

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
Town Clerk	Jo-Ann Raia
Town Attorney	Cindy Elan-Mangano

AGENDA FOR TOWN BOARD MEETING DATED AUGUST 13, 2013

BOARD OF TRUSTEES' MEETING FOLLOWING

Opened: 7:47 P.M. Recessed: 7:57 P.M. Resumed: 8:33 P.M. Closed: 8:34 P.M.

7:00 P.M. – TOWN HALL

Opened: 7:08 P.M. Recessed: 7:47 P.M. Resumed: 7:57 P.M. Closed: 8:33 P.M.

(Resolutions #2013-364 to 2013-414)

HEARINGS:

ACTION

1. Consider adopting Local Law Introductory No. 24-2013, amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article I, §2-1, Schedule A. Re: Park Avenue at East 5th Street/Telephonics Driveway, Huntington Station – Traffic Signal.

(Re: Avalon Bay Communities)

(Local Law Introductory No. 24-2013)

Scheduled as per Resolution 2013-363 at 7-9-2013 Town Board Meeting

DECISION RESERVED

2. Consider issuing a Certificate of Approval in an Historic District – Old Huntington Green Historic District Re: 39 East Main Street, Huntington – The Thomson House. **(Applicant: Christopher Mangi)**

(SCTM #0400-074.00-03.00-031.006)

(2013-ZC-12-Ch. 198)

Scheduled as per Resolution 2013-361 at 7-9-2013 Town Board Meeting

**ENACTMENT
RESOLUTION 2013-401**

3. Consider authorizing the Supervisor to enter into an extension agreement with the New Community Cinema Club Inc. d/b/a Cinema Arts Centre, a/k/a New Community Cinema.

(Extension from 9/30/2013-9/30/2029)

(2013-M-71)

Scheduled as per Resolution 2013-362 at 7-9-2013 Town Board Meeting

**ENACTMENT
RESOLUTION 2013-403**

HEARINGS (Continued):

ACTION

4. Designate certain properties as blighted and to consider authorizing various actions be taken in accordance with Chapter 156, Article VII, §156-60 (Blighted Properties). (SCTM #'S 0400-278.00-02.00-153.000, 0400-185.00-02.00-024.003, 0400-141.00-01.00-027.000, 0400-142.00-01.00-062.000, 0400-146-02-074.000, 0400-281-02.007, 0400-160-01-085.000, 0400-278.00-02.00-044.000, 0400-278-02-153, 0400-45-1-21, 0400-060.00-01.00-011.005, 0400-170.00-02.00-029.000) (2013-M-70)

Scheduled as per Resolution 2013-359 at 7-9-2013 Town Board Meeting

DECISION RESERVED

5. Consider adopting Local Law Introductory No. 22-2013, amending the Uniform Traffic Code of the Town of Huntington, Chapter 1 (General Provisions). (Re: Agreement with the Huntington Village Consortium Group with Nelson Nygaard for a parking study of Huntington Village) (Local Law Introductory No. 22-2013)

Scheduled as per Resolution 2013-357 at 7-9-2013 Town Board Meeting

DECISION RESERVED

6. Consider adopting Local Law Introductory No. 23-2013, amending the Code of the Town of Huntington, Chapter 71 (Administrative Search Warrants), Section 71-3 (Application for Warrant). (Local Law Introductory No. 23-2013)

Scheduled as per Resolution 2013-358 at 7-9-2013 Town Board Meeting

DECISION RESERVED

7. Consider adopting Local Law Introductory No. 18-2013, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions) and Article IV (Commercial Districts). (Local Law Introductory No. 18-2013)

Scheduled as per Resolution 2013-303 at 6-4-2013 Town Board Meeting

**ENACTMENT
RESOLUTION 2013-402**

BOARD OF TRUSTEES' HEARINGS:

1. Consider a variance and the issuance of a Special Use Permit under Chapter 137 (Marine Conservation) Applicant: Elizabeth Carillo
Location: 265 Little Neck Rd., Centerport, NY
SCTM #0400-049.00-01.00-013.000.

(2013-BT-3-Ch. 137)

Scheduled as per Resolution 2013-BT-3 at 7-9-2013 Town Board Meeting

**ENACTMENT
RESOLUTION 2013-BT-5**

2. Consider the execution of a license agreement as is necessary for the extension of a residential fixed pier and floating dock assembly under Chapter 137, Marine Conservation. Applicant: Elizabeth Carillo
Location: 265 Little Neck Road, Centerport, NY
SCTM #0400-049.00-01.00-013.000.

(2013-BT-4)

Scheduled as per Resolution 2013-BT-4 at 7-9-2013 Town Board Meeting

**ENACTMENT
RESOLUTION 2013-BT-6**

**AGENDA FOR TOWN BOARD
MEETING DATED: AUGUST 13, 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**

- | | | | | |
|------------------|---|--------------------------------------|------------------|-----------------|
| 2013-364. | <p>AUTHORIZE the Supervisor to execute a contract for the reconstruction of Woodbine Marina, Woodbine Avenue, Incorporated Village of Northport, New York with Terry Contracting and Materials, Inc.
(Subject to Permissive Referendum) (Period: One year)</p> | <u>MM</u> | <u>FP</u> | <u>5</u> |
| 2013-365. | <p>AUTHORIZE the Supervisor to execute a contract for the provision of professional ice skating instruction at the Dix Hills Park Ice Rink.
(Re: Ken Hoey; Period: 8/10/2013-12/31/2013)</p> | <u>SB</u> | <u>MM</u> | <u>5</u> |
| 2013-366. | <p>AUTHORIZE the Supervisor to sign an agreement with 511NYRideshare for the Town of Huntington to participate in the Carpool Challenge 2013.
(Period: 9/2013-11/2013)</p> | <u>FP</u>
<u>MM</u> | <u>SB</u> | <u>5</u> |
| 2013-367. | <p>AUTHORIZE the Supervisor to execute an agreement with Holzmacher, McLendon & Murrell, P.C. to provide engineering services for the installation of water mains and appurtenances on Seneca Court, Dix Hills, for the Dix Hills Water District.</p> | <u>SB</u> | <u>MM</u> | <u>5</u> |
| 2013-368. | <p>AUTHORIZE the Supervisor to execute an amendment with Desman Associates for services related to the repair and rehabilitation of the Huntington Station LIRR South Parking Garage.</p> | <u>MM</u> | <u>EC</u> | <u>5</u> |
| 2013-369. | <p>AUTHORIZE the Supervisor to execute an agreement for the use of the property located on the N/E corner of Broadhollow Road (Route 110) and Pinelawn Road (CR3) for use for Fall Festival daytime parking under terms and conditions acceptable to the Town Attorney.
(Re: SCTM# 0400-257-03-009.005; Schmitts Farm Fall Festival, BDG115 Land, LLC, and the Villages at Huntington Home Owners Association)</p> | <u>SB</u> | <u>EC</u> | <u>5</u> |
| 2013-370. | <p>AUTHORIZE the Supervisor to execute an agreement with Industrial and Utility Valuation Consultants, Inc. re: review and analyzation of the 2013 Equalization and Residential Assessment Rates for the Town of Huntington and Special Segmentation Rates for the Cold Spring Harbor School District.</p> | <u>MM</u> | <u>FP</u> | <u>5</u> |

**AGENDA FOR TOWN BOARD
MEETING DATED: AUGUST 13, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
2013-371. AUTHORIZE the Supervisor to execute a license agreement with the East Northport Chamber of Commerce for the use of John Walsh Park for its annual festival and further granting permission for a Sidewalk Sales Event. (Dates/Times: 9/3/2013 from 9:00 AM – 9/8/2013 at 6:00 PM; 9/6/2013 from 6:00 PM until 11:00 PM; 9/7/2013 from 11:00 AM – 11:00 PM; 9/8/2013 from 11:00 AM – 6:00 PM)	FP MC	EC SB	<u>5</u>
2013-372. AUTHORIZE the Supervisor to extend the agreement with the Commissioner of Transportation of the State of New York and the Town of Huntington for snow and ice removal on State highways within the boundaries of the Town of Huntington. (Period: 7/1/2013 - 6/30/2014)	MM	EC	<u>5</u>
2013-373. AUTHORIZE the Supervisor to execute an extension of the agreement with Community Development Corporation of Long Island (“CDCLI”) for the Green Jobs Green New York (“GJGNY”) Better Buildings Energy Efficiency Audit and Retrofit Program.	MC	MM SB	<u>5</u>
2013-374. AUTHORIZE the establishment of Turn Back the Clock Day and special fees at the Town of Huntington Dix Hills Park on August 17, 2013, accepting donations from co-sponsors of the event, and further authorizing the Supervisor to execute various agreements, nunc pro tunc, in conjunction with same. (Re: Agreements with Jump and Jam Long Island and Sweet Hills Riding Center; Donations from Bethpage Federal Credit Union, Haberstadt BMW and Haven Pools)	FP MM	SB	<u>5</u>
2013-375. AUTHORIZE the Supervisor to accept a donation from the Junior Welfare League of Huntington to the Department of Parks and Recreation for various 2013 summer programs.	SB	MM	<u>5</u>
2013-376. AUTHORIZE Energy Equalization reimbursement for Handicap Enforcement Program Volunteers. (Re: \$5.00 for each accepted photograph)	FP SB	MM	<u>5</u>
2013-377. Removed from Agenda at Executive Session.			
2013-378. AUTHORIZE the settlement of a lawsuit. (Fair Housing in Huntington Committee, et al. v. Town of Huntington, et al.)		<u>Withdrawn by Supervisor Petrone</u>	
2013-379. AUTHORIZE the Town Attorney to retain the services of Cuti Hecker Wang LLP, as special outside counsel. (Re: LaVertu vs. Town of Huntington)	SB	<u>Resolution Fails no second</u>	
2013-380. AUTHORIZE the Comptroller to amend the 2013 Operating Budget for the Town of Huntington and its Special Districts – various departments.	SB	MM	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: AUGUST 13, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
2013-381. AUTHORIZE the Comptroller to amend the 2013 Operating Budget for the Town of Huntington and its Special Districts-Highway Department. (Re: CHIPS Program)	<u>SB</u>	<u>MM</u> <u>EC</u>	<u>5</u>
2013-382. AUTHORIZE the Comptroller to amend the 2013 Operating and Capital Budget for the Town of Huntington and its Special Districts.	<u>FP</u>	<u>EC</u> <u>MC</u>	<u>5</u>
2013-383. AUTHORIZE the Comptroller to amend the 2013 Operating Budget for the Town of Huntington and its Special Districts – Highway Department – nunc pro tunc. (Re: Leaf Bags)	<u>FP</u>	<u>SB</u>	<u>5</u>
2013-384. AUTHORIZE the Comptroller to appropriate funds from the General Reserve for the purpose of funding Capital projects in lieu of bonding – Department of General Services. (Re: Fuel Management System – Automotive Computers and Equipment, Inc.)	<u>MC</u> <u>MM</u>	<u>EC</u>	<u>5</u>
2013-385. AUTHORIZE the Comptroller to appropriate funds from the General Reserve and Part Town Reserve for the purpose of funding various Capital projects in lieu of bonding – Department of Traffic and Transportation.	<u>FP</u> <u>SB</u>	<u>MM</u>	<u>5</u>
2013-386. AUTHORIZE the correction of Code Violations at various locations pursuant to the Code of the Town of Huntington. (Re: Ceasar Valverde, 12 Barre Place, Huntington, SCTM#0400-214.00-01.00-062.000, Chapters 87, 133, 156[section 45 & 46]; Christina LaPlaca/Dante LaPlaca/Alicia Fannin, 283 Cook Street, Huntington Station, SCTM#0400-206.00-02.00-059.00, Chapters 87, 133, 156 [section 45 & 46]; William/Denise Gibbs, 108 Godfrey Lane, Huntington, SCTM# 0400-212.00-02.00-019.000, Chapter 87, 133, 156 [section 45 & 46], 191; Barry/Colette Blake, 43 Talisman Drive, Dix Hills, SCTM# 0400-262.00-02.00-145.000, Chapters 87, 133, 156 [section 45 & 46], 191; Haka Holding LLC, 311 & 313 West Jericho Turnpike, Huntington, SCTM#'s 0400-192.00-01.00-044.000/0400-192.00-01.00-045.000, Chapter 119; Sharon Golden, 127 East 3 rd Street, Huntington Station, SCTM# 0400-147.00-05.00-028.000, Chapter 133, 156, 191; Alba Benitez/Jesus Fuentes, 119 East 10 th Street, Huntington Station, SCTM# 0400-146.00-03.00-122.000, Chapters 133, 156, 191; Jacob Anteby, 238 Broadway, Huntington, SCTM# 0400-166.00-01.00-178.000, Chapters 133, 156; Wilhelm/Marianne Baldaeus, 35 Bunkerhill Road, Huntington, SCTM# 0400-212.00-01.00-096.000, Chapters 133, 156; Martin Slavin, 27 Durham Drive, Dix Hills, SCTM# 0400-262.00-02.00-020.000, Chapters 133, 156; Robert Grein Qual Per Res (Trust) Estate of, 19 Eugene Street, Melville, SCTM# 0400-259.00-02.00-056.001, Chapters 133, 156, 191; Errol/Lisa Fishon, 2 Faith Court, Dix Hills, SCTM# 0400-273.00-03.00-020.000, Chapters 133, 156 [section 45 & 46], 191; 807 East End Realty Corp., 670 Fort Salonga Road, Northport, SCTM# 0400-055.00-01.00-018.002, Chapter 133; Ronald/Sandra Rakin, 30 Meadowlark Drive, East Northport, SCTM# 0400-176.00-02.00-069.000, Chapters 133, 156 [section 45 & 46]; Gladys Hopman, 196 Melville Road, Huntington Station, SCTM# 0400-239.00-04.00-064.000, Chapter 133, 156, 191; Robert Cattaneo, 645 Old Country Road, Dix Hills, SCTM# 0400-209.00-01.00-059.003, Chapter 133, 156; James/Judith/Neal Lovell, 26 Rustic Gate Lane, Dix Hills, SCTM# 0400-277.00-02.00-062.000, Chapter 133, 156; William/Richard Belpanno, 7 Todd Court, Huntington Station, SCTM#			

**AGENDA FOR TOWN BOARD
MEETING DATED: AUGUST 13, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
<p>0400-239.00-02.00-068.000, Chapters 133, 156; James, Jr./Mary Ann Mulvey, 1001 Walt Whitman Road, Melville, SCTM# 0400-256.00-02.00-028.001, Chapter 133, 156 [section 39A & 46]; Herman/Thelma Ford, 2 Mercer Avenue, Dix Hills, SCTM# 0400-282.00-04.00-099.000, Chapter 156 [section 39A & 46]; Stanley Cheng, 10 Byre Place, Commack, SCTM# 0400-221.00-03.00-092.000, Chapter 156; David Spiegel/Teri Orzick-Spiegel, 174 Continental Avenue, East Northport, SCTM# 0400-172.00-02.00-110.000, Chapter 156; Peter Horadnitsky (Estate of) Florenc Horadnitsky, 18 Lauren Avenue, Dix Hills, SCTM# 0400-284.00-03.00-007.000, Chapter 156 [section 45 & 46]; Thomas/Mary Sarullo, 30 Markwood Lane, East Northport, SCTM# 0400-174.00-01.00-059.000, Chapter 156; Masood/Munazza Hashmi, 34 Markwood Lane, East Northport, SCTM# 0400-174.00-01.00-061.000, Chapter 156; Tyler Coneys, 54 Bay Avenue, Halesite, SCTM# 0400-033.00-01.00-008.000, Chapter 156; Douglas/Deanna Amodie, 33 Bennett Avenue, Huntington Station, SCTM# 0400-153.00-02.00-022.000, Chapter 156; William/Gaetana Rattazzi, 8 Howe Street, Huntington Station, SCTM# 0400-150.00-03.00-048.000, Chapter 156; Bethesda Wesleyan Church of Huntington, Inc., 30 Lawn Street, Greenlawn, SCTM# 0400-166.00-01.00-085.000, Chapter 156; Luigi Perri, 86 Lowndes Avenue, Huntington Station, SCTM# 0400-094.00-03.00-027.001, Chapter 156, 191; Michael/Philip Broglia, 2 Oglia Lane, Commack, SCTM# 0400-220.00-02.00-158.00, Chapter 156; Dave Clarke, 266 Pine Acres Blvd., Dix Hills, SCTM# 0400-281.00-02.00-066.001, Chapter 156; Peter Demidovich, 11 Rainer Street, Melville, SCTM# 0400-236.00-01.00-061.004, Chapter 156; Margaret Peters, 106 East Rogues Path, Huntington Station, SCTM # 0400-158.00-03.00-001.004, Chapter 156; Michael/Dorothy Domino, 17A Tasman Lane, Huntington Station, SCTM# 0400-101.00-01.00-103.000, Chapter 156; Stephen Insardi, 22 Tudor Drive, Northport, SCTM# 0400-003.00-03.00-018.000, Chapter 156; Frederick Wolf, 319 Vanderbilt Parkway, Dix Hills, SCTM# 0400-247.00-02.00-041.000, Chapter 156; Daniel Vath/Katy DeSanno, 7 Woody Lane, Northport, SCTM# 0400-053.00-02.00-052.000, Chapter 156)</p>	<u>SB</u>	<u>FP</u> <u>EC</u>	<u>5</u>
2013-387. ADOPT the Marina contract for winter wet storage at Town Marinas.	<u>MC</u> <u>SB</u>	<u>EC</u>	<u>5</u>
2013-388. AMEND the Town of Huntington Policy and Procedure Manual to include a policy regarding Red Light Camera Violations incurred by Town employees while driving a Town vehicle.	<u>MC</u>	<u>Resolution Fails</u> <u>no second</u>	
2013-389. APPOINT a member to the Historic Preservation Commission. (Re: Robert S. Kissam)	<u>SB</u>	<u>MM</u> <u>EC</u>	<u>5</u>
2013-390. DECLARE September 16 th to be American Legion Day.	<u>MM</u>	<u>EC</u> <u>SB</u>	<u>5</u>
2013-391. DIRECT the Town Comptroller to present to the Town Board the first Trisectional Report for the period ending April 30 th no later than July 15 th .	<u>MM</u>	<u>FP</u> <u>SB</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: AUGUST 13, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
2013-392. ENDORSE North Shore Land Alliance Application to the New York State Environmental Protection Fund to support restoration of their Shore 95 Road property (Cold Spring Harbor) nunc pro tunc.	<u>MM</u>	<u>FP EC</u>	<u>5</u>
2013-393. SUPPORT Town of Huntington application to the New York State Energy Research and Development Authority (NYSERDA) – Cleaner Greener Communities Program for grant funding for an Energy Efficient Renovation and adaptive re-use of the former New York State Armory into the James D. Conte Community Center in Huntington Station, nunc pro tunc. (Re: 100 East 5th Street, Huntington Station)	<u>FP MC MM</u>	<u>SB</u>	<u>5</u>
2013-394. INCORPORATE the findings and recommendations of the Hurricane Sandy Emergency Review Task Force into the Town’s All Hazards Emergency Operations Plan.	<u>FP EC</u>	<u>SB</u>	<u>5</u>
2013-395. ENACTMENT: ADOPT Local Law Introductory Number 19-2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G. Re: Abby Drive, East Northport - Stop Signs.	<u>MC</u>	<u>MM</u>	<u>5</u>
2013-396. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a Historic District Re: 79 Goose Hill Road, Cold Spring Harbor – Cold Spring Harbor Historic District. (Applicant: David Ngai) (SCTM# 0400-016.00-04.00-009.000)	<u>MM</u>	<u>SB</u>	<u>5</u>
2013-397. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a Historic District Re: 559 Park Avenue, Huntington – Old Huntington Green Historic District. (Applicant: Vandy Morris) (SCTM# 0400-097.00-02.00-102.004)	<u>MC</u>	<u>MM</u>	<u>5</u>
2013-398. 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. (Re: Schedule A & B for all of the following: Brian Levenson/Kathryn Garten, 1068 Westminster Avenue, Dix Hills, SCTM# 0400-278.00-02.00-153.000; Willard/Laura Lanham, 5 Laura, East Northport, SCTM# 0400-185.00-02.00-024.003; Delvis Arevalo/Elsa Bardales Banegas, 114 Columbia Street, SCTM# 0400-141.00-01.00-027.000; John Frank Development Corp., 39 8th Avenue, Huntington Station, SCTM# 0400-142.00-01.00-062.000; Thomas LaTrace, 8 Stratford Avenue, Dix Hills, SCTM# 0400-281-02.00-007.000, Kamila Dottin, 285 Broadway-Greenlawn, Huntington, SCTM# 0400-160-01-085.000; Bank of America, 199 Seaman Neck Road, Dix Hills, SCTM# 0400-278.00-02.00-044.000, Dolores Werle, 26 Ambrose Lane, Northport, SCTM# 0400-278-02-153; Henry/Jean Cleeves, 49 Prospect Road, Centerport, SCTM# 0400-45-1-21; Wayne Farrell, 65 Young Hill Road, Huntington, SCTM# 0400-133.00-03.00-024.000; Nelson/Helen Chang, 50			

