

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://HuntingtonNY.gov>

**PRESENT:**

Supervisor	Frank P. Petrone
Councilwoman	Susan A. Berland
Councilman	Eugene Cook
Councilman	Mark A. Cuthbertson
Councilman	Mark Mayoka
Deputy Town Clerk	Stacy H. Colamussi
Town Attorney	Cindy Elan-Mangano

**AGENDA FOR TOWN BOARD MEETING DATED OCTOBER 15, 2013**

**BOARD OF TRUSTEES' MEETING FOLLOWING**

Opened: 7:15 P.M. Closed: 7:15 P.M.

**COMMUNITY DEVELOPMENT AGENCY MEETING FOLLOWING**

Opened: 6:24 P.M. Closed: 6:28 P.M.

**6:00 P.M. – TOWN HALL**

Opened: 6:04 P.M. Recessed: 6:23 P.M. Resumed: 6:28 P.M. Closed: 7:15 P.M.

(Resolutions #2013-473 to 2013-511)

**HEARINGS:**

**ACTION**

1. Discussion re: Preliminary Annual Operating Budget for the fiscal year beginning January 1, 2014.

(2013-M-95)

*Scheduled as per Resolution 2013-469 at 9-30-2013 Special Town Board Meeting*

**DECISION RESERVED**

2. Discussion re: Preliminary Capital Budget for the fiscal year beginning January 1, 2014.

(2013-M-96)

*Scheduled as per Resolution 2013-470 at 9-30-2013 Special Town Board Meeting*

**DECISION RESERVED**

3. Consider adopting Assessment Roll for the Huntington Sewer District.

(2013-M-97)

*Scheduled as per Resolution 2013-471 at 9-30-2013 Special Town Board Meeting*

**DECISION RESERVED**

**HEARINGS (Continued):**

**ACTION**

4. Consider adopting Assessment Roll for the Centerport Sewer District.  
(2013-M-98)  
*Scheduled as per Resolution 2013-472 at 9-30-2013 Special Town Board Meeting*

**DECISION RESERVED**

5. Consider adopting Local Law Introductory No. 27-2013, amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Wolf Hill Road, Melville – Parking Restrictions.  
(Local Law Introductory No. 27-2013)  
*Scheduled as per Resolution 2013-465 at 9-17-2013 Town Board Meeting*

**DECISION RESERVED**

**HEARING RESCHEDULED FROM SEPTEMBER 17, 2013**

6. Consider issuing a Certificate of Approval in an Historic District  
Re: 20 East Main Street, Huntington – Old Huntington Green Historic District.  
(Applicant: Kelly DiVico) (SCTM #0400-073.00-02.00-005.001)  
(2013-ZC-13-Ch. 198)  
*Rescheduled as per Resolution 2013-466 at 9-17-2013 Town Board Meeting*

**DECISION RESERVED**

7. Consider authorizing various actions be taken upon certain properties designated as blighted in accordance with Chapter 156, Article VII, §156-60 (Blighted Property).  
(SCTM #'S 0400-78-4-11.007, 0400-151.00-01.00-047.000, 0400-189.00-01.00-001.000, 0400-114.00-03.00-099.000)  
(2013-M-91)  
*Scheduled as per Resolution 2013-464 at 9-17-2013 Town Board Meeting*

**DECISION RESERVED**

**COMMUNITY DEVELOPMENT AGENCY HEARING:**

1. Obtain the views of citizens, public agencies and other interested parties on the housing and community needs of the Town of Huntington in preparation for annual update for fiscal year 2014 Community Development Block Grant.

**HEARING CONCLUDED**

**AGENDA FOR TOWN BOARD  
MEETING DATED: OCTOBER 15, 2013**

**RESOLUTIONS:**

**OFF. SEC. VOTE**

**ABBREVIATIONS FOR PURPOSE OF AGENDA:**

**Supervisor Frank P. Petrone - FP  
Councilwoman Susan A. Berland - SB  
Councilman Eugene Cook - EC  
Councilman Mark A. Cuthbertson - MC  
Councilman Mark Mayoka - MM**

- |                  |  |                  |                                |                 |
|------------------|--|------------------|--------------------------------|-----------------|
| <b>2013-473.</b> | <b>AUTHORIZE</b> the Supervisor of the Town of Huntington 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. | <b>MC</b>        | <b>FP<br/>SB<br/>MM<br/>EC</b> | <b><u>5</u></b> |
| <b>2013-474.</b> | <b>AUTHORIZE</b> the Supervisor to execute an agreement with Holzmacher, McLendon & Murrell, P.C. to provide engineering services for the rehabilitation of the Colby Drive Water Storage Tank, for the Dix Hills Water District, nunc pro tunc. (Re: <b>Repainting</b> )                      | <b>SB</b>        | <b>MM<br/>EC</b>               | <b><u>5</u></b> |
| <b>2013-475.</b> | <b>AUTHORIZE</b> the Supervisor to execute a rental agreement with MailFinance, a Neopost U.S.A. company, for a postage meter for the Dix Hills Water District. (Period: 12/24/2013-12/24/2018)  | <b>MM<br/>SB</b> | <b>EC</b>                      | <b><u>5</u></b> |
| <b>2013-476.</b> | <b>AUTHORIZE</b> the Supervisor to execute a contract for the electrical lighting and appurtenances for the Long Island Railroad (LIRR) South Parking Garage with Eldor Contracting Corporation. (Period: 12 months)   | <b>FP</b>        | <b>SB</b>                      | <b><u>5</u></b> |
| <b>2013-477.</b> | <b>AUTHORIZE</b> the Supervisor to execute a contract for the installation of traffic signal and related improvements to Suffolk County Road 35- Park Avenue at East Fifth Street Huntington Station, New York with Hinck Electrical Contractor Inc. (Period: 120 days)                        | <b>FP<br/>SB</b> | <b>MM</b>                      | <b><u>5</u></b> |
| <b>2013-478.</b> | <b>AUTHORIZE</b> the Supervisor to execute a contract for professional services for the Town of Huntington active park tree inventory and planting evaluation with GEI Consultants, Inc., P.C. (Period: 18 months)   | <b>MM</b>        | <b>FP</b>                      | <b><u>5</u></b> |
| <b>2013-479.</b> | <b>AUTHORIZE</b> the Supervisor to execute an interagency agreement for the use of enterprise applications between the New York State Office for People with Developmental Disabilities and the Town of Huntington.  | <b>FP</b>        | <b>SB</b>                      | <b><u>5</u></b> |
| <b>2013-480.</b> | <b>REMOVED FROM THE AGENDA AT THE WORKSHOP.</b>  |                  |                                |                 |
| <b>2013-481.</b> | <b>AUTHORIZE</b> the Supervisor to amend a license agreement by termination with Nextel of New York d/b/a Nextel Communications. (Re: <b>Boxer Court Facility</b> )  | <b>MM</b>        | <b>EC</b>                      | <b><u>5</u></b> |

**AGENDA FOR TOWN BOARD  
MEETING DATED: OCTOBER 15, 2013**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2013-482.</b> AUTHORIZE the Supervisor to appoint and reappoint Plumbing Licensing Board Members. (Re: Member/expiration date: Reappoint- Frank Sanseverino (10/15/2015), Dean Leonardi (Chairman; 10/15/2015), Andrew Rapejko (10/15/2016), Steve Kennaugh (10/15/2015), John McLaughlin (10/15/2016), Margaret Pezzino, Esq. (10/15/2014), Ben Bletch, P.E. (10/15/2016), John Borelli (10/15/2014) and Appoint: Bob Von Hagen (10/15/2014).	<u><b>SB</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2013-483.</b> AUTHORIZING the execution of a requirements contract for wastewater treatment facility instrumentation and control maintenance for the Town of Huntington Sewer District with Hinck Electrical Contractor, Inc. (Period: One year)	<u><b>MM</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2013-484.</b> AUTHORIZE settlement of a Lawsuit. (Ackerly v Town of Huntington).	<u><b>MC</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2013-485.</b> DIRECT the Town Comptroller and Town Attorney to report to the Town Board on the fiscal impact to the Town of Huntington resulting from the temporary shutdown of the Federal Government and possible federal government default.			<b>3-AYES</b> <b>MC</b> <b>FP</b> <b>SB</b> <b>2-NOES</b> <b>EC</b> <u><b>MM</b></u>
<b>2013-486.</b> AUTHORIZE Town Attorney to enter into a compensation agreement for the payment of compensation and expenses of Natasha Meyers, Esq. as Temporary Receiver, pursuant to the order of District Court Judge, Honorable C. Stephen Hackeling, in the matter of the Town of Huntington v. Jose M. Vasquez, Index Number HUC 9184-11, Re: Code violations at 163 East First Avenue, Huntington Station, New York, (SCTM No. 0400-145.00-01.00-020.000).	<u><b>FP</b></u> <u><b>SB</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2013-487.</b> AUTHORIZE the Comptroller to amend the 2013 Operating Budget for the Town of Huntington and its Special Districts – various departments.	<u><b>MM</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2013-488.</b> AUTHORIZE the Comptroller to distribute interest earned on tax revenue to the various taxing districts within the Town of Huntington.	<u><b>FP</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2013-489.</b> AUTHORIZE named financial institutions as depositories for tax receipts and authorizing the Receiver of Taxes to execute collateral agreements for tax receipt accounts on behalf of the Town of Huntington. (Re; JP Morgan Chase Bank, Valley National Bank, HSBC Bank USA, Wells Fargo Bank and TD Bank)	<u><b>MM</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: OCTOBER 15, 2013**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2013-490.</b> <b>AUTHORIZE</b> the correction of code violations at various locations pursuant to the Code of the Town of Huntington. (Re: Claire O’Keefe, 42 Lovers Lane, Huntington, SCTM#0400-025.00-02.00-069.000, Chapters 87, 133; Aileen (LE)/Dwight Carson (Estate of), 7 Metcale Lane, East Northport, SCTM# 0400-183.00-03.00-041.000, Chapter 87; Alan/Hilary Podhaizer, 1 Salem Ridge Drive, Huntington, SCTM#0400-077.00-04.00-045.000; Chapter 133; Melvin/Regina Hurt, 6 Ryder Avenue, Dix Hills, SCTM#0400-278.00-01.00-039.000, Chapter 156; Claudia Brown, 23 9 <sup>th</sup> Avenue, Huntington Station, SCTM#0400-137.00-03.00-019.000, Chapter 156; Sherifa Cookhorn, 31 Caldwell Street, Huntington Station, SCTM#0400-149.00-03.00-088.000, Chapter 156; Scott Weiser, 44 Chichester Road, Huntington Station, SCTM#0400-232.00-02.00-007.000, Chapter 156; Caren Lustig Hebron/James Hebron, 18 Olga Lane, Commack, SCTM#0400-225.00-01.00-005.000, Chapter 156)	<u><b>SB</b></u>	<u><b>MC</b></u>	<u><b>5</b></u>
<b>2013-491.</b> <b>ACCEPT</b> a donation from William P. Kiley of a park bench, to be installed in John J. Walsh Memorial Park with plaque in honor of Lieutenant Commander Francis J. Minnock (U.S. Navy-Retired).	<u><b>FP</b></u>	<u><b>MM</b></u> <u><b>SB</b></u>	<u><b>5</b></u>
<b>2013-492.</b> <b>ACCEPT</b> the dedication of Majestic Drive, a recharge basin and a drainage easement for the subdivision known as Majestic Estates.	<u><b>SB</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2013-493.</b> <b>APPOINT</b> Conservation Board Member. (Re: Julie Sullivan; term expires 12/31/2015)	<u><b>FP</b></u>	<u><b>MM</b></u> <u><b>SB</b></u>	<u><b>5</b></u>
<b>2013-494.</b> <b>APPOINT</b> Volunteer Park Stewards. (Re: Thomas Conboy (Butterfly Park); Steven Cowan (Heckscher Park); Jackie/Noel McGrath (Strathmore Park); Steven Schwartz (Half Hollow Park); Julie Sullivan (Carpenter Farm Park); Barbara Wildfeir (Gateway Park).	<u><b>SB</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2013-495.</b> <b>DECLARE</b> a payphone fixture in Greenlawn, New York, located on the west side of Broadway north of Railroad Street as abandoned property and directing the Department of General Services to remove and dispose of said fixture.	<u><b>MC</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<b>2013-496.</b> <b>DECLARE</b> certain equipment and vehicles as surplus and/or obsolete and authorizes the sale at auction, trade in or disposal of the same. (Re: 1997 Ford F-150 Truck and 1989 Ford F-350 Flat Bed)	<u><b>MM</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2013-497.</b> <b>DONATE</b> wooden floats and pilings from the Woodbine Marina to the Incorporated Village of Northport.	<u><b>FP</b></u>	<u><b>MM</b></u> <u><b>SB</b></u> <u><b>EC</b></u>	<u><b>5</b></u>
<b>2013-498.</b> <b>EXEMPT</b> New York SMSA Limited Partnership D/B/A Verizon Wireless pursuant to §198-68.1 (O) of the Huntington Town Code for work at Boxer Court, Huntington, New York. (Re: SCTM#0400-95.00-01.00-050.001)	<u><b>MC</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: OCTOBER 15, 2013**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<p><b>2013-499.</b> GRANT permission to the Cold Spring Harbor Main Street Association to sponsor its Seventh Annual “Howl-Ween” Canine Costume Parade and Howling Hound Doggie Halloween Party and Sidewalk Sale event and for use of Town-owned parking lot on Saturday, October 19, 2013. (Time: 12:00 noon until 4:00 PM; Municipal Lot #11; Raindate: October 20, 2013)</p>	<p><b>FP</b> <b>MM</b></p>	<p><b>SB</b></p>	<p><b><u>5</u></b></p>
<p><b>2013-500.</b> URGE the Governor and New York State Legislature to make the Sagamore Children’s Psychiatric Center in Dix Hills a Regional Center of Excellence and to keep the facility open.</p>	<p><b>MC</b></p>	<p><b>FP</b> <b>MM</b> <b>SB</b> <b>EC</b></p>	<p><b><u>5</u></b></p>
<p><b>2013-501.</b> ENACTMENT: ADOPT Local Law Introductory Number 25-2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article II, §2-3, Schedule C. Re: Broadway, Greenlawn – prohibited turns.</p>	<p><b>FP</b></p>	<p><b>MM</b></p>	<p><b><u>5</u></b></p>
<p><b>*MOTION TO AMEND RESOLUTION #2013-502 BY DELETING SUFFOLK COUNTY TAX MAP # 0400-168.00-02.00-013.000.</b></p>			
<p><b>2013-502.</b> AUTHORIZE appropriate action(s) in accordance with Huntington Town Code Chapter 156 Property Maintenance; Nuisances, Article VII, Blighted Property, §156-67, action by Town Board for failure to comply or abate violations, <u>as amended</u>. (Schedule A &amp; B: Leonard Alcosser/Jennifer Totten, 61 Bankside Drive, Centerport, SCTM#0400-078.00-04.00-011.007; Maria Del Carmen Chavez, 307 Depot Road, Huntington Station, SCTM#0400-151.00-01.00-047.000) (Schedule D: Charles McMorro, 4 Colby Court, Dix Hills, SCTM#0400-252.00-02.00-045.000; Robert/Leila Kea, 10 Keeler Street, Huntington, SCTM#0400-211.00-01.00-097.000; *Stephen/Fredrica Silverberg, 24 Danville Drive, Greenlawn, SCTM#0400-168.00-02.00-013.000; Cynthia Cubero, 33 Keeler Street, Huntington Station, SCTM#0400-206.00-03.00-071.000; Bette Kalpakis, 34 Shady Lane, Huntington, SCTM#0400-157.00-02.00-054.000; Elias Moragiemos, 43 West 22<sup>nd</sup> Street, Huntington Station, SCTM#0400-194.00-03.00-052.000; Michael Williamson, 108 East 2<sup>nd</sup> Street, Huntington Station, SCTM#0400-147.00-05.00-020.000; Fredy Lanier, 111 8<sup>th</sup> Avenue, Huntington Station, SCTM# 0400-143.00-01.00-066.002; Property Preservation, 138 Wyman Avenue, Huntington Station, SCTM#0400-099.00-05.00-007.000; Dennis Carrion, 502 10<sup>th</sup> Avenue, East Northport, SCTM#0400-115.00-02.00-028.000; Dominic Esposito/Nadine Nash, 536 3<sup>rd</sup> Street, East Northport, SCTM#0400-119.00-01.00-050.000)</p>	<p><b>SB</b></p>	<p><b>EC</b></p>	<p><b><u>5</u></b></p>
<p><b>2013-503.</b> SCHEDULE A PUBLIC HEARING: November 7, 2013 at 2:00 PM To consider adopting Local Law Introductory No. 28 - 2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G. Re: Roberta Lane, Commack; Clearview Street, Holst Drive West, Penataquit Place, Huntington – Stop Signs.</p>	<p><b>FP</b></p>	<p><b>MM</b></p>	<p><b><u>5</u></b></p>

**AGENDA FOR TOWN BOARD  
MEETING DATED: OCTOBER 15, 2013**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<p><b>2013-504. SCHEDULE A PUBLIC HEARING: November 7, 2013 at 2:00 PM</b> To consider adopting Local Law Introductory No. 29 - 2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Old Walt Whitman Road, Melville – Parking Restrictions.</p>	<u><b>MM</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<p><b>2013-505. SCHEDULE A PUBLIC HEARING: November 7, 2013 at 2:00 PM</b> To consider authorizing various actions be taken upon certain properties designated as Blighted in accordance with Chapter 156, Article VII, §156-60 (Blighted Property). (Re: Schedule A: Nicholas/Linda D’Onofrio, 4 Carriage Court, Dix Hills, SCTM#0400-262.00-01.00-145.000; Mohammed Sabur, 24 Lorraine Court, Northport, SCTM#0400-055.00-01.00-048.003; Subbarao/Sathyavath Gutti, 32 Lakeside Drive, Centerport, SCTM#0400-043.00-05.00-014.000; Yi-Com Corp II c/o Michael Collura, 350 Commack Road, Commack, SCTM#0400-225.00-03.00-058.000)</p>	<u><b>SB</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<p><b>2013-506. SCHEDULE A PUBLIC HEARING: November 7, 2013 at 2:00 PM</b> To consider issuing a Certificate of Approval in an Historic District Re: 56 Shore Road, Cold Spring Harbor – Cold Spring Harbor Historic District. (Applicant: 56 Partes Tres, LLC) (SCTM#0400-016.00-02.00-004.000)</p>	<u><b>MC</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<p><b>2013-507. SCHEDULE A PUBLIC HEARING: November 7, 2013 at 2:00 PM</b> To consider an amendment to the license agreement with Cellular Telephone Company d/b/a AT&amp;T Wireless to permit the installation of a generator for use with the existing cellular antennas and equipment at the Boxer Court Facility.</p>	<u><b>MM</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<p><b>2013-508. SCHEDULE A PUBLIC HEARING: November 7, 2013 at 2:00 PM</b> To consider adopting Local Law Introductory No. 30 - 2013, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article XI (Conditional Uses; Supplementary Regulations) (Re: Telecommunication Facilities).</p>	<u><b>MC</b></u>	<u><b>MM</b></u>	<u><b>5</b></u>
<p><b>2013-509. AMEND</b> Resolution 2002-600 and authorizing the Comptroller to amend the 2013 Operating Budget for the Town of Huntington and its Special Districts for funds collected from Fire Zone Parking Violations to be appropriated for tuition reimbursement grants for local fire and EMS personnel. (Re: Huntington Community First Aid Squad and Commack Volunteer Ambulance Squad)</p>	<u><b>FP</b></u> <u><b>MC</b></u> <u><b>SB</b></u> <u><b>MM</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<p><b>2013-510. AUTHORIZE</b> Brooklyn College (City University of New York) to install and monitor surface elevation tables for the purpose of tracking water elevation changes in the Crab Meadow Wetlands (Jerome Ambro Preserve).</p>	<u><b>FP</b></u>	<u><b>EC</b></u> <u><b>MM</b></u> <u><b>SB</b></u>	<u><b>5</b></u>
<p><b>2013-511. URGE</b> the Long Island Power Authority Board of Trustees to extend the Long Island Power Authority Tax Certiorari settlement offer deadline to</p>	<u><b>FP</b></u>	<u><b>SB</b></u>	

**AGENDA FOR TOWN BOARD  
MEETING DATED: OCTOBER 15, 2013**

**RESOLUTIONS:**

January 15, 2014.

<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<u>MM</u>	<u>EC</u>	<u>5</u>

**AGENDA FOR BOARD OF TRUSTEES'  
MEETING DATED: OCTOBER 15, 2013**

**RESOLUTIONS:**

**OFF. SEC. VOTE**

**2013-BT7. SCHEDULE A PUBLIC HEARING: November 7, 2013 at 2:00 PM**

To consider the execution of an extension of a license agreement with H&M Powles Marine Agency, Inc. to operate and provide marina and related services on Board of Trustee Property in Cold Spring Harbor.

**MM    EC    5**

# INFORMATIONAL SHEET FOR TOWN BOARD MEETING

DATED: OCTOBER 15, 2013

## COMMUNICATION

## ACTION

1. Letters received Certified Mail – Applying for Liquor Licenses:  
From: Vincenza Leotta for Pancho Villa H.V. Inc for Corp to be formed (311 New York Avenue, Huntington); From: Pavli Grabocka for Corp to be formed (1870 E. Jericho Turnpike, Huntington); From: Karyn Michaels for Vetta the Café (330 New York Avenue, Huntington); From: Jose Tavarez for Compruebe Deli & Grocery Inc. (1415 New York Avenue, Huntington Station); From: Osvaldo Sanchez for Sur Argentinian Steakhouse (314-16 New York Avenue, Huntington); From: James Wang for to be determined (179 Walt Whitman Road, Huntington Station);  
Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
Planning & Environment  
cc: Sewage Treatment Facility
2. Letters received Certified Mail – Renewal for Liquor Licenses:  
From: Vincenzo LoManto for Filetto’s Pizza & Restaurant; From: Tom Lam for Nisen Sushi of Commack, LLC;  
Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
Planning & Environment  
cc: Sewage Treatment Facility
3. Email received from Amol Sinha, Director, Suffolk County Chapter of the New York Civil Liberties Union. Attached was a letter from Mr. Sinha to the Council members regarding the unions concerns over the proposed Local Law Introductory #23-2013.  
Supervisor  
Town Board  
Town Attorney  
cc: Public Safety
4. Email received from Michelle Santantonio, Executive Director of the Long Island Housing Services, Inc. Attached was a letter from Ms. Santantonio to the Council members regarding their concerns over the proposed Local Law Introductory #23-2013.  
Supervisor  
Town Board  
Town Attorney  
cc: Public Safety
5. Letter received from Joyce Logan, Deputy Treasurer for the Huntington Fire District. Attached were 1) Copy of the Proposed 2014 Budget 2) Secretary’s certification of the proposed budget 3) Copy of the Notice of Public Hearing to be held on 10-15-2013 at 7:00 PM at 1 Leverich Place, Huntington.  
Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
6. Notification received from the New York State Department of Transportation regarding the designation of a restricted highway. The restricted area is NY Route 110, from Prime Avenue to Youngs Hill Road. Restriction will expire on 12-31-2013.  
Supervisor  
Town Board  
Town Attorney  
Public Safety  
cc: Traffic & Transportation
7. Letter received from Louise Caputo, Secretary/Treasurer of the Greenlawn Fire District, attached was A) a copy of the 2014 Proposed Budget B) Notice of Public Hearing to be held on 10-15-2013 at 7:00 PM at 23 Boulevard Avenue Greenlawn .  
Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
8. Received from Commack Fire District 1) Notice of Public Hearing to be held on 10-15-2013 at 7:00 PM at 6309 Jericho Turnpike, Commack 2) Copy of proposed 2014 budget.  
Supervisor  
Town Board  
Town Attorney  
cc: Comptroller

9. A) Notice of Public Hearing regarding the 2014 budget received from the Halesite Fire District to be held on 10-15-2013 at 8:00 PM at 1 New York Avenue, Halesite. B) Copy of 2014 Proposed Budget received. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
10. Public Notice received from the Board of Water Commissioners regarding the election of one Commissioner for a three year term. The hearing will be held on December 10, 2013 at 3:00 PM – 9:00 PM at 45 Railroad Street, Greenlawn. Supervisor  
Town Board  
cc: Town Attorney
11. Letter received from Susan Mullen, Clerk to the Board of Zoning Appeals for the Town of Smithtown, regarding property located at the northwest corner of Old Northport Road and Greenwood Road in Kings Park. There will be a hearing on November 12, 2013. Attached were copy of application, short environmental assessment form and a map. Applicant, West Development Partners, LLC are requesting a variance to reduce required landscape islands from 10 to 0 and increase accessory structure height from 18’ to 50’ for asphalt and concrete processing equipment. Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
12. Letter received from Kristi Cartolano, Fire District Secretary for the Eaton’s Neck Fire District. Attached was a copy of the Public Notice for the budget hearing to be held on October 15, 2013 at 7:00 PM at 55 Eaton’s Neck Road, Northport. Also included was a copy of the proposed budget for 2014. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
13. Letter received from Liz Beach, Fire District Secretary/Treasurer for the Cold Spring Harbor Fire District. Attached was a copy of the Public Notice for the budget hearing to be held on October 15, 2013 at 7:30 PM at 2 Main Street, Cold Spring Harbor; also included was a copy of the proposed budget for 2014. There was also a Public Notice attached regarding a budget workshop meeting on 10/1/2012 at 7:30 PM at 2 Main Street. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
14. Email received from the Secretary of State for New York, Cesar Perales, regarding the New York State Office for New Americans Information for Elected Officials. Supervisor  
Town Board  
Town Attorney  
cc: Human Services
15. Public Notice received from the Melville Fire District. There will be a budget hearing on October 15, 2013 at 7:00 PM at 531 Sweet Hollow Road. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
16. Letters received from Todd Cohen, District Secretary for the Dix Hills Fire District. Attached were a copy of the 2014 proposed budget, Notice of Public Hearing to be held on 10-15-2013 at 7:00 PM at 115 East Deer Park Road, Dix Hills and a copy of the Laws of New York, Chapter 240. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
17. Public Notice received from the East Northport Fire District regarding a budget hearing to be held on 10-15-2013 at 7:00 PM at One Ninth Avenue, East Northport. Attached was a copy of the proposed budget for 2014. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
18. Public Notice received from the Centerport Fire District regarding a budget hearing to be held on 10-15-2013 at 7:00 PM at 9 Park Circle, Centerport. B) Copy of the proposed 2014 budget. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
19. Copy of the Official Budget for Fiscal year 2014 received from Christine Rapp-Raimer, Treasurer for the South Huntington Union Free School District. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller

20. Letter received from Violet Koehler regarding her dissatisfaction with Monday-Thursday refuse collection on Presidents Day and Columbus Day.
- Supervisor  
Town Board  
Town Attorney  
cc: Environmental Waste Mgmt
21. Memorandum received from Gail Devol, Village Administrator for Huntington Bay regarding a Zone Board of Appeals Hearing on October 17, 2013 at 7:30 PM at the Halesite Fire Department. Re: 282 Vineyard Road, Huntington Bay- legalize a shed and 23 Sydney Road – replace 190 feet of seawall-variances required.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
22. Letter received from Susan Mullen, Clerk to the Board of Zoning Appeals for the Town of Smithtown, regarding Sloan Memorial Kettering Cancer Center located on the east side of Commack Road, 200 feet north of Henry Street, Commack. This property is within 500 feet of the Town of Huntington boundary. Attached was a copy of the application (proposing a 37,275 square foot addition), a memorandum from the Town of Smithtown Building Director, Short Environmental Assessment Form and maps.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment

RESOLUTION AUTHORIZING THE SUPERVISOR OF THE TOWN OF HUNTINGTON 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 Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: SUPERVISOR PETRONE, COUNCILWOMAN BERLAND, COUNCILMAN MAYOKA, COUNCILMAN COOK

WHEREAS, the Town of Huntington and Northport American Legion Post 694 have received federal grant funding, 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 Town Board affirms the recommendation of American Legion Post 694 that Holzmacher, McLendon and Murell, P.C., 575 Broad Hollow Road, Melville New York 11747, to continue to provide the necessary professional architectural, engineering and monitoring of this 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 TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract with Holzmacher, McLendon and Murell, P.C. for professional architectural, engineering services, including construction monitoring, project meetings, and final as built plans for filing for the 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 TWENTY-FIVE THOUSAND AND NO/100 (\$25,000.00) DOLLARS to be charged to the grant B-10-NI-NY-0377 and upon such 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 Eugene Cook	<b>AYE</b>
Councilman Mark Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH HOLZMACHER, MCLENDON & MURRELL, P.C. TO PROVIDE ENGINEERING SERVICES FOR THE REHABILITATION OF THE COLBY DRIVE WATER STORAGE TANK, FOR THE DIX HILLS WATER DISTRICT, NUNC PRO TUNC.

