

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

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

**PRELIMINARY/ADOPTED AGENDA AND ADOPTED RESOLUTIONS ARE AVAILABLE AT:**  
<http://town.huntington.ny.us>

**PRESENT:**

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

**AGENDA FOR TOWN BOARD MEETING DATED DECEMBER 13, 2011**

**BOARD OF TRUSTEES' MEETING FOLLOWING**

Opened: 8:44 P.M. Recessed: 8:46 P.M. Resumed: 9:23 P.M. Closed: 9:25 P.M.

**COMMUNITY DEVELOPMENT AGENCY MEETING FOLLOWING**

Opened: 8:46 P.M. Recessed: 8:49 P.M. Resumed: 9:25 P.M. Closed: 9:26 P.M.

**7:00P.M. – TOWN HALL**

Opened: 7:10 P.M. Recessed: 8:44 P.M. Resumed: 8:49 P.M. Closed: 9:23 P.M.

(Resolutions #2011-537 to 2011-587)

**HEARINGS:**

1. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article II, §2-3, Schedule C. Re: Fifth Avenue, East Northport, Driveway - Prohibited Turns.  
(2011-TC-32-Ch. 2)

2. Consider authorizing the Supervisor to enter into a license agreement with HASA Construction LLC. (Re: Former Naval Reserve, Creek Road and Mill Dam Road)  
(2011-M-36-C)

3. Consider adopting Local Law Introductory No. 32-2011, amending the Code of the Town of Huntington, Chapter 164 (Sewer Use Management), Article II (Disposal Regulations).  
(Local Law Introductory No. 32-2011)

**ACTION**

**DECISION RESERVED**

**ENACTMENT**  
**RESOLUTION # 2011-576**

**DECISION RESERVED**

**AGENDA FOR TOWN BOARD  
MEETING DATED: DECEMBER 13, 2011**

**RESOLUTIONS:**

**OFF. SEC. VOTE**

**ABBREVIATIONS FOR PURPOSE OF AGENDA:**

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

- |                  |  |                  |                  |                 |
|------------------|--|------------------|------------------|-----------------|
| <b>2011-537.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute an extension to the contract with Israeloff, Trattner and Co., P.C., to perform auditing and accounting services for the Town of Huntington and to execute an extension to the contract with Fuoco Group, LLP, to perform auditing and accounting services for the Town of Huntington Human Services Institute, Cultural Affairs Institute and Youth Bureau Institute, Cultural Affairs Institute and Youth Bureau Institute, and appoint each as official Town auditors to perform said accounting and auditing services for the fiscal year ending December 31, 2011.</p>  | <b><u>SB</u></b> | <b><u>MM</u></b> | <b><u>5</u></b> |
| <b>2011-538.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute a contract with Patriot Courier Service, Inc., for the provision of courier service for the office of the Tax Receiver, nunc pro tunc. <b>(Term: 12/1/2011-11/30/2012)</b></p>   | <b><u>MM</u></b> | <b><u>SB</u></b> | <b><u>5</u></b> |
| <b>2011-539.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute agreements for the provision of various youth services on behalf of the Youth Bureau for the Year 2012. <b>(Re: Tri Community and Youth Agency, Inc. , Youth Directions and Alternatives, Community and Youth Agency, Inc., Regional Enrichment Agency of Commack and Half Hollow Hills, Community and Youth Agency, Inc., Family Service League of Suffolk County, Inc., Long Island Crisis Center, Inc., C.A.S.T. Program, Tri-Community and Youth Agency, Inc. , Huntington Youth Bureau Youth Development Research Institute, Inc. (non drug related) and Huntington Youth Bureau Youth Development Research Institute, Inc. (drug related).</b></p> | <b><u>GJ</u></b> | <b><u>MC</u></b> | <b><u>5</u></b> |
| <b>2011-540.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute agreements on behalf of the Department of Human Services for the Year 2012. <b>(Re: Child Care Council of Suffolk, Inc., Family Service League, Inc., Federation of Organizations, Inc., Huntington Breast Cancer Action Coalition, Inc. , Literacy Suffolk, Inc. and Pederson-Krag Center, Inc.)</b></p>  | <b><u>GJ</u></b> | <b><u>FP</u></b> | <b><u>5</u></b> |
| <b>2011-541.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute agreements for meeting places for Senior Citizens of the Town of Huntington. <b>(Re: Centerport Methodist Church, Presbyterian Church of Sweet Hollow, Gloria Dei Lutheran Church, Harborfields Public Library, Huntington Public Library, Northport Public Library (2 agreements), Paumanack Village I &amp; II, Paumanack Village III &amp; IV, Temple Beth Torah, Union United Methodist Church, St Matthew's R.C. Church and St. Paul's Lutheran Church)</b></p>   | <b><u>MM</u></b> | <b><u>SB</u></b> | <b><u>5</u></b> |

**AGENDA FOR TOWN BOARD  
MEETING DATED: DECEMBER 13, 2011**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2011-542.</b> AUTHORIZE the Supervisor to execute an agreement with Guildnet Managed Long Term Care an affiliate of the Jewish Guild for the Blind and the Town of Huntington for the provision of social day care services through the Huntington Adult Day Care Program. <b>(Period: One year)</b>	<b><u>SB</u></b> <b><u>MM</u></b>	<b><u>FP</u></b> <b><u>GJ</u></b>	<b><u>5</u></b>
<b>2011-543.</b> REMOVED FROM THE AGENDA AT WORKSHOP.			
<b>2011-544.</b> AUTHORIZE the Supervisor to execute contracts for the provision of professional ice skating instruction at the Dix Hills Park Ice Rink Facility. <b>(Re: Amy Rivers, Adam Leib, Andy Cozzi, Corrine Raile Heilburn, Daniel Bivona, Alicia Narby, Kathy Martinelli, Stars &amp; Skates (Tara Maceiko), Dawn Sikorski, Lee Meadows, Melissa Levine, Kristie Lynch, Jack Greig, Barbara Williams, Melinda Maidel, Barbara DeLuca, Lou DeLuca, Charlotte Caruso, Jaime Wendt, Linda Beach, Nicole Maltese, Talia Martirano, Chris Slavik, Matt Thomas, Rosemarie Coyle, David Pensa and Daniel Talia)</b>	<b><u>SB</u></b>	<b><u>MM</u></b>	<b><u>5</u></b>
<b>2011-545.</b> AUTHORIZE the Supervisor to execute a contract for survey requirements townwide with American Engineering & Land Surveying, P.C. <b>(Term: Two years)</b>	<b><u>SB</u></b>	<b><u>MM</u></b>	<b><u>5</u></b>
<b>2011-546.</b> AUTHORIZE the Supervisor to execute a townwide requirements contract for tree removal for Zone 1 with Conservation Control Corp.	<b><u>MM</u></b>	<b><u>FP</u></b>	<b><u>5</u></b>
<b>2011-547.</b> AUTHORIZE the Supervisor to execute a townwide requirements contract for tree removal for Zone 2 with Hohwald Landscaping Inc.	<b><u>SB</u></b>	<b><u>FP</u></b>	<b><u>5</u></b>
<b>2011-548.</b> AUTHORIZE the Supervisor to execute an extension to the requirements contract for repair of gasoline and diesel pumps and leak detection systems with Tyree Service Corporation. <b>(Re: Extension one year)</b>	<b><u>MM</u></b>	<b><u>GJ</u></b>	<b><u>5</u></b>
<b>2011-549.</b> AUTHORIZE the Supervisor to execute an extension to the requirements contract for International truck repairs and parts with Syosset Truck Sales, Inc. and for Komatsu heavy equipment repairs and parts with Edward Ehrbar, Inc. <b>(Re: Extension one year)</b>	<b><u>SB</u></b>	<b><u>MM</u></b>	<b><u>5</u></b>
<b>2011-550.</b> AUTHORIZE the execution of an agreement with Holzmacher, McLendon, & Murrell P.C. to provide annual engineering retainer services for 2012 for the Huntington and Centerport Sewer Districts.	<b><u>SB</u></b> <b><u>MM</u></b>	<b><u>FP</u></b>	<b><u>5</u></b>
<b>2011-551.</b> AUTHORIZE the execution of an agreement with H2M Labs Inc. to provide annual laboratory wastewater analysis services for 2012 for the Huntington Sewer District. <b>(Term: 1/1/2012-12/31/2012)</b>	<b><u>MM</u></b> <b><u>GJ</u></b>	<b><u>FP</u></b> <b><u>SB</u></b>	<b><u>5</u></b>

**AGENDA FOR TOWN BOARD  
MEETING DATED: DECEMBER 13, 2011**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2011-552.</b> AUTHORIZE the transfer of Affordable Housing Trust and Agency Funds to the Huntington Community Development Agency for the realignment of the intersection at Lowndes Avenue and Railroad Street to allow for better traffic flow and for the development of affordable housing at Columbia Terrace.	<u>FP</u> <u>GJ</u>	<u>MM</u>	<u>5</u>
<b>2011-553.</b> AUTHORIZE sale by public auction of Egyptian Artifacts in the collection of the Heckscher Museum, with auction proceeds being restricted for acquisition of new collection objects.	<u>FP</u>	<u>SB</u>	<u>5</u>
<b>2011-554.</b> REAPPOINT a member to the Audit Committee. (Re: Robert Budah)	<u>FP</u>	<u>SB</u>	<u>5</u>
<b>2011-555.</b> AUTHORIZE the Comptroller to amend the 2011 Operating Budget for the Town of Huntington and its special districts – various departments.	<u>FP</u>	<u>MM</u>	<u>5</u>
<b>2011-556.</b> AUTHORIZE the Comptroller to eliminate all full time positions vacated by retirement and/or attrition and transfer surplus monies created by such vacancies to a general contingency account into their respective operating funds for the year 2012. (Effective 1/1/2012)	<u>FP</u>	<u>MC</u> <u>SB</u>	<u>5</u>
<b>2011-557.</b> AUTHORIZE the Comptroller to amend the 2011 Operating Budget for federal disaster relief aid from the Federal Emergency Management Agency (FEMA) associated with Tropical Storm Irene for the Town of Huntington and its special districts.	<u>FP</u>	<u>MM</u> <u>SB</u>	<u>5</u>
<b>2011-558.</b> AUTHORIZE the Comptroller to appropriate monies from the Environmental Open Space and Park Improvement Fund and Neighborhood Parks Fund for recommended park improvements (John J. Walsh, Heckscher, Veterans, Manor Field, and Northport Rail Trail Parks).	<u>MC</u>	<u>GJ</u>	<u>5</u>
<b>2011- 559.</b> AUTHORIZE the Comptroller to amend the 2011 Operating Budget for the Government Access Cable Television.	<u>SB</u>	<u>GJ</u> <u>MM</u>	<u>5</u>
<b>2011-560.</b> AUTHORIZE the correction of Code Violations at various locations pursuant to the Code of the Town of Huntington and/or the Uniform Codes of the State of New York. (Re: Mariann Duignan, 1209 McFadden Drive, East Northport, SCTM# 0400-128.00-03.00-018.000, Chapters 87, 156 (16A & 46A); Jason Mills, 45 Oakley Drive, Huntington Station, SCTM# 0400-194.00-03.00-086.000, Chapters 133, 156 (46A); Ramesh Pawa, 199 Seaman Neck Road, Dix Hills, SCTM# 0400-278.00-02.00-044.000, Chapters 133, 156 (45 & 46A); Eun Hee/Soon Ja Choi, 35 Vanderbilt Parkway, Dix Hills, SCTM# 0400-245.00-03.00-052.000, Chapters 133, 156 (46A); Brian Levenson & Kathryn Garten, 1068 Westminster Avenue, Dix Hills, SCTM# 0400-278.00-02.00-153.000, Chapters 133, 156 (46A), 191; Arthur Center, 93 West 11 <sup>th</sup> Street, Huntington Station, SCTM# 0400-137.00-03.00-011.000, Chapter 191; Robert Totans, 1 Dix Hills Road, Huntington, SCTM# 0400-158.00-03.00-031.000, Chapter 156 (46A))	<u>SB</u>	<u>GJ</u>	<u>5</u>
<b>2011- 561.</b> AUTHORIZE the Town of Huntington Animal Shelter to waive the	<u>FP</u>	<u>SB</u>	

**AGENDA FOR TOWN BOARD  
MEETING DATED: DECEMBER 13, 2011**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
adoption fee through December 31, 2011.	<u><b>MM</b></u>	<u><b>GJ</b></u>	<u><b>5</b></u>
<b>2011-562. ACCEPT</b> a donation of a bench for the Centerport Beach House. <b>(From: Huntington Station Senior Club in memory of Kathy Geiger)</b>	<u><b>SB</b></u> <u><b>GJ</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2011-563. ADOPT</b> Marina contract for Year 2012 spring, summer, and autumn marina storage at Town Marinas.	<u><b>MM</b></u> <u><b>SB</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2011-564. ADOPT</b> the amended and restated New York State Model Plan, for the Deferred Compensation Plan for the employees of the Town of Huntington.	<u><b>SB</b></u>	<u><b>GJ</b></u>	<u><b>5</b></u>
<b>2011-565. APPROVE</b> a 2012 Public Art Plan and authorizing the Public Art Advisory Committee to proceed with its implementation.	<u><b>FP</b></u>	<u><b>GJ</b></u>	<u><b>5</b></u>
<b>2011-566. ESTABLISH</b> the standard work days for elected officials and appointed personnel for New York State and Local Retirement System reporting purposes.	<u><b>FP</b></u>	<u><b>SB</b></u> <u><b>GJ</b></u>	<u><b>5</b></u>
<b>2011-567. ENACTMENT: ADOPT</b> Local Law Introductory No. 29-2011, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article VI (Historic Landmarks and Districts), Section 42 (Designation of Sites and Buildings), to revoke the designation as an historic landmark of the building and property known as the Bunce-Zoeller House, 129 Centershore Road, Centerport. <b>(SCTM# 0400-039-06-080.002)</b>	<u><b>GJ</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2011-568. ENACTMENT: AMEND</b> the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Conifer Court, Northport, No Parking Restriction.	<u><b>MM</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2011-569. ENACTMENT: APPROVE</b> the issuance of a Certificate of Approval in a Historic District Re: 478 Park Avenue, Huntington – Old Huntington Green Historic District. <b>(Applicant: Sunny Pond, LLC)</b> <b>(SCTM# 0400-073.00-03.00-021.000)</b>	<u><b>FP</b></u>	<u><b>MC</b></u>	<u><b>5</b></u>
<b>2011-570. ENACTMENT: GRANT</b> a license agreement for transit advertising for the Huntington Rapid Area Transit Buses and Marketing Program for the Town of Huntington to Creative Advertising Concepts, Inc. <b>(Re: Contract period – five years)</b>	<u><b>GJ</b></u>	<u><b>FP</b></u>	<b>4-AYES</b> <b>1-NO</b> <u><b>(MM)</b></u>
<b>2011-571. ENACTMENT: ADOPT</b> Local Law Introductory Number 24-2011 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article XI (Conditional Uses; Supplementary Regulations).	<u><b>SB</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2011-572. ENACTMENT: ADOPT</b> Local Law Introductory Number 25-2011 amending the Code of the Town of Huntington, Chapter 114 (Fire Prevention and Safety Education).	<u><b>MM</b></u> <u><b>SB</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: DECEMBER 13, 2011**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2011-573. ENACTMENT: ADOPT</b> Local Law Introductory Number 26-2011 amending the Code of the Town of Huntington, Chapter 111 (Fire Prevention).	<u><b>SB</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2011-574. ENACTMENT: ADOPT</b> Local Law Introductory Number 27-2011 amending the Code of the Town of Huntington, Chapter 157 (Public Benefit Incentives), to implement the Long Island Unified Solar Energy System Fast Track Permit process.	<b>MC</b> <u><b>SB</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2011-575. ENACTMENT: ADOPT</b> Local Law Introductory Number 28-2011 amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article VIII (General Restrictions and Requirements).	<b>MC</b> <u><b>SB</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2011-576. ENACTMENT: APPROVE</b> a license agreement with HASA Construction LLC for the temporary use of Town land located at Creek Road and Mill Dam Road (former Naval Reserve) for use as a construction site staging area. <b>(Term: Twenty-four months)</b>	<u><b>FP</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2011-577. RESCHEDULE A PUBLIC HEARING: January 10, 2012 at 7:00 PM</b> To consider issuing a Certificate of Approval in an Historic District Re: 35 Spring Street, Cold Spring Harbor – Cold Spring Harbor Historic District. <b>(Applicant: MarcelineVanCott) (SCTM# 0400-063.00-02.00-008.000)</b>	<u><b>MM</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2011-578. RESCHEDULE A PUBLIC HEARING: January 10, 2012 at 7:00 PM</b> To consider issuing a Certificate of Approval for an individually designated Historic Site. Re: 117 West Shore Road, Huntington – The Daniel Smith House. <b>(Applicant: John / Catherine Collins) (SCTM# 0400-026.00-02.00-059.003)</b>	<u><b>FP</b></u>	<b>GJ</b> <u><b>MM</b></u>	<u><b>5</b></u>
<b>2011-579. SCHEDULE A PUBLIC HEARING: January 10, 2012 at 7:00 PM</b> To consider issuing a Certificate of Approval in an Historic District Re: 114 Prime Avenue, Huntington – Mill Lane Historic District. <b>(Applicant: Seamus Coyle) (SCTM# 0400-071.00-02.00-083.000)</b>	<u><b>GJ</b></u>	<u><b>MC</b></u>	<u><b>5</b></u>
<b>2011-580. SCHEDULE A PUBLIC HEARING: January 10, 2012 at 7:00 PM</b> To consider awarding a license agreement to operate a restaurant and snack bar at Crab Meadow Beach, Northport, New York. <b>(Re: La Casa Café, Inc.)</b>	<u><b>FP</b></u>	<b>SB</b> <u><b>GJ</b></u>	<u><b>5</b></u>
<b>2011-581. SCHEDULE A PUBLIC HEARING: January 10, 2012 at 7:00 PM</b> To consider authorizing the Supervisor to enter into a license agreement with Meals on Wheels of Huntington.	<b>FP</b> <u><b>GJ</b></u>	<b>MM</b> <u><b>SB</b></u>	<u><b>5</b></u>
<b>2011-582. REMOVED FROM AGENDA AT WORKSHOP.</b>			
<b>2011-583. SCHEDULE A PUBLIC HEARING: February 15, 2012 at 7:00 PM</b>			

**AGENDA FOR TOWN BOARD  
MEETING DATED: DECEMBER 13, 2011**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<p>To consider adopting Local Law Introductory Number 35 - 2011, amending Local Law No. 37-2006 so as to revoke all of the covenants and restrictions previously recorded against properties bearing SCTM#0400-027-02-(012.001, 012.002, 012.003, 012.004 &amp; 012.005) as part of Zone Change application #2006-ZM-362 of DML Properties, LLC, and reestablishing Covenants and Restrictions for properties located on the southwest corner of New York Avenue (Route 110) and Hill Place and the east side of Creek Road, Huntington, bearing SCTM #0400-027-02-012.002 &amp; 012.003.</p>	<b><u>FP</u></b>	<b><u>GJ</u></b>	<b><u>5</u></b>
<p><b>2011-584. AUTHORIZE</b> the Comptroller to amend the 2011 Capital Budget for Grant funding from the United States Department of Housing and Urban Development Neighborhood Initiative Project - construction and rehabilitation of Veterans Community Center Facilities in Northport, New York.</p>	<b><u>MM</u> <u>SB</u></b>	<b><u>GJ</u></b>	<b><u>5</u></b>
<p><b>2011-585. SCHEDULE A PUBLIC HEARING: January 10, 2012 at 7:00 PM</b> To consider adopting Local Law Introductory No. 36-2011 amending the Code of the Town of Huntington, Chapter 6 (Audit and Control, Department of) so as to add to section 6-2 (Establishment) Subdivision B (Division of Purchasing) a new subsection 4 (Local Preference).</p>	<b><u>MC</u></b>	<b><u>MM</u> <u>SB</u></b>	<b><u>5</u></b>
<p><b>MOTION TO ADD RESOLUTION # 2011-586 TO THE AGENDA.</b></p>	<b><u>FP</u></b>	<b><u>MC</u></b>	<b><u>5</u></b>
<p><b>2011-586. AUTHORIZE</b> the Supervisor to execute a contract between the Town of Huntington and Local 342, Long Island United Marine Division, International Longshoreman's Association AFL-CIO (Supervisory Unit and Blue Collar Unit) and to extend certain provisions of the Labor Agreement to all current full-time exempt employees and to elected officials. <b>(Term: 1/1/2011-12/31/2015)</b></p>	<b><u>FP</u></b>	<b><u>MC</u></b>	<b><u>5</u></b>
<p><b>MOTION TO ADD RESOLUTION # 2011-587 TO THE AGENDA.</b></p>	<b><u>FP</u></b>	<b><u>MC</u></b>	<b><u>5</u></b>
<p><b>2011-587. AUTHORIZE</b> the Supervisor to sign a termination letter/agreement concerning the Debt Service Forward Delivery Agreement, dated December 8, 1999, involving the Town of Huntington, the Bank of America and the United States Trust Company of New York, and/or its successor trustee.</p>	<b><u>FP</u></b>	<b><u>MC</u></b>	<b><u>5</u></b>

**AGENDA FOR BOARD OF TRUSTEES'  
MEETING DATED: DECEMBER 13, 2011**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2011-BT27. ENACTMENT: APPROVE</b> a license agreement to the Cold Spring Harbor Seafarers, Inc. to operate a marina in Cold Spring Harbor. <b>(Term: 1/1/2012 – 12/31/2016)</b>	<b>SB</b> <b>MM</b>	<b>FP</b>	<b><u>5</u></b>
<b>2011-BT28. SCHEDULE A PUBLIC HEARING: January 10, 2012 at 7:00 PM</b> To consider the issuance of a Special Use Permit pursuant to the Marine Conservation Law, Town Code Chapter 137 Applicant: Barbara Raisch on behalf of Eaton Harbors Corp. Location: South end of Beach Rd., Eaton's Neck, N.Y. 11768 S.C.T.M. #0400-005.00-05.00-001.000.	<b>SB</b>	<b>FP</b>	<b><u>5</u></b>
<b>2011-BT29. SCHEDULE A PUBLIC HEARING: January 10, 2012 at 7:00 PM</b> To consider the issuance of a Special Use Permit under Chapter 137 (Marine Conservation) Applicant: En-Consultants Inc. Location: 29 Bluff Point Rd., Northport, N.Y. S.C.T.M. #0404-003.00-01.00-009.000. <b>(Re: Kimberly A. Willen {Rev. Trust})</b>	<b>FP</b>	<b>MC</b>	<b><u>5</u></b>

**AGENDA FOR COMMUNITY DEVELOPMENT AGENCY  
MEETING DATED: DECEMBER 13, 2011**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2011-CD8. REMOVED FROM AGENDA AT WORKSHOP.</b>			
<b>2011-CD9. AUTHORIZE</b> the Chairman to execute an extension to the contract with Israeloff, Trattner & Co. P.C., Certified Public Accountants, to conduct an independent audit for the fiscal year ending December 31, 2011.	<b><u>GJ</u></b>	<b><u>SB</u></b>	<b><u>5</u></b>
<b>2011-CD10. AUTHORIZE</b> the Chairman of the Huntington Community Development Agency to execute a contract with Holzmacher, McLendon and Murrell, P.C. for professional architectural services for the construction and rehabilitation of Veterans Community Center Facilities at American Legion Post 694, Northport, NY.	<b>MC</b> <b><u>SB</u></b>	<b>FP</b> <b>GJ</b> <b><u>MM</u></b>	<b><u>5</u></b>

**HEARINGS (Continued):**

**ACTION**

4. Consider adopting Local Law Introductory No. 33-2011, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article IV (Commercial Districts), Section 198-22 (C-1 Office-Residence District). (Local Law Introductory No. 33-2011)

**DECISION RESERVED**

5. Consider adopting Local Law Introductory No. 29-2011, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article VI (Historic Landmarks and Districts), Section 42 (Designation of Sites and Buildings), to revoke the designation as an historic landmark of the building and property known as the Bunce-Zoeller House, 129 Centershore Road, Centerport.

**(SCTM # 0400-039-06-080.002)**

(Local Law Introductory No. 29-2011)

**ENACTMENT  
RESOLUTION # 2011-567**

6. Consider adopting Local Law Introductory No. 30-2011, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article VI (Historic Landmarks and Districts), §198-42 (Designation of Sites and Buildings), to designate as an Historic Landmark the building and property known as the Old Half Hollow Schoolhouse, 5 Seaman Neck Road, Dix Hills.

**(SCTM # 0400-275-02-143)**

(Local Law Introductory No. 30-2011)

**DECISION RESERVED**

7. Consider adopting Local Law Introductory No. 34-2011, amending Town Board Resolution No. 1994-260 so as to revoke all of the covenants and restrictions previously recorded as part of the Zone Change Application #93-ZM-268 of West Neck Associates, LLC, and reestablishing covenants and restrictions for property located on the northwest corner of West Neck Road and Nathan Hale Drive, Huntington, SCTM # 0400-070-01-021.

(Local Law Introductory No. 34-2011)

**DECISION RESERVED**

8. Consider adopting Local Law Introductory No. 31-2011, considering Zone Change Application #2011-ZM-387, known as the Residences at Oheka Castle, to change the Zoning from R-80, R-40, R-20 & R-10 Residence Districts and C-6 General Business District to R-OSC Residence - Open Space Cluster District for the property located on the west side of East Gate Drive, North of Colonial Drive, West Hills, SCTM # 0400-188-01-(001, 002, 003, 004, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001, 109 & 126) and 0400-132-04-(007, 008 & 009).

(Local Law Introductory No. 31-2011)

**DECISION RESERVED**

**BOARD OF TRUSTEES' HEARINGS:**

1. Consider the issuance of a Special Use Permit under Chapter 137 (Marine Conservation).

**Applicant: Donna Myers - Location: 32 Hawkins Dr., Northport**

**SCTM # 0404-001.00-01.00-012.000.**

**(Re: Randall and Antoinette Lico)**

(2011-BT-25-Ch. 137)

**DECISION RESERVED**

**BOARD OF TRUSTEES' HEARINGS (Continued):**

**ACTION**

2. Consider the execution of a license agreement for the use of Town land as is necessary to maintain and operate a yacht club with dock assemblage at the premises known as the Ketewomoke Yacht Club, Halesite, New York.

**(SCTM # 0400-031-01-002.003)**

(2011-BT-26)

**WITHDRAWN BY  
PARTIES INVOLVED**

**COMMUNITY DEVELOPMENT AGENCY HEARING:**

1. Obtain comments on the Huntington Community Development Agency's Proposed Consolidated Plan for fiscal year 2012.

**HEARING CONCLUDED**

## INFORMATIONAL SHEET FOR TOWN BOARD MEETING

DATED: December 13, 2011

### COMMUNICATION

### ACTION

1. Letters received Certified Mail – Applying for Liquor Licenses:  
From: Gonzalo Moreno for Gonzalo Moreno or Corp. to be formed (872 East Jericho Turnpike, Huntington Station); From: Peter Sneskier for Big Daddy's of Huntington; From: Daniel Redisich for Corp. to be formed (56 Stewart Avenue, Huntington); From: Jason Allsteran for Corp. to be formed (200 Larkfield Road, East Northport); From: Jing Chen for Legacy Asian Inc.;
2. Letters received Certified Mail – Renewal for Liquor Licenses:  
From: Scott Morrell for Morrell Caterers LTD; From: Kyriakos Parpas for Venus Restaurant;
3. Notice received from Lynn Pincomb, Village Administrator for Huntington Bay, regarding Zoning Board of Appeals hearings to be held on November 17, 2011 at 7:30 PM re: A) 1 Sydney Road – to construct a new screen porch, which was begun without a permit and is subject to Notice of Violation/Stop Work Order and to legalize various structures constructed without permits that require variances B) 25 Sydney Road – Waterfront District "C1" pending sub-division approval, in order to construct additions and alterations to an existing garage and chauffeur's cottage, various variances are required.
4. Notice received from Lynn Pincomb, Village Administrator for Huntington Bay, regarding Planning Board Hearing hearings to be held on November 14, 2011 at 7:30 PM at Village Hall re: A) 40 Bay Crest – property is in a Waterfront District "C1" review of a revised previously approved landscape plan B) Crescent Beach Drive – Waterfront District "A1" – construct a new dwelling on an undeveloped lot needs site plan review, Planning Board approval and Steep Slope Special Permit.
5. Letter received from Carol Dion in support of Kensington Estates.
6. Notice received from Jennifer A. Brown, Legal Assistant for Humes & Wagner, LLP, regarding a proposed Local Law amending Chapter 205, Zoning Code for the Village of Lloyd Harbor. A Public Hearing will be held on November 21, 2011 at 8:00 PM at Village Hall. The amendment is to Article XI "Signs, Fences and Trailers", Section 205-56, "Signs in residence A-1 and A-2 Districts". Copy of Legal notice and proposal attached.
7. Letter received from Gayle Snyder with copies of the Cold Spring Hills Civic Association Newsletter "The View" for distribution.

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

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

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

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

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

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

Supervisor  
Town Board  
cc: Town Attorney

8. Note received from Gayle Snyder, Chairperson of Cold Spring Hills Civic Association, requesting that a letter from Dr. Karen Friel, Vice Chair of CSH Civic Association, to Kenneth Lindahl be distributed along with attachments. The letter is about the Dougal Property.  
Supervisor  
Town Board  
Town Attorney  
cc: Public Safety
9. Letter received from Kerry Reinhardt, District Treasurer/Accountant for the Commack Union Free School District, with a copy of the adopted 2012 Budget.  
Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
10. Letters received from Andrew Freleng, Chief Planner for Suffolk County, in response to letter sent to them on November 10, 2011 from Town Clerk, Jo-Ann Raia, regarding the following Town of Huntington Resolutions: A) #2011-BT25 B) #2011-535 C) #2011-532 D) #2011-531. According to Suffolk County Planning, this is matter for local determination which should not be construed as an approval or disapproval.  
Supervisor  
Town Board  
Town Attorney  
Historian (C & D)  
Maritime Services (A)  
Engineering Services  
cc: Planning & Environment
11. Legal Notice received from the Dix Hills Fire District, regarding the Annual Election to be held on December 13, 2011 between the hours of 4:00 PM and 9:00 PM, at Headquarters Fire House located at 115 East Deer Park Road, to elect one Commissioner for a five year term.  
Supervisor  
Town Board  
Town Attorney  
cc: Fire Inspector
12. Legal Notice received from the East Northport Fire District, regarding the Annual Election to be held on December 13, 2011 between the hours of 3:00 PM and 9:00 PM, at the East Northport Fire House to elect one Commissioner for a five year term.  
Supervisor  
Town Board  
Town Attorney  
cc: Fire Inspector
13. Legal Notice received from Eaton's Neck Fire District, regarding the Annual Election to be held on December 13, 2011 between the hours of 6:00 PM and 9:00 PM, at the Eaton's Neck Firehouse to elect one Commissioner for a five year term.  
Supervisor  
Town Board  
Town Attorney  
cc: Fire Inspector
14. Legal Notice received from Greenlawn Fire District, regarding the Annual Election to be held on December 13, 2011 between the hours of 6:00 PM and 9:00 PM, at the Greenlawn Fire Department to elect one Fire Commissioner for a five year term and to fill an unexpired two year term of office.  
Supervisor  
Town Board  
Town Attorney  
cc: Fire Inspector
15. Letter and Legal Notice received from Commack Fire District, regarding the Annual Election to be held on December 13, 2011 between the hours of 3:00 PM and 9:00 PM, at the Commack Firehouse to elect one Commissioner for five years.  
Supervisor  
Town Board  
Town Attorney  
cc: Fire Inspector
16. Legal Notice received from Halesite Fire District regarding the Annual Election to be held on December 13, 2011 between the hours of 6:00 PM and 9:00 PM, at the Halesite Firehouse, to elect one Commissioner for a five year term and to fill an unexpired three year term.  
Supervisor  
Town Board  
Town Attorney  
cc: Fire Inspector
17. Legal Notice received from the Huntington Manor Fire District regarding the Annual Election to be held on December 13, 2011 between the hours of 3:00 PM and 9:00 PM, at the Huntington Manor Firehouse, to elect one Commissioner for a five year term.  
Supervisor  
Town Board  
Town Attorney  
cc: Fire Inspector
18. Legal Notice received from the Melville Fire District regarding the Annual Election to be held on December 13, 2011 between the hours of 1:00 PM and 9:00 PM, at the Melville Main Firehouse, to elect one Commissioner for a five year term.  
Supervisor  
Town Board  
Town Attorney  
cc: Fire Inspector

19. Legal Notice received from the South Huntington Water District regarding the Annual Election to be held on December 13, 2011 at the Administration Building located at 75 Fifth Avenue South, Huntington Station and at the King of Kings Evangelical Lutheran Church at 2601 New York Avenue, Melville, between the hours of 3:00 PM and 9:00 PM, to elect one Commissioner for a term of 3 years. Supervisor  
Town Board  
cc: Town Attorney
20. Legal Notice received from the Greenlawn Water District regarding the Annual Election to be held on December 13, 2011, at the Greenlawn Water District Office at 45 Railroad Street, Greenlawn between the hours of 3:00 PM and 9:00 PM, to elect one Commissioner for a three year term. Supervisor  
Town Board  
cc: Town Attorney
21. Letter received from Mr. & Mrs. Assimilalo regarding a missing grate on a sewer drain at 3 Meredith Drive, Greenlawn. Supervisor  
Town Board  
Town Attorney  
cc: Highway
22. Email received from Nancy Berg, regarding public art installation in Huntington Station. The writer is questioning the budget cut to the arts. Supervisor  
Town Board  
Town Attorney  
cc: John Coraor, Ph.D.
23. Letter received from D. Thomas L. Rogers, District Superintendent of Schools, regarding the school district boundaries of the Cold Spring Harbor Central School District. Included was a copy of the determination and order and actual maps of the school district boundaries. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
24. Copy of Legal Notice received from Centerport Fire District regarding the Annual Election to be held on December 13, 2011 at the Main Firehouse between the hours of 3:00 PM and 9:00 PM to elect a Commissioner for a term of five years. Supervisor  
Town Board  
Town Attorney  
cc: Fire Inspector
25. Letter sent Fed Ex, addressed to Jo-Ann Raia, Town Clerk, from Arthur McGinley. Mr. McGinley is requesting that an attached letter addressed to the Zoning Board of Appeals, regarding hearing # 20303 to be held on December 1, 2011 at 6:00 PM be submitted to them. Supervisor  
Town Board  
Town Attorney  
Engineering Services  
Planning & Environment  
cc: Zoning Board of Appeals
26. Public Notice received from Richard Marino, Chairman of the Village of Laurel Hollow Board of Zoning Appeals, regarding various hearings to be held on December 13, 2011 at 7:30 PM at Village Hall. Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
27. Copy of Legal Notice received from Cold Spring Harbor Fire District regarding the Annual Election to be held on December 13, 2011, at the Cold Spring Harbor Firehouse between the hours of 3:00 PM and 9:00 PM to elect a Commissioner for a term of five years. Supervisor  
Town Board  
Town Attorney  
cc: Fire Inspector
28. Copy of Legal Notice received from Huntington Fire District regarding the Annual Election to be held on December 13, 2011 between the hours of 3:00 PM and 9:00 PM at the Huntington Fire House to elect a Commissioner for a term of five years. Supervisor  
Town Board  
Town Attorney  
cc: Fire Inspector

29. Letter received from Donna Koch, Village Clerk, regarding proposed Local Law of the Village of Northport to amend the Zoning Code to expand the uses permitted by special use permit in the Marine Business District.

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

30. Email received from Alicia Hendel, Legislative Aide for Suffolk County, regarding the following resolutions adopted on November 22, 2011: 946-2011-levying unpaid sewer rents and charges in Suffolk County Sewer District No. 3 – Southwest in the Towns of Babylon, Huntington and Islip; 950-2011-approving the return of the fund balance of the General Fund, Police District Fund, and District Court District to the taxpayers of the Towns of Suffolk County; 951-2011- Determining equalized real property valuations for the assessment rolls of the 10 towns; 952-2011 – approving the tabulation of Town charges and fixing the tax levies and charges to the Towns under the County budget for fiscal year 2011; 953-2011 – approving and directing the levy of taxes and assessments for sewer districts of Suffolk Country under the Suffolk County Budget for fiscal year 2011; 954-2011 – affirming, confirming, and adopting the assessment roll for Suffolk County Sewer District No. 3 – Southwest and directing the levy of assessments and charges within the Towns of Babylon, Islip and Huntington for the Southwest Sewer District in the County of Suffolk for Fiscal Year 2012; 956-2011- approving the tabulation of Town charges and fixing the tax levies and charges to the Towns for the MTA tax under the County budget for fiscal year 2012.

Supervisor  
Town Board  
Town Attorney  
cc: Comptroller

31. Notification received from Lynn Pincomb, Village Administrator for Huntington Bay, regarding: **A)** Planning Board Public Hearing to be held on December 13, 2011 at 7:30 PM, regarding property at 7 Woodland Drive – to replace an existing seawall construct a hot tub and reconfigure a deck. **B)** Zoning Board of Appeals Public Hearing to be held on December 15, 2011 at 7:30 PM, regarding property located at 10 Beach Drive – to construct additions and alterations to an existing dwelling, to construct an in-ground swimming pool and legalize various structures existing on the property.

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

32. Letter hand delivered from Peter and Elizabeth Werthner regarding complaints on a property located at 114 Eaton's Neck Road. The writer has previously contacted the Town about the legality of matters concerning this property.

Supervisor  
Town Board  
Town Attorney  
Public Safety  
cc: Planning & Environment (Zoning)

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE CONTRACT WITH ISRAELOFF, TRATTNER & CO. P.C., TO PERFORM AUDITING & ACCOUNTING SERVICES FOR THE TOWN OF HUNTINGTON AND TO EXECUTE AN EXTENSION TO THE CONTRACT WITH FUOCO GROUP, LLP, TO PERFORM AUDITING & ACCOUNTING SERVICES FOR THE HUNTINGTON HUMAN SERVICES INSTITUTE, CULTURAL AFFAIRS INSTITUTE & YOUTH BUREAU INSTITUTE, AND APPOINT EACH AS OFFICIAL TOWN AUDITORS TO PERFORM SAID ACCOUNTING AND AUDITING SERVICES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2011

Resolution for Town Board meeting dated: December 13, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, Town Board Resolution 2008-712 authorized the Supervisor to execute a contract with Israeloff, Trattner & Co., P.C. for professional auditing and accounting services for the Town of Huntington, RFP 2008-11; and

WHEREAS, Town Board Resolution 2008-712 authorized the Supervisor to execute a contract with Fuoco Group, LLP for professional auditing and accounting services for the Huntington Human Services Institute, Cultural Affairs Institute, and the Youth Bureau Institute, RFP 2008-11; and

WHEREAS, said contracts provide for four one (1) year extensions upon mutual consent of both parties; and

WHEREAS, Israeloff, Trattner & Co., P.C and Fuoco Group, LLP have requested the Town Board's approval for the third one (1) year extension of the contract; and

WHEREAS, the Town's Audit Committee has reviewed the auditor's performance, responsiveness, qualifications and proposal price and recommends that it is in the best interest of the Town to engage the current auditing firms and exercise the third year extension option for the performance of the 2011 annual audits; and

WHEREAS, the execution of this contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.2 (b), and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD.

HEREBY AUTHORIZES the Supervisor to execute an extension to the contract with Israeloff, Trattner & Co., P.C. and appoint same as official Town Auditors to perform accounting and auditing services for the Town of Huntington for the fiscal year ending December 31, 2011 for an amount not to exceed the sum of EIGHTY-EIGHT THOUSAND FIVE HUNDRED AND NO/100 (\$88,500.00) DOLLARS to be charged to Operating Budget Item A1315-4550 for a term commencing January 1, 2012 and terminating December 31, 2012; and

HEREBY AUTHORIZES the Supervisor to execute a extension to the contract with Fuoco Group, LLP. and appoint same as official Town Auditors to perform accounting and auditing services for the fiscal year ending December 31, 2011, for an amount not to exceed the sum of THREE THOUSAND EIGHT HUNDRED AND NO/100 (\$3,800.00) DOLLARS for the Huntington Human Services Institute; and for an amount not to exceed sum of the sum of TWO THOUSAND SEVEN HUNDRED AND NO/100 (\$2,700.00) DOLLARS for the Cultural Affairs Institute, both to be charged to Operating Budget Item A1315-4550; and for an amount not to exceed the sum of FOUR THOUSAND THREE HUNDRED AND NO/100 (\$4,300.00) DOLLARS for the Youth Bureau Institute to be charged directly to the Youth Bureau Institute for a term commencing January 1, 2012 and terminating December 31, 2012.

VOTE:            AYES: 5        NOES: 0        ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-538

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH PATRIOT COURIER SERVICE, INC., FOR THE PROVISION OF COURIER SERVICE FOR THE OFFICE OF THE TAX RECEIVER, NUNC PRO TUNC.

Resolution for Town Board Meeting Dated: December 13, 2011

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

WHEREAS, pursuant to General Municipal Law §10(4), the Town is authorized to contract with a courier service for the transport and deposit of tax monies; and a bank may reimburse all or part of such actual costs; and

WHEREAS, the Receiver of Taxes has received a proposal from Patriot Courier Service, Inc., 1165 Montauk Highway, East Patchogue, New York 11772 for a one-year term from December 1, 2011 to November 30, 2012; and

WHEREAS, the contract with Patriot Courier Service, Inc. would allow the Receiver of Taxes to make deposits with JP Morgan Chase & Co. on a regular basis, making the matter of depositing the funds a safe, secure and efficient process; and

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

NOW THEREFORE,

THE TOWN BOARD,

HEREBY AUTHORIZES the Supervisor to execute a contract with Patriot Courier Service, Inc. for the provision of courier service for the Office of the Tax Receiver, at no cost to the Town, under such terms and conditions as may be acceptable to the Town Attorney, nunc pro tunc.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AGREEMENTS FOR THE PROVISION OF VARIOUS YOUTH SERVICES ON BEHALF OF THE YOUTH BUREAU FOR THE YEAR 2012

Resolution for Town Board Meeting Dated: December 13, 2011

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington annually enters into contractual relationships with essential not-for-profit service providers in the Town of Huntington that offer assistance to all youth and families such as counseling, runaway and homeless youth services, homework help, recreational programs, employment and career planning, college prep and conflict resolution in the Town of Huntington funded through the Town's Youth Bureau; and

WHEREAS, the Town Board wishes to continue to maintain access to these services for its residents through programs provided by said not-for-profit organizations; 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 youth services agreements is not an action as defined 6 NYCRR §617-2(b) and therefore no further SEQR review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor, on behalf of the Town of Huntington Youth Bureau, to execute agreements on such terms and conditions as may be acceptable to the Town Attorney for the provision of services pursuant to the Town's Comprehensive Youth Plan for the year 2012 with the following agencies:

Tri Community and Youth Agency, Inc. (Region I). West Hills Rd., Hunt., Sta., NY 11746	\$529,300.00
Youth Directions and Alternatives, Community and Youth Agency, Inc (Region II) 7 Diane Court, E. Npt., NY 11731	\$379,107.00
Regional Enrichment Agency of Commack and Half Hollow Hills, Community and Youth Agency, Inc. (Region III) 525 Hall Hollow Rd., Dix Hills, NY 11746	\$305,726.00
Family Service League of Suffolk County, Inc. 790 Park Ave., Hunt., NY 11743	\$289,042.00
Long Island Crisis Center, Inc 2740 Martin Ave., Bellmore, NY 11710	\$ 15,594.00

C.A.S.T. Program Tri-Community and Youth Agency, Inc. (Region I) West Hills Rd., Hunt. Sta., NY 11746	\$40,000.00
Huntington Youth Bureau Youth Development Research Institute, Inc. (Non Drug related) 423 Park Ave., Hunt., NY 11743	\$815,519.00
Huntington Youth Bureau Youth Development Research Institute, Inc. (Drug related) 423 Park Ave., Hunt., NY 11743	\$800,514.00

BE IT UNDERSTOOD that services provided pursuant to the above agreements shall be financed with funds provided by the Town of Huntington (Operating Budget Items A7320.4001 & A4220.4001), Local Villages, the New York State Office of Children and Family Services, Suffolk County Youth Bureau, Dept. of Health and Human Services, Suffolk Dept. of Health; and

BE IT FURTHER RESOLVED that the Supervisor is authorized to execute amendments to these agreements in order to adjust the amounts approved in this resolution, based on changes in funding provided by County and State sources without additional contributions by the Town of Huntington, subject to such terms and conditions as may be acceptable to the Town Attorney; and

HEREBY AUTHORIZES the Comptroller to amend the Town's Operating Budget as necessary to reflect the changes in funding provided by County and State sources, upon execution of all required documentation, not to exceed the funded amount on the executed amendments.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AGREEMENTS ON BEHALF OF THE DEPARTMENT OF HUMAN SERVICES FOR THE YEAR 2012

Resolution for the Town Board Meeting Dated: December 13, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, THE Town of Huntington annually enters contractual relationships with essential not-for-profit social and human service providers that offer assistance to Huntington residents funded through the auspices of the Department of Human Services; and

WHEREAS, the Town Board wishes to continue to maintain access to these social and human services for its residents through programs provided by said not-for-profit organizations and;

WHEREAS, the provisions of services pursuant to these agreements is not an action as defined By 6 N.Y.C.R.R. Section 617.2(b) and, therefore, no further SEQRA is required.

THE TOWN BOARD AUTHORIZES the Supervisor, to execute agreements, and any other documents in connection therewith, for the provision of services, pursuant to the indicated appropriations, for the year 2012 with the following agencies, and upon such other terms and conditions as may be acceptable to the Town Attorney:

<u>CONTRACTOR</u>	<u>APPROPRIATION</u>	<u>AMOUNT</u>
CHILD CARE COUNCIL OF SUFFOLK, INC. 60 Calvert Avenue, Commack, NY 11725 Parent Leadership Initiative	A 6770.4014	\$ 5,000
FAMILY SERVICE LEAGUE, INC. 790 Park Avenue, Huntington, NY 11743 Emergency Housing Relocation	A 6770.4025	\$40,000
Work Plus	A 6770.4016	\$25,000
Elderlink	A 6770.4039	\$ 6,000
SeniorNet	A 6770.4055	\$ 7,500
FEDERATION OF ORGANIZATIONS, INC. 1 Farmingdale Road, W. Babylon, NY 11704 Foster Grandparents	A 6770.4013	\$ 5,000

HUNTINGTON BREAST CANCER  
ACTION COALITION, INC.  
P.O. BOX 1446, Huntington, NY 11743

Lend A Helping Hand	A 6770.4053	\$10,000
Students and Scientists Program	A 6770.4056	\$ 3,000

LITERACY SUFFOLK, INC. 627 N. Sunrise Service Road, Bellport, N.Y.11713	A 6312.4001	\$ 5,000
---	-------------	----------

PEDERSON-KRAG CENTER, INC. 55 Horizon Drive, Huntington, N.Y. 11743 Mental Health Programs	A4225.4001	\$ 5,000
Bi-Lingual Social Worker Huntington Station	A4225.4001	\$12,000

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

Resolution for Town Board Meeting Dated: December 13, 2011

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

WHEREAS, the Senior Citizens of the Town of Huntington utilize certain facilities within the Town for meeting places and agreements have been prepared concerning the utilization of said places for 2012 as follows:

- |   |                               |
|---|-------------------------------|
| Centerport Methodist Church             | Paumanack Village I & II      |
| Presbyterian Church of Sweet Hollow     | Paumanack Village III & IV    |
| Gloria Dei Lutheran Church              | Temple Beth Torah             |
| Harborfields Public Library             | Union United Methodist Church |
| Huntington Public Library               | St. Matthew's R.C. Church     |
| Northport Public Library (2 Agreements) | St. Paul's Lutheran Church    |

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 2012 for various fees and specified periods as per each agreement to be charged to A-6772.4710 and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:        AYES: 5        NOES: 0        ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH GUILDNET MANAGED LONG TERM CARE AN AFFILIATE OF THE JEWISH GUILD FOR THE BLIND AND THE TOWN OF HUNTINGTON FOR THE PROVISION OF SOCIAL DAY CARE SERVICES THROUGH THE HUNTINGTON ADULT DAY CARE PROGRAM

Resolution for Town Board Meeting dated: December 13, 2011

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

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

WHEREAS, the Town of Huntington operates an Adult Day Care Program that provides social model day care services such as educational, craft, recreational and group activities and a hot lunch for the frail elderly; and

WHEREAS, GuildNet Managed Long Term Care an Affiliate of the Jewish Guild for the Blind (GuildNet) provides managed care services, which allows appropriate individuals to remain in their homes while receiving nursing home level care, such as, health rehabilitation, medical support services and personal care, including respite care, social day care, and transportation; and

WHEREAS, GuildNet desires to provide eligible senior citizens with social day care services through the Huntington Adult Day Care Program; and

WHEREAS, such services may also include related transportation between the patient's home and the location of the Huntington Adult Day Care Program and other services which the Center may offer; and

WHEREAS, GuildNet will reimburse the Town of Huntington the sum of FORTY AND NO/100 (\$40.00) DOLLARS a day, per person for attendance; and

WHEREAS, the execution of this agreement 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 GuildNet, 15 West 65<sup>th</sup> Street, New York, NY 10023, for the provision of social day care services through the Huntington Adult Day Care Program for an amount not to exceed the sum of FORTY AND NO/100 (\$40.00) DOLLARS a day, per person for a period of one year, and to execute any documents in connection therewith upon such other terms and conditions as are acceptable to the Town Attorney.

2011-542

VOTE:                      AYES: 5      NOES: 0      ABSTENTIONS: 0

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

THE RESOLUTION WAS THERE UPON DECLARED DULY ADOPTED

2011-544

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE CONTRACTS  
FOR THE PROVISION OF PROFESSIONAL ICE SKATING INSTRUCTION AT  
THE DIX HILLS PARK ICE RINK FACILITY

Resolution for Town Board Meeting Dated: December 13, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington Department of Parks & Recreation offers professional ice skating lessons and instructional programs at the Dix Hills Ice Rink facility; and

WHEREAS, services by professional ice skating instructors are utilized to provide such lessons and programs; and

WHEREAS, contracts with the skating professionals will expire on December 31, 2011; and

WHEREAS, the execution of contracts with Ice Skating Professionals is not an action pursuant to 6 N.Y.C.R.R. §617.2(b) and therefore, no SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute contracts with the following Ice Skating Professionals for the provision of ice skating lessons and instructional programs at the Dix Hills Park Ice Rink for the period January 1, 2012 through December 31, 2012:

Amy Rivers, 9 Leonard Street, Nesconset, NY 11767  
Adam Leib, 10 St. John Place, Port Washington, NY 11050  
Andy Cozzi, 24 Burns Court, Greenlawn, NY 11740  
Corrine Raile Heilburn, 52 Ridge Drive, Plainview, NY 11803  
Daniel Bivona, 88 Parkdale Drive, North Babylon, NY 11703  
Alicia Narby, 4 Knollwood Road, Huntington, NY 11743  
Kathy Martinelli, 124 Lone Oak Drive, Smithtown, NY 11787  
Stars & Skates (Tara Maceiko), 15 New Foundland Ave, Huntington, NY 11743  
Dawn Sikorski, 22 Sugarwood Lane, Commack, NY 11725  
Lee Meadows, 502 Pulaski Road, Greenlawn, NY 11740  
Melissa Levine, 31 Kinsella Street, Dix Hills, NY 11746  
Kristie Lynch, 102-20 67<sup>th</sup> Dr. #306, Forest Hills, NY 11375  
Jack Greig, 77 Madison Circle, Middle Island, NY 11953  
Barbara Williams, 26 Primrose Lane, Kings Park, NY 11754  
Melinda Maidel, 37 Spinner Lane, Commack, NY 11725

Barbara DeLuca, 6 Perri Place, Dix Hills, NY 11746  
Lou DeLuca, 6 Perri Place, Dix Hills, NY 11746  
Charlotte Caruso, 1046 Baldwin Road, Dix Hills, NY 11746  
Jaime Wendt, 189 Burlington Ave, Deer Park, NY 11729  
Linda Beach, 935 Harrison Drive, Centerport, NY 11721  
Nicole Maltese, 363 Twilight Lane, Smithtown, NY 11787  
Talia Martirano, 3 Robinhood Lane, Setauket, NY 11733  
Chris Slavik, 77 Osceola Avenue, Deer Park, NY 11729  
Matt Thomas, 488 Central Ave, Apt #2, Brooklyn, NY 11221  
Rosemarie Coyle, 502 Pulaski Road, Greenlawn, NY 11740  
David Pensa, 15 Sherman Street, Huntington, NY 11743  
Daniel Talia, 346 Wolf Hill Road, Dix Hills, NY 11746

FURTHER AUTHORIZES the Supervisor to execute all necessary documents in connection therewith and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR SURVEY REQUIREMENTS TOWNWIDE WITH AMERICAN ENGINEERING & LAND SURVEYING, P.C.

Resolution for Town Board Meeting Dated: December 13, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the work under this contract shall include all labor, materials, tools, equipment and services required to perform survey services for various departments in the Town. Work may include, but is not limited to, topographical surveys, construction staking, boundary surveys, legal descriptions and plots, record of survey and installation of monuments; and

WHEREAS, sealed bids were received on November 17, 2011 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for survey requirements contract townwide, Contract No. ES 2011-01/O-E and the same were opened publicly and read aloud; and

WHEREAS, American Engineering & Land Surveying, P.C., 80 Smith Street, Farmingdale, New York 11735 is the low bidder; and

WHEREAS, survey requirements contract townwide is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(18), 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 American Engineering & Land Surveying, P.C. for survey requirements contract townwide. The contract shall be for a two (2) year period commencing from the date of execution, but not prior to January 14, 2012, to be charged to various operating budgets as needed and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-546

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A TOWNWIDE REQUIREMENTS CONTRACT FOR TREE REMOVAL FOR ZONE 1 WITH CONSERVATION CONTROL CORP.

Resolution for Town Board Meeting Dated: December 13, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town requires a contractor to remove trees that are dead, nearly dead, diseased and/or potentially dangerous to the public. This is an annual requirements contract which enables the Town to hire a professional contractor to remove trees located within the Town right-of-way that are identified by the Urban Forester for removal based on the health or condition of the trees; and

WHEREAS, sealed bids were received on November 10, 2011, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for townwide requirements contract for tree removal-zone 1, Contract No. HWY 2011-03/O-E and the same were opened publicly and read aloud; and

WHEREAS, Conservation Control Corp., 282 Broadway, Huntington Station, New York 11746 is the low bidder; and

WHEREAS, Townwide Requirements Contract for Tree Removal – Zone 1 is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(6) and (c)(14), 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 Conservation Control Corp. for tree removal zone 1, The contract period shall be effective upon execution of the contract until December 31, 2012, to be charged to Operating Budget Item No.DB-5140-2784, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A TOWNWIDE REQUIREMENTS CONTRACT FOR TREE REMOVAL FOR ZONE 2 WITH HOHWALD LANDSCAPING INC.

Resolution for Town Board Meeting Dated: December 13, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town requires a contractor to remove trees that are dead, nearly dead, diseased and/or potentially dangerous to the public. This is an annual requirements contract which enables the Town to hire a professional contractor to remove trees located within the Town right-of-way that are identified by the Urban Forester for removal based on the health or condition of the trees; and

WHEREAS, sealed bids were received on November 17, 2011, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for townwide requirements contract for tree removal-zone 2, Contract No. HWY 2011-04/O-E and the same were opened publicly and read aloud; and

WHEREAS, Hohwald Landscaping Inc., P.O. Box 313 Brightwaters, New York 11718 is the low bidder; and

WHEREAS, Townwide Requirements Contract for Tree Removal – Zone 2 is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(6) and (c)(14), 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 Hohwald Landscaping Inc. for tree removal zone 2, The contract period shall be effective upon execution of the contract until December 31, 2012, to be charged to Operating Budget Item No.DB-5140-2784, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-548

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR REPAIR OF GASOLINE AND DIESEL PUMPS AND LEAK DETECTION SYSTEMS WITH TYREE SERVICE CORPORATION.

Resolution for Town Board Meeting Dated: December 13, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, gasoline and diesel pumps and leak detections systems throughout the town require periodic maintenance and repair in order to comply with Suffolk County regulations. This annual requirements contract is for the repair and service of these systems, on an as needed basis, at various town facilities; and

WHEREAS, Town Board Resolution 2011-50 authorized the execution of a contract with Tyree Service Corporation for repair of gasoline and diesel pumps and leak detection systems, Bid No. TOH 11-01R-007; and

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

WHEREAS, Tyree Service Corporation, 208 Route 109, Farmingdale, New York 11735 has requested the one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Tyree Service Corporation for repair of gasoline and diesel pumps and leak detection systems. The extension period shall be effective for one (1) year commencing on March 14, 2012 to be charged to the various operating budgets of the Town, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-549

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR INTERNATIONAL TRUCK REPAIRS AND PARTS WITH SYOSSET TRUCK SALES, INC. AND FOR KOMATSU HEAVY EQUIPMENT REPAIRS AND PARTS WITH EDWARD EHRBAR, INC.

Resolution for Town Board Meeting Dated: December 13, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the maintenance of Town trucks and heavy equipment is occasionally required in order to facilitate efficiency of services and prolong the life expectancy of the equipment and vehicles; and

WHEREAS, Town Board Resolution 2011-6 authorized the execution of a contract with Syosset Truck Sales, Inc. for International truck repairs and parts and Edward Ehrbar, Inc., for Komatsu heavy equipment parts and repair, Bid No. TOH 10-12R-089; and

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

WHEREAS, Syosset Truck Sales, Inc., 1561 Stewart Ave, Westbury, New York 11590 and Edward Ehrbar, Inc., 4 Executive Plaza Suite 155, Yonkers New York 10701 have requested the one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Syosset Truck Sales, Inc. for International truck repairs and parts and Edward Ehrbar, Inc., for Komatsu heavy equipment parts and repair. The extension period shall be effective for one (1) year commencing on February 23, 2012 with Syosset Truck Sales, Inc. and March 21, 2012 with Edward Ehrbar, Inc. to be charged to the various operating budgets of the Town, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-550.

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH HOLZMACHER, McLENDON, & MURRELL P.C. TO PROVIDE ANNUAL ENGINEERING RETAINER SERVICES FOR 2012 FOR THE HUNTINGTON AND CENTERPORT SEWER DISTRICTS

Resolution for Town Board Meeting Dated: December 13, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Huntington and Centerport Sewer Districts require the services of a qualified engineering consulting service on retainer for technical support of day to day activities including review of process performance, sewer connection applications and regulatory compliance; and

WHEREAS, Holzmacher, McLendon, & Murrell P.C. has submitted proposals for annual engineering retainer services for the Huntington and Centerport Sewer Districts for 2012 and the Department of Environmental Waste Management has evaluated the proposals and found them acceptable; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an agreement with Holzmacher, McLendon, & Murrell P.C., 575 Broad Hollow Road, Melville, New York 11747 for annual engineering retainer services for 2011 for the Huntington and Centerport Sewer Districts for an amount not to exceed the sum of FORTYEIGHT THOUSAND EIGHT HUNDRED TWENTY AND NO/100 (\$48,820.00) DOLLARS to be charged to Operating Budget Items SS1-8131.4550 (\$16,340.00), WM8197-2780.SM001 (\$30,000.00) and SS2-8132.4550 (\$2,480.00) and upon such other terms and conditions as approved by the Town Attorney.

VOTE:            AYES: 5    NOES: 0    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH H2M LABS INC. TO PROVIDE ANNUAL LABORATORY WASTEWATER ANALYSIS SERVICES FOR 2012 FOR THE HUNTINGTON SEWER DISTRICT

Resolution for Town Board Meeting Dated: December 13, 2011

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

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

WHEREAS, the Huntington Sewer District is required by Federal and State law to provide laboratory wastewater analysis data for the Huntington Sewage Treatment Plant to State and County regulatory agencies and such services must be completed by certified providers; and

WHEREAS, H2M Labs Inc. is certified to provide such wastewater sampling and analysis by the New York State Department of Health and has submitted a proposal to provide laboratory services for the Huntington Sewer District for 2012; and

WHEREAS, the Department of Environmental Waste Management has evaluated H2M Labs Inc.'s proposal and found them to be highly qualified to provide laboratory services to the Huntington Sewer District; and

WHEREAS, the proposed action has been classified as a Type II Action pursuant to 6 NYCRR Part 617.5 (c) (18), (20) and no further action is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an agreement and any documents in connection and related therewith with H2M Labs Inc., 575 Broad Hollow Road, Melville, New York 11747, to provide wastewater analysis laboratory services for the Huntington Sewer District for 2012 for an amount not to exceed the sum of THIRTY-TWO THOUSAND NINE HUNDRED FIVE AND NO/100 (\$32,905.00) DOLLARS to be charged to Operating Budget Item SS1-8131.4550 for a term from January 1, 2012 through December 31, 2012 and upon such other terms and conditions as approved by the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE TRANSFER OF AFFORDABLE HOUSING TRUST AND AGENCY FUNDS TO THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY FOR THE REALIGNMENT OF THE INTERSECTION AT LOWNDES AVENUE AND RAILROAD STREET TO ALLOW FOR BETTER TRAFFIC FLOW AND FOR THE DEVELOPMENT OF AFFORDABLE HOUSING AT COLUMBIA TERRACE

Resolution for Town Board Meeting Dated: December 13, 2011

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

And seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington is desirous to improve Huntington neighborhoods; and

WHEREAS, the realignment of the intersection at Railroad Street and Lowndes Avenue in Huntington Station will allow for better traffic flow and the public improvements necessary for the development of the affordable housing development, Columbia Terrace; and

WHEREAS, the Town Board affirms the recommendations of the Affordable Housing Advisory Board to transfer up to TWO HUNDRED AND FIFTY THOUSAND DOLLARS AND NO/100 (\$250,000.00) DOLLARS of Affordable Housing Trust and Agency funds to the Huntington Community Development Agency to realign the intersection of Railroad Street and Lowndes Avenue; and

WHEREAS, the Affordable Housing Trust and Agency funds the street and right-of-way opening for the purpose of repair is a Type II Action as defined by 6 N.Y.C.R.R. §617.5(c) (1) & (4) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the transfer of funds up to TWO HUNDRED AND FIFTY THOUSAND NO/100 (\$250,000.00) DOLLARS of Affordable Housing Trust and Agency funds (Account TA0085-I0023) to the Huntington Community Development Agency for the realignment of the intersection of Lowndes Avenue and Railroad Street, upon sale of the affordable units the Affordable Housing Trust Fund will be replenished.

VOTE:                    AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING SALE BY PUBLIC AUCTION OF EGYPTIAN ARTIFACTS  
IN THE COLLECTION OF THE HECKSCHER MUSEUM, WITH AUCTION PROCEEDS  
BEING RESTRICTED FOR ACQUISITION OF NEW COLLECTION OBJECTS

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, August and Nannie Heckscher in 1917 created the Heckscher Trust to which they donated certain property thereafter known as Heckscher Park and announced their intention to establish a museum on this property for the benefit of the citizens of Huntington, which was eventually completed and dedicated in 1920; and,

WHEREAS, ownership of this museum, its collection, and the surrounding 18.5-acre Heckscher Park was conveyed by the Heckscher Trust to the Town of Huntington in 1954 in exchange for the Town agreeing to maintain and operate this property in perpetuity to carry out the charitable and educational purposes of the Trust, including operation of the museum; and,

WHEREAS, subsequently the Town of Huntington encouraged a group of its citizens interested in supporting the continued operation of the museum to establish a non-profit corporation, The Heckscher Museum, in 1957 to assist the Town with management of this cultural institution; and,

WHEREAS, the Town of Huntington formally delegated responsibility for operation of the museum and care of its collection to this non-profit corporation by agreement with The Heckscher Museum in 1964; and,

WHEREAS, in keeping with these contractual responsibilities, The Heckscher Museum has observed that it does not use and does not anticipate using for its educational purposes a collection of Egyptian artifacts that was donated to the museum prior to 1954, as the Museum's focus is on Western Art traditions, with special emphasis on American art of the New York region; and,

WHEREAS, the Egyptian artifacts have been stored unused for decades, taking up valuable collection space that could be better used for collection objects more central to the museum's educational purposes; and,

WHEREAS, these unused Egyptian artifacts may have monetary value that could be used to support the acquisition of works of art more in keeping with The Heckscher Museum's mission; and,

WHEREAS, the American Association of Museums Accreditation Commission expects The Heckscher Museum to make "plans to identify and deal with the non-art and ethnographic objects" stored in its vaults; and,

WHEREAS, the American Association of Museums Accreditation Commission requires that the proceeds from any sale of objects from an accredited museum's collections be restricted to the care or acquisition of collection objects; and,

WHEREAS, the sale by public auction of objects from a museum collection and restriction of sale proceeds to acquisition of new collection objects 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 and request of the Board of Trustees of The Heckscher Museum,

HEREBY authorizes The Heckscher Museum to sell the Egyptian artifacts now in its possession through recognized public auction houses so that the highest prices possible will be obtained in the public market place;

and

HEREBY directs that any funds accrued from the sale of the Egyptian artifacts at public auction be placed in a segregated Heckscher Museum account/fund exclusively for the purchase of art to enrich its permanent collection for the educational benefit of the Town's citizens.

VOTE:        AYES: 5    NOES: 0    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION REAPPOINTING A MEMBER TO THE AUDIT COMMITTEE

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND

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

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

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

NOW, THEREFORE

THE TOWN BOARD

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

Robert Budah  
450 Deer Park Rd.  
Dix Hills, NY 11746

Term  
January 1, 2012-December 31, 2014

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

Resolution for Town Board Meeting Dated: December 13, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

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

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

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

NOW, THEREFORE

THE TOWN BOARD

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

Reinstate the following positions:

A-1621-1100	Custodial Worker	\$1,237
A-3010-1100	Guard II	1,459
A-5630-1100	Bus Driver (2)	4,334

Create the following position:

A-1420-1100	Sr. Legal Secretary	2,190
-------------	---------------------	-------

Abolish the following position:

A-1420-1100	Secretarial Assistant	(2,300)
-------------	-----------------------	---------

Adjust the following Revenues:

A2680	Insurance Recoveries	310,000
-------	----------------------	---------

Adjust the following Appropriations:

A1990-1100	Contingency-Salaries	(116,920)
A1410-4441	Outside Professional-Legal	310,000
A1621-4120	Fuel	110,000
A1621-4220	Electric	(65,000)
A5630-4120	Fuel	65,000

VOTE:            AYES: 5    NOES: 0    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO ELIMINATE ALL FULL-TIME POSITIONS VACATED BY RETIREMENT AND/OR ATTRITION AND TRANSFER SURPLUS MONIES CREATED BY SUCH VACANCIES TO A GENERAL CONTINGENCY ACCOUNT INTO THEIR RESPECTIVE OPERATING FUNDS FOR THE YEAR 2012

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, the Town Board is desirous of reducing its payroll costs and pursuant to Town Board Resolution 2011-1, has already expressed its intent to freeze all full-time and part-time positions in 2011 as they are vacated in order to control expenditures; and

WHEREAS, the Town Board has consistently ensured that previously enacted retirement incentives are effective by placing all full-time positions that are vacated in a General Contingency Account, to be reinstated only upon resolution of the Town Board; and

WHEREAS, the Annual Operating Budget for the fiscal year commencing January 1, 2012 was adopted by default with the intention that all budgeted salaries for full-time positions remaining vacant as of January 1, 2012 shall be transferred to a contingency account; and

WHEREAS, the Town Board has expressed its intention that any position that is to be filled in 2012 must first be evaluated and deemed to be necessary for the continuation of essential Town services and for the safety and welfare of the community; and

WHEREAS, the elimination of full-time positions, including applicable funding, vacated by retirements and attrition to a general contingency account is not an action as defined by 6 N.Y.C.R.R. §617.5 (c)(20) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to eliminate all full-time positions vacated by retirement and/or attrition and transfer surplus monies created by such vacancies to a General Contingency Account into their respective operating funds for the year 2012, and directs that said positions shall not be reinstated except by further resolution of the Town Board; and

BE IT FURTHER RESOLVED, that this Resolution shall be effective on January 1, 2012.

VOTE:            AYES:    5            NOES:    0            ABSTENTIONS:    0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2011 OPERATING BUDGET FOR FEDERAL DISASTER RELIEF AID FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ASSOCIATED WITH TROPICAL STORM IRENE FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, in August 2011, Tropical Storm Irene caused significant and extensive damage including flooding, electrical outages and fallen trees within the Town whereby Long Island has been declared a federal disaster area eligible for federal disaster relief aid through FEMA; and

WHEREAS, the Town has incurred \$3.3 million in storm related costs including clean up efforts such as removing debris and clearing fallen trees; and

WHEREAS, the Town has historically received funding from FEMA for approximately ninety percent of the eligible storm related expenses and any differences to funding actually received will be adjusted upon receipt; and

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

WHEREAS, amending the 2011 Budget is not an action pursuant to SEQRA as defined by 6 N.Y.C.R.R. §617.5 (c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to make the budgetary amendments to the 2011 Operating Budget as per the attached Schedule A.

VOTE:            AYES:    5            NOES:    0            ABSTENTIONS:    0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2011 OPERATING BUDGET FOR FEDERAL DISASTER RELIEF AID FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ASSOCIATED WITH TROPICAL STORM IRENE FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, in August 2011, Tropical Storm Irene caused significant and extensive damage including flooding, electrical outages and fallen trees within the Town whereby Long Island has been declared a federal disaster area eligible for federal disaster relief aid through FEMA; and

WHEREAS, the Town has incurred \$3.3 million in storm related costs including clean up efforts such as removing debris and clearing fallen trees; and

WHEREAS, the Town has historically received funding from FEMA for approximately ninety percent of the eligible storm related expenses and any differences to funding actually received will be adjusted upon receipt; and

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

WHEREAS, amending the 2011 Budget is not an action pursuant to SEQRA as defined by 6 N.Y.C.R.R. §617.5 (c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to make the budgetary amendments to the 2011 Operating Budget as per the attached Schedule A.

VOTE:            AYES:    5            NOES:    0            ABSTENTIONS:    0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule A			
Increase the following appropriations that require additional funding:			
A1621	1300	Overtime Salaries	\$ 60,640
A1621	8020	Social Security	4,640
A1621	8021	MTA Tax	204
A1625	1300	Overtime Salaries	7,965
A1625	8020	Social Security	615
A1625	8021	MTA Tax	25
A1680	1300	Overtime Salaries	820
A1680	8020	Social Security	65
A1680	8021	MTA Tax	5
A3010	1300	Overtime Salaries	11,900
A3010	8020	Social Security	910
A3010	8021	MTA Tax	40
A3120	1300	Overtime Salaries	2,625
A3120	8020	Social Security	195
A3120	8021	MTA Tax	10
A3621	1300	Overtime Salaries	1,139
A3621	8020	Social Security	90
A3621	8021	MTA Tax	5
A5630	1300	Overtime Salaries	2,625
A5630	8020	Social Security	200
A5630	8021	MTA Tax	10
A7116	1300	Overtime Salaries	850
A7116	8020	Social Security	65
A7116	8021	MTA Tax	5
A7181	1300	Overtime Salaries	2,450
A7181	8020	Social Security	175
A7181	8021	MTA Tax	10
A7182	1300	Overtime Salaries	4,375
A7182	8020	Social Security	350
A7182	8021	MTA Tax	15
A7183	1300	Overtime Salaries	1,050
A7183	8020	Social Security	90
A7183	8021	MTA Tax	5
A8565	1300	Overtime Salaries	1,575
A8565	8020	Social Security	125
A8565	8021	MTA Tax	5
A9010	8010	State Retirement	15,750
A1621	4550	Supplies	60
A1670	4550	Supplies	60
B1620	1300	Overtime Salaries	790
B1620	8020	Social Security	60
B1620	8021	MTA Tax	5
B3620	1300	Overtime Salaries	2,975
B3620	8020	Social Security	225
B3620	8021	MTA Tax	10
B3622	1300	Overtime Salaries	2,625
B3622	8020	Social Security	200
B3622	8021	MTA Tax	10

<b>Schedule A</b>			
<b>Increase the following appropriations that require additional funding:</b>			
B8020	1300	Overtime Salaries	2,365
B8020	8020	Social Security	175
B8020	8021	MTA Tax	10
B9010	8010	State Retirement	1,400
DB5110	1300	Overtime Salaries	500,545
DB5110	8020	Social Security	38,260
DB5110	8021	MTA Tax	1,705
DB5110	4270	Motor Vehicle Rentals	1,851,940
DB5110	4510	Equipment, Supplies, Repairs	29,200
DB5130	1300	Overtime Salaries	54,690
DB5130	8020	Social Security	4,200
DB5130	8021	MTA Tax	175
DB5130	8010	State Retirement	88,815
SL5182	1300	Overtime Salaries	5,380
SL5182	8020	Social Security	410
SL5182	8021	MTA Tax	15
SL5182	8010	State Retirement	865
SR8158	4420	Subcontract Costs	462,440
SR8158	4990	Refuse Disposal	64,725
SS18131	1300	Overtime Salaries	11,000
SS18131	8020	Social Security	875
SS18131	8021	MTA Tax	35
SS18131	8010	State Retirement	1,750
SS38133	1300	Overtime Salaries	2,890
SS38133	8020	Social Security	225
SS38133	8021	MTA Tax	10
SS38133	8010	State Retirement	465
SW18321	1300	Overtime Salaries	8,750
SW18321	8020	Social Security	665
SW18321	8021	MTA Tax	30
SW18321	8010	State Retirement	1,400
		<b>Total</b>	<b>\$ 3,264,050</b>
<b>Increase the following revenue accounts:</b>			
A4785	4785	Federal Aid-FEMA	\$ 121,740
B4785	4785	Federal Aid-FEMA	10,850
DB4785	4785	Federal Aid-FEMA	2,569,530
SL4785	4785	Federal Aid-FEMA	6,670
SR8158	4785	Federal Aid-FEMA	527,165
SS18158	4785	Federal Aid-FEMA	13,660
SS38158	4785	Federal Aid-FEMA	3,590
SW18321	4785	Federal Aid-FEMA	10,845
		<b>Total</b>	<b>\$ 3,264,050</b>
		<b>Net Effect</b>	<b>-</b>

RESOLUTION AUTHORIZING COMPTROLLER TO APPROPRIATE MONIES FROM THE ENVIRONMENTAL OPEN SPACE AND PARK IMPROVEMENT FUND AND NEIGHBORHOOD PARKS FUND FOR RECOMMENDED PARK IMPROVEMENTS (JOHN J. WALSH, HECKSCHER, VETERANS, MANOR FIELD, AND NORTHPORT RAIL TRAIL PARKS)

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILWOMAN JACKSON**

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

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

WHEREAS, the EOSPA Committee reviewed and voted to support nominations submitted by the Director of General Services at its meeting of November 15, 2011 to reconstruct six ballfields at Veterans (2 fields), Manor Field, John J. Walsh (2 fields), and Heckscher Parks with funding recommended to be split between the EOSPA Program (John J. Walsh and Heckscher Parks, not to exceed \$250,000) and the Neighborhood Parks Fund (Veterans and Manor Field Parks, not to exceed \$186,000); and the proposed ballfield improvements will enhance safety of participants, spectators and residents that utilize the parks; and reconstruction of the ballfields is classified Type II pursuant to 6 NYCRR 617.5(c)(2);

WHEREAS, the EOSPA Committee reviewed and voted to support a boundary survey for the Northport Rail Trail Park to place monuments and identify existing features and encroachments and voted to recommend an amount not to exceed \$6,750 based on an estimate from American Engineering and Land Surveying, P.C., pursuant to townwide requirements contract #ES 2008-04/O-E; and surveying is classified Type II pursuant to SEQRA 6 NYCRR 617.5(c)(18) as it involves information collection that does not commit the agency to undertake, fund or approve any Type I or Unlisted action;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds on an as-needed basis to be transferred from A-0870 Open Space Land and Park

Improvements Reserve Fund and from Neighborhood Parks TA-0037-A9301, in addition to funding that may have already been authorized for these projects, and charged to the appropriate capital budget account for the park improvement recommended by the EOSPA Committee as listed below for implementation by the identified department/entity:

**DEPARTMENT OF GENERAL SERVICES**

*John J. Walsh Park (two baseball fields), not to exceed \$163,000 from EOSPA Park Improvement Program*

*Heckscher Park (one softball field), not to exceed \$87,000 from EOSPA Park Improvement Program*

*Veterans Park (two Little League fields), not to exceed \$105,000 from Neighborhood Parks Fund*

*Manor Field Park (one softball field), not to exceed \$81,000 from Neighborhood Parks Fund*

Install new ballfield backstops and associated fencing, concrete curbing, and concrete pads for dugouts, bleachers and handicapped access and viewing

*Northport Rail Trail, not to exceed \$6,750 from EOSPA Park Improvement Program*

Provide boundary survey with monuments to establish existing conditions

AND BE IT FURTHER

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

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2011  
OPERATING BUDGET FOR THE GOVERNMENT ACCESS CABLE TELEVISION

Resolution for Town Board Meeting Dated: December 13, 2011

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

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

WHEREAS, the Town has begun broadcasting Town Board meetings, proceedings and programming on Huntington Government Access Cable television and Internet multimedia in an effort to provide transparency to Huntington residents; and

WHEREAS, Cablevision Systems, Inc. and Verizon New York, Inc provides the Town with funding for the operation of the government access television station under the terms of their respective franchise agreements to purchase and install required equipment and to fund any operational expenses of the station; and

WHEREAS, a transfer is required to replenish funds used to purchase a long term media management and backup system to archive the videos, video equipment and personnel costs to film, edit and schedule programming; 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 a contract for design, installation and training services is not an action under SEQRA or defined by 6 N.Y.C.R.R. §617.2 (b) and therefore no further SEQRA review is required.

**THE TOWN BOARD**

HEREBY AUTHORIZES the Comptroller to make the following amendment to the 2011 Capital and Operating Budget and transfer \$72,500.00 from Trust & Agency account TA0085-K0001 (Cablevision, Inc.) and \$72,500.00 from Trust & Agency account TA0085-K0009 (Verizon New York, Inc.) as follows:

Increase the following revenue:

A2770-2770	Unclassified Revenue	\$ 85,000
H972770-2770	Unclassified Revenue	60,000

Increase the following appropriation:

A1680-1300	Overtime	\$ 15,750
A6410-1150	Part Time Wages	25,300
A1680-2600	Equipment and Machinery	5,000

A1680-4550	Professional Fees	11,700
A1680-4122	Computer Supplies	230
A1680-4550	Professional Services	25,000
A1680-8020	Social Security Tax	1,935
A1680-8021	MTA Tax	85
IT1997-2210-11201	2011 Townwide Computerization	60,000

VOTE:                    AYES:    5                    NOES:    0                    ABSTENTIONS:    0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE 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: December 13, 2011

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

And seconded by: **COUNCILWOMAN JACKSON**

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

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

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

NOW, THEREFORE, THE TOWN BOARD

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

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
1209 McFadden Dr. E. Northport, NY 11731	0400-128.00-03.00-018.000	Mariann Duignan	10/11/2011	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
45 Oakley Dr. Huntington Sta., NY 11746	0400-194.00-03.00-086.000	Jason Mills	11/09/2011	N/A
199 Seaman Neck Rd. Dix Hills, NY 11746	0400-278.00-02.00-044.000	Ramesh Pawa	11/15/2011	N/A
35 Vanderbilt Pkwy. Dix Hills, NY 11746	0400-245.00-03.00-052.000	Eun Hee Choi Soon Ja Choi	11.28.2011	BAC Tax Services MS: CA6-913-LB-01 ATTN: CASH MGMT 1757 Tapo Canyon Rd. Simi Valley, CA 93063 Tax Payer ID 006001757
1068 Westminster Ave. Dix Hills, NY 11746	0400-278.00-02.00-153.000	Brian E. Levenson Kathryn Garten	09/20/2011	N/A

Chapter 156, Section 16A of the Code of the Town of Huntington  
Removal of Junk Vehicle(s)

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
1209 McFadden Dr. E. Northport, NY 11731	0400-128.00-03.00-018.000	Mariann Duignan	10/11/2011	N/A

Chapter 156, Section 45 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>
199 Seaman Neck Rd. Dix Hills, NY 11746	0400-278.00-02.00-044.000	Ramesh Pawa	11/15/2011	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>
1 Dix Hills Rd. Huntington, NY 11743	0400-158.00-03.00-031.000	Robert Totans	10/06/2011	N/A
1209 McFadden Dr. E. Northport, NY 11731	0400-128.00-03.00-018.000	Mariann Duignan	10/11/2011	N/A
45 Oakley Dr. Huntington Sta., NY 11746	0400-194.00-03.00-086.000	Jason Mills	11/09/2011	N/A
199 Seaman Neck Rd. Dix Hills, NY 11746	0400-278.00-02.00-044.000	Ramesh Pawa	11/15/2011	N/A
35 Vanderbilt Pkwy. Dix Hills, NY 11746	0400-245.00-03.00-052.000	Eun Hee Choi Soon Ja Choi	11.28.2011	BAC Tax Services MS: CA6-913-LB-01 ATTN: CASH MGMT 1757 Tapo Canyon Rd. Simi Valley, CA 93063 Tax Payer ID 006001757
1068 Westminster Ave. Dix Hills, NY 11746	0400-278.00-02.00-153.000	Brian E. Levenson Kathryn Garten	09/20/2011	N/A

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>
93 West 11 <sup>th</sup> St. Huntington Sta., NY 11746	0400-137.00-03.00-011.000	Arthur Center	12/09/2011	Benjamin F. Hill, Sr. POB 248 Central Islip, NY 11722
1068 Westminster Ave. Dix Hills, NY 11746	0400-278.00-02.00-153.000	Brian E. Levenson Kathryn Garten	09/20/2011	N/A

RESOLUTION AUTHORIZING THE TOWN OF HUNTINGTON ANIMAL SHELTER TO WAIVE THE ADOPTION FEE THROUGH DECEMBER 31, 2011

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: Supervisor Petrone, **COUNCILMAN MAYOKA**

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

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

WHEREAS, the Town Board wishes to waive the adoption fee through December 31, 2011; and

WHEREAS, the animal adoption fee waiver is not an action defined by 6 N.Y.C.R.R. § 617.2 (b), and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Town of Huntington's Animal Shelter to institute a waiver of the animal adoption fee through December 31, 2011 waiver.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-562

RESOLUTION ACCEPTING A DONATION OF A BENCH FOR THE CENTERPORT  
BEACH HOUSE

Resolution for Town Board Meeting dated: December 13, 2011

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

WHEREAS, Kathy Geiger was a well loved Senior Citizen Club Leader in the Department  
of Human Services; and

WHEREAS, Kathy Geiger recently passed away; and

WHEREAS, the members of the Huntington Station Senior Club would like to donate a  
bench to be displayed at the Centerport Beach House; and

WHEREAS, this bench will serve as a beautiful remembrance of a cherished Senior Club  
Leader; and

WHEREAS, the donation of a bench is not an action as defined by 6 N.Y.C.R.R. 617.2(b)  
and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY ACCEPTS the bench in remembrance of Kathy Geiger and thanks the  
members of the Huntington Station Senior Club for their generosity.

VOTE:           AYES: 5    NOES: 0    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY OPTED.

2011-563

RESOLUTION ADOPTING MARINA CONTRACT FOR YEAR 2012 SPRING,  
SUMMER, AND AUTUMN MARINA STORAGE AT TOWN MARINAS

Resolution for Town Board Meeting Dated: December 13, 2011

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

WHEREAS, the marina contract for 2012 Spring, Summer & Autumn Marina Storage has been amended and requires approval; and

WHEREAS, the Harbors and Boating Advisory Council has recommended that Spring, Summer and Autumn storage rates for 20 foot and under at \$75.00 per foot and that the rates for vessels greater than 20 feet at \$80.00 per foot; and

WHEREAS, the adoption of the Marina Contract for Spring, Summer & Autumn Marina Storage for Pleasure Boats at Town Marinas is a Type II action pursuant to 6 NYCRR §617.5(c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD, upon the recommendation of the Department of Maritime Services and the Harbors and Boating Advisory Council,

HEREBY ADOPTS the Marina Contract for the year 2012 Spring, Summer & Autumn Marina Storage for Pleasure Boats at Town Marinas, attached hereto and made part of this resolution as Schedule A.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

*Summer Marina Contract  
Department of Maritime Services  
11/09/11  
HVA/tg*

2011-563

**TOWN OF HUNTINGTON  
DEPARTMENT OF MARITIME SERVICES  
MARINA CONTRACT  
PLEASURE BOATS ONLY**

**SCHEDULE A**

**TERMS AND CONDITIONS**

1. The granting of berthing hereunder is from April 1, 2011 to October 31, 2011. User warrants that he owns the boat and has Marine Insurance Coverage. It is agreed between the Town and the User that no responsibility is assumed by the Town for injuries to any persons on Marina property, nor for the safety of any boat in the Marina area, or fire, theft, or damage to boat or equipment howsoever arising. The User shall save the Town and the Board of Trustees harmless from any such loss or damage and the Town of Huntington and the Board of Trustees shall be under no obligation to insure the User's boat, equipment or other property against any such loss or damage. The Town reserves the right to assume control of any vessel for protection of life and property as deemed necessary by the Department of Maritime Services of the Town of Huntington. The Town of Huntington hereby expressly reserves the exclusive right to assign or reassign a berth other than the berth specified herein. User hereby agrees to abide by same.
2. All boats occupying berths shall comply with the Federal, State, Town and Board of Underwriters regulations. Filling of gas tanks shall not be permitted at any Town Marina. The Department of Maritime Services shall have the exclusive right to determine if a vessel is seaworthy and suitable for placement in the Marina.
3. Berthing spaces are assigned to the User for a specified boat and are non-transferable. No other boat other than the one under contract may use the assigned berth. User shall be prohibited from subleasing or otherwise renting of berth. No boat occupying a Town Marina berth shall be used for chartering or for commercial purposes. Adequate lines for berthing shall be provided by boat owner and shall be replaced if, in the opinion of the Department of Maritime Services, such lines are inadequate or unsafe. Spring lines shall be a minimum of 3/8-inch nylon or equivalent. The bow and stern lines shall be of sufficient size as to safely berth boat.
4. The Owner of any vessel using the Marina shall be responsible for conduct of guests or persons visiting the boat. Swimming or fishing within Marina areas is strictly forbidden. No signs shall be placed on piers, parking areas or on any floats without prior permission. Service area floats shall not be utilized for more than fifteen (15) minutes, and no boats shall be stored or left on any float, bulkhead, parking field or in any of the Marina waters except as assigned. Boats including dinghies on davits must be tied in such a manner so that the float is clear at all times. Waterhose equipped with self-closing nozzles of the handgrip type shall be supplied by boat owner. Waste of water shall not be permitted.
5. The Town may cancel this agreement at any time and for any reason upon five (5) days written notice to the User at the address listed herein above.
6. (a) No garbage, oil, sludge, sewage or refuse matter of any kind shall be thrown, deposited, or permitted to fall from any boat using the Marina.  
(b) Dumping of refuse overboard is prohibited. This includes, but is not limited to garbage, cans, bottles, paper products, dead fish, fish heads, or carcasses, and other substance or matter. Suitable containers are provided dockside, and shall be utilized for the above purpose.  
(c) Swimming or fishing or cleaning of fish on floats, docks or within the Marina area is prohibited.
7. (a) Any boat in the area, which shall become a menace to navigation or unseaworthy or sinks, grounds, or otherwise becomes disabled or incapable of navigation, the determination of which shall be made exclusively by the Town of Huntington, shall be removed or restored to navigable condition by the User herein upon notice by the Town or its designated agent, which notice shall be made by regular mail and/or certified mail addressed to the User's last known address as given by him in this contract. (§120.17)\*  
(b) If such boat is not removed or restored to navigable condition by the said User within one (1) week of said notice, this contract shall terminate without any refund of fee and the Town, or its designated agent, may direct the removal of the boat, and the cost of said removal, including any and all charges as a result thereof, shall attach to, and become a lien upon, said boat, and said boat may be sold upon direction of the Town Board at public auction to defray said expenses, with any surplus being returned to the user of record. The Town and Board of Trustees shall not be liable for any damage done to said boat during its removal, storage and sale. Nothing contained in this section shall be construed to restrict or prohibit earlier action by the Department of Maritime Services, with or without notice to the owner, if, in the judgment of the Department, such boat severely impedes or severely restricts navigation, or is in such condition so as to cause immediate an/or serious danger to either the health, safety and/or welfare of the public or to property.  
(c) Owners of boats which are not removed from the Town's marinas by October 31<sup>st</sup>, except those boats having a contract with the Town of Huntington for the same (identical) berth in the same marina for the immediately following winter storage season: 1) may be subject to a \$25.00 daily fee after October 31<sup>st</sup>; 2) user shall have their boat removed from the marina by the Town, and its designated agent may direct removal of the boat and the cost of said removal, including any and all charges as a result thereof, shall attach to, and shall become a lien upon said boat, and said boat may be sold upon direction of the Town Board at public auction to defray said expenses with any surplus therefrom being returned to the User of record. The Town or Board of Trustees

- shall not be liable for any damage done to said boat during its removal, storage and sale; 3) the User shall be prohibited from future participation in any Town of Huntington boat berthing or storage program.
8. The failure of the Town or Board of Trustees to insist upon a strict performance of the terms and conditions herein, shall not be deemed a waiver of any rights or remedies that the Town or Board of Trustees may have and shall not be deemed a waiver of any subsequent breach or default of the terms and conditions herein. This instrument may not be changed, modified, or altered orally.
  9. Provided the applicant has complied with the conditions set forth in this contract, Chapter 120 of the Town Code and the Marina Policy, the applicant shall have the option of renewal for the following season by depositing the non-refundable sum of \$50.00 with the Department of Maritime Services before the deadline date.
  10. Fees shall be payable on or before March 12<sup>th</sup>, or for late applicants, before the boat enters the Marina. No refunds will be made after March 15<sup>th</sup>.
  11. No boat shall be operated at a greater speed than five (5) miles per hour in the Marina, a channel or millpond. The term speed shall mean the speed of a boat measured in slack water in statute miles.
  12. Any violation of this contract, Chapter 120 of the Town Code or the Marina Policy may result in the revocation of berthing privileges and the forfeiture of any fees paid.
  13. Fees: seasonal fees are based upon length over all of boat at rate set forth by the Town Board. Boats with larger than normal beams will be charged at next higher category, i.e. 19' and under with beam in excess of 8' (eight feet) will be charged as 20' (twenty feet) boat.
  14. No change of berth may be made by User.
  15. No one shall, at any time during the term hereof, live aboard while the boat is in the Marina.
  16. Open flame fires, or grills or gasoline stoves are prohibited on boats, floats, or docks.
  17. All pets must be kept aboard boats. All pets being escorted to and from the boats must be on a suitable leash, at all times.
  18. Noise curfew is 11:00 PM to 7:00 AM. Halyards must be tied off. (§120-13)\*
  19. Dinghies, canoes or portable sailing craft may not be used as play craft within the Marina or stored on floats. No part of boat or appurtenances shall overhang the floats.
  20. The Marina floats shall be open to Town of Huntington Users and their guests. In the absence of the User, no one shall be permitted to board a boat without prior written permission.
  21. All problems shall be immediately reported to the Department of Maritime Services.
  22. User shall be responsible for damage to other boats in the Marina or structures or facilities thereof, caused by User, or User's guest.
  23. Users shall have their PRINCIPAL RESIDENCE (domicile) in the Town of Huntington, before a contract may be issued by the Department of Maritime Services, and such proof as is deemed necessary shall be produced upon request prior to the issuance of such contract.
  24. The User shall be the owner of a boat which is registered in New York State, which boat shall be the boat described in this contract. If the boat is owned jointly, or by a partnership, all owners or members or partners shall have their principal residence (domicile) in the Town of Huntington.
  25. Boat owners warrant that his/her boat meet all Federal, State, and town laws with regard to marine toilet and sanitary facilities, and complies with all requirements of the NO DISCHARGE ZONE where applicable.
  26. Any boat or watercraft which shall occupy a berth in the Town of Huntington Marina shall be maintained in a safe and seaworthy condition.
  27. Berths must be occupied continuously. If a berth will be vacant for the season, the User must notify the Department of Maritime Services and provide, in writing, the reason why it will be vacant. Any berth that is vacated for one (1) full season must be occupied the following season by June 1<sup>st</sup> or else it will be deemed abandoned, thereby forfeiting any rights or privileges of the user of that berth. The berth will then revert back to the Town of Huntington for future disposition.
  28. No major repairs are to be made in the Marina either by the User or his agent, as to cause unreasonable inconveniences or bother other Users of the Marina.
  29. The identification decal must remain on your boat until the conclusion of the berthing season on October 31<sup>st</sup>.
  30. The Town and Board of Trustees have no duty or obligation to keep User's boat under surveillance at any time and the failure to maintain a guard or watchman shall not be deemed to constitute negligence on their part. User acknowledges that the Town of Huntington or Board of Trustees shall not provide any guard or watchman service during the term hereof. Nor shall the employment of such guard or watchman be deemed to create any obligation on the part of the Town and Board of Trustees for the care or safety of User's boat or the equipment thereon.
  31. Summer tenants may extend their season through the months of November and December at a rate set yearly by the Town Board. All rules, regulations, and policies for the summer season will be in full force and effect during this period. All summer tenants must have their request for winter and the fall extension prior to September 1<sup>st</sup>, if they want to remain in their summer berths.
  32. No person under ten (10) years of age shall be admitted to, or permitted in, a Town Marina unless accompanied by an adult who show full responsibility for the child's safety and conduct.
  33. A prorated refund will only be granted if the tenant has not used their berth for the season. There will be absolutely no refunds granted after June 30<sup>th</sup>.

\*CODE OF THE TOWN OF HUNTINGTON

2011-564

RESOLUTION ADOPTING THE AMENDED AND RESTATED NEW YORK STATE MODEL PLAN, FOR THE DEFERRED COMPENSATION PLAN FOR THE EMPLOYEES OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: COUNCILWOMAN BERLAND

And seconded by: COUNCILWOMAN JACKSON

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

WHEREAS, the Town of Huntington, pursuant to Section 5 and the Rules and Regulations, has adopted and currently administers the Model Plan known as the The Deferred Compensation Plan for the Employees of the Town of Huntington; and

WHEREAS, the Board received a determination from the IRS that concludes that the Model Plan, as amended and restated through August 26, 2011 and approved by the Board, constitutes an eligible deferred compensation plan as defined in Section 457(b); and,

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Town of Huntington has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Town of Huntington by adopting the amended restated Model Plan; and

WHEREAS, adopting the amended Model Plan is not deemed to be an action pursuant to 6.N.Y.C.R.R. §617.2 and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY ADOPTS the amended and restated New York State Model Plan as amended and restated through August 26, 2011, for the Deferred Compensation Plan for the Employees of the Town of Huntington

2011- 564

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 ADPOTED

RESOLUTION APPROVING A 2012 PUBLIC ART PLAN AND AUTHORIZING THE PUBLIC ART ADVISORY COMMITTEE TO PROCEED WITH ITS IMPLEMENTATION

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Town Board adopted Resolution 2001-550 on September 25, 2001 approving Public Art Initiative Guidelines and an Administrative Plan, establishing a Public Art Advisory Committee, and appointing members thereto, and,

WHEREAS, the duly appointed Public Art Advisory Committee has submitted a recommended 2012 Public Art Plan in accordance with these guidelines; and,

WHEREAS, it is understood that annual expenditures for the Public Art Initiative cannot exceed the total of funds allocated by the Town Board for the Public Art Initiative (A-7460.4012) in the adopted annual Operating Budget and any subsequent modifications thereof, in combination with such other duly authorized Town or non-Town funds as may be secured for this purpose; and,

WHEREAS, it is further understood that any contract for artist services or permanent acquisition of artwork for the Town of Huntington's Public Art Initiative is subject to final approval by the Town Board; and,

WHEREAS, the approval of a public art plan 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, upon the recommendation of the Public Art Advisory Committee,

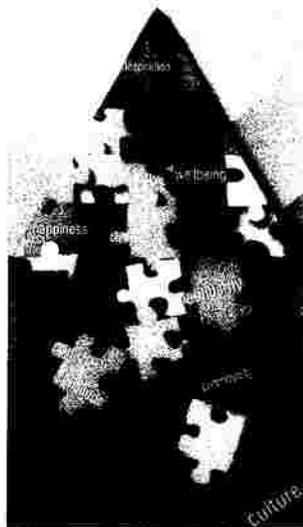
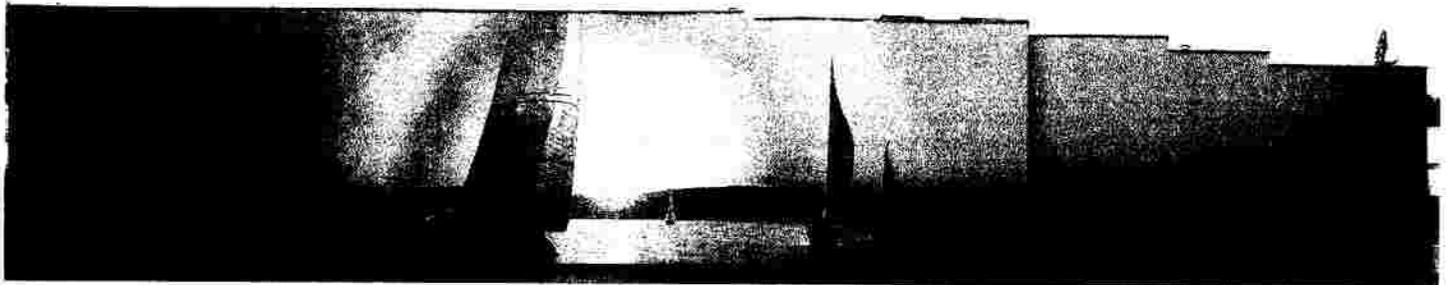
HEREBY APPROVES the 2012 Public Art Plan attached hereto and authorizes the Public Art Advisory Committee to take appropriate steps toward its implementation, including solicitation of related non-Town support, issuance of Requests for Qualifications (RFQ) and/or Requests for Proposals (RFP) as needed, formation of Artist Selection Panels as indicated, and preparation of any resulting artist contracts for final review and approval by the Town Board.

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

# TOWN OF HUNTINGTON – PUBLIC ART INITIATIVE

## 2012 Public Art Plan



### TOWN OF HUNTINGTON

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

As Recommended by the Public Art Advisory Committee on November 9, 2011

*Public art is a mirror that reflects the local environment, cultural values, and artistic vitality of the community in which it exists.*

*At its best, public art is more than just art installed in public places. It is a community-based process of dialogue, involvement, and participation. Public art enhances the quality of life for citizens by encouraging a heightened sense of place, enhancing a community's prestige, and enlivening the visual quality of the built environment.*

– Lake Douglas, public art consultant  
and former public art director at the Arts Council of New Orleans,  
from “Public Art Funding” Americans for the Arts (Dec. 2000)

## TABLE OF CONTENTS

GOALS .....	1
PUBLIC ART PROJECT ZONES.....	6
Zone 1: Pedestrian Retail Districts .....	6
Zone 2: Parks, Trails, Waterfront Areas, and Other Recreational Sites .....	6
Zone 3: Gateways .....	7
Zone 4: The Transportation Network .....	7
Zone 5: Route 110 Business Corridor.....	7
PRIORITIZATION OF PROJECTS.....	8
STATUS SUMMARY OF 2010-11 PLAN PROJECTS .....	9
2012 PUBLIC ART PROJECT LIST .....	12
Multi-zone Projects.....	12
Zone 1 Projects: Pedestrian Retail Districts.....	12
Zone 2 Projects: Parks, Trails, Waterfront Areas, and Other Recreational Sites .....	13
Zone 3 Projects: Gateways.....	13
Zone 4 Projects: The Transportation Network.....	13
Zone 5 Projects: Route 110 Business Corridor.....	14
Summary of Recommended 2012 Public Art Projects .....	15
PUBLIC ART ADVISORY COMMITTEE.....	16

Front Cover (clockwise from the Town Seal):

- Sandy Farkas (Huntington Bay, NY); *Ferrous Equinous*, 2007; Welded steel & chain; Gift of the artist accepted by the Town in 2010.
- *From left to right:* Huntington artist Thea Lanzisero, Councilwoman Susan Berland, Supervisor Frank Petrone, Rabbi Marc Gelman, Park Steward Robin Laban, and Landscape Architect Steve Dubner at the Town's 2010 dedication of the Anne Frank Memorial Garden in Arboretum Park, standing behind Ms. Lanzisero's recently installed sculpture, *Dress Armor*, 2010.
- Garin Baker (New Windsor, NY) in cooperation with Project Excel Arts Coordinator Chris Ricco and Project Excel teen apprentices Alex Bodner, Sarah Bregman, Morgan Brown, Jimmy Collins, Gina Fagnoli, Danielle Giangrasso, Jordan Gibbs, Jennifer Hainy, Jesse Hammel, Lindsay Larkin, Alyson Malico, Gabby Morales, Brenna Murdock, Greg Oh, Danni Reinbachs, Joselin Rodriguez, Matt Rueger, Paulina Stewart, Kim Stodinski, Brandon Wall, and Brit Wurtz; *Sailing in Huntington Bay*, 2009; Huntington Community Mural Project in Huntington Village
- "Autumn," a poem placard by Shanika Powell (Walt Whitman Hills High School, Grade 11, Age 16), 2010, with graphic design by AB Graphics; displayed in the interior advertising spaces of HART buses as part of the *Poetry for the HART* teen poetry project
- Irena Piechota-Wong (Huntington, NY); *Huntington Station Merge*, 2010; design for digitally printed 3 x 5' light pole banners; a cooperative project with the Huntington Station BID, Huntington Station.
- Participants in the "Chalk Flood: Communal Drawing Area" during 2011 Huntington Community Awareness Day festivities.

**TOWN OF HUNTINGTON – PUBLIC ART INITIATIVE**  
**2012 Public Art Plan**

**GOALS**

---

On September 25, 2001 the Town Board approved Resolution 2001-550 appointing a Public Art Advisory Committee and adopting a “Public Art Advisory Committee Guidelines and Administrative Plan.” These guidelines established the goals of the Public Art Initiative as follows:

The primary goals of the Public Art Initiative are to create a better visual environment for the citizens of the Town of Huntington, Suffolk County, to foster the integration of the design work of artists into the development of Town public works projects whenever appropriate and feasible, and to promote tourism and the economic vitality of the Town through an annual program for the enhancement of public spaces. Specifically the Public Art Initiative seeks:

- To further the mission and goals of the Town of Huntington by providing support and developmental opportunities for artists.
- To select artists for projects whose art and collaborative design efforts represent the highest level of quality and integrity.
- To select artists who will best respond to the distinctive characteristics of the project site and the community the project serves.
- To foster the incorporation of the art and design skills of artists in Town public works projects whenever feasible and appropriate.
- To select artists who can work successfully as members of the overall project design teams.
- To identify and encourage active participation in the Huntington community by artists of Huntington, Suffolk County, and Long Island.

To achieve these goals, the adopted guidelines call for the Public Art Advisory Committee to present for Town Board approval an annual Public Art Initiative Plan, including a prioritized list of prospective projects with estimated project budgets, as well as recommended design approaches and art selection processes for each project.

The following Plan has been developed for the calendar year 2012 and incorporates projects previously approved by the Town Board with adoption of the 2010-11 Public Art Plan but not completed, as well as projects newly recommended by the Committee. As with prior Public Art Plans, it is anticipated that not all of the proposed projects may be fully realized within this time period. However, their inclusion within the Public Art Plan permits advance planning with other Town Departments and community agencies toward their eventual realization.

## Integration of Public Art With Planned Public Works Projects

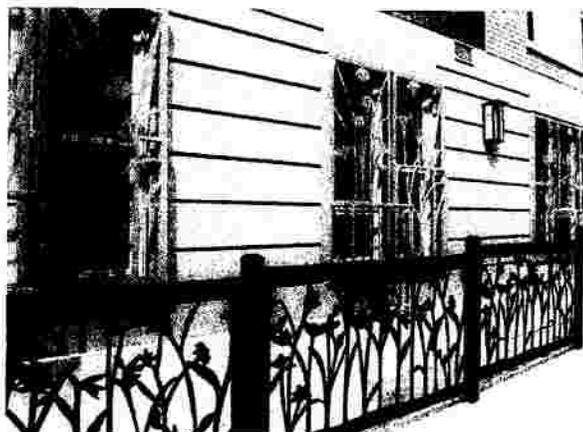
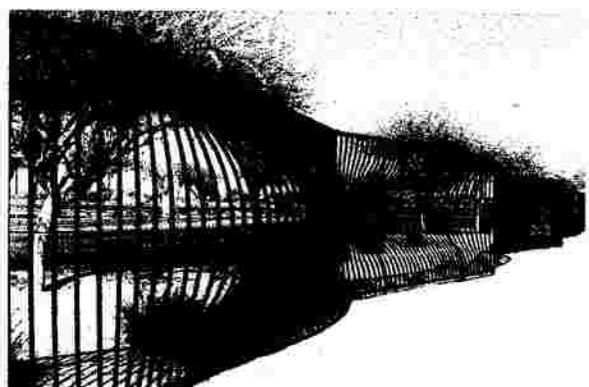
Although this Plan outlines ongoing or planned projects for the coming year, the reality of public art is that most major projects need to be planned and implemented on a multi-year basis. This is particularly true for public art that is integrated with planned public works projects. The goal of integrating public art with planned public works projects has been identified by the Town's Public Art Advisory Committee as an important operational objective necessary for the fulfillment of the mission of the Town's Public Art Initiative.

*Benefits:* Integration of public art with planned public works projects has numerous benefits:

1. Opportunities for incorporating public art directly into the project design, including planned functional elements and infrastructure of the public works project.
2. Opportunities for community participation in elements of the public art project design or implementation, enhancing resident "ownership" in planned public works projects and citizen support of community revitalization.
3. Greater cost efficiency and increased impact through the synergy of integration.

*Examples:*

1. Unique artist-designed fencing is one way to integrate public art with a routine infrastructure component in order to create or enhance a sense of place in the community.

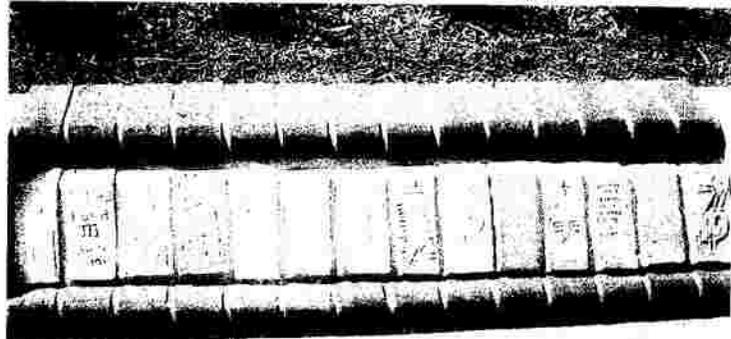
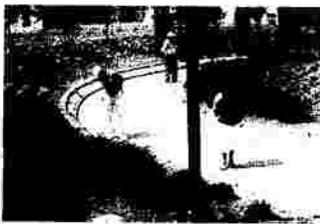


ABOVE LEFT: **Lisa Elias; *Stream of Trailing Reeds*, 2006; Welded steel; Loring Bikeway, Minneapolis, MN**

ABOVE: **Al Price; *Sine Waves*, 2006; Steel fence pickets, concrete footings, Vulcan black powdercoat paint; Sky Harbor International Airport; Phoenix, AZ**

LEFT: **Beatrice Coron; *Wild Flowers*, 2009; Cut and painted metal; Melrose Commons, South Bronx, NY**

2. Development of Gateway Park in the Halls Hill/High View Park section of Arlington, VA provided an opportunity to commemorate the surrounding neighborhood through an integrated public art project entitled *Memory Bricks* (2005). Seven local creative youth in a summer employment program served as apprentices under the supervision of artist and neighborhood resident Winnie Owens-Hart in the creation of bricks with images symbolic of the community's predominantly African-American heritage. Three community events were also held where residents could customize their own bricks. The fired bricks were then used to line the oval walkway on the west side of the park as a visual reminder of the neighborhood's past.



3. Both of the above examples illustrate the cost efficiency of integrating public art projects with planned public works projects. In each, the existing materials budget for fencing and brick landscaping borders, respectively, were combined with modest public art funds in order to make a more substantial visual contribution enhancing the appearance and community value of the entire project.

*Requirements for Integration:* However, greater integration of public art with planned public works projects, and the achievement of these associated benefits, requires certain conditions for successful implementation:

1. Advance notice of upcoming public works projects.
2. Early coordination of public art planning with the public works design team.
3. The ability to reliably predict the availability of funding typically more than one year, and sometimes several years, in advance of the project.

*Rationale:*

1. Planning for integrated projects cannot occur if the Public Arts Advisory Committee does not have advance notice of public works projects well before they are actually constructed.
2. If public works project planning is completed before coordination with the Public Art Initiative is begun, then many opportunities for possible project integration may have already disappeared, limiting the outcomes. Selection of an appropriate project artist can also take as much lead time as selection of the project architect or engineer and thus is

best begun either simultaneously or immediately thereafter. Delayed integration can also increase design and engineering costs and adversely impact construction schedules. If an artist's design proposal can be incorporated into the architect or engineer's construction documents, then any additional costs for the public art component can be minimized and its construction included integrally within vendor's bids and construction schedules without costly change orders. However, achievement of these objectives requires cooperation early in the design process.

3. Public works projects typically take several years of planning and construction prior to their successful completion. In order to integrate public art with such projects, a similar multi-year advance schedule is also required. Without some advance knowledge of project budget and available funding, this integrated public art planning cannot realistically proceed. Similarly, just as architects and engineers are paid to develop plans for public works projects sometimes more than a year or two in advance of the project, artists working on integrated public art projects are also paid for design work in advance of the completion of the public art component.

*Recommended Actions:* It is recommended that the Town Board take the following steps toward establishment of these conditions:

1. Direct appropriate Town staff to provide early notice of upcoming public works projects to the Public Art Advisory Committee.
2. Direct that public art planning be incorporated into the early design team work for appropriate public work projects.
3. Allocate appropriate funding in the Town's Capital budget for public art in order to provide a predictable multi-year funding source consistent with the public works projects with which the artwork will be integrated, optimally through a "percent for art" ordinance.

*Rationale:*

1. Staff knowledge that early notice of upcoming public works projects is endorsed by the Town Board would help to foster this necessary condition.
2. Similarly, Town Board endorsement of early cooperation with the Public Art Initiative during initial design team work would enhance project opportunities while facilitating maximum cost efficiencies.
3. Community Character Policy B.4 of *Horizons 2020*, the Town's Comprehensive Plan Update of December 2008, calls for the Town to "Maintain and improve the visual character of publicly owned and maintained landscapes within Huntington." "Building on Huntington's present public art program, introduce a 'percent for art' initiative for town capital improvement projects," is one of the "Action Strategies" recommended in Section B.4.5 of this Policy.

As permanent public improvements, most municipal public art programs nationwide are funded through the municipality's capital budget, in the same manner as the public works projects with which they are integrated. The most common allocation method is via a

“percent for art” ordinance that mandates a certain percentage of the capital budget for eligible projects be set aside for public art enhancements. Mandated percentages range from 0.5% to 2%. Although the intention is generally to integrate public art with the public works project whose capital budget generates the associated funding, some latitude in application of the funding is desirable. The ability to pool funds from several sources for a larger public art project at a single location is often worthwhile, as is the ability to apply funds from a capital project with little public artwork potential (e.g. a sewer project) to a project with much greater public artwork potential (e.g. a new civic building). Although the predictability of a “percent for art” ordinance facilitates advance planning, a short-term, interim alternative is inclusion of public art funding in the capital budget for one or more selected “pilot” public art projects, prior to consideration of a more long-term “percent for art” ordinance.

## **PUBLIC ART PROJECT ZONES**

---

The Public Art Advisory Committee has found it helpful to delineate five different *Public Art Project Zones* to focus thought about prospective public art project sites. Each zone has certain common elements that help to define its geographic and architectural character and shape its public use. They have been selected for their potential for providing appropriate sites for public art, based on this character and usage. However, these zones should be taken merely as starting points for evaluating and prioritizing existing and potential sites. The boundaries for each zone are loosely defined and may change over time. Indeed, the delineation of these zones should not preclude the possibility of identifying new zones and/or appropriate independent project sites in other areas of the Town.

### **1. Pedestrian Retail Districts**

This zone is comprised of five distinct, geographically separate districts, linked only by common characteristics of usage and architectural scale. Typically encompassing a mix of retail, restaurant, and some public buildings, these “downtown” village districts, by their nature, encourage frequent pedestrian traffic:

- Cold Spring Harbor (Business Improvement District)
- Greenlawn (Broadway from Pulaski to the Harborfields Public Library and adjacent properties)
- Huntington Station (Business Improvement District & Revitalization Project Catchment Area)
- Huntington Village (Business Improvement District)
- Northport Village (Incorporated Village)

The districts within this zone provide significant opportunities for public art projects to enrich the public’s experience of these unique village areas. Integration of small-scale works into building facades, sidewalks, or alleys can provide visual surprises, humor, and/or historical references to the area. Murals, mosaics, and freestanding abstract or representational sculpture are among the many approaches that could be used successfully in this environment. Unique, artist-designed, architectural elements (e.g. artist-designed ceramic tiles, benches, planters, or streetlights) could also be created to enhance a district’s special character. Because of the pedestrian nature of this zone, artwork can frequently be of human scale, although work of monumental scale may be appropriate in selected locations.

### **2. Parks, Trails, Waterfront Areas, and Other Recreational Sites**

Huntington’s parks, trails, waterfront areas, and other recreational sites are natural gathering points for the community engaged in leisure-time activities. Public artworks in these settings can enrich people’s experience in a variety of ways appropriate to both passive parkland and active recreational environments. Artist-designed functional elements (e.g. unique paths, benches, play equipment, or water features) can make a distinctive contribution to recreational areas, sometimes providing humorous, interactive, or restful elements to these environments. Public art can also provide a historical context or spiritual connection to the site, sometimes serving as gateways or contemplative spaces identified with its unique character. Earthworks, involving creative organization of landscape elements, are often particularly suited to the pastoral nature of sites in this zone, although other sculptural media

can also be used successfully. Because this zone typically involves high levels of public access to sites that may be vulnerable to physical abuse or vandalism, works in this zone should typically be durable, safe, and require little maintenance.

### **3. Gateways**

Entrances to Huntington provide opportunities to define public perception of the character of the community. Public art in this zone – embracing any of a wide range of approaches from abstract to representational – can provide references to the history of the Town, highlight aspects of its unique character, celebrate its diverse constituents, project visions of its future, or announce entry into the community with strikingly unique forms. A wide variety of media and/or design team approaches might be appropriate in this zone depending upon the character of each major gateway into the community.

### **4. The Transportation Network**

Although Huntington is blessed with many pedestrian-friendly village areas, the experience that residents and visitors have with many areas of the Town is defined by its network of roads, parkways, expressways, and mass transit systems. Consequently, bus stops, benches, underpasses, overpasses, and light posts offer visual opportunities to enhance the traveler's journey. Artists can design benches, shelters, and light fixtures to reflect the identity or project images of the surrounding neighborhood. Murals or tile elements can enliven underpasses, and painted metal images can replace barriers on pedestrian bridges and overpasses. The HART bus system and the L.I.R.R. train stations (working in concert with the MTA) also offer unique opportunities for impacting the visual experience of the Town's travelers.

### **5. Route 110 Business Corridor**

Characterized predominantly by privately owned, large-scale, office buildings with essentially no pedestrian traffic, this zone is fertile territory for large-scale public/private partnership projects supported substantially or entirely from non-Town sources. Such public/private projects could include either commissioned works or more temporary siting of works on long-term loan from area artists, or a combination of these methods. However, the architectural scale of the zone, and its accessibility primarily by vehicle, would typically require works of monumental scale using large bold forms, in order to have sufficient presence in this environment. Monumental freestanding sculpture, as well as large-scale works in two- or three-dimensional media – or even large-scale photographic or luminal works – applied or projected directly onto architectural facades are among the appropriate public art approaches in this zone.

## **PRIORITIZATION OF PROJECTS**

---

Projects have been ranked into three (3) different priority tiers reflecting the recommended urgency of their development:

*Tier 1* includes projects that are either ongoing or recommended for immediate implementation,

*Tier 2* includes less urgent projects that are recommended to begin active planning, and

*Tier 3* projects are anticipated, but least urgent.

These rankings do not necessarily reflect a project's relative importance (i.e. a project with a distant start date or requiring considerable advance planning may be listed as Tier 2 or 3, even though it involves greater complexity, higher budget, and/or a more important site than some Tier 1 projects). Projects within the same tier are felt to be of roughly equal time priority; however, it is understood that this priority ranking is subject to change as new opportunities develop and as work on related public works projects progresses.

In addition, Committee has identified certain characteristics that tend to enhance the priority ranking of potential projects within the *Public Art Project Zones*:

- Projects in conjunction with upcoming public works construction. Incorporation of public art in the design and/or construction phases of such projects can often achieve public art goals with greater efficiency and cost effectiveness.
- Projects for which there is significant potential for substantial outside sponsorship, including public/private partnership projects and collaborative projects with other governmental agencies.

## STATUS SUMMARY OF 2010-11 PLAN PROJECTS

---

Before listing project recommendations for the 2012 Public Art Plan it is helpful to review the status of those projects approved in the 2010-11 Plan, particularly as some of these have been carried over into plans for the coming year:

### *Tier 1 (Ongoing or Imminent Projects)*

- Anne Frank Memorial Garden Sculpture Project – Arboretum Park Temporary Installation: (Zone 2) – Annual implementation of a temporary sculpture installation program first planned in 2009 at the request of Councilwoman Berland in response to the suggestion of Arboretum Park Steward Robin Laban. Existing or proposed sculpture is selected from submissions to an RFP for installation in the Memorial Garden for a 1-year period. *Estimated Annual Cost: \$1,000.* (NOTE: Alternatively this project could be combined with the Park Sculpture Purchase Project listed below to secure an appropriate work to remain permanently installed at this location.)

**Status:** Upon further review of this project, the Public Art Advisory Committee and Park Steward Robin Laban jointly recommended purchase of the first work installed in 2009 due to the difficulty of securing temporary loan of works appropriate to the theme of the Garden. *Total expenditures: \$7,600, inclusive of the \$1,000 initially obligated for the temporary installation. Park Steward Robin Laban pledged to raise \$3,300 from private contributions in support of this acquisition.*

- Park Sculpture Project – Purchase Acquisition: (Zone 2) – An existing large-scale sculpture suitable for permanent installation in a Town Park (specific location yet to be determined) will be selected for purchase from submissions in response to an RFP. *Estimated Cost: \$8,000.*

**Status:** This project was combined with the Anne Frank Memorial Garden Sculpture Project outlined above.

- HART Bus System – Poetry for the HART: (Zone 4) – This successful program is expected to be repeated annually or semi-annually. Working with the Youth Bureau and community youth agencies, special efforts will be made to encourage submissions from “at-risk” youth. *Estimated Cost: \$2,500*

**Status:** Call for Entries issued for the 2011 program yielded 138 entries, from which 20 winning poems were selected, printed and installed in HART buses (see cover for example), and a corresponding award ceremony/poetry reading held. *Total expenditures: \$2,285.60*

- Huntington Station Awareness Day Public Art Project: (Zone 1) – A temporary community-based public art event to be added as an element of, or in conjunction with, the new Huntington Station Awareness Day festivities. *Estimated Cost will vary depending upon final concept(s) selected: \$5,000 - \$7,000 per component.*

**Status:** A “Chalk Flood” with a juried “Street Artists Gallery” featuring three (3) talented Huntington High School art students, as well as a “Communal Drawing Area” for public

participation, was a popular feature of the 2011 Awareness Day festivities (see cover). The first Huntington Kinetic Sculpture Competition was also held, although with only one participant. *Total expenditures: \$428.07*

- Huntington Station (Revitalization Project) – Huntington Station Plaza Public Art Project: (Zone 1) – *Estimated Cost: \$65,000 (not including expenditures under initial artist contract)*

**Status:** After a multi-year delay awaiting NYSDOT approval of the Plaza, this project was re-activated in May 2011 upon approval being granted. Although the original project artist withdrew due to conflicting commitments that had been made during the lengthy period of delay, a new RFQ was quickly issued resulting in the selection of sculptor Madeline Wiener from a strong pool of 57 applicants. With the new artist contract executed, a very productive site visit was conducted in September resulting in the overall size and scope of the project being defined and a foundation for the project being incorporated into Plaza construction documents. Submission of new design proposal for review expected in January 2012. HUD grant awarded to Plaza is supporting 100% of both artist's fees and expenses for planning. Suffolk County Downtown Revitalization Round 6 grant of \$50,000 awarded for materials costs. *Expenditures to date: \$9,750 under new contract, not including \$12,373.80 expended under initial artist contract prior to her withdrawal.*

- Wind-Activated Installation – Purchased/Commissioned Work: (Zone 2) – *Estimated Cost: \$20,000 - \$50,000.*

**Status:** Project was tabled. *Total Expenditures: None*

#### **Tier 2 (Projects Beginning Active Planning)**

- Gateway Gardens Artist-Designed Fence Project: (Zone 2) – *Estimated Cost: \$45,000*

**Status:** Progress made on project planning, but implementation postponed to attempt coordination with similar project associated with DOT sump to the south. *Expenditures to date: None.*

- Dix Hills Park Banner Project: (Zone 2) – *Estimated Cost: \$15,000 (50 banners & mounting hardware @ \$200 – 5 artists @ \$1,000 honorarium).*

**Status:** Tabled to focus on other projects. *Total expenditures: None.*

- Traffic-Signal Box Project: (Zone 4) – *Estimated Cost: \$500-\$1,000 per box; projected to include approximately 10-12 boxes per year for a total of \$5,000-\$12,000 annually.*

**Status:** Tabled to focus on other projects. *Expenditures to date: None*

- Annual Public Art in the Private Sector Award: (Multi-Zone) – *Est. Cost: None*

**Status:** Inaugural award presented to Reckson Associates in 2004; no awards presented subsequently. *Expenditures to date: None*

**Tier 3 (Anticipated Projects)**

- Huntington Village – Alleyway Projects – (Alleyway TBD): (Zone 1) – Est. Cost: \$5,000-\$15,000 (shared with adjacent property owners & Village BID).

**Status:** Tabled pending completion of first alleyway project. *Expenditures to date: None*

- Huntington Station (Revitalization Project) – Huntington Station Plaza Community Interactive Programming: (Zone 1) – Estimated Cost: \$5,000-\$10,000

**Status:** Cancelled due to withdrawal of original artist contracted for this project.  
*Expenditures to date: None*

- Dix Hills Park – Pool Mural: (Zone 2) – Estimated Cost: \$20,000 (in cooperation with TOH Youth Bureau Project EXCEL).

**Status:** Project postponed to allow for additional planning. *Expenditures to date: None.*

- “HuntingtonARTstop” Bus Shelter Photography Project: (Zone 4) – Estimated Cost: \$190 printing + \$200 Honorarium per image; projected installation of 10 images per year for a total of \$3,900 annually

**Status:** Tabled due to lack of available unreserved ad space. *Expenditures to date: None*

- “Adopt a Sculpture” Public/Private Partnership Project: (Zone 5) Est. Cost: None for the Town; \$1,000-\$5,000 for participating businesses for a typical rental.

**Status:** No responses to initial promotion of project.

## 2012 PUBLIC ART PROJECT LIST

---

Uncompleted projects from the 2010-11 Public Art Plan, with some revisions, form the foundation of the 2012 Plan. To these have been added selected additional projects, resulting in the following recommended project list, grouped by zone:

### Multi-Zone Projects:

**Tier 3 Public Art in the Private Sector Award (all Zones)**, involving occasional recognition of a private sector entity exemplary in their presentation of publicly accessible art. Award to be presented by the Town Board at a meeting of the Huntington Chamber of Commerce.  
*Estimated Cost: None*

### Zone 1 Projects: Pedestrian Retail Districts

**Tier 1 Huntington Station Plaza Public Art Project**: An artist selected from submissions in response to an RFQ will design a grouping of sculptural “bench people” (figurative sculptures that also function as seating) and related benches for inclusion in the planned development of a new pedestrian plaza on the SE corner of Olive St. and New York Ave. The design process result in a detailed design proposal for review and approval by the Town Board prior to fabrication of the work. *Estimated Cost: \$65,000 total (Not including HUD-funded design expenses for first artist prior to her withdrawal). All planning costs funded by balance of HUD grant; material costs supported by Round 6 Suffolk County Downtown Revitalization grant; \$20,000 - \$30,000 balance of fabrication/installation costs to be supported by Town or other sources.*

**Tier 1 Awareness Day Public Art Project**: Annual community-based public art events presented as part of the Huntington Awareness Day Parade & Fair:

- A “Chalk Flood” featuring both a juried “Street Artist Gallery” and a “Communal Drawing Area” where community members are encouraged to create chalk drawings “flooding” the neighborhood with art.
- A human-powered “Huntington Kinetic Sculpture Competition” as a parade component with awards for various creative and engineering categories

*Estimated Cost: \$2,500 - \$3,000.*

**Tier 2 Storefront Exhibition Project**: Installation of a series of temporary exhibitions of work by local artists in vacant storefronts in pedestrian retail districts in cooperation with property owners. This project will primarily focus on providing exhibition opportunities for artists working in two-dimensional media that frequently cannot participate in other public art projects in outdoor environments or requiring sculptural work. *Estimated Cost: \$2,500 - \$3,000 (primarily for moveable display fixtures).*

**Tier 3 Huntington Village – Alleyway Projects – (Alley TBD)**: Public/private partnership to design and create an appropriate public art enhancement of an alley within this district to be determined in consultation and coordination with the Huntington Village BID. Project may involve a mural on a building façade, banners, sculptural elements and/or other public art enhancements. Design is anticipated to be artist-led, but with a process for incorporation and consideration of community ideas and input regarding mural content.

Artist selection is recommended to be made by an appointed selection panel reviewing submissions in response to an RFQ or RFP. *Estimated Cost: \$5,000-\$15,000 per work (may be offset, in part, by support from property owners, Village BID, or other non-Town sources).*

*Tier 3 Lamppost Banner Project: Designs for light pole banners to be installed in a business district or other suitable location in the Town (site to be determined) will be selected from submissions in response to an RFP. Banner sponsors would be solicited to support project costs and would be credited at the bottom of each banner. *Estimated Cost: \$15,000 (50 banners & mounting hardware @ \$200 + 5 artists @ \$1,000 honorarium) with banner sponsorships tentatively targeted at \$200 per banner.**

## **Zone 2 Projects: Parks, Trails, Waterfront Areas, and Other Recreational Sites**

*Tier 1 Seasonal Park Installations: Approximately five works will be selected from submissions in response to an RFP for temporary installation of public art in locations in various Town Parks and/or beaches. *Estimated Cost: \$5,000 (5 works @ \$1,000).**

*Tier 2 Gateway Gardens Artist-Designed Fence Project: An artist will be selected from respondents to an RFQ to design unique elements to be installed on new perimeter fencing around Gateway Gardens evocative of this spirit of this community garden. The project contract will provide the Town with the option of continuing the same fence design around the perimeter of the planned Park using the NYSDOT rainwater recharge basin just south of the Gateway Gardens, as well as in the nearby Huntington Station Plaza and related areas within the larger Huntington Station Revitalization Project. *Estimated Cost: \$45,000 for 1,120 linear feet of fence, including design, fabrication and installation of artist-designed elements to new "estate" fencing to be installed by others.**

*Tier 3 Dix Hills Park – Pool Mural: The project will be developed in cooperation with the Huntington Youth Bureau's Project EXCEL. A local mural artist selected from submissions in response to an RFQ will lead teen apprentices selected from the community in the design and execution of a mural on the entry wall of the Dix Hills Pool. *Estimated Cost: \$20,000**

## **Zone 3 Projects: Gateways**

No projects recommended at the present time.

## **Zone 4 Projects: The Transportation Network**

*Tier 1 HART Bus System – Poetry for the HART: This successful annual program selects 10-20 poems submitted by high school students for display in the interior advertising spaces of the HART buses. *Estimated Cost: \$2,500**

*Tier 2 "HuntingtonARTstop" Bus Shelter Photography Project: Digital photographic images selected from submissions in response to an RFP will be enlarged and printed as posters for display in unleased advertising space in the Town's Bus shelters in cooperation with Sunrise Advertising. Possible themes for the Project might include "Faces of Huntington," "Creative Moments," "Community Reflections," or other appropriate*

topics. *Estimated Cost: \$190 printing + \$200 Honorarium per image; projected installation of 10 images per year for a total of \$3,900 annually*

**Tier 2 Traffic-Signal Box Project:** Artists will be selected from respondents to an RFQ to develop designs for painting the exterior of selected traffic-signal boxes on Town roads. Designs might include *trompe l'oeil* (fool the eye) paintings of stone planters with flora, pop images such as an oversized crayon box for a signal box near a school, or other imaginative images. A later expansion of this project might, with appropriate permission, include painting of traffic-signal boxes on County and State roads in Huntington. *Estimated Cost: \$500-\$1,000 per box; projected to include approximately 10-12 boxes for a total of \$5,000-\$12,000.*

**Zone 5 Projects: Route 110 Business Corridor**

**Tier 3 "Adopt a Sculpture" Public/Private Partnership Project – (Temporary Installations of Existing Sculpture on Private Property):** A RFP of existing sculpture by area artists available for temporary installation has been issued and the resulting pre-qualified submissions used to create a portfolio to share with interested businesses. Businesses can select an available work from the portfolio, contract with the artist for installation of the work for an 18-24 month period in exchange for providing insurance, reimbursement of installation/de-installation costs, and a modest artist's honorarium. Contracts will be written to provide the borrower with the option to purchase at an agreed upon price at the close of the rental, with all rental costs counting toward the final purchase amount. Primarily targeted to businesses along the Route 110 Business Corridor, although inquiries about other project sites will also be entertained. *Estimated Cost: None for the Town; \$1,000-\$5,000 for participating businesses for a typical rental.*

## SUMMARY OF RECOMMENDED 2012 PUBLIC ART PROJECTS

### ***Tier 1 (Ongoing or Imminent Projects)***

- Huntington Station Plaza Public Art Project\*: (Zone 1) – *Estimated Cost: \$65,000 total (Not including HUD-funded design expenses for first artist prior to her withdrawal). All planning costs funded by balance of HUD grant; material costs supported by Round 6 Suffolk County Downtown Revitalization grant; \$20,000 - \$30,000 balance of fabrication/installation costs to be supported by Town or other sources.*
- HART Bus System – Poetry for the HART\*: (Zone 4) – *Estimated Cost: \$2,500*
- Awareness Day Public Art Projects\*: (Zone 1) – *Estimated Cost: \$2,500 - \$3,000*
- Seasonal Park Installations: (Zone 2) – *Estimated Cost: \$5,000 (5 works @ \$1,000)*

### ***Tier 2 (Projects Beginning Active Planning)***

- Storefront Exhibitions Project: (Zone 1) – *Estimated Cost: \$2,500 - \$3,000 (primarily for moveable display fixtures)*
- “HuntingtonARTstop” Bus Shelter Photography Project\*: (Zone 4) – *Est. Cost: @\$190 printing + \$200 artist fees per image times 10 images annually for a total of \$3,900*
- Traffic-Signal Box Project\*: (Zone 4) – *Estimated Cost: \$500-\$1,000 per box; projected to include approximately 10-12 boxes for a total of \$5,000-\$12,000.*
- Gateway Gardens Artist-Designed Fence Project\*: (Zone 2) – *Est. Cost: \$45,000*

### ***Tier 3 (Anticipated Projects)***

- Huntington Village – Alleyway Projects – (Alleyway TBD)\*: (Zone 1) – *Est. Cost: \$5,000-\$15,000 (shared with adjacent property owners & Village BID).*
- Lamppost Banner Project: (Zone 1) – *Est. Cost: \$15,000 (50 banners & mounting hardware @ \$200 + 5 artists @ \$1,000 honorarium).*
- Dix Hills Park – Pool Mural\*: (Zone 2) – *Estimated Cost: \$20,000 (in cooperation with TOH Youth Bureau Project EXCEL)*
- Public Art in the Private Sector Award\*: (All Zones) – *Est. Cost: None*
- “Adopt a Sculpture” Public/Private Partnership Project\*: (Zone 5) – *Est. Cost: None for the Town; \$1,000-\$5,000 for participating businesses for a typical rental.*

*\*Asterisk indicates a project carried over from a prior annual Public Art Plan approved by the Town Board.*

## **PUBLIC ART ADVISORY COMMITTEE**

---

Mark McAteer, *Chairman*  
Eileen Kathryn Boyd  
Sue Contessa  
Kim D'Ambrosio  
Ed McEvoy  
Michele Peppers  
Deborah Robbins  
Janine Seifert  
Richard Vaux

*Staff:*

Diana J. Cherryholmes, Executive Director, Huntington Arts Council  
John E. Coraor, Ph.D., Director of Cultural Affairs, Town of Huntington

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

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: Supervisor Petrone

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

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

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

NOW THEREFORE

THE TOWN BOARD

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

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

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

VOTE:           AYES: 5       NOES: 0       ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Town of Huntington  
Appointed and Electeds  
Schedule A

<u>Title</u>	<u>Last Name</u>	<u>First Name</u>	<u>Standard Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates in Employee Time Keeping System</u>	<u>Days/Month (Based on record of activities</u>
Planning Board Member	Casey	Kathleen	6	01/01/2011 - 12/31/2012	N	2
Planning Board Member	Cemava	Leslie	6	01/01/2011 - 12/31/2015	N	0
Zoning Board Member	Frayler	Scott	6	01/01/2011 - 12/31/2011	N	2
Planning Board Member	Mandelik	Paul	6	01/01/2011 - 12/31/2016	N	3
Zoning Board Member	Modelewski	Christopher	6	01/01/2011 - 12/31/2013	N	7
Zoning Board Member	Naness	Jeffrey	6	01/01/2011 - 12/31/2017	N	3
Planning Board Member	Pennetta	Dave	6	01/01/2011 - 12/31/2013	N	2
Zoning Board Member	Perez	Edwin	6	01/01/2011 - 12/31/2014	N	12
Zoning Board Member	Slingo	Robert	6	01/01/2011 - 12/31/2016	N	3
Planning Board Member	Walsdorf	David	6	01/01/2011 - 12/31/2014	N	2

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 29 - 2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE VI (HISTORIC LANDMARKS AND DISTRICTS), SECTION 42 (DESIGNATION OF SITES AND BUILDINGS), TO REVOKE THE DESIGNATION AS AN HISTORIC LANDMARK OF THE BUILDING AND PROPERTY KNOWN AS THE BUNCE-ZOELLER HOUSE, 129 CENTERSHORE ROAD, CENTERPORT.

Resolution for Town Board Meeting dated: December 13, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Bunce-Zoeller House, 129 Centershore Road, Centerport, was designated as an historic landmark by the Town Board on September 23, 1997, and the property description was later revised on January 8, 2002 by Local Law No. 1-2002; and

WHEREAS, the Historic Preservation Commission has submitted an advisory report dated October 26, 2011, recommending that the designation be revoked since there are no longer any historical features in the building due to significant alterations over the years to repair damage; and

WHEREAS, the designation of historical landmarks is a Type II action requiring no review in accordance with 6 NYCRR Part 617.5(c)(32) of the SEQRA regulations;

NOW THEREFORE

THE TOWN BOARD, having held a public hearing on the 13th day of December, 2011, to consider adopting Local Law Introductory Number 29 - 2011 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article VI (Historic Landmarks and Districts), Section 42 (Designation of Sites and Buildings), to revoke the designation as an historic landmark of the buildings and property known as the Bunce-Zoeller House, 129 Centershore Road, Centerport, and due deliberation having been had;

HEREBY ADOPTS

Local Law Introductory Number 29 - 2011 as follows:

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

LOCAL LAW NO. 33 - 2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 198  
(ZONING) ARTICLE VI (HISTORIC LANDMARKS AND DISTRICTS) SECTION 42  
(DESIGNATION OF SITES AND BUILDINGS)

Section 1. Amendment to Chapter 198 (Zoning), Article VI (Historic Landmarks and Districts), Section 42 (Designation of Sites and Buildings) of the Code of the Town of Huntington is hereby amended to read as follows:

CHAPTER 198 (ZONING)  
ARTICLE VI (HISTORIC LANDMARKS AND DISTRICTS)  
SECTION 42 (DESIGNATION OF SITES AND BUILDINGS)

\* \* \*

§198-42. Designation of Sites and Buildings

\* \* \*

B. Each of the following buildings or landmarks is hereby defined and designated by the Town Board as an historic building, site or landmark, and each shall be appropriately delineated by metes and bounds and/or by the section, block and lot number of the Suffolk County Tax Map and/or street address:

\* \* \*

(84) (Reserved) [Bunce-Zoeller House, 129 Centershore Road, Centerport, containing approximately .20 acres (SCTM# 0400-039-06-080.002).]

\* \* \*

Section 2. Severability

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

Section 3. Effective Date

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

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

Resolution for Town Board Meeting Dated: December 13, 2011

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

and seconded by: **SUPERVISOR PETRONE**

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

HEREBY AMENDS

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

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD:	Conifer Court/South From 615 ft. east of Waterside Rd. To 670 feet east of Waterside Rd. (NPT)	No Parking	-----

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-569

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

Resolution for Town Board Meeting Dated: December 13, 2011

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

and seconded by: **COUNCILMAN CUTHBERTSON**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 9th day of November, 2011, pursuant to Section 198, Article VI of the code of the Town of Huntington, to consider the application by Sunny Pond, LLC, 478 Park Avenue, Huntington, NY 11743 for a Certificate of Approval to remove a structure attached to the rear of detached garage and to remove an enclosed covered porch attached to the rear of the one family dwelling at 478 Park Avenue, bearing Suffolk County Tax Map #0400-073.00-03.00-021.000, and located in the Old Huntington Green Historic District; and upon all the information presented on the application and at the public hearing and due deliberation having been had,

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

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

## 2011-570

ENACTMENT: GRANT A LICENSE AGREEMENT FOR TRANSIT ADVERTISING FOR THE HUNTINGTON RAPID AREA TRANSIT BUSES AND MARKETING PROGRAM FOR THE TOWN OF HUNTINGTON TO CREATIVE ADVERTISING CONCEPTS, INC.

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: Councilwoman Jackson

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town wishes to engage the services of a qualified licensee to provide advertising for the Huntington Rapid Area Transit Buses (HART) and Town marketing program. These services will promote the Town's many assets and the Town will in turn generate additional nontax levy revenue collections through a targeted marketing and partnership program; and

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

WHEREAS, Creative Advertising Concepts, Inc., 74 West Park Avenue, Long Beach, New York 11561 is the successful proposer; and

WHEREAS, the execution of a license agreement is a Type II action under SEQRA, 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, having held a public hearing on the 9th day of November, 2011, to consider granting a license agreement to Creative Advertising Concepts, Inc., and due deliberation having been made,

HEREBY GRANTS a license agreement to Creative Advertising Concepts, Inc. for providing transit advertising for the Huntington Rapid Area Transit Buses (HART) and marketing program for the Town of Huntington and authorizes the Supervisor to execute a contract and any documents in connection and related therewith. The contract period shall be effective upon the execution of the contract for a period of five (5) years with an option to renew for an additional five (5) years at the Town's sole discretion; in consideration for 60% of the HART Bus advertising gross revenue and 60% of the gross revenue generated for the marketing program less administrative expenses of \$4,200 per year by Creative Advertising Concepts, Inc. to be recorded into Revenue Account No. A1751, and upon such other terms and conditions as may be acceptable to the Town Attorney.

*Enactmentmarketing program*

*PURCH/LF*

*12/9/2011, 1:19 PM*

# 2011-570

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 - 571

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 24-2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

Resolution for Town Board Meeting dated: December 13, 2011

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

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 9<sup>th</sup> day of November, 2011 at 7:00 p.m. to consider adopting Local Law Introductory No. 24-2011, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article XI (Conditional Uses; Supplementary Regulations); and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 24-2011 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article XI (Conditional Uses; Supplementary Regulations); as follows:

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

LOCAL LAW NO. 34- 2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 198 (ZONING), ARTICLE XI (CONDITIONAL USES;  
SUPPLEMENTARY REGULATIONS)

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

CHAPTER 198  
(ZONING)

\* \* \*

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

\* \* \*

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

A. The Zoning Board of Appeals may authorize the following uses after making all of the required findings and after public hearing as provided in Article XVI. Plans for parking and loading facilities for proposed uses shall be referred to the Planning

Department for technical evaluation and advisory report, and no decision shall be made until the report has been received or thirty (30) days has elapsed. Landscaping and fencing and, screening may be required in connection with any use permitted under this section.

\* \* \*

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

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

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

\* \* \*

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

\* \* \*

F. Manufacture or storage of explosives.

\* \* \*

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

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

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

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

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

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

Section 2. Severability.

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

Section 3. Effective Date.

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

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2011 - 572

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 25-2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 114 (FIRE PREVENTION AND SAFETY EDUCATION)

Resolution for Town Board Meeting dated: December 13, 2011

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

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 9th day of November, 2011 at 7:00 p.m. to consider adopting Local Law Introductory No. 25-2011, amending the Code of the Town of Huntington, Chapter 114 (Fire Prevention and Safety Education), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 25-2011 amending the Code of the Town of Huntington, Chapter 114 (Fire Prevention and Safety Education); as follows:

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

LOCAL LAW NO. 35 -2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
SO AS TO ADD CHAPTER 114 (FIRE PREVENTION AND SAFETY EDUCATION)

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

CHAPTER 114  
**RESERVED**

[FIRE PREVENTION AND SAFETY EDUCATION]

[§ 114-1.] [Purpose.]

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

[§114-2.] [Expenditure of funds.]

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

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

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

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

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

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

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

[§114-3.] [Severability.]

[If any section, provision or part hereof, as contained in this chapter shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of this chapter as a whole, or any section, provision or part thereof not so adjudged invalid or unconstitutional.]

#### Section 2. Severability.

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

#### Section 3. Effective Date.

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

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2011- 573

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 26-2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 111 (FIRE  
PREVENTION)

Resolution for Town Board Meeting dated: December 13, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

THE TOWN BOARD having held a public hearing on the 9th day of November, 2011 at 7:00 p.m. to consider adopting Local Law Introductory No. 26-2011, amending the Code of the Town of Huntington, Chapter 111 (Fire Prevention), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 26-2011 amending the Code of the Town of Huntington, Chapter 111 (Fire Prevention); as follows:

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

LOCAL LAW NO. 36 -2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 111 (FIRE PREVENTION)

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

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

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

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

**§111-1. Title.**

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

**§111-2. Legislative Intent.**

A. It is the intention of the Town Board to establish regulations to safeguard life and property from the hazards of fire and explosion arising from the storage, handling

and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings and structures.

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

**§111-3. Scope.**

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

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or fire alarm systems.

**§111-4. Conflicting provisions.**

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

**§111-5. Definitions.** For the purpose of this Chapter the following terms shall have the meanings indicated. Where terms are not defined in this chapter and are defined in the

Fire Code of New York State, Building Code of New York State, Mechanical Code of New York State, Fuel Gas Code of New York State, Residential Code of New York State, Property Maintenance Code of New York State or the Plumbing Code of New York State, such terms shall have the meanings ascribed therein. Where terms are not defined through the methods authorized by this section, such terms shall have their ordinary accepted meaning.

APPROVED. Acceptable to the fire code official.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Investigation of fires: all major fires within the Town shall be investigated for cause and origin.
- (2) Plan review: review of all system plans and design specifications, pertaining to the issuance of construction permits.
- (3) Inspection: inspection of sprinkler system installations, standpipe system installations, commercial fire detection and fire alarm system installations, alternate agent suppression system installations; and preparation of inspection reports.
- (4) Enforcement: issuance of notices of violation and summonses and provide assistance to the Town Attorney and other town departments in the prosecution of violations in the Town of Huntington.
- (5) Complaints: review and assign personnel to investigate all complaints pertaining to the existence of conditions or activities that fail to comply with the Fire Code of New York State, the provisions of this chapter and, or other applicable laws and rules.
- (6) Instructional: preparation and distribution of literature on fire prevention and protection, and training of Fire Code Officials regarding inspection procedures.
- (7) Permits: the granting or denial of construction permits; the granting or denial of operating permits after inspection and report by the Fire Code Officials, except that permits for household or commercial burning may also be granted or denied by local fire district authorities.
- (8) Records: maintenance of records and preparation of statistics on matters pertaining to fire prevention in the Town of Huntington, such as permits,

violations, complaints, summonses issued, disposition of court cases and number, location, cause and type of fires.

- (9) Standard forms: standardization of forms and procedures utilized by all Fire Code Officials regarding matters which pertain to the Fire Prevention Code of the Town of Huntington and Fire Code of New York State.
- (10) Liaison: liaison between all fire service agencies and other Town departments.
- (11) Fees: collection of fees resulting from the review and inspection of construction permits, operating permits, and property maintenance inspections.
- (12) Reports: submission of an annual report to the Town Board containing a review of the operations of the Bureau, recommending necessary changes and providing related statistics and other information requested by the Town Board.
- (13) Supervision: coordinate the activities of Fire Code Officials.

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

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

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

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

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

The chief of any fire department providing fire fighting services within the Town of Huntington shall promptly notify the Chief Fire Marshal of any fire or explosion

involving any structural damage to a building, fuel burning appliance, chimney or gas vent on property within his jurisdiction.

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

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

**§111-18. Purpose and scope.**

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

**§111-19. Members and terms.**

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

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

B. The Town Board shall appoint the Fire Chief and District Officers Association Representatives upon the recommendation of their respective organizations to a term of (3) years, except that the members first appointed shall have staggered terms of office for one (1), two (2), and three (3) years as recommended by their respective organizations.

C. The Fire Prevention Advisory Board shall be selected from its duly appointed members a Chairman and Vice Chairman on an annual basis.

**§111-20. Vacancies; compensation.**

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

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

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

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

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

**§111-26. Permits Generally.**

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

**§111-27. Permit application.**

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

- A. An application for any proposed work, activity, or operation shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued, except that the Director of Engineering Services is authorized to grant one or more extensions not exceeding ninety (90) days each for good cause shown, as long as it can be demonstrated that the applicant is proceeding diligently and the delay is not under the control of or due to the actions of the applicant.
- B. Denial of application. If the application for a permit describes a use or activity that does not conform to state or local requirements, a permit shall not be issued and the application shall be returned with the reason for denial.

- C. Where field conditions necessitate any substantial change from the approved construction documents, corrected construction drawings shall be submitted for approval along with the requisite plan review fee.
- D. Correction of errors. The issuance of a permit based on construction documents and other data shall not prevent the fire code official from requiring the correction of errors in the documents submitted. The Chief Fire Marshal shall approve any addition to or alteration of approved construction documents in advance, and a new permit issued.
- E. Construction documents shall be submitted in such form and detail as required by the Chief Fire Marshal and shall be prepared by a licensed design professional in accordance with New York State Department of Education regulations. All construction plans and specifications shall be stamped and signed by a New York State Licensed Engineer or a Registered Architect.
- F. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the requirements of this chapter, the Fire Code of New York State, and other applicable law, rule or regulation.

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

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

- (3) Construction permits are not transferable.

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

- A. The fire code official shall perform operational permit inspections and conduct fire safety property maintenance inspections of buildings and structures at the following intervals:
- (1) Areas of public assembly, dormitories, and business operations that require operational permits shall be inspected at least once every twelve (12) months.
  - (2) Inspection of multiple dwellings and all non-residential buildings, structures, uses and occupancies that do not require an operational permit shall be performed at least once every thirty-six (36) months. Requests for an inspection to be conducted less than once every thirty-six (36) months shall be accommodated upon payment of the requisite fee in the amount of one hundred (\$100.00) that shall be payable in advance of the inspection.
- B. Before a new operational permit is approved or an existing permit is renewed, an inspection of the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used shall be conducted to determine compliance with the provisions of this chapter or of any other applicable state or local law, regulation or rule.
- C. A certificate of completion for work completed under a construction permit may not be issued until such time as an acceptance test has been performed by the contractor identified on the construction permit and approved by the fire code official. Prior to scheduling an acceptance test the contractor of record shall provide the fire code official with copies of all required regulatory approvals.
- D. Whenever any system installation is completed and is covered or concealed prior to inspection, the fire code official may require that such work be exposed for inspection.
- E. It shall be unlawful for any person or business entity to resist, obstruct or impede the fire code official of the Town of Huntington in the inspection process. Any action to resist, obstruct or impede the inspection process shall be in violation of this chapter and subject to the fines and penalties provided herein.

**§111-30. Issuance of permit.**

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

protect the health or safety of persons or property, and in the public interest. Such conditions or restrictions shall be set forth in the permit.

**§111-31. Violation of conditions.**

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

**§111-32. Acceptance of permit.**

- A. The acceptance of a permit shall constitute an agreement by the property owner and/or permit holder that the work to be performed, or activity or operation, will comply in all respects with the plans and specifications approved by the bureau, and that no modification, alteration or deviation from the approved plans and specifications, or the permit, will occur without the prior approval of the Chief Fire Marshal. A property owner and/or permit holder who performs work, or causes work to be performed, or conducts an operation or activity which modifies, alters or deviates from the approved plans, specifications or permit in any way shall be in violation of this Chapter. In addition to any other penalty provided for herein, the Town may issue a stop-work order and the Chief Fire Marshal may revoke the permit.
- B. Non-transferability of permit to other property. It shall be unlawful to cause or permit a permit to be posted at a premise other than the premises for which the permit was issued. The permit holder, property owner to whom the permit was originally issued and the owner of the property on whose property the permit is unlawfully posted shall be strictly liable for a violation of this Chapter. In addition to any other penalty provided for herein, the Town may issue a stop-work order and the Chief Fire Marshal may revoke the permit.
- C. Alteration of permit. It shall be unlawful to alter, obscure, deface, change or otherwise tamper with any portion of a permit issued pursuant to this Chapter. The property owner and/or permit holder shall be strictly liable for a violation of this section. In addition to any other penalty provided for herein, the Town may issue a stop-work order, and the Director may revoke the permit.

**§111-33. Revocation of permits.**

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

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

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

**ARTICLE IV**  
**FEES**

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

- A. The following fees are established for the installation or modification of fire alarm system equipment. If the system should fail any portion of the review, testing or inspection process, payment of the requisite fee for such service must be paid before an inspection will be rescheduled.
  - (1) Fee exemption. The permit fee shall be waived if the owner of the property for which a construction permit is sought is a municipality, special improvement district or other entity for which real property taxes are not collected, and if the construction or use is for governmental, municipal or district purposes and is not proprietary in nature.

**FEE SCHEDULE FOR AUTOMATIC FIRE ALARM SYSTEMS**

	System Size (Number of Devices)			
	1 - 25	26 - 100	100 - 250	More than 250
<u>Plan Review</u>	<u>\$100</u>	<u>\$150</u>	<u>\$300</u>	<u>\$450</u>
<u>Inspection and acceptance test</u>	<u>\$200</u>	<u>\$200</u>	<u>\$250</u>	<u>\$350</u>

Final report and permit issuance	\$25	\$50	\$750	\$75
Total	\$325	\$400	\$625	\$875

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

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

FEE SCHEDULE FOR AUTOMATIC FIRE SPRINKLER SYSTEMS

	System Size			
	Small 1 – 25 Heads	Intermediate 26 – 100 Heads	Large 100 – 250 Heads	More than 250 Heads
Plan Review	\$100	\$150	\$300	\$450
Inspection and acceptance test	\$200	\$200	\$250	\$350
Final report and permit issuance	\$25	\$50	\$75	\$75
Total	\$325	\$400	\$625	\$875

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

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

FEE SCHEDULE FOR AUTOMATIC FIRE-EXTINGUISHING SYSTEMS

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

Total	\$300	\$300	\$500
-------	-------	-------	-------

**FEE SCHEDULE FOR MISCALEANOUS FIRE PROTECTION EQUIPMENT**

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

**§111-40. Operational permit fees.**

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

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

**FEE SCHEDULE FOR OPERATIONAL PERMITS**

Section	Permit for:	Fee
<u>§111-58</u>	Aerosol Products	\$130.00
<u>§111-59</u>	Auto Repair Garage	\$195.00
<u>§111-60</u>	Automotive/Wrecking Yard	\$130.00
<u>§111-61</u>	Combustible Material	\$65.00
<u>§111-62</u>	Compressed Gases	\$130.00
<u>§111-63</u>	Cryogenic Fluids	\$165.00
<u>§111-64</u>	Dry Cleaning Plant	\$65.00
<u>§111-65</u>	Explosives	\$195.00
<u>§111-66</u>	Fireworks	\$600.00
<u>§111-67</u>	Flamm/Comb. Liquids	
	<u>6-10,000</u>	\$130.00
	<u>10,0001 – 35,000</u>	\$165.00
	<u>35,001 – 70,000</u>	\$195.00
	<u>70,001 – 110,000</u>	\$260.00
	<u>For every 20,000 over 110,000</u>	\$2.50
<u>§111-68</u>	Hazardous Material	
	Type of Material	Quantity
	Combustible liquids	See §111-67
		N/A

	<u>Corrosive materials</u>		
	<u>Gases</u>	<u>See §111-62</u>	<u>N/A</u>
	<u>Liquids</u>	<u>55 gallons</u>	<u>\$165.00</u>
	<u>Solids</u>	<u>1000 gallons</u>	<u>\$165.00</u>
	<u>Explosive materials</u>	<u>See §111-65</u>	<u>\$165.00</u>
	<u>Flammable materials</u>		
	<u>Gases</u>	<u>See §111-62</u>	<u>N/A</u>
	<u>Liquids</u>	<u>See §111-67</u>	<u>N/A</u>
	<u>Solids</u>	<u>100 pounds</u>	<u>\$165.00</u>
	<u>Highly toxic materials</u>		
	<u>Gases</u>	<u>See §111-62</u>	<u>N/A</u>
	<u>Liquids</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Solids</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Oxidizing materials</u>		
	<u>Gases</u>	<u>See §111-62</u>	<u>N/A</u>
	<u>Liquids</u>		
	<u>Class 4</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Class 3</u>	<u>1 gallon</u>	<u>\$165.00</u>
	<u>Class 2</u>	<u>10 gallons</u>	<u>\$165.00</u>
	<u>Class 1</u>	<u>55 gallons</u>	<u>\$165.00</u>
	<u>Solids</u>		
	<u>Class 4</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Class 3</u>	<u>10 pounds</u>	<u>\$165.00</u>
	<u>Class 2</u>	<u>100 pounds</u>	<u>\$165.00</u>
	<u>Class 1</u>	<u>500 pounds</u>	<u>\$165.00</u>
	<u>Organic peroxides</u>		
	<u>Liquids</u>		
	<u>Class I</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Class II</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Class III</u>	<u>1 gallons</u>	<u>\$165.00</u>
	<u>Class IV</u>	<u>2 gallons</u>	<u>\$165.00</u>
	<u>Class V</u>	<u>No Permit Required</u>	<u>N/A</u>
	<u>Solids</u>		
	<u>Class I</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Class II</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Class III</u>	<u>10 pounds</u>	<u>\$165.00</u>
	<u>Class IV</u>	<u>20 pounds</u>	<u>\$165.00</u>
	<u>Class V</u>	<u>No Permit Required</u>	<u>N/A</u>
	<u>Pyrophoric materials</u>		
	<u>Gases</u>	<u>See §111-62</u>	<u>N/A</u>
	<u>Liquids</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Solids</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Toxic materials</u>		
	<u>Gases</u>	<u>See §111-62</u>	<u>N/A</u>
	<u>Liquids</u>	<u>10 gallons</u>	<u>\$165.00</u>
	<u>Solids</u>	<u>100 pounds</u>	<u>\$165.00</u>

	<u>Unstable (reactive) materials</u>		
	<u>Liquids</u>		
	<u>Class 4</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Class 3</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Class 2</u>	<u>5 gallons</u>	<u>\$165.00</u>
	<u>Class 1</u>	<u>10 gallons</u>	<u>\$165.00</u>
	<u>Solids</u>		
	<u>Class 4</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Class 3</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Class 2</u>	<u>50 pounds</u>	<u>\$165.00</u>
	<u>Class 1</u>	<u>100 pounds</u>	<u>\$165.00</u>
	<u>Water-reactive materials</u>		
	<u>Liquids</u>		
	<u>Class 3</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Class 2</u>	<u>5 gallons</u>	<u>\$165.00</u>
	<u>Class 1</u>	<u>55 gallons</u>	<u>\$165.00</u>
	<u>Solids</u>		
	<u>Class 3</u>	<u>Any quantity</u>	<u>\$165.00</u>
	<u>Class 2</u>	<u>50 pounds</u>	<u>\$165.00</u>
	<u>Class 1</u>	<u>500 pounds</u>	<u>\$165.00</u>
<u>§111-69</u>	<u>High-Pile Combustible Material</u>		<u>\$200.00</u>
<u>§111-70</u>	<u>LPG</u>		
	<u>1 - 100 Gallons</u>		<u>\$35.00</u>
	<u>101 - 500 Gallons</u>		<u>\$100.00</u>
	<u>501 - 1,000 Gallons</u>		<u>\$130.00</u>
	<u>1,001 - 2,000 Gallons</u>		<u>\$195.00</u>
	<u>2001 Gallons or more</u>		<u>\$325.00</u>
	<u>Dispense / Transfer</u>		<u>Add \$65.00</u>
<u>§111-71</u>	<u>Lumber Yard</u>		<u>\$200.000</u>
<u>§111-72</u>	<u>Magnesium</u>		<u>\$200.00</u>
<u>§111-73</u>	<u>Place of Assembly</u>		
	<u>1 - 50 Persons</u>		<u>\$65.00</u>
	<u>51 - 100 Persons</u>		<u>\$130.00</u>
	<u>101 - 200 Persons</u>		<u>\$165.00</u>
	<u>201 - 300 Persons</u>		<u>\$260.00</u>
	<u>301 - 500 Persons</u>		<u>\$390.00</u>
	<u>501 - 1000 Persons</u>		<u>\$520.00</u>
	<u>1001 - 1500 Persons</u>		<u>\$650.00</u>
	<u>Each 100 Persons over 1500 Persons</u>		<u>\$35.00</u>
<u>§111-74</u>	<u>Spray Finish</u>		<u>\$100.00</u>
<u>§111-75</u>	<u>Tank Vehicles</u>		<u>\$45.00</u>
<u>§111-76</u>	<u>Tar Kettle</u>		<u>\$65.00</u>
<u>§111-77</u>	<u>Tent</u>		<u>\$100.00</u>
<u>§111-78</u>	<u>Welding &amp; Other Hot Work</u>		<u>\$65.00</u>

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

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

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

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

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

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

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

- A. It shall be unlawful for a person, firm or corporation to install or modify fire protection equipment or conduct a business operation without benefit of a

construction permit for a fire protection system. Any person who fails, neglects or refuses to obtain a permit shall be in violation of this chapter.

- B. It shall be unlawful for any person to engage in the installation, servicing or maintenance of fire protection equipment without benefit of the requisite current manufacturer's certification, and appropriate New York State or Town of Huntington license.

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

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

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

- A. In all buildings designed or required to be fully protected with an automatic fire sprinkler system, it shall be unlawful to fail, refuse or neglect to fully protect all spaces, including mechanical, electrical, or telephone equipment rooms, or other control rooms, in accordance with NFPA Standard 13, or successor standard.
- B. In a partially occupied building that is designed or required to be fully protected with an automatic fire sprinkler system, it shall be unlawful to fail, refuse, or neglect to fully protect all floors below the occupied space and any floor so occupied, partially or fully.
- C. Basements.
- (1) It shall be unlawful to fail, refuse or neglect to install and maintain adequate and proper automatic fire sprinkler systems in all basements having an area exceeding five thousand (5,000) square feet, when used for the manufacture, sale or storage of combustible goods or merchandise, not including garages. "Area" as used in this section refers to the maximum horizontal projected area of the basement at grade, as measured between exterior walls, fire walls notwithstanding. "Combustible goods or merchandise" shall include those made of wood, paper or rubber; those containing flammable liquids; those packed with quantities of excelsior, moss or paper; and other goods or merchandise of equivalent or greater combustibility.
- (2) In buildings used for assembly, educational, institutional and residential occupancies, it shall be unlawful to fail, refuse or neglect to install and maintain adequate and proper automatic fire sprinkler systems in such portions of the basement as are used for storage purposes or as workshops.

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

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

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

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

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

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

**§111-58. Aerosol products.**

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

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

- A It shall be unlawful for any person to operate or to allow the operation of a business for the purpose of servicing or repairing any motor vehicle within any building, shed or enclosure without benefit of an operational permit permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.
- B. It shall be unlawful for any person to dispense or cause to be dispensed Class I flammable liquids into the fuel tank of a vehicle or into a container unless the activity is under the control of a service station employee.
- C. It shall be unlawful for any person to use or cause to be used any device which permits the dispensing of Class I flammable liquids when the hand of the operator

is removed from the dispensing nozzle control lever; unless a listed automatic dispensing nozzle is used that has a latch-open device which is an integral part of the assembly, that will shut-off the flow of fuel when the tank is full; nozzles is dropped, or the vehicle is driven away while the nozzle is still in the tank.

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

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

**§111-61. Combustible materials.**

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

**§111-62. Compressed gases.**

It shall be unlawful for any person to store, handle or use, or cause to be stored, handled or used, compressed gases in excess of the amounts shown in the table without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

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

**§111-63. Cryogenic fluids.**

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

PERMIT AMOUNTS FOR CRYOGENIC FLUIDS		
TYPE OF CRYOGENIC FLUID	INSIDE BUILDING	OUTSIDE BUILDING
	(Gallons)	(Gallons)
Flammable	More than 1	60

<u>Inert</u>	<u>60</u>	<u>500</u>
<u>Oxidizing (includes oxygen)</u>	<u>10</u>	<u>50</u>
<u>Physical or health hazard</u> <u>Not indicated above</u>	<u>Any Amount</u>	<u>Any Amount</u>

**§111-64. Dry-cleaning plants.**

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

**§111-65. Explosives.**

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

- (1) Application for permits shall be made in writing at least fifteen (15) days in advance of the date of use and shall be accompanied by the requisite fee and supporting documentation.
- (2) Certificate of insurance. The applicant shall indemnify the Town of Huntington and the Huntington Board of Trustees and hold them harmless, and shall furnish a certificate of insurance in an amount deemed adequate by the Town Attorney for the payment of all damages which may be caused to persons or property by reason of the permitted activity or display and arising from any acts of the applicant, his agents, employees or subcontractors. Such certificate of insurance shall name the Town of Huntington and the Huntington Board of Trustees as additional insureds on the policy by endorsement.

**§111-66. Fireworks.**

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

- (1) Every such display shall be handled by a competent operator licensed by the State of New York and the Federal Bureau of Alcohol, Tobacco and Firearms and shall be so located, discharged or fired as, in the opinion of the Chief of the Fire Department, after proper inspection, is deemed safe, adequate and proper.
- (2) Application for permits shall be made in writing at least fifteen (15) days in advance of the date of display and shall be accompanied by the requisite

fee and supporting documentation, including a copy of the license issued to the handler.

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

B. Display Site Requirements.

- (1) The pyrotechnic drop zone shall be determined by multiplying one hundred (100) feet per inch of the largest mortar diameter to be utilized for a display. At no time shall the distance separation from mortars/devices be less than two hundred (200) feet from spectators and/or occupied buildings regardless of mortar diameter.
- (2) In the event wind speed exceeds twenty (20) miles per hour, or the wind direction becomes such that pyrotechnic debris is carried, or in the judgment of the fire code official is in danger of being carried, over spectators or occupied buildings regardless of wind speed, the display shall immediately cease. It shall be unlawful to fail, refuse, or neglect to terminate a fireworks display when directed by the fire code official, and the failure, neglect or refusal to do so shall be a violation of this chapter.
- (3) Any pyrotechnic device four (4) inches in diameter or greater and which is discharged from a mortar shall be electronically fired.
- (4) A minimum of four (4) two and one-half (2 ½) gallon pressurized water extinguishers shall be provided by the pyrotechnic company and shall be strategically placed at the discharge site.
- (5) All pre-manufactured box or cake-type multi-shell devices shall have all sides adequately secured to prevent container wall failure. Such devices shall be secured by use of sandbags or placed in an enclosure. At no time shall the enclosure wall height be less than two-thirds (2/3) nor greater than the overall height of any aforementioned device.

C. Disposal of unfired fireworks.

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

unfired fireworks in the manner directed by the fire code official shall be in violation of this chapter.

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

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

PERMIT AMOUNTS FOR FLAMMABLE COMBUSTIBLE LIQUIDS

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

**§111-68. Hazardous materials.**

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

PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

<u>TYPE OF MATERIAL</u>	<u>QUANTITY</u>
<u>Combustible liquids</u>	<u>See §111-67</u>
<u>Corrosive materials</u>	
<u>Gases</u>	<u>See §111-62</u>
<u>Liquids</u>	<u>55 gallons</u>
<u>Solids</u>	<u>1000 pounds</u>
<u>Explosive materials</u>	<u>See §111-65</u>
<u>Flammable materials</u>	
<u>Gases</u>	<u>See §111-62</u>
<u>Liquids</u>	<u>See §111-67</u>
<u>Solids</u>	<u>100 pounds</u>
<u>Highly toxic materials</u>	
<u>Gases</u>	<u>See §111-62</u>
<u>Liquids</u>	<u>Any quantity</u>
<u>Solids</u>	<u>Any quantity</u>
<u>Oxidizing materials</u>	
<u>Gases</u>	<u>See §111-62</u>

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

Class 1	55 gallons
Solids	
Class 3	Any quantity
Class 2	50 pounds
Class 1	500 pounds

**§111-69. High pile storage.**

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

**§111-70. Liquefied petroleum gas.**

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

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

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

**§111-72. Magnesium.**

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

**§111-73. Places of assembly.**

- A. Permit required. It shall be unlawful for any person to operate or maintain a place of assembly without benefit of an operational permit, except that a permit shall not be required for any place of assembly used solely as a place of religious worship. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.
- B. Posting of placard. It shall be unlawful for the owner, operator or person-in-charge of a place of assembly to fail, refuse or neglect to post the occupant placard in a conspicuous place at or near the entrance to each place of assembly including those spaces used solely as a place of religious worship. Any person

who fails, refuses or neglects to post the placard in a conspicuous location shall be in violation of this chapter.

- C. Exceeding occupant limit. It shall be unlawful for an owner, manager or person-in-charge of a place of assembly to allow the premise to exceed the posted occupant load identified on the occupancy placard. Any person who fails, refuses or neglects to maintain the posted occupancy limit shall be in violation of this chapter.
- D. All owners, managers, or persons-in-charge of places of assembly shall have a system or method in place by which the level of occupancy is monitored at all times during business hours in order to maintain safety and protect against exceeding the occupancy load. Such persons must disclose with specificity the method utilized and provide the number of existing occupants at the establishment upon request of a fire code official or other officer having jurisdiction. It shall be unlawful and a violation of this chapter to fail, refuse or neglect to maintain a system by which the occupancy load is monitored, or to fail to provide the number of occupants at an establishment upon request.

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

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

**§111-75. Tank vehicles.**

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

**§111-76 Tar kettle.**

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

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

It shall be unlawful for any person to erect, maintain, or utilize an air supported temporary membrane structure or a tent having an area in excess of two hundred (200) sq. ft., or a canopy in excess of four hundred (400) square feet without benefit of an

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

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

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

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

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

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

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

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

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

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

- A. It shall be unlawful for an owner, occupant or person-in-charge of property to fail, refuse or neglect to maintain fire protection systems in an operative condition at all times in accordance with the applicable National Fire Protection Association Standard for that system.
- B. It shall be unlawful for an owner, occupant or person-in-charge of property to fail, refuse or neglect to inspect or test fire protection systems in accordance with the applicable National Fire Protection Association Standard for that system.

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

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

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

**§111-95. Exterior gas shutoffs.**

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

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

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

**§111-97. Open burning.**

- A. It shall be unlawful for any person to conduct open burning activities anywhere within the Town of Huntington where the fire has a pile size of more than three (3) feet in diameter and more than two (2) feet in height.

B. Exemptions. The following open burning activities shall not be restricted as to size providing the activity conforms to the following specific requirements:

- (1) Organic agricultural waste. It shall be unlawful to maintain or conduct open burning of organic agricultural waste unless the fire is located on contiguous agricultural land larger than five (5) acres in size; it is burned on-site where it is grown or generated; the waste is capable of being fully burned within twenty-four (24) hours of commencement of the burning; fire-extinguishing equipment, such a dirt, sand, water barrel, garden hose or water truck is readily available for immediate utilization; and notification is made to the fire company or fire district having jurisdiction where the burning activity is to commence.
- (2) Live fire training. It shall be unlawful to conduct open burning for fire training purposes unless performed by an organized fire company or fire district having jurisdiction within the Town of Huntington and all burning activities are conducted in compliance with guidelines prescribed by the New York State Department of State Office of Fire Prevention and Control.

C. Recreational fires. It shall be unlawful and a violation of this Chapter to conduct open burning activities for recreational purposes if:

- (1) The fire has a pile size of more than three (3) feet in diameter and more than two (2) feet in height; or
- (2) Materials other than charcoal or dry, untreated or unpainted wood is being used; or
- (3) The fire is located less than fifty (50) feet from any property line or structure if uncontained, and less than twenty-five (25) feet from a property line or structure if the fire is within a barbecue pit or other container; or
- (4) The fire is left unattended at any time before it is fully extinguished; or
- (5) A minimum of one (1) portable fire extinguisher with a minimum of a 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck shall be available for immediate utilization.

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

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

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

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

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

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

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

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

**§111-107. Notice of violation.**

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

- A. Contents. The notice of violation shall identify the violation or offense and may, without limitation, require the abatement, remediation or restoration of the building, structure, installation, equipment, or property within the period identified in the notice.
- B. Service. A notice of violation shall be served upon the property owner, operator, occupant, person in charge of the property, or other person responsible for the condition or violation, by personal delivery, or mailed to the last known address, or by delivering the same to and leaving it with a person of suitable age and discretion at the premise. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises or building and mailed by certified mail return receipt requested to the last known address of the owner or person in charge of the property as shown on the latest tax rolls of the Huntington Tax Assessor.
- C. Extension of time. Upon good cause shown to the satisfaction of the fire code official, the period of compliance may be extended where remedial measures have been started and the delay is not under the control of or due to the actions of the person to whom the notice has been issued.
- D. Tampering and removal. It shall be unlawful for a person to mutilate, destroy, tamper with or remove a notice of violation, which has been posted or affixed at a premise without authorization from the fire code official.

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

- A. Placement. Whenever any portion of a premise, building, structure, dwelling unit, equipment, or installation has been condemned, a placard shall be posted in a conspicuous place in or about the structure, building or unit, and if the placard pertains to equipment, it shall also be posted on the condemned equipment, as access permits.
- B. Prohibited acts.
- (1) Impeding government action. Any person who resists, obstructs or impedes the fire code official in the placement or posting of placard(s) or the execution of an order to vacate shall be in violation of this chapter and shall be subject to the fines and penalties provided herein.
- (2) Occupancy, operation or use. It shall be unlawful for any person to occupy or use, or allow another person to occupy or use any portion of any land, building, structure, or dwelling unit which has been placarded, or to operate or use placarded equipment except as necessary to repair, remedy or abate the condition.
- (3) It shall be unlawful and a violation of this chapter for any person to deviate in any way from the activity permitted by the fire code official pending resolution of the hazardous or unsafe condition, or to disobey a lawful order of the fire code official. In addition to any other penalty provided for herein, the Director of Engineering Services may revoke any construction or operational permit that has been issued.
- (4) Tampering and removal. It shall be unlawful for any person to deface, mutilate, alter, or remove any placard posted.

**§111-109. Stop-work order.**

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

- A. Contents and service. A stop-work order shall be in writing and shall state the conditions under which the work may be resumed. The stop work order shall be served upon the permit holder, or property owner or his agent, or the operator, occupant, or person in charge of the property, or other person responsible for the work, condition or violation by personal delivery, or by certified mail return receipt requested and addressed to the last known address. In all instances the stop work order shall be posted in a conspicuous place on the property, building, structure, or equipment that is the subject of the notice, as access permits.

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

**§111-110. Issuance of a summons.**

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

**§111-111. Emergencies.**

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

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

**§111-112. Penalties for offenses.**

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



# 2011-574

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 27-2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 157 (PUBLIC BENEFIT INCENTIVES), TO IMPLEMENT THE LONG ISLAND UNIFIED SOLAR ENERGY SYSTEM FAST TRACK PERMIT PROCESS

Resolution for Town Board Meeting dated: December 13, 2011

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

THE TOWN BOARD having held a public hearing on the 9<sup>th</sup> day of November, 2011 at 7:00 p.m. to consider adopting Local Law Introductory No. 27-2011, amending the Code of the Town of Huntington, Chapter 157 (Public Benefit Incentives); and due deliberation having been had,

NOW THEREFORE, BE IT

RESOLVED, that for standard installations of solar panels on residential structures or legal accessory structures on residentially-utilized properties, the Town Board hereby adopts the "Solar Energy System Fast Track Permit Application" that is annexed to this Resolution and made a part hereof as Schedule "A", as an alternative to existing building permit application forms; and

BE IT FURTHER RESOLVED, that to the extent practicable, a central registry of all solar panel installations by address shall be maintained by the Department of Engineering Services to be shared with relevant first responder organizations or agencies; and

HEREBY ADOPTS

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

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

LOCAL LAW NO. 37 - 2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 157 (PUBLIC BENEFIT INCENTIVES)

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

CHAPTER 157  
PUBLIC BENEFIT INCENTIVES

\* \* \*

ARTICLE II  
UNIVERSAL DESIGN INCENTIVE

\* \* \*

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

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

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

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

[§157-17] [(RESERVED)]  
[§157-18] [(RESERVED)]  
[§157-19] [(RESERVED)]

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

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

- (1) Are not subject to architectural review or review by the Huntington Historic Preservation Commission;
- (2) Are proposed for installation on a roof with a single layer of roof covering;
- (3) Are to be flush-mounted parallel to the roof surface and no more than 6" above the surface;
- (4) Have an 18" clearing at one side of the roof ridge and an 18" clearing path to the ridge;
- (5) Add a gravity roof load of no more than 5 pounds per square foot for photovoltaic (PV) and 6 pounds per square foot for residential solar hot water (RSHW);
- (6) Be installed by contractors which are on LIPA's pre-screened solar contractor list;
- (7) Use PV panels that have been certified by a nationally-recognized testing laboratory as meeting the requirements of the Underwriters Laboratory (UL) Standard 1703 and inverters must be on a list of New York State Public Service Commission type-tested inverters which are tested by UL or other nationally-recognized laboratories to conform with UL 1741;
- (8) Use RSHW equipment that has been certified by the Solar Rating and Certification Corporation under its OG-100 standard for solar collectors;
- (9) Use other equipment such as modules, combiner boxes and a mounting system that have been approved for public use
- (10) Be in full compliance with all current National Electrical Code (NEC) requirements.

§157-16. Additional requirements. Prior to the issuance of a certificate of completion or compliance, a sign (or decal) shall be affixed by the property owner to the utility meter and at any alternating current (AC) disconnect switch indicating the existence of an operating solar electric co-generation system on site.

§157-17. (Reserved)

ARTICLE IV  
APPRENTICESHIP INCENTIVE

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

\* \* \*

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

\* \* \*

§157-20. (RESERVED)

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

\* \* \*

§157-22. [§157-23.] Appeal.

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

ARTICLE V (RESERVED)

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

ARTICLE VI (RESERVED)

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

ARTICLE VII (RESERVED)

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

ARTICLE VIII

PENALTIES AND ENFORCEMENT

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

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

\* \* \*

Section 2. Severability.

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

Section 3. Effective Date.

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

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

VOTES:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED

## SCHEDULE "A"

**Long Island Unified Solar Permit Initiative**  
***Solar Energy System Fast Track Permit Application***

**Requirements for Application Submittal**

Before approval and issuance of permit(s) for a grid-tied Photovoltaic system (PV) or Residential Solar Hot Water system (RSHW), the applicant shall submit:

**1. Solar Energy System Fast Track Permit Application Requirements Checklist**

**2. Three (3) sets of plans which include:**

- Cover Sheet must include the following: (a) Project address, map, section, block and lot # of the property; (b) Owner's name, address, phone number, (c) Name, address and phone number of the person preparing the plans;
- Sheet index indicating each sheet title and number;
- Legend for symbols, abbreviations and notations used in the drawings;
- Configuration diagrams prepared by a Professional Engineer or Registered Architect which are sketched (hand-drawn or better) as follows:
  - **Roof Diagram** depicting modules or collectors and racking configuration on designated surface(s) to scale and dimensioned. The diagram should include any 18" clearance/access required as noted in the Fast Track Permit Requirements Checklist criteria
  - **Equipment Location Diagram** indicating the location(s) of the (1) modules or collectors; (2) main electrical service; (3) inverter(s); (4) the location of all equipment disconnects on the outside of the structure (i.e. A/C disconnect); (5) any interior equipment locations
  - **One line standard electrical diagram**
- Property Survey (only if system is proposed for an accessory structure)

**3. Solar Energy System Fast Track Permit Application Information Sheet**

### Solar Energy System Fast Track Permit Application Requirements Checklist

This form may be used for planned Photovoltaic (PV) & Residential Solar Hot Water Panel (RSHW) installations that meet the following criteria (check one for each criterion):

- Yes  No Solar installation is not subject to review by an Architectural or Historical Review Board.
- Yes  No Solar installation is to be mounted on a permitted roof structure of a residential building, or on a legal accessory structure. If on a legal accessory structure, a survey showing said structure is attached.
- Yes  No The roof will have no more than a single layer of roof covering in addition to the solar equipment. *[At its discretion, a municipality may waive this requirement.]*
- Yes  No Installation will be flush-mounted, parallel to and no more than 6" above the roof surface.
- Yes  No An 18" wide clearing (free of solar equipment) will be provided along at least one side of the roof ridge either on the same side as the solar equipment or on another side of the ridge that does not have solar equipment on it. In addition, an 18" wide pathway (free of solar equipment) will be provided from at least one eave or gutter connecting to that 18" roof ridge clearing.
- Yes  No Weight of the installed system will not exceed more than 5 lbs per square foot for photovoltaics and no more than 6 lbs per square foot for residential solar hot water.
- Yes  No The Solar Installation Contractor complies with all licensing and other requirements of the jurisdiction and is named on the pre-screened installer lists on the LIPA website.
- Yes  No The proposed equipment is certified under UL 1703 (PV) or has an OG-100 (RSHW) rating from the Solar Rating and Certification Corporation. Inverters used are listed on the NYS Public Service Commission list of type-tested certified interconnection equipment.
- Yes  No PV modules and combiner boxes are identified by the manufacturer for use in grid-tied PV systems.
- Yes  No The project will comply with current NEC requirements including Article 690 Solar Photovoltaic (PV) Systems.
- Yes  No The mounting system has been approved for use in New York State by a licensed professional engineer or registered architect.

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Solar Installation Contractor Signature

\_\_\_\_\_  
Date

### Solar Energy System Fast Track Permit Application Information Sheet

1. Property Address: \_\_\_\_\_

2. Is this  a grid-tied photovoltaic (PV) or  a Residential Solar Hot Water (RSHW) system? (Check One)

3. Provide the total system capacity rating (sum of all panels)

PV System: \_\_\_\_\_ DC kilowatts

RSHW System: \_\_\_\_\_ square foot gross area; \_\_\_\_\_ kBTU/day (Clear C) per SRCC OG-100 label(s).

4. Solar Installation Contractor:

Business Name & Address \_\_\_\_\_

Contact Name \_\_\_\_\_

Phone Number \_\_\_\_\_

License Number(s) \_\_\_\_\_

5. What is the existing roofing material? \_\_\_\_\_

6. Provide a letter from a Professional Engineer or Registered Architect certifying that the existing structure can support the additional gravity and wind loads of the solar energy system.

7. Provide an installation manual (or the internet address of a web-based version) for the mounting system.

8. Indicate type, brand and model size and weight including manufacturer's specification sheets of the:

Mounting System: \_\_\_\_\_

Make \_\_\_\_\_ Model \_\_\_\_\_ Mounting Method \_\_\_\_\_

Inverters: \_\_\_\_\_

Quantity \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_

Modules: \_\_\_\_\_

Quantity \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Solar Installation Contractor Signature

\_\_\_\_\_  
Date

2011-575

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 28-2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 87 (BUILDING CONSTRUCTION), ARTICLE VIII (GENERAL RESTRICTIONS AND REQUIREMENTS)

Resolution for Town Board Meeting dated: December 13, 2011

The following resolution was offered by: Councilman Cuthbertson COUNCILWOMAN BERLAND and seconded by: COUNCILMAN MAYOKA

THE TOWN BOARD having held a public hearing on the 9<sup>th</sup> day of November, 2011 at 7:00 p.m. to consider adopting Local Law Introductory No. 28-2011, amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article VIII (General Restrictions and Requirements); and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 28-2011 amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article VIII (General Restrictions and Requirements); as follows:

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

LOCAL LAW NO. 38 -2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 87 (BUILDING CONSTRUCTION)  
ARTICLE VIII (GENERAL RESTRICTIONS AND REQUIREMENTS)

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

CHAPTER 87  
BUILDING CONSTRUCTION  
\* \* \*  
ARTICLE VII  
DEFINITIONS

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

\* \* \*

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

\* \* \*  
ARTICLE VIII  
GENERAL RESTRICTIONS AND REQUIREMENTS  
\* \* \*

[§87-55.3.] [(Reserved)]

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

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

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

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

\* \* \*

Section 2. Severability.

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

Section 3. Effective Date.

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

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

VOTE:                    AYES: 5      NOES: 0      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

## 2011-576

ENACTMENT: APPROVE A LICENSE AGREEMENT WITH HASA CONSTRUCTION LLC FOR THE TEMPORARY USE OF TOWN LAND LOCATED AT CREEK ROAD AND MILL DAM ROAD (FORMER NAVAL RESERVE) FOR USE AS A CONSTRUCTION SITE STAGING AREA

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, HASA Construction LLC is under contract with the New York State Department of Transportation to perform drainage and roadway improvements under Contract #D261568 located in Halesite, New York and has requested the use of space at the former Naval Reserve located between Creek Road and Mill Dam Road as a temporary staging area for materials and equipment during their operations. The space requested is 200 feet x 450 feet bounded by Creek Road and Mill Dam Road and a fair market rental rate shall be charged to HASA. The expected term is twenty-four months in duration, at the end thereof HASA shall restore the property to its original condition as it was prior to their usage; and

WHEREAS, the Town Board is desirous of making said space available to HASA Construction LLC to facilitate their operations and drainage and roadway improvements within the Town; and

WHEREAS, a license agreement for the temporary use of Town land is a Type II action pursuant to § 6 N.Y.C.R.R. 617.5 (C) (15), and therefore no further SEQRA review is required; and

NOW THEREFORE, BE IT

RESOLVED, that having held a public hearing on the 13<sup>th</sup> day of December 2011 at 7:00 p.m., to consider entering into the License Agreement, with HASA Construction LLC for the temporary use of a 200feet x 450 feet portion of Town land bound by Creek Road and Mill Dam Road (former Naval Reserve) for the purpose of temporarily staging their equipment and materials for the monthly fee of TWO THOUSAND DOLLARS (\$2,000.00), the Town Board,

HEREBY APPROVES/DECLINES TO APPROVE

A license agreement with HASA Construction LLC, and authorizes the Supervisor to execute the License Agreement (attached hereto as Schedule "A") for a term of twenty-four (24) months at a rental rate of \$2000 per month to be recorded in Operating Budget Item A2410 payable on the first of each month, and an extension, at the option of the Town, for an additional twelve (12) months, if necessary, and commencing on the date of

execution, and any further documents necessary to facilitate the intent of the agreement, on behalf of the Town of Huntington and deemed warranted by the Town Attorney's Office.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

**LICENSE AGREEMENT**  
**between**  
**TOWN OF HUNTINGTON**  
**and**  
**HASA CONSTRUCTION, LLC**  
**For the use of Town**  
**and/or**  
**Town of Huntington Board of Trustees Property**

THIS LICENSE AGREEMENT entered into on the \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the Town of Huntington, ("Licensor") a municipal corporation of the State of New York, having its principal office at Town Hall, 100 Main Street, Huntington, New York, (hereinafter referred to as the "TOWN") and HASA Construction, LLC, ("Licensee") 22 Central Drive, Farmingdale, New York 11735 (hereinafter referred to as the "HASA").

WHEREAS, HASA Construction, LLC has entered into a contract with New York State for a road reconstruction project (D261568) on New York Avenue in Halesite, New York; and

WHEREAS, a project of this magnitude requires a staging area and HASA Construction, LLC has requested permission to use the Town of Huntington/Town of Huntington Board of Trustees property, a.k.a. the former Naval Reserve Property located on New York Avenue between Creek Road and Mill Dam Road for such staging area; and

WHEREAS, the Town Board held a public hearing on this matter and thereafter the passage of Resolution No. 2011- XXXX on December 13<sup>th</sup>, 2011, the Town Board has granted permission for such use of TOWN property; and

WHEREAS, such permission is contingent upon, among other things, the execution of this License Agreement.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, and for other good and valuable consideration, it is agreed by the parties hereto as follows:

**FIRST:** HASA is authorized to enter onto Town of Huntington/Town of Huntington Board of Trustees property a.k.a. the former Naval Reserve Property. The space authorized to be used by HASA is 200 feet x 450 feet bounded by Creek Road and Mill Dam Road for a staging area for the New York State project D261568 commencing on the date of execution of this Agreement; the submission of insurance documents in a form acceptable to the Town Attorney, and the payment of the monthly occupancy fee in the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) to be payable to the Town of Huntington, mailed to the Comptroller's Office on the first of each month and recorded in Town's Operating Budget Item A2410.

SECOND: HASA further agrees to fully comply with all federal, state and local laws and regulations as they may apply to its use of Town of Huntington and/or Board of Trustee property described herein.

THIRD: At the conclusion of its use, HASA shall be solely responsible for restoring the Town of Huntington/Town of Huntington Board of Trustees property described herein to a condition that is acceptable to and approved by the Director of the Town of Huntington Department of General Services.

FOURTH: HASA shall be solely responsible for the security of its property while on TOWN Property.

FIFTH: HASA agrees to indemnify and hold harmless and defend the Town of Huntington and/or the Town of Huntington Board of Trustees, jointly, severally, individually or in their respective capacity, from and against any claim, lawsuit, and/or court judgment, including costs and reasonable and necessary attorney's fees incurred and arising out of HASA'S use and occupancy of the Town of Huntington and/or the Town of Huntington Board of Trustees property hereunder.

SIXTH: HASA shall maintain during the term of this Agreement, the following insurance:

- (a) General liability insurance with liability limits of TWO MILLION DOLLARS (\$2,000,000.00) per occurrence.
- (b) Automobile bodily injury and property damage insurance with limits of TWO MILLION DOLLARS (\$2,000,000.00) per occurrence;
- (c) Contractor's Equipment Coverage.
- (d) Worker's Compensation and New York State Disability Insurance for all of its employees, agents, and subcontractors.

All insurance carriers must be authorized to do business in the State of New York. Prior to the execution of this Agreement, HASA shall furnish to the Town of Huntington Attorney's Office a Certificate of Insurance evidencing the aforesaid insurance requirements. Said Certificate shall: 1) name the Town of Huntington and the Town of Huntington Board of Trustees as additional named insureds by endorsement; 2) provide for the Town of Huntington and the Town of Huntington Board of Trustees as Certificate Holders; 3) further provide that the Certificate Holder shall be notified thirty (30) days prior to any cancellation, nonrenewal or material change of action; and 4) specifically reference the events or activities which are the subject of this Agreement. Further, IT IS EXPRESSLY UNDERSTOOD that such indemnity of the TOWN shall not be limited by reason of enumeration of any insurance coverage herein provided

SEVENTH: HASA shall be responsible to pay all premiums and deductibles applied to this insurance. The TOWN's own insurance is a third-party beneficiary of this insurance

clause. The failure by HASA to procure insurance in accordance with the requirements set forth above and the terms and conditions of an insurance procurement agreement acceptable to the Town Attorney shall constitute a breach of this agreement and any agreement with the TOWN and HASA shall be held liable for all costs, expenses and attorney fees incurred by the TOWN in the defense or prosecution of any claim or action due to or related to a breach of this clause and/or failure to obtain insurance in accordance with this section.

EIGHTH: All subconsultants/subcontractors and sub-subconsultants/sub-subcontractors retained by HASA who are involved in this Agreement shall be required by HASA to enter into an agreement to hold harmless, indemnify and defend the TOWN to the extent permitted by law. In addition, HASA shall hold harmless, indemnify and defend the Town of Huntington and Town of Huntington Board of Trustees property against any and all claims arising out of this agreement and specifically this insurance clause to the extent permitted by law.

NINTH: In the event of legal action or a claim brought by the TOWN to enforce this agreement, or to collect any amount due under this agreement, or because of a breach in the performance of any term, condition, covenant, and/or obligation of this agreement on the part of HASA to be kept or performed, and such breach/default is established, HASA shall pay the TOWN all expenses it has incurred, including but not limited to attorney fees, costs and disbursements.

TENTH: The waiver of the TOWN of a breach/default of any term, condition, covenant, and/or obligation contained herein shall not be deemed to be a waiver of a subsequent breach/default of the same or other term, condition, covenant, and/or obligation contained herein. No term, condition, covenant, and/or obligation of this agreement shall be deemed waived by the TOWN unless said waiver is in writing by the TOWN.

ELEVENTH: This License Agreement and the representations and warranties contained herein shall inure to the benefit of the Town of Huntington and the Town of Huntington Board of Trustees, their employees, agents and/or subcontractors, and shall bind HASA, and its successors and/or assigns.

TWELFTH: The authorizations and permissions granted herein are not assignable or transferable.

THIRTEENTH: The term of this Agreement shall commence on the date of execution of this Agreement, the submission of insurance documents in a form acceptable to the Town Attorney, and the payment of the monthly occupancy fee in the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) and shall terminate upon the execution of a Temporary Occupancy Agreement and a License Agreement, approved by the Huntington Town Board.

FOURTEENTH: HASA shall be required to execute a Temporary Occupancy Agreement, which shall include terms and conditions acceptable to the Town Attorney. Failure to execute either the Temporary Occupancy Agreement or the License



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

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: Councilman Mayoka

and seconded by: Supervisor Petrone

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

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

WHEREAS, Town Board Resolution 2011-492 scheduled a public hearing on November 9, 2011 to consider the issuance of a certificate of approval for said application, and due to a notification defect said hearing must be rescheduled; and

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

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

THE TOWN BOARD

HEREBY RESCHEDULES a public hearing for the **10th** day of **January, 2012** at **7:00pm** at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of Marceline Van Cott.

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

# 2011-578

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

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

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: Councilwoman Jackson, Councilman Mayoka

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

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

WHEREAS, Town Board Resolution 2011-490 scheduled a public hearing to be held on November 9, 2011 to consider the issuance of a certificate of approval for said application, and due to a notification defect said hearing must be rescheduled; and

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

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

THE TOWN BOARD

HEREBY RE- SCHEDULES a public hearing for the **10th** day of **January, 2012**, at **7:00pm** at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of John and Catherine Collins.

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-579

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A  
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT  
RE: 114 PRIME AVENUE, HUNTINGTON – MILL LANE HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: December 13, 2011

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by Seamus Coyle, 155 New York Avenue, Huntington, NY 11743, for a Certificate of Approval to erect a 3-bay service station with unfinished second floor for storage on the property at 114 Prime Avenue, Huntington, NY 11743, in accordance with plans dated November 15, 2010 pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is located in the Mill Lane Historic District and bears Suffolk County Tax Map #0400-071.00-02.00-083.000, and

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

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

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **10th** day of **January**, 2012, at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of Seamus Coyle.

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AWARDING A LICENSE AGREEMENT TO OPERATE A RESTAURANT AND SNACK BAR AT CRAB MEADOW BEACH, NORTHPORT, NEW YORK.

Resolution for Town Board Meeting Dated: December 13, 2011

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND, COUNCILWOMAN JACKSON

WHEREAS, the Town wishes to engage the services of a qualified licensee to operate a restaurant and snack bar for the Town's Crab Meadow Beach facility in Northport, New York. The lessee will have exclusive rights to the sale of any and all food, beverages and snacks at both the restaurant and snack bar; and

WHEREAS, requests for proposals were received on September 30, 2011, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for operation of a restaurant and snack bar at Crab Meadow Beach, Northport, New York, RFP No. 2011-09-009 and the same were opened and read aloud; and

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

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 10th day of January 2012 at 7:00 P.M. at Huntington Town Hall, 100 Main Street Huntington, New York to consider awarding a license agreement for the operation of a restaurant and snack bar at Crab Meadow Beach, Northport, New York to La Casa Café, Inc., 7 Barbara Anne Street, Manorville, New York 11949 for a period of ten (10) years commencing upon contract execution, with an optional two (2) five (5) year extensions, at the Town's discretion; in consideration for the payment of the following by the La Casa Café, Inc. to be deposited into revenue account A 2410 : Year 1- \$56,500.00; Year 2- \$58,000.00; Year 3- \$65,861.50; Year 4- \$65,861.50; Year 5- \$66,238.00; Year 6- \$67,926.00; Year 7- \$69,664.00; Year 8- \$81,454.00; Year 9- \$83,298.00; and Year 10- \$85,197.00 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.

2011-581

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER  
AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AGREEMENT  
WITH MEALS ON WHEELS OF HUNTINGTON

Resolution for Town Board Meeting Dated: December 13, 2011

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

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

WHEREAS, Meals on Wheels of Huntington has had a license agreement for with the Town of Huntington for the use of space at the John J. Flanagan Center located at 423 Park Avenue, Huntington, New York, for administrative offices; and

WHEREAS, the Town of Huntington is desirous of making said space available to Meals on Wheels of Huntington, to enable the continued provision of important services to Huntington residents for another five years; and

WHEREAS, the leasing of this administrative space 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 SCHEDULES a public hearing for the **10th day of January, 2012 at 7:00pm** Town Hall, 100 Main Street, Huntington, New York to consider authorizing the Supervisor to execute a License Agreement with Meals on Wheels for a term of five (5) years, at the rate of TWO HUNDRED FIFTY (250.00) DOLLARS per month, commencing on the date of execution, for the use of office space located at 423 Park Avenue, Huntington and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 35-2011, AMENDING LOCAL LAW NO. 37-2006 SO AS TO REVOKE ALL OF THE COVENANTS AND RESTRICTIONS PREVIOUSLY RECORDED AGAINST PROPERTIES BEARING SCTM# 0400-027-02-(012.001, 012.002, 012.003, 012.004 & 012.005) AS PART OF ZONE CHANGE APPLICATION #2006-ZM-362 OF DML PROPERTIES, LLC, AND REESTABLISHING COVENANTS AND RESTRICTIONS FOR PROPERTIES LOCATED ON THE SOUTHWEST CORNER OF NEW YORK AVENUE (ROUTE 110) AND HILL PLACE AND THE EAST SIDE OF CREEK ROAD, HUNTINGTON, BEARING SCTM# 0400-027-02-012.002 & 012.003.

Resolution for Town Board Meeting dated: December 13, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the zone change application of DML Properties, LLC, #2006-ZM-362, was approved by the Town Board on September 26, 2006 subject to the filing of a Declaration of Covenants and Restrictions on property formerly identified by SCTM# 0400-027-02-012.001; and

WHEREAS, a Declaration of Covenants and Restrictions was filed on January 18, 2007 in Liber 12487 Page 727 in accordance with the Town Board Resolution; and

WHEREAS, a Declaration of Covenants and Restrictions was filed on January 4, 2008 in Liber 12536 Page 101 against property formerly identified by SCTM# 0400-0400-02-012.001 concerning the trail easement on the property; and

WHEREAS, a Declaration of Covenants and Restrictions was filed on May 27, 2009 in Liber 12589 Page 160 against SCTM# 0400-02-(012.002, 012.003, 012.004 and 012.005) concerning the bridge design, construction, and maintenance; and

WHEREAS, the property owner has petitioned the Town Board to remove two of the covenants relating to the sale price of three townhouses that were designated for affordable housing and the provision of a garage for each townhouse unit, since the site plan is changing as a result of a proposed change from ownership units to rental units; and

WHEREAS, these covenants will be modified to retain three affordable housing units and sufficient parking, and the existing covenants that still apply to the proposed development will be retained; and

WHEREAS, following the approval of the zone change application, the Town of Huntington Planning Board granted final subdivision approval to the Map of DML

Properties, LLC Plat, which subdivided SCTM# 0400-027-02-012.001 into a residential lot (SCTM# 0400-027-02-012.002) which is the direct subject of this petition, a commercial lot (SCTM# 0400-027-02-012.003), and two small parcels that will be dedicated to the Town of Huntington for road widening (SCTM# 0400-027-02-012.004 & 012.005); and

WHEREAS, pursuant to the SEQRA regulations, the scheduling of a public hearing to consider amending the Code of the Town of Huntington is not an action, so the SEQRA review is not required to be completed at this time;

NOW THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 15th day of February, 2012, at 7:00 PM at Huntington Town Hall, New York, to consider adopting Local Law Introductory Number 35-2011, amending Local Law No. 37-2006 so as to revoke all of the Covenants and Restrictions previously recorded against SCTM# 0400-027-02-(012.001, 012.002, 012.003, 012.004 and 012.005) as part of zone change application #2006-ZM-362 of DML Properties, LLC, and reestablishing Covenants and Restrictions for SCTM# 0400-027-02-012.002 & 012.003 as follows:

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

LOCAL LAW INTRODUCTORY NO. 35 -2011

AMENDING LOCAL LAW NO. 37-2006 SO AS TO REVOKE ALL OF THE COVENANTS AND RESTRICTIONS PREVIOUSLY RECORDED AGAINST SCTM# 0400-027-02-(012.001, 012.002, 012.003, 012.004 & 012.005) AS PART OF ZONE CHANGE APPLICATION #2006-ZM-362 OF DML PROPERTIES, LLC, AND REESTABLISHING COVENANTS AND RESTRICTIONS AGAINST THE PROPERTIES BEARING SCTM #0400-027-02-012.002 & 012.003, AS FOLLOWS:

Section 1. Amendment to Local Law No. 37-2006 deleting all existing Covenants and Restrictions and reestablishing Covenants and Restrictions, as follows:

- (1) The following restrictions shall be imposed against the residential lot known by SCTM# 0400-027-02-012.002 (formerly p/o SCTM# 0400-027-02-012.001):
  - (a) All prior restrictive covenants and restrictions are hereby revoked; and
  - (b) All residential buildings shall be limited to two stories in height and no unit shall be more than 2,200 sq. ft. in size; and
  - (c) Three affordable housing units shall be provided in the proposed development, and all dwelling units designated as affordable units, whether sold, resold or leased, shall remain subject to the provisions of §198-13(I) or successor law, in all respects and in

perpetuity. All affordable units shall be monitored for compliance by the Community Development Agency as specified in §198-13(I); and

- (d) Conditions of the change of zone set forth in §198-13(I)(3) shall be specifically set forth in the Covenants and Restrictions to be executed and filed by the applicant.
- (e) The property shall contain at least two parking spaces per unit; and
- (f) The applicant shall install brick paver sidewalks, benches, and antique-style lighting, and such other pedestrian improvements on site and in the adjacent right-of-ways where deemed appropriate by the Planning Board during site plan review; and
- (g) The applicant shall provide a trail easement enabling public access alongside the stream as part of the project's park reservation requirements under Town Law §274-a(6), or other applicable or successor law, and shall construct the trail improvements to meet the requirement for a parkland dedication or fee in lieu payable to the Town; and
- (h) All refuse generated on-site shall be disposed of at the Town Resource Recovery Facility; and
- (i) The stream corridor and soils shall be remediated by the applicant at its own cost and expense in accordance with NYSDEC and SCDHS standards; and
- (j) The applicant shall submit architectural renderings of the project for the Planning Board's review and approval. The renderings shall include elevations showing front, side, and rear architectural features. The submission shall include descriptions of building materials, colors, and any other architectural amenities to be incorporated into the design; and
- (k) All improvements on Hill Place shall be completed before the issuance of building permits for the residential units proposed for construction on Creek Road; and
- (l) The applicant shall obtain the necessary permits and approvals from all agencies having jurisdiction, and shall comply with the provisions of all applicable laws, rules, statutes, and regulations, including the Huntington Town Code; and
- (2) The following restrictions shall be imposed against the commercial lot known by SCTM# 0400-027-02-012.003 (formerly p/o SCTM# 0400-027-02-012.001):
  - (a) All prior restrictive covenants and restrictions are hereby revoked; and
  - (b) The road and bridge on Hill Place shall be reconstructed by the property owner, its successors and/or assigns, at its own cost and expense, and the owner shall install brick paver sidewalks, benches, and antique-style lighting, and such other

pedestrian improvements on site and in the adjacent right-of-ways where deemed appropriate by the Planning Board during site plan review; and

- (c) The stream corridor and soils shall be remediated by the property owner, its successors and/or assigns, at its own cost and expense in accordance with NYSDEC and SCDHS standards; and
- (d) The property owner, its successors and/or assigns, shall submit architectural renderings of the project for the Planning Board's review and approval. The renderings shall include elevations showing front, side, and rear architectural features. The submission shall include descriptions of building materials, colors, and any other architectural amenities to be incorporated into the design; and
- (e) The property owner, its successors and/or assigns, shall obtain the necessary permits and approvals from all agencies having jurisdiction, and shall comply with the provisions of all applicable laws, rules, statutes, and regulations, including the Huntington Town Code; and
- (f) DML Properties, its successors and/or assigns, shall design and construct a public bridge over the existing creek on Hill Place, including improvements to abutting roadways as are necessary to safely accommodate the proposed bridge. Said design shall first be approved by the Town of Huntington and the New York State Department of Transportation, and shall incorporate NYSDOT requirements for the Route 110 drainage project and the requirements of the Huntington Sewer District for the replacement or extension of the main on Hill Place; and
- (g) DML Properties, its successors and/or assigns, shall pave the surface of the bridge and all entrances thereto to the satisfaction of the Town of Huntington and all agencies having jurisdiction; and
- (h) The Town of Huntington shall be the title owner of all completed improvements and shall use the same as a public roadway for vehicular and pedestrian travel; and
- (i) Upon completion of all paving and improvements, DML Properties, its successors and/or assigns, shall repair and maintain the bridge and its infrastructure in a safe and proper condition for vehicular and pedestrian travel, except that regular maintenance operations of the road surface of Hill Place (sanding, plowing, grading, and paving) shall remain the responsibility of the Town of Huntington, in accordance with the applicable provisions of General Municipal Law, Town Law, and Highway Law of the State of New York; and
- (j) DML Properties, its successors and/or assigns, shall pay for the services of all outside consultants retained by the Town of Huntington to review the design of the bridge, and to conduct such tests and inspections as deemed necessary by the Town. DML Properties, L.L.C. , its successors and/or assigns, shall deposit with the Town an amount to be determined by the Director of Engineering Services for the purpose

of reimbursing the Town for the services of its outside consultants. Additional security for such services may be requested by the Director, as circumstances warrant; and

- (k) DML Properties, its successors and/or assigns, shall provide for engineering inspections of the bridge and its appurtenances by consultants of the Town's choice, as required by the Town, in perpetuity, at no cost to the Town, and shall repair any damage and maintain the improvements to the satisfaction of the Town; and
  - (l) All improvements on Hill Place shall be completed before the issuance of building permits for the residential units proposed for construction on Creek Road; and
  - (m) All improvements shall be completed to the satisfaction of the Town of Huntington, the New York State Department of Transportation, and all agencies having jurisdiction, including such consultants as may be determined by the State of New York, Town of Huntington, and the Huntington Sewer District in connection with the extension of a sewer main and/or upgrade of sewer facilities on Hill Place; and
  - (n) DML Properties, L.L.C. shall hold harmless and indemnify the Town of Huntington, its agents, servants, and employees, from and against any and all claims for damage to property or persons, including reasonable attorney fees, arising out of or in connection with the use and occupancy of Hill Place, Creek Road, and other locations by DML, its agents, servants, and/or assigns, during construction of the improvements; and
  - (o) DML Properties, L.L.C. shall hold harmless and indemnify the Town of Huntington, its agents, servants, and employees, from and against any and all claims for damage to property or persons, including reasonable attorney fees, arising out of or in connection with the design, construction, and use of the bridge and its infrastructure by the traveling public; and
  - (p) DML shall, at its own cost and expense, secure a Comprehensive General Liability Insurance Policy in the amount of \$1,000,000.00, naming the Town of Huntington and Huntington Sewer District as additional insureds by endorsement. A Certificate of Insurance evidencing such coverage and providing proof that the Town and sewer district is an additional insured shall be provided by DML to the Town upon the execution of the maintenance agreement. Said coverage shall remain in full force and effect during construction of the improvements and for the term of the maintenance agreement; and
- (3) The following restrictions shall be imposed against the commercial lot known by SCTM# 0400-027-02-012.003 and the residential lot known by SCTM# 0400-027-02-012.002 (formerly p/o SCTM# 0400-027-02-012.001):
- (a) These covenants and restrictions shall run with the land and shall be binding upon the property owners, their heirs, successors and/or assigns; and

- (b) These covenants and restrictions shall enure to the benefit of, and be enforceable by, the Town of Huntington; and
- (c) No portion of the Covenants and Restrictions may be modified, altered, amended, annulled or repealed except by action of the Huntington Town Board; and
- (4) The following restrictions shall be imposed against the lots known by SCTM# 0400-027-02-012.004 & 012.005 (formerly p/o SCTM# 0400-027-02-012.001):
  - (a) All prior restrictive covenants and restrictions are hereby revoked.

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

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

#### Section 2. Severability

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

#### Section 3. Effective Date

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

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

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.

2011-584

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2011 CAPITAL BUDGET FOR GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT NEIGHBORHOOD INITIATIVE PROJECT-CONSTRUCTION AND REHABILITATION OF VETERANS COMMUNITY CENTER FACILITIES IN NORTHPORT, NEW YORK

Resolution for Town Board Meeting Dated: December 13, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, pursuant to Town Board Resolution 2011-412, three grants from the United States Department of Housing and Urban Development have been executed for this project; and

WHEREAS, the Town has executed a grant agreement with the Department of Housing and Urban Development in the amount of \$779,200.00 for the construction and rehabilitation of the existing facilities of the American Legion Hall in Northport which serves both as a veterans center and assembly point for war veterans from the Town of Huntington and a community center for the wider Northport area; and

WHEREAS, the Town of Huntington Community Development Agency (CDA) will coordinate and oversee this project and all related grant funding will be transferred to and expended by the CDA; and

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

WHEREAS, amending the 2011 Budget is a Type II action pursuant to SEQRA as defined by 6 NYCRR 617.5(c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

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

Adjust the following Revenue:

H974089	Federal Aid-Other	\$779,200
---------	-------------------	-----------

Adjust the following Appropriations:

EG5997-2102	Building Improvements	\$779,200
-------------	-----------------------	-----------

2011-584

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 - 585

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 36 -2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 6 (AUDIT AND CONTROL, DEPARTMENT OF) SO AS TO ADD TO SECTION 6-2 (ESTABLISHMENT) SUBDIVISION B (DIVISION OF PURCHASING) A NEW SUBSECTION 4 (LOCAL PREFERENCE)

Resolution for Town Board Meeting Dated: December 13, 2011

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

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

WHEREAS, the Town Board of the Town of Huntington finds that it is in the public interest for the Town to encourage local businesses to thrive in the current difficult economic times; and

WHEREAS, the Town Board seeks to foster a supportive environment for local businesses to prosper by encouraging local businesses to offer their expertise, advise, professional services and other personal services to the Town of Huntington in response to the Town's requests for proposals; and

WHEREAS, professional and other personal service proposals solicited pursuant to General Municipal Law § 104-b are currently evaluated on a number of different criteria including without limitation: training and experience in the field, references and prior experience, quality of staffing and ability to complete the project and/or provide the service and cost factors; and

WHEREAS, the Town Board recognizes the fact that a local preference should be given to an individual, firm, association or entity maintaining a place of business, staffing and an operational office at an address located within the Town of Huntington for at least one year prior to the date of making a proposal, by making the existence of such a local residence a criteria to be considered when proposals are received, reviewed and an award issued pursuant to Director of Purchasing or a Committee appointed by the Town Board to make recommendations to the Town Board to accept a particular proposal by the Town Board; and

WHEREAS, the Town Board of the Town of Huntington seeks to have the Director of Purchasing or a Committee appointed by the Town Board to make recommendations to the Town Board to accept a particular proposal evaluate local preference as one of the many factors to be considered; and

WHEREAS, the addition to Chapter 6, Subdivision B of a new Subsection (4) will establish the policy of considering local preference in the award of contracts entered into pursuant to General Municipal Law, Section 104-b; and

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

NOW THEREFORE,

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 10th day of January, 2011, at **7:00pm** Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 2011 amending the Code of the Town of Huntington, Chapter 6 (Audit and Control, Department of) so as to add to Section 6-2 (Establishment) Subdivision B (Division of Purchasing) a new Subsection 4 (Local Preference):

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON as follows:

LOCAL LAW INTRODUCTORY NO. 36 2011  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 6 (AUDIT AND CONTROL, DEPARTMENT OF)

Section 1: Chapter 6 (Audit and Control, Department of) of the Town of Huntington is hereby amended to read as follows:

CHAPTER 6

AUDIT AND CONTROL, DEPARTMENT OF

\* \* \*

§ 6-4. Powers and duties.

A. Division of Comptroller. This Division shall perform the following functions:

\* \* \*

B. Division of Purchasing. This Division shall perform the following functions:

- (1) \* \* \*
- (2) \* \* \*
- (3) \* \* \*

(4) Local Preference: The Director of the Purchasing Division of the Department of Audit and Control, or a Committee, if one shall have been appointed by the Town Board, that evaluates, reviews and recommends to the Town Board the proposal

which it believes should be accepted from among the proposals received pursuant to the Town's request for proposals under General Municipal Law §104-b, shall include but not be limited to the following criteria: financial capability, training and experience in the field, references and prior work, quality of staffing and ability to complete the project or provide the service, responsibility of proposer and cost. In considering cost, any person or other entity which has maintained a place of business, staffing and an operational office at an address located within the Town of Huntington for at least one year prior to the date of making a proposal, may, in the discretion of the evaluator, be considered to have proposed the lowest price, if that price is not more than 5% over the price quoted by a business not maintaining an office within the Town of Huntington.

Section 2: Severability

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

Section 3: Effective Date

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

\*\*\* INDICATES NO CHANGE  
 ADDITIONS ARE INDICATED BY UNDERLINED  
 DELETIONS ARE INDICATED BY [BRACKETS]

VOTE:           AYES:5       NOES: 0       ABSENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-586

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT BETWEEN THE TOWN OF HUNTINGTON AND LOCAL 342, LONG ISLAND UNITED MARINE DIVISION, INTERNATIONAL LONGSHOREMAN'S ASSOCIATION AFL-CIO (SUPERVISORY UNIT AND BLUE COLLAR UNIT) AND TO EXTEND CERTAIN PROVISIONS OF THE LABOR AGREEMENT TO ALL CURRENT FULL-TIME EXEMPT EMPLOYEES AND TO ELECTED OFFICIALS

Resolution for Town Board Meeting Dated: December 13, 2011

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

And seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington and the Local 342, Long Island United Marine Division, International Longshoreman's Association AFL-CIO (Supervisory Unit and Blue Collar Unit) has engaged in negotiating a new collective bargaining agreement for the period commencing on January 1, 2011 and expiring December 31, 2015; and

WHEREAS, it would be beneficial to the operations of Town Government to standardize current (management/non-union) full-time exempt employee compensation and avoid disparate treatment between management and labor; and

WHEREAS, it has been the practice of the Town to provide certain employee benefits to appointed and elected officials; and

WHEREAS, it is in the best interest of the Town for appointed and elected officials to continue to serve as public officers; and

WHEREAS, the execution of collective bargaining agreement, extension of certain benefits to full-time exempt employees, and the extension of fully paid health insurance to appointed and elected officials for a length of time is not an action pursuant to the SEQRA regulations, and as such, no further SEQRA review is required.

THE TOWN BOARD, subject to ratification by the members of Local 342, Long Island United Marine Division, International Longshoreman's Association AFL-CIO (Supervisory Unit and Blue Collar Unit)

HEREBY AUTHORIZES the Supervisor to execute a contract between the Town of Huntington and Local 342, Long Island United Marine Division, International Longshoreman's Association AFL-CIO (Supervisory Unit and Blue Collar Unit) for the period January 1, 2011 and expiring December 31, 2015.

NOW, THEREFORE,

THE TOWN BOARD



2011- 587

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN A TERMINATION LETTER/AGREEMENT CONCERNING THE DEBT SERVICE FORWARD DELIVERY AGREEMENT, DATED DECEMBER 8, 1999, INVOLVING THE TOWN OF HUNTINGTON, THE BANK OF AMERICA AND THE UNITED STATES TRUST COMPANY OF NEW YORK, AND/OR ITS SUCCESSOR TRUSTEE

Resolution for Town Board Meeting Dated: December 13, 2011

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington (the "Town") and Covanta Huntington Limited Partnership (formerly known as Ogden Martin Systems of Huntington Limited Partnership), the permitted successors of C-E Huntington Limited Partnership (the "Company") entered into an Amended and Restated Solid Waste Disposal Service Agreement dated June 29, 1989 (as amended, the "Service Agreement"), providing for the construction and operation of a solid waste disposal, energy recovery and steam and electric generating facility on the land in the Town of Huntington (the "Facility"); and

WHEREAS, the Service Agreement calls for the Town to make certain Service Fee payments to the Company, a portion of which supports debt service payments on outstanding bonds relating to the Facility; and

WHEREAS, a certain Indenture of Trust dated January 15, 1997, issued by the Suffolk County Industrial Development Agency ("Agency") to the United States Trust Company of New York, as Trustee, authorized the issuance of bonds to, among other things, refund prior bonds relating to the Facility, and fund a certain debt service reserve fund; and

WHEREAS, the United States Trust Company of New York, as Trustee, the Town, and the Bank of America, P.A. (the "Provider") subsequently entered into a Debt

Service Forward Delivery Agreement dated December 8, 1999 (the "Agreement"), to facilitate the investment of available funds under the Indenture; and

WHEREAS, under the Agreement, investments made by Provider are delivered to and held by the Trustee; and

WHEREAS, by letter dated November 3, 2011, the Bank of America, N.A. informed the Town and the Bank of New York Mellon Trust Company, N.A., (formerly the United States Trust Company of New York), that Moody's Investors Service, Inc. had lowered its long term issuer rating and long term senior unsecured debt rating from Aa3 to A2, and that this downgrade constituted a Downgrade Event under the Agreement; and

WHEREAS, pursuant to Section 2.4 of the Agreement, the Town may terminate the Agreement in accordance with its terms, which in this instance would include the payment of a termination payment by Bank of America, N.A. to the Town; and

WHEREAS, the termination of the Agreement will not adversely impact the Town's debt service obligations under the Service Agreement as the investments are held by the Trustee and are sufficient to fulfill the Town's obligations; and

WHEREAS, the Bank of America, N.A. does not oppose the termination and is willing to make the required termination payment, and has proposed to set forth the terms pursuant to which the Agreement will be formally terminated in a termination letter issued by the Bank of America, N.A., and agreed to by the Town and the Trustee; and

WHEREAS, the Trustee supports the execution of the termination letter to accomplish the formal termination of the Agreement; and

WHEREAS, the termination of the Agreement is not an action as defined by 6 N.Y.C.R.R. 617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Huntington is hereby authorized to execute a termination letter and/or notice of termination in connection with resolving the termination of the Agreement dated December 8, 1999, by, between and among the United States Trust Company of New York, the Town of Huntington and the Bank of America, N.A. entitled "Debt Service Forward Delivery Agreement", subject to the approval of the Town Attorney as to form.

AND, IT IS FURTHER RESOLVED, that the Supervisor is authorized to execute any and all necessary documents needed in order to effectuate the termination of the Debt Service Forward Delivery Agreement, as authorized hereby.

VOTE:           AYES: 5    NOES: 0    ABSENTIONS:0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

# 2011-BT 27

ENACTMENT: APPROVE A LICENSE AGREEMENT TO THE COLD SPRING HARBOR SEAFARERS, INC. TO OPERATE A MARINA IN COLD SPRING HARBOR

Resolution for Board of Trustee Meeting dated: December 13, 2011

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

And seconded by: **PRESIDENT PETRONE**

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

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

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

NOW THEREFORE,

THE BOARD OF TRUSTEES, having held a public hearing on the 9<sup>th</sup> day of November, 2011, to consider granting a license a license agreement to the Cold Spring Harbor Seafarers, Inc., P.O. Box 41, Cold Spring Harbor, New York 11724, to operate a marina at trustee property located on NYS Route 25A in Cold Spring Harbor, New York, bearing SCTM #0400-064-01-001, and due deliberation being had;

HEREBY APPROVES

The execution of a license agreement with the Cold Spring Harbor Seafarers, Inc., P.O.Box 41, Cold Spring Harbor, New York 11724, to operate a marina at trustee property located on NYS Route 25A in Cold Spring Harbor, New York, bearing SCTM #0400-064-01-001.

Such license agreement shall be for a term commencing on January 1, 2012 and ending on December 31, 2016, and Cold Spring Harbor Seafarers, Inc. shall pay the Town the following license fees on January 1 of each year of the license agreement: (i) for the first term of the agreement, the license fee shall be in the amount of TWENTY-ONE THOUSAND FIFTY-ONE AND 00/100 (\$21,051.00) DOLLARS; (ii) for the year 2013, a sum equal to a three percent (3%) increase of the applicable license fee for the year ending 2012; (iii) for the year 2014, a sum equal to a three percent (3%) increase of the applicable license fee for the year ending 2013; (iv) for the year 2015, a sum equal to a three percent (3%) increase of the applicable license fee for the year ending 2014; and (v) for the year

# 2011-BT 27

2016, a sum equal to a three percent (3%) increase of the applicable license fee for the year ending 2015, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

# 2011-BT28

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: BARBARA RAISCH ON BEHALF OF  
EATON HARBORS CORP.

LOCATION: SOUTH END OF BEACH RD., EATON'S NECK, N.Y. 11768  
S.C.T.M. # 400-005.00-05.00-001.000

Resolution for Board of Trustees Meeting Dated: December 13, 2011

The following resolution was offered by: Trustee Berland

and seconded by: President Petrone

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

Barbara Raisch  
On behalf of  
Eaton Harbors Corp.  
P.O. Box 474  
Northport, N.Y. 11768

to legalize repair/resurfacing made to an existing boat ramp (use by club members only) with concrete cap at Eaton Harbors Corp. property located on the west side of the southern most end of Beach Rd., Eaton's Neck, N.Y. 11768 S.C.T.M. # 0400-005.00-05.00-001.000; 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 **10th day of January, 2012 at 7:00 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 legalize repair/resurfacing made to an existing boat ramp (use by club members only) with concrete cap at Eaton Harbors Corp. property located on the west side of the southern most end of Beach Rd., Eaton's Neck, N.Y. 11768 S.C.T.M. # 0400-005.00-05.00-001.000.

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

# 2011-BT29

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER THE ISSUANCE OF A SPECIAL USE PERMIT UNDER CHAPTER 137 (MARINE CONSERVATION)

APPLICANT: EN-CONSULTANTS INC.

LOCATION: 29 BLUFF POINT RD., NORTHPORT, N.Y.

S.C.T.M. #: 0404-003.00-01.00-009.000

Resolution for Board of Trustees Meeting Dated: December 13, 2011

The following resolution was offered by: President Petrone

and seconded by: Trustee Cuthbertson

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

En-Consultants Inc.

On behalf of

Kimberly A Willen (Rev. Trust)

29 Bluff Point Rd.

Northport, N.Y. 11768-1515

to construct an approx. 148 ft. of inter-locking steel bulkhead within 18 inches of existing dilapidated timber bulkhead. Back-fill the new bulkhead with clean fill. Project site to be accessed via applicant's own property and a construction barge as needed at 29 Bluff Point Rd., Northport, N.Y. 11768 S.C.T.M. # 0404-003.00-01.00-009.000; 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 **10th** day of **January, 2012**, at **7:00 pm** at Town Hall, 100 Main Street, Huntington, New York 11743, to consider the issuance of a special use permit to Kimberly A Willen (Rev. Trust) to construct an approx. 148 ft. of inter-locking steel bulkhead within 18 inches of existing dilapidated timber bulkhead. Back-fill the new bulkhead with clean fill. Project site to be accessed via applicant's own property and a construction barge as needed at 29 Bluff Point Rd., Northport, N.Y. 11768 S.C.T.M. # 0404-003.00-01.00-009.000

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

## 2011- CD 9

RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE AN EXTENSION TO THE CONTRACT WITH ISRAELOFF, TRATTNER & CO. P.C., CERTIFIED PUBLIC ACCOUNTANTS, TO CONDUCT AN INDEPENDENT AUDIT FOR THE FISCAL YEAR ENDING DECEMBER 31, 2011

Resolution for Community Development Agency Board meeting dated: December 13, 2011

The following resolution was offered by Agency Board Member: **MEMBER JACKSON**

and seconded by Agency Board Member: **MEMBER BERLAND**

WHEREAS, the Huntington Town Board has extended the contract with Israeloff, Trattner & Co., P.C., Certified Public Accountants, to conduct the independent audit of the Town of Huntington based on the recommendation of the Town's Audit Committee and it is both advantageous and cost effective for the Community Development Agency to contract for and be audited in conjunction with the Town's audit; and

WHEREAS, the terms of the Federal Community Development Block Grant Program, which is the principal source of funding for the Agency, requires that an annual independent audit be conducted; and

WHEREAS, the Community Development Agency is an independent New York State agency, established by Section 654 of general Municipal Law as a public benefit corporation; and

WHEREAS, Community Development Agency Board Resolution 2008-CD17 authorized the Chairman to execute a contract with Israeloff, Trattner & Co., P.C., Certified Public Accountants, to conduct an independent audit for the Community Development Agency; and

WHEREAS, said contract provides for four one (1) year extensions upon mutual consent of both parties; and

WHEREAS, Israeloff, Trattner & Co., P.C., Certified Public Accountants, has requested the Community Development Agency Board approval for the third one (1) year extension of the contract; and

WHEREAS, the execution of this contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.2 (b), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY BOARD

## 2011- CD 9

HEREBY AUTHORIZES the Chairman to execute the second extension to the contract with Israeloff, Trattner & Co., P.C., 1225 Franklin Avenue, Garden City, NY 11530, to conduct an audit for the fiscal year ending December 31, 2011, for an amount not to exceed the sum of SIX THOUSAND FIVE HUNDRED NO/100 (\$6,500.00) DOLLARS, for a term commencing January 1, 2012 and terminating December 31, 2012.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Chairman Frank P. Petrone			AYE
Member Susan A. Berland			AYE
Member Mark A. Cuthbertson			AYE
Member Glenda A. Jackson			AYE
Member Mark Mayoka			AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

## 2011-CD-10

RESOLUTION AUTHORIZING THE CHAIRMAN OF THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY TO EXECUTE A CONTRACT WITH HOLZMACHER, MCLENDON AND MURELL, P.C. FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR THE CONSTRUCTION AND REHABILITATION OF VETERANS COMMUNITY CENTER FACILITIES AT AMERICAN LEGION POST 694, NORTHPORT, NY

Resolution for Community Development Agency Board Meeting Dated: December 13, 2011

The following resolution was offered by: Member Cuthbertson **MEMBER BERLAND**

and seconded by: **CHAIRMAN PETRONE, MEMBER JACKSON, MEMBER MAYOKA**

WHEREAS, the Town of Huntington and Northport American Legion Post 694 have received federal grant funding, sponsored, respectively, by Senator Charles Schumer and Congressman Steve Israel and administered by the United States Department of Housing and Urban Development (HUD), for construction and rehabilitation of veterans community center facilities at Northport American Legion Post 694, 7 Woodside Avenue, Northport, NY; and

WHEREAS, the Huntington Town Board has previously authorized the Supervisor, by Resolution 2011-412, to execute any contracts or other documents with respect to this veterans community facilities project; and

WHEREAS, the Agency Board affirms the recommendation of American Legion Post 694 that Holzmacher, McLendon and Murell, P.C., 575 Broad Hollow Road, Melville New York 11747, will provide the necessary professional architectural and engineering expertise to undertake the proposed construction and rehabilitation project; and

WHEREAS, the execution of said contract is a Type II action pursuant to 6 NYCRR§617.5 (c) (2) and therefore no further SEQRA review is required

NOW, THEREFORE

THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY BOARD

HEREBY AUTHORIZES the Chairman to execute a contract with Holzmacher, McLendon and Murell, P.C. for professional architectural and engineering services for construction and rehabilitation of veterans community facilities at Northport American Legion Post 694, 7 Woodside Avenue, Northport, New York, 11768, for an amount not to exceed the sum of SIXTY-SEVEN THOUSAND FIVE HUNDRED AND NO/100 (\$67,500.00) DOLLARS to be charged to the grant B-10-NI-NY-0377 and upon such terms and conditions as approved by the Agency attorney.

# 2011-CD-10

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