**AGENDA FOR TOWN BOARD
MEETING DATED: AUGUST 13, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
West Neck Road, Huntington, SCTM# 0400-070.00-05.00-029.000; Huseyin TooZlu, 4 Grange Street, Huntington, SCTM# 0400-161-2-12)	<u>SB</u>	<u>FP</u>	<u>5</u>
2013-399. Removed from the Agenda at Workshop.			
2013-400. ENACTMENT: ADOPT Local Law Introductory Number 15-2013, considering Zone Change Application #2013-ZM-394, Sunny Pond Farm LLC, to change the zoning from R-7 Residence District and R-10 Residence District to C-1 Office-Residence District for property located on the east side of Park Avenue (CR 35), South of North Woodhull Road, Huntington, SCTM #0400-073-03-021, and issuing a negative declaration for said action to rezone.	<u>FP</u> <u>MM</u>	<u>SB</u>	<u>5</u>
2013-401. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a Historic District – Old Huntington Green Historic District Re: 39 East Main Street, Huntington – The Thomson House. (Applicant: Christopher Mangi) (SCTM# 0400-074.00-03.00-031.006)	<u>FP</u>	<u>SB</u> <u>MM</u>	<u>5</u>
2013-402. ENACTMENT: ADOPT Local Law Introductory Number 18-2013 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article IV (Commercial Districts).	<u>MC</u>	<u>FP</u>	3-AYES (MC) (FP) (SB) 2-NOES (EC) <u>(MM)</u>
2013-403. ENACTMENT: AUTHORIZE the Supervisor to enter into an extension agreement with the New Community Cinema Club, Inc. d/b/a Cinema Arts Centre, a/k/a New Community Cinema. (Period: 9/30/2013- 9/30/2029)	<u>FP</u> <u>MC</u> <u>MM</u> <u>SB</u>	<u>EC</u>	<u>5</u>
2013-404. SCHEDULE A PUBLIC HEARING: September 17, 2013 at 2:00 PM 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. Re: Broadway, Greenlawn – Prohibited Turns.	<u>MM</u>	<u>EC</u>	<u>5</u>
2013-405. SCHEDULE A PUBLIC HEARING: September 17, 2013 at 2:00 PM To consider adopting Local Law Introductory No. 26-2013, amending the Town Code of the Town of Huntington Chapter 156, Property Maintenance; Nuisances, Article VII, Blighted Property.	<u>SB</u>	<u>FP</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: AUGUST 13, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
<p>2013-406. SCHEDULE A PUBLIC HEARING: September 17, 2013 at 2:00 PM 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 for the following: Eun Hee-Choi/Soon Ja Choi, 35 Vanderbilt Parkway, Dix Hills, SCTM# 0400-245-03-052; Alrose Larkfield LLC, 336 Larkfield Road, East Northport, SCTM# 0400-118.00-01.00-006.000; 1081 EJT LLC, 1055 East Jericho Turnpike, Huntington, SCTM# 0400-210.00-01.00-081.003, Kanic Realty Associates, 29 Little Neck Road, Centerport, SCTM# 0400-044.00-01.00-016.007; Eric Logan, 575 Elwood Road, East Northport, SCTM# 0400-171.00-02.00-002.002)</p>	<u>SB</u>	<u>EC</u>	<u>5</u>
<p>2013-407. SCHEDULE A PUBLIC HEARING: September 17, 2013 at 2:00 PM To consider the issuance of a Special Use Permit pursuant to the Marine Conservation Law, Town Code Chapter 137 Applicant: National Grid Generation LLC Location: Northport Power-Plant, Eaton’s Neck Rd., Northport S.C.T.M. #0404-010.00-01.00-003.001 & 003.002.</p>	<u>FP</u> <u>SB</u>	<u>MM</u>	<u>5</u>
<p>2013-408. SCHEDULE A PUBLIC HEARING: September 17, 2013 at 2:00 PM To 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)</p>	<u>MM</u>	<u>FP</u>	<u>5</u>
<p>2013-409. AUTHORIZING Comptroller to appropriate monies from the Environmental Open Space and Park Improvement Fund for recommended neighborhood enhancement (James D. Conte Community Center). (Department of General Services-building remediation and develop three alternative plans for building space allocation)</p>	<u>FP</u> <u>MC</u> <u>MM</u> <u>SB</u>	<u>EC</u>	<u>5</u>
<p>2013-410. SCHEDULE A PUBLIC HEARING: September 17, 2013 at 2:00 PM Consider executing an agreement with the Incorporated Village of Northport to furnish fire protection services for the Town of Huntington Fire Protection District No. 1, nunc pro tunc. (Period: One year)</p>	<u>FP</u> <u>MM</u>	<u>SB</u> <u>EC</u>	<u>5</u>
<p>2013-411. AUTHORIZE execution of contract of sale and appropriating funding necessary for contract and closing requirements for Town acquisition of Gateway Park addition (Mount Calvary Ministries of Huntington, Inc.), Huntington Station. (SCTM# 0400-099-04-016.000)</p>	<u>FP</u> <u>SB</u>	<u>MM</u>	<u>5</u>
<p>2013-412. AMEND Town Board Resolution 2013-281 authorizing the correction of code violations pursuant to the Code of the Town of Huntington. (Re: 174 Corey Place, Huntington Station) (SCTM# 0400-149.00-02.00-063.000)</p>	<u>SB</u>	<u>FP</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: AUGUST 13, 2013**

RESOLUTIONS:

	OFF.	SEC.	VOTE
2013-413. ADOPT a corrective action plan in response to the recommendations of the State Comptroller's Office.		MM EC	
	<u>MC</u>	<u>FP</u>	<u>5</u>
2013-414. DECLARE the month of September to be Hunger Action Month.		MM	
	<u>FP</u>	<u>SB</u>	<u>5</u>

**AGENDA FOR BOARD OF TRUSTEES'
MEETING DATED: AUGUST 13, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
2013-BT5. ENACTMENT: APPROVE the granting of a variance and the issuance of a Special Use Permit under Chapter 137, Marine Conservation Applicant: Elizabeth Carillo Location: 265 Little Neck Rd., Centerport, New York S.C.T.M. # 0400-049.00-01.00-013.000.	<u>MM</u>	<u>FP</u>	<u>5</u>
2013-BT6. ENACTMENT: APPROVE the execution of a license agreement as is necessary for the extension of a residential fixed pier and floating dock assembly under Chapter 137, Marine Conservation Owner: Elizabeth Carillo Location: 265 Little Neck Rd., Centerport, New York S.C.T.M. #0400-049.00-01.00-013.000.	<u>MM</u>	<u>FP</u>	<u>5</u>

AGENDA FOR COMMUNITY DEVELOPMENT AGENCY
MEETING DATED: AUGUST 13, 2013

RESOLUTIONS:

OFF. SEC. VOTE

2013-CD

INFORMATIONAL SHEET FOR TOWN BOARD MEETING

DATED: AUGUST 13, 2013

COMMUNICATION

ACTION

1. Letters received Certified Mail – Applying for Liquor Licenses:
From: Julius Biretti for Ideal Cheese Huntington LLC name to be determined (308 Main Street, Huntington); From: James J. O’Connor for Brio Tuscan Grille (160 Walt Whitman Road, Space 1140, Huntington Station{Walt Whitman Mall})
From: Anthony Pace for Cinque Terre (872 E. Jericho Turnpike, Huntington Station);
From: Remila Ilyas for Moonlight Hookah Lounge (332 East Jericho Tpke, Huntington Station); From: Mace Colodny for The Shack (46 Gerard Street, Huntington);
From: Benedicto Hernandez for to be determined (1541 New York Avenue, 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: Stephen Griffin for Huntington Hilton Hotel; From: Nader Gebrin for Bravo Nader;
Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
3. Letter received from Tom Hogan, of the Cold Spring Harbor Business Improvement Association, LTD., enclosed was a copy of the 2014 budget.
cc: Comptroller
4. Letters received from Andrew Freleng, Chief Planner for Suffolk County, regarding A)Town of Huntington Resolution 2013-303 (Chapter 198-Zoning) and B) Zone Change 2013-ZM-394 (Sunny Pond Farm, LLC). The Commission has decided that both items are matters for local determination; which should not be construed as either an approval or disapproval.
Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
5. Letter received from Sharon Whelan, District Clerk for Harborfields Central School District, included was an updated list of officials for the 2013-2014 school year.
Supervisor
Town Board
cc: Town Attorney
6. Hand-delivered letter received from Dr. Bonnie Sager regarding the use of leaf blowers on residential properties. Dr. Sager indicates leaf blowers should be regulated due to health hazards, noise pollution and negative environmental impact. Attached were:
1) Copy of a letter from Mount Sinai Children’s Environmental Health Center to the Eastchester Town Board members.2) Copy of an article from Newsday “Suffolk County gets ‘F’ for air quality”. 3) Proposed Arizona Leaf Blower Bill HB2109. 4) Copy of the letter from the Village of Sleepy Hollow Environmental Advisory Council to the Mayor and Trustees of the Village.
Supervisor
Town Board
Town Attorney
cc: Public Safety
7. Letter received from Constance Beatty regarding the HART bus H-10. Ms. Beatty does not want the bus route to be eliminated.
Supervisor
Town Board
Town Attorney
cc: Traffic & Transportation

8. Letter received from Kerri O'Brien, Deputy Commissioner for the New York State Division of Alcohol Control regarding a Notice of Public Hearing to be held on 8/8/2013 at 11:00 am at 317 Lenox Avenue – 4th Floor, NY, NY. The hearing is for the establishment known as The Crooked Rail located at 61 Larkfield Road, East Northport. The proposed premises is located within a 500 foot radius of at least 3 other licensed and operating on-premises liquor establishments.
- Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
9. Letter received from Nancy Magno, District Treasurer for the Dix Hills Fire District, enclosed was letter from Commissioner Lawrence Feld, Auditor' Management letter with memorandum and a copy of the financial statement for the period ending 12/31/2013.
- cc: File
10. Emails received from Lou Caruso regarding the condition of the property located at 26 Ambrose Lane, Northport. He is appealing to the Town to take action against the owner. Pictures were included.
- Supervisor
Town Board
cc: Town Attorney
11. Letters received from Andrew Freleng, Chief Planner for Suffolk County Department of Economic Development and Planning, regarding Town of Huntington resolutions 2013-BT3 and 2013- BT 4. The Commission is considering both resolutions to be matters of local determination, which should not be construed as either an approval or disapproval.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
12. Letter received from Edward Flynn, District Treasurer for the Melville Fire District, enclosed was a financial statement and Independent CPA Auditors' Report for the year ending 2012.
- cc: File
13. Email received from Elissa Iannicello, Treasurer for the Incorporated Village of Northport, included was a copy of the 2013/2014 Adopted Budget.
- cc: File
14. Email received from Bill Kiley, attached was a letter requesting that Eighth Avenue in East Northport be co-named Lieutenant Commander Francis Minnock Avenue.
- Supervisor
Town Board
Town Attorney
cc: Human Services
15. Letter received from Denise Rossi, Financial Secretary for the Commack Volunteer Ambulance Corps, attached was a copy of the approved budget for 2014.
- cc: Comptroller
16. Memo received from Gail Devol, Village Administrator for Huntington Bay, regarding a Board of Trustee Public Hearing to be held on August 12, 2013 at 7:30 PM at the Huntington Yacht Club for property located at 192 East Shore Road – site plan review is required to grade and erect four retaining walls- steep slope permit required.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
17. Email to the Supervisor and Councilmembers, forwarded to the Town Clerk's Office by Councilman Cook. Email is from Tom DiGiacomo regarding the light at the intersection of Park Avenue and Fifth. The writer indicates there is a need for two lights.
- Supervisor
Town Board
Town Attorney
Engineering Services
Planning & Environment
cc: Traffic & Transportation

18. Copy of a Public Notice received from Gail Devol, Village Administrator for Huntington Bay, regarding a Board of Trustee Public Hearing to be held on August 12, 2013, at 7:30 PM at the Huntington Yacht Club, for property located at 150 Bay Avenue and 162 Bay Avenue for final lot line modification approval. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
19. Memo received from Gail Devol, Village Administrator for Huntington Bay, regarding a Zoning Board Public Hearing to be held on August 15, 2013 at 7:30 PM at Village Hall regarding property at 356 Bay Avenue – Preservation District D1 – approval needed for floor area, lot coverage, front yard , 2nd front yard and front yard structures. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
20. Letter received via email and Federal Express from John J. Cooney on behalf of the Northport American Legion Post 694 and Bruce Brenner, Commander of Veterans of Foreign Wars, Post 1469 regarding issues with the Cow Harbor Warriors. Supervisor
Town Board
Town Attorney
cc: Parks & Recreation
21. Letter from Mary Graf, Secretary for the Huntington Station Business Improvement District, attached was the budget for 2014. cc: Comptroller

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RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE RECONSTRUCTION OF WOODBINE MARINA, WOODBINE AVENUE, INCORPORATED VILLAGE OF NORTHPORT, NEW YORK WITH TERRY CONTRACTING & MATERIALS, INC.

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, work under this Capital Project includes but is not limited to the complete removal and demolition of all existing waterside marina amenities including timber piles, floating timber docks, timber wave baffle wall, water & electrical utilities, and sanitary pump-out facilities. Subsequent to removal of the aforementioned items a portion of the Woodbine Marina located in Northport Harbor is to be dredged and spoil material handled in accordance with the Contract Plans and Specifications. New amenities to be installed include steel and timber piles, floating prefabricated concrete docks, water and electrical utilities, and sanitary pump-out facilities; and

WHEREAS, sealed bids were received on July 25, 2013, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the reconstruction of Woodbine Marina, Woodbine Avenue, Incorporated Village of Northport, New York, Contract No. MS 2013-01/O-E and the same were opened publicly and read aloud; and

WHEREAS, Terry Contracting & Materials, Inc., 1146 Osborn Avenue, Riverhead, New York 11901 is the lowest responsive, responsible bidder; and

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

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

WHEREAS, the Town Board considered an environmental assessment form for an unlisted action to construct Woodbine Marina improvements by resolutions #2011-180 and #2011-185 and for design and reconstruction and issued a Negative Declaration by resolution #2011-220 on May 3, 2011.

NOW, THEREFORE

THE TOWN BOARD

2013-364

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Terry Contracting & Materials, Inc. for the reconstruction of Woodbine Marina, Woodbine Avenue, Incorporated Village of Northport. New York. The contract period shall be effective upon the execution of the contract for a one (1) year period, for an amount not to exceed the sum of ONE MILLION SEVEN HUNDRED FIFTY EIGHT THOUSAND ONE HUNDRED FORTY FIVE AND NO/100 (\$1,758,145.00) DOLLARS, to be charged to MS5720-2103, and upon such other terms and conditions as may be acceptable to the Town Attorney.

FURTHER BE IT RESOLVED, the Comptroller to appropriate \$258,145 from the Parks & Recreation Capital Improvement Reserve for the purpose of funding the reconstruction of the Woodbine Marina.

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 A CONTRACT FOR THE PROVISION OF PROFESSIONAL ICE SKATING INSTRUCTION AT THE DIX HILLS PARK ICE RINK

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington Department of Parks and Recreation offers professional ice skating lessons and hockey instruction at the Dix Hills Ice Rink; and

WHEREAS, services by professional ice skating instructors are currently being utilized to provide such lessons and at this time the Town requires an additional instructor; and

WHEREAS, funds for such professional services will be offset by revenue generated by these services; and

WHEREAS, the execution of an agreement with an Ice Skating Professional is not an action as defined by to 6 N.Y.C.R.R. §617.2(b) and therefore, no SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract with Ken Hoey, 326 Oakwood Road, Huntington Station, New York 11746 to conduct ice skating and hockey instructional skating lessons at the Dix Hills Ice Rink for the period August 10, 2013 through December 31, 2013; and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN AN AGREEMENT WITH 511NYRIDESHARE FOR THE TOWN OF HUNTINGTON TO PARTICIPATE IN THE CARPOOL CHALLENGE 2013

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, 511NYRideshare is part of the 511NY traffic system, a public benefit service sponsored by the New York State Department of Transportation to build smarter, multimodal transportation network; and

WHEREAS, participation in the 511NYRideshare Carpool Challenge 2013 this fall (September –November) would invite Town officials and employees to reassess their daily work commute and switch as often as possible from single-occupancy vehicle travel to carpooling and other forms of alternative transportation such as mass transit, bicycling or walking; and

WHEREAS, the Town Board supports 511NYRideshare’s effort to reduce the number of single-occupancy vehicle commutes among Town employees as a way to save money, reduce traffic and parking congestion, cut fossil fuel use, improve air quality and reduce the Town’s carbon footprint; and

WHEREAS, participation in the 511NYRideshare Challenge is not an action as defined in 6 NYCRR 617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to sign an agreement with 511NYRideshare, 35 Pinelawn Road (Suite 216E), Melville, NY 11747, for the Town of Huntington to participate in the Carpool Challenge 2013 from September through November in compliance with the rules and regulations of the Carpool Challenge 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 AGREEMENT WITH HOLZMACHER, MCLENDON & MURRELL, P.C. TO PROVIDE ENGINEERING SERVICES FOR THE INSTALLATION OF WATER MAINS AND APPURTENANCES ON SENECA COURT, DIX HILLS, FOR THE DIX HILLS WATER DISTRICT

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by **COUNCILMAN MAYOKA**

WHEREAS, the project will eliminate two dead-end water mains in the Dix Hills Water District and upgrade the water system by installing approximately 250 feet of water main

WHEREAS, the elimination of two dead-end water mains will increase fire flow and improve the water quality by creating a looped water main; and

WHEREAS, H2M Group has submitted a project evaluation and proposal for engineering services to include: field survey, design & bidding services, contract administration, construction observation, and map updates & valve sketches; and

WHEREAS, pursuant to SEQRA, 6NYCRR, §617.5(c)(20), engineering design and administration services is a Type II action and, therefore, no further review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor 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 installation of water main and appurtenances for the Dix Hills Water District; for an amount not to exceed the sum of NINE THOUSAND AND NINE HUNDRED AND NO/100 (\$9,900.00) DOLLARS, to be charged to Capital Budget Item No. EG8397-2778-DV319 and EG8397-2778-FB302, upon such terms and conditions 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 AMENDMENT WITH DESMAN ASSOCIATES FOR SERVICES RELATED TO THE REPAIR AND REHABILITATION OF THE HUNTINGTON STATION LIRR SOUTH PARKING GARAGE

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by **COUNCILMAN COOK**

WHEREAS, the construction time for the rehabilitation of the LIRR Huntington Station South Parking Garage has been extended due to several contributing factors including, but not limited to; cold weather conditions this past winter and structural slab damages beyond originally anticipated; and

WHEREAS, the original six (6) month estimated construction period for the rehabilitation of the LIRR Huntington Station South Parking Garage will last ten (10) months; and

WHEREAS, Desman Associates has requested a contract increase of \$11,800 to their original authorization of \$77,500 (TB Resolution 2009-508) for services related to the rehabilitation of the LIRR Huntington Station South Parking Garage which is acceptable to the department of Engineering Services; and

WHEREAS, pursuant to SEQRA, 6NYCRR, §617.5(c)(20), engineering administration services is a Type II action and, therefore, no further review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an amendment to the agreement with Desman Associates, 49 West 37th Street, 5th Floor, New York, New York 10018, for engineering services related to the repair and rehabilitation of the LIRR Huntington Station South Parking Garage increasing the contract by ELEVEN THOUSAND EIGHT HUNDRED AND NO/100 (\$11,800.00) to be charged to Capital Budget Item No. EG5997-2102-FB503, upon such terms and conditions 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 AGREEMENT FOR THE USE OF THE PROPERTY LOCATED ON THE N/E CORNER OF BROADHOLLOW ROAD (ROUTE 110) AND PINELAWN ROAD (CR 3) FOR USE FOR FALL FESTIVAL DAYTIME PARKING UNDER TERMS AND CONDITIONS ACCEPTABLE TO THE TOWN ATTORNEY

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, by Resolution 2008-571 the Town Board first resolved to temporarily waive the Covenants and Restrictions upon the R-40 five acre portion of the split-zone parcel designated on the Suffolk County Tax Map as parcel number 0400- 257-03-009.005 also known as the BDG 115 Land LLC parcel, subject to conditions to minimize any impact of parking upon the abutting residential neighbors; and

WHEREAS, since 2008, the temporary yearly waiver of said Covenants and Restrictions, subject to conditions minimizing the impact of parking on the abutting residential neighbors, has yielded no complaints from either the Villages at Huntington Homeowners Association or the abutting residential neighbors for the Schmitts' Fall Festival held each year for fourteen days of September and the entire month of October during daytime hours; and

WHEREAS, in 2012 via Town Board Resolution 2012-372 of August 14, 2012, the Town Board recognized that a request to permanently modify the same Covenants and Restrictions was pending and remains pending at this time; and

WHEREAS, said modification of the Covenants and Restrictions is now close to being submitted to the Town Clerk and Town Board in order to allow for the permanent modification to the Covenants and Restrictions to allow for temporary yearly parking for the Schmitts' Farm Fall Festival; and

WHEREAS, in order to extend the terms of the prior temporary waivers of the Covenants and Restrictions to apply to the use of the BDG 115 Land, LLC parcel in conjunction with the 2013 Schmitts' Farm Fall Festival, the Town Board desires to authorize the execution of an agreement between BDG 115 Land, LLC, Schmitts' Farm and the Villages at Huntington HOA; and

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

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

NOW THEREFORE BE IT

RESOLVED that the Town Board

HEREBY AUTHORIZES the Supervisor to execute an agreement with the owners/operators of the Schmitts' Farm and the property owners of the parcel identified on the Suffolk County Tax Map as number 0400- 257-03-009.005, temporarily waiving the Covenants and Restrictions upon the R-40 portion of the property to be used for daytime parking for the 2013 Schmitts' Farm Fall Festival and setting forth mandatory conditions designed to mitigate any effects of permitting parking on the R-40 portion of the covenanted property upon residents/property owners abutting the property; and

BE IT FURTHER RESOLVED that the terms of the agreement temporarily waiving the Covenants and Restrictions must be agreed to by the Town Attorney and signed by the attorneys for BDG 115 Land, LLC, The Villages at Huntington Homeowners Association and Schmitts' Farm prior to its execution by the Supervisor; and

BE IT FURTHER RESOLVED that the temporary waiving of the Covenants and Restrictions upon the R-40 portion of the parcel identified as 0400- 257-03-009.005 shall be strictly limited to the use for the 2013 Schmitts' Farm Fall Festival and is not to be construed to create any future legal rights or establish any precedent for such use in the future.

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
Councilwoman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH INDUSTRIAL AND UTILITY VALUATION CONSULTANTS, INC, RE: REVIEW AND ANALYZATION OF THE 2013 EQUALIZATION AND RESIDENTIAL ASSESSMENT RATES FOR THE TOWN OF HUNTINGTON AND SPECIAL SEGMENTATION RATES FOR THE COLD SPRING HARBOR SCHOOL DISTRICT

Resolution for Town Board Meeting Dated: August 13, 2013

The following resolution was offered by: Councilman Mayoka

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the New York State Office of Real Property Tax Services (ORPTS), a Division of the New York State Department of Taxation and Finance, annually establishes Equalization and Residential Assessment Rates for the Town of Huntington, as well as Special Segment Rate for the Cold Spring Harbor School District; and

WHEREAS, there are numerous functions specific to the Town of Huntington's "Equalization and Residential Assessment Rates", including among others: the defense of the residential tax base in Small Claim Assessment Review (SCAR) proceedings and the commercial tax base in certiorari proceedings; the amount of County police property taxation that is apportioned into Huntington in comparison to the other four Western Towns of Suffolk County; the amount of County property taxation that is apportioned into Huntington in comparison to the other nine Towns of Suffolk County; the amount of Basic & Enhanced STAR School tax savings to our resident property tax payers; and the amount of property tax savings for Veterans; and

WHEREAS, the "Special Segment Rates" apportions the annual tax levy of Cold Spring Harbor School District into the Towns of Huntington and Oyster Bay; and

WHEREAS, the Town continues to desire to: strengthen our SCAR and tax certiorari defense; decrease the amount of Suffolk County and County Police property taxation that is apportioned into Huntington; increase the amount of Basic & Enhanced STAR school tax savings our resident property taxpayers receive; increase the property tax savings that thousands of our Veterans receive; decrease the amount of Cold Spring Harbor School property taxes that are apportioned into Huntington; among other benefits to the Town of Huntington; and

WHEREAS, pursuant to Town Board Resolution No. 2010-615, dated December 14, 2010, INDUSTRIAL & UTILITY VALUATION CONSULTANTS, INC. was retained to represent the Town in discussions, review and negotiations with ORPTS in order to be in an advantageous position in critiquing & challenging the equalization and residential assessment rates and special segment rates for the 2011/12 property tax year (December 1, 2011 to November 30, 2012);

WHEREAS, INDUSTRIAL & UTILITY VALUATION CONSULTANTS, INC. has agreed to continue furnishing these ongoing services for the 2013-14 real property tax year (December 1, 2013 to November 30, 2014) at the same rate; and

WHEREAS, retention of an outside consultant to assist the Town in the negotiations concerning the New York State Equalization and Special Segment Rates is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board hereby authorizes the Supervisor to execute an extension to the retention agreement with INDUSTRIAL & UTILITY VALUATION CONSULTANTS, INC., located at 111 Washington Avenue, Suite 304, Albany, New York 12210 to provide expert services in the areas of Equalization, Residential and Special Segment Rate challenges and other Real Property Tax Law representation set forth in the Scope of Services to be appended to and made a part of the agreement authorized by this resolution, at a rate of \$250.00 per hour in an amount not to exceed FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, to be charges to the 2013 and 2014 Operating Budgets A1355-4550 (Outside Professional), and upon such other terms and conditions as may be acceptable to the Office of the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH THE EAST NORTHPORT CHAMBER OF COMMERCE FOR THE USE OF JOHN WALSH PARK FOR ITS ANNUAL FESTIVAL AND FURTHER GRANTING PERMISSION FOR A SIDEWALK SALES EVENT

Resolution for Town Board Meeting Dated: August 13, 2013

The following resolution was offered by: Supervisor Petrone
Councilman Cuthbertson

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

WHEREAS, the East Northport Chamber of Commerce will be holding its annual festival and sidewalk sales event from Friday, September 6, 2013 through Sunday, September 8, 2013; and

WHEREAS, the East Northport Chamber of Commerce has requested permission from the Town of Huntington to utilize the Town of Huntington John Walsh Park for such festival from September 3, 2013 through September 8, 2013, and to have a sidewalk sales event along Larkfield Road between Brightside and Pulaski Roads from September 6, 2013 through September 8, 2013; and

WHEREAS, such permission to utilize said property is contingent upon the execution of a license agreement, which includes provisions requiring the East Northport Chamber of Commerce to hold harmless and indemnify the Town of Huntington; the issuance, by the Town Clerk, of a permit pursuant to Chapter 91 of the Huntington Town Code (Carnivals, Circuses, Fairs and Amusement Events); the issuance, by the Department of Parks and Recreation of any and all required permits; the issuance, by the Town of Huntington Highway Department, of any and all required permits; and the issuance of all required approvals and/or permits from any other Town department and/or other agency having jurisdiction; and

WHEREAS, the execution of a license agreement for this purpose constitutes a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c)(15), (20), (27) and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD,

HEREBY AUTHORIZES the Supervisor to execute a license agreement with the East Northport Chamber of Commerce, 24 Larkfield Road, East Northport, New York 11731, to utilize the Town of Huntington John Walsh Park for its annual Festival from 9:00 a.m. on September 3, 2013 through 6:00 p.m. on September 8, 2013, and further grants permission for its Sidewalk Sale Event from 6:00 p.m. until 11:00 p.m. on Friday, September 6, 2013; from 11:00 a.m. until 11:00 p.m. on Saturday, September 7, 2013;

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and from 11:00 a.m. until 6:00 p.m. on Sunday, September 8, 2013. Such authorization and permission is subject to: 1) the execution of a license agreement which includes provisions requiring the East Northport Chamber of Commerce to hold harmless and indemnify the Town of Huntington; 2) appropriate insurance documents in a form satisfactory to the Town Attorney; 3) the issuance, by the Huntington Town Clerk, of a permit pursuant to Chapter 91 of the Huntington Town Code (Carnivals, Circuses, Fairs and Amusement Events); 4) the issuance, by the Department of Parks and Recreation of any and all required permits; 5) the issuance, by the Town of Huntington Highway Department, of any and all required permits; and 6) the issuance of all required approvals and/or permits from any other Town department and/or other agency having jurisdiction and on such other terms and conditions as may be acceptable to the Town Attorney; and

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

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by **COUNCILMAN COOK**

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

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

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

NOW THEREFORE,

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to extend the agreement with the Commissioner of Transportation of the State of New York agreement commencing July 1, 1987 for the 2013/2014 season for the performance by the Town of Huntington of removing snow and ice, if ordered by the State, from State highways within the boundaries of the Town of Huntington for the period July 1, 2013 through June 30, 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 SUPERVISOR TO EXECUTE AN EXTENSION OF THE AGREEMENT WITH COMMUNITY DEVELOPMENT CORPORATION OF LONG ISLAND ("CDCLI") FOR THE GREEN JOBS GREEN NEW YORK ("GJGNY") BETTER BUILDINGS ENERGY EFFICIENCY AUDIT AND RETROFIT PROGRAM

Resolution for Town Board Meeting Dated: August 13, 2013

The following resolution was offered by: Councilman Cuthbertson

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

WHEREAS, CDCLI administers a federal grant for the New York State Energy Research & Development Authority ("NYSERDA ") for outreach and marketing on Long Island for GJGNY/Better Buildings Home Performance with Energy Star program (HPw/ES) offering energy efficiency services for homes, small businesses and not-for-profits; and

WHEREAS, the Town, as LI Green Homes Consortium member, has an existing agreement with CDCLI for GJGNY/Better Buildings marketing and outreach and accepts funding from CDCLI for said purpose as authorized by Town Board resolution (2011-17) and amendments (2012-173); and

WHEREAS, the Town wishes to extend its aforesaid agreement with CDCLI to coincide with the extension of the contract period between CDCLI and NYSERDA that covers this any future extension of said contract for the GJGNY/Better Buildings; and

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

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension of the agreement with Community Development Corporation of Long Island, located at 2100 Middle Country Road (Suite 300) Centereach, NY 11720 for the Green Jobs Green New York/Better Buildings HPw/ES Energy Efficiency Audit and Retrofit Program to coincide with the extension of CDCLI's contract with NYSERDA for the program as previously authorized by Town Board resolutions 2011-17 and 2012-173, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF TURN BACK THE CLOCK DAY AND SPECIAL FEES AT THE TOWN OF HUNTINGTON DIX HILLS PARK ON AUGUST 17, 2013, ACCEPTING DONATIONS FROM CO-SPONSORS OF THE EVENT, AND FURTHER AUTHORIZING THE SUPERVISOR TO EXECUTE VARIOUS AGREEMENTS, NUNC PRO TUNC, IN CONJUNCTION WITH SAME

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, to raise awareness of the Town of Huntington's extensive park system and to celebrate all the Town has to offer its residents through the Department of Parks and Recreation, the Town will sponsor a "Turn Back the Clock Day" on Saturday, August 17, 2013 at the Dix Hills Park; and

WHEREAS, as part of the celebration, the Town wishes to establish special fees at the Dix Hills Golf Course, Pool and Ice Rink reflective of the fees charged when the facilities first opened to the public decades ago; and

WHEREAS, Bethpage Federal Credit Union, Haberstadt BMW and Haven Pools would like to co-sponsor the celebration and have generously donated funds to help defray event costs; and

WHEREAS, the Turn Back the Clock Day celebration requires that the Town enter into Agreements with Jump and Jam Long Island (Inflatables, Slides, Carnival Games) in the amount of SIX THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$6,200.00); and Sweet Hills Riding Center (Pony Rides) in the amount of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00); and

WHEREAS, the establishment of Turn Back the Clock Day and special fees at Dix Hills Park, accepting donations and executing contracts for such event are not an action as defined by 6 N.Y.C.R.R. 617.2(b) and therefore no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the establishment of Turn Back the Clock Day at Dix Hills Park on August 17, 2013 and the following special fees: \$2.00 per person to play one round of golf at the Dix Hills Golf Course; \$.50 per person to enter the Dix Hills Pool; and \$.50 per person to skate at the Dix Hills Ice Rink; and

HEREBY ACCEPTS the following donations from co-sponsors of the event to help defray event costs and thanks them for their generosity: Bethpage Federal Credit Union, FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00); Haberstadt BMW, ONE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$1,500.00); and Haven Pools, ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00), to be deposited in A-2705; and

HEREBY FURTHER AUTHORIZES the Supervisor to execute Agreements, nunc pro tunc, with Jump and Jam Long Island, 297 Starke Ave., East Meadow, NY 11554 (Inflatables, Slides, Carnival Games) in the amount of SIX THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$6,200.00); and Sweet Hills Riding Center, Sweet Hollow Road, Melville, NY 11747 (Pony Rides) in the amount of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00); to be charged to Operating Budget Line A-7115-4190; and on such other terms and conditions as may be acceptable to the Town Attorney; and

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
Councilwoman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-375

RESOLUTION AUTHORIZING THE SUPERVISOR TO ACCEPT A DONATION FROM THE JUNIOR WELFARE LEAGUE OF HUNTINGTON TO THE DEPARTMENT OF PARKS AND RECREATION FOR VARIOUS 2013 SUMMER PROGRAMS

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Junior Welfare league of Huntington, P.O. Box 107 Huntington, New York 11743 has made a donation in the amount of FIVE THOUSAND AND SEVEN HUNDRED AND FIFTY DOLLARS (\$5,750) to the Department of Parks and Recreation for various Town summer programs in 2013; and

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

WHEREAS, the acceptance of this donation is not an action under SEQRA as defined by 6 NYCRR section 671.5 (c) (20) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY ACCEPTS a donation from the Junior Welfare League of Huntington in the amount of \$5,750 to be deposited as follows: \$660 into Revenue Account A2001; \$240 into Revenue Account A2006; \$4,480 into Revenue Account A2008; \$370 into Revenue Account A2007, and thanks them for their generosity.

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 - 376

RESOLUTION AUTHORIZING ENERGY EQUALIZATION REIMBURSEMENT
FOR HANDICAP ENFORCEMENT PROGRAM VOLUNTEERS

Resolution for Town Board Meeting Dated: August 13, 2013

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

And seconded by: **COUNCILMAN MAYOKA**

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

WHEREAS, pursuant to the Uniform Traffic Code of the Town of Huntington, there exists Handicapped Enforcement Program (HEP) comprised of volunteers appointed by the Town Board to assist the Town in the enforcement of handicap and fire zone parking violations by providing photographs of vehicles violating said parking regulations;

WHEREAS, the Uniform Traffic Code of the Town of Huntington provides for reimbursement of HEP volunteers for fuel costs, which can be adjusted periodically as necessary, at the pleasure of the Town Board; and

WHEREAS, Town Board Resolution 2006-369 authorized an energy equalization reimbursement in the amount of \$3.00 for each accepted photograph of a handicap or fire zone violation resulting in conviction, in order to offset the cost of gasoline expenses incurred by said HEP volunteers; and

WHEREAS, due to the increase in gas prices, the Town Board is desirous of reimbursing the HEP volunteers accordingly by increasing the reimbursement amount from \$3.00 to \$5.00 for each accepted photograph of a handicap or fire zone violation resulting in conviction; and

WHEREAS, the reimbursement of HEP volunteers for fuel costs is not an action as defined by 6 N.Y.C.R.R. § 617.2(b), and therefore no SEQRA review is required.

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

THE TOWN BOARD

HEREBY AUTHORIZES reimbursement to HEP volunteers in the amount of FIVE AND NO/100 DOLLARS for each accepted photograph of a handicap or fire zone violation resulting in conviction, to offset the cost of gasoline expenses incurred by said HEP volunteers within the Town to Huntington to be charged to Operating Budget A6010-4480.

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VOTE: AYES:5 NOES:0 ABSTENTIONS: 0

Supervisors 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 FAILS NO SECOND

2013-379

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO RETAIN THE SERVICES OF CUTI HECKER WANG LLP, AS SPECIAL OUTSIDE COUNSEL

Resolution for Town Board Meeting dated: August 13, 2013

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

and seconded by:

WHEREAS, in connection with its representation in the matter of LaVertu vs. Town of Huntington the Town's interests will be best served by the retention of a law firm with a special expertise in the field of First Amendment and federal court civil rights litigation; and

WHEREAS, requests for proposals have been sought by the Town Attorney and a number of responses have been received; and

WHEREAS, the Law Firm of Cuti Hecker Wang LLP, 305 Broadway, Suite 607, New York, NY 10007, is well experienced in federal litigation. Specifically, the firm has handled First Amendment retaliation cases; and

WHEREAS, Cuti Hecker Wang LLP has vast experience in First Amendment and federal court civil rights litigation and has agreed to handle the Town's litigation at an hourly rate which is competitive with other offers received by the Town; and

WHEREAS, the Town of Huntington Town Attorney has indicated that the use of such expert services is necessary in defense of this matter; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Town Attorney to retain the expert services of:

Cuti Hecker Wang LLP
305 Broadway, Suite 607
New York, NY 10007
(212) 620-2601

as outside legal counsel to assist the Town Attorney in the defense of the matter LaVertu vs. Town of Huntington at an hourly rate of TWO HUNDRED SEVENTY-FIVE AND NO CENTS (\$275.00) for lead counsel and TWO HUNDRED AND NO CENTS (\$200.00) for associate to be charged to Operating Budget Line A-1420-4551 (Outside

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: August 13, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

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

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

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendments to the 2013 Operating Budget as follows:

Create the following position:

A-6772-1100	Sr. Citizen Aide II	\$23,293
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Reinstate the following position:

DB-5110-1100	Automotive Equipment Operator	\$13,218
DB-5110-1100	Automotive Equipment Operator	13,218

Abolish the following position:

A-6772-1100	Sr. Citizen Aide I	(\$17,941)
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Adjust the following Appropriations:

A-1990-1100	Contingency	(\$5,352)
DB-1990-1100	Contingency	(26,436)

2013-380

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.

2013-381

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

Resolution for Town Board Meeting Dated: August 13, 2013

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

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

WHEREAS, the Highway Department has received additional funding from the State of New York Department of Transportation for the Consolidated Local Street and Highway Improvement Program; and

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

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to amend the 2013 Operating Budget as follows:

Increase the following appropriation:

DB5112-2000	CHIPS	\$362,669.78
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Increase the following revenue:

DB3501-3501	State Aid CHIPS	\$362,669.78
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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 & CAPITAL BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS

Resolution for Town Board Meeting Dated: August 13, 2013

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, Hurricane Sandy uprooted many trees resulting in the damage and destruction of concrete curbs and sidewalks in Town Right of Way throughout all areas of Town, and

WHEREAS, The Town of Huntington Highway Department has been performing required replacement and repair of these damaged curbs and sidewalks with existing capital funding, and in order to continue with work, requires an advance of additional funding, and

WHEREAS, reimbursement from FEMA for the expenses associated with the repair and installation of curbs and sidewalks damaged as a result of Hurricane Sandy has been confirmed, and such FEMA reimbursement will be returned to Highway Fund Balance to replenish funds transferred pursuant to this resolution, and

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

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

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to amend the 2013 Operating and Capital Budget as follows:

2013- 382

Increase the following revenue account:

DB0599-0599R Fund Balance \$ 525,000

Increase the following appropriations:

HW5197-2783 Curbs & Sidewalks \$ 525,000

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilwoman 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 – HIGHWAY DEPARTMENT – NUNC PRO TUNC

Resolution for Town Board Meeting Dated: August 13, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, additional funding is required for the purchase of leaf bags, which will be distributed to the residents; and

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

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to amend the 2013 Operating Budget as follows:

Increase the following appropriation:

DB5110-4352	Leaf Bags	\$19,200
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Decrease the following appropriations:

DB5110-4120	Fuel for Vehicles & Equipment	\$10,000
DB5130-4520	Vehicle Repairs, Supplies	5,200
DB5130-2400	Communication Equipment	4,000

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.

2013-384

RESOLUTION AUTHORIZING THE COMPTROLLER TO APPROPRIATE FUNDS FROM THE GENERAL RESERVE FOR THE PURPOSE OF FUNDING CAPITAL PROJECTS IN LIEU OF BONDING – DEPARTMENT OF GENERAL SERVICES

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by: **COUNCILMAN COOK**

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

WHEREAS, the Town Board approved appropriated funds to be set aside for the purposes of General Reserve in accordance with Section 6-c of General Municipal Law; and

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

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

WHEREAS, the Town's Fuel Management System was installed in July 2000 and is outdated and not functioning properly and must be replaced;

WHEREAS, an analysis of different systems has determined that it is cost beneficial to the Town to purchase an upgrade to our existing system, that will utilize current technology; and

WHEREAS, the equipment will be purchased from Automotive Computers & Equipment, Inc. under a Nassau County contract; and

WHEREAS, the General Services' facilities located at Boxer Court & Pulaski Road as well as HART Bus on 2nd Street will receive the upgrades; and

WHEREAS, the funding of the fuel management system in lieu of bonding and amending the capital budget is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(1) and therefore no further SEQRA review is required.

NOW, THEREFORE

2013- 384

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to amend the 2013 Capital Budget as follows:

Reserves to be appropriated:

A-0889 General Reserve \$ 56,250

Increase the following appropriations:

GS1997-2210 Fuel Management System \$ 56,250

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-385

RESOLUTION AUTHORIZING THE COMPTROLLER TO APPROPRIATE FUNDS FROM THE GENERAL RESERVE AND PART TOWN RESERVE FOR THE PURPOSE OF FUNDING VARIOUS CAPITAL PROJECTS IN LIEU OF BONDING – DEPARTMENT OF TRAFFIC & TRANSPORTATION

Resolution for Town Board Meeting Dated: August 13, 2013

The following resolution was offered by: Supervisor Petrone
Councilwoman Berland

and seconded by: **COUNCILMAN MAYOKA**

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

WHEREAS, the Town Board approved appropriated funds to be set aside for the purposes of General Reserve Fund and Part Town Reserve in accordance with Section 6-c of General Municipal Law; and

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

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

WHEREAS, the Suffolk County Department of Health requires a tank liner to be installed for the water reclamation system located at the Hart Bus facility; and

WHEREAS, the Traffic Safety Division conducted a traffic study on Wolf Hill Road at the request of school officials and residents concerned with high vehicle speeds in the vicinity of Birchwood Intermediate School; and

WHEREAS, the Traffic Safety Division has recommended the installation of a Rapid Flashing Pedestrian Signal, curb bulb outs and traffic calming improvements; and

WHEREAS, the funding of these capital projects in lieu of bonding and amending the operating budget 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

2013- 385

HEREBY AUTHORIZES the Comptroller to amend the 2013 Capital Budget as follows:

Reserves to be appropriated:

A-0889	General Reserve	\$ 19,000
B-0889	Part Town Reserve	\$ 34,500

Increase the following appropriations:

TT5410-2783-RS301	Curbs & Sidewalks	\$ 34,500
TT5797-2103	Tank Liner	\$ 19,000

VOTE: AYES: 5 NOES: 0 ABSTENTIONS:0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-386

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: August 13, 2013

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

And seconded by: **SUPERVISOR PETRONE COUNCILMAN COOK**

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

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

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

NOW, THEREFORE, THE TOWN BOARD

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

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

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>
12 Barre Pl. Huntington, NY 11743	0400-214.00-01.00-062.000	Cesar Valverde	07/12/2013	N/A
283 Cook St. Huntington Sta., NY 11746	0400-206.00-02.00-059.000	Christina T. La Placa Dante J. La Placa and Alicia Fannin	07/18/2013	N/A
108 Godfrey Ln. Huntington, NY 11743	0400-212.00-02.00-019.000	William Gibbs, Jr. Denise Gibbs	07/02/2013	N/A
43 Talisman Dr. Dix Hills, NY 11746	0400-262.00-02.00-145.000	Barry Blake Colette Blake	06/25/2013	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
311 W. Jericho Tpke Huntington, NY 11743	0400-192.00-01.00-044.000	Haka Holding LLC	06/10/2013	PO Box 2164 New Hyde Park, NY 11040
313 W. Jericho Tpke Huntington, NY 11743	0400-192.00-01.00-045.000	Haka Holding LLC	06/10/2013	PO Box 2164 New Hyde Park, NY 11040

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>
127 East 3 rd St. Huntington Sta., NY 11746	0400-147.00-05.00-028.000	Sharon Golden	07/25/2013	N/A
119 East 10 th St. Huntington Sta., NY 11746	0400-146.00-03.00-122.000	Alba M. Benitez Jesus Fuentes	06/24/2013	N/A
12 Barre Pl. Huntington, NY 11743	0400-214.00-01.00-062.000	Ceasar Valverde	07/12/2013	N/A
238 Broadway Huntington, NY 11743	0400-166.00-01.00-178.000	Jacob Anteby	07/23/2013	32 Curtis Path East Northport, NY 11731
35 Bunkerhill Rd. Huntington, NY 11743	0400-212.00-01.00-096.000	Wilhelm E. Baldaeus Marianne Baldaeus	06/28/2013	N/A
283 Cook St. Huntington Sta., NY 11746	0400-206.00-02.00-059.000	Christina T. La Placa Dante J. La Placa and Alicia Fannin	07/18/2013	N/A
27 Durham Dr. Dix Hills, NY 11746	0400-262.00-02.00-020.000	Martin J. Slaviv	07/08/2013	N/A
19 Eugene St. Melville, NY 11747	0400-259.00-02.00-056.001	Robert Grein Qual Per Res (Trust) Estate of	07/23/2013	N/A
2 Faith Ct. Dix Hills, NY 11746	0400-273.00-03.00-020.000	Errol Fishon Lisa Fishon	07/08/2013	N/A
670 Ft. Salonga Rd. Northport, NY 11768	0400-055.00-01.00-018.002	807 East End Realty Corp.	04/29/2013	POB 1006 Westhampton Beach, NY 11978

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
108 Godfrey Ln. Huntington, NY 11743	0400-212.00-02.00-019.000	William Gibbs, Jr. Denise Gibbs	07/02/2013	N/A
30 Meadowlark Dr. E. Northport, NY 11731	0400-176.00-02.00-069.000	Ronald Rakin Sandra Rakin	07/03/2013	N/A
196 Melville Rd. Huntington Sta., NY 11746	0400-239.00-04.00-064.000	Gladys Johannah Hopman	06/26/2013	N/A
645 Old Country Rd. Dix Hills, NY 11746	0400-209.00-01.00-059.003	Robert Cattaneo	06/28/2013	N/A
26 Rustic Gate Ln. Dix Hills, NY 11746	0400-277.00-02.00-062.000	James Lovell Judith and Neal Lovell	07/11/2013	N/A
43 Talisman Dr. Dix Hills, NY 11746	0400-262.00-02.00-145.000	Barry Blake Colette Blake	06/25/2013	N/A
7 Todd Ct. Huntington Sta., NY 11746	0400-239.00-02.00-068.000	William R. Belpanno Richard J. Belpanno	04/26/2013	N/A
1001 Walt Whitman Rd. Melville, NY 11747	0400-256.00-02.00-028.001	James F. Mulvey, Jr. Mary Ann Mulvey	07/12/20013	N/A

Chapter 156, Section 39A of the Code of the Town of Huntington
Authorizing the Removal of Junk Vehicles

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
2 Mercer Ave. Dix Hills, NY 11746	0400-282.00-04.00-099.000	Herman R. Ford Thelma N. Ford	07/09/2013	N/A
1001 Walt Whitman Rd. Melville, NY 11747	0400-256.00-02.00-028.001	James F. Mulvey, Jr. Mary Ann Mulvey	07/12/20013	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>
12 Barre Pl. Huntington, NY 11743	0400-214.00-01.00-062.000	Ceasar Valverde	07/12/2013	N/A
10 Byre Pl. Commack, NY 11726	0400-221.00-03.00-092.000	Stanley Cheng	07/03/2013	N/A
174 Continental Ave. East Northport, NY 11731	0400-172.00-02.00-110.000	David Spiegel Teri Orzick-Spiegel	07/08/2013	N/A
283 Cook St. Huntington Sta., NY	0400-206.00-02.00-059.000	Christina T. La Placa Dante J. La Placa and Alicia Fannin	07/18/2013	N/A

Chapter 156, Section 45 of the Code of the Town of Huntington
Authorizing the Removal of Stagnant Water (Continued)

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
2 Faith Ct. Dix Hills, NY 11746	0400-273.00-03.00-020.000	Errol Fishon Lisa Fishon	07/08/2013	N/A
108 Godfrey Ln. Huntington, NY 11743	0400-212.00-02.00-019.000	William Gibbs, Jr. Denise Gibbs	07/02/2013	N/A
18 Lauren Ave. Dix Hills, NY 11746	0400-284.00-03.00-007.000	Peter Horadnitsky (Estate of) Florenc Horadnitsky (Estate of)	06/27/2013	N/A
30 Markwood Ln. East Northport, NY 11731	0400-174.00-01.00-059.000	Thomas Sarullo Mary Sarullo	07/10/2013	N/A
34 Markwood Ln. East Northport, NY 11731	0400-174.00-01.00-061.000	Masood A. Hashmi Munazza Hashmi	07/10/2013	N/A
30 Meadowlark Dr. E. Northport, NY 11731	0400-176.00-02.00-069.000	Ronald Rakin Sandra Rakin	07/03/2013	N/A
43 Talisman Dr. Dix Hills, NY 11746	0400-262.00-02.00-145.000	Barry Blake Colette Blake	06/25/2013	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>
127 East 3rd St. Huntington Sta., NY 11746	0400-147.00-05.00-028.000	Sharon Golden	07/25/2013	N/A
119 East 10th St. Huntington Sta., NY 11746	0400-146.00-03.00-122.000	Alba M. Benitez Jesus Fuentes	06/24/2013	N/A
12 Barre Pl. Huntington, NY 11743	0400-214.00-01.00-062.000	Ceasar Valverde	07/12/2013	N/A
54 Bay Ave. Halesite, NY 11743	0400-033.00-01.00-008.000	Tyler Coneys	06/27/2013	N/A
33 Bennett Ave. Huntington Sta., NY 11746	0400-153.00-02.00-022.000	Douglas J. Amodie Deanna Amodie	06/27/2013	N/A
238 Broadway Huntington, NY 11743	0400-166.00-01.00-178.000	Jacob Anteby	07/23/2013	32 Curtis Path East Northport, NY 11731
35 Bunkerhill Rd. Huntington, NY 11743	0400-212.00-01.00-096.000	Wilhelm E. Baldaeus Marianne Baldaeus	06/28/2013	N/A
283 Cook St. Huntington Sta., NY 11746	0400-206.00-02.00-059.000	Christina T. La Placa Dante J. La Placa and Alicia Fannin	07/18/2013	N/A
27 Durham Dr. Dix Hills, NY 11746	0400-262.00-02.00-020.000	Martin J. Slavín	07/08/2013	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
19 Eugene St. Melville, NY 11747	0400-259.00-02.00-056.001	Robert Grein Qual Per Res (Trust) Estate of	07/23/2013	N/A
2 Faith Ct. Dix Hills, NY 11746	0400-273.00-03.00-020.000	Errol Fishon Lisa Fishon	07/08/2013	N/A
108 Godfrey Ln. Huntington, NY 11743	0400-212.00-02.00-019.000	William Gibbs, Jr. Denise Gibbs	07/02/2013	N/A
8 Howe St. Huntington Sta., NY 11746	0400-150.00-03.00-048.000	William T. Rattazzi Gaetana M. Rattazzi	06/25/2013	N/A
18 Lauren Ave. Dix Hills, NY 11746	0400-284.00-03.00-007.000	Peter Horadnitsky (Estate of) Florenc Horadnitsky (Estate of)	06/27/2013	N/A
30 Lawn St. Greenlawn, NY 11740	0400-166.00-01.00-085.000	Bethesda Wesleyan Church of Huntington, Inc.	06/12/2013	N/A
86 Lowndes Ave. Huntington Sta., NY 11746	0400-094.00-03.00-027.001	Luigi Perri	08/02/2013	390 E. Main St. Centerport, NY 11721 and 2475 New York Ave. Melville, NY 11747

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
30 Meadowlark Dr. E. Northport, NY 11731	0400-176.00-02.00-069.000	Ronald Rakin Sandra Rakin	07/03/2013	N/A
196 Melville Rd. Huntington Sta., NY 11746	0400-239.00-04.00-064.000	Gladys Johannah Hopman	06/26/2013	N/A
2 Mercer Ave. Dix Hills, NY 11746	0400-282.00-04.00-099.000	Herman R. Ford Thelma N. Ford	07/09/2013	N/A
645 Old Country Rd. Dix Hills, NY 11746	0400-209.00-01.00-059.003	Robert Cattaneo	06/28/2013	N/A
2 Olga Ln. Commack, NY 11725	0400-220.00-02.00-158.00	Michael Broglia Philip Broglia	07/19/2013	N/A
266 Pine Acres Blvd. Dix Hills, NY 11746	0400-281.00-02.00-066.001	Dave S. Clarke	06/07/2013	N/A
11 Rainer St. Melville, NY 11747	0400-236.00-01.00-061.004	Peter Demidovich	07/25/2013	N/A
106 E. Rogues Path Huntington Sta., NY 11746	0400-158.00-03.00-001.004	Margaret Peters	06/27/2013	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
26 Rustic Gate Ln. Dix Hills, NY 11746	0400-277.00-02.00-062.000	James Lovell Judith and Neal Lovell	07/11/2013	N/A
43 Talisman Dr. Dix Hills, NY 11746	0400-262.00-02.00-145.000	Barry Blake Colette Blake	06/25/2013	N/A
17A Tasman Ln. Huntington Sta., NY 11746	0400-101.00-01.00-103.000	Michael A. Domino Dorothy J. Domino	06/25/2013	N/A
7 Todd Ct. Huntington Sta., NY 11746	0400-239.00-02.00-068.000	William R. Belpanno Richard J. Belpanno	06/11/2013	N/A
22 Tudor Dr. Northport, NY 11768	0400-003.00-03.00-018.000	Stephen R. Insardi	07/10/2013	N/A
319 Vanderbilt Pkwy Dix Hills, NY 11746	0400-247.00-02.00-041.000	Frederick R. Wolf	07/17/2013	N/A
1001 Walt Whitman Rd. Melville, NY 11747	0400-256.00-02.00-028.001	James F. Mulvey, Jr. Mary Ann Mulvey	07/12/20013	N/A
7 Woody Ln. Northport, NY 11768	0400-053.00-02.00-052.000	Daniel M. Vath Katy Lynn De Sanno	07/02/2013	N/A

Chapter 191, Section 3A of the Code of the Town of Huntington
Authorizing the Securing of an Unsafe Structure

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
127 East 3rd St. Huntington Sta., NY 11746	0400-147.00-05.00-028.000	Sharon Golden	07/25/2013	N/A
119 East 10th St. Huntington Sta., NY 11746	0400-146.00-03.00-122.000	Alba M. Benitez Jesus Fuentes	06/24/2013	N/A
19 Eugene St. Melville, NY 11747	0400-259.00-02.00-056.001	Robert Grein Qual Per Res (Trust) Estate of	07/23/2013	N/A
2 Faith Ct. Dix Hills, NY 11746	0400-273.00-03.00-020.000	Errol Fishon Lisa Fishon	07/29/2013	N/A
108 Godfrey Ln. Huntington, NY 11743	0400-212.00-02.00-019.000	William Gibbs, Jr. Denise Gibbs	07/02/2013	N/A
86 Lowndes Ave. Huntington Sta., NY 11746	0400-094.00-03.00-027.001	Luigi Perri	08/02/2013	390 E. Main St. Centerport, NY 11721 and 2475 New York Ave. Melville, NY 11747
196 Melville Rd. Huntington Sta., NY 11746	0400-239.00-04.00-064.000	Gladys Johannah Hopman	06/26/2013	N/A
43 Talisman Dr. Dix Hills, NY 11746	0400-262.00-02.00-145.000	Barry Blake Colette Blake	06/25/2013	N/A

2013-387

RESOLUTION ADOPTING THE MARINA CONTRACT FOR WINTER WET STORAGE AT TOWN MARINAS

Resolution for Town Board Meeting Dated: August 13, 2013

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

WHEREAS, the marina contract for 2013-14 Winter Wet Storage requires approval; and

WHEREAS, the Harbors and Boating Advisory Council has recommended that winter wet storage fees be increased for the 2013-14 storage season; and

WHEREAS, the fees should be increased to \$16 per foot for residents signing up prior to September 1st, and \$18 per foot thereafter. Non-residents (who can only sign up after September 1st) should also pay \$18 per foot.

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

NOW, THEREFORE

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

HEREBY ADOPTS, the Marina Contract for Winter Wet Storage at Town Marinas for the 2013-14 season, as amended, attached hereto and made 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.

**TOWN OF HUNTINGTON
DEPARTMENT OF MARITIME SERVICES
MARINA CONTRACT FOR WINTER WET STORAGE
PLEASURE BOATS ONLY**

Sign and return along with total due on or before November 1, 2013.
Photocopy will be sent to you when officially countersigned.

MILL DAM

Marina and Berth Number

FOR OFFICE USE ONLY

Check # _____

Visa Master Card Am. Exp. Discover

Amount: \$ _____ Date: _____

Reviewed By: _____

Date: _____

Cashier: _____

Date: _____

Ins Exp Date: _____ Boat Reg. Exp. Date: _____

Fee Per Foot (L.O.A.):

Deposit:

Bal. Due:

Owner's Name:

Home Address:

Business Address:

E-Mail Address:

Home Phone:

Bus. Emerg Cell. Phone:

Builder of Boat:

Type:

Reg. No.:

Marine Toilet

Length Over All:

Beam:

Draft:

H.P.

Name of Boat:

Engines:

Weights issued : Yes No

THIS AGREEMENT between the Town of Huntington, County of Suffolk, State of New York, and _____, as User residing at _____

WITNESSETH: The Town of Huntington, hereby grants to the above named party, only, the right to use of the berth listed above, only for the boat described above, subject to the following conditions: User agrees to carry out and abide by the rules and regulations listed in Schedule "A", "Terms and Conditions", attached hereto and any other reasonable rules and regulations which may be adopted by the Department of Maritime Services from time to time for the comfort and safety of the Marina as a whole. User hereby acknowledges that he/she has read all of the rules and regulations listed in Schedule "A", "Terms and Conditions".

Applicant's Signature

Supervisor/Deputy Supervisor

Date

Date

**TOWN OF HUNTINGTON
DEPARTMENT OF MARITIME SERVICES
MARINA CONTRACT FOR WINTER WET STORAGE
PLEASURE BOATS ONLY**

SCHEDULE A

TERMS AND CONDITIONS

1. The granting of berthing hereunder is from November 15, 2013 to April 1, 2014. It is agreed between the Town and the User that the Town does not warranty nor guarantee the effectiveness of the devices used for such storage. No responsibility is assumed by the Town for injuries to any persons on Marina property, nor for the safety of any vessel in the Marina area, or fire, theft, of damage to vessel or equipment however arising. The Town reserves the right to assume control of any vessel for protection of life and property as deemed necessary by the Department of Maritime Services of the Town of Huntington. The Town of Huntington hereby expressly reserves the exclusive right to assign or reassign a berth other than the berth specified herein. User hereby agrees to abide by same.
2. All boats occupying berths shall comply with the Federal, State, Town and Board of Underwriters regulations. Filling of gas tanks shall not be permitted at any Town Marina. The Department of Maritime Services shall have the exclusive right to determine if a vessel is seaworthy and suitable for winter storage. Users are responsible for winterizing their own boat.
3. Berthing spaces are assigned to the User for a specified boat and are non-transferable. No other boat other than the one under contract may use the assigned berth. User shall be prohibited from subleasing or otherwise renting of berth. No boat occupying a Town Marina berth shall be used for chartering or for commercial purposes. Adequate lines for berthing shall be provided by boat owner and shall be replaced if, in the opinion of the Department of Maritime Services, such lines are inadequate or unsafe. Spring lines shall be a minimum of 3/8 inch nylon or equivalent. The bow and stern lines shall be of sufficient size as to safely berth boat.
4. (a) User warrants that he/she owns the boat and has marine insurance coverage. User shall be responsible for damage that he/she or their boat or equipment may cause to other boats in the Marina or to the structures or facilities thereof. The Town assumes no responsibility for the safety of any vessel in the Marina, while afloat or otherwise, and the Town shall not be liable for fire, flood, abnormal high or low tides, theft, explosion, or water, snow or ice, freezing, wind, vandalism, leakage, sinking, acts of Gods, or other damage to said vessel, its equipment, or any property in or on said vessel, howsoever arising. The User shall save the Town harmless from any such loss or damage and the Town shall be under no obligation to insure the User's boat, equipment or other property against any such loss or damage. No boats shall be stored or left on any float, bulkhead, parking field or in any of the Marina waters except as assigned.
(b) The granting of berthing hereunder is from November 15, 2013 to April 1, 2014. User agrees to secure and maintain liability insurance in the amount of THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00), combined single limit for property damage and bodily injury. Prior to the execution of this agreement, User shall furnish to the Town of Huntington Department of Maritime Services, a certificate of insurance evidencing the aforesaid insurance requirements. It is agreed between the Town and the User that no responsibility is assumed by the Town for injuries to any persons on Marina property, nor for the safety of any boat in the Marina area, or fire, theft, or damage to boat or equipment howsoever arising. The User shall save the Town and the Board of Trustees harmless from any such loss or damage and the Town of Huntington and the Board of Trustees shall be under no obligation to insure the User's boat, equipment or other property against any such loss or damage. The Town reserves the right to assume control of any vessel for protection of life and property as deemed necessary by the Department of Maritime Services of the Town of Huntington. The Town of Huntington hereby expressly reserves the exclusive right to assign or reassign a berth other than the berth specified herein. User hereby agrees to abide by same.
5. (a) No one shall, at anytime during the term hereof, live aboard while the boat is in winter storage.
(b) Water service will not be provided.
(c) Power plug-ins other than for the de-icers, heat tape and emergency lighting situations are strictly forbidden for winter wet storage.
Notification of such emergency must be immediately reported to the Department of Maritime Services.
6. (a) Any boat in the area, which shall become a menace to navigation or unseaworthy or sinks, grounds, or otherwise becomes disabled or incapable of navigation, the determination of which shall be made exclusively by the Town of Huntington, shall be removed or restored to navigable condition by the User herein upon notice by the Town or its designated agent, which notice shall be either by personal service or certified mail addressed to the User's last known address as given by him in this contract. (120.5)*

- (b) If such boat is not removed or restored to navigable condition by the said User within one (1) week after the mailing of said notice, the contract shall terminate without any refund of fee and the Town, or its designated agent, may direct the removal of the boat, and the cost of said removal, including any and all charges as a result thereof, shall attach to, and shall become a lien upon, said boat, and said boat may be sold upon direction of the court at public auction to defray said expenses, with any surplus therefrom being returned to the User of record. The Town shall not be liable for any damage done to said boat during its removal, storage and sale.
- (c) Owners of vessels which are not removed from the Town's marinas by April 1, 2014, except those vessels having a contract with the Town for the same (identical) berth, in the same marina for the immediately following spring-summer season may: 1) be subject to a \$25.00 daily fee after April 1, 2014. 2) have their vessel removed from the marina by the Town, and its designated agent may direct removal of the boat, and the cost of said removal, including any and all charges as a result thereof, shall attach to, and shall become a lien upon, said boat, and said boat may be sold upon direction of the court at a public auction to defray said expenses with any surplus therefrom being returned to the User of record. The Town shall not be liable for any damage done to said boat during its removal, storage and sale; and 3) thereafter, being prohibited from participating in winter storage in future years, as well as from subsequently participating in the Town's spring-summer storage program.
- (d) Notification of such emergency must be immediately reported to the Department of Maritime Services Marine Division at 631 351-3255.
7. The failure of the Town to insist upon a strict performance of any of the terms and conditions herein, shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default of the terms and conditions herein. This instrument may not be changed, modified, or altered orally.
8. Winter storage fees are based upon the length of the boat at a rate set forth by the Town Board. Fees shall be payable on or before November 1, 2013. No refunds.
9. The Town has no duty or obligation to keep the User's boat under surveillance at any time and the failure to maintain a guard or watchman shall not be deemed to constitute negligence on the Town's part. User acknowledges that the Town of Huntington shall not provide any guard or watchman service during the term hereof. Nor shall the employment of such guard and watchman be deemed to create any obligation on the part of the Town for the care and safety of the User's vessel or the equipment thereon.
10. Any violation of this agreement may result in the revocation of berthing privileges and the forfeiture of any fees paid.
11. Users who have their principal residence in the Town of Huntington will have preference over non-residents up to September 1. Afterward, non-residents will be permitted to make application for a Marina Berth. For residents, proof of residency will consist of a New York State Driver's license and a New York State Boat Registration listing their principal residence in the Town of Huntington.
12. (a) The User shall be the owner of a boat which is registered in New York State, which boat shall be the boat described in this contract; or
(b) If the boat is owned jointly, or by a partnership, association or corporation, all owners or members or partners shall be residents of the Town of Huntington.
13. The Town may cancel this agreement at any time for any reason upon five (5) days written notice to the User at the address listed herein.
14. Boat owner warrants that his/her vessel will meet all Federal, State, and Town laws with regards to marine toilet, and complies with all requirements of the NO DISCHARGE ZONE where applicable.

RESOLUTION FAILS NO SECOND

2013-388

RESOLUTION AMENDING THE TOWN OF HUNTINGTON POLICY AND PROCEDURE MANUAL TO INCLUDE A POLICY REGARDING RED LIGHT CAMERA VIOLATIONS INCURRED BY TOWN EMPLOYEES WHILE DRIVING A TOWN VEHICLE

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by:

WHEREAS, the Town Board adopted the Town of Huntington Policy and Procedure Manual on April 12, 2011; and

WHEREAS, Town Board Resolution 2011-193 established a Policy and Procedure Review Committee to recommend to the Town Board new or amended policies; and

WHEREAS, the Policy and Procedure Review Committee recommends the Town Board adopts a Red Light Camera Violations Policy to apply to Town employees while driving Town vehicles to enforce safe driving practices among all Town employees; and

WHEREAS adopting a Town of Huntington policy 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

HEREBY AMENDS the Town of Huntington Policy and Procedure Manual to include a Red Light Camera Violations Policy.

VOTE: AYES: NOES: ABSTENTIONS:

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

THE RESOLUTION **FAILS.**

RED LIGHT CAMERA VIOLATIONS

I. Purpose

The Town of Huntington is committed to ensuring the safety of its employees and the general public. In order to promote safe driving, this policy sets forth the procedure for addressing red light violations incurred by employees while driving a Town vehicle.

II. Policy

Employees who operate a Town owned vehicle for the Town of Huntington are expected to operate that vehicle in a safe manner consistent with all federal, state and local laws and regulations.

III. Procedure

When a vehicle owned by the Town of Huntington is charged with a red light violation, the New York State Department of Motor Vehicle notifies the Department of General Services that a violation has been assessed. Upon receipt of a notice of violation, the Department of General Services will notify the appropriate Department Director that a violation has been received for a vehicle assigned to that Department. The Department Director will identify the driver of the vehicle and impose the appropriate discipline as set forth in this policy.

Permanent, full time employees who are responsible for the red light violation shall be subjected to the following:

First Violation in a 24 month period

Employee will be required to pay the fine and will be issued a written warning which will be placed in their personnel file

Second violation in a 24 month period

Employee will be required to pay the fine and will be suspended without pay for one day. If employees have accrued vacation time, they may forfeit one vacation day in lieu of the suspension

Third Violation in a 24 month period

Employee will be required to pay the fine and will be suspended without pay for two days.

Fourth Violation in a 24 month period

Employee will be terminated pursuant to the terms of the employees' collective bargaining Agreement and/or New York State Civil Service Law, Section 75.

The penalties noted above shall apply to permanent part time employees on a pro-rated basis.

Non-permanent, seasonal and/or summer casual employees who are responsible for red light camera violations will be disciplined at the discretion of the Department Head with consideration to their length of service and overall employment record.

All employees are expected to observe all vehicle traffic safety laws while driving a Town vehicle. While this policy specifically lists the penalties for red light camera violations, employees are advised that a combination of safety and/or policy violations may result in termination of employment prior to the fourth occurrence as indicated above.

2013-389

RESOLUTION APPOINTING A MEMBER OF THE HISTORIC PRESERVATION COMMISSION

Resolution for Town Board Meeting Dated: August 13, 2013

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

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

WHEREAS the Town of Huntington has established the Historic Preservation Commission to advise the Town Board with respect to issues arising under Article VI of the Town's Zoning Code ("Historic Landmarks and Districts"); and

WHEREAS there is currently a vacancy on the Historic Preservation Commission due to the resignation of Virginia Greene; and

WHEREAS the appointment of members of the Historic Preservation Commission is not an action as defined by SEQRA in NYCRR 617.2(b) and therefore no further SEQRA review is required

NOW THEREFORE

THE TOWN BOARD

HEREBY APPOINTS the following individual to the Historic Preservation Commission for a three year term to expire August 31, 2016:

Robert S. Kissam
75 Seaview Terrace
Northport, NY 11768

and

HEREBY THANKS Virginia Greene for her service

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.

2013-390

RESOLUTION DECLARING SEPTEMBER 16TH TO BE AMERICAN LEGION DAY

Resolution for Town Board Meeting Dated: August 13, 2013

The following resolution was offered by: Councilman Mayoka

And seconded by: **COUNCILMAN COOK, COUNCILWOMAN BERLAND**

WHEREAS, the American Legion was chartered by Congress in 1919 on September 16th as a wartime veterans organization based on the four pillars: Veterans Affairs & Rehabilitation, National Security, Americanism and Children & Youth; and

WHEREAS, over the years the American Legion has become a preeminent community-service organization which now numbers more than 2.5 million members – men and women – in over 14,000 American Legions posts worldwide working a variety of programs that support the four pillars and benefit our nation's veterans, its service members, their families, the youth of America and its citizens; and

WHEREAS, the 2013 observance of American Legion Day provides an opportunity to recognize Legionnaires in our community for their many contributions to our community; and

WHEREAS, the resolution (U.S. S. Res. 260) was agreed to. UNITED STATES SENATE RESOLUTION 260--DESIGNATING SEPTEMBER 16, 2009, AS "THE AMERICAN LEGION DAY" -- (Senate - September 10, 2009)[Page: S9269]. attached as Schedule A; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby recognizes the designation of September 16, as American Legion Day in 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

Schedule A

U.S. Senate Passes Resolution making September 16, The American Legion Day

THE AMERICAN LEGION DAY -- (Senate - September 10, 2009)
[Page: S9274] GPO's PDF

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 260, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 260) designating September 16, 2009, as "The American Legion Day." There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise to support this legislation I introduced with Senator LINCOLN, Senator COLLINS, and Senator CHAMBLISS, which would officially recognize this Nation's largest veterans' service organization, The American Legion, and its vital role in communities across the Nation, by designating September 16, 2009, as "The American Legion Day."

Nothing describes the role of The American Legion more beautifully than its preamble to its constitution which is recited by its members at the beginning of every official meeting.

For God and Country, we associated ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the Master of Might; to promote peace and good will on earth; to safeguard and transmit to Posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

I think we all would agree that these are extremely lofty goals for any organization, but amazingly The American Legion continues to work towards these objectives--not for themselves, but for America.

Most people are surprised to learn that The American Legion was actually founded in Paris, France. You see World War I veterans remembered the challenges facing other wartime veterans from previous generations and vowed not to let their fellow comrades face the same hardships, especially those with service-connected disabilities. They were concerned with employment opportunities for returning combat veterans. They were concerned about the survivors of combat

veterans who had paid the ultimate sacrifice in service to their country. They were concerned about medical care for the wounded and ill returning service members.

Now, as at its founding, The American Legion remains focused on supporting military service members and their families. Since December, The American Legion's Operation Comfort Warrior raised over \$170,000 to buy merchandise for Wounded Warriors in military treatment centers around the country. The American Legion also established the "Heroes to Hometowns" program which helps local communities prepare "welcome home" events when wounded warriors are finally released from military or veterans' affairs medical centers. Since the first Gulf War, The American Legion has maintained its Family Support Network which assists deployed service members and their families, especially members of the National Guard and Reserves. Some requests are for financial assistance, but other requests are simply for household chores, such as lawn work or car maintenance, that would normally be done by the soldier, sailor, airmen, Marine, were they not deployed. No request is too large or too small.

Many Legionnaires can be found in public schools on Veterans' Day or Memorial Day talking about their military service in periods of armed conflict to make sure the next generation of Americans understands the sacrifices and hardships of previous generations of wartime veterans. Legionnaires also teach students about the proper display and care of the Flag of the United States.

The American Legion works closely with the American Red Cross--the largest organization of blood donors and a working partner in disaster assistance. Many American Legion Posts serve as Red Cross and FEMA work centers in areas hit by natural disasters.

The American Legion is also proud of its membership's spirit of volunteerism. Each year, Legionnaires volunteer over a million hours of services in VA and military medical facilities, State veterans' homes, and other such community volunteer opportunities.

And one of the most solemn of functions is providing burial details for fallen comrades of every generation. The American Legion Color Guards, Buglers and Rifle Squads perform thousands of burials in veterans' and private cemeteries around the Nation.

As all of us in this chamber know, The American Legion remains today an active and vigorous advocate for service members, veterans and their families here on Capitol Hill. Among its greatest legislative achievements was the enactment of the Servicemen's Readjustment Act of 1944, the GI Bill of Rights. The initial draft of the GI Bill was written by Legionnaires at the Mayflower Hotel here in Washington, DC. Many consider the GI Bill as one of the greatest pieces of legislation ever enacted.

Congress presented The American Legion its Federal charter on September 16, 1919; therefore, I think it only fitting that we proclaim September 16, 2009, "The American Legion Day." I sincerely hope that my colleagues will join me in supporting this well-earned measure, demonstrating our mutual esteem and reverence for this outstanding organization.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 260) was agreed to.

SENATE RESOLUTION 260--DESIGNATING SEPTEMBER 16, 2009, AS "THE AMERICAN LEGION DAY" -- (Senate - September 10, 2009)

[Page: S9269] GPO's PDF

Ms. SNOWE (for herself, Mrs. Lincoln, Ms. Collins, and Mr. Chambliss) submitted the following resolution; which was considered and agreed to:

S. Res. 260

Whereas, on September 16, 1919, Congress issued to the American Legion a Federal charter as a wartime veterans service organization;

Whereas the American Legion remains active in communities at the national, State, and local levels;

Whereas members of the American Legion (commonly referred to as "Legionnaires") provide millions of hours of volunteer service to medical facilities of the Department of Veterans Affairs and State homes for veterans throughout the United States;

Whereas the American Legion continues to sponsor activities for children and youth, including the National Oratorical Contest, Boy Scouts, American Legion Baseball, Boys State, and Boys Nation;

Whereas the American Legion awards millions of dollars in college scholarships to young men and women;

Whereas the American Legion National Emergency Fund provides financial assistance to Legionnaires displaced by natural disasters;

Whereas the American Legion Family Support Network provides assistance to members of the Armed Forces of the United States and their families;

Whereas the American Legion Child Welfare Foundation has provided millions of dollars to programs focused on youth in the United States, including the Special Olympics and the Children's Miracle Network;

Whereas the American Legion Temporary Financial Assistance provides grants to veterans with children experiencing financial hardships;

Whereas the American Legion remains second to none in steadfast support of strong national defense;

Whereas the American Legion supports maintaining a viable and principled foreign relations agenda;

Whereas the American Legion is a staunch advocate for the principal missions of the Department of Veterans Affairs;

Whereas the American Legion wrote the original draft of the Servicemen's Readjustment Act of 1944 (58 Stat. 284, chapter 268), commonly referred to as the "G. I. Bill of Rights";

Whereas the American Legion continues to support employment programs and opportunities for veterans; and

Whereas Legionnaires believe that a veteran's service to the United States continues long after the veteran is honorably discharged from the Armed Forces of the United States: Now, therefore, be it

Resolved, That the Senate designates September 16, 2009, as "The American Legion Day".

2013- 392

RESOLUTION ENDORSING NORTH SHORE LAND ALLIANCE APPLICATION TO THE NEW YORK STATE ENVIRONMENTAL PROTECTION FUND TO SUPPORT RESTORATION OF THEIR 95 SHORE ROAD PROPERTY (COLD SPRING HARBOR) NUNC PRO TUNC

Resolution for Town Board Meeting Dated: August 13, 2013

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

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

WHEREAS, the NORTH SHORE LAND ALLIANCE is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund to use toward habitat restoration of their important waterfront property at 95 Shore Road, Cold Spring Harbor, a site located within the territorial jurisdiction of this Board, and

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

WHEREAS, municipal endorsement of a grant application made by a non-profit organization is not an action pursuant to SEQRA;

NOW, THEREFORE, BE IT

RESOLVED the Town Board of the Town of Huntington hereby does approve and endorse the application of the North Shore Land Alliance for a grant under the Environmental Protection Fund for habitat restoration purposes of the property known as 95 Shore Road, Cold Spring Harbor and located within this community nunc pro tunc.

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 SUPPORTING TOWN OF HUNTINGTON APPLICATION TO THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA) – CLEANER GREENER COMMUNITIES PROGRAM FOR GRANT FUNDING FOR AN ENERGY EFFICIENT RENOVATION AND ADAPTIVE RE-USE OF THE FORMER NEW YORK STATE ARMORY INTO THE JAMES D. CONTE COMMUNITY CENTER IN HUNTINGTON STATION, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: August 13, 2013

The following resolution was offered by: Supervisor Petrone

Councilman Cuthbertson, **COUNCILMAN MAYOKA**

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington is applying to the New York State Energy Research and Development Authority (NYSERDA) Cleaner Greener Communities Program for grant funding in the amount of FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000.00) for an energy efficient renovation and adaptive re-use of the former New York State Armory into the James D. Conte Community Center situated at 100 East 5th Street, Huntington Station, a site located within the territorial jurisdiction of this Board, and

WHEREAS, capital projects are eligible for funding under the NYSERDA Cleaner Greener Communities grant with a minimum required cost-share of 25% by the grantee; and

WHEREAS, the future James D. Conte Community Center is located in a New York State Brownfields Opportunity Study Area, Environmental Justice Area and a Low-Moderate Income Census Tract area, enhancing its eligibility for funding under this grant program; and

WHEREAS, the support of an application for grant funding is a Type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c) (2, 20, and 21) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY SUPPORTS the application of the Town of Huntington to the New York State Energy Research and Development Authority (NYSERDA) Cleaner Greener Communities Program for grant funding in the amount of FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000.00) with a 25% cost-share by grantee for an energy efficient renovation and adaptive re-use of the former New York State Armory into the James D. Conte Community Center situated at 100 East 5th Street, Huntington Station, New York, nunc pro tunc; and

HEREBY AUTHORIZES the Supervisor to accept grant funds and execute any documents in connection and related therewith that may be awarded by the New York State Energy Research and Development Authority (NYSERDA) via the Consolidated Funding Application for the future James D. Conte Community Center, 100 East 5th Street, Huntington Station, New York.

VOTE: AYES:5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION TO INCORPORATE THE FINDINGS AND RECOMENDATIONS
OF THE HURRICANE SANDY EMERGENCY REVIEW TASK FORCE INTO THE
TOWN'S ALL HAZARDS EMERGENCY OPERATIONS PLAN

Resolution for Town Board Meeting dated: August 13, 2013

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

And seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, Hurricane Sandy devastated portions of the northeast, including Long Island, early on October 29, 2012. The storm came ashore as a post-tropical cyclone with hurricane-force winds. The storm became the largest Atlantic hurricane on record; and

WHEREAS, in anticipation of the storm, Supervisor Petrone ordered the immediate implementation and coordination of Towns' emergency preparedness procedures (Towns' All Hazard Emergency Operation Plan), opened the Emergency Operations Center and declared a State of Emergency for the Town of Huntington commencing October 27, 2012; and

WHEREAS, Supervisor Petrone, as the Town's Chief Coordinating Officer and Incident Commander established communications with our partners: local (villages), county (FRES), state (Office of Emergency Management) and federal (FEMA) as well as our emergency response partners: all Town Fire Departments, Emergency Services and Police; and

WHEREAS, Supervisor Petrone, in the aftermath of the storm established Hurricane Sandy Task Force charged with the review and critique of emergency operations, response and recovery operations by the Town in response to Hurricane Sandy; and

WHEREAS, amending the 2013 Budget is not an action pursuant to SEQRA as defined by 6 N.Y.C.R.R. § 617.5(c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT RESOLVED that the Town Board HEREBY AUTHORIZES the findings and recommendations made by the Hurricane Sandy Emergency Review Task Force be annexed to the Town's All Hazards Emergency Preparedness Plan (Plan) and all findings and recommendations be formally incorporated into the Plan.

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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.

2013-395

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 19-2013
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON,
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.
RE: ABBY DRIVE, EAST NORTHPORT – STOP SIGNS

Resolution for Town Board Meeting dated: August 13, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

THE TOWN BOARD having held a public hearing on the 9th day of July, 2013 at 2:00 p.m. to consider adopting Local Law Introductory No. 19-2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G., and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 19-2013 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 NO. 20 - 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.

	<u>SIGN ON</u>	<u>SIGN</u>	<u>DIRECTION</u>	<u>AT</u>
ADD:	Abby Drive	STOP	OF TRAVEL	<u>INTERSECTION OF:</u>
	(ENP)		WEST	Elmbark Lane

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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.

2013-396

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN A HISTORIC DISTRICT
RE: 79 GOOSE HILL ROAD, COLD SPRING HARBOR —COLD SPRING HARBOR
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by: **COUNCILWOMAN BERLAND**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 9th day of July, 2013, pursuant to Section 198, Article VI of the zoning code of the Town of Huntington, to consider the application of David Ngai, 79 Goose Hill Road, Cold Spring Harbor, NY 11724, for a Certificate of Approval to legalize a 10-foot high fence (310 linear feet) surrounding a sports court in the rear yard of the one family dwelling located at 79 Goose Hill Road, Cold Spring Harbor, NY 11724, bearing Suffolk County Tax Map #0400-016.00-04.00-009.000, and located in the Cold Spring Harbor Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of David Ngai for a Certificate of Approval.

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.

2013-397

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN A HISTORIC DISTRICT

RE: 559 PARK AVENUE, HUNTINGTON—OLD HUNTINGTON GREEN
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 9th day of July, 2013, pursuant to Section 198, Article VI of the zoning code of the Town of Huntington, to consider the application of Vandy Morris, 2 Shelly Lane, Mt. Sinai, NY 11766, for a Certificate of Approval to demolish a dilapidated barn in the rear yard of the premises located at 559 Park Avenue, Huntington, NY 11743, bearing Suffolk County Tax Map #0400-097.00-02.00-102.004, and located in the Old Huntington Green Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of Vandy Morris for a Certificate of Approval.

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.

2013-398

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: August 13, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, 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; and

WHEREAS, pursuant to its 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” 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” to this Resolution; and

HEREBY DIRECTS AND AUTHORIZES the Town Attorney to provide each property owner listed in Schedule “A” with a copy of this Resolution; and

Chapter 156 §67 - (A), (B) and (C) 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
Exhibit 5	1068 Westminster Avenue Dix Hills, NY 11746	0400-278.00-02.00-153.000	Brian E. Levenson Kathryn Garten 1068 Westminster Avenue Dix Hills, NY 11746	9/20/2011 2/2/2012 07/22/2013	\$2,500.00
Exhibit 10	5 Laura East Northport, NY 11731	0400-185.00-02.00-024.003	Willard R. Lanham Laura Lanham 5 Laura East Northport, NY 11731	10/7/2011 2/10/2012 7/26/2013	\$2,500.00
Exhibit 11	114 Columbia Street Huntington Sta., NY 11746	0400-141.00-01.00-027.000	Delvis Arevalo Elsa Bardales Banegas 114 Columbia Street Huntington Sta, NY 11746	10/21/2011 4/30/2012 07/12/2013	\$2,500.00
Exhibit 14	39 8th Avenue Huntington Sta., NY 11746	0400-142.00-01.00-062.000	John Frank Development Corp. 39 8th Avenue Huntington Sta., NY 11746	11/14/2011 2/10/2012 07/24/2013	\$2,500.00
Exhibit 20	8 Stratford Avenue Dix Hills, NY 11746	0400-281-02.007	Thomas LaTrace Lisa LaTrace Stratford Avenue Hills, NY 11746	1/26/2012 4/12/2012 07/16/2013	\$2,500.00
Exhibit 28	285 Broadway-Greenlawn Huntington, NY 11743	0400-160-01-085.000	Kamila Dottin 285 Broadway-Greenlawn Huntington, NY 11743	3/19/2012 4/23/2012 7/3/2013	\$2,500.00

Chapter 156 §67 - (A), (B) and (C) 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 DATES	ANNUAL REGISTRATION FEE
Exhibit 45	199 Seaman Neck Road Dix Hills, NY 11746	0400-278.00-02.00-044.000	Bank of America 400 National Way, Simi Valley, CA 93065	5/4/2012 7/9/2012 07/26/2013	\$2,500.00
Exhibit 57	26 Ambrose Lane Northport, NY 11768	0400-278-02-153	Dolores Werle 26 Ambrose Lane Northport, NY 11768	5/29/2012 8/6/2012 07/12/2013	\$2,500.00
Exhibit 70	49 Prospect Road Centerport, NY 11721	0400-45-1-21	Henry Cleeves Jean Cleeves 614 Coddington Road Ithaca, NY 14850	9/11/2012 7/5/2013	\$2,500.00
Exhibit 82	65 Young Hill Road Huntington, NY 11743	0400-133.00-03.00-024.000	Wayne Farrell PO Box 2452 Atlantic Beach, NC 28512	3/21/2013 07/30/2013	\$2,500.00
Exhibit 83	50 West Neck Road Huntington, NY 11743	0400-070.00-05.00-029.000	Nelson F. Chang Helen H. Chang 3 Sunset Crest Dix Hills, NY 11746	3/5/2013 07/30/2013	\$2,500.00
Exhibit 88	4 Grange Street Huntington, NY 11743	0400-161-2-12	Huseyin Toozlu 77 S. Merrick Road Massapequa, NY 11758	3/14/2013 07/30/2013	\$2,500.00

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Chapter 156 §67 - (A), (B) and (C) 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)	DATE PUBLIC HEARING HELD
Exhibit 5	1068 Westminster Avenue Dix Hills, NY 11746	0400-278.00-02.00-153.000	Brian E. Levenson Kathryn Garten 1068 Westminster Avenue Dix Hills, NY 11746	9/20/2011 2/2/2012 07/22/2013	7/9/2013
Exhibit 10	5 Laura East Northport, NY 11731	0400-185.00-02.00-024.003	Willard R. Lanham Laura 5 East Northport, NY 11731	10/7/2011 2/10/2012 7/26/2013	7/9/2013
Exhibit 11	114 Columbia Street Huntington Sta., NY 11746	0400-141.00-01.00-027.000	Delvis Arevalo Elsa Bardales Banegas 114 Columbia Street Huntington Sta, NY 11746	10/21/2011 4/30/2012 07/12/2013	7/9/2013
Exhibit 14	39 8th Avenue Huntington Sta., NY 11746	0400-142.00-01.00-062.000	John Frank Development Corp. 39 8th Avenue Huntington Sta., NY 11746	11/14/2011 2/10/2012 07/24/2013	7/9/2013
Exhibit 20	8 Stratford Avenue Dix Hills, NY 11746	0400-281-02.007	Thomas LaTrace Lisa LaTrace 8 Stratford Avenue Dix Hills, NY 11746	1/26/2012 4/12/2012 07/16/2013	7/9/2013
Exhibit 28	285 Broadway-Greenlawn Huntington, NY 11743	0400-160-01-085.000	Kamila Dottin 285 Broadway-Greenlawn Huntington, NY 11743	3/19/2012 4/23/2012 7/3/2013	7/9/2013

Chapter 156 §67 - (A), (B) and (C) 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 DATES	DATE PUBLIC HEARING HELD
Exhibit 45	199 Seaman Neck Road Dix Hills, NY 11746	0400-278.00-02.00-044.000	Bank of America 400 National Way, Valley, CA 93065 Simi	5/4/2012 7/9/2012 07/26/2013	7/9/2013
Exhibit 57	26 Ambrose Lane Northport, NY 11768	0400-278-02-153	Dolores Werle 26 Ambrose Lane Northport, NY 11768	5/29/2012 8/6/2012 07/12/2013	7/9/2013
Exhibit 70	49 Prospect Road Centerport, NY 11721	0400-45-1-21	Henry Cleeves Jean Cleeves 614 Coddington Road Ithaca, NY 14850	9/11/2012 7/5/2013	7/9/2013
Exhibit 82	65 Young Hill Road Huntington, NY 11743	0400-133.00-03.00-024.000	Wayne Farrell Box 2452 Beach, NC 28512 PO Atlantic	3/21/2013 07/30/2013	5/7/2013
Exhibit 83	50 West Neck Road Huntington, NY 11743	0400-070.00-05.00-029.000	Nelson F. Chang Helen H. Chang Sunset Crest Hills, NY 11746 3 Dix	3/5/2013 07/30/2013	5/7/2013
Exhibit 88	4 Grange Street Huntington, NY 11743	0400-161-2-12	Huseyin Toozlu S. Merrick Road Massapequa, NY 11758 77	3/14/2013 07/30/2013	5/7/2013

**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	DATE PUBLIC HEARING HELD
Exhibit 27	266 Pine Acres Boulevard Dix Hills, NY 11746	0400-281.00-02.00-066.001	Saxon c/o CoreLogic Tax Svces. PO Box 96250 Ft. Worth, TX 76161	5/22/2012
Exhibit 16	117 East 11th Street Huntington Station, NY 11746	0400-146-02-074.000	Louis Avino, Jr. Jeanne Avino 117 East 11th Street Huntington Sta. NY 11746	7/9/2013
Exhibit 61	105 Franklin Avenue Northport, NY 11731	0400-113.00-03.00-003.000	Paul Spera Michele Spera 105 Franklin Avenue E. Northport, NY 11731	10/16/2012
Exhibit 94	81 Ciro Street Huntington, NY 11743	0400-170.00-02.00-029.000	Dorothy Schock 81 Ciro Street Huntington, NY 11743	7/9/2013

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 15-2013, CONSIDERING ZONE CHANGE APPLICATION #2013-ZM-394, SUNNY POND FARM LLC, TO CHANGE THE ZONING FROM R-7 RESIDENCE DISTRICT & R-10 RESIDENCE DISTRICT TO C-1 OFFICE-RESIDENCE DISTRICT FOR PROPERTY LOCATED ON THE EAST SIDE OF PARK AVENUE (CR 35), SOUTH OF NORTH WOODHULL ROAD, HUNTINGTON, SCTM# 0400-073-03-021, AND ISSUING A NEGATIVE DECLARATION FOR SAID ACTION TO REZONE.

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, SUNNY POND FARM LLC, 108 Forest Ave., Locust Valley, NY 11560, property owner, submitted application #2013-ZM-394 for a change of zone from R-7 Residence District & R-10 Residence District to C-1 Office-Residence District for property located on the east side of Park Avenue (CR 35), south of North Woodhull Road, Huntington, designated as 0400-073-03-021 on the Suffolk County Tax Map; and

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

WHEREAS, the applicant submitted an Environmental Assessment Form (EAF) Part I in connection with the application, and the Department of Planning and Environment reviewed the information provided with the EAF Part I, duly classified the action Type I in accordance with the provisions of 6 NYCRR Part 617.4(b)(3 & 9), SEQRA, and coordinated the EAF Part I with involved and interested agencies, none of which requested Lead Agency status; and

WHEREAS, the Town Board, 100 Main St., Huntington, NY 11743 established itself as Lead Agency on May 7, 2013; and

WHEREAS, the Department of Planning and Environment has prepared an EAF Parts II and III dated April 23, 2013 which analyzes the planning and zoning issues relative to the subject application as well as consistency with the Horizons 2020 Comprehensive Plan and evaluates potential project impacts in accordance with the SEQRA regulations, and the SEQRA documents and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: planning@huntingtonny.gov; and

WHEREAS, by resolution dated May 1, 2013 the Planning Board recommended to the Town Board that the Town Board schedule a public hearing on the application, issue a

Negative Declaration under SEQRA, and approve the application subject to the following conditions:

- (1) Landscaped buffers in conformance with the Zoning Code should be provided around all parking areas, and
- (2) A maximum development yield should be placed on the property, and
- (3) Development of the site should be limited to the rehabilitation of historic buildings and conversion to low-intensity office uses as much as possible and new construction and uses with expected higher levels of sanitary discharge should be limited.

NOW THEREFORE BE IT

RESOLVED, upon due deliberation of the completed Environmental Assessment Form on file in the offices of the Town Clerk and the Department of Planning and Environment, the Town Board finds that the action will not have a significant effect upon the environment because the rezoning action incorporates measures and conditions of approval to effectively mitigate impacts; and further finds that the proposed action to rezone the property is consistent with the Town of Huntington Comprehensive Plan and with long term planning policies and goals and is unlikely to pose significant adverse environmental impacts; and additionally finds that any subdivision or site plan resulting therefrom may require its own determination of significance, following SEQRA assessment of the specific project's environmental consequences based upon new information or revisions to the concept plans, the Town Board hereby:

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

BE IT FURTHER RESOLVED, that the Town Board, having held a public hearing on the 9th day of July, 2013, to consider adopting Local Law Introductory Number 15-2013 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), §198-7 of the Huntington Town Code, thereby rezoning from R-7 Residence District & R-10 Residence District to C-1 Office-Residence District the property designated on the Suffolk County Tax Map as 0400-073-03-021, and due deliberation having been had

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

FURTHER RESOLVES that no subdivision or site plan shall be approved by the Planning Board or signed by the Director of Planning unless the plan is in full compliance with the requirements of this Resolution, the Covenants and Restrictions, and any applicable condition, restriction, or limitation established by the Planning Board during subdivision or site plan review; and

HEREBY ADOPTS

Local Law Introductory No. 15-2013, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts, Map, General Regulations), as follows on the terms and conditions as set forth herein.

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

LOCAL LAW NO. _____ - 2013
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)
SECTION 7 (ZONING MAP)

Section 1. The Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), Section 7 (Zoning Map) is amended as follows:

CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)

* * *

§ 198-7 Zoning Map

The boundaries of the districts enumerated in §198-6 of this Chapter are hereby established as shown on the map designated as the "Amended Building Zone Map of the Town of Huntington." The said map, together with all notations, references and every other detail shown thereon shall be as much a part of this chapter as if the map and every other detail shown thereon was fully described therein. Section 198-55 contains symbols on the map for the aforesaid districts.

The premises located on the east side of Park Avenue (CR 35), south of North Woodhull Road, Huntington, designated on the Suffolk County Tax Map as 0400-073-03-021, to be rezoned from R-7 Residence District and R-10 Residence District to C-1 Office-Residence District, more particularly described as:

BEGINNING at a POINT at the westernmost corner of the parcel, 213.40 feet from the southerly side of North Woodhull Road,

THENCE from said POINT OF BEGINNING North 55 degrees 2 minutes 10 seconds East, 110.16 feet,

THENCE North 56 degrees 43 minutes 30 seconds East, 94.88 feet,

THENCE North 55 degrees 25 minute 40 seconds East, 56.96 feet,

THENCE North 55 degrees 17 minutes 40 seconds East, 202.84 feet,

THENCE South 29 degrees 20 minutes 40 seconds East, 162.91 feet,

THENCE South 55 degrees 30 minutes 10 seconds West, 434.55 feet

THENCE North 39 degrees 59 minutes 50 seconds West, 163.32 feet to the POINT OF BEGINNING.

Such change of zone shall be specifically conditioned upon the filing by the applicant of the following Covenants and Restrictions, to run with the land, in a form acceptable to the Town Attorney. Such deed and Covenants and Restrictions shall be filed at the applicant's own cost and expense in the Office of the Suffolk County Clerk. Proof of such filing shall be provided by the applicant to the Town Attorney, Director of Planning, and Huntington Town Clerk. All such Covenants and Restrictions shall be in addition to such terms and conditions as deemed necessary by the Town Attorney to assure compliance with the Covenants.

- (1) Landscaped buffers at least ten (10) feet in width shall be provided between any new parking area and adjacent properties, and
- (2) No more than eight thousand square feet (8,000 sq. ft.) of additional building gross floor area shall be added to this property as measured from August 13, 2013, and
- (3) It is the intent of the Town Board that this property be used for the preservation and rehabilitation of historic buildings and any new construction shall be reviewed for conformance with this intent, and if any Town agency reviewing an application for development on this property finds that the proposed application does not comply with this intent, a new SEQRA review will be required.

*

*

*

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.

2013-401

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN A HISTORIC DISTRICT — OLD HUNTINGTON GREEN HISTORIC DISTRICT
RE: 39 EAST MAIN STREET, HUNTINGTON—THE THOMSON HOUSE

Resolution for Town Board Meeting Dated: August 13, 2013

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

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

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 13th day of August, 2013, pursuant to Section 198, Article VI of the zoning code of the Town of Huntington, to consider the application of Christopher Mangi, 39 East Main Street, Huntington, NY 11743, for a Certificate of Approval to install a 20' x 40' in-ground swimming pool, at 39 East Main Street, Huntington, NY 11743, bearing Suffolk County Tax Map #0400-074.00-03.00-031.006, and located in the Old Huntington Green Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of Christopher Mangi for a Certificate of Approval.

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.

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 18 - 2013 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE IV (COMMERCIAL DISTRICTS).

Resolution for Town Board Meeting dated: August 13, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, an analysis of Convenience Markets prepared by the Town's Planning Department in April 2011 revealed that such uses require properties of sufficient area to provide appropriate parking, off-street loading areas for delivery trucks and tractor trailers that do not conflict with the customer vehicular and pedestrian circulation on a particular site and appropriate buffers to neighboring residences; and

WHEREAS, in June 2011 the Town Board amended the Zoning Code to include a definition of Convenience Markets and require that freestanding Convenience Markets obtain a special use permit and meet specific area and site provisions to locate in various commercial zones based on the need for such uses to have additional land area to provide necessary parking, loading areas, and buffers from adjacent residential areas relative to general retail uses permitted in the subject commercial zones; and

WHEREAS, the subject Town Planning Department Study found that many Convenience Markets in the Town of Huntington have been found to lack adequate off-street loading areas for delivery trucks, which are increasingly in the form of 18-wheel tractor trailers, resulting in nearby residential streets being utilized for off-street loading areas, thereby detracting from the residential quality of life in adjacent neighborhoods, and

WHEREAS, the Town Board did not include Convenience Markets in shopping centers in the June 2011 Zoning Code amendments since they were generally incorporated within larger sites that offered appropriate areas for setbacks and the Zoning Code already included a requirement that shopping centers with 10,000 square feet of building square footage or more are required to have loading areas; and

WHEREAS, upon further review and consideration, it has been concluded that it is necessary to address the site planning and loading issues for Convenience Markets in shopping centers under 10,000 square feet of retail and restaurant square feet that were not addressed in the prior Zoning Code amendments; and

WHEREAS, the Town Board, 100 Main Street, Huntington, NY 11743 is the Lead Agency as it is the only agency authorized to amend the Huntington Town Code; and

WHEREAS, this action is classified Type I pursuant to SEQRA 617.4(b)(2) as it involves the adoption of changes in the allowable uses within commercial zoning districts, affecting 25 or more acres of the district;

NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby adopts the Environmental Assessment Form prepared by the Department of Planning and Environment and issues a Negative Declaration in accordance with Article 8 of the Environmental Conservation Law on the proposed Zoning Code amendment, and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: planning@huntingtonny.gov; and

BE IT FURTHER RESOLVED

THE TOWN BOARD, having held a public hearing on the 13th day of August, 2013 at 7:00 PM to consider adopting Local Law Introductory No. 18 - 2013 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article IV (Commercial Districts), and due deliberation having been had;

HEREBY ADOPTS Local Law Introductory No. 18 – 2013 as follows:

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

LOCAL LAW NO. 21 -2013
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE IV (COMMERCIAL DISTRICTS)

Section 1. Amendment to Chapter 198 (Zoning), Article IV (Commercial Districts) of the Code of the Town of Huntington.

CHAPTER 198 (ZONING)
ARTICLE IV (COMMERCIAL DISTRICTS)

* * *

§ 198-25. C-4 Neighborhood Business District.

The regulations set forth in this section or set forth elsewhere and referring to this section are intended to provide for convenience-type retail and service outlets designed principally for residential neighborhood service.

A. Use regulations. In the C-4 Neighborhood Business District, a building or premises shall be used only for the following purposes:

C. Conditional uses. The following conditional uses shall be allowed, subject to the issuance of a special use permit by the Zoning Board pursuant to § 198-66:

* * *

(11) Freestanding Convenience Markets and convenience markets in shopping centers with less than 10,000 square feet of retail and restaurant space, provided that:

(a) A Convenience Market use in a freestanding building or shopping center with less than 10,000 square feet of retail and restaurant space shall have a minimum lot area of twenty-five thousand (25,000) square feet.

* * *

F. Off-street loading regulations. There are no off-street loading requirements for the C-6 General Business District, except for shopping centers with at least 10,000 square feet or more of retail or restaurant gross floor area that include a Convenience Market as a tenant.

* * *

§ 198-27.1. C-6 Huntington Station Overlay District.

Purpose. The purpose of adopting this overlay zone is to create a business district that will accommodate neighborhood shopping, encourage job creation, allow for a community where people can easily walk to acquire the day to day needs, and yield ratables commensurate with the uses permitted.

A. Use regulations. Unless otherwise specifically prohibited, the as-of-right uses provided in the C-6 General Business District shall be permitted in the C-6 Huntington Station Overlay District, subject to any restrictions and limitations contained in this section. In the event the provisions of § 198-27 conflict with the provisions of this section, this section shall be controlling. In addition to such permitted uses, a building, structure or premises in the C-6 Huntington Station Overlay District may be used for the following purposes:

* * *

(18) Convenience Markets in shopping centers with at least 10,000 square feet or more of retail or restaurant gross floor area, and in hamlet centers where no parking is provided on site.

* * *

C. Conditional uses. Unless otherwise specifically prohibited, the conditionally permitted uses provided in the C-6 General Business District shall be conditionally permitted in the C-6 Huntington Station Overlay District, subject to any restrictions or limitations contained in this section. In the event the provisions of § 198-27 conflict with the provisions of this section, this section shall be controlling. In addition to such conditional uses, the following conditionally

permitted uses shall be permitted subject to the issuance of a special use permit. In no event shall a special use permit be issued or approved if any one of the conditions for the stated use is not met.

* * *

(7) Freestanding Convenience Markets and convenience markets in shopping centers with less than 10,000 square feet of retail and restaurant space, provided that:

(a) A Convenience Market use in a freestanding building or shopping center with less than 10,000 square feet of retail and restaurant space shall have a minimum lot area of twenty-five thousand (25,000) square feet.

* * *

§ 198-28. C-7 Minor Commercial Corridor District.

A. Permitted Uses. The following uses are permitted in the zoning district unless otherwise limited or prohibited in this Chapter:

* * *

(12) Convenience Markets in shopping centers with at least 10,000 square feet or more of retail or restaurant gross floor area, and in hamlet centers where no parking is provided on site.

* * *

Section 2. Severability.

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

Section 3. Effective Date.

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

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

2013-403

ENACTMENT AUTHORIZING THE SUPERVISOR TO ENTER INTO AN EXTENSION AGREEMENT WITH THE NEW COMMUNITY CINEMA CLUB, INC. d/b/a CINEMA ARTS CENTRE, a/k/a NEW COMMUNITY CINEMA.

Resolution of Town Board Meeting Dated: August 13, 2013

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

WHEREAS, New Community Cinema Club, Inc. d/b/a Cinema Arts Centre a/k/a New Community Cinema has been an integral part of the cultural scene in the Town of Huntington showing independent and international films both for educational and recreational purposes pursuant to a written lease agreement in 1991; and

WHEREAS, New Community Club, Inc. d/b/a Cinema Arts Centre a/k/a New Community Cinema draws cineastes into Huntington Village and the greater Huntington area stimulating the local economy; and

WHEREAS, the lease agreement provided for a term of twenty (20) years commencing on May 1, 1991 and ending on April 30, 2011;

WHEREAS, the lessee requested an extension of the lease to April 30, 2019; and

WHEREAS, the lessee has again requested an extension of the lease to 2039, to secure donations and funding for necessary technical updates; and

NOW THEREFORE

THE TOWN BOARD, having held a public hearing on the 13th day of August, 2013, to extend the term of the lease agreement with the New Community Cinema Club, Inc. d/b/a Cinema Arts Centre a/k/a New Community Cinema for the operation of the property known as the Cinema Arts Centre from September 30, 2013 to September 30, 2029, with an option for ten (10) additional years until September 30, 2039, with an increase in the annual rental of 5% on each consecutive year of the lease term as revised, and on such other terms as may be acceptable to the Office of 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.

2013-404

RESOLUTION SCHEDULING A PUBLIC HEARING 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.

RE: BROADWAY, GREENLAWN – PROHIBITED TURNS

Resolution for Town Board Meeting dated: August 13, 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 comply with the applicable traffic regulations published by the Federal Highway Administration to help traffic flow and avoid potential harm to drivers and pedestrians in lieu of a recently installed driveway;

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 17th day of **September**, 2013 at 2:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, 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.; as follows:

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

LOCAL LAW INTRODUCTORY NO. 25 -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:

2013- 404

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	-----

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.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 26 -2013, AMENDING THE TOWN CODE OF THE TOWN OF HUNTINGTON CHAPTER 156. PROPERTY MAINTENANCE; NUISANCES ARTICLE VII. BLIGHTED PROPERTY.

Resolution for Town Board Meeting Dated: August 13, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the presence of persistent blighted properties has become a problem affecting the quality of life in the many beautiful neighborhoods within the Town of Huntington; and

WHEREAS, the economic factors are causing “foreclosure zombies” that is, vacant houses in the limbo of foreclosure actions and other properties which continue to deteriorate and become eyesores on communities within the Town of Huntington; and

WHEREAS, the Town Board is desirous of amending the Town Code to address persistent blighted properties whose blighted status continues from year to year unabated; and

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

NOW, THEREFORE, THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on 17th day of ~~September~~ 2013 at 2:00 PM, Huntington Town Hall, 100 Main Street, Huntington, New York to consider adopting Local Law Introductory No. 26 -2013 amending the Property Maintenance; Nuisances, Article VII. Blighted Property, Code of the Town of Huntington, Chapter 156, as follows:

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

LOCAL LAW INTRODUCTORY NO. 26-2013
AMENDING THE PROPERTY MAINTENANCE; NUISANCES. ARTICLE VII
BLIGHTED PROPERTY CODE OF THE TOWN OF HUNTINGTON

Article VII. BLIGHTED PROPERTY

* * *

§ 156-67. Action by Town Board for Failure to Comply or Abate Violations

2013-406

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: August 13, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN COOK**

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 17th day of ~~September~~, 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.

2013-486

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.

2013-406

Chapter 156 §67 - (A), (B) and (C) 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
Exhibit 24	35 Vanderbilt Parkway Dix Hills, NY 11746	0400-245-03-052	Eun Hee-Choi Soon Ja Choi 35 Vanderbilt Parkway Dix Hills, New York 11746	5/7/2013	\$2,500.00
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	\$2,500.00
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	7/16/2013	\$2,500.00
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	\$2,500.00
Exhibit 97	575 Elwood Road E. Northport, NY 11731	0400-171.00-02.00-002.002	Eric G. Logan 12 Wake Robin Road Westport, CT 06880-6203	8/5/2013	\$2,500.00

2013-408

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT
RE: 20 EAST MAIN STREET, HUNTINGTON—OLD HUNTINGTON GREEN
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: August 13, 2013

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by Kelly DiVico, 20 East Main Street, Huntington, NY 11743, for a Certificate of Approval to install a 20' x 40' in-ground swimming pool at a one family dwelling located at 20 East Main Street, Huntington, NY 11743, pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is located in the Old Huntington Green Historic District and bears Suffolk County Tax Map # 0400-073.00-02.00-005.001, and

WHEREAS, the issuance of a Certificate of Approval in an historic district is a Type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(10) 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 **17th** day of **September**, 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 Kelly DiVico.

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 COMPTROLLER TO APPROPRIATE MONIES FROM THE ENVIRONMENTAL OPEN SPACE AND PARK IMPROVEMENT FUND FOR RECOMMENDED NEIGHBORHOOD ENHANCEMENT (JAMES D. CONTE COMMUNITY CENTER)

Resolution for Town Board Meeting Dated: August 13, 2013

The following resolution was offered by: Supervisor Petrone

Councilman Cuthbertson

COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND

and seconded by **COUNCILMAN COOK**

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

WHEREAS, the EOSPA Committee reviewed and voted to support a neighborhood enhancement nomination from the Director of General Services to conduct a Phase II environmental site assessment to determine required remedial work and to contract architectural services to prepare three alternative conceptual plans for building space allocation at the James D. Conte Community Center, and

WHEREAS, the Town Board recognizes the enormous potential of the James D. Conte Community Center and the need to move forward with assessment to progress toward building renovation, and

WHEREAS, the proposed action is classified Type II pursuant to SEQRA 6 NYCRR 617.5(c)(18) as it involves information collection that does not commit the agency to undertake, fund or approve any Type I or Unlisted action;

NOW, THEREFORE, BE IT

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

DEPARTMENT OF GENERAL SERVICES

James D. Conte Community Center, not to exceed \$30,000

Secure Phase II environmental site assessment and architectural services to identify required building remediation and to develop three alternative plans for building space allocation,

AND BE IT FURTHER

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

*Corrected Scrivener error dollar amount should be \$1, 413,923.12

2013-410

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER EXECUTING AN AGREEMENT WITH THE INCORPORATED VILLAGE OF NORTHPORT TO FURNISH FIRE PROTECTION SERVICES FOR THE TOWN OF HUNTINGTON FIRE PROTECTION DISTRICT NO. 1, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: August 13, 2013

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

And seconded by: **COUNCILWOMAN BERLAND, COUNCILMAN COOK**

WHEREAS, it is beneficial to the health, safety and welfare of the residents of the Town of Huntington as well as to those residents of Huntington Fire Protection District No. 1 to have the Fire Department of the Incorporated Village of Northport provide fire protection services for said District; and

WHEREAS, the parties are desirous of entering into an agreement with the Incorporated Village of Northport for a term of one (1) year commencing upon execution through December 31, 2013 in an amount not to exceed the sum of ONE MILLION EIGHTY FOUR THOUSAND THREE HUNDRED FIFTY TWO AND 87/100 (\$1,084,352.87) DOLLARS, and on such other terms and conditions as may be acceptable to the Town Attorney; and

WHEREAS, scheduling a public hearing is a type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(20), and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Town Law §184 (2) the Town Board hereby schedules a public hearing to be held on the 17th day of September, 2013 at 2:00PM at Huntington Town Hall, 100 Main Street, Huntington, New York 11743, to consider entering into an agreement with the Incorporated Village of Northport for the provision of fire protection services to the Huntington Fire Protection District No. 1 commencing upon execution and terminating on December 31, 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

**TOWN OF HUNTINGTON
TOWN CLERK'S OFFICE
JO-ANN RAI, TOWN CLERK**

INTER-OFFICE MEMORANDUM

TO: Supervisor Frank P. Petrone
Councilman Mark A. Cuthbertson
Councilwoman Susan A. Berland
Councilman Mark Mayoka
Councilman Eugene Cook
Town Attorney Cindy Elan-Mangano
Comptroller, Peggy Karayianakis

FROM: Jo-Ann Raia, Town Clerk



RE: Correction of Resolution #2013-410 Due to Scriveners Error

DATE: August 27, 2013

Attached please find resolution #2013-410 which was corrected, due to a scrivener error, at the request of Deputy Supervisor Patricia Del Col. The original resolution stated a figure of \$1,084,352.87 and the corrected version reflects the correct amount of \$1,413,923.12.

Please dispose of your original resolution.

As always, please feel free to contact me if you have any questions regarding the above.

JR/shc

cc: Patricia Del Col, Deputy Supervisor
Thelma Neira, Deputy Town Attorney

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER EXECUTING AN AGREEMENT WITH THE INCORPORATED VILLAGE OF NORTHPORT TO FURNISH FIRE PROTECTION SERVICES FOR THE TOWN OF HUNTINGTON FIRE PROTECTION DISTRICT NO. 1, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: August 13, 2013

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

And seconded by: **COUNCILWOMAN BERLAND, COUNCILMAN COOK**

WHEREAS, it is beneficial to the health, safety and welfare of the residents of the Town of Huntington as well as to those residents of Huntington Fire Protection District No. 1 to have the Fire Department of the Incorporated Village of Northport provide fire protection services for said District; and

WHEREAS, the parties are desirous of entering into an agreement with the Incorporated Village of Northport for a term of one (1) year commencing upon execution through December 31, 2013 in an amount not to exceed the sum of ONE MILLION FOUR HUNDRED THIRTEEN THOUSAND NINE HUNDRED TWENTY THREE and 12/100 (\$1,413,923.12) DOLLARS, and on such other terms and conditions as may be acceptable to the Town Attorney; and

WHEREAS, scheduling a public hearing is a type II action pursuant to 6 N.Y.C.R.R. 617.5(20), and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Town Law §184 (2) the Town Board hereby schedules a public hearing to be held on the 17th day of September, 2013 at 2: 00 PM at Huntington Town Hall, 100 Main Street, Huntington, New York 11743, to consider entering into an agreement with the Incorporated Village of Northport for the provision of fire protection services to the Huntington Fire Protection District No. 1 commencing upon execution and terminating on December 31, 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

2013-411

RESOLUTION AUTHORIZING EXECUTION OF CONTRACT OF SALE AND APPROPRIATING FUNDING NECESSARY FOR CONTRACT AND CLOSING REQUIREMENTS FOR TOWN ACQUISITION OF GATEWAY PARK ADDITION (MOUNT CALVARY MINISTRIES OF HUNTINGTON, INC.), HUNTINGTON STATION

Resolution for Town Board Meeting Dated: August 13, 2013

The following resolution was offered by: Supervisor Petrone
COUNCILWOMAN BERLAND

and seconded by COUNCILMAN MAYOKA

WHEREAS, the acquisition of a 0.25-acre property held by the Mt. Calvary Ministries of Huntington, Inc., identified as SCTM 0400-099-04-016.000 and located on the south side of Academy Place in Huntington Station, was recommended for purchase by the EOSPA Committee and has been negotiated by the Town EOSPA Counsel and a contract of sale is being finalized for signature by all involved parties; and

WHEREAS, the Town Board conducted a public hearing held on January 8, 2013 pursuant to New York General Municipal Law §247.2 regarding acquisition of the subject property for park use; and

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

WHEREAS, by resolution #2012-565 of December 18, 2012 the Town Board issued a Negative Declaration pursuant to SEQRA for this action to acquire the subject property, and

NOW THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor or his representative to execute a contract, on such terms and conditions as may be acceptable to the Town Attorney, to purchase the subject property as identified above for park purposes for the benefit of Huntington residents for an amount not to exceed the sum of SIXTY-TWO THOUSAND AND FIVE HUNDRED AND 00/100 DOLLARS (\$62,500.00), excluding customary closing costs, which are hereby authorized such as title insurance and recording fees; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds on an as-needed basis to be transferred from A-0870 Open Space Land and Park Improvements Reserve Fund in an amount not to exceed the purchase price or SIXTY-TWO THOUSAND AND FIVE HUNDRED AND 00/100 DOLLARS (\$62,500.00), excluding customary closing expenses, and charged to the appropriate capital budget account as

recommended by the EOSPA Committee to cover costs as may be related to the Town's acquisition of the subject property; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Town Attorney's office to proceed to schedule a closing of title with the attorney for the property owner and authorizes the Supervisor or his representative to execute all documents related to securing such land in public ownership, upon which it is to be identified and mapped as parkland in the records of the Department of Planning and Environment.

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 AMENDING TOWN BOARD RESOLUTION AUTHORIZING THE CORRECTION OF CODE VIOLATIONS PURSUANT TO THE CODE OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: August 13, 2013

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

And seconded by: **SUPERVISOR PETRONE**

WHEREAS, Resolution 2013-281 stated violations of the Code of the Town of Huntington and/or the Uniform Codes of the State of New York existed at locations set forth in Schedule "A" to such 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, Schedule "A" to Resolution 2013-281 listed the owner of the property located at 174 Corey Place, Huntington Station, New York, SCTM No. 0400-149.00-02.00-063.000 as having been issued a Notice of Violation by the Department of Public Safety for litter and debris and overgrown weeds and grass; and

WHEREAS, the owner of 174 Corey Place, Huntington Station, New York was inadvertently placed on Schedule "A" and should not have been listed because the property came into compliance; and

WHEREAS, the Town Board is desirous of amending Town Board Resolution 2013-281 to remove such property from Schedule "A"; and

WHEREAS, the amendment of Town Board Resolution 2013-281 to remove a property from the list of properties having outstanding violations of the Town Code is not an action as defined by 6 N.Y.C.R.R. 617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY AMENDS Town Board Resolution 2013-281 to remove 174 Corey Place, Huntington Station, New York, 11746 (SCTM No. 0400-149.00-02.00-063.000) from Schedule "A" to such resolution, and in all other respects the provisions of Town Board Resolution 2013-281 shall remain in full force and effect.

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.

2013-413

RESOLUTION ADOPTING A CORRECTIVE ACTION PLAN IN RESPONSE TO
THE RECOMMENDATIONS OF THE STATE COMPTROLLER'S OFFICE

Resolution for Town Board Meeting Dated: August 13, 2013

The following resolution was offered by: Councilman Cuthbertson

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

WHEREAS, the Office of the New York State Comptroller has issued a Report of Examination for the period of January 1, 2011 to May 31, 2012, entitled, Town of Huntington-Payroll and Legal Services, 2013M-28; and

WHEREAS, pursuant to General Municipal Law, §35, the Town Board may approve and file with the State Comptroller a written response to the finding and recommendations of the State Comptroller's Office, stating the corrective actions taken or proposed to be taken, together with an explanation of any factors limiting the ability of the Town to undertake unilaterally corrective actions referred to as the Corrective Action Plan (CAP); and

WHEREAS, a CAP responding to the State Comptroller's Report is annexed and attached hereto and made a part hereof as Schedule "A"; and

WHEREAS, the submission of a CAP report to the State Comptroller is not an action as defined by 6 N.Y.C.R.R. 617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE,

BE IT RESOLVED by the TOWN BOARD that the CAP, annexed and attached hereto and made a part hereof as Schedule "A" is hereby adopted; and, the Town Clerk is directed to file a certified copy of this Resolution in the Office of the New York State Comptroller.

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



Town Hall • 100 Main Street
Huntington, NY 11743-6991

Phone: (631) 351-3030
Fax: (631) 424-7856
FPetrone@huntingtonny.gov

FRANK P. PETRONE
Supervisor

CORRECTIVE ACTION PLAN

Unit Name: Town of Huntington
Audit Report Title: Town of Huntington Payroll and Legal Services
Audit Report Number: 2013M-28

AUDIT RECOMMENDATION NO.1

Town officials should institute procedures to accurately capture the time employees report to work and the time employee shifts end.

IMPLEMENTATION PLAN OF ACTION

The Town has developed a uniform sign in sheet for employees to use, on a Town wide basis, which requires the recording of the times of arrival and of departure. The Town continues to explore the use of biometric time clocks, with an eye towards implementation in the near future, once required discussions with collective bargaining agents have taken place.

IMPLEMENTATION DATE

The uniform sign in sheet was initially implemented in three Town Departments in July 2013 and has been modified to reflect operational issues and concerns. It will be implemented on a Town wide basis for pay period 19, which begins on August 23, 2013.

PERSON RESPONSIBLE FOR IMPLEMENTATION

Town Comptroller

AUDIT RECOMMENDATION NO.2

Town officials should review supervisor overtime. If it is determined that it is necessary for supervisors to be at work earlier, Town officials should consider adjusting starting times to better meet work requirements and save taxpayer dollars.



IMPLEMENTATION PLAN OF ACTION

In the case of *Local 342, Long Island Pub. Serv. Employees v. Town of Huntington*, Appellate Division, Second Department, (1993) [copy attached] the Court upheld an arbitrator's decision that ruled that the daily overtime earned by some supervisors is a term and condition of employment, and as such, pre-approval is not required. The Town does not have the authority to eliminate this overtime, without causing an improper labor charge. The Town will review all cases of scheduled supervisory overtime, and to the extent that efficiencies are not achieved through the payment of daily overtime, the matter will be raised with Local 342, during contract negotiations for the next collective bargaining agreement.

IMPLEMENTATION DATE

The current contract between the Town of Huntington and Local 342 expires on December 31, 2015. Should implementation of revised supervisory scheduling prove advantageous to the Town, changes to contract language would likely not occur prior to that date.

PERSON RESPONSIBLE FOR IMPLEMENTATION

Supervisor's Office, Town Attorney, Town Comptroller, Personnel Officer

AUDIT RECOMMENDATION NO.3

Town officials should institute [and/or refine] procedures to document preapproval of overtime and written justification of why the overtime is necessary.

IMPLEMENTATION PLAN OF ACTION

The Town has standardized the approval process for emergency and other unscheduled overtime. Department Directors had routinely approved emergency and unscheduled overtime prior to an employee incurring overtime, albeit under differing methods. A uniform overtime approval form has been instituted Town wide. Furthermore, the Department Director will continue to confirm this approval as part of the bi-weekly MUNIS payroll approval process. In addition, the Department Directors and the Supervisor's office will continue to review current bi-weekly overtime reports issued by the Comptroller thereby assuring that overtime is monitored on a continual basis.

IMPLEMENTATION DATE

A standard form has already been implemented.

PERSON RESPONSIBLE FOR IMPLEMENTATION

Town Personnel Officer

AUDIT RECOMMENDATION NO.4 & 5

Town officials should allow employees to carry over only the number of vacation days that are allowed under the collective bargaining agreements and limit leave accrual balances in accordance with these agreements. Payments for leave accruals should be made at retirement in accordance with contract provisions. The Town should maintain a copy of the separation accrual payment forms and supporting documentation.

IMPLEMENTATION PLAN OF ACTION

The Town has had preliminary discussions with Local 342 regarding the longstanding past practice of permitting employees to carryover leave accruals in excess of the amount allowable under language in the collective bargaining agreement; the result of Department staffing concerns and emergency situations. The Town will work with both Local 342 and CESA to ensure that leave accruals reflect collective bargaining agreement language. Immediately upon receipt of the State Comptrollers draft report, the Town required that certifications and retirement payment forms be maintained in the employee personnel file when they separate from service.

IMPLEMENTATION DATE

As this has been a longstanding practice based on the Town's operational needs, it will require discussion with appropriate union representatives; the Town will need to negotiate the implementation of limiting carryover of leave accruals beyond contract provisions. Preliminary discussions have taken place since receipt of the Audit Report.

PERSON RESPONSIBLE FOR IMPLEMENTATION

Supervisor's Office, Town Attorney, Town Comptroller, Personnel Officer

AUDIT RECOMMENDATION NO.6

The Town Board should consider using an RFP process to procure professional legal service provider.

IMPLEMENTATION PLAN OF ACTION

The Town has adopted the use of RFPs issued through the Town Attorney's office for soliciting legal services.

IMPLEMENTATION DATE

The requirements for RFPs for professional legal services has already been implemented

PERSON RESOPNSIBLE FOR IMPLEMENTATION

Town Attorney

AUDIT RECOMMENDATION NO.7

The Town Board should enter into written agreements with each professional legal service provider that fully detail the services to be provided.

IMPLEMENTATION PLAN OF ACTION

The Town will further detail all legal services to be provided when entering into a written agreement with a professional legal service provider.

IMPLEMENTATION DATE

The recommendation that a further detailed scope of services be incorporated into written agreements has already been implemented

PERSON RESPONSIBLE FOR IMPLEMENTATION

Town Attorney

AUDIT RECOMMENDATION NO.8

The Board should ensure that it does not contract with outside counsel for legal services that duplicate the services being rendered by the Town Attorney's office.

IMPLEMENTATION PLAN OF ACTION

The Town attorney will continue to monitor staff and outside counsel assignments to ensure that collaboration on an issue does not lead to duplication of services.

IMPLEMENTATION DATE

This has been ongoing

PERSON RESPONSIBLE FOR IMPLEMENTATION

Town Attorney

AUDIT RECOMMENDATION NO.9

Town officials should ensure that invoices submitted by outside attorneys contain an itemized description of the service provided and the time spent providing the service.

IMPLEMENTATION PLAN OF ACTION

The Town implemented this policy immediately upon receipt of the State Comptroller's draft report. All attorneys' invoices are approved by the Town Attorney and then forwarded to the Town Comptroller for final approval and payment. No outside counsel invoices will be processed for payment if the appropriate invoicing format is not followed.

IMPLEMENTATION DATE

This was implemented immediately

PERSON RESPONSIBLE FOR IMPLEMENTATION

Town Attorney

2013-414

RESOLUTION DECLARING THE MONTH OF SEPTEMBER TO BE HUNGER ACTION MONTH

Resolution for Town Board Meeting Dated: August 13, 2013

The following resolution was offered by: Councilman Mayoka, **SUPERVISOR PETRONE**

And seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, September is Hunger Action Month, when the Feeding America nationwide network of food banks unites to urge individuals to take action in their communities; and

WHEREAS, the goal of Hunger Action Month is to mobilize the public to act on behalf of Feeding America and its food bank network and to create a movement throughout September that has a real and lasting impact on its mission to help end hunger in America; and

WHEREAS, individuals can find a way to make a difference during Hunger Action Month in several ways, including by advocating and raising awareness of the issue, making donations or volunteering; and

WHEREAS, according to the U.S. Department of Agriculture, more than 50 million Americans, including nearly 17 million children, are food insecure, meaning they live at risk of hunger; and

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

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby recognizes the designation of the month of September, as Hunger Action Month in 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

2013-BT-5

ENACTMENT: APPROVE THE GRANTING OF A VARIANCE AND THE ISSUANCE OF A SPECIAL USE PERMIT UNDER CHAPTER 137, MARINE CONSERVATION

APPLICANT: ELIZABETH CARILLO

LOCATION: 265 LITTLE NECK RD, CENTERPORT, NEW YORK

S.C.T.M. # 0400-049.00-01.00-013.000

Resolution for Board of Trustees Meeting Dated: August 13, 2013

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

and seconded by: **PRESIDENT PETRONE**

WHEREAS, pursuant to Chapter 137, the Marine Conservation Law of the Town of Huntington, an application for a Special Use Permit has been submitted by:

Elizabeth Carillo
265 Little Neck Rd
Centerport, N.Y. 11721

to extend a residential fixed pier and floating dock assembly to exceed the one hundred (100) ft. maximum length limitation by sixty-five (65) ft. Overall length of dock assembly is to measure 165 ft. from MHWL. Project site to be accessed via construction barge at 265 Little Neck Rd., Centerport, N.Y. 11721, S.C.T.M. # 0400-049.00-01.00-013.000; and

WHEREAS, the variance meets the standards for a variance as set forth in 137-22(c)(4) because: (i) the structure for which the variance is sought is not a continuous fixed pier assemblage; (ii) the extension or seaward terminus of the structure is a floating pier and ramp assemblage; (iii) the Harbormaster has determined that the extended structure will not impede navigation nor conflict with 137-26(A)(7); (iv) the application, if granted, will be in conformity with all codes, rules and regulations of the Building Code of the Town of Huntington; and (v) the application, if granted, will not have a significant effect on the environment, is not located in in critical environmental area as set forth in the SEQRA regulations and is not under any designation that recommends or prohibits construction of such structure.

WHEREAS, this action is classified as an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) and the Town Board has been established as lead agency for this action; and

WHEREAS, upon review of the Environmental Assessment Form, submitted by the applicant, and by the SEQRA review prepared by the Town Department of Maritime Services, it has been determined that no potentially adverse environmental impacts are posed by the pending action, providing the conditions requested by the Department of Maritime Services are adhered to; and

2013-BT-5

THE BOARD OF TRUSTEES, having held a public hearing on the 13th day of August, 2013, to consider the matter of granting a variance to Section 137-26.A [1] of Chapter 137, the Marine Conservation Law and the issuance of a special use permit to Elizabeth Carillo to extend a residential fixed pier and floating dock assembly to exceed the one hundred (100) ft. maximum length limitation by sixty-five (65) ft. Overall length of dock assembly is to measure 165 ft. from MHWL. Project site to be accessed via construction barge at 265 Little Neck Rd., Centerport, N.Y. 11721, S.C.T.M. # 0400-049.00-01.00-013.000; and due deliberation being had

NOW, THEREFORE

HEREBY RESOLVES, that based upon the review of the Environmental Assessment Form (EAF), submitted by the applicant, and the SEQRA review prepared by the Town Department of Maritime Services, the issuance of the permit does not pose a significant adverse environmental impact, provided that the conditions requested by the Department of Maritime Services are adhered to, and hereby issues a negative declaration; and

HEREBY GRANTS the variance of Section 137-26.A [1] of Chapter 137, the Marine Conservation Law and the issuance of a special use permit to Elizabeth Carillo to extend a residential fixed pier and floating dock assembly to exceed the one hundred (100) ft. maximum length limitation by sixty-five (65) ft. Overall length of dock assembly to measure 165 ft. from MHWL at 265 Little Neck Rd., Centerport, N.Y. 11721, S.C.T.M. # 0400-049.00-01.00-013.000 on such terms and conditions as follows

1. Applicant must notify the Dept. of Engineering Services, Dept of Maritime Services and the Harbor Masters office 48 hours prior to the commencement of any construction/ demolition activities. Notification shall be in writing to each department at 100 Main St., Town Hall, Huntington, N.Y. 11743 and separate facsimile transmissions at (631) 351-3373, (631) 351-3132 and (631) 425-0621; and
2. A License Agreement for the use of Town of Huntington underwater land is required for this project; and
3. No Materials or debris shall be discharged or otherwise permitted in tidal waters, tidal wetlands and/or protected buffer areas; and
4. All construction equipment, vehicles and materials shall access the project site via the owner's property or via sea barge. No construction equipment, vehicles or material deliveries shall transverse adjacent properties ;and
5. All activities must be conducted in conformance with the approved US Army Corp. of Engineers, New York State DEC Tidal Wetlands Permit and/or locale permits and associated approved plans; and

6. All construction equipment, vehicles and materials must be stored/operated upland of any tidal/inter-tidal wetlands areas or via sea barge; and
7. All necessary precautions shall be taken to preclude contamination of wetlands or waterways by construction debris, suspended solids, sediments, fuel, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with this project; and
8. There will be no disturbance to the vegetated tidal wetlands or protected areas as a result of the proposed activity; and
9. The applicant is responsible for scheduling all required Town of Huntington inspections at the appropriate intervals during the course of demolition/construction; and (See permit for required inspections and contact phone number)
10. The applicant, owner and their duly authorized representatives (such as contractors, sub-contractors and work-force) are required to adhere to the construction plans, methodology and/or terms/conditions approved by the Town of Huntington, Dept. of Engineering Services, Dept. Of Maritime Services and the Town Attorneys Office. Any modification or deviation from the approved plans, methodology and/or terms/conditions as included in the issued permit must be approved by the Town of Huntington prior to the commencement of activities; and
11. Upon the completion of the proposed activity, any debris or excess material shall be removed from the site in a timely manner and property disposed of at a state approved disposal area; and
12. Upon completion of the project the applicant must notify the Dept. of Engineering Services and the Dept. Of Maritimes Services in writing to each department at 100 Main St., Town Hall, Huntington, N.Y. 11743.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

President Frank P. Petrone	AYE
Trustee Susan A. Berland	AYE
Trustee Eugene Cook	AYE
Trustee Mark A. Cuthbertson	AYE
Trustee Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-BT-6

ENACTMENT: APPROVE THE EXECUTION OF A LICENSE AGREEMENT AS IS NECESSARY FOR THE EXTENSION OF A RESIDENTIAL FIXED PIER AND FLOATING DOCK ASSEMBLY UNDER CHAPTER 137, MARINE CONSERVATION
OWNER: ELIZABETH CARILLO
LOCATION: 265 LITTLE NECK RD, CENTERPORT, NEW YORK
S.C.T.M. # 0400-049.00-01.00-013.000

Resolution for Board of Trustees Meeting Dated: August 13, 2013

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

and seconded by: **PRESIDENT PETRONE**

WHEREAS, pursuant to Chapter 137, the Marine Conservation Law of the Town of Huntington, an application for a Special Use Permit has been submitted by:

Elizabeth Carillo
265 Little Neck Rd
Centerport, N.Y. 11721

to extend a residential fixed pier and floating dock assembly to exceed the one hundred (100) ft. maximum length limitation by sixty-five (65) ft. Overall length of dock assembly is to measure 165 ft. from MHWL. Project site to be accessed via construction barge at 265 Little Neck Rd., Centerport, N.Y. 11721, S.C.T.M. # 0400-049.00-01.00-013.000; and

WHEREAS, a license agreement for the construction of a one hundred sixty-five foot long residential fixed pier and floating dock assembly for use on underwater Board of Trustee land is necessary; and

WHEREAS, this action is classified as an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) and the Town Board has been established as lead agency for this action; and

WHEREAS, upon review of the Environmental Assessment Form, submitted by the applicant, and by the SEQRA review prepared by the Town Department of Maritime Services, it has been determined that no potentially adverse environmental impacts are posed by the pending action, providing the conditions requested by the Department of Maritime Services are adhered to.

WHEREAS, the Board of Trustees, having held a public hearing on the 13th day of August, 2013, to consider the matter of the execution of a license agreement pursuant to the Marine Conservation Law Chapter 137 to extend a residential fixed pier and floating dock assembly to exceed the one hundred (100) ft. maximum length limitation by sixty-five (65) ft. Overall length of dock assembly is to measure 165 ft. from MHWL. Project site to be accessed via construction barge at 265 Little Neck Rd., Centerport, N.Y. 11721, S.C.T.M. # 0400-049.00-01.00-013.000; and due deliberation being had;

2013-BT-6

NOW, THEREFORE

HEREBY RESOLVES, that based upon the review of the Environmental Assessment Form (EAF), submitted by the applicant, and the SEQRA review prepared by the Town Department of Maritime Services, the issuance of the permit does not pose a significant adverse environmental impact, provided that the conditions requested by the Department of Maritime Services are adhered to, and hereby issues a negative declaration; and

HEREBY GRANTS the execution of a license agreement for a term of twenty-five years (25) from the date of execution to Elizabeth Carillo to construct a residential fixed pier and floating dock assembly with a maximum length of one hundred sixty-five (165) ft. from the Mean High Water Line on underwater Board of Trustee land as is necessary at 265 Little Neck Rd., Centerport, N.Y. 11721, S.C.T.M. # 0400-049.00-01.00-013.000, and upon such terms and conditions as may be acceptable to the Town Attorney

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

President Frank P. Petrone	AYE
Trustee Susan A. Berland	AYE
Trustee Eugene Cook	AYE
Trustee Mark A. Cuthbertson	AYE
Trustee Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.