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILMAN MAYOKA, COUNCILMAN COOK**

WHEREAS, the District's 750,000 gallon tank's current coating systems are nearing the end of their useful lives due to deterioration and extensive corrosion; and

WHEREAS, the efficient operation of the Dix Hills Water District requires continual maintenance and upgrading of the District infrastructure; and

WHEREAS, the Dix Hills Water District 2013 Capital Project list includes rehabilitation of the Colby Storage Tank and is provided for in 2013 and 2014 Capital Budget funding; and

WHEREAS, the H2M Group has submitted a project evaluation and proposal to include the preparation of plans with construction document specifications and construction related services for the repainting of the Colby Drive Water Tank; and

WHEREAS, Town Board Resolution 2013-297 classified the rehabilitation of the Colby Drive Water Storage Tank as a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(1) and (c)(2) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor, nunc pro tunc, to execute an agreement with Holzacher, McLendon & Murrell, P.C. (H2M Group), 575 Broad Hollow Road, Melville, New York 11747 to provide engineering services for the rehabilitation of the Colby Drive Storage Tank for the Dix Hills Water District; for an amount not to exceed the sum of ONE HUNDRED FIFTY SEVEN THOUSAND AND NO/100 (\$157,000.00) DOLLARS, to be charged to Capital Budget Item No. EG8397-2102-2013C, upon such terms and conditions 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 Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A RENTAL AGREEMENT WITH MAILFINANCE, A NEOPOST U.S.A. COMPANY, FOR A POSTAGE METER FOR THE DIX HILLS WATER DISTRICT

Resolution for Town Board Meeting Dated: October 15, 2013

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

WHEREAS, the rental agreement for the postage meter at the Dix Hills Water District expires December 24, 2013; and

WHEREAS, in order to mail water service bills, the District requires the rental of a current model postage meter; and

WHEREAS, the current postage meter machine is malfunctioning and is in need of updating; and

WHEREAS, rental of a postage meter is classified as a Type II action, pursuant to SEQRA, 6NYCRR, §617.5(c)(1), (c)(2), and (c)(20) and therefore, no further review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a 60 month rental agreement with MailFinance, 478 Wheelers Farms Rd, Milford CT 06461 for a period beginning December 24, 2013 through December 24 2018 for an amount not to exceed the sum of ONE HUNDRED-TWENTY-TWO AND 08/100 (\$122.08) DOLLARS PER MONTH, to be charged to Capital Budget Item No. SW18321-4130, upon such terms and conditions 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>
Councilman Mark Mayoka	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE ELECTRICAL LIGHTING AND APPURTENANCES FOR THE LONG ISLAND RAILROAD (LIRR) SOUTH PARKING GARAGE WITH ELDOR CONTRACTING CORPORATION.

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND

WHEREAS, this contract will provide for the removal and replacement of all lighting appurtenances throughout all levels of the Huntington Long Island Railroad (LIRR) Terminal South Parking Garage, and installation of owner furnished fixtures including testing the system for proper operation; and

WHEREAS, sealed bids were received on October 3, 2013, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the electrical lighting and appurtenances for the LIRR South Parking Garage, ES 2013-04/O-E and the same were opened publicly and read aloud; and

WHEREAS, Eldor Contracting Corporation, 30 Corporate Drive, Holtsville, New York 11742 is the lowest responsive, responsible bidder; and

WHEREAS, for the electrical lighting and appurtenances for the LIRR South Parking Garage is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(2), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Eldor Contracting Corporation for the electrical lighting and appurtenances for the LIRR South Parking Garage. The contract period shall be effective upon the execution of the contract for a term of twelve (12) months, for an amount not to exceed the sum of THREE HUNDRED EIGHTY SIX THOUSAND AND NO/100 (\$386,000.00) DOLLARS, and authorizes the Director of Engineering Services to execute change orders with an aggregate value up to 10% to be charged to TT 1997 2102 OS081, EG 1997 2104 RS128, EG 5997 2104 12311, 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 Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<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 THE INSTALLATION OF TRAFFIC SIGNAL AND RELATED IMPROVEMENTS TO SUFFOLK COUNTY ROAD 35-PARK AVENUE AT EAST FIFTH STREET HUNTINGTON STATION, NEW YORK WITH HINCK ELECTRICAL CONTRACTOR INC.

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, this contract provides for the installation of a traffic signal and associated curbs and sidewalks at the intersection of Park Avenue (County Road 35) and East Fifth Street in Huntington Station, Town of Huntington, New York; and

WHEREAS, sealed bids were received on October 3, 2013, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the installation of traffic signal and related improvements Suffolk County Road 35 – Park Avenue at East Fifth Street Huntington Station, New York, Contract No. TTTS 2013-5 and the same were opened publicly and read aloud; and

WHEREAS, Hinck Electrical Contractor Inc., 75 Orville Drive, Suite 1, Bohemia, New York 11716 is the lowest responsive, responsible bidder; and

WHEREAS, the installation of traffic signal and related improvements to Suffolk County Road 35 – Park Avenue at East Fifth Street Huntington Station, New York is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1), (c)(2), (c)(16) and (c)(20), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Hinck Electrical Contractor Inc. for the installation of traffic signal and related improvements to Suffolk County Road 35 – Park Avenue at East Fifth Street Huntington Station, New York. The contract period shall be effective upon the execution of the contract for a term of one hundred twenty (120) days, for an amount not to exceed the sum of TWO HUNDRED SEVENTY SIX THOUSAND SEVEN HUNDRED TWENTY TWO AND 75/100 (\$276,722.75) DOLLARS, and authorizes the Director of Transportation and Traffic Safety to execute change orders with an aggregate value up to 10% to be charged to TT 3397-DV504 2775 and upon such other terms and conditions as may be acceptable to the Town Attorney.

2013-477

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-478

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR PROFESSIONAL SERVICES FOR THE TOWN OF HUNTINGTON ACTIVE PARK TREE INVENTORY AND PLANTING EVALUATION WITH GEI CONSULTANTS, INC., P. C.

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington wishes to engage the professional services of a qualified consultant to conduct an inventory of existing trees and to evaluate the potential of future planting locations in the Town's sixty (60) active parks; and

WHEREAS, the contractor will record the location, species, diameter at breast height, relative health and crown width of all landscape trees in the Town's sixty (60) active parks, establish natural tree/canopy lines and classify natural habitat, as well as consider sites for potential new tree planting locations and recommend trees (species, count) to be placed in each location; and

WHEREAS, information provided by the contractor will be captured utilizing Global Positioning System (GPS) devices for incorporation into the townwide Geographic Information System (GIS), and will allow the Town to better manage and expand the tree canopy within its active parks, making the parks safer and more enjoyable for Town residents; and

WHEREAS, the Department of Planning an Environment has secured a \$25,000 Urban and Community Forestry grant from the New York State Department of Environmental Conservation and the Environmental Open Space and Parks Fund Advisory (EOSPA) Committee has recommended the matching allocation as a park improvement for this active park tree inventory and analysis; and

WHEREAS, sealed proposals were received on July 26, 2013, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the professional services for the Town of Huntington active park tree inventory and planting evaluation, RFP 2013-07-007 and the same were opened and read aloud; and

WHEREAS, GEI Consultants, Inc., P. C., 110 Walt Whitman Road, Suite 204, Huntington Station, New York 11746 is the successful responsive, responsible proposer; and

WHEREAS, professional services for the Town of Huntington active park tree inventory and planting evaluation 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 contract and any documents in connection and related therewith, with GEI Consultants, Inc. P. C., for the professional services for the Town of Huntington active park tree inventory and planting evaluation. The contract period shall be effective upon the execution of the contract for an eighteen (18) month period, for an amount not to exceed the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS, to be charged to GT-039 (Urban Forestry Grant) in an amount not to exceed TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS and to a park improvement capital account to be funded from A-0870 (Open Space Land and Park Improvements Reserve Fund) in an amount not to exceed TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS, 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 Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN INTERAGENCY AGREEMENT FOR THE USE OF ENTERPRISE APPLICATIONS BETWEEN THE NEW YORK STATE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES AND THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town uses enterprise applications to submit rosters for the Town of Huntington Department of Parks and Recreation's Young Teen Program and Camp Bright Star; and

WHEREAS, the Town receives grants from the New York State Office of People with Developmental Disabilities for the operation of the programs; and

WHEREAS, the Town is required to submit quarterly rosters for the programs; and

WHEREAS, the execution of an agreement is not an action as defined by 6 NYCRR section 617.2 (b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an Interagency Agreement for the use of enterprise applications with the New York State Office for People With Developmental Disabilities, 44 Holland Avenue, Albany, New York 12229.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

AUTHORIZING THE SUPERVISOR TO AMEND A LICENSE AGREEMENT BY TERMINATION WITH NEXTEL OF NEW YORK d/b/a NEXTEL COMMUNICATIONS

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, NEXTEL OF NEW YORK d/b/a NEXTEL COMMUNICATIONS (hereinafter referred to as Nextel) had cellular antennas and equipment at the Boxer Court Facility pursuant to a license agreement, the execution of which was authorized by resolution 2005-335; and

WHEREAS, Nextel is desirous of terminating the license agreement in exchange for the payment of FIVE THOUSAND AND 00/100 DOLLARS (\$5,000.00) and abandonment of their equipment shelter, which will then become Town property; and

WHEREAS, it has been determined to be a Type II action pursuant to 6 NYCRR Part 617.5(c)(20) and (c)(26) and, therefore, no further SEQRA review is required.

WHEREAS, the Town agrees to the termination of the license agreement, the execution of which was authorized by resolution 2005-335, with Nextel in exchange for the abandonment of equipment shelter, which will then become Town property and payment of FIVE THOUSAND AND 00/100 DOLLARS (\$5,000.00) to the Town of Huntington to be recorded in Budget Line A1170-1170.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to amend the license agreement by termination and effectuate the transfer of ownership of the equipment shelter and payment of FIVE THOUSAND AND 00/100 DOLLARS (\$5,000.00) to the Town of Huntington, and authorizes the Supervisor to execute such documents as are necessary to terminate the license agreement and upon such 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 Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Mark A. Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPOINT AND REAPPOINT PLUMBING LICENSING BOARD MEMBERS

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Huntington Plumbing Licensing Board is a Town Licensing Board consisting of members appointed by the Town Board, pursuant to Chapter 153-13 of the Code of the Town of Huntington, who are responsible for reviewing plumbing license applicants qualifications and for making recommendation to the Director of the Department of Engineering Services for the issuance, modification, suspension or revocation of a Town of Huntington Plumbing License; and

WHEREAS, Chapter 153-13 further defines the specific composition of the Plumbing Licensing Board by listing the areas of expertise within the plumbing field that each member shall possess, and;

WHEREAS, the appointment and reappointment of members to the Town of Huntington Plumbing Licensing Board is not an action as defined by 6 NYCRR 617.2(b) and therefore, no SEQRA review is required.

NOW, THEREFORE, upon the request and recommendation of the Department of Engineering Services,

THE TOWN BOARD

HEREBY REAPPOINTS the following individuals to the Town of Huntington Plumbing Licensing Board for the term to expire as indicated:

Frank Sanseverino 10/15/2015  
14 Heath Lane  
East Northport, N.Y. 11731

Dean Leonardi, P.E.; as Chairman 10/15/2015  
100 Main Street  
Huntington, N.Y. 11743

Andrew Rapejko 10/15/2016  
15 Thornton Drive  
Northport, N.Y. 11768

Steve Kennaugh 10/15/2015  
164 New York Avenue  
Halesite, N.Y. 11743

John McLaughlin  
41 Broadway  
Greenlawn, N.Y. 11740

10/15/2016

Margaret Pezzino, Esq.  
100 Main Street  
Huntington, N.Y. 11743

10/15/2014

Ben Bletch, P.E.  
20 Canton Street  
East Northport, N.Y. 11731

10/15/2016

John Borelli  
215 Cuba Hill Road  
Huntington, N.Y. 11743

10/15/2014

HEREBY APPOINTS the following individual to the Town of Huntington Plumbing Licensing Board for the term to expire as indicated:

Bob Von Hagen  
278 Indian Head Road  
Kings Park, N.Y. 11754

10/15/2014

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE EXECUTION OF A REQUIREMENTS CONTRACT FOR WASTEWATER TREATMENT FACILITY INSTRUMENTATION AND CONTROL MAINTENANCE FOR THE TOWN OF HUNTINGTON SEWER DISTRICT WITH HINCK ELECTRICAL CONTRACTOR INC.

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: COUNCILMAN MAYOKA

and seconded by: SUPERVISOR PETRONE

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

WHEREAS, sealed bids were received on September 26, 2013 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York for wastewater treatment facility instrumentation and control maintenance for the Town of Huntington Sewer District, Bid No. TOH 13-09R-057 and the same were opened publicly and read aloud; and

WHEREAS, Hinck Electrical Contractor Inc., 75 Orville Drive, Suite 1, Bohemia, New York 11716 is the lowest responsive, responsible bidder; and

WHEREAS, wastewater treatment facility instrumentation and control maintenance for the Town of Huntington Sewer District is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(2) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of a contract, and any documents in connection therewith, with Hinck Electrical Contractor Inc. for wastewater treatment facility instrumentation and control maintenance for the Town of Huntington Sewer District. The contract period shall be effective for a one (1) year term commencing upon execution of the contract but not before December 31, 2013. The contract may be extended for one (1) additional one (1) year period under the same prices, terms and conditions to be charged to Operating Funds SS1-8131-4650, SS2-8132-4650 and SS3-8133-4650, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-484

RESOLUTION AUTHORIZING SETTLEMENT OF A LAWSUIT  
(Ackerly v Town of Huntington)

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, a Notice of Claim was filed against the Town of Huntington on behalf of Matthew Ackerly and Angela Ackerly seeking to recover property damages sustained in an accident; and

WHEREAS, the Town Attorney has determined it to be in the Town's best interest to settle this matter for a total of THIRTY-EIGHT THOUSAND and NO/100 (\$38,000.00) DOLLARS for strategic purposes with no admission of liability on the part of the Town; and

WHEREAS, the claimant has agreed to accept in full settlement of her claim; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller is hereby authorized to issue checks in settlement of this matter, not to exceed a total of THIRTY-EIGHT THOUSAND and NO/100 (\$38,000.00) DOLLARS pending receipt of closing papers therein, and upon such other terms and conditions as may be acceptable to the Town Attorney, to be applied against Operating Budget Item No. A1930-4160 and authorizes the Town Attorney to execute all documents required to effectuate this settlement.

VOTE:                      AYES: 5      NOES: 0      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION DIRECTING THE TOWN COMPTROLLER AND TOWN ATTORNEY TO REPORT TO THE TOWN BOARD ON THE FISCAL IMPACT TO THE TOWN OF HUNTINGTON RESULTING FROM THE TEMPORARY SHUTDOWN OF THE FEDERAL GOVERNMENT AND POSSIBLE FEDERAL GOVERNMENT DEFAULT.

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the federal government is now partially shut-down and potentially may default on its financial obligations due to the possibility that Congress may not increase the size of the debt ceiling; and

WHEREAS, the Town of Huntington receives federal funding from various agencies funded by the federal government for a variety of services and programs currently provided to residents of the Town; and

WHEREAS, the Town of Huntington also receives a Community Development Block Grant from the federal government which it distributes to the Huntington Community Development Agency to provide economic and housing assistance to qualified Huntington residents; and

WHEREAS, even if the current federal government shutdown ends, it is likely that it will only be for a short duration of time leaving the potential for another shutdown in the near future, especially considering the intransience of the Speaker of the House and certain so-called "Tea Party" members of the House of Representatives ; and

WHEREAS, the current government shutdown, the potential for another similar shutdown and the possibility of a total government shutdown if Congress fails to raise the debt ceiling in a timely fashion could have a significant negative impact on the budget of the Town of Huntington for both fiscal years 2013 and 2014; and

WHEREAS, the Town of Huntington by law must adopt a budget for fiscal year 2014 no later than November 20, 2013;

WHEREAS, pursuant to SEQRA, this type of internal directive by the Town Board to Town departments would be considered "routine or continuing agency administration and management" and therefore this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD HEREBY DIRECTS the Town Comptroller and the Town Attorney to immediately prepare a report to the Town Board to disclose the potential fiscal impacts to the Town of Huntington for

fiscal years 2013 and 2014 if the current federal government shutdown continues, or if it reopens temporarily and another federal government shutdown takes place, and, or if the federal government completely shuts down due to a failure by Congress to increase the federal debt ceiling. Said report shall be presented to the Town Board no later than October 25, 2013, so that both the Town Board may consider said report prior to adopting the final Town Budget for fiscal year 2014.

VOTE:            AYES: 3            NOES: 2            ABSENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	NO
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING TOWN ATTORNEY TO ENTER INTO A COMPENSATION AGREEMENT FOR THE PAYMENT OF COMPENSATION AND EXPENSES OF NATASHA MEYERS, ESQ. AS TEMPORARY RECEIVER, PURSUANT TO THE ORDER OF DISTRICT COURT JUDGE, HONORABLE C. STEPHEN HACKELING, IN THE MATTER OF THE TOWN OF HUNTINGTON v. JOSE M. VASQUEZ, INDEX NUMBER HUC 9184-11, RE: CODE VIOLATIONS AT 163 EAST FIRST AVENUE, HUNTINGTON STATION, NEW YORK (SCTM No. 0400-145.00-01.00-020.000)

Resolution for Town Board Meeting Dated: October 15, 2013

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

WHEREAS, the Town of Huntington commenced a civil action against Jose M. Vasquez in Suffolk County, Third District Court, before Honorable C. Stephen Hackeling, culminating in an Order of the Court, dated September 11, 2013, granting a permanent injunction and appointing a Temporary Receiver for the premises located at 163 East 1st Avenue, Huntington Station, New York (subject premises); and

WHEREAS, the Court authorized the Temporary Receiver to take action(s) necessary to bring the subject premises into compliance with the Huntington Town Zoning and Building Code and New York State Fire and Building Code; and

WHEREAS, Natasha Meyers, Esq., 55 Elm Street, Huntington, New York 11743, was appointed Temporary Receiver by Honorable C. Stephen Hackeling; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Town Attorney to enter into a compensation agreement for the payment of compensation and expenses to Natasha Meyers, Esq., 55 Elm Street, Huntington, New York, 11746, as Temporary Receiver of the property known as 163 East 1<sup>st</sup> Avenue, Huntington, New York 11743 (SCTM No. 0400-145.00-01.00-020.000) and to seek recovery of said compensation and expenses of the Temporary Receiver associated with compliance with the September 11, 2013 Order of the Court by placing said charges on the Real Property Tax Bill of the subject premises, as directed in said Order of Judge C. Stephen Hackeling, signed September 16, 2013.

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2013 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILMAN COOK**

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 2013 Operating Budget as follows:

Abolish the following positions:

A-1621-1100	Labor Crew Leader I	(\$15,423)
A-1621-1100	Maintenance Mechanic	(15,266)
A-1621-1100	Maintenance Mechanic III	(15,266)
A-1625-1100	Auto Mechanic I	(13,632)

Create the following positions:

A-1621-1100	Heavy Equipment Operator II	\$8,160
A-1621-1100	Dispatcher	7,086
A-1621-1100	Maintenance Mechanic II	8,160
A-1625-1100	Auto Mechanic III	9,247

Reinstate the following position:

A-8565-1100	Laborer	\$6,225
B-8020-1100	Planning Aide	9,015

Adjust the following Appropriations:

A-1990-1100	Contingency	\$20,709
B-1990-1100	Contingency	(9,015)

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

Resolution for Town Board Meeting Date: October 15, 2013

The following resolution was offered by: Supervisor Petrone

And seconded by: COUNCILMAN MAYOKA

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

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

NOW THEREFORE,

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

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-488

**TOWN OF HUNTINGTON  
HUNTINGTON, NEW YORK  
INTEREST EARNINGS ON TAX MONIES: 2012-2013**

Interest to be distributed: \$8,733.36

<u>Town</u>	<u>2012-2013 Tax Distribution</u>	<u>Percentage of Total</u>	<u>Interest Earned</u>
General Fund - Whole Town	\$30,691,148.00	3.2611%	\$284.82
Gen. Fund-Unpaid Property Clean-up	\$493,177.06	0.0524%	\$4.58
General Fund - Part Town	\$4,227,464.00	0.4492%	\$39.23
Highway 1 & 2	\$30,825,862.00	3.2754%	\$286.05
Environmental Open Space Bond	\$4,500,000.00	0.4781%	\$41.75
Out of County Tuition	\$2,403,634.00	0.2554%	\$22.31
	<hr/>		
	\$73,141,285.06	7.7716%	\$678.74
 <u>County</u>			
County of Suffolk	\$131,965,873.01	14.0219%	\$1,224.58
	<hr/>		
	\$131,965,873.01	14.0219%	\$1,224.58
 <u>School Districts</u>			
Cold Spring Harbor C.S.D.	\$43,471,507.95	4.6190%	\$403.39
Commack U.F.S.D.	\$47,402,297.26	5.0367%	\$439.87
Elwood Library	\$1,430,187.14	0.1520%	\$13.27
Elwood U.F.S.D.	\$35,894,427.34	3.8139%	\$333.08
Half Hollow Hills C.S.D.	\$153,022,004.83	16.2592%	\$1,419.97
Harborfields Public Library	\$4,552,724.27	0.4837%	\$42.24
Harborfields U.F.S.D.	\$51,017,433.78	5.4208%	\$473.42
Huntington U.F.S.D.	\$94,181,701.74	10.0072%	\$873.96
Northport/E. Nport U.F.S.D.	\$132,483,227.39	14.0769%	\$1,229.39
South Huntington U.F.S.D.	\$96,197,054.88	10.2213%	\$892.66
Syosset C.S.D.	\$8,925.04	0.0009%	\$0.08
	<hr/>		
	\$659,661,491.62	70.0916%	\$6,121.33
 <u>Fire Districts</u>			
Centerport	\$1,719,503.32	0.1827%	\$15.96
Cold Spring Harbor	\$1,569,705.17	0.1668%	\$14.57
Commack	\$1,545,304.69	0.1642%	\$14.34
Dix Hills	\$4,777,623.43	0.5076%	\$44.33
East Northport	\$3,654,748.07	0.3883%	\$33.91
Eatons Neck	\$584,019.58	0.0621%	\$5.42
Greenlawn	\$2,541,964.36	0.2701%	\$23.59
Halesite	\$1,636,397.16	0.1739%	\$15.19
Huntington	\$2,674,519.58	0.2842%	\$24.82
Huntington Manor	\$4,811,891.66	0.5113%	\$44.65
Melville	\$4,831,520.73	0.5134%	\$44.84
	<hr/>		
	\$30,347,197.75	3.2246%	\$281.62
 <u>Special Districts</u>			
Street Lighting	\$3,706,826.00	0.3939%	\$34.40
Huntington Sewer District	\$4,578,695.00	0.4865%	\$42.49

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Centerport Sewer District	\$115,957.00	0.0123%	\$1.07
Consolidated Refuse District	\$23,370,653.00	2.4832%	\$216.87
Huntington Comm. Ambulance	\$2,297,767.00	0.2441%	\$21.32
Commack Ambulance	\$538,174.00	0.0572%	\$5.00
Fire Protection Dist. # 1	\$1,512,120.00	0.1607%	\$14.03
Dix Hills Water District	\$3,135,539.00	0.3332%	\$29.10
Dix Hills-Unpaid Water Bills	\$95,910.27	0.0102%	\$0.89
Huntington-BID	\$87,500.00	0.0093%	\$0.81
Huntington Station-BID	\$90,000.00	0.0096%	\$0.84
Cold Spring Harbor-BID	\$9,000.00	0.0010%	\$0.09
	<hr/>		
	\$39,538,141.27	4.2012%	\$366.91
<b><u>Water Districts</u></b>			
So. Huntington Water Dist.	\$3,766,890.00	0.4002%	\$34.95
South Huntington-Unpaid Water Bills	\$240,366.35	0.0255%	\$2.23
Greenlawn Water District	\$2,302,500.00	0.2446%	\$21.36
Greenlawn-Unpaid Water Bills	\$176,900.47	0.0188%	\$1.64
	<hr/>		
	\$6,486,656.82	0.6891%	\$60.18
<b>Total</b>	<b>\$941,140,645.53</b>	<b>100.0000%</b>	<b>\$8,733.36</b>

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

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILMAN COOK**

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

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

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

WHEREAS, authorizing financial institutions as depositories and authorizing the execution of collateral agreements is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the following financial institutions as depositories for tax receipts, JPMorgan Chase Bank, 395 North Service Road, Suite 302, Melville, New York; Valley National Bank, Two Jericho Plaza, Jericho, New York; HSBC Bank USA, 534 Broadhollow Road, Melville, New York; Wells Fargo Bank, 58 South Service Road, Melville; and TD Bank, 45 Melville Park Road, Melville, New York pursuant to Town Law 64 (1); and

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

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<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

Resolution for Town Board Meeting Dated: October 15, 2013

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

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 Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule A

Chapter 87, Section 81 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>
42 Lovers Ln. Huntington, NY 11743	0400-025.00-02.00-069.000	Claire T. O'Keefe	09/16/2013	N/A
7 Metcale Ln. East Northport, NY 11731	0400-183.00-03.00-041.000	Aileen Carson (L/E) Dwight Carson (Estate of)	05/31/2013	N/A

Chapter 133, Section 2 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>
42 Lovers Ln. Huntington, NY 11743	0400-025.00-02.00-069.000	Claire T. O'Keefe	09/16/2013	N/A
1 Salem Ridge Dr. Huntington, NY 11743	0400-077.00-04.00-045.000	Alan Podhaizer Hilary Podhaizer	09/16/2013	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>
6 Ryder Ave. Dix Hills, NY 11746	0400-278.00-01.00-039.000	Melvin B. Hurt Regina T. Hurt	08/27/2013	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
23 9 <sup>th</sup> Ave. Huntington Sta., NY 11746	0400-137.00-03.00-019.000	Claudia Brown	06/25/2013	N/A
31 Caldwell St. Huntington Sta., NY 11746	0400-149.00-03.00-088.000	Sherifa Cookhorn	09/17/2013	N/A
44 Chichester Rd. Huntington Sta., NY 11746	0400-232.00-02.00-007.000	Scott Weiser	09/30/2013	N/A
18 Olga Ln. Commack, NY 11725	0400-225.00-01.00-005.000	Caren Lustig Hebron James Todd Hebron	09/16/2013	N/A

RESOLUTION ACCEPTING A DONATION FROM WILLIAM P. KILEY OF A PARK BENCH, TO BE INSTALLED IN JOHN J. WALSH MEMORIAL PARK WITH PLAQUE IN HONOR OF LIEUTENANT COMMANDER FRANCIS J. MINNOCK (U.S. NAVY-RETIRED)

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, Mr. William P. Kiley has offered to donate one (1) park bench to the Town of Huntington to be installed in John J. Walsh Memorial Park, East Northport, N.Y. with a plaque; and

WHEREAS, LCDR Francis J. Minnock served his country with distinction and honor for thirty years from 1940 to 1970; and

WHEREAS, LCDR Minnock who was at Pearl Harbor on December 7, 1941 and survived that Day of Infamy; and

WHEREAS, LCDR Minnock is one of a rare breed of United States veterans who are known as "Triple Retreads" being a veteran of World War II, the Korean War and the Vietnam War; and

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

NOW THEREFORE,

THE TOWN BOARD

HEREBY ACCEPTS a donation of one park bench and honor plaque from Mr. William P. Kiley to be installed at John J. Walsh Memorial Park and thanks him for his generosity.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-492

RESOLUTION ACCEPTING THE DEDICATION OF MAJESTIC DRIVE, A RECHARGE BASIN AND A DRAINAGE EASEMENT FOR THE SUBDIVISION KNOWN AS MAJESTIC ESTATES.

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the development known as MAJESTIC ESTATES was granted Conditional Final Approval by the Huntington Planning Board on November 28, 2001; and

WHEREAS, as a condition of approval the applicant is to dedicate Majestic Drive, a recharge basin and a drainage easement to the Town of Huntington; and

WHEREAS, the Office of the Town Attorney is now in possession of the necessary documents and filing fees in order to file the deeds and easement with the Clerk of Suffolk County; and

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

NOW THEREFORE BE IT

RESOLVED that the Town Board

HEREBY ACCEPTS the dedication of Majestic Drive, a recharge basin and a drainage easement for the subdivision known as MAJESTIC ESTATES.

VOTE:                      AYES: 5    NOES: 0    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION APPOINTING CONSERVATION BOARD MEMBER

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND

WHEREAS, the Huntington Conservation Board is a Town Board-appointed volunteer organization constituted pursuant to Article 12-F, §239-Y of General Municipal Law, which provides it a specific advisory review function; and

WHEREAS, the Conservation Board reviews and provides comments to the Town Board, Board of Trustees, Planning Board, and Zoning Board of Appeals on applications for land use change that have potential to affect Open Space Index-mapped property, and on applications submitted pursuant to the Town Marine Conservation Law, §137 of Town Code; and

WHEREAS, in addition to its advisory review functions, the Conservation Board serves as a vital conduit for conveying environmental information on key topic areas (land use and review, marine and freshwater resources, parks, solid waste, and legislation) to Town leaders, and the Conservation Board coordinates the volunteer Park Stewardship Program per §159-66 of Town Code that aids monitoring and management of Town parkland; and

WHEREAS, the appointment of a member to the Town of Huntington Conservation Board is not an action as defined by 6 NYCRR 617.2(b), so no SEQRA review is required.

NOW, THEREFORE, upon the request and recommendation of the Conservation Board,

THE TOWN BOARD

HEREBY APPOINTS the following individual to the Town of Huntington Conservation Board for a term to expire as indicated:

Julie Sullivan	Term Expires
9 Bittersweet Court	12/31/15
Centerport, NY 11721	

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION APPOINTING VOLUNTEER PARK STEWARDS

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by Councilwoman Berland

and seconded by **COUNCILMAN COOK**

WHEREAS, the Park Stewardship Program, initiated in 1990 and coordinated through the Huntington Conservation Board and the Departments of Parks and Recreation and Planning and Environment, serves a vital purpose of providing surveillance and maintenance support on Town-owned park properties, and

WHEREAS, Town Board-appointed Volunteer Park Stewards file periodic monitoring reports, notify the Town of actual or potential hazards or abuse to the ecological integrity of the park(s), and serve for four years pursuant to Town Code §159-66, and

WHEREAS, the appointment of park stewards is not an action as defined by SEQRA in 6 NYCRR 617.2(b); therefore, no SEQRA review is required;

NOW, THEREFORE, THE TOWN BOARD

HEREBY APPOINTS Volunteer Park Stewards for specific parks as follows:

Thomas Conboy	23 Kallenberger Drive, Melville, NY 11747	Butterfly Park
Steven Cowan	P.O. Box 99, Huntington, NY 11743	Heckscher Park
Jackie & Noel McGrath	179 Burrs Lane, Dix Hills, NY 11746	Strathmore Park
Steven Schwartz	559 Bardini Drive, Melville, NY 11747	Half Hollow Park
Julie Sullivan	9 Bittersweet Court, Centerport, NY 11721	Carpenter Farm Park
Barbara Wildfeir	15 Cheshire Street, Huntington Sta., NY 11746	Gateway Park

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION DECLARING A PAYPHONE FIXTURE IN GREENLAWN, NEW YORK, LOCATED ON THE WEST SIDE OF BROADWAY NORTH OF RAILROAD STREET AS ABANDONED PROPERTY AND DIRECTING THE DEPARTMENT OF GENERAL SERVICES TO REMOVE AND DISPOSE OF SAID FIXTURE

Resolution for Town Board Meeting dated: October 15, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington wishes to assure that public pay telephone equipment is maintained in good repair for public use or have any remaining stands, pedestals or fixtures removed as an unnecessary, unsightly and unsafe obstructions; and

WHEREAS, a payphone fixture in Greenlawn, New York, as described herein lists "One World Public Communications Corp" as the owner and operator; and

WHEREAS, upon consultation with the New York State Department of Public Service, the Town is informed that said corporation is no longer in existence and the removal of the unused fixture may be carried out at the discretion of the Town; and

WHEREAS, the payphone fixture to be removed is located on the west side of Broadway at 132 feet north of Railroad Street, Greenlawn, New York; and

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

NOW, THEREFORE, THE TOWN BOARD,

DECLARING the payphone fixture in Greenlawn, New York, located on the west side of Broadway 132 feet north of Railroad Street as abandoned property; and

HEREBY DIRECTS the Town of Huntington Department of General Services to remove and dispose of said fixture and make such repairs as may be necessary by reason of its removal.

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington Department of Audit and Control is responsible for the disposition of Town wide Fixed Asset Surplus and/or Obsolete Inventory; and

WHEREAS, the Department of Audit and Control, Division of Purchasing wishes to dispose of the equipment contained in Schedule "A" through trade in, public auction, or disposal for scrap, which will be disposed of on an as-needed basis in a manner that proves to be most cost effective to the Town of Huntington; and

WHEREAS, the disposal of surplus government property is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 (c) (25) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY DECLARES the specified equipment on Schedule "A" as surplus and/or obsolete and authorizes the sale of same at auction, or trade in, or disposal for scrap.

VOTE:            AYES: 5        NOES: 0        ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

SURPLUS INVENTORY ITEMS  
10/15/2013

HIGHWAY DEPARTMENT					
ITEM	VIN #	MODEL	MAKE	YEAR	TOWN ASSET #
1	1FTEF18L3VND27916	F-150 Truck	FORD	1997	4137
2	1FDKF37H8KNA71484	F-350 FLAT BED	FORD	1989	4296

2013-497

DONATE WOODEN FLOATS AND PILINGS FROM THE WOODBINE MARINA  
TO THE INCORPORATED VILLAGE OF NORTHPORT

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILMAN MAYOKA, COUNCIWOMAN BERLAND, COUNCILMAN COOK

WHEREAS, the Town's Woodbine Marina in Northport is being rebuilt this winter; and

WHEREAS, the Incorporated Village of Northport has approached the Town, and has asked to take possession of the existing, wooden floats and pilings once they have been removed by the contractor performing the rebuilding of the marina; and

WHEREAS, the Town of Huntington's RFP with the contractor rebuilding the marina called for a payment to the contractor of \$22,000 to dispose of the old floats and pilings, and this money would be saved if the floats and pilings were given to the Village; and

WHEREAS, donating the wooden floats and pilings to the Village 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,

HEREBY ADOPTS, a resolution to donate the existing, wooden floats and pilings to the Incorporated Village of Northport as part of the marina re-building to take place this coming Winter of 2013-2014.

VOTE:                    AYES:    5                    NOES:    0                    ABSTENTIONS:    0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION EXEMPTING NEW YORK SMSA LIMITED PARTNERSHIP D/B/A  
VERIZON WIRELESS PURSUANT TO §198-68.1 (O) OF THE HUNTINGTON  
TOWN CODE FOR WORK AT BOXER COURT, HUNTINGTON, NEW YORK

Resolution for Town Board Meeting dated: October 15, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, pursuant to §198-68.1(O) of the Huntington Town Code, the Town Board is authorized to exempt applications for proposed work or modifications to existing wireless telecommunications facilities in cases where the proposed work is determined to be routine maintenance and repair in like form and height, which does not substantially change, extend or expand the facilities, and

WHEREAS, no public hearing is required if the application for exemption is granted; and

WHEREAS, the Town Board has received a request for exemption pursuant to §198-68.1 (O) from New York SMSA Limited Partnership d/b/a Verizon Wireless in connection with its proposal to upgrade/modify its existing public utility wireless telecommunications facilities located on Town-owned property located at 7 Boxer Court, Huntington, NY, and further described by Suffolk County Tax Map No.: 0400- 95.00-01.00-050.001; and

WHEREAS, the proposed upgrade/modification consists of the removal of nine (9) existing antennas to be replaced with nine (9) new 4G antennas and the installation of one (1) new GPS unit mounted to the existing bridge, and three (3) Remote Radio Heads and six (6) new Diplexers mounted to the existing antenna mounting pipes; and

WHEREAS, in accordance with §198-68.1 (O), the Director of Engineering Services has reviewed the proposed documents and drawings submitted with this proposal and recommended that the Town Board exempt this application; and

WHEREAS, the subject proposal has been classified a Type II action pursuant to 6 NYCRR of the State Environmental Review Act § 617.5(c)(1) and no further review is required pursuant to SEQRA; and

NOW THEREFORE BE IT

RESOLVED, that the application of New York SMSA Limited Partnership d/b/a Verizon Wireless to upgrade/modify its existing public utility wireless telecommunications facilities as described in this resolution on an existing tower at 7 Boxer Court, Huntington, New York bearing SCTM No.: 0400-95.00-01.00-050.001 from the provisions of §198-68.1 is hereby granted as long as no other modifications or upgrades

are made and the work is in compliance with specifications filed as part of this application or as may otherwise be approved by the Director of Engineering; and

BE IT FURTHER RESOLVED, that the applicant is directed to proceed in accordance with § 198-68.1(R) and pay the requisite fees.

VOTE:            AYES:    5    NOES: 0            ABSTENTIONS:    0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

RESOLUTION GRANTING PERMISSION TO THE COLD SPRING HARBOR MAIN STREET ASSOCIATION TO SPONSOR ITS SEVENTH ANNUAL "HOWL-WEEN" CANINE COSTUME PARADE & HOWLING HOUND DOGGIE HALLOWEEN PARTY & SIDEWALK SALE EVENT AND FOR USE OF TOWN-OWNED PARKING LOT ON SATURDAY, OCTOBER 19, 2013

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: COUNCILWOMAN BERLAND

WHEREAS, the Cold Spring Harbor Main Street Association is sponsoring its 7th annual "Howl-ween" Canine Costume Parade & Howling Hound Doggie Halloween Party & Sidewalk Sale event on Saturday, October 19, 2013 from 12 noon until 4:00 p.m. (Raindate: Sunday, October 20); and

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

WHEREAS, permission is requested for outdoor display of merchandise for the sidewalk sale, amplified music, dogs on leash in the Cold Spring Harbor and a small luxury classic car show in the Municipal Lot # 11; and

WHEREAS, for the event's canine costume parade, organizers shall secure a permit from New York State Department of Transportation for a brief road closure (from 12:00 noon. to 12:15 p.m.) of 25A/Main Street between Spring Street and Cold Spring Harbor Park; and

WHEREAS, granting permission for this event is a Type II action pursuant to 6 NYCRR §617.5 (c) (15), and therefore no further SEQRA review is required.

NOW, THEREFORE THE TOWN BOARD

HEREBY GRANTS permission to the Cold Spring Harbor Main Street Association to sponsor its seventh annual "Howl-ween" Canine Costume Parade & Howling Hound Doggie Halloween Party & Sidewalk Sale event and for use of Municipal Lot # 11 on Saturday, October 19, 2013 from 12 noon until 4:00 p.m. (Raindate: Sunday, October 20).

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION URGING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO MAKE THE SAGAMORE CHILDREN'S PSYCHIATRIC CENTER IN DIX HILLS A REGIONAL CENTER OF EXCELLENCE AND TO KEEP THE FACILITY OPEN

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Councilman Cuthbertson

And seconded by: SUPERVISOR PETRONE, COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND, COUNCILMAN COOK

WHEREAS, the Sagamore Children's Psychiatric Center, which has been serving children, ages 9 through 17, from Nassau and Suffolk Counties since 1969, is a premiere center recognized for its outstanding quality of care and already operates at capacity; demonstrating the need for such a facility in our community; and

WHEREAS, as part of the New York State Office of Mental Health's (OMH) plan to consolidate in-patient psychiatric child and adolescent services, the closure of this vital facility will leave the most vulnerable and at-risk members of our community; children and teens, underserved; and

WHEREAS, closing this facility would be a disservice to those in need and their families, as families wishing to participate in their children's care would have to travel to facilities in Queens or the Bronx, adding a financial burden, long commute and possible delays in treatment at these already overburdened centers; and

WHEREAS, the many residents of Nassau and Suffolk Counties, whose children may need treatment, deserve strong local mental health services, including inpatient care; 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 URGES Governor Andrew Cuomo and the New York State Legislature to make the Sagamore Children's Psychiatric Center in Dix Hills a Regional Center of Excellence and to keep the facility open; and

BE IT FURTHER RESOLVED THAT

THE TOWN CLERK SHALL FORWARD CERTIFIED COPIES OF THIS RESOLUTION to New York State Governor Andrew Cuomo; New York State Senators Carl Marcellino and John Flanagan; the chair of the New York State Senate Standing Committee on Mental Health and Developmental Disabilities, David Carlucci;

New York State Assembly members Andrew Raia and Chad Lupinacci; Suffolk County Executive Steve Bellone and the members of Huntington's delegation to the Suffolk County Legislature: William Spencer, Louis D'Amaro, Steve Stern and Lynne Nowick.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2013-501

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 25-2013  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 2, ARTICLE II, §2-3, SCHEDULE C.  
RE: BROADWAY, GREENLAWN – PROHIBITED TURNS

Resolution for Town Board Meeting dated: October 15, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

THE TOWN BOARD having held a public hearing on the 17<sup>th</sup> day of September, 2013 at 2:00 p.m. to consider adopting Local Law Introductory No. 25-2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE II, §2-3, SCHEDULE C, and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 25-2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE II, §2-3, SCHEDULE C; as follows:

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

LOCAL LAW NO. - 2013  
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE II, §2-3, SCHEDULE C.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE II, §2-3, SCHEDULE C; as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE II, §2-3, SCHEDULE C.

	<u>LOCATION</u>	<u>CONTROLLING TRAFFIC</u>	<u>PROHIBITED TURN</u>	<u>HOURS/DAYS</u>
ADD:	Broadway- Greenlawn Road at driveway on west side, 45 feet north of Grafton Street (GLN)	North from driveway	Left	-----

*Enactment – CVS Broadway, Greenlawn – Prohibited Left Turn  
Transportation & Traffic Safety/bt*

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.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2013-502

\* MOTION TO AMEND RESOLUTION 2013-502 BY DELETING TAX MAP #0400-168.00-02.00-013.000  
RESOLUTION AUTHORIZING APPROPRIATE ACTION(S) IN ACCORDANCE  
WITH HUNTINGTON TOWN CODE CHAPTER 156 PROPERTY MAINTENANCE;  
NUISANCES, ARTICLE VII, BLIGHTED PROPERTY, § 156-67, ACTION BY  
TOWN BOARD FOR FAILURE TO COMPLY OR ABATE VIOLATIONS

Resolution for Town Board Meeting dated: October 15, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: COUNCILMAN COOK

WHEREAS, on September 17, 2013 the Town Board designated certain properties as "blighted" and scheduled a public hearing to consider further action to remedy the conditions of blight; and

WHEREAS, those properties whose owners failed to enter into a Restoration Agreement with the Town or to take steps to remedy the conditions of blight upon their properties have been evaluated and considered for further action(s) to be taken at a public hearing held on September 17, 2013; and

WHEREAS, pursuant to it's authority under § 64 and §130 of New York State Town Law, New York State Executive Law § 382 and the Code of the Town of Huntington the Town Board wishes to authorize certain actions to remedy blight conditions; and

WHEREAS, the authorization of the action(s) to remedy blight conditions upon properties within the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (29) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY DESIGNATES the properties listed on Schedule "A" to this Resolution to be nuisances and that hereafter the Town shall be authorized to enter upon said properties where such blight exists to remedy such blight and to charge the cost or expense of such remediation against the property tax bill as a lien ; and

HEREBY DIRECTS the Receiver of Taxes to assess the annual registration fees upon the properties as listed in Schedule "A" and properties designated as persistent blighted properties pursuant to § 156-67(D) on Schedule "D" to this Resolution; and

HEREBY DIRECTS the Director of Planning and Environment and/or Engineering to maintain records of all costs and expenses in connection with the abatement of the blight conditions and to provide same reports to the Town Board for determination as to the amounts to be assessed against the properties listed on Schedule "A" and properties designated as persistent blighted properties pursuant to § 156-67(D) on Schedule "D" to this Resolution; and



**Chapter 156 §67 - (A), (B), (C) and (D) of the Code of the Town of Huntington Authorizing Action(s) by Town Board for Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
Exhibit 98	61 Bankside Drive Centerport	0400-078.00-04.00-011.007	Leonard M. Alcosser Jennifer A. Totten 61 Bankside Drive Centerport, NY 11721	8/8/2013	\$2,500
Exhibit 87	307 Depot Road Huntington Station	0400-151.00-01.00-047.000	Maria Del Carmen Chavez 4832 Cason Cove Drive Apt 102 Orlando, FL 32811-6306	5/31/2013	\$2,500

**Chapter 156 §67 - (A), (B), (C) and (D) of the Code of the Town of Huntington Authorizing Action(s) by Town Board for Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	DATE PUBLIC HEARING HELD
Exhibit 98	61 Bankside Drive Centerport	0400-078.00-04.00-011.007	Leonard M. Alcasser Jennifer A. Totten 61 Bankside Drive Centerport, NY 11721	8/8/2013	9/17/2013
Exhibit 87	307 Depot Road Huntington Station	0400-151.00-01.00-047.000	Maria Del Carmen Chavez 4832 Cason Cove Drive Apt 102 Orlando, FL 32811-6306	5/31/2013	9/17/2013

**Chapter 156 §67 - (A), (B), (C) and (D) of the Code of the Town of Huntington**  
**Properties Previously Cited for Blight;**  
**Currently in Compliance or Party to Restoration Agreement**

PREVIOUS EXHIBITS-SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/MAILING ADDRESS	NOTIFICATION DATE(S)	DATE PUBLIC HEARING HELD
Exhibit 96	29 Little Neck Road Centerport, NY 11721	0400-044.00-01.00-016.007	Kanic Realty Associates 10 Gilbert Street Northport, NY 11768	8/2/2013	9/17/2013
Exhibit 100	128 Wells Road Northport	0400-114.00-03.00-099.000	Robert Bilski 128 Wells Road Northport, NY 11768 & William N. Braun & Ruthann Braun 600 6th Ave. W. East Northport, NY 11731	9/18/2013	9/17/2013
Exhibit 86	336 Larkfield Road East Northport, NY 11731	0400-118.00-01.00-006.000	Alrose Larkfield LLC 1 Station Plaza Woodmere, NY 11598- 2163	5/23/2013, 8/26/2013	9/17/2013
Exhibit 99	1000 W. Jericho Tpke. Huntington, NY 11743	0400-189.00-01.00-001.000	One Thousand C LLC 97 Beach Road Great Neck, NY 11023	8/26/2013	n/a
Exhibit 95	1055 E. Jericho Tpke. Huntington, NY 11743	0400-210.00-01.00-081.003	1081 EJT LLC 1055 E. Jericho Tpke. Huntington, NY 11743	8/15/2013	9/17/2013

**Chapter 156 §67 - (A), (B), (C) and (D) of the Code of the Town of Huntington  
Authorizing Action(s) by Town Board for  
Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS-SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	PRIOR NOTIFICATION DATE	ANNUAL REGISTRATION FEE
74	4 Colby Court Dix Hills	0400-252.00-02.00-045.000	Charles McMorrow 4 Colby Court Dix Hills, NY 11746	10/24/2012	\$2,500
63	10 Keeler Street Huntington	0400-211.00-01.00-097.000	Robert C. Kea Leila M. Kea 10 Keeler Street Huntington, NY 11743	8/8/2012	\$2,500
71	24 Danville Drive Greenlawn	0400-168.00-02.00-013.000	Stephen & Fredrica Silverberg 24 Danville Drive Greenlawn, NY 11740	8/31/2012	\$2,500
66	33 Keeler Street Huntington Sta.	0400-206.00-03.00-071.000	Cynthia Cubero 33 Keeler Street Huntington Sta., NY 11746	8/30/2012	\$2,500
41	34 Shady Lane Huntington	0400-157.00-02.00-054.000	Bette Kalpakis 34 Shady Lane Huntington, NY 11743	4/17/2012	\$2,500
79	43 W. 22nd Street Huntington Sta.	0400-194.00-03.00-052.000	Elias Moragiemos 43 W. 22nd Street Huntington Sta., NY 11746	12/11/2012	\$2,500
30	108 E. 2nd Street Huntington Sta.	0400-147.00-05.00-020.000	Michael Williamson 30 E. 11th Street Huntington Sta., NY 11746	3/9/2012	\$2,500

\*

**SCHEDULE D  
PERSISTENT BLIGHTED PROPERTIES**

**Chapter 156 §67 - (A), (B), (C) and (D) of the Code of the Town of Huntington  
Authorizing Action(s) by Town Board for  
Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	PRIOR NOTIFICATION DATE	ANNUAL REGISTRATION FEE
67	111 8th Avenue Huntington Sta.	0400-143.00-01.00-066.002	Fredy Lanier PO Box 5 Huntington Sta., NY 11746	8/22/2012	\$2,500
46	138 Wyman Avenue Huntington Sta.	0400-099.00-05.00-007.000	Property Preservation 3451 Hammond Avenue Waterloo, IA 50702	5/11/2012	\$2,500
49	502 10th Avenue E. Northport	0400-115.00-02.00-028.000	Dennis Carrion 502 10th Avenue E. Northport, NY 11731	11/15/2012	\$2,500
7	536 3rd Street E. Northport	0400-119.00-01.00-050.000	Dominic Esposito Nadine Nash 536 3rd Street E. Northport, NY 11731	9/19/2011	\$2,500

**SCHEDULE D  
PERSISTENT BLIGHTED PROPERTIES**

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 28 -2013 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

RE: ROBERTA LANE, COMMACK; CLEARVIEW STREET, HOLST DRIVE WEST, PENATAQUIT PLACE, HUNTINGTON – STOP SIGNS

Resolution for Town Board Meeting dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILMAN MAYOKA

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to comply with the applicable traffic regulations published by the Federal Highway Administration in order to establish intersection control and right-of-way compliance;

WHEREAS, pursuant to 6 N.Y.C.R.R. 617.5(c)(20) and (27) of SEQRA, regulations amending the Uniform Traffic Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 7th day of November, 2013 at 2:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 28 -2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G.; as follows:

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

LOCAL LAW INTRODUCTORY NO. 28 -2013  
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G.; as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

ADD:	<u>SIGN ON</u>	<u>SIGN</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF:</u>
	Roberta Lane (CMK)	STOP	EAST	Janet Lane
	Clearview Street (HUN)	STOP	WEST	West Neck Road
	Holst Drive West (HUN)	STOP	SOUTH	Dunlop Road
	Penataquit Place (HUN)	STOP	WEST	West Neck Road

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.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2013-504

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 29 -2013 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

RE: OLD WALT WHITMAN ROAD, MELVILLE - PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: October 15, 2013

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to change parking restrictions that allow for the relieving of congestion and improvement of sight distance at an intersection that is traveled by residents and businesses for varying purposes; and

WHEREAS, pursuant to 6 N.Y.C.R.R. 617.5(c)(20) and (27) of SEQRA, regulations amending the Uniform Traffic Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 7<sup>th</sup> day of November, 2013 at 2:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 29 -2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

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

LOCAL LAW INTRODUCTORY NO. 29 -2013  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

2013-504

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
DELETE:	Walt Whitman Road/West From West Hills Rd. to 170 ft. north of Rt. 110 (MVL)	No Parking	9:00 p.m. to 6:00 a.m.
	Walt Whitman Road/West From 170 ft. north of Rt. 110 to Rt. 110 (MVL)	No Parking	-----
ADD:	Old Walt Whitman Road/West From West Hills Rd. to 100 ft. north of Meriden Pl. (MVL)	No Parking	9:00 p.m. to 6:00 a.m.
	Old Walt Whitman Road/West From 100 ft. north of Meriden Pl. to 50 ft. south of Meriden Pl. (MVL)	No Parking	-----
	Old Walt Whitman Road/West From 50 ft. south of Meriden Pl. to 170 ft. north of Rt. 110 (MVL)	No Parking	9:00 p.m. to 6:00 a.m.
	Old Walt Whitman Road/West From 170 ft. north of Rt. 110 to Rt. 110 (MVL)	No Parking	-----

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.

*Old Walt Whitman Rd., Melville - Parking Restrictions - Public Hearing  
Transportation & Traffic Safety/bt  
10/2/2013 11:54 AM*

2013- 504

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.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AUTHORIZING VARIOUS ACTIONS BE TAKEN UPON CERTAIN PROPERTIES DESIGNATED AS BLIGHTED IN ACCORDANCE WITH CHAPTER 156, ARTICLE VII, § 156-60 (BLIGHTED PROPERTY)

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: Councilman Mayoka

WHEREAS, the Town Board by Resolution 2011-358 enacted Local Law No.21-2011 Amending the Code of the Town of Huntington to establish code provisions affecting Property Maintenance and Nuisances for structures and properties within the Town; and

WHEREAS, there are conditions existing upon the locations set forth in Schedule "A" attached hereto and made a part of this Resolution which constitute a Blighted Property as defined in Article VII of Chapter 156; and

WHEREAS, the owner(s) of the properties listed in Schedule "A" have failed to respond to the Notice(s) of Violation(s) issued by the Department of Public Safety and have not taken sufficient steps to correct the blighted conditions listed in the Notice of Violation(s); 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. (c) (33) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY DESIGNATES the properties listed on Schedule "A" as Blighted Properties as defined by Chapter 156, Article VII; and

HEREBY DIRECTS the Town Attorney to provide each property owner listed in Schedule "A" with a copy of this Resolution, and a notice stating that failure to enter into a Restoration Agreement or failure to correct such blighted conditions within ten (10) days of mailing of the Notice shall result in the Town taking all steps necessary to correct the blighted conditions existing upon their property at the property owner's expense; and

HEREBY DIRECTS the Director of Planning and Environment to place such blighted properties on the Blighted Property Inventory list; and

HEREBY SCHEDULES a public hearing to be held on the **7th** day of **November, 2013** at **2:00 p.m.** at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider authorizing various actions be taken with regard to blighted properties to bring about compliance with Article VII, Chapter 156 of the Code of the Town of Huntington.

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

**Chapter 156 §67 - (A), (B), (C) and (D) of the Code of the Town of Huntington Authorizing  
Actions by Town Board for Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS-SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE(S)	ANNUAL REGISTRATION FEE
103	4 Carriage Court, Dix Hills	0400-262.00-01.00-145.000	Nicholas D'Onofrio Linda D'Onofrio 194 Smith Street Deer Park, NY 11729	9/25/2013	\$2,500.00
102	24 Lorraine Court Northport	0400-055.00-01.00-048.003	Mohammed Sabur 24 Lorraine Court Northport, NY 11768	9/19/2013	\$2,500.00
104	32 Lakeside Drive Centerport	0400-043.00-05.00-014.000	Subbarao Gutti Sathyavath Gutti 32 Lakeside Drive Centerport, NY 11721	9/27/2013	\$2,500.00
101	350 Commack Road Commack	0400-225.00-03.00-058.000	Yi-Corn Corp II c/o Michael J. Collura 1 Joy Drive Manhasset, NY 11040	9/19/2013	\$5,000.00

2013-506

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A  
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT  
RE: 56 SHORE ROAD, COLD SPRING HARBOR— COLD SPRING HARBOR  
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by 56 Partes Tres, LLC, 998 West Shore Road, Oyster Bay, NY 11771, for a Certificate of Approval to erect a two story addition including a new garage and two porches at a one family dwelling located at 56 Shore Road, Cold Spring Harbor, in accordance with plans dated August 20, 2013 pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is located in the Cold Spring Harbor Historic District and bears Suffolk County Tax Map #0400-016.00-02.00-004.000, 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 **7<sup>th</sup>** day of **November**, 2013, at **2:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of 56 Partes Tres, LLC.

VOTE: AYES:5 NOES:0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



ENACTMENT: AUTHORIZE THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH CELLULAR TELEPHONE COMPANY D/B/A AT&T WIRELESS TO INSTALL AND MAINTAIN EXISTING CELLULAR ANTENNAS AND EQUIPMENT AT THE BOXER COURT FACILITY

Resolution for Town Board Meeting Dated: May 19, 2009

The following resolution was offered by: COUNCILMAN CUTHBERTSON

and seconded by: SUPERVISOR PETRONE

WHEREAS, CELLULAR TELEPHONE COMPANY d/b/a AT&T WIRELESS (hereinafter referred to as AT&T) is currently in the process of maintaining its system in order to provide its customers with cellular service; and

WHEREAS, AT&T currently has cellular antennas and equipment at the Boxer Court Facility; and

WHEREAS, it has been determined to be a Type II action pursuant to 6 NYCRR Part 617.5(c)(11) and, therefore, no further SEQRA review is required.

NOW THEREFORE, BE IT

RESOLVED, that having held a public hearing on the 5<sup>th</sup> day of May 2009 at 2:00 p.m. to consider entering into a license agreement with AT&T for the use of a portion of the Boxer Court Facility to maintain existing cellular antennas and cellular equipment for the monthly fee of THREE THOUSAND FIVE HUNDRED AND NO/100 (\$3,500.00) DOLLARS.

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a license agreement with Cellular Telephone Company, d/b/a AT&T Wireless, PO Box 2088, Rancho Cordova, CA 95741-2088, to maintain existing cellular antennas and equipment at the Boxer Court facility.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 30 -2013, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS) (RE: TELECOMMUNICATION FACILITIES)

Resolution for Town Board Meeting dated: October 15, 2013

The following resolution was offered by: Councilman Cuthbertson

And seconded by: COUNCILMAN MAYOKA

WHEREAS, the Town has undertaken a comprehensive review of the code provisions regarding the location and construction of wireless telecommunication facilities first adopted in the Town in 1998, including a review of the federal statutes and agency regulations that affect local regulatory authority, decisional law of the federal and state courts and recently adopted codes in other municipalities; and

WHEREAS, the current code needs to be amended to reflect technological growth in the industry as well as developments in the law relating to the regulatory authority of local government in and along public lands including the public rights-of-ways; and

WHEREAS, it is the intention of the Town Board to exercise local authority to regulate wireless telecommunication and related facilities to the maximum extent permitted by law; and

WHEREAS, this amendment of the Town Code is a Type II action pursuant to 6 NYCRR §617.5(c)(20) and (c)(27) and therefore, no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 7<sup>th</sup> day of November, 2013 at 2:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article XI (Conditional Uses; Supplementary Regulations); as follows:

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

LOCAL LAW INTRODUCTORY NO. 30 - 2013  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 198 (ZONING)  
ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

Section 1. Amendment to the Code of the Town of Huntington, Chapter 198 (Zoning), Article XI (Conditional Uses; Supplementary Regulations), as

follows:

CHAPTER 198  
ZONING

\* \* \*  
ARTICLE XI  
(CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

\* \* \*  
§198-68.1 Wireless Telecommunications Facilities.  
\* \* \*

(B) Definitions and word usage. The following terms shall have the meanings indicated herein. Terms which are not defined or found to be ambiguous shall be defined as provided in the Telecommunications Act of 1996, and any successor law, together with the rulings and regulations pursuant thereto.

ACCESSORY FACILITY - Includes any building or other structure which is accessory to the principal use, being subordinate in size, area, extent and purpose to the principal use, and located on the same lot as the principal use.

ANTENNA and/or BEACON - A whip (omnidirectional antenna), panel (directional antenna), disc (parabolic antenna) or similar device used for transmission and/or reception of radio frequency waves. [Includes any device that incorporates a system of electrical conductors involved in transmitting or receiving radio frequency waves,] including radio navigation, radio and television frequencies (excluding radar), wireless and microwave communications, generally ranging from ten (10) hertz to three hundred thousand (300,000) megahertz, and/or used in communications that radiate or capture electromagnetic waves, digital or analog signals, or other communications signals.

ANTENNA ARRAY - One or more whips, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antennas (whips), directional antennas (panels) and parabolic antennas (discs). The antenna array does not include the mount.

COLLOCATION - The placement of two or more antennas in the same or proximate location or on the same support structure by two (2) or more service providers.

FAA - The Federal Aviation Administration of the United States. An independent federal agency charged with licensing and regulating wireless communications at the national level.

FCC - The Federal Communications Commission of the United States.

HEIGHT - The distance measured from the finished mean grade of the parcel to the highest point on the tower or other structure, including the base pad [and any antenna] to the highest point of the mount or the antenna, whichever is higher.

MOUNT - A tower, structure or surface upon which antennas are mounted.

MOUNT, SHORT - Alternative to monopoles or guyed or lattice towers, such as masts or poles.

MUNICIPAL FACILITIES - shall mean town-owned streetlamps, streetlight poles, lighting fixtures, electroliers, flagpoles, and other similar town-owned structures.

MUNICIPAL PROPERTY - shall mean town-owned buildings, and the space in, upon, above, along, across and over real property that is under the sole ownership, jurisdiction, possession and control of the Town of Huntington except property leased or licensed to or by the town; any property where the town holds an easement or other beneficial interest; public rights-of-ways; and underwater lands.

PREEXISTING TOWERS AND ANTENNAE - Includes any and all towers or antennae possessing a valid, current and proper building permit and/or special use permit issued prior to June 1, 2011.

PUBLIC RIGHTS-OF-WAY - The space in, upon, above, along, across and over the public streets, roads, highways, lanes, courts, ways, alleys, sidewalks, and similar places, including public utility easements and public service easements that are under the jurisdiction and exclusive control of the Town of Huntington. The term shall not include county, state, or federal rights-of-ways or places owned by the Town jointly with another person or entity.

TOWER - Includes any structure which is designed, constructed or installed primarily for the purpose of supporting one or more antennae for telephone, television, radio and other communication purposes, including self-supporting lattice towers, guyed towers or monopole towers, radio and television transmission and reception towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and similar structures. A Tower shall include the structure and any support systems appurtenant thereto.

TOWN OF HUNTINGTON OR TOWN - Town of Huntington, Huntington Board of Trustees, and any subdivision thereof including special improvement districts and agencies, and including the Dix Hills Water District.

[WIRELESS TELECOMMUNICATIONS FACILITIES OR] TELECOMMUNICATIONS FACILITY OR FACILITIES- Includes ANTENNA, BEACONS, TOWERS and any structure, equipment, installation, facility, device, wires, cables or appurtenance designed, installed or intended to be used to support antennas or other transmitting or receiving devices used for the purpose of

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transmitting, receiving, distributing, providing or accommodating cellular, radio, television, SMR, enhanced specialized mobile radio (ESMR), paging, 911, Personal Communication Services (PCS), commercial satellite services, microwave, mobile and any commercial wireless telecommunication service not licensed by the FCC, including without limit mounts, towers of all types, structures, buildings, church steeples, or anything that is used to support antennas or its functional equivalent; and Distributed Antenna Systems (DAS) including all accessory facilities, installations, and equipment such as transmission cables, wires, mounts, cabling, equipment shelters and other appurtenances.

(C) Applicability. Unless otherwise provided, this legislation shall not apply to the following:

[(1)] [Applications for Wireless Telecommunications Facilities located or to be located on property owned, leased, used or otherwise controlled by the Town of Huntington or the Huntington Board of Trustees shall be determined by the Town Board, who shall exercise the same authority as the Zoning Board of Appeals in all respects and shall determine whether or not the applicant meets the requirements of this chapter after holding a public hearing. An original and six copies of the application to the Town Board shall be filed in the Office of the Huntington Town Clerk and shall consist of all documents, information, proof and plans required for applications before the Zoning Board, together with a nonrefundable application fee of two thousand five hundred (\$2,500.00) dollars. The applicant shall mail notices of the public hearing, postmarked no less than thirty (30) days before the hearing, to the owners as well as the occupants of all adjoining properties within five hundred (500) feet of the nearest boundary line of the property which is the subject of the application, as shown on the current tax roll, with the exception of applications for placement in the R-15, R-10, R-7 and R-5 Zoning Districts, where notification to adjoining property owners and occupants shall be to those within two hundred (200) feet of the nearest boundary line of the subject parcel, as shown on the current tax roll. In addition, the applicant shall provide a certificate of mailing for each recipient, which legibly indicates the name and address of the person, including the occupant, to which the notice was mailed, and is duly certified by the post office. An affidavit of mailing together with the duly certified certificates of mailing, shall be filed by the applicant in the Office of the Town Clerk no less than five (5) business days before the hearing. Said affidavit shall include the name of the person that actually mailed the notices and the names and addresses of the property owners and of the occupants that were notified. Failure to mail the notices and/or provide the affidavit and/or the certificates of mailing to the Town Clerk shall result in postponement of the public hearing. If the application is granted, a lease or license for the use of the land shall be executed on such terms and conditions as deemed advisable to the Town Board or Board of Trustees, as the case may be, after a public hearing. The public hearing for the lease or license of the property and for the issuance of a special use permit shall occur concurrently.]

(1) [(2)] All antennas which are accessory to permitted residential uses and are mounted on the residential dwelling without a tower.

~~(2)~~ [(3)] Such uses that are licensed to operate by the Federal Communications Commission, pursuant to 47 CFR 97, or successor law, such as amateur radio operations, subject to the provisions of Article IX of this chapter.

~~(3)~~ [(4)] Uses which are pre-empted or exempt from local regulation by federal or state law.

~~(4)~~ [(5)] Any routine maintenance and repair in like form and height of lawfully existing Wireless Telecommunications Facilities which does not substantially change, extend, or expand the facilities. Applicants requesting an exemption on this basis shall conform to the requirements of section [(O)] (P) herein.

~~(5)~~ No license shall be required of any entity that already holds a cable or telecommunication franchise issued by or covering the Town.

(D) Municipal Facilities, Municipal Property and Public Rights-of-Way.

(1) Municipal property. Applications for a license agreement to erect, install, attach, deploy, operate, maintain, repair, replace, reinstall, alter or modify Telecommunications Facilities in, over or upon municipal property and public rights-of-way shall be determined solely by the Town Board or Board of Trustees, as the case may be, who shall exercise the same authority as the Zoning Board of Appeals in all respects and without limitation. Applications for a license agreement to locate Telecommunications Facilities shall be filed simultaneously with an application for site plan approval before the Planning Board.

(2) Municipal facilities. Applications for a license agreement to attach, install, maintain, modify, replace, reinstall, alter or repair Telecommunication Facilities on municipal facilities, or along the public rights-of-way on poles, streetlights, stanchions and other similar structures owned by other municipal entities or utility companies shall be referred to the Planning Board to determine whether the standards and requirements of this chapter are met for the locations requested by the applicant. The Planning Board may grant or deny in whole or in part with or without conditions attachments or installations at such locations it deems advisable during site plan review. Applications for a license agreement to locate Telecommunications Facilities shall be filed simultaneously with an application for site plan approval before the Planning Board. Subsequent applications to locate additional Telecommunications Facilities on town facilities and on third party structures along the public rights-of-way once a license agreement is in place shall be determined by the Planning Board on a case specific basis during site plan review.

(3) Necessary approvals. Any license approved by the Town Board is subject to site plan approval by the Planning Board, and the filing of an application for and issuance of building permits and certificates of compliance. Applications for a

license agreement shall be filed simultaneously with an application for site plan approval before the Planning Board. The applicant shall pay all required fees and charges for such approvals.

(4) Application requirements. An original and eleven copies of an application to the Town Board or Board of Trustees for a license agreement shall be filed in the Office of the Huntington Town Clerk and shall consist of all documents, information, proof and plans required for applications before the Zoning Board of Appeals along with such other documents as may be requested during the review process by town departments, and a non-refundable application fee of two thousand five hundred (\$2,500.00) dollars per application per site. An application for a license to attach Telecommunication Facilities to municipal facilities or along public rights-of-way on poles, streetlights, and stanchions not owned by the Town shall be two thousand five hundred (\$2,500) dollars per applicant. The application fee shall be tripled in all cases where installations have been made or work commenced without the necessary Town approvals or permits. The Town Clerk shall forward copies of the application to the Town Board, Town Engineer, Directors of Planning and Engineering, and the Town Attorney. The Town Board may refer the application to the Director of Planning for his recommendations.

(5) Public hearing; notice. All applications before the Town Board or Board of Trustees, unless exempted, shall be determined after a public hearing. Applicants shall mail a notice of public hearing, postmarked no less than thirty (30) days before the hearing to the owners and occupants of all properties located within five hundred (500) feet of the nearest boundary line of the property which is the subject of the application, as shown on the current tax roll, with the exception of applications for placement in the R-15, R-10, R-7 and R-5 zoning districts, where notification to adjoining property owners and occupants shall be to those within two hundred (200) feet of the nearest boundary line of the subject parcel, as shown on the current tax roll. In the case of attachments to municipal facilities or to poles, streetlights, and stanchions not owned by the Town along the public rights-of-way, no individual notice to property owners or occupants shall be required if no other relief is requested on the application. Notice of the public hearing shall be published by the Town Clerk at least thirty (30) days before the hearing in the official newspaper(s) of the Town.

(6) Additional filings. The applicant shall provide a certificate of mailing certified by the United States Postal Service for each recipient, which legibly indicates the name and address of the property owner and occupant to which notice was mailed. The certificate of mailing shall be filed by applicants in the Office of the Town Clerk no less than five (5) business days before the hearing. Failure to mail notice of the public hearing or file the certificate of mailing within the required period shall result in postponement of the public hearing at the applicant's cost and expense which shall include the cost of republishing the notice of hearing.

(7) Action on applications. The application can be approved or denied, in whole or in part, with or without conditions as deemed advisable by the Town Board or Board of Trustees. If the application is approved, in whole or in part, a license agreement shall be authorized and shall contain the term of the license; conditions on the use or occupation of Town property, including separate compensation, where applicable, for the use of public rights-of-way, municipal facilities, and municipal property; provisions for construction and/or performance bonds; indemnity and insurance; obligations concerning areas disturbed during construction, installation, attachment or maintenance activities; submission of annual inventory reports showing the exact location of all installations; conditions on transfer or assignment; and such other conditions consistent with the requirements and purposes of this chapter and that ensure that applicant's use or occupation of Town property minimizes disruption to the public, adheres to all applicable laws, and promotes safe, effective and efficient use Town property.

(E) [(D)] Pre-Application Conference: All applicants are required to attend a pre-application conference to be scheduled by the Director of Planning and Environment, to review the proposal and receive comments from the applicable town departments prior to filing an application for a special use permit before the Town Board or Zoning Board of Appeals, as the case may be, or filing an application for a building permit for those applications that do not require a special use permit. Applicants shall provide such documents and plans as the Directors may reasonably require in advance of the conference for the purpose of providing comments and recommendations. The pre-application conference shall be held within ten (10) business days of the Town's receipt of a written request for such conference from the applicant and all documents and plans requested by the Director in preparation thereto.

(F)[(E)] Application Requirements. Applications for special use permits shall include the following:

(1) Inventory. An inventory of all existing like uses, or sites approved for like uses, that are either located within the jurisdiction of the Town or within one (1) mile of ~~[all borders]~~ any border thereof, including specific information about the location, height and design of each tower or DAS System, compiled from public records by the best efforts of the applicant; the distance from the proposed new use as shown on the map or plan submitted with the application; and the name of the owner/operator of each such use, as best as same can be ascertained. The applicant must demonstrate why an existing Wireless Telecommunication Facility in such inventory is not suitable or available to satisfy the stated need.

(2) A certification by a qualified professional establishing that the use meets or exceeds the standards and regulations of the FAA, the [and/or] FCC, and [of] any other state or federal agency having jurisdiction.

(3) A site plan drawn to scale meeting all the requirements contained in the Town Code and the Town Subdivision and Site Improvement Regulations.

(4) Delineation of all distances between the proposed use and all adjoining residentially-zoned or residentially-utilized properties, and the distance between the nearest boundary line of any private or public school property and the pole at issue, or the boundary line of the property on which the proposed use is to be located, as is applicable, if the distance is 500 feet or less.

(5) A notarized statement of the applicant's compliance with all applicable federal, state, and local laws.

(6) A notarized statement by the applicant as to whether the construction or placement of a new tower or other structure to locate antennas thereon will accommodate collocation of additional antennae for future users.

(7) A notarized statement of the suitability or unsuitability of existing towers or other structures and installations that are available in place of the proposed [structure] action, and the uses contemplated for the proposed structure [or antenna] or installations.

(8) A notarized statement describing the efforts made to collocate on an existing [Wireless] Telecommunications Facility or to locate on, upon or within an existing structure.

(9) A notarized statement containing the following information: (a) frequency, modulation and class of service of radio or other transmitting equipment; (b) actual intended transmission power stated as the maximum effective radiated power (ERP) in watts; (c) certification that an attached copy of the FCC license for the intended use of the [Wireless] Telecommunication Facilities is a true and complete copy; and (d) the number, type and model of the proposed antenna(s) with a copy of the specification sheet.

(10) A notarized statement that the proposed [Wireless] Telecommunication Facility will be in full compliance with the current [FCC] RF Emissions guidelines of the FCC or other agency having jurisdiction, together with a complete study as verification of such compliance.

(11) A notarized statement that the proposed tower or other structure that will support the proposed antenna or beacon or facility is in compliance with FAA Regulation Part 77 or successor regulation and whether it requires lighting. If a FAA determination is required then all documentation filed in connection with the application must be provided.

(12) A photograph or photograph simulation to demonstrate the appearance of the proposed facility from multiple angles and heights.

(13) Evidence that a pre-application conference has been held with the relevant town departments in the form of a memorandum with comments from town departments or otherwise.

(14) Multiple user plans. Applications to collocate on a specific site which has been granted a special use permit under this chapter shall be required to satisfy all of the requirements of this chapter, except an inventory of all existing like uses shall not be required nor is the applicant to establish that alternate locations or alternate technologies are not available or suitable.

(15) Applicants must produce evidence by qualified professional(s) in the form of studies, including field studies where appropriate, that the proposed telecommunications facilities meet or exceed the standards in the industry and that the existence of a gap in service would be remedied at the proposed location by the proposed facility. Such evidence is also required to support requests to locate in [a residential zoning district] residentially zoned or utilized properties, or within 500 feet of property containing a public or private school, or to erect a new tower or structure of any kind in lieu of installing the facilities within or upon an existing tower or structure.

(16) All documents, information and proof required to be provided for a special use permit.

(17) Any additional documents, studies and specifications requested by the Town during the review process.

(G) [(F)] Aesthetic requirements. All such uses shall comply with the following requirements, unless otherwise required by the FAA, FCC or other applicable authority:

(1) Color. All wireless telecommunication facilities shall be of a neutral color or such other color(s) as the Board may require to reduce the visual impact to surrounding areas. If an antenna or beacon is installed on a structure other than a tower, it and its supporting electrical and mechanical components must be of a color that is identical to or closely compatible with the color of the supporting structure so as to render it as visually unobtrusive as practicable.

(2) Design. All wireless telecommunication facilities shall, to the extent practicable, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

(3) Lighting. Towers shall not be artificially lighted. If so required, lighting shall be designed to minimize to the maximum extent practicable the resultant disturbance to the surrounding views and properties and comply with the Town's dark skies legislation.

(4) Signs. No signs or advertising of any kind shall be permitted on [an antenna or tower] Telecommunications Facilities.

(H) [(G)] Location of uses. These uses shall be located in accordance with the following priority:

(1) Location on Town property shall be encouraged over other suitable locations whenever feasible or practical subject to the approval of the Town Board or Board of Trustees.

(2) [(1)] Such uses shall only be permitted within or upon existing structures and other Telecommunications Facilities located in commercial and industrial zoning districts or on Town, County, State or Federal property, unless the applicant can demonstrate by clear and convincing evidence that a telecommunications or other system or service cannot properly function without the location of such a use on or within a tower or other [structure] Telecommunications Facilities the applicant proposes to erect or attach in the commercial or industrial zoning district.

(3) [(2)] Such uses shall be permitted to be located in a specific residential area only if the applicant can demonstrate by clear and convincing evidence that its telecommunications or other system or service cannot properly function within or upon an existing tower or other [structure] Telecommunication Facility or within or upon a proposed new tower or [structure] facility in a commercial or industrial zoning district. Before erecting an entirely new facility in a [residential zone] residentially zoned or utilized area, applicant must demonstrate by clear and convincing evidence that it cannot collocate on an existing facility in such zone.

(4) [(3)] [Such uses] Towers are not permitted to be located on a site where the property line of the site is within 500 feet of the nearest property line of a lot containing a public or private school, unless the applicant can establish by clear and convincing evidence that its telecommunications or other system cannot properly function within or upon an alternate location in any other zoning district of the Town.

(5) [(4)] Compliance with the minimum lot setback requirements of the zoning district in which the Telecommunications [f] Facility is proposed to be located shall be required.

(6) [(5)] Municipal and accessory use. Such uses may be considered either principal or accessory uses, in that the prior existence of a different use on the same lot shall not preclude the installation of an antenna or tower on such lot.

(I) [(H)] Authority of the Zoning Board.

(1) The Board may require the applicant to erect a structure at the applicant's expense to house the proposed antenna and related equipment, as it deems necessary or desirable.

(2) The Board may, at the applicant's expense, require a field demonstration with a crane, balloon or other acceptable means to simulate the aesthetic impacts of the proposed Wireless Telecommunications Facility. [Note: this is related to aesthetic considerations] .

(3) The Board may retain qualified professionals at the applicant's expense to verify that the proposed wireless telecommunication facilities and other facilities subject to this code comply with [federally established] applicable limits for RF emissions; that the proposed facility is truly necessary to remedy a significant gap in service at a specified location; and to advise the Board [regarding] on any aspect of an application in accordance with §198-109(J).

(4) The Zoning Board may refer an application to the Planning Board for its recommendations on any issue it deems necessary and proper. Such referral shall specify the reasons for the referral.

(J) [(I)] Review of application. The following factors shall be considered for all applications to locate Telecommunication Facilities.

(1) [The Zoning Board of Appeals shall give due] Due consideration shall be given to the Town's Comprehensive Plan, existing land uses and development, environmentally sensitive areas, and other appropriate factors in approving the issuance of a special use permit or other town approval for the siting of Wireless Telecommunications Facilities.

(2) [The Zoning Board shall consider the following factors in determining whether to issue a special use permit, in addition to the standards set forth in this chapter for the issuance of a special use permit.] The reviewing Board shall give due consideration to the following factors where applicable. In the case of the Zoning Board, these factors are in addition to the standards established in this chapter for the issuance of a special use permit.

(a) Height, size, [and] condition, stability, and appearance of the proposed or existing facility, structure, pole, or device.

(b) Proximity of the proposed use to residential structures and residential district boundaries.

(c) Nature of existing and/or proposed uses on adjacent and nearby properties.

(d) The topography of the site and surrounding areas.

(e) Surrounding tree coverage and foliage.

(f) Design and aesthetic appearance of the structure, facility, or device, with particular reference to design elements that have the effect of reducing or eliminating visual obtrusiveness.

(g) The proposed ingress and egress.

(h) Availability of suitable existing uses or structures or poles, or alternative technologies not requiring the use of new structures, poles or devices.

(i) Whether the proposed Telecommunication Facility, or its location, will impede or obstruct vehicular or pedestrian travel, obstruct or interfere with directional signs or traffic maintenance devices, creates a nuisance or hazard, and/or substantially detracts from a historic landmark, site or district, scenic or visual space or corridor, or culturally significant resource.

(j) [(i)] Any other relevant factor, including those found by the Board to be relevant considerations under statutory and decisional law, and regulatory agency rulings.

(K) [(J)] Required proof.

(1) No application for a special use permit shall be granted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Board of Appeals that no existing use, building, facility or structure not requiring new construction or installations can accommodate the applicant's proposed use.

[(2) An applicant shall submit information requested by the Zoning Board of Appeals relating thereto.] Such evidence may consist of any or all of the following:

(a) That no suitable existing uses, poles or structures are located within the geographic area which meet the applicant's engineering requirements.

(b) That the fees, costs or contractual provisions required by the owner of an existing like use, pole or structure in order to share it, or adapt it for sharing, are unreasonable. Costs exceeding new use development are presumed to be unreasonable.

(c) When consistent with applicable federal and state law, that alternative technologies not requiring the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system or other alternatives are unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(2) [(3)] The applicant must establish that a significant gap in service exists that requires the location of wireless communication facilities at the proposed location. In determining whether a significant gap in service exists at a specific

location, the Board must find that the telecommunications failure is substantial and can only be remedied by the location of the proposed antennas, DAS system, or tower.

(3) [(4)] The Board may reduce the height of the proposed structure or make other modifications to the proposed wireless communication facilities for the purpose of making aesthetic improvements, even if it means that the gap in service is not fully remedied; substantial remediation of the gap in service shall be sufficient.

(4) [(5)] In determining what constitutes substantial remediation of a gap in service, and to what extent an applicant needs to locate a facility at a specific location or height, and what level of service is to be made available to users, the Board shall be guided by standards set or as interpreted by federal or state law, decisional law and regulatory agencies.

(L) [(K)] Conditions. The granting of a special use permit or other approval shall require provision of the following conditions:

(1) Setbacks. The following setback requirements shall apply [to all such uses for which a special use permit is required]:

(a) Towers shall be set back from any adjoining lot line a distance equal to at least one hundred fifty (150%) percent of the height of the tower in order to provide a safe fall zone; this requirement may be varied only if the Board finds that the granting of a variance will not create an unsafe condition.

(b) All accessory structures shall satisfy the minimum district setback requirements for the district in which they are located.

(2) Distance between towers. The required distance between such uses shall be five thousand (5,000) feet, measured by drawing or following a straight line between the base of any existing like use and the base of the proposed use, delineated on a map or site plan. Said distance requirement may be reduced by the Zoning Board of Appeals only after a finding that a specific application merits a reduction and closer siting due to reception and/or transmission limitations caused by topographical interference or other relevant factors.

(3) Security fencing. Such uses shall be surrounded by security fencing not less than eight (8) feet in height and shall be equipped with appropriate anticlimbing devices, where applicable.

(4) Landscaping.

(a) [All such uses] Towers and structures shall be landscaped with a buffer or vegetation sufficient to screen the view of such uses from residential property and to maintain the aesthetic quality of the surrounding community, consisting of at least one (1) row of mixed evergreen shrubs and trees capable of forming a hedge at least eight (8) feet in height.

(b) Existing mature tree growth and natural land forms and topography at the site shall be preserved to the maximum extent possible.

(M) [(L)] Conduct of hearing. All evidentiary requirements shall be by sworn testimony or written affidavit[; in both cases, the] . The person providing the evidence must have personal knowledge of [any] the facts.

(N) [(M)] Abandonment. Any such use that is not operated for a continuous period of twelve (12) months shall be deemed abandoned, and the owner thereof shall be responsible for removal of all structures within ninety (90) days of the issuance of a notice by the Town declaring the facilities abandoned and directing removal, and upon failure to do so the Town may take such action at the owner's expense.

(O) [(N)] Nonconforming uses. Such uses lawfully existing and operating prior to June 1, 2011 shall be permitted to remain as they presently exist, including routine maintenance and repair in like form and height which do not substantially change, extend, or expand the facilities.

(P) [(O)] Application for an exemption.

(1) The Town Board, Zoning Board of Appeals, or the Director of Engineering Services, as the case may be, shall determine whether the proposed work or modification to existing wireless telecommunications facilities is routine maintenance and repair in like form and height, which does not substantially change, extend, or expand the facilities. Among the factors to be weighed in making such determination are whether there are any visible changes that would require review based upon aesthetic considerations or whether there are public safety issues requiring a de novo review. A joint application for the same type of modifications to multiple sites may be made provided a separate application fee is paid for each site.

(2) An application to exempt proposed work from the provisions of this article on the basis that the work is routine maintenance and repair of facilities in like form and height which does not substantially change, extend, or expand the facilities shall be made to the applicable Board, and shall include all relevant supporting proofs, studies, plans, and any other document requested by the [Town] Board. A non-refundable application fee of one thousand five hundred

dollars (\$1,500[.]) per site shall be payable at the time of filing. The Board/Director may require the retention of consultants, at the applicant's expense, to assist it in its determination. No public hearing is required if the application is granted. If a public hearing is held, by the Zoning Board, notice of the public hearing shall be given in the same manner as for a special use permit before the [applicable] Zoning Board. If the application is pending before the Town Board or Board of Trustees notice of the public hearing shall be made as set forth in this article.

(Q) [(P)] Access to Wireless Telecommunications Facilities.

(1) All Wireless Telecommunications Facilities shall be operated and maintained so as to prevent unauthorized access to and upon such facilities. Any owner or person-in-charge of the property, an accessory facility or any wireless telecommunications facility who commits an offense against the provisions of this section shall be deemed to be in violation of this chapter.

(2) Where applicable, Town Inspectors shall have access upon notice of at least 24 hours for the purpose of verifying continuing compliance with the special use permit, building permit and, where applicable, site plan or other approval.

(R) [(Q)] Revocation of special use permit or approval. The Zoning Board of Appeals may, upon notice after a public hearing, revoke any special use permit it has approved if the Board determines that there are substantial violations of the conditions or provisions of the special use permit or if false documents or statements have been submitted in support of the application. The Town Board or Board of Trustees may [revoke a special use permit] terminate a license agreement they have [it has] approved [under the same circumstances after a public hearing] in accordance with the terms of the agreement.

(S) [(R)] Site Plan Approval and Building Permits.

(1) All applicants for the location of [wireless] telecommunications facilities in any zoning district must file a simultaneous application for and obtain site plan approval from the Planning Board, and a building permit from the Department of Engineering Services prior to the commencement of work, including property, installations or facilities which are exempt from the special use permit requirement, except for ordinary repairs or maintenance that does not materially change, extend or expand the facilities or service. Unless otherwise provided, variances from the requirements of the special use permit approved by the Zoning Board shall remain within the jurisdiction of the Zoning Board of Appeals.

[(2)] [For property owned, leased, used or controlled by the Town Board, Huntington Board of Trustees, or any subdivision thereof, the Town Board shall exercise the same authority as the Zoning Board of Appeals in all respects and shall determine whether or not the applicant meets the requirements of these regulations after holding a public hearing. Any grant approved by the Town

Board is subject to site plan approval by the Planning Board and the filing of an application for and issuance of a building permit. Applications for Town Board approval shall be filed simultaneously with an application for site plan approval before the Planning Board.]

(2) [(3)] [All applicants are required to be in compliance with all applicable building and fire codes, and the facilities] All Telecommunications Facilities shall be maintained in a safe and proper manner, and shall be in compliance with all conditions of the building permit, certificate of occupancy or compliance, special use permit, [and] site plan approval, and license agreement, as well as with all applicable Town, State and Federal laws, rules and regulations, without exception. Any owner or person-in-charge of the property, accessory facility, or telecommunications facility who commits an offense against the provisions of this section shall be deemed in violation of this chapter.

(3) [(4)] Site Plan review by the Planning Board shall run concurrently with review by the Zoning Board of Appeals, the Town Board or the [Department of the Engineering Services] Board of Trustees, as the case may be, and shall be timed so that determinations can be made at approximately the same time to the extent practicable.

(4) Municipal facilities and public rights-of-way. Applications to locate Telecommunication Facilities on municipal facilities, or on streetlights and poles owned by public utilities or other municipal entities along the public rights-of-way shall include photographs of the proposed installation locations, architectural elevations of the installation, detailed sheets showing the dimensions of the equipment, a specification sheet or rendering indicating the color of the equipment, mounting system and other information requested by the Director of Planning or Planning Board. In addition to the standards and factors established in this article, the Planning Board shall review applications to determine if there are safety, aesthetic or other concerns that may warrant a denial of approval for a location.

(T) Prohibitions.

(1) It shall be unlawful for any person or business entity to open or cause the opening or other disturbance to the surface of any street, sidewalk, public right-of-way or other public place to locate, install, extend, repair, maintain, modify or alter Telecommunication Facilities without first obtaining all required approvals and permits. A violation of this section shall be deemed an offense against this chapter, and shall subject the person or business entity to the penalties thereof.

(2) It shall be unlawful for any person or business entity to install, attach, erect, locate, deploy, repair, replace, reinstall, modify, demolish or alter any portion of a Telecommunication Facility without first having secured the applicable approvals and

permits. A violation of this section shall be deemed an offense against this chapter, and shall subject the person or business entity to the penalties thereof.

\* \* \*

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 Petrone	AYE
Councilwoman Susan Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



2013- 509

The Town Board, hereby authorizes the transfer of \$1,500.00 to the Huntington Community First Aid Squad and \$500.00 to the Commack Volunteer Ambulance Squad to be used as tuition reimbursement for local fire and EMS providers from the Firefighter / Emergency Medical Services Incentive Recruitment Enhancement (F.I.R.E.) TA 085-H0014.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013- 510

RESOLUTION AUTHORIZING BROOKLYN COLLEGE (CITY UNIVERSITY OF NEW YORK) TO INSTALL AND MONITOR SURFACE ELEVATION TABLES FOR THE PURPOSE OF TRACKING WATER ELEVATION CHANGES IN THE CRAB MEADOW WETLANDS (JEROME AMBRO PRESERVE)

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, the Town of Huntington was awarded a Long Island Sound Futures Fund grant for the Crab Meadow Watershed Hydrology Study and Stewardship plan, which will be completed with the support of an appointed Crab Meadow Watershed Citizens Advisory Committee; and

WHEREAS, the Crab Meadow Watershed is a major tributary to Long Island Sound and the New York Natural Heritage Program has identified the Crab Meadow Wetlands as the reference high marsh on the North Shore; and

WHEREAS, the hydrology study and stewardship plan will provide information that will compel further projects potentially leading to habitat restoration, enhanced stewardship and finer interpretation of public ownership; and

WHEREAS, in order to aid the Town of Huntington and its consultant in the development of a Crab Meadow Watershed Stewardship Plan it is necessary for the Town to monitor the elevation change of the Crab Meadow Wetlands on a long term basis; and

WHEREAS, Brooklyn College (City University of New York) has received a grant, which the Town of Huntington supported, to purchase the monitoring equipment and to install surface elevations tables and collect monitoring data at the Crab Meadow Wetlands; and

WHEREAS, Brooklyn College (City University of New York) will be conducting this project in conjunction with the Nature Conservancy, the New York State Department of Environmental Conservation, the New York City Parks and Recreation Department, and Fairleigh Dickinson University; and

WHEREAS, on behalf of the surface elevation monitoring team, Brooklyn College (City University of New York) is seeking permission to enter onto the Town's Crab Meadow Wetlands to install the surface elevation tables and to perform the related on-going monitoring; and

WHEREAS, the permission to utilize the Town's Crab Meadow Wetlands is contingent upon Brooklyn College (CUNY), on behalf of themselves and their team, providing a hold harmless agreement indemnifying the Town; and

WHEREAS, the installation of such equipment and its on-going monitoring is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(18) and (c)(21) and, therefore, no further SEQRA review is required.



2013- 511

RESOLUTION URGING THE LONG ISLAND POWER AUTHORITY BOARD OF TRUSTEES TO EXTEND THE LONG ISLAND POWER AUTHORITY TAX CERTIORARI SETTLEMENT OFFER DEADLINE TO JANUARY 15, 2014

Resolution for Town Board Meeting dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone  
COUNCILMAN MAYOKA

and seconded by: COUNCILWOMAN BERLAND, COUNCILMAN COOK

WHEREAS, the Long Island Power Authority ("LIPA") brought tax certiorari challenges against the Town of Huntington related to the Northport power plant; and

WHEREAS, any tax reassessment of the Northport plant would greatly impact the citizens of Northport and the Town of Huntington; and

WHEREAS, LIPA brought other tax certiorari challenges against other municipalities including the Town of Brookhaven and Nassau County; and

WHEREAS, LIPA has offered, via letter dated June 20, 2013, a systematic approach with conditions to settle the matter, however, said settlement offer as proposed leaves no room for further negotiation and fails to explain how LIPA arrived at the proposed settlement numbers; and

WHEREAS, the Town of Huntington has diligently sought to determine how LIPA arrived at such an offer, but the Town of Huntington has been routinely denied such information or a response; and

WHEREAS, LIPA has offered to the other municipalities the same systematic approach with conditions to settle the matter; and

WHEREAS, LIPA has provided until October 20, 2013, to accept the offer, but the Town of Huntington, and the other municipalities, require more time to fully analyze the fiscal impact of the offer and accumulate and review the settlement information that has thus far not been provided to the Town; and

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

NOW, THEREFORE, THE TOWN BOARD,

Urges the Long Island Power Authority Board of Trustees to extend the Long Island Power Authority tax certiorari settlement offer deadline to January 15, 2014.

2013-511

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR OF THE TOWN OF HUNTINGTON 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 Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: SUPERVISOR PETRONE, COUNCILWOMAN BERLAND, COUNCILMAN MAYOKA, COUNCILMAN COOK

WHEREAS, the Town of Huntington and Northport American Legion Post 694 have received federal grant funding, 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 Town Board affirms the recommendation of American Legion Post 694 that Holzmacher, McLendon and Murell, P.C., 575 Broad Hollow Road, Melville New York 11747, to continue to provide the necessary professional architectural, engineering and monitoring of this 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 TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract with Holzmacher, McLendon and Murell, P.C. for professional architectural, engineering services, including construction monitoring, project meetings, and final as built plans for filing for the 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 TWENTY-FIVE THOUSAND AND NO/100 (\$25,000.00) DOLLARS to be charged to the grant B-10-NI-NY-0377 and upon such terms and conditions as approved by the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH HOLZMACHER, MCLENDON & MURRELL, P.C. TO PROVIDE ENGINEERING SERVICES FOR THE REHABILITATION OF THE COLBY DRIVE WATER STORAGE TANK, FOR THE DIX HILLS WATER DISTRICT, NUNC PRO TUNC.

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILMAN MAYOKA, COUNCILMAN COOK**

WHEREAS, the District's 750,000 gallon tank's current coating systems are nearing the end of their useful lives due to deterioration and extensive corrosion; and

WHEREAS, the efficient operation of the Dix Hills Water District requires continual maintenance and upgrading of the District infrastructure; and

WHEREAS, the Dix Hills Water District 2013 Capital Project list includes rehabilitation of the Colby Storage Tank and is provided for in 2013 and 2014 Capital Budget funding; and

WHEREAS, the H2M Group has submitted a project evaluation and proposal to include the preparation of plans with construction document specifications and construction related services for the repainting of the Colby Drive Water Tank; and

WHEREAS, Town Board Resolution 2013-297 classified the rehabilitation of the Colby Drive Water Storage Tank as a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(1) and (c)(2) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor, nunc pro tunc, to execute an agreement with Holzmacher, McLendon & Murrell, P.C. (H2M Group), 575 Broad Hollow Road, Melville, New York 11747 to provide engineering services for the rehabilitation of the Colby Drive Storage Tank for the Dix Hills Water District; for an amount not to exceed the sum of ONE HUNDRED FIFTY SEVEN THOUSAND AND NO/100 (\$157,000.00) DOLLARS, to be charged to Capital Budget Item No. EG8397-2102-2013C, upon such terms and conditions 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 Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-475

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A RENTAL AGREEMENT WITH MAILFINANCE, A NEOPOST U.S.A. COMPANY, FOR A POSTAGE METER FOR THE DIX HILLS WATER DISTRICT

Resolution for Town Board Meeting Dated: October 15, 2013

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

WHEREAS, the rental agreement for the postage meter at the Dix Hills Water District expires December 24, 2013; and

WHEREAS, in order to mail water service bills, the District requires the rental of a current model postage meter; and

WHEREAS, the current postage meter machine is malfunctioning and is in need of updating; and

WHEREAS, rental of a postage meter is classified as a Type II action, pursuant to SEQRA, 6NYCRR, §617.5(c)(1), (c)(2), and (c)(20) and therefore, no further review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a 60 month rental agreement with MailFinance, 478 Wheelers Farms Rd, Milford CT 06461 for a period beginning December 24, 2013 through December 24 2018 for an amount not to exceed the sum of ONE HUNDRED-TWENTY-TWO AND 08/100 (\$122.08) DOLLARS PER MONTH, to be charged to Capital Budget Item No. SW18321-4130, upon such terms and conditions 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>
Councilman Mark Mayoka	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE ELECTRICAL LIGHTING AND APPURTENANCES FOR THE LONG ISLAND RAILROAD (LIRR) SOUTH PARKING GARAGE WITH ELDOR CONTRACTING CORPORATION.

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND

WHEREAS, this contract will provide for the removal and replacement of all lighting appurtenances throughout all levels of the Huntington Long Island Railroad (LIRR) Terminal South Parking Garage, and installation of owner furnished fixtures including testing the system for proper operation; and

WHEREAS, sealed bids were received on October 3, 2013, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the electrical lighting and appurtenances for the LIRR South Parking Garage, ES 2013-04/O-E and the same were opened publicly and read aloud; and

WHEREAS, Eldor Contracting Corporation, 30 Corporate Drive, Holtsville, New York 11742 is the lowest responsive, responsible bidder; and

WHEREAS, for the electrical lighting and appurtenances for the LIRR South Parking Garage is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(2), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Eldor Contracting Corporation for the electrical lighting and appurtenances for the LIRR South Parking Garage. The contract period shall be effective upon the execution of the contract for a term of twelve (12) months, for an amount not to exceed the sum of THREE HUNDRED EIGHTY SIX THOUSAND AND NO/100 (\$386,000.00) DOLLARS, and authorizes the Director of Engineering Services to execute change orders with an aggregate value up to 10% to be charged to TT 1997 2102 OS081, EG 1997 2104 RS128, EG 5997 2104 12311, 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 Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<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 THE INSTALLATION OF TRAFFIC SIGNAL AND RELATED IMPROVEMENTS TO SUFFOLK COUNTY ROAD 35-PARK AVENUE AT EAST FIFTH STREET HUNTINGTON STATION, NEW YORK WITH HINCK ELECTRICAL CONTRACTOR INC.

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, this contract provides for the installation of a traffic signal and associated curbs and sidewalks at the intersection of Park Avenue (County Road 35) and East Fifth Street in Huntington Station, Town of Huntington, New York; and

WHEREAS, sealed bids were received on October 3, 2013, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the installation of traffic signal and related improvements Suffolk County Road 35 – Park Avenue at East Fifth Street Huntington Station, New York, Contract No. TTTS 2013-5 and the same were opened publicly and read aloud; and

WHEREAS, Hinck Electrical Contractor Inc., 75 Orville Drive, Suite 1, Bohemia, New York 11716 is the lowest responsive, responsible bidder; and

WHEREAS, the installation of traffic signal and related improvements to Suffolk County Road 35 – Park Avenue at East Fifth Street Huntington Station, New York is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1), (c)(2), (c)(16) and (c)(20), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Hinck Electrical Contractor Inc. for the installation of traffic signal and related improvements to Suffolk County Road 35 – Park Avenue at East Fifth Street Huntington Station, New York. The contract period shall be effective upon the execution of the contract for a term of one hundred twenty (120) days, for an amount not to exceed the sum of TWO HUNDRED SEVENTY SIX THOUSAND SEVEN HUNDRED TWENTY TWO AND 75/100 (\$276,722.75) DOLLARS, and authorizes the Director of Transportation and Traffic Safety to execute change orders with an aggregate value up to 10% to be charged to TT 3397-DV504 2775 and upon such other terms and conditions as may be acceptable to the Town Attorney.

2013-477

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-478

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR PROFESSIONAL SERVICES FOR THE TOWN OF HUNTINGTON ACTIVE PARK TREE INVENTORY AND PLANTING EVALUATION WITH GEI CONSULTANTS, INC., P. C.

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington wishes to engage the professional services of a qualified consultant to conduct an inventory of existing trees and to evaluate the potential of future planting locations in the Town's sixty (60) active parks; and

WHEREAS, the contractor will record the location, species, diameter at breast height, relative health and crown width of all landscape trees in the Town's sixty (60) active parks, establish natural tree/canopy lines and classify natural habitat, as well as consider sites for potential new tree planting locations and recommend trees (species, count) to be placed in each location; and

WHEREAS, information provided by the contractor will be captured utilizing Global Positioning System (GPS) devices for incorporation into the townwide Geographic Information System (GIS), and will allow the Town to better manage and expand the tree canopy within its active parks, making the parks safer and more enjoyable for Town residents; and

WHEREAS, the Department of Planning an Environment has secured a \$25,000 Urban and Community Forestry grant from the New York State Department of Environmental Conservation and the Environmental Open Space and Parks Fund Advisory (EOSPA) Committee has recommended the matching allocation as a park improvement for this active park tree inventory and analysis; and

WHEREAS, sealed proposals were received on July 26, 2013, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the professional services for the Town of Huntington active park tree inventory and planting evaluation, RFP 2013-07-007 and the same were opened and read aloud; and

WHEREAS, GEI Consultants, Inc., P. C., 110 Walt Whitman Road, Suite 204, Huntington Station, New York 11746 is the successful responsive, responsible proposer; and

WHEREAS, professional services for the Town of Huntington active park tree inventory and planting evaluation 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 contract and any documents in connection and related therewith, with GEI Consultants, Inc. P. C., for the professional services for the Town of Huntington active park tree inventory and planting evaluation. The contract period shall be effective upon the execution of the contract for an eighteen (18) month period, for an amount not to exceed the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS, to be charged to GT-039 (Urban Forestry Grant) in an amount not to exceed TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS and to a park improvement capital account to be funded from A-0870 (Open Space Land and Park Improvements Reserve Fund) in an amount not to exceed TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS, 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 Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN INTERAGENCY AGREEMENT FOR THE USE OF ENTERPRISE APPLICATIONS BETWEEN THE NEW YORK STATE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES AND THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town uses enterprise applications to submit rosters for the Town of Huntington Department of Parks and Recreation's Young Teen Program and Camp Bright Star; and

WHEREAS, the Town receives grants from the New York State Office of People with Developmental Disabilities for the operation of the programs; and

WHEREAS, the Town is required to submit quarterly rosters for the programs; and

WHEREAS, the execution of an agreement is not an action as defined by 6 NYCRR section 617.2 (b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an Interagency Agreement for the use of enterprise applications with the New York State Office for People With Developmental Disabilities, 44 Holland Avenue, Albany, New York 12229.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

AUTHORIZING THE SUPERVISOR TO AMEND A LICENSE AGREEMENT BY TERMINATION WITH NEXTEL OF NEW YORK d/b/a NEXTEL COMMUNICATIONS

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, NEXTEL OF NEW YORK d/b/a NEXTEL COMMUNICATIONS (hereinafter referred to as Nextel) had cellular antennas and equipment at the Boxer Court Facility pursuant to a license agreement, the execution of which was authorized by resolution 2005-335; and

WHEREAS, Nextel is desirous of terminating the license agreement in exchange for the payment of FIVE THOUSAND AND 00/100 DOLLARS (\$5,000.00) and abandonment of their equipment shelter, which will then become Town property; and

WHEREAS, it has been determined to be a Type II action pursuant to 6 NYCRR Part 617.5(c)(20) and (c)(26) and, therefore, no further SEQRA review is required.

WHEREAS, the Town agrees to the termination of the license agreement, the execution of which was authorized by resolution 2005-335, with Nextel in exchange for the abandonment of equipment shelter, which will then become Town property and payment of FIVE THOUSAND AND 00/100 DOLLARS (\$5,000.00) to the Town of Huntington to be recorded in Budget Line A1170-1170.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to amend the license agreement by termination and effectuate the transfer of ownership of the equipment shelter and payment of FIVE THOUSAND AND 00/100 DOLLARS (\$5,000.00) to the Town of Huntington, and authorizes the Supervisor to execute such documents as are necessary to terminate the license agreement and upon such 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 Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Mark A. Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPOINT AND REAPPOINT PLUMBING LICENSING BOARD MEMBERS

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Huntington Plumbing Licensing Board is a Town Licensing Board consisting of members appointed by the Town Board, pursuant to Chapter 153-13 of the Code of the Town of Huntington, who are responsible for reviewing plumbing license applicants qualifications and for making recommendation to the Director of the Department of Engineering Services for the issuance, modification, suspension or revocation of a Town of Huntington Plumbing License; and

WHEREAS, Chapter 153-13 further defines the specific composition of the Plumbing Licensing Board by listing the areas of expertise within the plumbing field that each member shall possess, and;

WHEREAS, the appointment and reappointment of members to the Town of Huntington Plumbing Licensing Board is not an action as defined by 6 NYCRR 617.2(b) and therefore, no SEQRA review is required.

NOW, THEREFORE, upon the request and recommendation of the Department of Engineering Services,

**THE TOWN BOARD**

HEREBY REAPPOINTS the following individuals to the Town of Huntington Plumbing Licensing Board for the term to expire as indicated:

Frank Sanseverino 10/15/2015  
14 Heath Lane  
East Northport, N.Y. 11731

Dean Leonardi, P.E.; as Chairman 10/15/2015  
100 Main Street  
Huntington, N.Y. 11743

Andrew Rapejko 10/15/2016  
15 Thornton Drive  
Northport, N.Y. 11768

Steve Kennaugh 10/15/2015  
164 New York Avenue  
Halesite, N.Y. 11743

John McLaughlin  
41 Broadway  
Greenlawn, N.Y. 11740

10/15/2016

Margaret Pezzino, Esq.  
100 Main Street  
Huntington, N.Y. 11743

10/15/2014

Ben Bletch, P.E.  
20 Canton Street  
East Northport, N.Y. 11731

10/15/2016

John Borelli  
215 Cuba Hill Road  
Huntington, N.Y. 11743

10/15/2014

HEREBY APPOINTS the following individual to the Town of Huntington Plumbing Licensing Board for the term to expire as indicated:

Bob Von Hagen  
278 Indian Head Road  
Kings Park, N.Y. 11754

10/15/2014

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE EXECUTION OF A REQUIREMENTS CONTRACT FOR WASTEWATER TREATMENT FACILITY INSTRUMENTATION AND CONTROL MAINTENANCE FOR THE TOWN OF HUNTINGTON SEWER DISTRICT WITH HINCK ELECTRICAL CONTRACTOR INC.

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: COUNCILMAN MAYOKA

and seconded by: SUPERVISOR PETRONE

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

WHEREAS, sealed bids were received on September 26, 2013 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York for wastewater treatment facility instrumentation and control maintenance for the Town of Huntington Sewer District, Bid No. TOH 13-09R-057 and the same were opened publicly and read aloud; and

WHEREAS, Hinck Electrical Contractor Inc., 75 Orville Drive, Suite 1, Bohemia, New York 11716 is the lowest responsive, responsible bidder; and

WHEREAS, wastewater treatment facility instrumentation and control maintenance for the Town of Huntington Sewer District is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(2) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of a contract, and any documents in connection therewith, with Hinck Electrical Contractor Inc. for wastewater treatment facility instrumentation and control maintenance for the Town of Huntington Sewer District. The contract period shall be effective for a one (1) year term commencing upon execution of the contract but not before December 31, 2013. The contract may be extended for one (1) additional one (1) year period under the same prices, terms and conditions to be charged to Operating Funds SS1-8131-4650, SS2-8132-4650 and SS3-8133-4650, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-484

RESOLUTION AUTHORIZING SETTLEMENT OF A LAWSUIT  
(Ackerly v Town of Huntington)

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, a Notice of Claim was filed against the Town of Huntington on behalf of Matthew Ackerly and Angela Ackerly seeking to recover property damages sustained in an accident; and

WHEREAS, the Town Attorney has determined it to be in the Town's best interest to settle this matter for a total of THIRTY-EIGHT THOUSAND and NO/100 (\$38,000.00) DOLLARS for strategic purposes with no admission of liability on the part of the Town; and

WHEREAS, the claimant has agreed to accept in full settlement of her claim; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller is hereby authorized to issue checks in settlement of this matter, not to exceed a total of THIRTY-EIGHT THOUSAND and NO/100 (\$38,000.00) DOLLARS pending receipt of closing papers therein, and upon such other terms and conditions as may be acceptable to the Town Attorney, to be applied against Operating Budget Item No. A1930-4160 and authorizes the Town Attorney to execute all documents required to effectuate this settlement.

VOTE:                      AYES: 5      NOES: 0      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION DIRECTING THE TOWN COMPTROLLER AND TOWN ATTORNEY TO REPORT TO THE TOWN BOARD ON THE FISCAL IMPACT TO THE TOWN OF HUNTINGTON RESULTING FROM THE TEMPORARY SHUTDOWN OF THE FEDERAL GOVERNMENT AND POSSIBLE FEDERAL GOVERNMENT DEFAULT.

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the federal government is now partially shut-down and potentially may default on its financial obligations due to the possibility that Congress may not increase the size of the debt ceiling; and

WHEREAS, the Town of Huntington receives federal funding from various agencies funded by the federal government for a variety of services and programs currently provided to residents of the Town; and

WHEREAS, the Town of Huntington also receives a Community Development Block Grant from the federal government which it distributes to the Huntington Community Development Agency to provide economic and housing assistance to qualified Huntington residents; and

WHEREAS, even if the current federal government shutdown ends, it is likely that it will only be for a short duration of time leaving the potential for another shutdown in the near future, especially considering the intransience of the Speaker of the House and certain so-called "Tea Party" members of the House of Representatives ; and

WHEREAS, the current government shutdown, the potential for another similar shutdown and the possibility of a total government shutdown if Congress fails to raise the debt ceiling in a timely fashion could have a significant negative impact on the budget of the Town of Huntington for both fiscal years 2013 and 2014; and

WHEREAS, the Town of Huntington by law must adopt a budget for fiscal year 2014 no later than November 20, 2013;

WHEREAS, pursuant to SEQRA, this type of internal directive by the Town Board to Town departments would be considered "routine or continuing agency administration and management" and therefore this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD HEREBY DIRECTS the Town Comptroller and the Town Attorney to immediately prepare a report to the Town Board to disclose the potential fiscal impacts to the Town of Huntington for

fiscal years 2013 and 2014 if the current federal government shutdown continues, or if it reopens temporarily and another federal government shutdown takes place, and, or if the federal government completely shuts down due to a failure by Congress to increase the federal debt ceiling. Said report shall be presented to the Town Board no later than October 25, 2013, so that both the Town Board may consider said report prior to adopting the final Town Budget for fiscal year 2014.

VOTE:            AYES: 3            NOES: 2            ABSENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	NO
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING TOWN ATTORNEY TO ENTER INTO A COMPENSATION AGREEMENT FOR THE PAYMENT OF COMPENSATION AND EXPENSES OF NATASHA MEYERS, ESQ. AS TEMPORARY RECEIVER, PURSUANT TO THE ORDER OF DISTRICT COURT JUDGE, HONORABLE C. STEPHEN HACKELING, IN THE MATTER OF THE TOWN OF HUNTINGTON v. JOSE M. VASQUEZ, INDEX NUMBER HUC 9184-11, RE: CODE VIOLATIONS AT 163 EAST FIRST AVENUE, HUNTINGTON STATION, NEW YORK (SCTM No. 0400-145.00-01.00-020.000)

Resolution for Town Board Meeting Dated: October 15, 2013

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

WHEREAS, the Town of Huntington commenced a civil action against Jose M. Vasquez in Suffolk County, Third District Court, before Honorable C. Stephen Hackeling, culminating in an Order of the Court, dated September 11, 2013, granting a permanent injunction and appointing a Temporary Receiver for the premises located at 163 East 1st Avenue, Huntington Station, New York (subject premises); and

WHEREAS, the Court authorized the Temporary Receiver to take action(s) necessary to bring the subject premises into compliance with the Huntington Town Zoning and Building Code and New York State Fire and Building Code; and

WHEREAS, Natasha Meyers, Esq., 55 Elm Street, Huntington, New York 11743, was appointed Temporary Receiver by Honorable C. Stephen Hackeling; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Town Attorney to enter into a compensation agreement for the payment of compensation and expenses to Natasha Meyers, Esq., 55 Elm Street, Huntington, New York, 11746, as Temporary Receiver of the property known as 163 East 1<sup>st</sup> Avenue, Huntington, New York 11743 (SCTM No. 0400-145.00-01.00-020.000) and to seek recovery of said compensation and expenses of the Temporary Receiver associated with compliance with the September 11, 2013 Order of the Court by placing said charges on the Real Property Tax Bill of the subject premises, as directed in said Order of Judge C. Stephen Hackeling, signed September 16, 2013.

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2013  
OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL  
DISTRICTS – VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILMAN COOK**

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 2013 Operating Budget as follows:

Abolish the following positions:

A-1621-1100	Labor Crew Leader I	(\$15,423)
A-1621-1100	Maintenance Mechanic	(15,266)
A-1621-1100	Maintenance Mechanic III	(15,266)
A-1625-1100	Auto Mechanic I	(13,632)

Create the following positions:

A-1621-1100	Heavy Equipment Operator II	\$8,160
A-1621-1100	Dispatcher	7,086
A-1621-1100	Maintenance Mechanic II	8,160
A-1625-1100	Auto Mechanic III	9,247

Reinstate the following position:

A-8565-1100	Laborer	\$6,225
B-8020-1100	Planning Aide	9,015

Adjust the following Appropriations:

A-1990-1100	Contingency	\$20,709
B-1990-1100	Contingency	(9,015)

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

Resolution for Town Board Meeting Date: October 15, 2013

The following resolution was offered by: Supervisor Petrone

And seconded by: **COUNCILMAN MAYOKA**

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

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

NOW THEREFORE,

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

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-488

**TOWN OF HUNTINGTON  
HUNTINGTON, NEW YORK  
INTEREST EARNINGS ON TAX MONIES: 2012-2013**

Interest to be distributed: \$8,733.36

<u>Town</u>	<u>2012-2013 Tax Distribution</u>	<u>Percentage of Total</u>	<u>Interest Earned</u>
General Fund - Whole Town	\$30,691,148.00	3.2611%	\$284.82
Gen. Fund-Unpaid Property Clean-up	\$493,177.06	0.0524%	\$4.58
General Fund - Part Town	\$4,227,464.00	0.4492%	\$39.23
Highway 1 & 2	\$30,825,862.00	3.2754%	\$286.05
Environmental Open Space Bond	\$4,500,000.00	0.4781%	\$41.75
Out of County Tuition	\$2,403,634.00	0.2554%	\$22.31
	<hr/>		
	\$73,141,285.06	7.7716%	\$678.74
 <u>County</u>			
County of Suffolk	\$131,965,873.01	14.0219%	\$1,224.58
	<hr/>		
	\$131,965,873.01	14.0219%	\$1,224.58
 <u>School Districts</u>			
Cold Spring Harbor C.S.D.	\$43,471,507.95	4.6190%	\$403.39
Commack U.F.S.D.	\$47,402,297.26	5.0367%	\$439.87
Elwood Library	\$1,430,187.14	0.1520%	\$13.27
Elwood U.F.S.D.	\$35,894,427.34	3.8139%	\$333.08
Half Hollow Hills C.S.D.	\$153,022,004.83	16.2592%	\$1,419.97
Harborfields Public Library	\$4,552,724.27	0.4837%	\$42.24
Harborfields U.F.S.D.	\$51,017,433.78	5.4208%	\$473.42
Huntington U.F.S.D.	\$94,181,701.74	10.0072%	\$873.96
Northport/E. Nport U.F.S.D.	\$132,483,227.39	14.0769%	\$1,229.39
South Huntington U.F.S.D.	\$96,197,054.88	10.2213%	\$892.66
Syosset C.S.D.	\$8,925.04	0.0009%	\$0.08
	<hr/>		
	\$659,661,491.62	70.0916%	\$6,121.33
 <u>Fire Districts</u>			
Centerport	\$1,719,503.32	0.1827%	\$15.96
Cold Spring Harbor	\$1,569,705.17	0.1668%	\$14.57
Commack	\$1,545,304.69	0.1642%	\$14.34
Dix Hills	\$4,777,623.43	0.5076%	\$44.33
East Northport	\$3,654,748.07	0.3883%	\$33.91
Eatons Neck	\$584,019.58	0.0621%	\$5.42
Greenlawn	\$2,541,964.36	0.2701%	\$23.59
Halesite	\$1,636,397.16	0.1739%	\$15.19
Huntington	\$2,674,519.58	0.2842%	\$24.82
Huntington Manor	\$4,811,891.66	0.5113%	\$44.65
Melville	\$4,831,520.73	0.5134%	\$44.84
	<hr/>		
	\$30,347,197.75	3.2246%	\$281.62
 <u>Special Districts</u>			
Street Lighting	\$3,706,826.00	0.3939%	\$34.40
Huntington Sewer District	\$4,578,695.00	0.4865%	\$42.49

2013- 488

Centerport Sewer District	\$115,957.00	0.0123%	\$1.07
Consolidated Refuse District	\$23,370,653.00	2.4832%	\$216.87
Huntington Comm. Ambulance	\$2,297,767.00	0.2441%	\$21.32
Commack Ambulance	\$538,174.00	0.0572%	\$5.00
Fire Protection Dist. # 1	\$1,512,120.00	0.1607%	\$14.03
Dix Hills Water District	\$3,135,539.00	0.3332%	\$29.10
Dix Hills-Unpaid Water Bills	\$95,910.27	0.0102%	\$0.89
Huntington-BID	\$87,500.00	0.0093%	\$0.81
Huntington Station-BID	\$90,000.00	0.0096%	\$0.84
Cold Spring Harbor-BID	\$9,000.00	0.0010%	\$0.09
	<hr/>		
	\$39,538,141.27	4.2012%	\$366.91
<b><u>Water Districts</u></b>			
So. Huntington Water Dist.	\$3,766,890.00	0.4002%	\$34.95
South Huntington-Unpaid Water Bills	\$240,366.35	0.0255%	\$2.23
Greenlawn Water District	\$2,302,500.00	0.2446%	\$21.36
Greenlawn-Unpaid Water Bills	\$176,900.47	0.0188%	\$1.64
	<hr/>		
	\$6,486,656.82	0.6891%	\$60.18
<b>Total</b>	<b>\$941,140,645.53</b>	<b>100.0000%</b>	<b>\$8,733.36</b>

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

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILMAN COOK**

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

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

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

WHEREAS, authorizing financial institutions as depositories and authorizing the execution of collateral agreements is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the following financial institutions as depositories for tax receipts, JPMorgan Chase Bank, 395 North Service Road, Suite 302, Melville, New York; Valley National Bank, Two Jericho Plaza, Jericho, New York; HSBC Bank USA, 534 Broadhollow Road, Melville, New York; Wells Fargo Bank, 58 South Service Road, Melville; and TD Bank, 45 Melville Park Road, Melville, New York pursuant to Town Law 64 (1); and

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

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<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

Resolution for Town Board Meeting Dated: October 15, 2013

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

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 Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilman Mark Mayoka	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule A

Chapter 87, Section 81 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>
42 Lovers Ln. Huntington, NY 11743	0400-025.00-02.00-069.000	Claire T. O'Keefe	09/16/2013	N/A
7 Metcale Ln. East Northport, NY 11731	0400-183.00-03.00-041.000	Aileen Carson (L/E) Dwight Carson (Estate of)	05/31/2013	N/A

Chapter 133, Section 2 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>
42 Lovers Ln. Huntington, NY 11743	0400-025.00-02.00-069.000	Claire T. O'Keefe	09/16/2013	N/A
1 Salem Ridge Dr. Huntington, NY 11743	0400-077.00-04.00-045.000	Alan Podhaizer Hilary Podhaizer	09/16/2013	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>
6 Ryder Ave. Dix Hills, NY 11746	0400-278.00-01.00-039.000	Melvin B. Hurt Regina T. Hurt	08/27/2013	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
23 9 <sup>th</sup> Ave. Huntington Sta., NY 11746	0400-137.00-03.00-019.000	Claudia Brown	06/25/2013	N/A
31 Caldwell St. Huntington Sta., NY 11746	0400-149.00-03.00-088.000	Sherifa Cookhorn	09/17/2013	N/A
44 Chichester Rd. Huntington Sta., NY 11746	0400-232.00-02.00-007.000	Scott Weiser	09/30/2013	N/A
18 Olga Ln. Commack, NY 11725	0400-225.00-01.00-005.000	Caren Lustig Hebron James Todd Hebron	09/16/2013	N/A

RESOLUTION ACCEPTING A DONATION FROM WILLIAM P. KILEY OF A PARK BENCH, TO BE INSTALLED IN JOHN J. WALSH MEMORIAL PARK WITH PLAQUE IN HONOR OF LIEUTENANT COMMANDER FRANCIS J. MINNOCK (U.S. NAVY-RETIRED)

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, Mr. William P. Kiley has offered to donate one (1) park bench to the Town of Huntington to be installed in John J. Walsh Memorial Park, East Northport, N.Y. with a plaque; and

WHEREAS, LCDR Francis J. Minnock served his country with distinction and honor for thirty years from 1940 to 1970; and

WHEREAS, LCDR Minnock who was at Pearl Harbor on December 7, 1941 and survived that Day of Infamy; and

WHEREAS, LCDR Minnock is one of a rare breed of United States veterans who are known as "Triple Retreads" being a veteran of World War II, the Korean War and the Vietnam War; and

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

NOW THEREFORE,

THE TOWN BOARD

HEREBY ACCEPTS a donation of one park bench and honor plaque from Mr. William P. Kiley to be installed at John J. Walsh Memorial Park and thanks him for his generosity.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-492

RESOLUTION ACCEPTING THE DEDICATION OF MAJESTIC DRIVE, A RECHARGE BASIN AND A DRAINAGE EASEMENT FOR THE SUBDIVISION KNOWN AS MAJESTIC ESTATES.

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the development known as MAJESTIC ESTATES was granted Conditional Final Approval by the Huntington Planning Board on November 28, 2001; and

WHEREAS, as a condition of approval the applicant is to dedicate Majestic Drive, a recharge basin and a drainage easement to the Town of Huntington; and

WHEREAS, the Office of the Town Attorney is now in possession of the necessary documents and filing fees in order to file the deeds and easement with the Clerk of Suffolk County; and

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

NOW THEREFORE BE IT

RESOLVED that the Town Board

HEREBY ACCEPTS the dedication of Majestic Drive, a recharge basin and a drainage easement for the subdivision known as MAJESTIC ESTATES.

VOTE:                      AYES: 5    NOES: 0    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION APPOINTING CONSERVATION BOARD MEMBER

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND

WHEREAS, the Huntington Conservation Board is a Town Board-appointed volunteer organization constituted pursuant to Article 12-F, §239-Y of General Municipal Law, which provides it a specific advisory review function; and

WHEREAS, the Conservation Board reviews and provides comments to the Town Board, Board of Trustees, Planning Board, and Zoning Board of Appeals on applications for land use change that have potential to affect Open Space Index-mapped property, and on applications submitted pursuant to the Town Marine Conservation Law, §137 of Town Code; and

WHEREAS, in addition to its advisory review functions, the Conservation Board serves as a vital conduit for conveying environmental information on key topic areas (land use and review, marine and freshwater resources, parks, solid waste, and legislation) to Town leaders, and the Conservation Board coordinates the volunteer Park Stewardship Program per §159-66 of Town Code that aids monitoring and management of Town parkland; and

WHEREAS, the appointment of a member to the Town of Huntington Conservation Board is not an action as defined by 6 NYCRR 617.2(b), so no SEQRA review is required.

NOW, THEREFORE, upon the request and recommendation of the Conservation Board,

THE TOWN BOARD

HEREBY APPOINTS the following individual to the Town of Huntington Conservation Board for a term to expire as indicated:

Julie Sullivan	Term Expires
9 Bittersweet Court	12/31/15
Centerport, NY 11721	

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION APPOINTING VOLUNTEER PARK STEWARDS

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by Councilwoman Berland

and seconded by **COUNCILMAN COOK**

WHEREAS, the Park Stewardship Program, initiated in 1990 and coordinated through the Huntington Conservation Board and the Departments of Parks and Recreation and Planning and Environment, serves a vital purpose of providing surveillance and maintenance support on Town-owned park properties, and

WHEREAS, Town Board-appointed Volunteer Park Stewards file periodic monitoring reports, notify the Town of actual or potential hazards or abuse to the ecological integrity of the park(s), and serve for four years pursuant to Town Code §159-66, and

WHEREAS, the appointment of park stewards is not an action as defined by SEQRA in 6 NYCRR 617.2(b); therefore, no SEQRA review is required;

NOW, THEREFORE, THE TOWN BOARD

HEREBY APPOINTS Volunteer Park Stewards for specific parks as follows:

Thomas Conboy	23 Kallenberger Drive, Melville, NY 11747	Butterfly Park
Steven Cowan	P.O. Box 99, Huntington, NY 11743	Heckscher Park
Jackie & Noel McGrath	179 Burrs Lane, Dix Hills, NY 11746	Strathmore Park
Steven Schwartz	559 Bardini Drive, Melville, NY 11747	Half Hollow Park
Julie Sullivan	9 Bittersweet Court, Centerport, NY 11721	Carpenter Farm Park
Barbara Wildfeir	15 Cheshire Street, Huntington Sta., NY 11746	Gateway Park

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION DECLARING A PAYPHONE FIXTURE IN GREENLAWN, NEW YORK, LOCATED ON THE WEST SIDE OF BROADWAY NORTH OF RAILROAD STREET AS ABANDONED PROPERTY AND DIRECTING THE DEPARTMENT OF GENERAL SERVICES TO REMOVE AND DISPOSE OF SAID FIXTURE

Resolution for Town Board Meeting dated: October 15, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington wishes to assure that public pay telephone equipment is maintained in good repair for public use or have any remaining stands, pedestals or fixtures removed as an unnecessary, unsightly and unsafe obstructions; and

WHEREAS, a payphone fixture in Greenlawn, New York, as described herein lists "One World Public Communications Corp" as the owner and operator; and

WHEREAS, upon consultation with the New York State Department of Public Service, the Town is informed that said corporation is no longer in existence and the removal of the unused fixture may be carried out at the discretion of the Town; and

WHEREAS, the payphone fixture to be removed is located on the west side of Broadway at 132 feet north of Railroad Street, Greenlawn, New York; and

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

NOW, THEREFORE, THE TOWN BOARD,

DECLARING the payphone fixture in Greenlawn, New York, located on the west side of Broadway 132 feet north of Railroad Street as abandoned property; and

HEREBY DIRECTS the Town of Huntington Department of General Services to remove and dispose of said fixture and make such repairs as may be necessary by reason of its removal.

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-496

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

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington Department of Audit and Control is responsible for the disposition of Town wide Fixed Asset Surplus and/or Obsolete Inventory; and

WHEREAS, the Department of Audit and Control, Division of Purchasing wishes to dispose of the equipment contained in Schedule "A" through trade in, public auction, or disposal for scrap, which will be disposed of on an as-needed basis in a manner that proves to be most cost effective to the Town of Huntington; and

WHEREAS, the disposal of surplus government property is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 (c) (25) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY DECLARES the specified equipment on Schedule "A" as surplus and/or obsolete and authorizes the sale of same at auction, or trade in, or disposal for scrap.

VOTE:            AYES: 5        NOES: 0        ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

SURPLUS INVENTORY ITEMS  
10/15/2013

HIGHWAY DEPARTMENT					
ITEM	VIN #	MODEL	MAKE	YEAR	TOWN ASSET #
1	1FTEF18L3VND27916	F-150 Truck	FORD	1997	4137
2	1FDKF37H8KNA71484	F-350 FLAT BED	FORD	1989	4296

2013-497

DONATE WOODEN FLOATS AND PILINGS FROM THE WOODBINE MARINA  
TO THE INCORPORATED VILLAGE OF NORTHPORT

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILMAN MAYOKA, COUNCIWOMAN BERLAND, COUNCILMAN COOK

WHEREAS, the Town's Woodbine Marina in Northport is being rebuilt this winter; and

WHEREAS, the Incorporated Village of Northport has approached the Town, and has asked to take possession of the existing, wooden floats and pilings once they have been removed by the contractor performing the rebuilding of the marina; and

WHEREAS, the Town of Huntington's RFP with the contractor rebuilding the marina called for a payment to the contractor of \$22,000 to dispose of the old floats and pilings, and this money would be saved if the floats and pilings were given to the Village; and

WHEREAS, donating the wooden floats and pilings to the Village 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,

HEREBY ADOPTS, a resolution to donate the existing, wooden floats and pilings to the Incorporated Village of Northport as part of the marina re-building to take place this coming Winter of 2013-2014.

VOTE:                    AYES:    5                    NOES:    0                    ABSTENTIONS:    0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION EXEMPTING NEW YORK SMSA LIMITED PARTNERSHIP D/B/A  
VERIZON WIRELESS PURSUANT TO §198-68.1 (O) OF THE HUNTINGTON  
TOWN CODE FOR WORK AT BOXER COURT, HUNTINGTON, NEW YORK

Resolution for Town Board Meeting dated: October 15, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, pursuant to §198-68.1(O) of the Huntington Town Code, the Town Board is authorized to exempt applications for proposed work or modifications to existing wireless telecommunications facilities in cases where the proposed work is determined to be routine maintenance and repair in like form and height, which does not substantially change, extend or expand the facilities, and

WHEREAS, no public hearing is required if the application for exemption is granted; and

WHEREAS, the Town Board has received a request for exemption pursuant to §198-68.1 (O) from New York SMSA Limited Partnership d/b/a Verizon Wireless in connection with its proposal to upgrade/modify its existing public utility wireless telecommunications facilities located on Town-owned property located at 7 Boxer Court, Huntington, NY, and further described by Suffolk County Tax Map No.: 0400- 95.00-01.00-050.001; and

WHEREAS, the proposed upgrade/modification consists of the removal of nine (9) existing antennas to be replaced with nine (9) new 4G antennas and the installation of one (1) new GPS unit mounted to the existing bridge, and three (3) Remote Radio Heads and six (6) new Diplexers mounted to the existing antenna mounting pipes; and

WHEREAS, in accordance with §198-68.1 (O), the Director of Engineering Services has reviewed the proposed documents and drawings submitted with this proposal and recommended that the Town Board exempt this application; and

WHEREAS, the subject proposal has been classified a Type II action pursuant to 6 NYCRR of the State Environmental Review Act § 617.5(c)(1) and no further review is required pursuant to SEQRA; and

NOW THEREFORE BE IT

RESOLVED, that the application of New York SMSA Limited Partnership d/b/a Verizon Wireless to upgrade/modify its existing public utility wireless telecommunications facilities as described in this resolution on an existing tower at 7 Boxer Court, Huntington, New York bearing SCTM No.: 0400-95.00-01.00-050.001 from the provisions of §198-68.1 is hereby granted as long as no other modifications or upgrades

are made and the work is in compliance with specifications filed as part of this application or as may otherwise be approved by the Director of Engineering; and

BE IT FURTHER RESOLVED, that the applicant is directed to proceed in accordance with § 198-68.1(R) and pay the requisite fees.

VOTE:            AYES:    5    NOES: 0            ABSTENTIONS:    0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

RESOLUTION GRANTING PERMISSION TO THE COLD SPRING HARBOR MAIN STREET ASSOCIATION TO SPONSOR ITS SEVENTH ANNUAL "HOWL-WEEN" CANINE COSTUME PARADE & HOWLING HOUND DOGGIE HALLOWEEN PARTY & SIDEWALK SALE EVENT AND FOR USE OF TOWN-OWNED PARKING LOT ON SATURDAY, OCTOBER 19, 2013

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: COUNCILWOMAN BERLAND

WHEREAS, the Cold Spring Harbor Main Street Association is sponsoring its 7th annual "Howl-ween" Canine Costume Parade & Howling Hound Doggie Halloween Party & Sidewalk Sale event on Saturday, October 19, 2013 from 12 noon until 4:00 p.m. (Raindate: Sunday, October 20); and

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

WHEREAS, permission is requested for outdoor display of merchandise for the sidewalk sale, amplified music, dogs on leash in the Cold Spring Harbor and a small luxury classic car show in the Municipal Lot # 11; and

WHEREAS, for the event's canine costume parade, organizers shall secure a permit from New York State Department of Transportation for a brief road closure (from 12:00 noon. to 12:15 p.m.) of 25A/Main Street between Spring Street and Cold Spring Harbor Park; and

WHEREAS, granting permission for this event is a Type II action pursuant to 6 NYCRR §617.5 (c) (15), and therefore no further SEQRA review is required.

NOW, THEREFORE THE TOWN BOARD

HEREBY GRANTS permission to the Cold Spring Harbor Main Street Association to sponsor its seventh annual "Howl-ween" Canine Costume Parade & Howling Hound Doggie Halloween Party & Sidewalk Sale event and for use of Municipal Lot # 11 on Saturday, October 19, 2013 from 12 noon until 4:00 p.m. (Raindate: Sunday, October 20).

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION URGING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO MAKE THE SAGAMORE CHILDREN'S PSYCHIATRIC CENTER IN DIX HILLS A REGIONAL CENTER OF EXCELLENCE AND TO KEEP THE FACILITY OPEN

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Councilman Cuthbertson

And seconded by: SUPERVISOR PETRONE, COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND, COUNCILMAN COOK

WHEREAS, the Sagamore Children's Psychiatric Center, which has been serving children, ages 9 through 17, from Nassau and Suffolk Counties since 1969, is a premiere center recognized for its outstanding quality of care and already operates at capacity; demonstrating the need for such a facility in our community; and

WHEREAS, as part of the New York State Office of Mental Health's (OMH) plan to consolidate in-patient psychiatric child and adolescent services, the closure of this vital facility will leave the most vulnerable and at-risk members of our community; children and teens, underserved; and

WHEREAS, closing this facility would be a disservice to those in need and their families, as families wishing to participate in their children's care would have to travel to facilities in Queens or the Bronx, adding a financial burden, long commute and possible delays in treatment at these already overburdened centers; and

WHEREAS, the many residents of Nassau and Suffolk Counties, whose children may need treatment, deserve strong local mental health services, including inpatient care; 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 URGES Governor Andrew Cuomo and the New York State Legislature to make the Sagamore Children's Psychiatric Center in Dix Hills a Regional Center of Excellence and to keep the facility open; and

BE IT FURTHER RESOLVED THAT

THE TOWN CLERK SHALL FORWARD CERTIFIED COPIES OF THIS RESOLUTION to New York State Governor Andrew Cuomo; New York State Senators Carl Marcellino and John Flanagan; the chair of the New York State Senate Standing Committee on Mental Health and Developmental Disabilities, David Carlucci;

New York State Assembly members Andrew Raia and Chad Lupinacci; Suffolk County Executive Steve Bellone and the members of Huntington's delegation to the Suffolk County Legislature: William Spencer, Louis D'Amaro, Steve Stern and Lynne Nowick.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2013-501

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 25-2013  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 2, ARTICLE II, §2-3, SCHEDULE C.  
RE: BROADWAY, GREENLAWN – PROHIBITED TURNS

Resolution for Town Board Meeting dated: October 15, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

THE TOWN BOARD having held a public hearing on the 17<sup>th</sup> day of September, 2013 at 2:00 p.m. to consider adopting Local Law Introductory No. 25-2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE II, §2-3, SCHEDULE C, and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 25-2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE II, §2-3, SCHEDULE C; as follows:

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

LOCAL LAW NO. - 2013  
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE II, §2-3, SCHEDULE C.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE II, §2-3, SCHEDULE C; as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE II, §2-3, SCHEDULE C.

	<u>LOCATION</u>	<u>CONTROLLING TRAFFIC</u>	<u>PROHIBITED TURN</u>	<u>HOURS/DAYS</u>
ADD:	Broadway- Greenlawn Road at driveway on west side, 45 feet north of Grafton Street (GLN)	North from driveway	Left	-----

*Enactment – CVS Broadway, Greenlawn – Prohibited Left Turn  
Transportation & Traffic Safety/bt*

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.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

\* MOTION TO AMEND RESOLUTION 2013-502 BY DELETING TAX MAP #0400-168.00-02.00-013.000  
RESOLUTION AUTHORIZING APPROPRIATE ACTION(S) IN ACCORDANCE  
WITH HUNTINGTON TOWN CODE CHAPTER 156 PROPERTY MAINTENANCE;  
NUISANCES, ARTICLE VII, BLIGHTED PROPERTY, § 156-67, ACTION BY  
TOWN BOARD FOR FAILURE TO COMPLY OR ABATE VIOLATIONS

Resolution for Town Board Meeting dated: October 15, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: COUNCILMAN COOK

WHEREAS, on September 17, 2013 the Town Board designated certain properties as "blighted" and scheduled a public hearing to consider further action to remedy the conditions of blight; and

WHEREAS, those properties whose owners failed to enter into a Restoration Agreement with the Town or to take steps to remedy the conditions of blight upon their properties have been evaluated and considered for further action(s) to be taken at a public hearing held on September 17, 2013; and

WHEREAS, pursuant to it's authority under § 64 and §130 of New York State Town Law, New York State Executive Law § 382 and the Code of the Town of Huntington the Town Board wishes to authorize certain actions to remedy blight conditions; and

WHEREAS, the authorization of the action(s) to remedy blight conditions upon properties within the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (29) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY DESIGNATES the properties listed on Schedule "A" to this Resolution to be nuisances and that hereafter the Town shall be authorized to enter upon said properties where such blight exists to remedy such blight and to charge the cost or expense of such remediation against the property tax bill as a lien ; and

HEREBY DIRECTS the Receiver of Taxes to assess the annual registration fees upon the properties as listed in Schedule "A" and properties designated as persistent blighted properties pursuant to § 156-67(D) on Schedule "D" to this Resolution; and

HEREBY DIRECTS the Director of Planning and Environment and/or Engineering to maintain records of all costs and expenses in connection with the abatement of the blight conditions and to provide same reports to the Town Board for determination as to the amounts to be assessed against the properties listed on Schedule "A" and properties designated as persistent blighted properties pursuant to § 156-67(D) on Schedule "D" to this Resolution; and



**Chapter 156 §67 - (A), (B), (C) and (D) of the Code of the Town of Huntington Authorizing Action(s) by Town Board for Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
Exhibit 98	61 Bankside Drive Centerport	0400-078.00-04.00-011.007	Leonard M. Alcosser Jennifer A. Totten 61 Bankside Drive Centerport, NY 11721	8/8/2013	\$2,500
Exhibit 87	307 Depot Road Huntington Station	0400-151.00-01.00-047.000	Maria Del Carmen Chavez 4832 Cason Cove Drive Apt 102 Orlando, FL 32811-6306	5/31/2013	\$2,500

**Chapter 156 §67 - (A), (B), (C) and (D) of the Code of the Town of Huntington Authorizing Action(s) by Town Board for Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	DATE PUBLIC HEARING HELD
Exhibit 98	61 Bankside Drive Centerport	0400-078.00-04.00-011.007	Leonard M. Alcasser Jennifer A. Totten 61 Bankside Drive Centerport, NY 11721	8/8/2013	9/17/2013
Exhibit 87	307 Depot Road Huntington Station	0400-151.00-01.00-047.000	Maria Del Carmen Chavez 4832 Cason Cove Drive Apt 102 Orlando, FL 32811-6306	5/31/2013	9/17/2013

**Chapter 156 §67 - (A), (B), (C) and (D) of the Code of the Town of Huntington**  
**Properties Previously Cited for Blight;**  
**Currently in Compliance or Party to Restoration Agreement**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE(S)	DATE PUBLIC HEARING HELD
Exhibit 96	29 Little Neck Road Centerport, NY 11721	0400-044.00-01.00-016.007	Kanic Realty Associates 10 Gilbert Street Northport, NY 11768	8/2/2013	9/17/2013
Exhibit 100	128 Wells Road Northport	0400-114.00-03.00-099.000	Robert Bilski 128 Wells Road Northport, NY 11768 & William N. Braun & Ruthann Braun 600 6th Ave. W. East Northport, NY 11731	9/18/2013	9/17/2013
Exhibit 86	336 Larkfield Road East Northport, NY 11731	0400-118.00-01.00-006.000	Alrose Larkfield LLC 1 Station Plaza Woodmere, NY 11598- 2163	5/23/2013, 8/26/2013	9/17/2013
Exhibit 99	1000 W. Jericho Tpke. Huntington, NY 11743	0400-189.00-01.00-001.000	One Thousand C LLC 97 Beach Road Great Neck, NY 11023	8/26/2013	n/a
Exhibit 95	1055 E. Jericho Tpke. Huntington, NY 11743	0400-210.00-01.00-081.003	1081 EJT LLC 1055 E. Jericho Tpke. Huntington, NY 11743	8/15/2013	9/17/2013

**Chapter 156 §67 - (A), (B), (C) and (D) of the Code of the Town of Huntington  
Authorizing Action(s) by Town Board for  
Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS-SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	PRIOR NOTIFICATION DATE	ANNUAL REGISTRATION FEE
74	4 Colby Court Dix Hills	0400-252.00-02.00-045.000	Charles McMorrow 4 Colby Court Dix Hills, NY 11746	10/24/2012	\$2,500
63	10 Keeler Street Huntington	0400-211.00-01.00-097.000	Robert C. Kea Leila M. Kea 10 Keeler Street Huntington, NY 11743	8/8/2012	\$2,500
71	24 Danville Drive Greenlawn	0400-168.00-02.00-013.000	Stephen & Fredrica Silverberg 24 Danville Drive Greenlawn, NY 11740	8/31/2012	\$2,500
66	33 Keeler Street Huntington Sta.	0400-206.00-03.00-071.000	Cynthia Cubero 33 Keeler Street Huntington Sta., NY 11746	8/30/2012	\$2,500
41	34 Shady Lane Huntington	0400-157.00-02.00-054.000	Bette Kalpakis 34 Shady Lane Huntington, NY 11743	4/17/2012	\$2,500
79	43 W. 22nd Street Huntington Sta.	0400-194.00-03.00-052.000	Elias Moragiemos 43 W. 22nd Street Huntington Sta., NY 11746	12/11/2012	\$2,500
30	108 E. 2nd Street Huntington Sta.	0400-147.00-05.00-020.000	Michael Williamson 30 E. 11th Street Huntington Sta., NY 11746	3/9/2012	\$2,500

\*

**SCHEDULE D  
PERSISTENT BLIGHTED PROPERTIES**

**Chapter 156 §67 - (A), (B), (C) and (D) of the Code of the Town of Huntington  
Authorizing Action(s) by Town Board for  
Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	PRIOR NOTIFICATION DATE	ANNUAL REGISTRATION FEE
67	111 8th Avenue Huntington Sta.	0400-143.00-01.00-066.002	Fredy Lanier PO Box 5 Huntington Sta., NY 11746	8/22/2012	\$2,500
46	138 Wyman Avenue Huntington Sta.	0400-099.00-05.00-007.000	Property Preservation 3451 Hammond Avenue Waterloo, IA 50702	5/11/2012	\$2,500
49	502 10th Avenue E. Northport	0400-115.00-02.00-028.000	Dennis Carrion 502 10th Avenue E. Northport, NY 11731	11/15/2012	\$2,500
7	536 3rd Street E. Northport	0400-119.00-01.00-050.000	Dominic Esposito Nadine Nash 536 3rd Street E. Northport, NY 11731	9/19/2011	\$2,500

**SCHEDULE D  
PERSISTENT BLIGHTED PROPERTIES**

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 28 -2013 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

RE: ROBERTA LANE, COMMACK; CLEARVIEW STREET, HOLST DRIVE WEST, PENATAQUIT PLACE, HUNTINGTON – STOP SIGNS

Resolution for Town Board Meeting dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILMAN MAYOKA

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to comply with the applicable traffic regulations published by the Federal Highway Administration in order to establish intersection control and right-of-way compliance;

WHEREAS, pursuant to 6 N.Y.C.R.R. 617.5(c)(20) and (27) of SEQRA, regulations amending the Uniform Traffic Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 7th day of November, 2013 at 2:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 28 -2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G.; as follows:

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

LOCAL LAW INTRODUCTORY NO. 28 -2013  
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G.; as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

ADD:	<u>SIGN ON</u>	<u>SIGN</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF:</u>
	Roberta Lane (CMK)	STOP	EAST	Janet Lane
	Clearview Street (HUN)	STOP	WEST	West Neck Road
	Holst Drive West (HUN)	STOP	SOUTH	Dunlop Road
	Penataquit Place (HUN)	STOP	WEST	West Neck Road

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.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2013-504

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 29 -2013 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

RE: OLD WALT WHITMAN ROAD, MELVILLE - PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: October 15, 2013

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to change parking restrictions that allow for the relieving of congestion and improvement of sight distance at an intersection that is traveled by residents and businesses for varying purposes; and

WHEREAS, pursuant to 6 N.Y.C.R.R. 617.5(c)(20) and (27) of SEQRA, regulations amending the Uniform Traffic Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 7<sup>th</sup> day of November, 2013 at 2:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 29 -2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

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

LOCAL LAW INTRODUCTORY NO. 29 -2013  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

2013-504

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
DELETE:	Walt Whitman Road/West From West Hills Rd. to 170 ft. north of Rt. 110 (MVL)	No Parking	9:00 p.m. to 6:00 a.m.
	Walt Whitman Road/West From 170 ft. north of Rt. 110 to Rt. 110 (MVL)	No Parking	-----
ADD:	Old Walt Whitman Road/West From West Hills Rd. to 100 ft. north of Meriden Pl. (MVL)	No Parking	9:00 p.m. to 6:00 a.m.
	Old Walt Whitman Road/West From 100 ft. north of Meriden Pl. to 50 ft. south of Meriden Pl. (MVL)	No Parking	-----
	Old Walt Whitman Road/West From 50 ft. south of Meriden Pl. to 170 ft. north of Rt. 110 (MVL)	No Parking	9:00 p.m. to 6:00 a.m.
	Old Walt Whitman Road/West From 170 ft. north of Rt. 110 to Rt. 110 (MVL)	No Parking	-----

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.

*Old Walt Whitman Rd., Melville - Parking Restrictions - Public Hearing  
Transportation & Traffic Safety/bt  
10/2/2013 11:54 AM*

2013- 504

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.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AUTHORIZING VARIOUS ACTIONS BE TAKEN UPON CERTAIN PROPERTIES DESIGNATED AS BLIGHTED IN ACCORDANCE WITH CHAPTER 156, ARTICLE VII, § 156-60 (BLIGHTED PROPERTY)

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: Councilman Mayoka

WHEREAS, the Town Board by Resolution 2011-358 enacted Local Law No.21-2011 Amending the Code of the Town of Huntington to establish code provisions affecting Property Maintenance and Nuisances for structures and properties within the Town; and

WHEREAS, there are conditions existing upon the locations set forth in Schedule "A" attached hereto and made a part of this Resolution which constitute a Blighted Property as defined in Article VII of Chapter 156; and

WHEREAS, the owner(s) of the properties listed in Schedule "A" have failed to respond to the Notice(s) of Violation(s) issued by the Department of Public Safety and have not taken sufficient steps to correct the blighted conditions listed in the Notice of Violation(s); 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. (c) (33) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY DESIGNATES the properties listed on Schedule "A" as Blighted Properties as defined by Chapter 156, Article VII; and

HEREBY DIRECTS the Town Attorney to provide each property owner listed in Schedule "A" with a copy of this Resolution, and a notice stating that failure to enter into a Restoration Agreement or failure to correct such blighted conditions within ten (10) days of mailing of the Notice shall result in the Town taking all steps necessary to correct the blighted conditions existing upon their property at the property owner's expense; and

HEREBY DIRECTS the Director of Planning and Environment to place such blighted properties on the Blighted Property Inventory list; and

HEREBY SCHEDULES a public hearing to be held on the **7th** day of **November, 2013** at **2:00 p.m.** at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider authorizing various actions be taken with regard to blighted properties to bring about compliance with Article VII, Chapter 156 of the Code of the Town of Huntington.

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

**Chapter 156 §67 - (A), (B), (C) and (D) of the Code of the Town of Huntington Authorizing  
Actions by Town Board for Failure to Comply or Abate Violations**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE(S)	ANNUAL REGISTRATION FEE
103	4 Carriage Court, Dix Hills	0400-262.00-01.00-145.000	Nicholas D'Onofrio Linda D'Onofrio 194 Smith Street Deer Park, NY 11729	9/25/2013	\$2,500.00
102	24 Lorraine Court Northport	0400-055.00-01.00-048.003	Mohammed Sabur 24 Lorraine Court Northport, NY 11768	9/19/2013	\$2,500.00
104	32 Lakeside Drive Centerport	0400-043.00-05.00-014.000	Subbarao Gutti Sathyavath Gutti 32 Lakeside Drive Centerport, NY 11721	9/27/2013	\$2,500.00
101	350 Commack Road Commack	0400-225.00-03.00-058.000	Yi-Corn Corp II c/o Michael J. Collura 1 Joy Drive Manhasset, NY 11040	9/19/2013	\$5,000.00

2013-506

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A  
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT  
RE: 56 SHORE ROAD, COLD SPRING HARBOR— COLD SPRING HARBOR  
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: October 15, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by 56 Partes Tres, LLC, 998 West Shore Road, Oyster Bay, NY 11771, for a Certificate of Approval to erect a two story addition including a new garage and two porches at a one family dwelling located at 56 Shore Road, Cold Spring Harbor, in accordance with plans dated August 20, 2013 pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is located in the Cold Spring Harbor Historic District and bears Suffolk County Tax Map #0400-016.00-02.00-004.000, 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 **7<sup>th</sup>** day of **November**, 2013, at **2:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of 56 Partes Tres, LLC.

VOTE: AYES:5 NOES:0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



ENACTMENT: AUTHORIZE THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH CELLULAR TELEPHONE COMPANY D/B/A AT&T WIRELESS TO INSTALL AND MAINTAIN EXISTING CELLULAR ANTENNAS AND EQUIPMENT AT THE BOXER COURT FACILITY

Resolution for Town Board Meeting Dated: May 19, 2009

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, CELLULAR TELEPHONE COMPANY d/b/a AT&T WIRELESS (hereinafter referred to as AT&T) is currently in the process of maintaining its system in order to provide its customers with cellular service; and

WHEREAS, AT&T currently has cellular antennas and equipment at the Boxer Court Facility; and

WHEREAS, it has been determined to be a Type II action pursuant to 6 NYCRR Part 617.5(c)(11) and, therefore, no further SEQRA review is required.

NOW THEREFORE, BE IT

RESOLVED, that having held a public hearing on the 5<sup>th</sup> day of May 2009 at 2:00 p.m. to consider entering into a license agreement with AT&T for the use of a portion of the Boxer Court Facility to maintain existing cellular antennas and cellular equipment for the monthly fee of THREE THOUSAND FIVE HUNDRED AND NO/100 (\$3,500.00) DOLLARS.

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a license agreement with Cellular Telephone Company, d/b/a AT&T Wireless, PO Box 2088, Rancho Cordova, CA 95741-2088, to maintain existing cellular antennas and equipment at the Boxer Court facility.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 30 -2013, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS) (RE: TELECOMMUNICATION FACILITIES)

Resolution for Town Board Meeting dated: October 15, 2013

The following resolution was offered by: Councilman Cuthbertson

And seconded by: COUNCILMAN MAYOKA

WHEREAS, the Town has undertaken a comprehensive review of the code provisions regarding the location and construction of wireless telecommunication facilities first adopted in the Town in 1998, including a review of the federal statutes and agency regulations that affect local regulatory authority, decisional law of the federal and state courts and recently adopted codes in other municipalities; and

WHEREAS, the current code needs to be amended to reflect technological growth in the industry as well as developments in the law relating to the regulatory authority of local government in and along public lands including the public rights-of-ways; and

WHEREAS, it is the intention of the Town Board to exercise local authority to regulate wireless telecommunication and related facilities to the maximum extent permitted by law; and

WHEREAS, this amendment of the Town Code is a Type II action pursuant to 6 NYCRR §617.5(c)(20) and (c)(27) and therefore, no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 7<sup>th</sup> day of November, 2013 at 2:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article XI (Conditional Uses; Supplementary Regulations); as follows:

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

LOCAL LAW INTRODUCTORY NO. 30 - 2013  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 198 (ZONING)  
ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

Section 1. Amendment to the Code of the Town of Huntington, Chapter 198 (Zoning), Article XI (Conditional Uses; Supplementary Regulations), as

follows:

CHAPTER 198  
ZONING

\* \* \*  
ARTICLE XI  
(CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

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§198-68.1 Wireless Telecommunications Facilities.  
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(B) Definitions and word usage. The following terms shall have the meanings indicated herein. Terms which are not defined or found to be ambiguous shall be defined as provided in the Telecommunications Act of 1996, and any successor law, together with the rulings and regulations pursuant thereto.

ACCESSORY FACILITY - Includes any building or other structure which is accessory to the principal use, being subordinate in size, area, extent and purpose to the principal use, and located on the same lot as the principal use.

ANTENNA and/or BEACON - A whip (omnidirectional antenna), panel (directional antenna), disc (parabolic antenna) or similar device used for transmission and/or reception of radio frequency waves. [Includes any device that incorporates a system of electrical conductors involved in transmitting or receiving radio frequency waves,] including radio navigation, radio and television frequencies (excluding radar), wireless and microwave communications, generally ranging from ten (10) hertz to three hundred thousand (300,000) megahertz, and/or used in communications that radiate or capture electromagnetic waves, digital or analog signals, or other communications signals.

ANTENNA ARRAY - One or more whips, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antennas (whips), directional antennas (panels) and parabolic antennas (discs). The antenna array does not include the mount.

COLLOCATION - The placement of two or more antennas in the same or proximate location or on the same support structure by two (2) or more service providers.

FAA - The Federal Aviation Administration of the United States. An independent federal agency charged with licensing and regulating wireless communications at the national level.

FCC - The Federal Communications Commission of the United States.

HEIGHT - The distance measured from the finished mean grade of the parcel to the highest point on the tower or other structure, including the base pad [and any antenna] to the highest point of the mount or the antenna, whichever is higher.

MOUNT - A tower, structure or surface upon which antennas are mounted.

MOUNT, SHORT - Alternative to monopoles or guyed or lattice towers, such as masts or poles.

MUNICIPAL FACILITIES - shall mean town-owned streetlamps, streetlight poles, lighting fixtures, electroliers, flagpoles, and other similar town-owned structures.

MUNICIPAL PROPERTY - shall mean town-owned buildings, and the space in, upon, above, along, across and over real property that is under the sole ownership, jurisdiction, possession and control of the Town of Huntington except property leased or licensed to or by the town; any property where the town holds an easement or other beneficial interest; public rights-of-ways; and underwater lands.

PREEXISTING TOWERS AND ANTENNAE - Includes any and all towers or antennae possessing a valid, current and proper building permit and/or special use permit issued prior to June 1, 2011.

PUBLIC RIGHTS-OF-WAY - The space in, upon, above, along, across and over the public streets, roads, highways, lanes, courts, ways, alleys, sidewalks, and similar places, including public utility easements and public service easements that are under the jurisdiction and exclusive control of the Town of Huntington. The term shall not include county, state, or federal rights-of-ways or places owned by the Town jointly with another person or entity.

TOWER - Includes any structure which is designed, constructed or installed primarily for the purpose of supporting one or more antennae for telephone, television, radio and other communication purposes, including self-supporting lattice towers, guyed towers or monopole towers, radio and television transmission and reception towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and similar structures. A Tower shall include the structure and any support systems appurtenant thereto.

TOWN OF HUNTINGTON OR TOWN - Town of Huntington, Huntington Board of Trustees, and any subdivision thereof including special improvement districts and agencies, and including the Dix Hills Water District.

[WIRELESS TELECOMMUNICATIONS FACILITIES OR] TELECOMMUNICATIONS FACILITY OR FACILITIES- Includes ANTENNA, BEACONS, TOWERS and any structure, equipment, installation, facility, device, wires, cables or appurtenance designed, installed or intended to be used to support antennas or other transmitting or receiving devices used for the purpose of

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transmitting, receiving, distributing, providing or accommodating cellular, radio, television, SMR, enhanced specialized mobile radio (ESMR), paging, 911, Personal Communication Services (PCS), commercial satellite services, microwave, mobile and any commercial wireless telecommunication service not licensed by the FCC, including without limit mounts, towers of all types, structures, buildings, church steeples, or anything that is used to support antennas or its functional equivalent; and Distributed Antenna Systems (DAS) including all accessory facilities, installations, and equipment such as transmission cables, wires, mounts, cabling, equipment shelters and other appurtenances.

(C) Applicability. Unless otherwise provided, this legislation shall not apply to the following:

[(1)] [Applications for Wireless Telecommunications Facilities located or to be located on property owned, leased, used or otherwise controlled by the Town of Huntington or the Huntington Board of Trustees shall be determined by the Town Board, who shall exercise the same authority as the Zoning Board of Appeals in all respects and shall determine whether or not the applicant meets the requirements of this chapter after holding a public hearing. An original and six copies of the application to the Town Board shall be filed in the Office of the Huntington Town Clerk and shall consist of all documents, information, proof and plans required for applications before the Zoning Board, together with a nonrefundable application fee of two thousand five hundred (\$2,500.00) dollars. The applicant shall mail notices of the public hearing, postmarked no less than thirty (30) days before the hearing, to the owners as well as the occupants of all adjoining properties within five hundred (500) feet of the nearest boundary line of the property which is the subject of the application, as shown on the current tax roll, with the exception of applications for placement in the R-15, R-10, R-7 and R-5 Zoning Districts, where notification to adjoining property owners and occupants shall be to those within two hundred (200) feet of the nearest boundary line of the subject parcel, as shown on the current tax roll. In addition, the applicant shall provide a certificate of mailing for each recipient, which legibly indicates the name and address of the person, including the occupant, to which the notice was mailed, and is duly certified by the post office. An affidavit of mailing together with the duly certified certificates of mailing, shall be filed by the applicant in the Office of the Town Clerk no less than five (5) business days before the hearing. Said affidavit shall include the name of the person that actually mailed the notices and the names and addresses of the property owners and of the occupants that were notified. Failure to mail the notices and/or provide the affidavit and/or the certificates of mailing to the Town Clerk shall result in postponement of the public hearing. If the application is granted, a lease or license for the use of the land shall be executed on such terms and conditions as deemed advisable to the Town Board or Board of Trustees, as the case may be, after a public hearing. The public hearing for the lease or license of the property and for the issuance of a special use permit shall occur concurrently.]

(1) [(2)] All antennas which are accessory to permitted residential uses and are mounted on the residential dwelling without a tower.

~~(2)~~ [(3)] Such uses that are licensed to operate by the Federal Communications Commission, pursuant to 47 CFR 97, or successor law, such as amateur radio operations, subject to the provisions of Article IX of this chapter.

~~(3)~~ [(4)] Uses which are pre-empted or exempt from local regulation by federal or state law.

~~(4)~~ [(5)] Any routine maintenance and repair in like form and height of lawfully existing Wireless Telecommunications Facilities which does not substantially change, extend, or expand the facilities. Applicants requesting an exemption on this basis shall conform to the requirements of section [(O)] (P) herein.

~~(5)~~ No license shall be required of any entity that already holds a cable or telecommunication franchise issued by or covering the Town.

(D) Municipal Facilities, Municipal Property and Public Rights-of-Way.

(1) Municipal property. Applications for a license agreement to erect, install, attach, deploy, operate, maintain, repair, replace, reinstall, alter or modify Telecommunications Facilities in, over or upon municipal property and public rights-of-way shall be determined solely by the Town Board or Board of Trustees, as the case may be, who shall exercise the same authority as the Zoning Board of Appeals in all respects and without limitation. Applications for a license agreement to locate Telecommunications Facilities shall be filed simultaneously with an application for site plan approval before the Planning Board.

(2) Municipal facilities. Applications for a license agreement to attach, install, maintain, modify, replace, reinstall, alter or repair Telecommunication Facilities on municipal facilities, or along the public rights-of-way on poles, streetlights, stanchions and other similar structures owned by other municipal entities or utility companies shall be referred to the Planning Board to determine whether the standards and requirements of this chapter are met for the locations requested by the applicant. The Planning Board may grant or deny in whole or in part with or without conditions attachments or installations at such locations it deems advisable during site plan review. Applications for a license agreement to locate Telecommunications Facilities shall be filed simultaneously with an application for site plan approval before the Planning Board. Subsequent applications to locate additional Telecommunications Facilities on town facilities and on third party structures along the public rights-of-way once a license agreement is in place shall be determined by the Planning Board on a case specific basis during site plan review.

(3) Necessary approvals. Any license approved by the Town Board is subject to site plan approval by the Planning Board, and the filing of an application for and issuance of building permits and certificates of compliance. Applications for a

license agreement shall be filed simultaneously with an application for site plan approval before the Planning Board. The applicant shall pay all required fees and charges for such approvals.

(4) Application requirements. An original and eleven copies of an application to the Town Board or Board of Trustees for a license agreement shall be filed in the Office of the Huntington Town Clerk and shall consist of all documents, information, proof and plans required for applications before the Zoning Board of Appeals along with such other documents as may be requested during the review process by town departments, and a non-refundable application fee of two thousand five hundred (\$2,500.00) dollars per application per site. An application for a license to attach Telecommunication Facilities to municipal facilities or along public rights-of-way on poles, streetlights, and stanchions not owned by the Town shall be two thousand five hundred (\$2,500) dollars per applicant. The application fee shall be tripled in all cases where installations have been made or work commenced without the necessary Town approvals or permits. The Town Clerk shall forward copies of the application to the Town Board, Town Engineer, Directors of Planning and Engineering, and the Town Attorney. The Town Board may refer the application to the Director of Planning for his recommendations.

(5) Public hearing; notice. All applications before the Town Board or Board of Trustees, unless exempted, shall be determined after a public hearing. Applicants shall mail a notice of public hearing, postmarked no less than thirty (30) days before the hearing to the owners and occupants of all properties located within five hundred (500) feet of the nearest boundary line of the property which is the subject of the application, as shown on the current tax roll, with the exception of applications for placement in the R-15, R-10, R-7 and R-5 zoning districts, where notification to adjoining property owners and occupants shall be to those within two hundred (200) feet of the nearest boundary line of the subject parcel, as shown on the current tax roll. In the case of attachments to municipal facilities or to poles, streetlights, and stanchions not owned by the Town along the public rights-of-way, no individual notice to property owners or occupants shall be required if no other relief is requested on the application. Notice of the public hearing shall be published by the Town Clerk at least thirty (30) days before the hearing in the official newspaper(s) of the Town.

(6) Additional filings. The applicant shall provide a certificate of mailing certified by the United States Postal Service for each recipient, which legibly indicates the name and address of the property owner and occupant to which notice was mailed. The certificate of mailing shall be filed by applicants in the Office of the Town Clerk no less than five (5) business days before the hearing. Failure to mail notice of the public hearing or file the certificate of mailing within the required period shall result in postponement of the public hearing at the applicant's cost and expense which shall include the cost of republishing the notice of hearing.

(7) Action on applications. The application can be approved or denied, in whole or in part, with or without conditions as deemed advisable by the Town Board or Board of Trustees. If the application is approved, in whole or in part, a license agreement shall be authorized and shall contain the term of the license; conditions on the use or occupation of Town property, including separate compensation, where applicable, for the use of public rights-of-way, municipal facilities, and municipal property; provisions for construction and/or performance bonds; indemnity and insurance; obligations concerning areas disturbed during construction, installation, attachment or maintenance activities; submission of annual inventory reports showing the exact location of all installations; conditions on transfer or assignment; and such other conditions consistent with the requirements and purposes of this chapter and that ensure that applicant's use or occupation of Town property minimizes disruption to the public, adheres to all applicable laws, and promotes safe, effective and efficient use Town property.

(E) [(D)] Pre-Application Conference: All applicants are required to attend a pre-application conference to be scheduled by the Director of Planning and Environment, to review the proposal and receive comments from the applicable town departments prior to filing an application for a special use permit before the Town Board or Zoning Board of Appeals, as the case may be, or filing an application for a building permit for those applications that do not require a special use permit. Applicants shall provide such documents and plans as the Directors may reasonably require in advance of the conference for the purpose of providing comments and recommendations. The pre-application conference shall be held within ten (10) business days of the Town's receipt of a written request for such conference from the applicant and all documents and plans requested by the Director in preparation thereto.

(F)[(E)] Application Requirements. Applications for special use permits shall include the following:

(1) Inventory. An inventory of all existing like uses, or sites approved for like uses, that are either located within the jurisdiction of the Town or within one (1) mile of ~~[all borders]~~ any border thereof, including specific information about the location, height and design of each tower or DAS System, compiled from public records by the best efforts of the applicant; the distance from the proposed new use as shown on the map or plan submitted with the application; and the name of the owner/operator of each such use, as best as same can be ascertained. The applicant must demonstrate why an existing Wireless Telecommunication Facility in such inventory is not suitable or available to satisfy the stated need.

(2) A certification by a qualified professional establishing that the use meets or exceeds the standards and regulations of the FAA, the [and/or] FCC, and [of] any other state or federal agency having jurisdiction.

(3) A site plan drawn to scale meeting all the requirements contained in the Town Code and the Town Subdivision and Site Improvement Regulations.

(4) Delineation of all distances between the proposed use and all adjoining residentially-zoned or residentially-utilized properties, and the distance between the nearest boundary line of any private or public school property and the pole at issue, or the boundary line of the property on which the proposed use is to be located, as is applicable, if the distance is 500 feet or less.

(5) A notarized statement of the applicant's compliance with all applicable federal, state, and local laws.

(6) A notarized statement by the applicant as to whether the construction or placement of a new tower or other structure to locate antennas thereon will accommodate collocation of additional antennae for future users.

(7) A notarized statement of the suitability or unsuitability of existing towers or other structures and installations that are available in place of the proposed [structure] action, and the uses contemplated for the proposed structure [or antenna] or installations.

(8) A notarized statement describing the efforts made to collocate on an existing [Wireless] Telecommunications Facility or to locate on, upon or within an existing structure.

(9) A notarized statement containing the following information: (a) frequency, modulation and class of service of radio or other transmitting equipment; (b) actual intended transmission power stated as the maximum effective radiated power (ERP) in watts; (c) certification that an attached copy of the FCC license for the intended use of the [Wireless] Telecommunication Facilities is a true and complete copy; and (d) the number, type and model of the proposed antenna(s) with a copy of the specification sheet.

(10) A notarized statement that the proposed [Wireless] Telecommunication Facility will be in full compliance with the current [FCC] RF Emissions guidelines of the FCC or other agency having jurisdiction, together with a complete study as verification of such compliance.

(11) A notarized statement that the proposed tower or other structure that will support the proposed antenna or beacon or facility is in compliance with FAA Regulation Part 77 or successor regulation and whether it requires lighting. If a FAA determination is required then all documentation filed in connection with the application must be provided.

(12) A photograph or photograph simulation to demonstrate the appearance of the proposed facility from multiple angles and heights.

(13) Evidence that a pre-application conference has been held with the relevant town departments in the form of a memorandum with comments from town departments or otherwise.

(14) Multiple user plans. Applications to collocate on a specific site which has been granted a special use permit under this chapter shall be required to satisfy all of the requirements of this chapter, except an inventory of all existing like uses shall not be required nor is the applicant to establish that alternate locations or alternate technologies are not available or suitable.

(15) Applicants must produce evidence by qualified professional(s) in the form of studies, including field studies where appropriate, that the proposed telecommunications facilities meet or exceed the standards in the industry and that the existence of a gap in service would be remedied at the proposed location by the proposed facility. Such evidence is also required to support requests to locate in [a residential zoning district] residentially zoned or utilized properties, or within 500 feet of property containing a public or private school, or to erect a new tower or structure of any kind in lieu of installing the facilities within or upon an existing tower or structure.

(16) All documents, information and proof required to be provided for a special use permit.

(17) Any additional documents, studies and specifications requested by the Town during the review process.

(G) [(F)] Aesthetic requirements. All such uses shall comply with the following requirements, unless otherwise required by the FAA, FCC or other applicable authority:

(1) Color. All wireless telecommunication facilities shall be of a neutral color or such other color(s) as the Board may require to reduce the visual impact to surrounding areas. If an antenna or beacon is installed on a structure other than a tower, it and its supporting electrical and mechanical components must be of a color that is identical to or closely compatible with the color of the supporting structure so as to render it as visually unobtrusive as practicable.

(2) Design. All wireless telecommunication facilities shall, to the extent practicable, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

(3) Lighting. Towers shall not be artificially lighted. If so required, lighting shall be designed to minimize to the maximum extent practicable the resultant disturbance to the surrounding views and properties and comply with the Town's dark skies legislation.

(4) Signs. No signs or advertising of any kind shall be permitted on [an antenna or tower] Telecommunications Facilities.

(H) [(G)] Location of uses. These uses shall be located in accordance with the following priority:

(1) Location on Town property shall be encouraged over other suitable locations whenever feasible or practical subject to the approval of the Town Board or Board of Trustees.

(2) [(1)] Such uses shall only be permitted within or upon existing structures and other Telecommunications Facilities located in commercial and industrial zoning districts or on Town, County, State or Federal property, unless the applicant can demonstrate by clear and convincing evidence that a telecommunications or other system or service cannot properly function without the location of such a use on or within a tower or other [structure] Telecommunications Facilities the applicant proposes to erect or attach in the commercial or industrial zoning district.

(3) [(2)] Such uses shall be permitted to be located in a specific residential area only if the applicant can demonstrate by clear and convincing evidence that its telecommunications or other system or service cannot properly function within or upon an existing tower or other [structure] Telecommunication Facility or within or upon a proposed new tower or [structure] facility in a commercial or industrial zoning district. Before erecting an entirely new facility in a [residential zone] residentially zoned or utilized area, applicant must demonstrate by clear and convincing evidence that it cannot collocate on an existing facility in such zone.

(4) [(3)] [Such uses] Towers are not permitted to be located on a site where the property line of the site is within 500 feet of the nearest property line of a lot containing a public or private school, unless the applicant can establish by clear and convincing evidence that its telecommunications or other system cannot properly function within or upon an alternate location in any other zoning district of the Town.

(5) [(4)] Compliance with the minimum lot setback requirements of the zoning district in which the Telecommunications [f] Facility is proposed to be located shall be required.

(6) [(5)] Municipal and accessory use. Such uses may be considered either principal or accessory uses, in that the prior existence of a different use on the same lot shall not preclude the installation of an antenna or tower on such lot.

(I) [(H)] Authority of the Zoning Board.

(1) The Board may require the applicant to erect a structure at the applicant's expense to house the proposed antenna and related equipment, as it deems necessary or desirable.

(2) The Board may, at the applicant's expense, require a field demonstration with a crane, balloon or other acceptable means to simulate the aesthetic impacts of the proposed Wireless Telecommunications Facility. [Note: this is related to aesthetic considerations] .

(3) The Board may retain qualified professionals at the applicant's expense to verify that the proposed wireless telecommunication facilities and other facilities subject to this code comply with [federally established] applicable limits for RF emissions; that the proposed facility is truly necessary to remedy a significant gap in service at a specified location; and to advise the Board [regarding] on any aspect of an application in accordance with §198-109(J).

(4) The Zoning Board may refer an application to the Planning Board for its recommendations on any issue it deems necessary and proper. Such referral shall specify the reasons for the referral.

(J) [(I)] Review of application. The following factors shall be considered for all applications to locate Telecommunication Facilities.

(1) [The Zoning Board of Appeals shall give due] Due consideration shall be given to the Town's Comprehensive Plan, existing land uses and development, environmentally sensitive areas, and other appropriate factors in approving the issuance of a special use permit or other town approval for the siting of Wireless Telecommunications Facilities.

(2) [The Zoning Board shall consider the following factors in determining whether to issue a special use permit, in addition to the standards set forth in this chapter for the issuance of a special use permit.] The reviewing Board shall give due consideration to the following factors where applicable. In the case of the Zoning Board, these factors are in addition to the standards established in this chapter for the issuance of a special use permit.

(a) Height, size, [and] condition, stability, and appearance of the proposed or existing facility, structure, pole, or device.

(b) Proximity of the proposed use to residential structures and residential district boundaries.

(c) Nature of existing and/or proposed uses on adjacent and nearby properties.

(d) The topography of the site and surrounding areas.

(e) Surrounding tree coverage and foliage.

(f) Design and aesthetic appearance of the structure, facility, or device, with particular reference to design elements that have the effect of reducing or eliminating visual obtrusiveness.

(g) The proposed ingress and egress.

(h) Availability of suitable existing uses or structures or poles, or alternative technologies not requiring the use of new structures, poles or devices.

(i) Whether the proposed Telecommunication Facility, or its location, will impede or obstruct vehicular or pedestrian travel, obstruct or interfere with directional signs or traffic maintenance devices, creates a nuisance or hazard, and/or substantially detracts from a historic landmark, site or district, scenic or visual space or corridor, or culturally significant resource.

(j) [(i)] Any other relevant factor, including those found by the Board to be relevant considerations under statutory and decisional law, and regulatory agency rulings.

(K) [(J)] Required proof.

(1) No application for a special use permit shall be granted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Board of Appeals that no existing use, building, facility or structure not requiring new construction or installations can accommodate the applicant's proposed use.

[(2) An applicant shall submit information requested by the Zoning Board of Appeals relating thereto.] Such evidence may consist of any or all of the following:

(a) That no suitable existing uses, poles or structures are located within the geographic area which meet the applicant's engineering requirements.

(b) That the fees, costs or contractual provisions required by the owner of an existing like use, pole or structure in order to share it, or adapt it for sharing, are unreasonable. Costs exceeding new use development are presumed to be unreasonable.

(c) When consistent with applicable federal and state law, that alternative technologies not requiring the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system or other alternatives are unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(2) [(3)] The applicant must establish that a significant gap in service exists that requires the location of wireless communication facilities at the proposed location. In determining whether a significant gap in service exists at a specific

location, the Board must find that the telecommunications failure is substantial and can only be remedied by the location of the proposed antennas, DAS system, or tower.

(3) [(4)] The Board may reduce the height of the proposed structure or make other modifications to the proposed wireless communication facilities for the purpose of making aesthetic improvements, even if it means that the gap in service is not fully remedied; substantial remediation of the gap in service shall be sufficient.

(4) [(5)] In determining what constitutes substantial remediation of a gap in service, and to what extent an applicant needs to locate a facility at a specific location or height, and what level of service is to be made available to users, the Board shall be guided by standards set or as interpreted by federal or state law, decisional law and regulatory agencies.

(L) [(K)] Conditions. The granting of a special use permit or other approval shall require provision of the following conditions:

(1) Setbacks. The following setback requirements shall apply [to all such uses for which a special use permit is required]:

(a) Towers shall be set back from any adjoining lot line a distance equal to at least one hundred fifty (150%) percent of the height of the tower in order to provide a safe fall zone; this requirement may be varied only if the Board finds that the granting of a variance will not create an unsafe condition.

(b) All accessory structures shall satisfy the minimum district setback requirements for the district in which they are located.

(2) Distance between towers. The required distance between such uses shall be five thousand (5,000) feet, measured by drawing or following a straight line between the base of any existing like use and the base of the proposed use, delineated on a map or site plan. Said distance requirement may be reduced by the Zoning Board of Appeals only after a finding that a specific application merits a reduction and closer siting due to reception and/or transmission limitations caused by topographical interference or other relevant factors.

(3) Security fencing. Such uses shall be surrounded by security fencing not less than eight (8) feet in height and shall be equipped with appropriate anticlimbing devices, where applicable.

(4) Landscaping.

(a) [All such uses] Towers and structures shall be landscaped with a buffer or vegetation sufficient to screen the view of such uses from residential property and to maintain the aesthetic quality of the surrounding community, consisting of at least one (1) row of mixed evergreen shrubs and trees capable of forming a hedge at least eight (8) feet in height.

(b) Existing mature tree growth and natural land forms and topography at the site shall be preserved to the maximum extent possible.

(M) [(L)] Conduct of hearing. All evidentiary requirements shall be by sworn testimony or written affidavit[; in both cases, the] . The person providing the evidence must have personal knowledge of [any] the facts.

(N) [(M)] Abandonment. Any such use that is not operated for a continuous period of twelve (12) months shall be deemed abandoned, and the owner thereof shall be responsible for removal of all structures within ninety (90) days of the issuance of a notice by the Town declaring the facilities abandoned and directing removal, and upon failure to do so the Town may take such action at the owner's expense.

(O) [(N)] Nonconforming uses. Such uses lawfully existing and operating prior to June 1, 2011 shall be permitted to remain as they presently exist, including routine maintenance and repair in like form and height which do not substantially change, extend, or expand the facilities.

(P) [(O)] Application for an exemption.

(1) The Town Board, Zoning Board of Appeals, or the Director of Engineering Services, as the case may be, shall determine whether the proposed work or modification to existing wireless telecommunications facilities is routine maintenance and repair in like form and height, which does not substantially change, extend, or expand the facilities. Among the factors to be weighed in making such determination are whether there are any visible changes that would require review based upon aesthetic considerations or whether there are public safety issues requiring a de novo review. A joint application for the same type of modifications to multiple sites may be made provided a separate application fee is paid for each site.

(2) An application to exempt proposed work from the provisions of this article on the basis that the work is routine maintenance and repair of facilities in like form and height which does not substantially change, extend, or expand the facilities shall be made to the applicable Board, and shall include all relevant supporting proofs, studies, plans, and any other document requested by the [Town] Board. A non-refundable application fee of one thousand five hundred

dollars (\$1,500[.]) per site shall be payable at the time of filing. The Board/Director may require the retention of consultants, at the applicant's expense, to assist it in its determination. No public hearing is required if the application is granted. If a public hearing is held, by the Zoning Board, notice of the public hearing shall be given in the same manner as for a special use permit before the [applicable] Zoning Board. If the application is pending before the Town Board or Board of Trustees notice of the public hearing shall be made as set forth in this article.

(Q) [(P)] Access to Wireless Telecommunications Facilities.

(1) All Wireless Telecommunications Facilities shall be operated and maintained so as to prevent unauthorized access to and upon such facilities. Any owner or person-in-charge of the property, an accessory facility or any wireless telecommunications facility who commits an offense against the provisions of this section shall be deemed to be in violation of this chapter.

(2) Where applicable, Town Inspectors shall have access upon notice of at least 24 hours for the purpose of verifying continuing compliance with the special use permit, building permit and, where applicable, site plan or other approval.

(R) [(Q)] Revocation of special use permit or approval. The Zoning Board of Appeals may, upon notice after a public hearing, revoke any special use permit it has approved if the Board determines that there are substantial violations of the conditions or provisions of the special use permit or if false documents or statements have been submitted in support of the application. The Town Board or Board of Trustees may [revoke a special use permit] terminate a license agreement they have [it has] approved [under the same circumstances after a public hearing] in accordance with the terms of the agreement.

(S) [(R)] Site Plan Approval and Building Permits.

(1) All applicants for the location of [wireless] telecommunications facilities in any zoning district must file a simultaneous application for and obtain site plan approval from the Planning Board, and a building permit from the Department of Engineering Services prior to the commencement of work, including property, installations or facilities which are exempt from the special use permit requirement, except for ordinary repairs or maintenance that does not materially change, extend or expand the facilities or service. Unless otherwise provided, variances from the requirements of the special use permit approved by the Zoning Board shall remain within the jurisdiction of the Zoning Board of Appeals.

[(2)] [For property owned, leased, used or controlled by the Town Board, Huntington Board of Trustees, or any subdivision thereof, the Town Board shall exercise the same authority as the Zoning Board of Appeals in all respects and shall determine whether or not the applicant meets the requirements of these regulations after holding a public hearing. Any grant approved by the Town

Board is subject to site plan approval by the Planning Board and the filing of an application for and issuance of a building permit. Applications for Town Board approval shall be filed simultaneously with an application for site plan approval before the Planning Board.]

(2) [(3)] [All applicants are required to be in compliance with all applicable building and fire codes, and the facilities] All Telecommunications Facilities shall be maintained in a safe and proper manner, and shall be in compliance with all conditions of the building permit, certificate of occupancy or compliance, special use permit, [and] site plan approval, and license agreement, as well as with all applicable Town, State and Federal laws, rules and regulations, without exception. Any owner or person-in-charge of the property, accessory facility, or telecommunications facility who commits an offense against the provisions of this section shall be deemed in violation of this chapter.

(3) [(4)] Site Plan review by the Planning Board shall run concurrently with review by the Zoning Board of Appeals, the Town Board or the [Department of the Engineering Services] Board of Trustees, as the case may be, and shall be timed so that determinations can be made at approximately the same time to the extent practicable.

(4) Municipal facilities and public rights-of-way. Applications to locate Telecommunication Facilities on municipal facilities, or on streetlights and poles owned by public utilities or other municipal entities along the public rights-of-way shall include photographs of the proposed installation locations, architectural elevations of the installation, detailed sheets showing the dimensions of the equipment, a specification sheet or rendering indicating the color of the equipment, mounting system and other information requested by the Director of Planning or Planning Board. In addition to the standards and factors established in this article, the Planning Board shall review applications to determine if there are safety, aesthetic or other concerns that may warrant a denial of approval for a location.

(T) Prohibitions.

(1) It shall be unlawful for any person or business entity to open or cause the opening or other disturbance to the surface of any street, sidewalk, public right-of-way or other public place to locate, install, extend, repair, maintain, modify or alter Telecommunication Facilities without first obtaining all required approvals and permits. A violation of this section shall be deemed an offense against this chapter, and shall subject the person or business entity to the penalties thereof.

(2) It shall be unlawful for any person or business entity to install, attach, erect, locate, deploy, repair, replace, reinstall, modify, demolish or alter any portion of a Telecommunication Facility without first having secured the applicable approvals and

permits. A violation of this section shall be deemed an offense against this chapter, and shall subject the person or business entity to the penalties thereof.

\* \* \*

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 Petrone	AYE
Councilwoman Susan Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



2013- 509

The Town Board, hereby authorizes the transfer of \$1,500.00 to the Huntington Community First Aid Squad and \$500.00 to the Commack Volunteer Ambulance Squad to be used as tuition reimbursement for local fire and EMS providers from the Firefighter / Emergency Medical Services Incentive Recruitment Enhancement (F.I.R.E.) TA 085-H0014.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013- 510

RESOLUTION AUTHORIZING BROOKLYN COLLEGE (CITY UNIVERSITY OF NEW YORK) TO INSTALL AND MONITOR SURFACE ELEVATION TABLES FOR THE PURPOSE OF TRACKING WATER ELEVATION CHANGES IN THE CRAB MEADOW WETLANDS (JEROME AMBRO PRESERVE)

Resolution for Town Board Meeting Dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, the Town of Huntington was awarded a Long Island Sound Futures Fund grant for the Crab Meadow Watershed Hydrology Study and Stewardship plan, which will be completed with the support of an appointed Crab Meadow Watershed Citizens Advisory Committee; and

WHEREAS, the Crab Meadow Watershed is a major tributary to Long Island Sound and the New York Natural Heritage Program has identified the Crab Meadow Wetlands as the reference high marsh on the North Shore; and

WHEREAS, the hydrology study and stewardship plan will provide information that will compel further projects potentially leading to habitat restoration, enhanced stewardship and finer interpretation of public ownership; and

WHEREAS, in order to aid the Town of Huntington and its consultant in the development of a Crab Meadow Watershed Stewardship Plan it is necessary for the Town to monitor the elevation change of the Crab Meadow Wetlands on a long term basis; and

WHEREAS, Brooklyn College (City University of New York) has received a grant, which the Town of Huntington supported, to purchase the monitoring equipment and to install surface elevations tables and collect monitoring data at the Crab Meadow Wetlands; and

WHEREAS, Brooklyn College (City University of New York) will be conducting this project in conjunction with the Nature Conservancy, the New York State Department of Environmental Conservation, the New York City Parks and Recreation Department, and Fairleigh Dickinson University; and

WHEREAS, on behalf of the surface elevation monitoring team, Brooklyn College (City University of New York) is seeking permission to enter onto the Town's Crab Meadow Wetlands to install the surface elevation tables and to perform the related on-going monitoring; and

WHEREAS, the permission to utilize the Town's Crab Meadow Wetlands is contingent upon Brooklyn College (CUNY), on behalf of themselves and their team, providing a hold harmless agreement indemnifying the Town; and

WHEREAS, the installation of such equipment and its on-going monitoring is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(18) and (c)(21) and, therefore, no further SEQRA review is required.



2013- 5/1

RESOLUTION URGING THE LONG ISLAND POWER AUTHORITY BOARD OF TRUSTEES TO EXTEND THE LONG ISLAND POWER AUTHORITY TAX CERTIORARI SETTLEMENT OFFER DEADLINE TO JANUARY 15, 2014

Resolution for Town Board Meeting dated: October 15, 2013

The following resolution was offered by: Supervisor Petrone  
COUNCILMAN MAYOKA

and seconded by: COUNCILWOMAN BERLAND, COUNCILMAN COOK

WHEREAS, the Long Island Power Authority ("LIPA") brought tax certiorari challenges against the Town of Huntington related to the Northport power plant; and

WHEREAS, any tax reassessment of the Northport plant would greatly impact the citizens of Northport and the Town of Huntington; and

WHEREAS, LIPA brought other tax certiorari challenges against other municipalities including the Town of Brookhaven and Nassau County; and

WHEREAS, LIPA has offered, via letter dated June 20, 2013, a systematic approach with conditions to settle the matter, however, said settlement offer as proposed leaves no room for further negotiation and fails to explain how LIPA arrived at the proposed settlement numbers; and

WHEREAS, the Town of Huntington has diligently sought to determine how LIPA arrived at such an offer, but the Town of Huntington has been routinely denied such information or a response; and

WHEREAS, LIPA has offered to the other municipalities the same systematic approach with conditions to settle the matter; and

WHEREAS, LIPA has provided until October 20, 2013, to accept the offer, but the Town of Huntington, and the other municipalities, require more time to fully analyze the fiscal impact of the offer and accumulate and review the settlement information that has thus far not been provided to the Town; and

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

NOW, THEREFORE, THE TOWN BOARD,

Urges the Long Island Power Authority Board of Trustees to extend the Long Island Power Authority tax certiorari settlement offer deadline to January 15, 2014.

2013-511

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

# 2013-BT7

## RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER THE EXECUTION OF AN EXTENSION OF A LICENSE AGREEMENT WITH H&M POWLES MARINE AGENCY, INC. TO OPERATE AND PROVIDE MARINA AND RELATED SERVICES ON BOARD OF TRUSTEE PROPERTY IN COLD SPRING HARBOR

Resolution for Board of Trustee Meeting dated: October 15, 2013

The following resolution was offered by: Trustee Mayoka

And seconded by: Trustee Cook

WHEREAS, the Town of Huntington Board of Trustees has a license agreement with H&M Powles Marine Agency Inc. to operate and provide marina and related services on Town of Huntington Board of Trustee underwater land, which expires on January 1, 2014; and

WHEREAS, such license agreement provides H&M Powles Marine Agency, Inc., as licensee, with the authorization to request two (2) five-year extensions, provided that they do so in writing ninety (90) days prior to the expiration of the license; and

WHEREAS, H&M Powles Marine Agency, Inc. made a timely written request to extend the license agreement for the first five (5) year extension;

WHEREAS, the current license agreement sets forth the license fee for the five-year term of the extension, which is three percent (3%) per year at a minimum of the license fee for the immediately preceding year; and

WHEREAS, the Town of Huntington Board of Trustees is desirous of extending such agreement; and

WHEREAS, the extension 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,

HEREBY SCHEDULES a public hearing for the 7th day of November, 2013, at 2:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider granting an extension of a license agreement with H & M Powles Marine Agency, Inc. to operate and provide marina and related services on Board of Trustee property in Cold Spring Harbor.

VOTE:

AYES: 5

NOES: 0

ABSTENTIONS: 0

President Frank P. Petrone	AYE
Trustee Susan A. Berland	AYE
Trustee Eugene Cook	AYE
Trustee Mark A. Cuthbertson	AYE
Trustee Mark A. Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED