of Westbury, Inc., and resolution 2009-138 amended the aforementioned resolution with regards to the contract price and terms for the processing, recycling, and marketing of commingled and discrete post consumer paper products, RFP 2008-07; and

WHEREAS, the current agreement provides for two (2) one (1) year extensions at a rate of 135% of market value with a floor price of thirty-seven dollars (\$37.00) per ton; and

WHEREAS, Town Board Resolution 2010-484 authorized the first one (1) year extension; and

WHEREAS, said contract provides for a final one (1) year extension upon mutual agreement by both parties and based on a review of current market conditions, it in the best interest of the Town to exercise this extension; and

WHEREAS, Omni Recycling of Westbury, Inc., 7 Portland Avenue, Westbury, New York 11590 has requested the final one (1) year extension at the same price, terms and conditions of the current agreement; 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

2011-416

HEREBY AUTHORIZES the Supervisor to execute a final extension to the contract, and any documents in connection therewith, with Omni Recycling of Westbury, Inc. for the processing, recycling, and marketing of commingled and discrete post consumer paper products. The revenue is to be deposited into Account No. SR 2651. The extension period shall be effective for one (1) year commencing on November 1, 2011 and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-417

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR PROCESSING AND RECYCLING OF HUNTINGTON RESIDENTIAL YARDWASTE WITH OMNI RECYCLING OF BABYLON, INC.

Resolution for Town Board Meeting Dated: September 20, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Town of Huntington is committed to processing and recycling residential yardwaste materials in an environmentally sound and lawful manner. The yardwaste collection consists of approximately 50 separate collections annually by the Town Refuse District Municipal or Contract Carter vehicles, which are then delivered to the contractors transfer station. Collected yardwaste consists of bundled branches less than 6" in diameter, and 4' in length, and bagged leaves or prunings; and

WHEREAS, Town Board Resolution 2008-607 authorized the execution of a contract with Omni Recycling of Babylon, Inc. for processing and recycling of Huntington residential yardwaste, Bid No. 08-10R-116; and

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

WHEREAS, Omni Recycling of Babylon, Inc., 114 Alder Street, West Babylon, New York 11704 has requested the 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 an extension to the requirements contract, and any documents in connection and related therewith, with Omni Recycling of Babylon, Inc. for processing and recycling of Huntington residential yardwaste. The extension period shall be effective for one (1) year commencing on January 1, 2012 to be charged to Operating Funds SR8158.4990, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-418

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A TRAFFIC SIGNAL MAINTENANCE AND REQUIREMENTS CONTRACT FOR THE TOWN OF HUNTINGTON, NEW YORK WITH WELSBACH ELECTRIC CORP. OF L.I.

Resolution for Town Board Meeting Dated: September 20, 2011

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

WHEREAS, the Town of Huntington utilizes an outside contractor to provide maintenance for the town's traffic signals. The traffic signal maintenance and requirements contract is for all traffic signals which includes all electrically operated traffic control devices and associated equipment under the jurisdiction of the Town of Huntington. The Contractor shall furnish all transportation, labor, materials, supplies, equipment, tools and appurtenances necessary to ensure that the Town's traffic signals are maintained in good working order; and

WHEREAS, sealed bids were received on September 1, 2011 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the traffic signal maintenance and requirements contract Town of Huntington, New York, Contract No. TTTS 2011-02 and the same were opened publicly and read aloud; and

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

WHEREAS, traffic signal maintenance and requirements contract Town of Huntington, New York is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(16), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a requirements contract, and any documents in connection and related therewith, with Welsbach Electric Corp. of L.I. for the traffic signal maintenance and requirements contract Town of Huntington, New York. The contract period shall be effective for twelve (12) months commencing upon execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for two (2) additional one (1) year periods under the same prices, terms and conditions, to be charged to account B3310.4560 and/or TT3397-RS309-2775, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2011-418

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 AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR WASTEWATER TREATMENT FACILITY INSTRUMENTATION AND CONTROL MAINTENANCE FOR HUNTINGTON SEWER DISTRICT WITH HINCK ELECTRICAL CONTRACTORS, INC.

Resolution for Town Board Meeting Dated: September 20, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington owns and operates a Sewer Treatment Facility within the Huntington Sewer District, has recently been upgraded; and

WHEREAS, the Town of Huntington is committed to providing preventive maintenance services to the Wastewater Control Systems at the Town of Huntington Sewer District facilities, and as such, these services may require specialized skills and outside support; and

WHEREAS, Town Board Resolution 2009-552 authorized the execution of a contract with Hinck Electrical Contractors, Inc. for wastewater treatment facility instrumentation and control maintenance for Huntington Sewer District, Bid No. 09-10R-074; and

WHEREAS, said requirements contract provides for three (3) one (1) year extensions with no increase in the bid price or change in the terms and conditions. Town Board Resolution No. 2010-486 authorized the first one (1) year extension; and

WHEREAS, Hinck Electrical Contractors, Inc., 75 Orville Drive, Suite 1, Bohemia, New York 11716 has requested the second one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an extension to the requirements contract, and any documents in connection and related therewith, with Hinck Electrical Contractors, Inc. for contract title. The extension period shall be effective for one (1) year commencing on January 1, 2012 to be charged to Operating Funds SS1-8131-4650, SS2-8132-4650, and SS3-8133-4650, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2011-419

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.

2011-420

RESOLUTION AUTHORIZING THE SUPERVISOR TO ACCEPT A DONATION FROM THE JUNIOR WELFARE LEAGUE OF HUNTINGTON TO THE DEPARTMENT OF PARKS AND RECREATION FOR VARIOUS 2011 SUMMER PROGRAMS

Resolution for Town Board Meeting Dated: September 20, 2011

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

WHEREAS, the Junior Welfare League of Huntington, P.O. Box 107 Huntington, New York 11743 has made a donation in the amount of SIX THOUSAND AND EIGHT HUNDRED AND FIFTY-ONE AND 30/100 (\$6,851.30) DOLLARS to the Department of Parks and Recreation for various Town summer programs in 2011; and

WHEREAS, the donation is to be used to provide a camp experience for as many needy children as possible in the Town; and

WHEREAS, the acceptance of this donation is not an action under SEQRA 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 a donation from the Junior Welfare League of Huntington in the amount of \$6,851.30 to be deposited as follows: \$3,466 into Revenue Account A2001; \$624.90 into Revenue Account A2006; \$2,760.40 into Revenue Account A2008, and thanks them for their generosity

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
Councilwoman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-421

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FUNDING FROM SUFFOLK COUNTY OFFICE FOR THE AGING FOR THE PROVISION OF NUTRITION PROGRAMS FOR THE ELDERLY

Resolution for Town Board Meeting Dated: September 20, 2011

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

WHEREAS, the County of Suffolk acting through its duly constituted Suffolk County Office for the Aging has invited responses from qualified agencies to provide Nutrition Programs for the Elderly as part of the Older Americans Act Title III-C; and

WHEREAS, there is Older Americans Act Title III-C funding available from the Suffolk County Office for the Aging which has been allocated for this project in the amount of \$4.05 per meal for congregate meals and at a unit cost of \$4.29 per meal for the home delivered meals; and

WHEREAS, each agency submitting an application for a project must provide a minimum of 10% in agency matching funds from non-county resources; and

WHEREAS, the filing of an application for funding for nutrition programs for the elderly 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 apply for and receive funds from the County of Suffolk for the provision of nutrition services for the elderly for the period of January 1, 2012 through December 31, 2012, at a unit cost of \$4.05 per meal for congregate meals and a unit cost of \$4.29 per meal for home delivered meals, to be recorded in Operating Budget Account A3776 and to execute any documents in connection therewith upon such other terms and conditions as are acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AGREEMENTS FOR MEETING PLACES FOR THE SENIOR CITIZENS OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting dated: September 20, 2011

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

WHEREAS, the senior citizens of the Town of Huntington utilize certain facilities within the Town for meeting places; and

WHEREAS, agreements have been prepared concerning the utilization of said meeting places for 2011 as follows:

Presbyterian Church of Sweet Hollow
Temple Beth Torah

WHEREAS, the execution of these agreements 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 agreements, and any documents in connection therewith, for meeting places for senior citizens for 2011 for various fees and specified periods as per each agreement to be charged to A-6772.4710 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
Councilman Mark A. Cuthbertson	AYE
Councilwoman Susan A. Berland	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARD DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH TOURO COLLEGE SCHOOL OF HEALTH SCIENCES FOR THE PROVISION OF AN OCCUPATIONAL THERAPY INTERNSHIP PROGRAM

Resolution for Town Board Meeting dated: September 20, 2011

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

WHEREAS, occupational therapy can provide support for older adults experiencing physical and cognitive changes; and

WHEREAS, the Town of Huntington is committed to providing a wide array of services to our senior community; and

WHEREAS, Touro College of Health Sciences, 1700 Union Boulevard, Bay Shore, New York, operates an occupational therapy internship program; and

WHEREAS, by allowing Touro College of Health Sciences to place students at the Town's Adult Day Care Center for the purpose of an occupational therapy internship, the senior community will benefit by the provision of occupational therapy and the students participating will receive experience in the clinical skills taught in the classroom; and

WHEREAS, entering into this contract for educational purposes 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 Touro College of Health Sciences, 1700 Union Boulevard, Bay Shore, New York, for the provision of an occupational therapy internship program for the Town's Adult Day Care Center for a period of one year, at no cost to the Town, and to execute any and all documents in connection therewith 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
Councilman, Mark A. Cutherson	AYE
Councilwoman, Susan A. Berland	AYE
Councilwoman, Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-424

RESOLUTION AUTHORIZING THE SUPERVISOR TO ACCEPT A DONATION FROM THE JUNIOR WELFARE LEAGUE OF HUNTINGTON FOR A DANCE PROGRAM

Resolution for Town Board Meeting Dated:

September 20, 2011

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

WHEREAS, the Junior Welfare League of Huntington, P.O. Box 107 Huntington, New York 11743 has made a donation in the amount of FIVE HUNDRED DOLLARS (\$500) to the Department of Parks and Recreation for a dance program in 2011; and

WHEREAS, the donation is to be used to pay for a dance instructor to teach approximately 40 financially disadvantaged children.

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

NOW THEREFORE

THE TOWN BOARD

HEREBY ACCEPTS a donation from the Junior Welfare League of Huntington in the amount of \$500 to be deposited into A7141.1175 and thanks them for their generosity.

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 - 425

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH USI CONSULTING GROUP FOR ACTUARIAL CONSULTING SERVICES-DEPARTMENT OF AUDIT AND CONTROL

Resolution for Town Board Meeting Dated: September 20, 2011

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

And seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Government Accounting Standards Board (GASB) issued Statement No. 45, requiring all municipalities to calculate the liability for other post-employment benefits (OPEB) every two years and record the annual cost of such benefits in the government-wide financial statements; and

WHEREAS, USI Consulting Group has provided actuarial consulting services for the Town for the last four fiscal years beginning in 2007 and therefore it is cost beneficial to continue to utilize the same firm; and

WHEREAS, the execution of this 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 agreement with USI Consulting Group, 95 Glastonbury Boulevard, Glastonbury, CT 06033 for actuarial consulting services for an amount not to exceed SEVEN THOUSAND AND NO/100 (\$7,000.00) DOLLARS for the fiscal years ended December 31, 2011 and December 31, 2012, commencing upon contract execution, and on such other terms and conditions as may be acceptable to the Town Attorney to be charged to A1315-4550.

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 THE CONTRACT WITH D.F. STONE CONTRACTING, LTD. FOR THE BROWNSFIELDS REMEDIATION PROGRAM AT THE VETERANS NATURE STUDY AREA.

Resolution for Town Board Meeting Dated: September 20, 2011

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

WHEREAS, Town Board resolution 2011-51 authorized the Supervisor to execute a contract with D.F. Stone Contracting, LTD. for the Brownsfields Remediation Program at the Veterans Nature Study Area; and

WHEREAS, the original bid specifications called for the excavation, transportation, and disposal of 24,000 cubic yards, the volume of which was based on information gathered from test pits and was an engineering estimate; and

WHEREAS, during the process of excavation an additional 15,800 cubic yards of contaminated fill has been excavated, transported, and disposed of as part of the overall remediation project; and

WHEREAS, the existing contract with D.F. Stone, LTD. did not provide for this additional expense for the excavation, transportation and disposal of the contaminated fill; and

WHEREAS, to date the State of New York has awarded the Town of Huntington's Veterans Nature Study Area Brownfields project assistance totaling \$1,800,000 and the Department of Environmental Waste Management has requested additional state project support; and

WHEREAS, the EOSPA Committee reviewed and voted to support a nomination submitted by the Director of Environmental Waste Management at its meeting of September 13, 2011 to support the significant remediation project to return the site to unrestricted park use, in an amount not to exceed \$300,000 to be split between the EOSPA Program and the Neighborhood Parks Fund, with the understanding that all avenues that are open to the Department of Environmental Waste Management and the Town will be pursued to reclaim this funding and or replace it with additional grant support; and

WHEREAS, the current planned remediation of the Veterans Nature Study Area by means of excavation and disposal of fill and contaminated soils was originally examined by the Town as an alternative for remediation and this more environmentally beneficial means of remediation has been the subject of a NYSDEC public hearing, has been approved by the NYSDEC and NYS Department of Health and is the subject of an amended NYSDEC Record of Decision, and the Town Board issued a Negative Declaration for the Veterans

Nature Study Area Brownfields remediation project by Town Board resolution #2004-455, so no further SEQRA review is required;

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an amendment to the contract with D. F. Stone Contracting, LTD., 1230 Station Road, Medford, New York 11763 to provide for the payment of change orders in an amount not to exceed SEVENTY FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS, for a total revised contract amount of ONE MILLION TWENTY TWO THOUSAND THREE HUNDRED THIRTY THREE AND NO/100 (\$1,022,333.00) DOLLARS, and any and all documents in connection and related therewith for the Brownfields Remediation Program at the Veteran's Nature Study Area for the excavation, transportation, and disposal of the additional contaminated fill to be charged to Capital Accounts WM8792-2103, and upon such terms and conditions as are acceptable to the Town Attorney; and

HEREBY AUTHORIZES the Comptroller to appropriate additional funds on an as-needed basis in an amount not to exceed THREE HUNDRED THOUSAND AND NO/100 (\$300,000.00) DOLLARS to be transferred first from Neighborhood Parks TA-0037-A9301 (not to exceed ONE HUNDRED FIFTY THOUSAND AND NO/100 (\$150,000) DOLLARS) and from A-0870 Open Space Land and Park Improvements Reserve Fund (not to exceed ONE HUNDRED FIFTY THOUSAND AND NO/100 (\$150,000) DOLLARS) and charged to the appropriate capital budget account for the park improvement recommended by the EOSPA Committee to complete remedial work at the Veterans Nature Study Area and to avail the site for public park use, and should additional outside support be received, these accounts will be reimbursed proportionately.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011- 427

RESOLUTION AUTHORIZING THE SUPERVISOR TO CERTIFY AN APPLICATION FOR PENSION WAIVER PURSUANT TO SECTION 211 OF THE NEW STATE RETIREMENT AND SOCIAL SECURITY LAW ON BEHALF OF KENNETH LINDAHL

Resolution for Town Board Meeting Dated: September 20, 2011.

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

WHEREAS, Section 211 of the New York State Retirement and Social Security Law authorizes the State Civil Service Commission to grant waivers for a two-year period to allow public service retirees to be employed in the public sector without suspension of pension benefits earned through prior service;

WHEREAS, Kenneth Lindahl is a retiree of the New York City Police Department; and

WHEREAS, it is in the best interest of the Town to employ Kenneth Lindahl in the position of Director, Public Safety, and

WHEREAS, a formal recruitment effort for the position of Director, Public Safety did not produce any other qualified, non-retired persons, and

WHEREAS, the execution of this agreement is a Type II, 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 certify an *Application for Pension Waiver Pursuant to Section 211 of the New York State Retirement and Social Security Law* to the New York State Civil Service Commission for Kenneth Lindahl in the position of Director, Public Safety

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-428

RESOLUTION AUTHORIZING THE TOWN OF HUNTINGTON TO SPONSOR A CHILDREN'S HALLOWEEN PARADE ON MONDAY, OCTOBER 31, 2011

Resolution for Town Board Meeting Dated: September 20, 2011

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

And seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, in conjunction with the Huntington Village Business Improvement District, which will be sponsoring a "Safe Trick-or-Treat Program" on Halloween, Monday, October 31st; the Town of Huntington will sponsor a Halloween Parade for children of all ages to march in and show their costumes; and

WHEREAS, participants will assemble at 4:00 p.m. in front of the Huntington Post Office and proceed to parade down Gerard Street, at 4:15 p.m. and conclude at the intersection of Main Street (25A) and Wall Street; and

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

NOW, THEREFORE

THE TOWN BOARD,

HEREBY AUTHORIZES the Town of Huntington to sponsor and conduct a Children's Halloween Parade to be held on Gerard Street and Wall Street in Huntington on Monday, October 31, 2011 from 4:00 p.m. until 5:00 p.m.; and

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

2011-429

RESOLUTION AUTHORIZING THE SALE OF SANITARY FLOW CREDITS FROM THE TOWN DENSITY RIGHTS BANK FOR THE STATION SPORTS FAMILY FUN CENTER ON DEPOT ROAD, HUNTINGTON STATION, SCTM# 0400-146-01-(004 & 074) AND 0400-147-05-(050, 103, 104 & 106.002).

Resolution for Town Board Meeting dated: September 20, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN CUTHBERTSON**

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

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

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

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY FINDS that the proposed project redevelops vacant and underutilized land in the Huntington Station hamlet center, provides recreational opportunities for local residents in an underserved area, and provides amenities to improve public safety along Depot Road and in the surrounding neighborhood; and

HEREBY AUTHORIZES the Planning Board to order an appraisal, at the applicant's sole cost and expense, of the value of the density flow rights to be transferred, which shall be based upon the difference between the value of the potential development of the property with and without the flow rights; and

HEREBY DIRECTS the applicant to deposit a sum of money equal to the expected cost of the appraisal, as determined by the Director of Planning and Environment, with the Department of Planning and Environment, to be held by the Town Comptroller in a non-interest bearing account, and any deficiency between the escrow funds and the cost of the appraisal shall be paid by the applicant upon the request of the Director of Planning and Environment; and

HEREBY APPROVES the sale of 0.26 sanitary flow credits (79 gallons per day) from the Town Density Rights Bank for use on the Station Sports Family Fun Center, SCTM# 0400-146-01-(004 & 074) and 0400-147-05-(050, 103, 104 & 106.002), subject to the payment of the fee to be set by the Town Board following the receipt of the appraisal and the fee recommendation from the Planning 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 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: September 20, 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>
5 Laura East Northport, NY 11731	0400-185.00-02.00-024.003	Willard R. and Laura Lanham	07/21/2011	N/A
71 Tower St. Huntington Sta., NY 11746	0400-140.00-02.00-133.000	Manuel Cordero	09/14/2011	N/A

Chapter 124, Section 13A of the Code of the Town of Huntington
Authorizing the Securing of an Exterior Structure

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
6 Wyoming Dr. Huntington Sta., NY 11746	0400-150.00-04.00-012.000	Patti Hutton (Estate of)	08/04/2011	c/o Carway and Flipse 194 Old Country Rd. Mineola, NY 11501

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>
37 10 th Ave. Huntington Sta., NY 11746	0400-136.00-01.00-025.000	Bridgefield Mortgage Corp.	08/25/2011	7101 College Blvd., Ste. 1400 Overland Park, KS 66210
502 10 th Ave. E. Northport, NY 11731	0400-115.00-02.00-028.000	Dennis Carrion	08/08/11	N/A

2011-430

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOY</u>	<u>MAILING ADDRESS</u>
58 East 12 th St. Huntington Sta., NY 11746	0400-145.00-01.00-085.001	Donald J. and Joyce M. Rose	08/16/11	*Huntview Estates Ltd. PO Box 2311 Halesite, NY 11743
58 East 12 th St. Huntington Sta., NY 11746	0400-145.00-01.00-085.001	Donald J. and Joyce M. Rose	08/16/11	*PO Box 2311 Halesite, NY 11743
114 Columbia St. Huntington Sta., NY 11746	0400-141.00-01.00-027.000	Delvis Arevalo Elsa Bardales Banegas	07/29/2011	N/A
41 Goeller Ave. Huntington Sta., NY 11746	0400-201.00-01.00-141.003	Linda Jean Trehy	08/24/2011	N/A
12 Kelsey Ave. Huntington Sta., NY 11746	0400-147.00-03.00-052.000	Caroline Ferraro Brahim Carol Ann (L/E) Ors	07/28/2011	*14 Kelsey Ave. Huntington Sta., NY 11746
12 Kelsey Ave. Huntington Sta., NY 11746	0400-147.00-03.00-052.000	Caroline Ferraro Brahim Carol Ann (L/E) Ors	07/28/2011	*Robert Cotter Veronica Cotter 015 Will Ln. Gates, NC 27937

2011- 430

Chapter 156, Section 13 of the Code of the Town of Huntington
Authorizing the Securing of an Open Excavation/Foundation

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
215 Waterside Rd. Northport, NY 11768	0400-010.00-02.00-006.000	Frederick A. Powell	08/05/2011	N/A

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>
10 Liberty St. Huntington Sta., NY 11746	0400-202.00-03.00-142.000	Denise Van Auken	07/25/2011	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>
37 10 th Ave. Huntington Sta., NY 11746	0400-136.00-01.00-025.000	Bridgefield Mortgage Corp.	08/25/2011	7101 College Blvd., Ste. 1400 Overland Park, KS 66210
502 10 th Ave. E. Northport, NY 11731	0400-115.00-02.00-028.000	Dennis Carrion	08/08/11	N/A
58 East 12 th St. Huntington Sta., NY 11746	0400-145.00-01.00-085.001	Donald J. and Joyce M. Rose	08/16/11	*Huntview Estates Ltd. PO Box 2311 Halesite, NY 11743

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>
58 East 12 th St. Huntington Sta., NY 11746	0400-145.00-01.00-085.001	Donald J. and Joyce M. Rose	08/16/11	*PO Box 2311 Halesite, NY 11743
310 Burr Rd. Commack, NY 11725	0400-180.00-02.00-031.003	Burr Manor Estates, Inc.	07/12/2011	1176 E. Jericho Tpke. Huntington, NY 11743
114 Columbia St. Huntington Sta., NY 11746	0400-141.00-01.00-027.000	Delvis Arevalo Elsa Bardales Banegas	07/29/2011	N/A
6 Denmark Ct. Huntington, NY 11743	0400-160.00-01.00-058.001	Lakewood Properties, Inc.	08/23/2011	*201 W. Shore Rd. Great Neck, NY 11024
6 Denmark Ct. Huntington, NY 11743	0400-060.00-01.00-058.001	Lakewood Properties, Inc.	08/23/2011	*PO Box 234545 Great Neck, NY 11023
7 Denmark Ct. Huntington, NY 11743	0400-160.00-01.00-058.002	Lakewood Properties, Inc.	08/23/2011	*201 W. Shore Rd. Great Neck, NY 11024
7 Denmark Ct. Huntington, NY 11743	0400-060.00-01.00-058.002	Lakewood Properties, Inc.	08/23/2011	*PO Box 234545 Great Neck, NY 11023
7 Dickens Ave. Dix Hills, NY 11746	0400-275.00-02.00-100.000	Janerlee Gonzalez	07/09/2011	N/A
41 Goeller Ave. Huntington Sta., NY 11746	0400-201.00-01.00-141.003	Linda Jean Trehy	08/24/2011	N/A
12 Kelsey Ave. Huntington Sta., NY 11746	0400-147.00-03.00-052.000	Caroline Ferraro Brahim Carol Ann (L/E) Ors	07/28/2011	*14 Kelsey Ave. Huntington Sta., NY 11746

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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>
12 Kelsey Ave. Huntington Sta., NY 11746	0400-147.00-03.00-052.000	Caroline Ferraro Brahim Carol Ann (L/E) Ors	07/28/2011	*Robert Cotter Veronica Cotter 015 Will Ln. Gates, NC 27937
18 Kelsey Ave. Huntington Sta., NY 11746	0400-147.00-03.00-048.000	Babul Malik	06/29/2011	N/A
10 Liberty St. Huntington Sta., NY 11746	0400-202.00-03.00-142.000	Denise Van Auken	07/12/2011	N/A
9 Stager Ln. Commack, NY 11725	0400-225.00-02.00-034.000	Joseph Schoendorf	05/26/2011	N/A
4 Tuxedo Dr. Melville, NY 11747	0400-253.00-02.00-055.000	Robert S. and Lisa S. Cook	06/29/2011	N/A
188 Vernon Valley Rd. E. Northport, NY 11731	0400-058.00-02.00-104.000	Hyun S. Kim	06/09/2011	N/A
215 Waterside Rd. Northport, NY 11768	0400-010.00-02.00-006.000	Frederick A. Powell	08/05/2011	N/A
6 Wyoming Dr. Huntington Sta., NY 11746	0400-150.00-04.00-012.000	Patti Hutton (Estate of)	08/04/2011	c/o Carway and Flipse 194 Old Country Rd. Mineola, NY 11746

2011- 430

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
502 10 th Ave. E. Northport, NY 11731	0400-115.00-02.00-028.000	Dennis Carrion	08/08/11	N/A
58 East 12 th St. Huntington Sta., NY 11746	0400-145.00-01.00-085.001	Donald J. and Joyce M. Rose	08/16/11	*Huntview Estates Ltd. PO Box 2311 Halesite, NY 11743
58 East 12 th St. Huntington Sta., NY 11746	0400-145.00-01.00-085.001	Donald J. and Joyce M. Rose	08/16/11	*PO Box 2311 Halesite, NY 11743
2 Glover Dr. Dix Hills, NY 11746	0400-284.00-03.00-172.000	Heather Lazarides	09/06/2011	N/A

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

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

Resolution for Town Board Meeting Dated: September 20, 2011

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, on September 2, 2010 a Notice of Claim was filed against the Town of Huntington on behalf of Hayden Joyce, infant by his mother and natural guardian Wendy Joyce seeking to recover damages sustained in an accident which occurred on July 9, 2010; and

WHEREAS, the Town Attorney has determined it to be in the Town's best interest to settle this matter for a total of EIGHTEEN THOUSAND FOUR HUNDRED FIFTY and NO/100 (\$18,450.00) DOLLARS for strategic purposes with no admission of liability on the part of the Town; and

WHEREAS, the claimant has agreed to accept EIGHTEEN THOUSAND FOUR HUNDRED FIFTY and NO/100 (\$18,450.00) DOLLARS in full settlement of their claim; and

WHEREAS, all parties have agreed to this settlement subject to the approval of the Town Board; and

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

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to issue checks in settlement of this matter, not to exceed a total of EIGHTEEN THOUSAND FOUR HUNDRED FIFTY and NO/100 (\$18,450.00) DOLLARS pending receipt of closing papers therein and subject to an Infant Compromised Order, applied against Operating Budget Item No. A1930-4160 and authorizes the Town Attorney to execute all documents required to effectuate this settlement

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

2011-432

RESOLUTION AMENDING THE TOWN OF HUNTINGTON POLICY AND PROCEDURE MANUAL

Resolution for Town Board Meeting dated: September 20, 2011

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

WHEREAS, by resolution 2011-193, the Town Board adopted a Policy and Procedure Manual; and

WHEREAS, New York State Human Rights Law has been amended to prohibit employers from discriminating against individuals because of their domestic violence victim status; and

WHEREAS, the Town's Equal Employment Opportunity Policy currently provides in pertinent part that no employee or applicant for employment will be discriminated against because of age, marital status, religion, national origin, disability, military status, alienage, citizenship, race, color, creed, gender, political affiliation, sex, sexual orientation, domestic partnership, pre-disposing genetic characteristics, carrier status or other category applicable under Federal, State and Local laws and regulations; and

WHEREAS, the Town desires to have The Town of Huntington Policy and Procedure Manual consistent with the New York State Law; and

WHEREAS, amending The Town of Huntington Policy and Procedure Manual 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 AMENDS the Equal Employment Opportunity section of the Town of Huntington Policy and Procedure Manual to be consistent with New York State Law by adding domestic violence victim status.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor, Frank P. Petrone			AYE
Councilman, Mark A. Cutherson			AYE
Councilwoman, Susan A. Berland			AYE
Councilwoman, Glenda A. Jackson			AYE
Councilman Mark Mayoka			AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-433

RESOLUTION APPOINTING INDIVIDUALS TO SERVE AS VOLUNTEERS IN
THE HANDICAPPED PARKING ENFORCEMENT PROGRAM

Resolution for Town Board Meeting Dated: September 20, 2011

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

And seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Town of Huntington's Handicapped Parking Enforcement Program discourages the abuse of parking spaces designated for the handicapped; and

WHEREAS, pursuant to the Uniform Traffic Code of the Town of Huntington, there exists a Handicapped Parking Enforcement Program comprised of volunteers appointed by the Town Board to assist the Town in the enforcement of handicapped parking violations; and

WHEREAS, the appointment of volunteers to the Handicapped Parking Enforcement Program is not an action as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, upon the recommendation of the Director of Public Safety,

THE TOWN BOARD

HEREBY APPOINTS the following individuals to serve as volunteers in the Handicapped Parking Enforcement Program:

Tom Mangan	David M.Schoenberg
57 Mill Lane	1 Longwood Drive
Huntington, NY 11743	S. Huntington, 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

2011-434

RESOLUTION DEDICATING AND NAMING SOFTBALL FIELD NUMBER 1 AT MILL DAM PARK IN HONOR OF THE HUNTINGTON SOFTBALL HALL OF FAME.

Resolution for Town Board Meeting Dated: September 20, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, since its founding in 1978, the Huntington Softball Hall of Fame has played an integral role in promoting softball and sportsmanship and has honored and recognized members of the Huntington community who have supported growth of the sport; and

WHEREAS, members of the Huntington Softball Hall of Fame have generously supported numerous charities throughout the Town, including the establishment of an educational scholarship to a deserving high school senior; and

WHEREAS, the Town of Huntington would like to dedicate and formally name Field Number 1 at Mill Dam Park in honor of the Huntington Softball Hall of Fame; and

WHEREAS, the dedication of a field is not an action pursuant to 6 SEQRA NYCRR 617.2 (b), and therefore, no further review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY RESOLVES to dedicate and name Field Number 1 at Mill Dam Park in honor of the Huntington Softball Hall of Fame and commends its members for their generosity and support of softball in Huntington.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION DESIGNATING NOVEMBER 26, 2011 AS SMALL BUSINESS SATURDAY WITHIN THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting dated: September 20, 2011

The following resolution was offered by: Councilman Mayoka

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

WHEREAS, in 2010, over 1 million people around the world were involved with Small Business Saturday, a day which recognizes the importance of small businesses in the overall economy and to local communities; and

WHEREAS, Small Business Saturday is part of a national movement to inspire consumers to support the small, independently owned businesses that are prevalent throughout our community; and

WHEREAS, American Express and more than a dozen organizations are coming together to celebrate the day in different ways; and

WHEREAS, In support of this day, American Express OPEN is partnering with nearly 20 advocacy, public, and private organizations, including the National Trust for Historic Preservation, which is supporting Small Business Saturday events in Boston, Massachusetts; Cedar Falls, Iowa; Port Townsend, Washington; as well as the Convention and Visitor's Bureaus in San Francisco, Greater Boston, Washington DC, Chicago, LA, and NYC; and

WHEREAS, the designation of a day as Small Business Saturday is not an action as defined by 6NYCRR §617.2 (b) and therefore no further SEQRA review is required.

NOW THEREFORE, THE TOWN BOARD

HEREBY DECLARES November 26, 2011 as Small Business Saturday within the Town of Huntington; and

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Town of Huntington
Highway Machinery and Equipment Rental and Hire Rates
Schedule A

<u>Highway Machinery/Equipment</u>	<u>2011 Rate</u>
Street Sweeper	\$131.74/hour

2011-437

RESOLUTION GRANTING A PERMIT FOR AQUATIC EVENTS TO VICOBE PRODUCTIONS FOR AQUATIC TRIATHLON EVENTS ON SEPTEMBER 24 AND 25, 2011

Resolution for Town Board Meeting Dated: September 20, 2011

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

WHEREAS, by Resolution No. 2011-47 adopted on February 1, 2011, the Town Board conditionally authorized the execution of a license agreement with Vicobe Productions to utilize the northeast portion of the Crab Meadow Beach parking lot as well as the pavilion at the beach for a triathlon and youth event to be held on Saturday, September 24, 2011 from 10 a.m. to 2 p.m. and Sunday, September 25, 2011 from 4:45 a.m. to 12 p.m.; and

WHEREAS, Vicobe Productions has requested a permit for aquatic events to occur on September 24 and/or 25, 2011; and

WHEREAS, a portion of proceeds from these events will benefit two local not-for-profit organizations with strong ties to the Northport community, specifically, Students for 60,000 and the Ecumenical Lay Council Food Pantry; and

WHEREAS, the granting of a license agreement for the temporary use of Town property where there will be no physical change to the land and no environmental impacts remaining following the cessation of activities is a routine action of the Town Board in which the applicant is required to follow standard Town administrative procedures and is a Type II action requiring no review in accordance with SEQRA, §617.5(c)(15, 20 & 27); and

NOW, THEREFORE, THE TOWN BOARD

HEREBY GRANTS, pursuant to the Code of the Town of Huntington §120-15, an aquatic event permit to Vicobe Productions for its aquatic events on September 24 and/or 25, 2011, subject to (1) the submission of a hold harmless agreement and appropriate insurance in a form satisfactory to the Town Attorney; (2) the provision of a Marine Event Permit by the United States Coast Guard; (3) the provision of ambulance coverage by the Northport Fire Department; and (4) the provision of patrol boats by the USCG, USCG Auxiliary, Huntington Harbor Master and Suffolk Police Marine Bureau for swimmer safety; and

HEREBY DECLARES that all of the conditions and restrictions set forth in Resolution No.: 2011-47 are equally applicable to the aquatic authorized by the permit granted herein; and

2011- 437

HEREBY AUTHORIZES the Department of Parks and Recreation and the Harbor Master's Office to take such steps as are necessary to facilitate said event.

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.

2011-438

RESOLUTION REAPPOINTING AND APPOINTING MEMBERS TO THE PUBLIC ART
ADVISORY COMMITTEE AND DESIGNATING A CHAIRPERSON

Resolution for Town Board Meeting Dated: September 20, 2011

The following resolution was offered by: COUNCILWOMAN BERLAND

and seconded by: COUNCILWOMAN JACKSON

WHEREAS, Town Board Resolution 2001-550 adopted Public Art Advisory Committee Guidelines and Administrative Plan, created a Public Art Advisory Committee, appointed members thereto and designated a Chairperson; and

WHEREAS, the terms of current members Ed McEvoy and James Metcalfe expired on September 10, 2011; and

WHEREAS, pursuant to the Public Art Advisory Committee Guidelines and Administrative Plan, the Chairperson shall be designated annually by the Town Board; and

WHEREAS, the appointment of members to the Public Art Advisory Committee and designation of its chairperson are not actions as defined by 6 NYCRR §617.2(b) and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD, upon the recommendation of the Public Art Advisory Committee,

HEREBY REAPPOINTS the following individual to the Public Art Advisory Committee for a three-year term to expire September 10, 2014:

ED McEVOY
21 Meriden Place, Melville, New York 11747

and

HEREBY APPOINTS the following individual to the Public Art Advisory Committee for a three-year term to expire September 10, 2014:

JANINE SEIFERT
5 Emil Court, Huntington, New York 11743

and

2011- 438

HEREBY DESIGNATES Mark McAteer as Chairperson for a period to expire September 10, 2012.

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.

2011-439

ENACTMENT: ADOPT 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 THE PROPERTIES BEARING SCTM #0400-257-03-(008.003 AND 009.002) AS PART OF THE ZONE CHANGE APPLICATION OF CHEMICAL BANK, #94-ZM-274, AND IN LIEU THEREOF, ESTABLISHING CERTAIN COVENANTS AND RESTRICTIONS UPON TAX LOTS 0400-257-03-(009.003, 009.004 AND 009.005)

Resolution for Town Board Meeting dated: September 20, 2011

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

and seconded by: **SUPERVISOR PETRONE**

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 #0400-257-03-008.3 and SCTM #0400-257-03-009.2); and

WHEREAS, the Petitioner has submitted an application to amend the Declaration of Covenants and Restrictions that was filed as part of the approval of the Chemical Bank zone change (#94-ZM-274) and its amendments to allow a fitness center (gym) as a permitted use, to revise setback restrictions to meet existing site conditions, and to align the covenants with the current tax map numbers of the properties; and

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

WHEREAS, the applicant has submitted an Environmental Assessment Form (EAF), Part I in connection with the application, and the Department of Planning and Environment has reviewed the information provided with the EAF, Part I, has duly classified the action Unlisted in accordance with the provisions of 6 NYCRR 617, SEQRA, on behalf of the Town Board, and has coordinated the action which has established the Town Board as Lead Agency and has prepared an EAF Parts II and III which analyzes the planning and zoning issues relative to the subject application as well as consistency with the Town of Huntington Comprehensive Plan and evaluates potential project impacts in accordance with the SEQRA regulations; and

WHEREAS, by resolution dated September 7, 2011 the Planning Board recommended to the Town Board that the Town Board schedule a public hearing on the application, issue a Negative Declaration under SEQRA, and approve the application;

NOW THEREFORE BE IT

RESOLVED, upon due deliberation of the completed Environmental Assessment Form on file in the offices of the Town Clerk and the Department of Planning and Environment, the Town Board finds that this Unlisted action will not have a significant effect upon the environment because there will be no construction outside of the building; and further finds that the proposed action to amend the covenants to provide services to employees working within the Melville Employment Center is consistent with the Town of Huntington Comprehensive Plan and with long term planning policies and goals and is unlikely to pose significant adverse environmental impacts; the Town Board hereby:

- (1) Issues a Negative Declaration based on the reasons outlined in the EAF, Parts II and III; and
- (2) Finds that the requirements for a SEQRA review have been met; and

BE IT FURTHER RESOLVED, that the Town Board, having held a public hearing on the 20th day of September, 2011, 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 008.003 and 009.002 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 #0400-257-03-009.003, 0400-257-03-009.004, and 0400-257-03-009.005, 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 009.004), 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 to meet existing site conditions, and due deliberation having been had

HEREBY APPROVES the amended covenants as set forth below, except that this Local Law shall not be filed with the Secretary of State by the Huntington Town Clerk or be deemed effective against the subject property until the Covenants and Restrictions identified in this Resolution are approved by the Town Attorney as to form and content, and the applicant provides proper proof of filing with the Suffolk County Clerk to the Department of Planning and Environment, Town Attorney, and Town Clerk; and

FURTHER RESOLVES that no Certificate of Occupancy shall be issued by the Department of Engineering Services unless the plan is in full compliance with the requirements of this Resolution and the Covenants and Restrictions; and

HEREBY ADOPTS

Local Law Introductory No. 20-2011, amending Town Board Resolution 1995-137, Local Law No. 47-1998, and Local Law No. 3-2001, as follows on the terms and conditions as set forth herein.

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

LOCAL LAW NO. _____ -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 #0400-257-03-(008.003 AND 009.002) AND, IN LIEU THEREOF, ESTABLISHING CERTAIN COVENANTS AND RESTRICTIONS UPON TAX LOTS 0400-257-03-(009.003, 009.004, AND 009.005); 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 #0400-257-03-009.003 (formerly p/o SCTM #0400-257-03-008.003) (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 #0400-257-03-009.004 (formerly p/o SCTM. #0400-257-03-008.003): (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 #0400-257-03-009.005 (formerly p/o SCTM #0400-257-03-008.003 and SCTM #0400-257-03-009.002) (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 #0400-257-03-009.005 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 0400-257-03-088.002 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.

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

2011-440

ENACTMENT: AMEND 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

Resolution for Town Board Meeting Dated: September 20, 2011

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

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 2nd day of August, 2011, to consider amending the Uniform Traffic Code of the Town of Huntington, and due deliberation having been had,

HEREBY AMENDS

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

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD:	Prime Avenue/West From 35 ft. north of Lake Pl. to 100 ft. south of Lake Pl. (HUN)	No Standing	-----
	Prime Avenue/East From 100 ft. south of Lake Pl. to 15 ft. south of Lake Pl. (HUN)	No Standing	-----
	Lake Place/North From Prime Ave. west for 35 ft. (HUN)	No Standing	-----
	Lake Place/South From 35 ft. west of Prime Ave. to Prime Ave. (HUN)	No Standing	-----

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 L. Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-441

ENACTMENT: AMEND THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE II, §2-3, SCHEDULE C.
RE: HEARTHSTONE DRIVE, PROHIBITED TURNS

Resolution for Town Board Meeting Dated: September 20, 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, 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 II, Turning Movements; §2-3, Prohibited Turns; Schedule C.

<u>LOCATION</u>	<u>CONTROLLING TRAFFIC</u>	<u>PROHIBITED TURN</u>	<u>HOURS/DAYS</u>
ADD: Hearthstone Drive 130 ft. north of Vanderbilt Parkway (DXL)	North on Hearthstone Drive	U-turn	-----

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 L. Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-442

ENACTMENT: AMEND THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE II, §2-3, SCHEDULE C.
RE: PULASKI ROAD, DRIVEWAY - PROHIBITED TURNS

Resolution for Town Board Meeting Dated: September 20, 2011

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

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 2nd day of August, 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 II, Turning Movements; §2-3, Prohibited Turns; Schedule C.

<u>LOCATION</u>	<u>CONTROLLING TRAFFIC</u>	<u>PROHIBITED TURN</u>	<u>HOURS/DAYS</u>
ADD: Driveway on north side of Pulaski Road 130 feet east of Broadway-Greenlawn Road (GLN)	South from driveway	Left	-----

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 L. Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-443

ENACTMENT: ADOPT 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)

Resolution for Town Board Meeting Dated: September 20, 2011

The following Resolution was offered by: Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town Board is the established "lead agency" in accordance with the State Environmental Quality Review Act (SEQRA) as it is the only agency that may amend the Huntington Town Code and, as such, this action is a direct agency action; and

WHEREAS, this action by the Town Board is classified as a Type I action pursuant to 6 N.Y.C.R.R. 617.4 (b)(2) OF THE SEQRA regulations; and

WHEREAS, an Environmental Assessment Form (EAF) Parts I, II and III has been prepared for this direct agency action by the Department of Planning and Environment; and

WHEREAS, the Town Board has reviewed the proposed action pursuant to Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA) and Part 617 of the implementing regulations, and has determined that no potentially significant adverse environmental impacts are posed by the proposed amendment to the Code; and

THE TOWN BOARD having held a public hearing on August 2, 2011 to consider adopting Local Law Introductory No. 15-2011 amending the code of the Town of Huntington Chapter 198 (Zoning) and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 15 -2011, amending the Code of the Town of Huntington, Chapter 198 (Zoning), as follows:

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

LOCAL LAW NUMBER **23-2011**
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)

Section 1. Amendment to the Code of the Town of Huntington Chapter 198 (Zoning), is hereby amended, as follows:

CHAPTER 198 (ZONING)

* * *

ARTICLE III –RESIDENCE DISTRICTS;
R-5 RESIDENCE DISTRICTS

* * *

§ 198-19. R-5 Residence District .

* * *

(3) Two family owner-occupied dwellings, where one of the dwelling units is owner-occupied in perpetuity, and subject to the filing of a covenant and restriction to run with the land requiring such occupancy, which shall be filed in the Office of the Suffolk County Clerk and the filed copy submitted to the Department of Engineering Services, prior to the issuance of a Certificate of Occupancy and/or Certificate of Permitted Use.

* * *

ARTICLE XI
CONDITIONAL USES; SPECIAL USE PERMITS

* * *

§ 198-68

* * *

(19) Conversion of a single family dwelling to a two family in R-5 [and R-3M] Residence Districts [and in C-1 Business Districts] in cases where the lot area is less than ten thousand (10,000) square feet and /or the lot width is less than one hundred (100) feet, provided that:

(f) In an R-5 Residence District, as a condition of a grant of any variance to permit conversion from a one-family to a two- family dwelling, a covenant and restriction to run with the land shall be filed in the Office of the Clerk of Suffolk County requiring that one of the dwelling units be owner-occupied in perpetuity. A copy of the filed covenant shall be submitted to the Department of Engineering Services prior to the issuance of a Certificate of Occupancy and/or Certificate of Permitted Use.

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall no 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 Secretary of State of the State of New York.

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

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

2011-444

ENACTMENT: ADOPT 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)

Resolution for Town Board Meeting Dated: September 20, 2011

The following resolution was offered by Supervisor Petrone

and seconded by **COUNCILWOMAN BERLAND**

WHEREAS, pursuant to Chapter 193 of the Code of the Town of Huntington the operation of recreational vehicles, including, but not limited to dirtbikes, minibikes, all-terrain vehicles (ATV's), motorbikes, and snowmobiles are prohibited upon the streets, highways, roads, beaches, parks and lands within the Town of Huntington or upon any private property without the express written permission of the owner and occupant of the property upon which the vehicle was or is being operated; and

WHEREAS, the continued use of recreational vehicles, particularly within parks and preserves, has become a public nuisance creating park and trail user safety conflicts, significant trail and site condition impacts, unwarranted noise and odors, and unsanitary conditions and represents a threat to the safety of the public and of those officials empowered by law to perform emergency services; and

WHEREAS, the Town Board of the Town of Huntington seeks to protect the safety and welfare of all members of the public from adverse effects of recreational vehicle use; and

WHEREAS, a public hearing was held on August 2, 2011 at which several speakers spoke in support of the proposed Code change; and

WHEREAS, the proposed action is classified Type II pursuant to SEQRA §617.5(c) 20 and 27 of SEQRA;

NOW THEREFORE,

THE TOWN BOARD

HEREBY ADOPTS Local Law Introductory Number 17-2011 amending the Code of the Town of Huntington, Chapter 193 (Recreational Vehicles) so as to amend Section 7 (Penalties for Offenses):

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

LOCAL LAW NO. 24 -2011
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 193 (RECREATIONAL VEHICLES)

Section 1. Amendment to Chapter 193 (Recreational Vehicles), Section 7 (Penalties for Offenses), of the Code of the Town of Huntington

CHAPTER 193 (RECREATIONAL VEHICLES)
SECTION 7 (PENALTIES FOR OFFENSES)

* * *

§ 193-7. Penalties for offenses.

A. A person or business entity who commits any acts in violation of this chapter shall be deemed to have committed an offense against this chapter, [and shall upon conviction thereof, be subject to a fine or penalty of not less than one hundred dollars (\$100.) and not more than five hundred dollars (\$500.) or imprisonment for a period not exceeding ten (10) days, or both a fine and imprisonment, for a first offense: and for a second offense occurring within one (1) year of the date of the first offense, a fine or penalty of not less than five hundred dollars (\$500.) nor more than one thousand dollars (\$1,000.), or imprisonment for a period not exceeding twenty (20) days, or both a fine and imprisonment.] said offense shall constitute a misdemeanor punishable by a fine of not less than one thousand five hundred (\$1,500) dollars, nor more than fifteen thousand (\$15,000) dollars, or imprisonment not to exceed six (6) months or both.

B. Any fine imposed under this section shall be in addition to and distinct from the redemption fee, and the payment of a fine imposed by the court cannot be applied to or credited against the payment of said redemption fee, or vice-versa.

* * *

Section 2. Severability.

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

Section 3. Effective Date.

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

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

2011-444.

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.

2011-445

RESOLUTION SCHEDULING PUBLIC HEARING RE: PRELIMINARY ANNUAL OPERATING BUDGET

Resolution for Town Board Meeting Dated: September 20, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, having received the detailed statement of estimated expenditures and revenues from the Town Clerk, pursuant to the provisions of Section 106 of Town Law, and having received the tentative Annual Operating Budget for the fiscal year beginning January 1, 2012, from the Supervisor, pursuant to the provisions of Section 52 (2) of Town Law,

WHEREAS, the Operating Budget is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and (21) and therefore no further SEQRA review is required; and

HEREBY APPROVES the aforementioned tentative Annual Operating Budget as the Preliminary Annual Operating Budget of the Town of Huntington for the fiscal year beginning January 1, 2012, and directs that such preliminary Annual Operating Budget be filed forthwith in the office of the Town Clerk of the Town of Huntington where it shall be available for inspection by any interested person at all reasonable hours; and

HEREBY SCHEDULES A PUBLIC HEARING for the 11th day of October, 2011, at 6:00 pm at Town Hall, 100 Main Street, Huntington, New York, for the purpose of reviewing said Preliminary Annual Operating Budget and hearing the public thereon; and

HEREBY DIRECTS that the Town Clerk shall give notice of such public hearing by publishing notice thereof in The Long Islander and The Observer, and that the Town Clerk shall cause a copy of such notice to be posted on the sign board of the Town of Huntington, in accordance with the provisions of Section 108 of Town Law.

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.

2011-446

RESOLUTION SCHEDULING PUBLIC HEARING RE: PRELIMINARY CAPITAL BUDGET

Resolution for Town Board Meeting Dated: September 20, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, having received the tentative Capital Budget prepared pursuant to the Code of the Town of Huntington Chapter 12 (Capital Program) that includes proposed capital projects to be undertaken during 2012,

WHEREAS, the Capital Budget is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and (21), and therefore no further SEQRA review is required; and

HEREBY APPROVES the aforementioned tentative Capital Budget as the Preliminary Capital Budget of the Town of Huntington for the fiscal year beginning January 1, 2012, and directs that such Preliminary Capital Budget be filed forthwith in the office of the Town Clerk of the Town of Huntington where it shall be available for inspection by any interested person at all reasonable hours; and

HEREBY SCHEDULES A PUBLIC HEARING for the 11th day of October, 2011, at 6:00 pm at Town Hall, 100 Main Street, Huntington, New York, for the purpose of reviewing said Preliminary Capital Budget and hearing the public thereon; and

HEREBY DIRECTS that the Town Clerk shall give notice of such public hearing by publishing notice thereof in The Long Islander and The Observer, and that the Town Clerk shall cause a copy of such notice to be posted on the sign board of the Town of Huntington.

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.

2011-447

RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING THE ADOPTION OF THE ASSESSMENT ROLL FOR THE HUNTINGTON SEWER DISTRICT

Resolution for Town Board Meeting Dated: September 20, 2011

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

and seconded by **COUNCILWOMAN JACKSON**

WHEREAS, pursuant to Town Law §239, the Town Board is required to hold a public hearing on the assessment roll for the Huntington Sewer District; and

WHEREAS, Town Law §239 requires that no less than ten nor more than twenty days before the public hearing the Town Clerk must publish a notice of the completed assessment roll and public hearing on such roll at least once in a newspaper published within the Town;

WHEREAS, Town Law §239 and applicable law require that such notice be mailed to each owner of taxable real property in the Huntington Sewer District; and

WHEREAS, the proposed budget for the sewer district and, as required by Town Law §239, the completed assessment roll for the Huntington Sewer District, are on file in the Office of the Huntington Town Clerk; and

WHEREAS, scheduling a public hearing is not an action as defined by SEQRA in 6 NYCRR §617.2(b) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY SCHEDULES a public hearing on the assessment roll for the Huntington Sewer District to be held on the 11th day of October, 2011 at 6:00 p.m. at Town Hall, 100 Main Street, Huntington, New York at which time all persons interested may be heard on such assessment roll; and

HEREBY DIRECTS the Town Clerk to publish at least once in a newspaper published within the Town a notice of the completed assessment roll and public hearing for the Huntington Sewer District no less than ten nor more than twenty days before the public hearing on said assessment roll; and

HEREBY FURTHER DIRECTS the Department of Information Technology, under the direction of the Department of Environmental Waste Management, to: (i) promptly print

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the notice of completed assessment roll and public hearing for the Huntington Sewer District for each owner of taxable real property in the District; and (ii) promptly deliver such notices to the Office of the Receiver of Taxes; and

HEREBY FURTHER DIRECTS the Office of the Receiver of Taxes, with the assistance of the Department of Environmental Waste Management, to: (i) arrange for the mailing of the notice of the completed assessment roll and public hearing for the Huntington Sewer District to each owner of taxable real property in the District within the prescribed legal time frame, but in no event later than later than October 1, 2011; and (ii) file with the Town Clerk no later than three days before such public hearing a notarized affidavit of service of the mailing, and the names and addresses to whom such notice was mailed.

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.

2011-448

RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING THE ADOPTION OF THE ASSESSMENT ROLL FOR THE CENTERPORT SEWER DISTRICT

Resolution for Town Board Meeting Dated: September 20, 2011

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

and seconded by **COUNCILWOMAN BERLAND**

WHEREAS, pursuant to Town Law §239, the Town Board is required to hold a public hearing on the assessment roll for the Centerport Sewer District; and

WHEREAS, Town Law §239 requires that no less than ten nor more than twenty days before the public hearing the Town Clerk must publish a notice of the completed assessment roll and public hearing on such roll at least once in a newspaper published within the Town;

WHEREAS, Town Law §239 and applicable law require that such notice be mailed to each owner of taxable real property in the Centerport Sewer District; and

WHEREAS, the proposed budget for the sewer district and, as required by Town Law §239, the completed assessment roll for the Centerport Sewer District, are on file in the Office of the Huntington Town Clerk; and

WHEREAS, scheduling a public hearing is not an action as defined by SEQRA in 6 NYCRR §617.2(b) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY SCHEDULES a public hearing on the assessment roll for the Centerport Sewer District to be held on the 11th day of October, 2011 at 6:00 p.m. at Town Hall, 100 Main Street, Huntington, New York at which time all persons interested may be heard on such assessment roll; and

HEREBY DIRECTS the Town Clerk to publish at least once in a newspaper published within the Town a notice of the completed assessment roll and public hearing for the Centerport Sewer District no less than ten nor more than twenty days before the public hearing on said assessment roll; and

HEREBY FURTHER DIRECTS the Department of Information Technology, under the direction of the Department of Environmental Waste Management, to: (i) promptly print

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the notice of completed assessment roll and public hearing for the Centerport Sewer District for each owner of taxable real property in the District; and (ii) promptly deliver such notices to the Office of the Receiver of Taxes; and

HEREBY FURTHER DIRECTS the Office of the Receiver of Taxes, with the assistance of the Department of Environmental Waste Management, to: (i) arrange for the mailing of the notice of the completed assessment roll and public hearing for the Centerport Sewer District to each owner of taxable real property in the District within the prescribed legal time frame, but in no event later than later than October 1, 2011; and (ii) file with the Town Clerk no later than three days before such public hearing a notarized affidavit of service of the mailing, and the names and addresses to whom such notice was mailed.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 21-2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 193 (RECREATIONAL VEHICLES), SECTION 193-3 (OPERATION ON PRIVATE PROPERTY)

Resolution for Town Board Meeting Dated: September 20, 2011

The following resolution was offered by: Councilwoman Berland

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

WHEREAS, in response to the need to promote the safe and proper use of all terrain vehicles (ATVs) for both recreation and commerce, the state has enacted a complex regulatory scheme, specifically providing towns with a local option for the adoption of stricter standards by Local Law; and

WHEREAS, the Town Board finds that it is in the public interest to strengthen the minimum standards established by the state for the use of all terrain vehicles (ATVs) within this suburban town by further limiting the operation of ATVs on private property; and

WHEREAS, the proposed action is classified Type II pursuant to SEQRA §617.5(c) 20 and 27, as 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 required no further action pursuant to SEQRA;

NOW, THEREFORE,

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the ~~11th~~ day of ~~October~~ 2011, at 6:00 pm at Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 21 -2011 amending the Code of the Town of Huntington, Chapter 193 (Recreational Vehicles) so as to amend Section 193-3 (Operation on Private Property); as follows:

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

LOCAL LAW INTRODUCTORY NO. 21-2011
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 193 (RECREATIONAL VEHICLES)
SECTION 193-3 (OPERATION ON PRIVATE PROPERTY)

§193-1. Legislative findings.

The Town of Huntington recognizes that in order to provide for the health, safety and general welfare of the people of the Town of Huntington, certain regulations and restrictions must exist on the use of recreational vehicles for the purpose of protecting both the residents of the Town of Huntington and the property located within the Town of Huntington. The Town Board hereby finds that in order to protect the order, conduct, health, safety and general welfare of persons or property within the town, which is a suburban town, standards that are stricter than those imposed by the state are appropriate pursuant to V & T Law, §2404(6).

* * *

§ 193-3. Operation prohibited upon streets and lands; operation upon private property.

A. * * *

B. * * *

C. Nothing in this chapter shall prohibit a licensed operator from operating a duly registered vehicle on the public roadways of the Town of Huntington in accordance with the Vehicle and Traffic Law of New York State and other laws applicable to the operation of motorized vehicles[.], except: (1) no recreational vehicles shall be operated upon any private property in such manner as to violate Chapter 141, Noise, of the Code of the Town of Huntington; and (2) no person shall operate a recreational motor vehicle before 9:00 a.m. or after 6:00 p.m. within 200 feet of a dwelling.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

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

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 22 -2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 87 (BUILDING CONSTRUCTION), ARTICLE III (BUILDING PERMITS), ARTICLE IV (CERTIFICATES OF OCCUPANCY AND OF PERMITTED USE), AND ARTICLE VI (ADMINISTRATION AND ENFORCEMENT)

Resolution for Town Board Meeting dated: September 20, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, it is the intention of the Town Board to update the Code in order to the penalties for certain violations of the Town Code regarding building permits and certificates of occupancy or of use; and

WHEREAS, pursuant to Town Law §130(16), the Municipal Home Rule, and other applicable statutory and decisional law, the Town Board intends to update the Code to provide a mechanism by which approvals including certificates of occupancy or permitted use may be revoked consistent with due process principles; 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 **11th** day of October, 2011 at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. **22** -2011 amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article III (Building Permits), Article IV (Certificates of Occupancy and of Permitted Use), and Article VI (Administration and Enforcement); as follows:

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

LOCAL LAW INTRODUCTORY NO. 22 -2011
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 87 (BUILDING CONSTRUCTION), ARTICLE III (BUILDING PERMITS),
ARTICLE IV (CERTIFICATES OF OCCUPANCY AND OF PERMITTED USE),

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AND ARTICLE VI (ADMINISTRATION AND ENFORCEMENT)

Section 1. Amendment to Chapter 87 (Building Construction) of the Code of the Town of Huntington, Article III (Building Permits), Article IV (Certificates of Occupancy and of Permitted Use), and Article VI (Administration and Enforcement); as follows:

CHAPTER 87
(BUILDING CONSTRUCTION)

* * *

ARTICLE III
(BUILDING PERMITS)

* * *

§87-24.1 Procedure for Revocation. A building permit may be revoked in the same manner as a Certificate of Occupancy or Permitted Use, except if the basis for the revocation is §87-24(B) in which case such revocation shall be effective upon a mailing advising the property owner, his agent, or person in charge of the property that the permit is revoked and the reason(s) thereof. Such mailing shall be accomplished by regular and certified mail, return receipt requested, and addressed to the last known address of the proposed recipient.

ARTICLE IV
CERTIFICATES OF OCCUPANCY AND OF PERMITTED USE

§87-26. [§ 87-32.] Temporary certificate of occupancy.

Upon request, the [building official] Director of Engineering Services or his designee may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit [shall have] has been completed, provided such portion or portions as have been completed may be occupied safely without endangering life, property, or the public health or welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding three (3) months from [its] the date of issuance. For good cause shown, the [building official] Director may [allow a maximum of] approve an extension of no more than one (1) additional period of three (3) months.

§87-27. [§87-26]. Change of use or occupancy.

* * *

§87-28. [§87-27.] Application; requirements.

A. An application for a building permit shall include an application for a certificate of occupancy and/or certificate of permitted use. The certificate shall be issued when the

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Building Inspector determines that the completed building or structure complies with the provisions of all applicable laws and the required on-site improvements have been completed, inspected and found to be satisfactory.

* * *

[§87-28.] [(Reserved)]

* * *

[§87-30.] [(Reserved)]

§87-30. [§87-31.] Revocation of certificate.

* * *

§87-32. [§87-33.] Suspension of certificate.

* * *

[§87-34.] [Appeal of determination.]

- [A.] [A property owner whose certificate has been revoked may appeal the decision of the Director to a court of competent jurisdiction.]
- [B.] [A property owner whose certificate has been suspended may appeal the decision of the Director by filing an appeal in the Department of Engineering Services within thirty (30) days of receipt of such suspension. The appeal shall be in writing and may include such information as may be deemed necessary by the owner. All appeals shall be accompanied by an administrative fee of seventy-five (\$75) dollars.]
- [C.] [Appeals shall be referred to the Zoning Violations Bureau for review and final determination in accordance with the procedures provided in Chapter 198.]
- [D.] [Nothing contained in this article is intended to prohibit the Town of Huntington from pursuing other penalties, whether criminal or civil, as provided in this chapter.]

§87-33. Notice of Revocation or Suspension of Certificate.

(A) Prior to the revocation or suspension of a certificate, the Director or his designee shall prepare a report outlining the reason(s) for the proposed revocation or suspension of the certificate. A copy of the report shall be mailed to the property owner at the address shown on the most current assessment roll maintained by the Town Assessor, or to his agent, or person-in-charge of the property, together with a Notice of Hearing which shall contain the following:

- (1) A description of the property.
- (2) In the case of a proposed suspension, a description of the unsafe, unsanitary or dangerous condition, and the portion(s) of the land, structure,

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staging or building that must be secured or repaired, or demolished and removed. A statement that the remediation or abatement must commence immediately upon the service of the notice and completed within a specified date. Such period may be extended for good cause shown, as long as it can be demonstrated that remedial measures have been started and the delay is not under the control of or due to the actions of the person to whom the notice was issued. A statement that in the event of the failure or refusal of the person to whom the Notice is issued to bring the property into compliance by the date on the Notice or approved date of extension, an administrative hearing will be held on the issue of suspension of the certificate.

(3) The date, time and place of the scheduled administrative hearing before either the Town Board or an Administrative Hearing Officer to determine whether the certificate should be revoked or suspended.

(B) Amendment, modification or withdrawal. The Director or his designee may amend, modify or withdraw any Notice issued if, in his judgment, the circumstances warrant such action provided the amended or modified Notice is served as provided in (C) herein within five (5) days of service of the original Notice, and a hearing has not occurred.

(C) Service of the Notice. The Notice of Hearing and Report shall be served either personally in accordance with the CPLR; or by registered or certified mail, return receipt requested, and by regular mail; addressed to the property owner at the last address shown on the most current assessment roll of the Town Assessor, or to the owner's agent at the last known address, or person-in-charge of the property.

§87-34. Administrative hearing. An administrative hearing may be held before the Huntington Town Board or a duly appointed Administrative Hearing Officer, at the option of the Town. Hearings may be adjourned only upon good cause shown.

(A) Town Board Action. The Town Board may consider the report and accept or reject, in whole or in part, the findings and recommendations of the Director or his designee with or without conditions as it deems advisable. The Town Board shall render its findings and determination no later than the next regularly scheduled Town Board meeting following the public hearing and may make a determination on the same day as the hearing. A copy of the Town Board resolution shall be mailed by the Town Attorney to the person(s) named in the original Notice by regular mail and by registered or certified mail, return receipt requested. The decision of the Town Board shall be filed with the Huntington Town Clerk and shall be final.

(B) Administrative Hearing Officer. The Hearing Officer may consider the evidence and shall submit his or her findings and recommendations to the Director for ultimate determination. A copy of the Hearing Officer's report shall be filed with the Town Clerk and served in the same manner as the Notice of Hearing. Such mailing shall include a

statement that the recipient has five (5) days from receipt of the report to submit to the Director his written objections to the Hearing Officer's findings and recommendations. The Director shall consider the written objections and the Hearing Officer's report, and may adopt or reject, in whole or in part any portion thereof as he or she deems advisable or necessary under the circumstances. The Director's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the person(s) to whom the original Notice was served by regular mail and by registered or certified mail, return receipt requested.

(C) Conduct of hearings. At the administrative hearing the person to whom a Notice has been issued shall be entitled to be represented by legal counsel and provided with an opportunity to be heard. He may present the testimony of witnesses, experts and other evidence in his own behalf as he deems necessary and relevant to the subject matter of the hearing. All hearings shall be recorded.

[§87-35.] [(Reserved)]

§87-35. Action upon non-appearance or non-compliance. Upon the failure, neglect or refusal of the owner, his agent, or person-in-charge of the property to appear at the administrative hearing; or to abate the hazardous condition; or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the Notice was properly addressed, at the election of the Director the certificate may be revoked or suspended for the reasons set forth in the Director's original report. The Director's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the person(s) to whom the original Notice was served by regular mail and by registered or certified mail, return receipt requested.

* * *

ARTICLE VI
ADMINISTRATION AND ENFORCEMENT

* * *

§87-45. Penalties for offenses. The Town Board intends to exercise its authority under § 10(1)(i) and (ii)(a)(6), (a)(11) and (a)(12); § 10(1)(ii)(d)(3); and § 10(4)(b) of the Municipal Home Rule Law, § 268(1) of the Town Law and any other applicable provision of law now or hereinafter enacted, to supersede and/or expand upon the applicable provisions of § 268(1) of the Town Law, and any other applicable or successor law pertaining to the enforcement of local laws and ordinances in order to impose a penalty and fine structure that best reflects the needs of the community.

* * *

(B) Notwithstanding the provisions of § 87-45(A), any person or business entity who is the owner or is in charge of property where a violation of § 87-25(A) or (B), §87-14(A), or §87-26 has been committed or exists, or who commits an offense against the

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provisions of § 87-25(A) or (B), § 87-14(A) or §87-26, or has control of the property and permits such offense to exist shall upon conviction be guilty of a offense, punishable by a fine or penalty of not less than five hundred (\$500) dollars nor more than five thousand (\$5,000) dollars, or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment upon a conviction of a first offense; upon a conviction of a second offense, within a period of five (5) years of the first conviction, a fine of not less than two thousand (\$2,000) dollars nor more than ten thousand (\$10,000) dollars, or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment; and upon conviction of a third or subsequent offense, within a period of five (5) years of the first and second conviction, a fine of not less than four thousand (\$4,000) dollars nor more than fifteen thousand (\$15,000) dollars or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment. Each day, or part thereof such violation continues, following notification by the Town or service of a summons, shall constitute a separate offense, punishable in like manner.

- [(B)] (C) * * *
- [(C)] (D) * * *
- [(D)] (E) * * *
- [(E)] (F) * * *
- [(F)] (G) * * *
- [(G)] (H) * * *

Section 2. Severability.

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

Section 3. Effective Date.

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

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DUTY ADOPTED.

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 23 -2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE I (GENERAL PROVISIONS) AND ARTICLE XVIII (ADMINISTRATION AND ENFORCEMENT)

Resolution for Town Board Meeting Dated: September 20, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town Board intends to update the code and enhance the ability of code enforcement officers to successfully prosecute offenses; and

WHEREAS, the Town Board intends to remove ambiguities and clarify the code by differentiating between the terms accessory apartment and apartment; and

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

NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby schedules a public hearing for the **11th** day of October, 2011 at **6:00p.m.**, at Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 23 -2011, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions) and Article XVIII (Administration and Enforcement); as follows:

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

LOCAL LAW INTRODUCTORY NO. **23** - 2011
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE I (GENERAL PROVISIONS) AND
ARTICLE XVIII (ADMINISTRATION AND ENFORCEMENT)

Section 1. Chapter 198 (Zoning), Article I (General Provisions) and Article XVIII (Administration and Enforcement), are hereby amended as follows:

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CHAPTER 198
ZONING

ARTICLE I
GENERAL PROVISIONS

* * *

§198-2. Definitions and word usage.

* * *

B. Definitions. For the purpose of this chapter, the following terms and phrases shall have the meanings indicated:

* * *

ACCESSORY APARTMENT -- A part of a single-family dwelling consisting of a room or a group of rooms intended or used as a residence by an individual or a group of individuals, and is the subject of a valid accessory apartment permit issued by the Town of Huntington.

* * *

APARTMENT -- A part of a building [containing cooking and housekeeping facilities,] consisting of a room or suite of rooms intended, designed or used as a residence by an individual or [single family.] group of individuals, and containing cooking facilities including but not limited to one or more of the following: an oven, convection oven, stove, stove top, microwave, toaster oven, hot plate and similar devices used for cooking and/or heating food.

* * *

ARTICLE XVIII
ADMINISTRATION AND ENFORCEMENT

§198-119. Building permit required. It shall be unlawful to construct, alter, repair, modify, remove or demolish, or to cause the construction, alteration, repair, modification, removal or demolition of a building or structure; or to own a building or structure which has been constructed, altered, repaired, modified, removed, or demolished, in whole or in part, without a permit having been issued by the Department of Engineering Services. Any permit issued may be revoked as provided in §87-24 and §87-24.1 of the Huntington Town Code.

§198-120. Certificate Required.

* * *

C. It shall be unlawful to [No person, corporation, company, partnership or other business entity shall] collect, deposit, receive or transact to receive monies or other consideration for the use and/or occupancy of any commercial building being utilized for

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housing, residential dwelling, apartment, house, building or structure, that does not possess a certificate of occupancy, certificate of permitted use, rental permit or other municipal authorization for such use and/or occupancy.

* * *

E. No change, modification, alteration or extension of a nonconforming use shall be made until a certificate of permitted use has been issued, and no change, modification, alteration or extension of a nonconforming building, structure or premises shall be made until the appropriate permit has been issued. Any person or business entity who commits an offense against this section shall be deemed in violation of this chapter.

F. Any certificate or permit issued can be revoked by the Director of Engineering Services or his/her designee[, in accordance with § 87-24 or § 87-31 of the Huntington Town Code] on the same basis and in the same manner as set forth in Chapter 87 of the Huntington Town Code.

* * *

§198-125. Penalties for offenses. The Town Board intends to exercise its authority under [§10(1)6)] §10(1)(i) and (ii)(a)(6), (a)(11) and (a)(12); § 10(1)(ii)(d)(3); and §10(4)(b) of the Municipal Home Rule Law, § 268(1) of the Town Law and any other applicable provision of law now or hereinafter enacted, to supersede and/or expand upon the applicable provisions of §268(1) of the Town Law, and any other applicable or successor law pertaining to the enforcement of local laws and ordinances in order to impose a penalty and fine structure that best reflects the needs of the community.

* * *

(B) Any person or business entity who is the owner or is in charge of property where a violation of §198-120(A), (B), (C), (D) or (E), or §198-119 has been committed or exists, or who commits an offense against the provisions of §198-120(A), (B), (C), (D) or (E), or §198-119, or has control of the property and permits such offense to exist shall upon conviction be guilty of a offense, punishable by a fine or penalty of not less than five hundred (\$500) dollars nor more than five thousand (\$5,000) dollars, or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment upon a conviction of a first offense; upon a conviction of a second offense, within a period of five (5) years of the first conviction, a fine of not less than two thousand (\$2,000) dollars nor more than ten thousand (\$10,000) dollars, or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment; and upon conviction of a third or subsequent offense, within a period of five (5) years of the first and second conviction, a fine of not less than four thousand (\$4,000) dollars nor more than fifteen thousand (\$15,000) dollars or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment. Each day, or part thereof such violation continues, following notification by the Town or service of a summons, shall constitute a separate offense, punishable in like manner.

2011-452

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ACQUIRING
COLUMBIA STREET PARK ADDITION (GERSHON)

Resolution for Town Board Meeting Dated: September 20, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

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

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

- received a nomination from Hugh Gershon, owner, for a 0.22-acre vacant wooded lot, SCTM 0400-140-02-018.000, located on the east side of Humeston Place in Huntington Station;
- conducted a field investigation; and
- recommended that the Town Board pursue acquisition of the parcel as an addition to Columbia Street Park, which it adjoins; and

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

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

WHEREAS, prior to completing the acquisition of the subject property, the Town Board has determined that its action to acquire the property is classified as Unlisted pursuant to SEQRA, and the Town Board is the only agency "involved" in authorizing expenditures against the EOSPA Program funds, and therefore has been established as lead agency, and

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

NOW THEREFORE, BE IT

RESOLVED, that the Town Board finds, on review of the short form EAF, there shall be no significant adverse impacts associated with acquisition of the property for park purposes and hereby issues a Negative Declaration pursuant to SEQRA, and

BE IT FURTHER

RESOLVED, that the Town Board hereby schedules a public hearing pursuant to General Municipal Law §247.2 for the 11th day of October, 2011 at 6:00 p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York to consider acquiring the identified Gershon Property as an addition to Columbia Street Park; and

BE IT FURTHER

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

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds from Budget Item PL7197-2109-L1004 as necessary for the appraisal.

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.

2011-453

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: GREENLAND DRIVE, NO STANDING RESTRICTION

Resolution for Town Board Meeting Dated: September 20, 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 **11th** day of **October**, 2011, at **6:00** 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:	Greenland Drive/North From 45 ft. east of New York Ave. (East Service Rd.) to New York Ave. (East Service Rd.) (HUS)	No Standing	-----
	Greenland Drive/South From New York Ave. (East Service Rd.) east for 45 ft. (HUS)	No Standing	-----

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 CREATING THE HUNTINGTON SMALL BUSINESS RESOURCE AND RECOVERY CENTER AND WEBSITE TO SERVICE THE NEEDS OF THE HUNTINGTON BUSINESS COMMUNITY NUNC PRO TUNC

Resolution for Town Board Meeting Dated: September 20, 2011

The following resolution was offered by: Councilman Mayoka

and seconded by **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington and community business owners have faced challenging economic hardship during this financial crisis and recession, thereby requiring further assistance; and

WHEREAS, the Town Board is interested in creating its own Huntington Small Business Resource and Recovery Center designed to advise and investigate all appropriate measures to assist local small business owners of the various local, federal and state-supported programs for which they may qualify with the focus to develop a local Huntington Small Business Resource and Recovery Center (named, HSBRRRC) to develop, market and provide an affordable modern laboratory or facility for small business initiatives to include amongst other well developed ideas, a local website. The Center will give support by having individuals from the private sector volunteering time to mentor and consult, cultivating websites, providing free computer tutorials at no charge to the Town of Huntington, increasing networking capabilities and exploring opportunities to refresh business opportunities within the community. Further, entrepreneurs will be advised on how to start-up a business entity, create a business plan, organize objectives and connect with banking, financial and legal services; and

WHEREAS, the Huntington Small Business Resource and Recovery Center will provide small businesses and merchants in their economic development through advanced technology fields where they can greatly benefit by investigating all of these resources and developing appropriate short and long term plans for their usage to include identification of commercial properties throughout Huntington which are eligible for historic tax credits, access to angel investors or venture capital, guidance for grant funding, future advisory boards and mentors, comprehensive business training programs, management team identification, assistance with business etiquette, technology commercialization assistance, marketing, regulatory compliance, intellectual property management and

WHEREAS, the creation of the Huntington Small Business Resource and Recovery Center and website 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

2011-454

HEREBY CREATES the Huntington Small Business Resource and Recovery Center and website, nunc pro tunc.

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.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER THE ISSUANCE OF A SPECIAL USE PERMIT PURSUANT TO THE MARINE CONSERVATION LAW, TOWN CODE CHAPTER 137

APPLICANT: EDWARD A.T. CARR ON BEHALF OF EATON HARBOR CORP.

LOCATION: SOUTH END OF BEACH RD., EATON'S NECK, N.Y. 11768
S.C.T.M. # 400-005.00-05.00-002.000

Resolution for Board of Trustees Meeting Dated: September 20, 2011

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

and seconded by: **TRUSTEE JACKSON**

WHEREAS, pursuant to Chapter 137, the Marine Conservation Law of the Town of Huntington, an application for a special use permit has been submitted by

Edward A.T. Carr
On behalf of
Eaton Harbors Corp.
P.O. Box 474
Northport, N.Y. 11768

to repair and under-pin the existing "Tidal Sluice Gate" used to maintain water levels in tidal wetlands area at Eaton Harbors Corp. property located on the west side at the southern most end of Beach Rd., Eaton's Neck, N.Y. 11768 S.C.T.M. # 0400-005.00-05.00-002.000; and

WHEREAS, the scheduling of a public hearing is not an action as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review is required at this time for the scheduling said public hearing.

NOW, THEREFORE

THE BOARD OF TRUSTEES

HEREBY SCHEDULES a public hearing for the **11th** day of **October**, 2011, at **6:00** pm at Town Hall, 100 Main Street, Huntington, New York 11743, to consider the issuance of a special use permit to Eaton Harbors Corp. to repair and under-pin the existing "Tidal Sluice Gate" used to maintain water levels in the tidal wetlands area at Eaton Harbors Corp. property located on the west side at the southern most end of Beach Rd., Eaton's Neck, N.Y. 11768 S.C.T.M. # 0400-005.00-05.00-002.000

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

President Frank P. Petrone	AYE
Trustee Susan A. Berland	AYE
Trustee Mark A. Cuthbertson	AYE
Trustee Glenda A. Jackson	AYE
Trustee Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-CD6

RESOLUTION AUTHORIZING THE CHAIRMAN OF THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY TO EXECUTE A DEED AND TRANSFER DOCUMENTS NECESSARY TO TRANSFER TITLE TO 1 TOWER STREET, HUNTINGTON STATION, NEW YORK UNDER THE TOWN OF HUNTINGTON TAKE BACK THE BLOCKS PROGRAM, NUNC PRO TUNC

Resolution for Community Development Agency Board Meeting Dated: September 20, 2011

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

and seconded by: **MEMBER BERLAND**

WHEREAS, on July 29, 2008, in accordance with Resolution 2008-CD7, the Huntington Community Development Agency purchased the property known as 1 Tower Street, Huntington Station, New York under the Take Back the Blocks Program; and

WHEREAS, although Resolution 2008-CD7 contemplated the re-sale of the property to an eligible homeowner, the language in that Resolution failed to include language authorizing the Chairman to execute the documents necessary to complete the sale; and

WHEREAS, in accordance with the Take Back the Blocks program, the Huntington Community Development Agency has identified an eligible homeowner who was ready, willing and able to purchase the property; and

WHEREAS, as a result of the potential expiration of the purchaser's mortgage commitment and interest rate lock, the Huntington Community Development Agency was required to close title to the property on September 7, 2011 without first obtaining a resolution authorizing the Chairman to execute the deed, transfer documents and any other documents necessary to complete the transfer of title; and

WHEREAS this action is classified as an unlisted action pursuant to the State Environmental Quality Review Act SEQRA and the Huntington Community Development Agency Board has been established as lead agency for this action; and

WHEREAS, the SEQRA review prepared by the Town Department of Planning determined that no potentially adverse environmental impacts are posed by the pending action.

NOW, THEREFORE

THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY BOARD

RESOLVES that the Huntington Community Development Agency Board finds on review of the short form EAF there shall be no significant adverse impacts associated with the sale of 1 Tower Street, Huntington Station, NY to the eligible homeowner under

2011-CD6

the Take Back the Blocks Program and hereby issues a Negative Declaration pursuant to SEQRA, and; and

HEREBY AUTHORIZES the Chairman, nunc pro tunc, to execute a deed and related closing documents approved by the Town Attorney and necessary to transfer title to 1 Tower Street, Huntington Station, New York to the eligible homeowner for the amount of TWO HUNDRED TWO THOUSAND DOLLARS AND NO CENTS (\$202,000.00) in accordance with the contract of sale dated June 14, 2011.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED