

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

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

PRELIMINARY/ADOPTED AGENDA AND ADOPTED RESOLUTIONS ARE AVAILABLE AT:
<http://HuntingtonNY.gov>

PRESENT:

Supervisor	Frank P. Petrone
Councilwoman	Susan A. Berland
Councilman	Eugene Cook
Councilman	Mark A. Cuthbertson
Councilman	Mark Mayoka
Deputy Town Clerk	Luann Eldridge
Town Attorney	John J. Leo

AGENDA FOR TOWN BOARD MEETING DATED MARCH 13, 2012

BOARD OF TRUSTEES' MEETING FOLLOWING

Opened: 8:38 P.M. Recessed: 8:44 P.M. Resumed: 9:39 P.M. Closed: 9:40 P.M.

COMMUNITY DEVELOPMENT AGENCY MEETING FOLLOWING

Opened: 9:40 P.M. Closed: 9:41 P.M.

7:00 P.M. – TOWN HALL

Opened: 7:05 P.M. Recessed: 8:38 P.M. Resumed: 8:44 P.M. Closed: 9:39 P.M.

(Resolutions #2012-92 to 2012-149)

HEARINGS:

ACTION

1. Consider awarding a franchise agreement to conduct a kayaking program for the Town of Huntington Department of Parks and Recreation.

(Re: Long Island Kayaking Experience, Inc.)

(2012-M-4)

DECISION RESERVED

2. Consider acquiring Gateway Park Addition (Merksamer).

(2012-M-3)

DECISION RESERVED

HEARINGS (Continued):

ACTION

3. Designate certain properties as blighted and consider authorizing various actions be taken in accordance with Chapter 156, Article VII, §156-60 (Blighted Property).

SCTM #'S:

**0400-25.00-04.00-037.000; 0400-194.00-01.00-055.001;
0400-194.00-01.00-086.000; 0400-243.00-01.00-029.000;
0400-278.00-02.00-153.000; 0400-20.00-01.00-030.000;
0400-119.00-01.00-050.000; 0400-19.00-02.00-029.000;
0400-110.00-03.00-026.005; 0400-185.00-02.00-024.003;
0400-141.00-01.00-027.000; 0400-140.00-03.00-076.000;
0400-19.00-02.00-125.200; 0400-142.00-01.00-062.00;
0400-146.00-01.00-034.000; 0400-146.00-02.00-074.000;
0400-71.00-02.00-065.000; 0400-200.00-03.00-105.000
(2012-M-2)**

**ACTION TAKEN AS PER
RESOLUTION #2012-140**

4. Consider adopting Local Law Introductory No. 4-2012, amending the Code of the Town of Huntington, Chapter 156 (Property Maintenance; Nuisances). (Local Law Introductory No. 4-2012)

DECISION RESERVED

5. Consider adopting Local Law Introductory No. 3-2012, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions) and Article XIV (Signs and Advertising Devices). (Local Law Introductory No. 3-2012)

DECISION RESERVED

6. Consider adopting Local Law Introductory No. 5-2012, amending the Code of the Town of Huntington, Chapter 156 (Property Maintenance; Nuisances) Article V, (Other Conditions and Nuisances) Section 156-46 (Excessive Growth of Grass and Weeds Prohibited) by adding: (Regulation of Bamboo). (Local Law Introductory No. 5-2012)

DECISION RESERVED

7. Consider adopting Local Law Introductory No. 2-2012, amending Local Law No. 37-2006 so as to revoke all of the covenants and restrictions previously recorded against properties bearing SCTM #0400-027-02-(012.001, 012.002, 012.003, 012.004 & 012.005) as part of Zone Change application #2006-ZM-362 of DML Properties, LLC, and reestablishing Covenants and Restrictions for properties located on the southwest corner of New York Avenue (Route 110) and Hill Place and the east side of Creek Road, Huntington, bearing SCTM #0400-027-02-012.002 & 012.003. (Local Law Introductory No. 2-2012)

DECISION RESERVED

**HEARING RESCHEDULED FROM FEBRUARY 15, 2012
(TOWN BOARD MEETING DATE CHANGED)**

HEARINGS (Continued):

ACTION

BOARD OF TRUSTEES' HEARINGS:

1. Authorize the President of the Board of Trustees to execute a deed of conveyance and all necessary documents to transfer ownership of a waterfront parcel to Rainer and Angela Schwarz.

(Re: SCTM #0400-032.00-01.00-001.004)

(2012-BT-5)

DECISION RESERVED

2. Execute a license agreement for the use of Board of Trustee Land as is necessary to maintain and operate a Yacht Club with dock assemblage at the premises known as the Ketewomoke Yacht Club, Halesite, New York.

(Re: SCTM#0400-031.01-002.003)

(2012-BT-6)

DECISION RESERVED

**AGENDA FOR TOWN BOARD
MEETING DATED: MARCH 13, 2012**

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	
2012-92.	AUTHORIZE the Supervisor to enter into an inter-municipal agreement and appropriate funding to support Oyster Bay and Cold Spring Harbor Protection Committee. (Period: 4/1/2012-4/1/2013)	<u>FP</u> <u>MM</u>	<u>SB</u> <u>5</u>
2012-93.	AUTHORIZE the execution of an inter-municipal agreement with Suffolk County for procurement of natural gas.	<u>FP</u>	<u>SB</u> <u>5</u>
2012-94.	AUTHORIZE the Supervisor to execute a modification and extension of the memorandum of understanding with F.E.G.S Health and Human Service System, nunc pro tunc. (Period: 1/1/2012-12/31/2012)	<u>FP</u> <u>SB</u>	<u>MM</u> <u>5</u>
2012-95.	AUTHORIZE the Supervisor to execute an extension to the requirements contract for the processing, disposal and marketing of discrete glass, plastic, ferrous and non-ferrous household containers with Omni Recycling of Westbury, Inc. (Extension Period: 2 years effective 6/15/2012)	<u>MM</u> <u>SB</u>	<u>FP</u> <u>5</u>
2012-96.	AUTHORIZE the Supervisor to execute a requirements contract for the consultant services for pavement and construction management with VHB Engineering, Surveying and Landscape Architecture, P.C. (Period: 1 year)	<u>MM</u>	<u>EC</u> <u>5</u>
2012-97.	AUTHORIZE the execution of a contract for sewer collection system treatment process improvements with In-Pipe Technology Company, Inc. (Period: 2 years)	<u>FP</u>	<u>MM</u> <u>5</u>
2012-98.	AUTHORIZE the execution of an extension to the requirements contract for the repairs of wastewater treatment plant equipment at the treatment plant and pump stations with Bensin Contracting, Inc. (Period: 1 year)	<u>SB</u>	<u>MC</u> <u>5</u>
2012-99.	AUTHORIZE the execution of a requirements contract for application of foaming root control in sanitary sewer systems with Municipal Sales, Inc. (Period: 1 year)	<u>MM</u>	<u>SB</u> <u>5</u>
2012-100.	AUTHORIZE the Supervisor to execute an extension to the requirements contract for the chemical waste hauling and disposal for the Town of Huntington permanent household hazardous waste storage facility with MXI Environmental Services, LLC. (Extension Period: 2 years effective 6/8/2012)	<u>SB</u> <u>MC</u>	<u>MM</u> <u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: MARCH 13, 2012**

RESOLUTIONS:	OFF.	SEC.	VOTE
2012-101. AUTHORIZE the Supervisor to execute an extension to the Townwide requirements contract for drainage and concrete construction with Laser Industries, Inc. (Extension Period: 1 year effective 5/18/2012)	<u>MM</u>	<u>MC</u>	<u>5</u>
2012-102. AUTHORIZE the Supervisor to execute an extension to the Townwide requirements contract for tree planting with Louis Barbato Landscaping, Inc. (Extension Period: 1 year effective 4/18/2012)	<u>SB</u>	<u>MM</u>	<u>5</u>
2012-103. AUTHORIZE the Supervisor to execute an extension to the contract with David R. Maltz & Co., Inc. for the public auction of surplus items. (Extension Period: 1 year effective 4/21/2012)	<u>MC</u> <u>MM</u>	<u>SB</u>	<u>5</u>
2012-104. AUTHORIZE the Supervisor to execute an amendment to the contract with Johnson Electrical Construction Corp. for the traffic signal improvements on Wolf Hill Road, New York.	<u>SB</u> <u>FP</u>	<u>MM</u>	<u>5</u>
2012-105. AUTHORIZE the Supervisor to execute an agreement with L.K. McLean Associates, P.C. for Wolf Hill Road safety improvements.	<u>FP</u> <u>SB</u>	<u>EC</u>	<u>5</u>
2012-106. AUTHORIZE the Supervisor to execute an agreement with Infinity Consulting Inc. regarding the issuance of a building permit affecting property at 945 Walt Whitman Road, Melville, NY. (Re: Re-grading permit)	<u>MM</u>	<u>FP</u>	<u>5</u>
2012-107. AUTHORIZE the Supervisor to execute an agreement with the Long Island Growers Markets for the purpose of allowing a Farmers Market to operate in the Town of Huntington. (Location: Elm Street municipal parking lot; Dates/Times: Sundays, 5/27/2012 – 11/18/2012; 7:00 AM to 12:00 PM)	<u>FP</u>	<u>SB</u>	<u>5</u>
2012-108. AUTHORIZE the Supervisor to apply for and receive funding from the County of Suffolk for the provision of the expanded in-home services for the Elderly (EISEP Housekeeper/Chore Program) and Community Services for the Elderly (CSE Caregiver Program). (Period: 4/1/2012 – 3/31/2013)	<u>SB</u> <u>MC</u>	<u>MM</u>	<u>5</u>
2012-109. AUTHORIZE the Supervisor to execute an extension to the requirements contract for the summer food service program for Project P.L.A.Y. and St. John's Camp with Whitsons Food Service (Bronx) Corp. (Extension Period: 1 year effective 6/29/2012)	<u>MC</u> <u>SB</u>	<u>MM</u>	<u>5</u>
2012-110. AUTHORIZE the Supervisor to execute a renewal of the Annual Support and License Agreement for the Town's Municipal Financial Software Package, (MUNIS) with Tyler Technologies Inc., Munis Division. (Period: 4/2/2012 – 4/1/2013)	<u>MC</u>	<u>FP</u> <u>SB</u>	4-AYES 1-NO <u>(EC)</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: MARCH 13, 2012**

RESOLUTIONS:	OFF.	SEC.	VOTE
2012-111. AUTHORIZE the Supervisor to execute an agreement with R & C Formation, Ltd. For groundwater and surface water monitoring in compliance with the record of decision for the East Northport Landfill. (Period: through 12/31/2012)	<u>MC</u>	<u>SB</u>	<u>5</u>
2012-112. AUTHORIZE the execution of an agreement with Holzmacher, McLendon & Murrell P.C. to provide professional Engineering Services for the design, bidding, administration and construction observation for the continuance of the sewer line along New York Avenue to Creek Road.	<u>MC</u> <u>MM</u>	<u>SB</u>	<u>5</u>
2012-113. AUTHORIZE the Supervisor to execute agreements with artists for seasonal (temporary) Public Art installations in selected Town parks and beach facilities. (Re Artist/Location: Charles Politakes – Heckscher Park; John Scarola – Billy Joel Park; Oona Stern – Heckscher Park; Isabelle Garbani – Heckscher Park)	<u>SB</u>	<u>FP</u>	4-AYES 1-NO <u>(EC)</u>
2012-114. APPROVE a design proposal for a Public Art Project for the Huntington Station Plaza and authorizing the artist to proceed with its fabrication and installation pursuant to the existing Public Art Agreement. (Re: "Generations")	<u>FP</u>	<u>MC</u>	3-AYES 2-NOES (EC) <u>(MM)</u>
2012-115. AUTHORIZE the Supervisor to execute an agreement with Optimum Lightpath for fiber-optic services. (Period: 3 years)	<u>MM</u>	<u>MC</u>	<u>5</u>
2012-116. AUTHORIZE the Supervisor to execute a contract with the New York State Office for People with Developmental Disabilities for funding the Summer 2012 Recreation Program for the Developmentally Disabled. (Period: 1/1/2012 – 12/31/2012)	<u>SB</u>	<u>FP</u> <u>MM</u>	<u>5</u>
2012-117. AUTHORIZE the Supervisor to execute a contract with the New York State Office for People with Developmental Disabilities for funding the 2012 Young Teen Program for the Developmentally Disabled. (Period: 1/1/2012 – 12/31/2012)	<u>SB</u>	<u>FP</u>	<u>5</u>
2012-118. AUTHORIZE execution of contract of sale and appropriating funding necessary for acquisition of Carpenter Farm Property. (Re: 55 Old Field Lane, Huntington; SCTM# 0400-080-02-022.000)	<u>MC</u>	<u>FP</u>	<u>5</u>
2012-119. AUTHORIZE execution of contract of sale and appropriating funding necessary for contract and closing requirements for town acquisition of Meyers Farm Property, Melville. (Re: 51 Old Country Road, Melville; SCTM# 0400-253-01-004; to be known as Sweet Hollow Park)	<u>FP</u> <u>MM</u> <u>SB</u>	<u>MC</u>	4-AYES 1-NO <u>(EC)</u>
2012-120. AUTHORIZE the Comptroller to appropriate funds from the Parks and Recreation Capital Improvement Reserve for the purpose of funding various Capital Projects in lieu of bonding-Department of Maritime Services. (Re: Subject to Permissive Referendum)	<u>FP</u> <u>SB</u>	<u>MC</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: MARCH 13, 2012**

RESOLUTIONS:	OFF.	SEC.	VOTE
2012-121. AUTHORIZE the Comptroller to appropriate monies from the Environmental Open Space and Park Improvement Fund for recommended park improvement and authorizing related actions (Hobart Beach Osprey Pole/Platform).	<u>MC</u>	<u>SB</u>	<u>5</u>
2012-122. AUTHORIZE the Comptroller to amend the 2011 Operating Budget for year end adjustments for the Town of Huntington and its special districts – various departments.	<u>FP</u>	<u>SB</u>	<u>5</u>
2012-123. AUTHORIZE the Comptroller to amend the 2012 Operating and Capital Budget for the Town of Huntington and its Special Districts.	<u>FP</u>	<u>MC</u>	3-AYES 2-NOES (MM) (EC)
2012-124. AUTHORIZE settlement of a Claim (Gelish vs. Town of Huntington).	<u>SB</u>	<u>MC FP</u>	<u>5</u>
2012-125. AUTHORIZE settlement of a Claim (Gurbuz vs. Town of Huntington).	<u>SB</u>	<u>MM</u>	<u>5</u>
2012-126. AUTHORIZE the correction of Code Violations at various locations pursuant to the Code of the Town of Huntington and/or the Uniform Codes of the State of New York. (Re: Hyun Hee Kim, 32 Clay Pitts Road, Greenlawn, SCTM# 0400-164.00-03.00-013.000, Chapter 133; Mark/Lisa Fyfe, 68 East Gate Drive, Huntington, SCTM# 0400-132.00-02.00-005.000, Chapters 133, 156; Faith Ministries, Inc., 3 Penn Court, Dix Hills, SCTM# 0400-260.00-02.00-010.000, Chapter 133; Bette Kalpakis, 34 Shady Lane, Huntington, SCTM# 0400-157.00-02.00-054.000, Chapters 133, 191; Heather Lazarides, 2 Glover Drive, Dix Hills, SCTM# 0400-284.00-03.00-172.000, Chapter 191)	<u>MM SB</u>	<u>EC FP</u>	<u>5</u>
2012-127. ACCEPT a donation of two team benches for the synthetic turf fields at Veterans Memorial Park. (Re: Northport Cow Harbor United Soccer Club)	<u>MC</u>	<u>SB</u>	<u>5</u>
2012-128. ACCEPT a donation from Covanta Energy Corporation for the promotion, marketing and operating expenses associated with the “2012 Huntington Family Earth Day Expo” on April 21, 2012.	<u>MC FP</u>	<u>MM SB</u>	<u>5</u>
2012-129. AMEND Town Board Resolution 2011-521 scheduling regular meetings of the Town Board of the Town of Huntington for the Year 2012. (Re: June 19, 2012 at 7:00 PM)	<u>FP</u>	<u>SB</u>	<u>5</u>
2012-130. REMOVED FROM THE AGENDA AT THE WORKSHOP.			

**AGENDA FOR TOWN BOARD
MEETING DATED: MARCH 13, 2012**

RESOLUTIONS:	OFF.	SEC.	VOTE
2012-131. APPOINT a member to the Affordable Housing Advisory Board. (Re: Robert Conte)	<u>EC</u>	<u>MM</u> <u>FP</u>	4-AYES 1-ABST <u>(SB)</u>
2012-132. DECLARE the month of April to be “Adopt a Cat” month in the Town of Huntington.	<u>SB</u>	<u>FP</u>	<u>5</u>
2012-133. ESTABLISH a fee for a night fishing beach parking permit. (Re: Fee \$30.00 per vehicle; per year April 1 – December 31)	<u>MC</u>	<u>SB</u>	3-AYES 2-NOES (EC) <u>(MM)</u>
2012-134. GRANT permission for the Huntington YMCA to utilize the Town Hall parking lot for the purpose of parking for its annual Memorial Day Carnival. (Dates: 5/23/2012 – 5/28/2012)	<u>FP</u> <u>MC</u>	<u>SB</u>	<u>5</u>
2012-135. GRANT a permit for an Aquatic Event to Metropolitan Swimming, Inc. for their open water swimming championships. (Date: 7/15/2012)	<u>FP</u>	<u>SB</u> <u>MM</u>	<u>5</u>
2012-136. ENACTMENT: ADOPT Local Law Introductory Number 1-2012 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article XX (Accessory Apartments).	<u>MC</u>	<u>MM</u>	<u>5</u>
2012-137. ENACTMENT: AMEND the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article II, §2-3, Schedule C. Re: Ruland Road, Melville – Prohibited Turns.	<u>SB</u>	<u>FP</u>	<u>5</u>
2012-138. ENACTMENT: AMEND the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article II §2-3, Schedule C. Re: Holdsworth Drive, Huntington – Prohibited Turns.	<u>MC</u>	<u>SB</u> <u>MM</u>	<u>5</u>
2012-139. ENACTMENT: AMEND the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Sweet Hollow Road, Melville – Parking Restrictions.	<u>MM</u> <u>SB</u>	<u>FP</u>	<u>5</u>
2012-140. AUTHORIZE appropriate action(s) in accordance with Huntington Town Code Chapter 156 Property Maintenance; Nuisances, Article VII, Blighted Property, §156-67, action by Town Board for failure to comply or abate violations.	<u>SB</u>	<u>MM</u>	<u>5</u>
2012-141. SCHEDULE A PUBLIC HEARING: April 17, 2012 at 7:00 PM To designate certain properties as blighted and to consider authorizing various actions be taken in accordance with Chapter 156, Article VII, §156-60 (Blighted Property). (Re: SCTM#'s 0400-33-1-15; 0400-281-02-007; 0400-214.00-03.00-003,; 0400-154-2-7; 0400-14104012.003; 0400-245-03-052)	<u>SB</u>	<u>EC</u> <u>FP</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: MARCH 13, 2012**

RESOLUTIONS:	OFF.	SEC.	VOTE
2012-142. SCHEDULE A PUBLIC HEARING: April 17, 2012 at 7:00 PM To consider adopting Local Law Introductory No. 6 – 2012 amending the Code of the Town of Huntington so as to repeal Chapter 40 (Huntington Housing Authority).	<u>FP</u>	<u>MC</u>	<u>5</u>
2012-143. SCHEDULE A PUBLIC HEARING: April 17, 2012 at 7:00 PM To consider adopting Local Law Introductory Number 7 - 2012 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article VII (Off-Street Parking).	<u>FP</u>	<u>SB</u>	<u>5</u>
2012-144. SCHEDULE A PUBLIC HEARING: April 17, 2012 at 7:00 PM To consider awarding a license agreement for bus shelter advertising for the Town of Huntington. (Re: Sunrise Outdoor Advertising, Inc.)	<u>SB</u>	<u>FP</u> <u>MM</u>	<u>5</u>
2012-145. SCHEDULE A PUBLIC HEARING: April 17, 2012 at 7:00 PM To consider issuing a Certificate of Approval in an Historic District Re: 554 Park Avenue, Huntington – Old Huntington Green Historic District. (Applicant: Jeffrey Ratti; SCTM# 0400.00-097.00-03.00-017.000)	<u>SB</u>	<u>EC</u>	<u>5</u>
2012-146. SCHEDULE A PUBLIC HEARING: April 17, 2012 at 7:00 PM To consider awarding a franchise agreement to conduct a baseball/softball summer camp for the Town of Huntington Department of Parks and Recreation. (Re: Spring Training Camps, Inc.)	<u>MC</u> <u>MM</u>	<u>SB</u> <u>FP</u>	<u>5</u>
2012-147. SCHEDULE A PUBLIC HEARING: April 17, 2012 at 7:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article V, §2-10, Schedule I. Re: Lawrence Hill Road, Cold Spring Harbor, School Speed Limits.	<u>MM</u> <u>SB</u>	<u>EC</u>	<u>5</u>
2012-148. SCHEDULE A PUBLIC HEARING: April 17, 2012 at 7:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Anderson Place, Scudder Place, Huntington – Parking Restrictions.	<u>MC</u>	<u>MM</u>	<u>5</u>
2012-149. SCHEDULE A PUBLIC HEARING: April 17, 2012 at 7:00 PM To consider issuing a Certificate of Approval in an Historic District Re: 35 Spring Street, Cold Spring Harbor – Cold Spring Harbor Historic District. (Applicant: Charles Conroy; SCTM# 0400.00-063.00-02.00-008.000)	<u>SB</u> <u>MM</u>	<u>EC</u>	<u>5</u>

**AGENDA FOR BOARD OF TRUSTEES'
MEETING DATED: MARCH 13, 2012**

RESOLUTIONS:

OFF. SEC. VOTE

2012-BT7. ENACTMENT: APPROVE the issuance of a Special Use Permit under Chapter 137 (Marine Conservation) Applicant: Barbara Raisch on behalf of Eaton Harbors Corp. Location: South end of Beach Rd., Eaton's Neck, N.Y. 11768 S.C.T. M. #0400-005.00-05.00-001.000.

SB MM 5

**AGENDA FOR COMMUNITY DEVELOPMENT AGENCY
MEETING DATED: MARCH 13, 2012**

RESOLUTIONS:

OFF. SEC. VOTE

2012-CD11. ACCEPT V&M Professional Management LLC's request to surrender the lease for the space they occupy in the premises known as 1264-1268 New York Avenue, Huntington Station, New York to the Huntington Community Development Agency.

FP SB 5

2012-CD12. APPROVE and AUTHORIZE the Director of the Huntington Community Development Agency to execute a lease with Renaissance Downtowns at Huntington Station, LLC for 1266 New York Avenue, Huntington Station, New York.

**FP MC
MM 5**

INFORMATIONAL SHEET FOR TOWN BOARD MEETING

DATED: March 13, 2012

COMMUNICATION

ACTION

1. Letters received Certified Mail – Applying for Liquor Licenses:
From: Alejandro Gonzalez for Oaxaca Mexican Restaurant;
From: Irwin Richman for Beth David Caterers; From: Alejandro Gonzalez for Alejandro Gonzalez or Corp. to be formed;

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: Stuart Steinberg for Umberto Pizzeria; From: Celestino Marin for El Ranchito; From: Kathleen McManus McPherson for Katie Mc's Irish Pub; From: John Dolan, Jr. for Finnians Pub; From: Ping Zhu for Tokyo Sushi of Suffolk County Corp.;

Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
3. Letters received from Lynn Pincomb, Village Administrator for Huntington Bay regarding the following Board of Trustee hearings to be held at 7:30 PM on February 13, 2012 at 7:30 PM at the Halesite Fire House, 1 North New York Avenue re: A) Property located at 1 Sydney Road – located in Preservation District "C1" to construct a new screen porch. B) Property located at 24 Bay Crest – located in Preservation District "C1" – to demolish existing house and to construct a new dwelling and in ground swimming pool, pool surround, patio and driveway and legalize existing structures.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
4. Letters received from Lynn Pincomb, Village Administrator for Huntington Bay regarding the following Zoning Board of Appeals hearings to be held at 7:30 PM on February 16, 2012 at Village Hall, 244 Vineyard Road re: A) Property located at 3 Terra Mar Drive – Located in District "A"- to construct additions and alterations that require variances. B) Property located at 13 Beach Road – located in a District "C1" – to construct at stormwater discharge pipe and tide check valve and to grade additional fill and legalize a brick patio and storage bin that requires a variance.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
5. Letter received from Maria Teresa Quirk, President of the Huntington Township Housing Coalition. The letter indicates it is affirming the comments made by the Coalition last year regarding Action Plan 2011 and urging construction of affordable housing of all sizes.

Supervisor
Town Board
Town Attorney
Engineering Services
Planning & Environment
cc: Community Development
6. Memorandum received from Frank DeRubeis, Director of Planning for Smithtown, regarding the proposed Lowe's Home Center to be built on the SW/c Henry Street and Crooked Hill Road in Commack. Also included were maps and a copy of the site plan application.

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

7. Certified letter received from Agnes J. Vion, Clerk to the Smithtown Planning Board, regarding a Public Hearing to be held on March 7, 2012 at 8:00 PM at the Smithtown Senior Citizens Center to consider Zone Change Petition # 2009-5 for property located at the East side of Townline Road, and South of Northport-Kings Park Road in Kings Park. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
8. Letter received from Andrew Freleng, Chief Planner for Suffolk County, regarding Town of Huntington resolutions 2012-86 and 2012-89. The commission is considering them to be a matter for local determination; this should not be construed as either an approval or disapproval. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
9. Letter received from Vincent Puleo, Town Clerk of Smithtown, regarding a change to Chapter 322, the Zoning Code, as it relates to Site Plan exemptions. The change was adopted at the February 23, 2012 Town Board meeting. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
10. Notification received from the New York Department of Transportation regarding the Designation of Restricted Highway. Northern State Parkway from Exit 39 to Exit 41 and NY 110 from Pinelawn Road to Schwab Road, which are being used for the Work Zone Traffic Control for the reconstruction of NSP/NY 110 interchange under Contract NO. D261545 are hereby designated as Restricted Highways until December 31, 2013. Supervisor
Town Board
Town Attorney
Highway
Engineering Services
Public Safety
Planning & Environment
cc: Traffic & Transportation
11. Letter received from Ann Marie Jones, Commissioner of Planning and Development, for the Town of Babylon regarding a proposed TD Bank to be built at S/w/c/o Deer Park Avenue and Rutland Street in Deer Park. The Town of Babylon received an application for a subdivision of property at this location. All Huntington residents within 200 feet of this property will receive notification of this hearing. Maps were included. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning and Environment
12. Email received from Joseph Grasso supporting the prohibition of bamboo. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning and Environment
13. Letter received from Joyce Logan, Deputy Treasurer of the Huntington Fire District, with a copy of the 2011 Annual Financial Report. Comptroller
cc: File
14. Letter received from Lynn Pincomb, Village Administrator for Huntington Bay, advising of a Board of Trustee hearing to be held on March 12, 2012 at 7:30 PM at Huntington Yacht Club. The applicant is 10 Beach Road – to remove existing first floor and second floor and construct a new home, garage, and swimming pool and legalize various structures. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

15. Public Notice received from Richard Marino, Chairman of the Board of Zoning Appeals for the Incorporated Village of Laurel Hollow regarding a Public Hearing on March 22, 2012 at 7:30 PM. The following applications will be discussed: 1. 39 Woodvale Drive – insufficient setback of shed 2. & 3. 28 Shady Lane – to construct 2 garages and disturb a slope 4. 42 Springwood Path – insufficient setback of shed 5. 36 Hilltop Drive continuation of appeal and application on setback and size issues 6. 1556 Laurel Hollow Road – disturb a slope. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
16. Copy of the Dix Hills Fire District Annual Financial Report for the fiscal year ended 12/31/2011 was hand delivered by Philip Tepe. File
cc: Comptroller
17. Letter received regarding the Paramount. The resident is concerned about drunk driving, noise, litter, traffic and called the "Blackout Barstool" event the final straw. Supervisor
Town Board
Town Attorney
cc: Public Safety
18. Fact Sheet received from the New York State Department of Environmental Conservation. The notification was about a Public Hearing to be held on March 3/15/2012 at 7:00 PM at the Cold Spring Harbor Library & Environmental Center regarding the Country Cleaners located at 410 West Main Street in Huntington. The site is listed as a Class "2" site in the State Registry of Inactive Hazardous Waste Sites. Supervisor
Town Board
Town Attorney
Public Safety
Engineering Services
Planning & Environment
Sewage Treatment Facility
cc: Environmental Waste Mgmt
19. Letter received from Karen Friel, Vice Chairperson for the Cold Spring Hills Civic Association, regarding violations at the Dougal Property. Supervisor
Town Board
Town Attorney
cc: Public Safety

RESOLUTION AUTHORIZING SUPERVISOR TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT AND APPROPRIATE FUNDING TO SUPPORT OYSTER BAY AND COLD SPRING HARBOR PROTECTION COMMITTEE

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington is one of 18 governmental jurisdictions on the Oyster Bay and Cold Spring Harbor Protection Committee that participated in the development of the Oyster Bay and Cold Spring Harbor Watershed Action Plan, and

WHEREAS, Friends of the Bay and the Town of Oyster Bay received a grant to fund a watershed coordinator position to work with the Committee for the period from April 1, 2011 to April 1, 2012, and the grant period is coming to a close,

WHEREAS, following the models of the Hempstead Harbor and Manhasset Bay Protection Committees, the 18 governmental organizations have been asked to enter into an inter-municipal agreement to support continuation of the role of the watershed coordinator and the protection committee, on an apportioned annual basis, and

WHEREAS, the Horizons 2020 Comprehensive Plan recommends protection and enhancement of Huntington's coastal areas and water quality, promotes work with environmental groups to foster environmental stewardship, and encourages practices that minimize impacts on surface water, groundwater, and other natural resources; and

WHEREAS, the Town's participation on the Oyster Bay and Cold Spring Harbor Protection Committee affords it multiple benefits of information sharing, advocacy, grant support, and regulation development and is recognized by the NYSDEC as a means to achieve municipal storm water objectives; and

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

WHEREAS, this action is classified Type II pursuant to SEQRA 6 NYCRR 617.5(c)(20 and 27) as it involves a local legislative decision pertaining to continuing agency administration, since the Town is already participating on the Oyster Bay and Cold Spring Harbor Protection Committee;

NOW, THEREFORE,

THE TOWN BOARD

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTER-MUNICIPAL AGREEMENT WITH SUFFOLK COUNTY FOR PROCUREMENT OF NATURAL GAS

Resolution for Town Board Meeting dated March 13, 2012

The following resolution was offered by Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, The Town of Huntington has determined that, in the interest of realizing cost savings, it is to its advantage to participate, through Suffolk County's Department of Public Works, in Suffolk County's bidding and award procedures for the procurement of natural gas, by including the demand for natural gas of the Town of Huntington in the County's request for bidders; and

WHEREAS, it is in the mutual interest of Suffolk County to include the Town of Huntington demand for natural gas in its request for bidders for natural gas for County facilities, in order to maximize purchasing value and obtain a more favorable price, which will amount to a cost savings for Suffolk County and the Town; and

WHEREAS, Sub-division (c) of section (1) of Article IX of the New York State Constitution provides that "Local governments shall have power to agree, as authorized by act of the legislature, with the federal government, a state or one or more other governments within or without the state, to provide cooperatively, jointly or by contract any facility, service, activity or undertaking which each participating local government has the power to provide separately...;" and

WHEREAS, sub-division (1) of section 119-a of Article 5-G of the General Municipal Law provides, in part, that "In addition to any other general or special powers vested in municipal corporations and districts for the performance of their respective functions, powers or duties on an individual, cooperative, joint or contract basis, municipal corporations and districts shall have power to enter into, amend, cancel and terminate agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service ...;" and

WHEREAS, paragraph (d) of sub-division (2) of section 119-a of Article 5-G of the General Municipal Law authorizes agreements relating to "purchasing and making of contracts subject to general laws applicable to municipal corporations and school districts;" and

WHEREAS, sub-division (a) of section 119-n of Article 5-G provides that "The term 'municipal corporation' means a county outside the city of New York, a city, a town, a village, a board of cooperative educational services, fire district or a school district"; and

2012-93

WHEREAS, this inter-municipal agreement for the procurement of natural gas is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(25) and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to enter into an inter-municipal agreement with Suffolk County, in a form acceptable to the Town attorney, pursuant to §119-o of the General Municipal Law, to promote efficient and economical purchasing opportunities for natural gas; and be it further

RESOLVED, that such agreement shall provide that the Town of Huntington and any of its affiliates, successors, and assigns shall be solely responsible for payments due the successful contractor or vendor for their individual purchases."

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-94

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A MODIFICATION AND EXTENSION OF THE MEMORANDUM OF UNDERSTANDING WITH F.E.G.S HEALTH AND HUMAN SERVICE SYSTEM, NUNC PRO TUNC

Resolution for Town Board Meeting dated: March 13, 2012

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Hands on Huntington Program is an innovative program to assist seniors, ages 60 years of age and older to remain in their homes while enhancing independence and fostering personal growth; and

WHEREAS, Federation Employment and Guidance Service, Inc. (F.E.G.S) is a private, not-for-profit health and human services corporation operating a diverse range of programs delivering services in the New York Metropolitan Area and Long Island; and

WHEREAS, F.E.G.S has collaborated with the Town of Huntington to operate the "Hands on Huntington" initiative to provide the highest level of health and social services to Town of Huntington senior citizens; and

WHEREAS, the Town and F.E.G.S wish to modify and extend the term of this Memorandum of Understanding for the period January 1, 2012 through December 31, 2012; and

WHEREAS, pursuant to the subject modification and extension of the Memorandum of Understanding, the minimum documented cost for the supportive services, provided by the Town during the term of this extension period shall be THIRTY THOUSAND SIX HUNDRED SIX AND NO/100 (\$30,606.00) DOLLARS of which FOUR THOUSAND SIX HUNDRED SIX AND NO/100 (\$4,606.00) DOLLARS shall be payable by F.E.G.S to the Town pursuant to F.E.G.S' Agreement with NYSOFA. As part of the NYSOFA cash match requirements under the Agreement, the Town shall document no less than an additional TWENTY SIX THOUSAND AND NO/100 (\$26,000.00) DOLLARS in actual expenses incurred by the Town in support of the Hands on Huntington initiative; and

WHEREAS, executing a modification and extension of a Memorandum of Understanding is not an action defined by 6 N.Y.C.R.R. 617.2 (b) and therefore requires no further SEQRA review.

NOW, THEREFORE

THE TOWN BOARD

2012- 94

HEREBY AUTHORIZES the Supervisor to execute a modification and extension of the Memorandum of Understanding, and any documents in connection and related therewith, with F.E.G.S. located at 315 Hudson Street, New York, New York, 10013, for the period January 1, 2012 through December 31, 2012 whereby minimum documented cost for supportive services provided by the Town shall be THIRTY THOUSAND SIX HUNDRED SIX AND NO/100 (\$30,606.00) DOLLARS of which FOUR THOUSAND SIX HUNDRED SIX DOLLARS NO/100 (\$4,606.00) DOLLARS shall be payable by F.E.G.S to be recorded in Operating Budget Item A1977. The Town's cash match of TWENTY SIX THOUSAND AND NO/100 (\$26,000.00) DOLLARS will be provided through the provision of in-kind services and on such other terms and conditions as may be acceptable to the Town Attorney, *nunc pro tunc*.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	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 TO THE REQUIREMENTS CONTRACT FOR THE PROCESSING, DISPOSAL AND MARKETING OF DISCRETE GLASS, PLASTIC, FERROUS AND NON-FERROUS HOUSEHOLD CONTAINERS WITH OMNI RECYCLING OF WESTBURY, INC.

Resolution for Town Board Meeting Dated: March 13, 2012

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

WHEREAS, the Town of Huntington operates a drop off facility for source separated recyclables, such as glass, metal cans, and plastics, located at 641 New York Avenue, Huntington, NY, which functions as a supplemental disposal site for residents to their curbside recycling collection; and

WHEREAS, the Town requires services to remove and dispose of the collected materials; and

WHEREAS, Town Board Resolution 2010-157 authorized the execution of a contract with Omni Recycling of Westbury, Inc. for the processing, disposal and marketing of discrete glass, plastic, ferrous and non-ferrous household containers, Bid No. TOH 10-03R-015; and

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

WHEREAS, Omni Recycling of Westbury, Inc., 7 Portland Avenue, Westbury, New York 11590 has requested the final two (2) year extension; and

WHEREAS, based on a review of current market conditions, it is in the best interest of the Town to exercise this extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Omni Recycling of Westbury, Inc. for the processing, disposal and marketing of discrete glass, plastic, ferrous and non-ferrous household containers. The extension period shall be effective for two (2) years commencing on June 15, 2012, to be charged to A8565.4990 and upon such other terms and conditions as may be acceptable to the Town Attorney.

2012-95

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.

2012-96

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A REQUIREMENTS CONTRACT FOR THE CONSULTANT SERVICES FOR PAVEMENT AND CONSTRUCTION MANAGEMENT WITH VHB ENGINEERING, SURVEYING AND LANDSCAPE ARCHITECTURE, P.C.

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town requires consultant services to provide pavement management, analysis and testing on an as needed basis; and

WHEREAS, sealed proposals were received on February 17, 2012 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the consultant services for pavement and construction management, RFP no. 2012-02-004 and the same were opened and read aloud; and

WHEREAS, VHB Engineering, Surveying and Landscape Architecture, P.C., 2150 Joshua's Path, Suite 300, Hauppauge, New York 11788, is the successful proposer; and

WHEREAS, the execution of this contract for consultant services is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(18), (c)(20), (c)(21) and (c)(28), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a requirements contract, and any documents in connection and related therewith, with VHB Engineering, Surveying and Landscape Architecture, P.C. for the consultant services for pavement and construction management, RFP 2012-02-004. The contract period shall be effective for a one (1) year term commencing upon execution of the contract but not prior to May 5, 2012 and upon mutual agreement of the vendor and the Town, the contract may be extended for two (2) additional one (1) year periods under the same prices, terms and conditions, to be charged to HW 5197 2776 12502, and other various funds as required to perform the services, 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.

2012-97

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SEWER COLLECTION SYSTEM TREATMENT PROCESS IMPROVEMENTS WITH IN-PIPE TECHNOLOGY COMPANY, INC.

Resolution for Town Board Meeting Dated: March 13, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN MAYOEA**

WHEREAS, the Town of Huntington Sewer District processes 2.5 million gallons per day of sewage and septic waste for the three thousand two hundred and one residential and commercial properties within in the District; and

WHEREAS, the District is required to meet the NYSDEC mandated 2014 effluent standards for nitrogen and has endeavored to find a cost effective method to meet those standards. The District also strives to reduce operating expense while continuing to produce cleaner effluent; and

WHEREAS, sealed proposals were received on August 19, 2011 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the sewer collection system treatment process improvements, RFP No. 2011-08-011 and the same were opened and read aloud; and

WHEREAS, In-Pipe Technology Company, Inc., 100 Bridge Street, Wheaton, IL 60187 was the sole proposer. Their proposal uses proprietary technology to reduce nitrogen levels, suspend solids and biological oxygen demand which will produce a cleaner effluent to meet the NYSDEC 2014 standards, while resulting in net savings in energy consumption, sludge disposal and chemical use. Anticipated savings will more than offset the annual cost of this service contract. The Town may terminate the contract should the referenced savings not be realized; and

WHEREAS, sewer collection system treatment process improvements 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

THE TOWN BOARD

HEREBY AUTHORIZES the execution of a contract, and any documents in connection and related therewith, with In-Pipe Technology Company, Inc. for the sewer collection system treatment process improvements. The contract period shall be effective for two (2) years term commencing upon execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for an additional one (1) year period under the same or reduced prices, terms and conditions, to be charged to the Operating Budget Item SS18131-4570 not to exceed a monthly cost of TWELVE THOUSAND THREE HUNDRED AND NO/100 (\$12,300.00) DOLLARS and upon such other terms and conditions as may be acceptable to the Town Attorney; and

2012-97

HEREBY AUTHORIZES the Comptroller to amend the 2012 Operating Budget to reflect anticipated savings and costs of this program:

Increase the following appropriation:

SS18131-4570 Service Contracts \$110,700

Decrease the following appropriation:

SS18131-4220 Electric (-\$110,700)

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.

2012-98

RESOLUTION AUTHORIZING THE EXECUTION OF AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR THE REPAIRS OF WASTEWATER TREATMENT PLANT EQUIPMENT AT THE TREATMENT PLANT AND PUMP STATIONS WITH BENSIN CONTRACTING, INC.

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington owns and operates a Sewer Treatment Facility within the Huntington Sewer District that processes 2.1 million gallons of sewage per day. This facility has recently been upgraded and on occasion mechanical equipment failures may occur for which specialized skills and outside support are required; and

WHEREAS, Town Board Resolution 2010-110 authorized the execution of a contract with Bensin Contracting, Inc. for the repair of wastewater treatment plant equipment on an as-needed basis at the treatment plant and pump stations, Bid No. TDH 10-02R-011 and Town Board Resolution 2011-134 authorized the first one (1) year extension; and

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

WHEREAS Bensin Contracting, Inc., 652 Union Avenue, Holtsville, New York 11742 has requested the final one (1) year extension; and

WHEREAS, based on a review of current market conditions, it is in the best interest of the Town to exercise this extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the contract, and any documents in connection and related therewith, with Bensin Contracting, Inc. for the repair of wastewater treatment plant equipment on an as-needed basis at the treatment plant and pump stations. The extension period shall be effective for one (1) year commencing on May 4, 2012, to be charged to funds SS1 8131-4650 and SS3 8133-4650 and upon such other terms and conditions as may be acceptable to the Town Attorney.

2012-98

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.

2012-99

RESOLUTION AUTHORIZING THE EXECUTION OF A REQUIREMENTS CONTRACT FOR APPLICATION OF FOAMING ROOT CONTROL IN SANITARY SEWER SYSTEMS WITH MUNICIPAL SALES, INC.

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, sewer lines within the Huntington Sewer District require annual maintenance for root intrusion with the injection of foaming herbicide to eliminate and inhibit roots that have grown and can prevent the flow of sewerage through the sewer lines; and

WHEREAS, sealed bids were received on February 16, 2012, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the application of foaming root control in sanitary sewers, bid no. TOH 12-02R-011 and the same were opened publicly and read aloud; and

WHEREAS, Municipal Sales, Inc., P.O. Box 4743, Queensbury, New York 12804 is the low bidder; and

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

THE TOWN BOARD

HEREBY AUTHORIZES the execution of a requirements contract, and any documents in connection and related therewith, with Municipal Sales, Inc. for the application of foaming root control in sanitary sewers. The contract period shall be effective for one (1) year from the date of award and upon mutual agreement of the vendor and the Town, the contract may be extended for an additional one (1) year period under the same prices, terms and conditions, to be charged to SS1.8131.4550, 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 EXTENSION TO THE REQUIREMENTS CONTRACT FOR THE CHEMICAL WASTE HAULING AND DISPOSAL FOR THE TOWN OF HUNTINGTON PERMANENT HOUSEHOLD HAZARDOUS WASTE STORAGE FACILITY WITH MXI ENVIRONMENTAL SERVICES, LLC.

Resolution for Town Board Meeting Dated: March 13, 2012

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

WHEREAS, the Town of Huntington operates a permitted Permanent Household Hazardous Waste Storage Facility (PHHWF) at 641 New York Avenue, Huntington, NY, where residents may drop off household hazardous wastes that cannot be processed at the Resource Recovery Facility and must be disposed of in an environmentally acceptable manner; and

WHEREAS, the Town requires disposal and hauling services to remove these materials collected at the PHHWF; and

WHEREAS, Town Board Resolution 2010-156 authorized the execution of a contract with MXI Environmental Services, LLC for the chemical waste hauling and disposal for the Town of Huntington permanent household hazardous waste storage facility, Bid No. TOH 10-03R-014; and

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

WHEREAS MXI Environmental Services, LLC, 26319 Old Trail Road, Abingdon, Virginia 24210 has requested the final two (2) year extension; and

WHEREAS, based on a review of current market conditions, it is in the best interest of the Town to exercise this extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with MXI Environmental Services, LLC for the chemical waste hauling and disposal for the Town of Huntington permanent household hazardous waste storage facility. The extension period shall be effective for two (2) years commencing on June 8, 2012, to be charged to A8565.4990 and upon such other terms and conditions as may be acceptable to the Town Attorney.

2012-100

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.

2012-101

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE TOWNWIDE REQUIREMENTS CONTRACT FOR DRAINAGE AND CONCRETE CONSTRUCTION WITH LASER INDUSTRIES, INC.

Resolution for Town Board Meeting Dated: March 13, 2012

The following resolution was offered by: **COUNCILMAN MAYOKA**
and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town requires a contractor to perform drainage mitigation to reduce standing water in roadways and the environmental impacts of contaminants from road runoff as well as control erosion due to overland flow; and

WHEREAS, Town Board Resolution 2010-154 authorized the execution of a contract with Laser Industries, Inc. for the townwide requirements contract for drainage and concrete construction, Contract No. HWY 2010-04/O-E and Town Board Resolution 2011-130 authorized the first one (1) year extension; and

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

WHEREAS, Laser Industries, Inc., 1775 Route 25, Ridge, New York 11961 has requested the final one (1) year extension; and

WHEREAS, based on a review of current market conditions, it is in the best interest of the Town to exercise this extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Laser Industries, Inc. for the townwide requirements contract for drainage and concrete construction. The extension period shall be effective for one (1) year commencing on May 18, 2012, to be charged to those budgets required to implement the work, on an as needed basis 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 EXTENSION TO THE TOWNWIDE REQUIREMENTS CONTRACT FOR TREE PLANTING WITH LOUIS BARBATO LANDSCAPING, INC.

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, under this contract, the Contractor shall furnish, plant and maintain trees and provide all necessary labor, equipment and materials; and

WHEREAS, Town Board Resolution 2011-87 authorized the execution of a contract with Louis Barbato Landscaping, Inc. for tree planting, Contract No. HWY 2011-01/O-E; and

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

WHEREAS, Louis Barbato Landscaping, Inc., 1600 Railroad Avenue, Holbrook, New York 11741 has requested the first one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Louis Barbato Landscaping, Inc. for tree planting. The extension period shall be effective for one (1) year commencing on April 18, 2012, to be charged to those budgets required to implement the work, on an as needed basis, 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 EXTENSION TO THE CONTRACT WITH DAVID R. MALTZ & CO., INC. FOR THE PUBLIC AUCTION OF SURPLUS ITEMS.

Resolution for Town Board Meeting Dated: March 13, 2012

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

WHEREAS, the Town wishes to expand the available audience of potential purchasers for the Town of Huntington's surplus and obsolete inventory items; and

WHEREAS, Town Board Resolution 2009-72 authorized the execution of a contract with David R. Maltz & Co., for the public auction of surplus items and the sale for scrap of vehicles not sold at auction after reasonable efforts; and

WHEREAS, said contract provides for three (3) one (1) year extension with no increase in the prices, or change in the terms and conditions and Town Board Resolution 2011-90 authorized the first one (1) year extension; and

WHEREAS, David R. Maltz & Co., Inc., 155 Terminal Drive, Plainview, New York 11803 has requested the second one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the contract, and any documents in connection and related therewith, with David R. Maltz & Co., Inc. for the public auction of surplus items and the sale for scrap of vehicles not sold at auction after reasonable efforts, for a term of one (1) year commencing on April 21, 2012, 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. Cothbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-104

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH JOHNSON ELECTRICAL CONSTRUCTION CORP. FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON WOLF HILL ROAD, NEW YORK.

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILMAN MAYORA**

WHEREAS, Town Board Resolution 2011-3 authorized the Supervisor to execute a contract with Johnson Electrical Construction Corp. for traffic signal improvements on Wolf Hill Road which includes equipment upgrades and complete rebuilding of four (4) local intersections, and furnishing and installing a wireless Ethernet based communication system for eight (8) local intersections; and

WHEREAS, the Director of Department of Transportation and Traffic Safety has determined that additional work on Wolf Hill Road was necessary to improve signal communications and bring pedestrian facilities into ADA compliance; and

WHEREAS, the original contract did not include any contingency monies for unforeseen work on this project; and

WHEREAS, the location of these traffic signal improvements is along Wolf Hill Road from Crandon Street to Winthrop Drive, and is located within the Hamlets of Dix Hills and Melville; and

WHEREAS, traffic signal improvements is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1),(c)(2)and (c)(16), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an amendment to the contract with Johnson Electrical Construction Corp. to perform additional work for an amount not to exceed the sum of THIRTY FOUR THOUSAND EIGHT HUNDRED FIFTY NINE AND 66/100 (\$34,859.66) DOLLARS, to be charged to TT3397-2775-10303, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2012-104

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH L.K. MCLEAN ASSOCIATES, P.C. FOR WOLF HILL ROAD SAFETY IMPROVEMENTS

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, Town Board resolution 2010-330 authorized the Supervisor to apply for and receive grant funding from the New York State Department of Transportation for Local Safe Streets and Traffic Calming (LSSTC) grant program; and

WHEREAS, the Town of Huntington was selected to receive grant funding from the New York State Department of Transportation for LSSTC grant program; and

WHEREAS, the Director of the Department of Transportation and Traffic Safety has recommended that the Town utilize a professional civil engineering consultant to provide survey and design services for the Wolf Hill Road Safety Improvements Project associated with the installation of new curb and sidewalk along the North side of Wolf Hill Road between Old Country Road and Melrose Road; and

WHEREAS, the Department of Transportation and Traffic Safety solicited proposals from three engineering firms selected from the Suffolk County Locally Driven Selection Arrangement (LDSA) List; and

WHEREAS, L.K. McLean Associates, P.C. submitted the lowest proposal to provide engineering and surveying services related to the Wolf Hill Road Safety Improvements Project; and

WHEREAS, this contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(18), and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with L.K. McLean Associates, P.C. to provide engineering and surveying services related to the Wolf Hill Road Safety Improvements Project for an amount not to exceed the sum of TWENTY-NINE THOUSAND NINE HUNDRED FIFTY-SIX DOLLARS AND 58/100 (\$29,956.58) to be charged to Capital Budget Item No. TTS410-2783-RS301, and authorizes the Director of Transportation and Traffic Safety to execute change orders with an aggregate value up to 5% of the design services costs, 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. Curbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-106

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH INFINITY CONSULTING INC. REGARDING THE ISSUANCE OF A BUILDING PERMIT AFFECTING PROPERTY AT 945 WALT WHITMAN ROAD, MELVILLE, NY

Resolution for Town Board Meeting Dated: March 13, 2012

The following resolution was offered by: **OXINGILMAN MAYOEA**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, Infinity Consulting, Inc. is the property owner of 945 Walt Whitman Road (a/k/a Route 110); and

WHEREAS, the New York State Department of Transportation (NYSDOT) has undertaken a major reconstruction project affecting a change to the access to the Infinity property; and

WHEREAS, in order to accommodate a new curb cut from Walt Whitman Road to the Infinity property, certain re-grading of the Infinity property is necessary; and

WHEREAS, the NYSDOT and the property owner have contacted the Town to request that the necessary building permit be issued to allow the re-grading of the Infinity property; and

WHEREAS, there exists a protracted history of litigation and specific zoning code violations regarding the property owners' use of the Infinity property which necessitate that an Agreement be executed to set forth conditions precedent to the Town's issuance of a building permit; and

WHEREAS, in order that the potential for future litigation be limited and the completion of the NYSDOT project not be unreasonably delayed, the Town Board wishes to authorize the execution of an agreement with Infinity Consulting; and

WHEREAS, the execution of an agreement setting forth conditions precedent to the issuance of a re-grading building permit 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 AUTHORIZES the Supervisor to execute an Agreement with Infinity Consulting Inc., 945 Walt Whitman Road, Melville, New York 11747, setting forth conditions precedent to the issuance of a re-grading building permit on terms and in a form acceptable to the Town Attorney's Office.

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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 SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE LONG ISLAND GROWERS MARKETS FOR THE PURPOSE OF ALLOWING A FARMERS MARKET TO OPERATE IN THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: March 13, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BEELAND**

WHEREAS, for the past several years, Long Island Growers Markets has successfully operated a Farmers Market in the Town of Huntington municipal parking lot located at Elm Street in Huntington Village; and

WHEREAS, said Farmers Market engendered much local support and patronage; and

WHEREAS, Long Island Growers Markets has requested permission to once again operate a Farmers Market in the Town of Huntington for the 2012 harvest season commencing on May 27, 2012 and ending on November 18, 2012; and

WHEREAS, pursuant to Chapter 91 of the Huntington Town Code, Long Island Growers Markets shall pay to the Town of Huntington a permit fee in the amount of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS; and

WHEREAS, the operation of the Long Island Growers Market Farmers Markets at a municipal parking lot in the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(20) and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with the Long Island Growers Markets, 35870 Main Road, Orient, New York 11957, for the use of a portion of the Elm Street municipal parking lot for the purpose of operating a Farmers Market pursuant to Chapter 91 of the Huntington Town Code, to be held on Sundays between the hours of 7:00 a.m. to 12:00 p.m., for the period commencing on May 27, 2012 and ending on November 18, 2012, and pursuant to Chapter 91 of the Huntington Town Code, Long Island Growers Markets shall pay to the Town of Huntington a permit fee in the amount

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of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS, to be recorded in Operating Budget Account A2410 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.

2012-108

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FUNDING FROM THE COUNTY OF SUFFOLK FOR THE PROVISION OF THE EXPANDED IN-HOME SERVICES FOR THE ELDERLY (EISEP HOUSEKEEPER/CHORE PROGRAM) AND COMMUNITY SERVICES FOR THE ELDERLY (CSE CAREGIVER PROGRAM)

Resolution for Town Board Meeting Dated: March 13, 2012

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

WHEREAS, the Department of Human Services, Senior Citizen Division, has successfully operated an EISEP/Housekeeper Chore and CSE Caregiver Program for senior citizens; and

WHEREAS, the Town seeks funding from the County of Suffolk to assist in the provision of such services; and

WHEREAS, the 2012 Adopted Suffolk County Operating Budget provides funding at the rate of FOURTEEN and 80/100 (\$14.80) DOLLARS per unit of service for the EISEP Housekeeper/Chore Program for the period of April 1, 2012 through March 31, 2013; and

WHEREAS, the 2012 Adopted Suffolk County Operating Budget includes TWENTY-FIVE THOUSAND FIVE HUNDRED AND NO/100 (\$25,500.00) DOLLARS of funding for the Town of Huntington's CSE Caregiver Program for the period of April 1, 2012 through March 31, 2013; and

WHEREAS, applying for and receiving funds for the EISEP Housekeeper/Chore Program and CSE Caregiver Program are not actions as defined by 6 NYCRR § 617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to apply for and receive funds from the County of Suffolk for the provision of the EISEP Housekeeper/Chore Program at a rate of FOURTEEN AND 80/100 (\$14.80) DOLLARS per unit of service for the period of April 1, 2012 through March 31, 2013 to be recorded in Operating Budget Item A-3778 and to execute any documents in connection and related therewith and upon such other terms and conditions as are acceptable to the Town Attorney; and

FURTHER AUTHORIZES the Supervisor to apply for and receive funds from the County of Suffolk for the provision of the CSE Caregiver Program in the amount of TWENTY-FIVE THOUSAND FIVE HUNDRED and NO/100 (\$25,500.00) DOLLARS for the period of April 1, 2012 through March 31, 2013, to be recorded in Operating Budget Item

2012-108

A3778 and to execute any documents in connection and related therewith and upon such other terms and conditions as are acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman 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 TO THE REQUIREMENTS CONTRACT FOR THE SUMMER FOOD SERVICE PROGRAM FOR PROJECT P.L.A.Y. AND ST. JOHN'S CAMP WITH WHITSONS FOOD SERVICE (BRONX) CORP.

Resolution for Town Board Meeting Dated: March 13, 2012

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

WHEREAS, the Town of Huntington, through the New York State Department of Education, will provide a summer food service program for children who meet the family income criteria as set by the United States Department of Agriculture (USDA); and

WHEREAS, Town Board Resolution 2010-292 authorized the execution of a contract with Whitsons Food Service (Bronx) Corp. for a summer food service program for project P.L.A.Y. and St. John's Camp, Bid No. TOH 10-05R-046 and Town Board Resolution 2011-214 authorized the first one (1) year extension; and

WHEREAS, said requirements contract provides for three (3) additional one (1) year extensions with no increase in the bid price or change in the terms and conditions; and

WHEREAS, Whitsons Food Service Corp., 1800 Motor Parkway, Islandia, New York 11749 has requested the second one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Whitsons Food Service (Bronx) Corp. for the Summer Food Service Program for Project P.L.A.Y. and St. John's Camp. The extension period shall be effective for one (1) year commencing on June 29, 2012 to be charged A7140.4550, 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 A RENEWAL OF THE ANNUAL SUPPORT AND LICENSE AGREEMENT FOR THE TOWN'S MUNICIPAL FINANCIAL SOFTWARE PACKAGE, (MUNIS) WITH TYLER TECHNOLOGIES INC., MUNIS DIVISION

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **SUPERVISOR PETROME, COUNCILWOMAN BERLARD**

WHEREAS, the Town utilizes a municipal financial software package under license agreement with Tyler Technologies, Inc., MUNIS Division (MUNIS) of Falmouth, Maine for the purposes of managing Accounts Receivable, Purchasing, Payroll, and the Utility Billing function in various Town departments; and

WHEREAS, the renewal of the proprietary Annual Support Agreement and License Agreement for the period of April 2, 2012 through April 1, 2013 is necessary for the continued maintenance, support and annual licensing with system version upgrades to said software; and

WHEREAS, MUNIS is the only source for the proprietary annual support and license agreement for the software and enables the Town to access programming maintenance, support and version upgrades for MUNIS; and

WHEREAS, MUNIS, with its principal place of business at 370 US Route One, Falmouth, Maine, 04105 provided the net cost of \$118,760.22 for the annual renewal of support services and update licensing; and

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

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute the renewal of the Annual Support and Licensing Agreement for the Town's municipal financial software package with Tyler Technologies, Inc., MUNIS Division, and any documents in connection therewith, not to exceed a total of 118,760 AND 22/100 (\$118,760.22) DOLLARS, of which the amount of 112,331 AND 54/100 (\$112,331.54) DOLLARS to be charged to Operating Budget Item A1680-4570 and 6,428 AND 68/100 (\$6,428.68) DOLLARS to be charged to the Dix Hills Water District for the Utility Billing Operating budget Item SW18321-4570 for the period of April 2, 2011 through April 1, 2012 upon such other terms and

conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-111

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH R & C FORMATION, LTD. FOR GROUNDWATER AND SURFACE WATER MONITORING IN COMPLIANCE WITH THE RECORD OF DECISION FOR THE EAST NORTHPORT LANDFILL.

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILSMAN BERLAND**

WHEREAS, the Town of Huntington is required by a Record of Decision (ROD) to provide bi-annual sampling, analysis, and reporting of eleven groundwater monitoring wells and seven surface water locations of the known leachate plume of the East Northport landfill. This work has been provided by an outside consultant since the ROD was established in 1996, and periodically the Town solicits proposals for these professional services; and

WHEREAS, R & C Formation Ltd., has submitted a proposal for groundwater and surface water sampling, reporting, and analysis for the East Northport Landfill and the Department of Environmental Waste Management has evaluated the proposal and found it acceptable; and

WHEREAS, groundwater and surface water sampling, reporting, and analysis for the Town of Huntington East Northport landfill is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c)(18) and (c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement, and any documents in connection and related therewith, with R & C Formation Ltd., 705 Bedford, New York 11710 for professional services in conjunction with groundwater and surface water sampling, reporting, and analysis for the Town of Huntington East Northport landfill. The agreement period shall have an effective term commencing upon execution of the contract through December 31, 2012 and upon such terms and conditions as approved by the Town Attorney and at the discretion of the Town Board, not to exceed the annual sum of NINETEEN THOUSAND TWO HUNDRED AND NO/100 (\$19,200.00) DOLLARS to be charged to the East Northport Landfill-Post Closure Maintenance operating budget line A 8166-4550.

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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.

2012-112

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH HOLZMACHER, McLENDON & MURRELL P.C TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN, BIDDING, ADMINISTRATION AND CONSTRUCTION OBSERVATION FOR THE CONTINUANCE OF THE SEWER LINE ALONG NEW YORK AVENUE TO CREEK ROAD.

Resolution for Town Board Meeting Dated: March 13, 2012

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

WHEREAS, Town Board Resolution 2009-397 authorized an agreement with Holzmacher, McLendon and Murrell, P.C for engineering services to provide the design, bidding, construction administration and construction observation for the continuance of the underground sewer line that runs North along New York Avenue, and

WHEREAS, seventy five percent of the construction project costs and the engineering services costs are reimbursable under an agreement with the New York State Environmental Facilities Corporation (NYSEFC), and

WHEREAS, the construction project was estimated to take between four to six weeks and should have been completed on or before September 30, 2010 but was delayed by the New York State Department of Transportation until October 2011, and

WHEREAS, the agreement with Holzmacher, McLendon and Murrell, P.C expired on September 30, 2010 with items unfinished and funds unspent, and the Town would like to complete these items and submit the eligible costs to the NYSEFC for reimbursement, and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an agreement with Holzmacher, McLendon & Murrell P.C, 575 Broad Hollow Road, Melville, NY 11747-5076 to provide professional engineering services in an amount not to exceed \$5,491.20 to be charged to Capital Budget Accounts WM8197-2780-FB808 and WM8197-2780-GT019 and upon such terms and conditions as approved by the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AGREEMENTS WITH ARTISTS FOR SEASONAL (TEMPORARY) PUBLIC ART INSTALLATIONS IN SELECTED TOWN PARKS AND BEACH FACILITIES

Resolution for Town Board Meeting Dated: March 13, 2013

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

and seconded by: **SUPERVISOR PETRONE**

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

WHEREAS, the Town Board subsequently approved a Public Art Plan recommended by the Public Art Advisory Committee (Resolution 2011-565); and

WHEREAS, in accordance with this plan and approved procedures, a Request for Proposals from artists for seasonal (temporary) installations of public art in selected Town parks was issued; and

WHEREAS, an Artist Selection Panel formulated in accordance with approved procedures was appointed to review the 10 different submissions received from interested artists; and

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

WHEREAS, the temporary installation of works of public art in selected Town parks is a Type II action as defined by 6 N.Y.C.R.R. Section 617.5(c)(15) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute agreements with each of the four (4) artists indicated below for seasonal (temporary) installation of their works in selected Town parks and beach facilities as indicated – or at alternate locations selected in consultation with the Depts. of Parks & Recreation, Maritime Services, and General Services (Parks Maintenance) – for amounts not to exceed the sum of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS for each of the four (4) installations and FOUR THOUSAND AND NO/100 (\$4,000) DOLLARS in total charged to A-7460.4012

(Public Art Initiative), and on such other terms and conditions as may be acceptable to the Town Attorney:

<u>Artist</u>	<u>Proposed Work</u>	<u>Location</u>
Charles Politakes 61 Old Northport Rd. Huntington, NY 11743	<i>Lullaby 3</i>	Heckscher Park
John Scarola 83 Beaver Dr. Kings Park, NY 11754	<i>Two Schools of Thought</i>	Billy Joel Park
Oona Stern 82 Third Pl., Apt. 3 Brooklyn, NY 11231	<i>Meander</i>	Heckscher Park or an alternate location
Isabelle Garbani 540 79 th Street Brooklyn, NY 11209	<i>Knit for Trees</i>	Heckscher Park

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION APPROVING A DESIGN PROPOSAL FOR A PUBLIC ART PROJECT FOR THE HUNTINGTON STATION PLAZA AND AUTHORIZING THE ARTIST TO PROCEED WITH ITS FABRICATION AND INSTALLATION PURSUANT TO THE EXISTING PUBLIC ART AGREEMENT.

Resolution for Town Board Meeting Dated: March 13, 2012

The following resolution was offered by: SUPERVISOR PETRONE

and seconded by: COUNCILMAN CUTHBERTSON

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

WHEREAS, the Town Board subsequently approved a 2005 Public Art Plan recommended by the Public Art Advisory Committee (Resolution 2004-834), which included the planned development of a public art project in association with the establishment of a new "Huntington Station Plaza" at the southeast corner of New York Avenue and Olive Street as part of plans for revitalization of Huntington Station being coordinated by the Town of Huntington Economic Development Corporation (EDC) on behalf of the Town and has continued to include this project within all annual Public Art Plans approved subsequently by the Town Board; and

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

WHEREAS, in accordance with the approved Public Art Plan and procedures, and as authorized by the Town Board (Resolution 2011-376), an agreement was executed with the artist Madeline Wiener Sculptor, Inc. (Denver, CO) for the design and implementation of this public art project, as recommended by the Public Art Advisory Committee, the EDC, and the appointed Artist Selection Panel that reviewed responses to the Request for Qualifications (RFQ) issued in 2011 for this project; and

WHEREAS, following meetings with interested community members and diverse project stakeholders and in accordance with the terms and conditions of this agreement the artist has submitted a design proposal for creation of a four-element sculpture carved from dolomitic limestone entitled "Generations;" and

WHEREAS, this proposal has been presented in a series of meetings to various stakeholder individuals, organizations and agencies, including the appointed Project Panel, the Town of Huntington Public Art Advisory Committee, the Town of Huntington Economic Development Corporation Board of Directors (EDC), the Board of Directors of

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the Huntington Station Business Improvement District (BID), and both the Government Advocacy Committee and the Board of Directors of the Huntington Township Chamber of Commerce; and

WHEREAS, all costs of the planning and design of this public art project are being fully supported by a federal HUD Planning Grant secured by the EDC, and the cost of all project materials and their transportation and shipment will be covered by a Round 6 Suffolk County Downtown Revitalization Grant secured by the EDC, leaving a balance of approximately \$22,000 to be paid from the Town's Public Art Initiative fund (A-7460.4012) out of the total project budget of \$65,000 in order to complete fabrication and installation of this project; and,

WHEREAS, the installation of a public artwork in this location is not an action as defined by 6 N.Y.C.R.R. Section 617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY APPROVES the "Generations" design proposal as submitted and authorizes the Artist to proceed with its fabrication and installation in accordance with the existing agreement.

VOTE: AYES: 3 NOES: 2 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH OPTIMUM LIGHTPATH FOR FIBER-OPTIC SERVICES

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILMAN CITHBERTSON**

WHEREAS, the Town's employees are increasingly relying on the Town's network to access the Town's systems and services; and

WHEREAS, the Town is rapidly expanding the number of systems and services which rely heavily on the Town's network; and

WHEREAS, the Town's existing network no longer has sufficient bandwidth to support many of the existing and near future demands; and

WHEREAS, contracting for a fiber-optic based network would provide the Town five to twenty times (5X to 20X) the bandwidth it has today, with significant decreases in downtime and improvement in monitoring and management; and

WHEREAS, fiber-optic services is available on New York State Contract (PS63855) in accordance with General Municipal Law and procured locally with Optimum Lightpath, with its principal place of business at 200 Jericho Quadrangle, Jericho, New York, 11753; and

WHEREAS, utilizing Optimum Lightpath's E-Lan and E-Link services will represent an annual savings to the Town's voice and data network services in excess of \$80,000 for the first three years with additional savings after the first three year agreement ends; and

WHEREAS, all other alternative providers and solutions to increase Town's bandwidth and lower downtime rates incurred significant capital and/or operating increases to the Town; and

WHEREAS, the \$32,000 costs to purchase, configure and install the necessary communications hardware will be funded through the Information Technology department's capital budget and the \$131,160 Optimum Lightpath annual service costs will be offset by the expiration of the \$126,000 annual Verizon datalines and Mindshift support agreement, and over \$100,000 savings in voice services; and

WHEREAS, there is a transition period during which the continued services of Mindshift and Verizon are required to ensure no disruption to Town's network services; and

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

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement for town wide fiber-optic services with Optimum Lightpath, Inc., and an annual fee, in the amount of ONE HUNDRED THIRTY ONE THOUSAND ONE HUNDRED SIXTY AND NO/100 (\$131,160.00) DOLLARS to be charged to Operating Budget Item A1680-4570 for a three (3) year term commencing upon execution of the contract and upon such other terms and conditions as may be acceptable to the Town Attorney and further authorizes that, if required, the Mindshift agreement will continue on a month to month basis past the May 18th termination for a period not to exceed six (6) months and on the 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 A CONTRACT WITH THE NEW YORK STATE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES FOR FUNDING THE SUMMER 2012 RECREATION PROGRAM FOR THE DEVELOPMENTALLY DISABLED.

Resolution for Town Board Meeting Dated: March 13, 2012

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

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

WHEREAS, the Town of Huntington Department of Parks and Recreation offers a Summer Recreation Program for the Developmentally Disabled; and

WHEREAS, direct funding is available for this program through the New York State Office for People with Developmental Disabilities (OPWDD) in the amount of THIRTY FOUR THOUSAND NINE HUNDRED NINETY-NINE AND NO/100 (\$34,999.00) DOLLARS; and

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

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract with the New York State Office for People with Developmental Disabilities (OPWDD) and any documents in connection and related therewith for funding the Summer 2012 Recreation Program for the Developmentally Disabled in the amount of THIRTY FOUR THOUSAND NINE HUNDRED NINETY-NINE AND NO/100 (\$34,999.00) DOLLARS for the period January 1, 2012 to December 31, 2012, and to execute all necessary documents in connection therewith and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	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.

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RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH THE NEW YORK STATE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES FOR FUNDING THE 2012 YOUNG TEEN PROGRAM FOR THE DEVELOPMENTALLY DISABLED.

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington Department of Parks and Recreation offers a Young Teen Program for the Developmentally Disabled; and

WHEREAS, funding has been awarded for this program through the New York State Office for People with Developmental Disabilities (OPWDD) in the amount of THIRTEEN THOUSAND SIX HUNDRED SEVENTY FIVE AND NO/100 (\$13,675.00) DOLLARS; and

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

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract with the New York State Office for People with Developmental Disabilities (OPWDD) for funding the 2011 Young Teen Program for the Developmentally Disabled in the amount of THIRTEEN THOUSAND SIX HUNDRED SEVENTY FIVE AND NO/100 (\$13,675.00) DOLLARS for the period January 1, 2012 to December 31, 2012; and to execute all necessary documents in connection therewith and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING EXECUTION OF CONTRACT OF SALE AND APPROPRIATING FUNDING NECESSARY FOR ACQUISITION OF CARPENTER FARM PROPERTY

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by **SUPERVISOR PETRONE**

WHEREAS, the acquisition of approximately 12.482 acres of the Carpenter Farm property located at 55 Old Field Lane in Huntington, identified as SCTM 0400-080-02-022.000, was recommended by the EOSPA Committee and has been successfully negotiated and contracts of sale will be prepared for signature by all involved parties; and

WHEREAS, prior Town Board resolution supported acquisition of the Carpenter Farm property as a shared acquisition with Suffolk County, and authorized the Supervisor, Town Attorney, Special EOSPA Counsel and Comptroller to take the necessary actions to secure development rights for the land in Town and County ownership; however, specific costs and contract requirements must be met, including, but not limited to: surveys, title insurance, environmental site assessment, recording of deeds, pro-rated taxes as necessary, and other closing costs reasonably related to the transaction; and

WHEREAS, a public hearing was held on June 6, 2011 pursuant to General Municipal Law §247 regarding acquisition of the subject property; and the Town and County will acquire an undivided interest; and

WHEREAS, prior to completing the acquisition and/or direct funding of the individual project, the Town Board has determined that the action to acquire the property is classified as Unlisted pursuant to SEQRA; and

WHEREAS, the Town Board is the only agency "involved" in approving a direct action to appropriate Town funds toward the acquisition of the subject property, and therefore, has been established as lead agency, and the Department of Planning and Environment has prepared a short Environmental Assessment Form for the proposed action;

NOW THEREFORE, BE IT

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

BE IT FURTHER

RESOLVED, that the Town Board authorizes the Supervisor to execute a contract and related documents, on such terms and conditions acceptable to the Town Attorney, to purchase the Carpenter Farm Property with Suffolk County as identified above for passive park purposes

for the benefit of Huntington residents for an amount not to exceed the sum of TWO MILLION SIX HUNDRED AND EIGHTY-THREE THOUSAND AND SIX HUNDRED AND THIRTY 00/100 DOLLARS (\$2,683,630) and subject to survey verification, plus closing costs, including but not limited to survey, appraisal, environmental audit, title insurance, tax adjustment, and taxes prior to exemption, which are hereby authorized to be split 50% by the Town and 50% by the County the same as the purchase cost; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds in an amount not to exceed 50% of the purchase price or ONE MILLION THREE HUNDRED AND FORTY-ONE THOUSAND AND EIGHT HUNDRED AND FIFTEEN 00/100 (\$1,341,815,000) DOLLARS subject to survey verification, excluding customary closing expenses, to cover costs related to the Town and County acquisition of the subject property on an as-needed basis to be transferred from A-0870 Open Space Land and Park Improvements Reserve Fund and charged to the appropriate capital budget account for the proposed acquisition; and

BE IT FURTHER

RESOLVED, that should the County of Suffolk be unable to uphold their commitment to partner with the Town of Huntington in a timely manner, the Town may acquire fee interest to the property independently and the flexibility to appropriate funding for the full acquisition costs is hereby authorized; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Town Attorney's office to proceed to schedule a closing of title with the attorney for the owner/estate of the Carpenter Farm Property and authorizes the Supervisor and/or his designee to execute all documents related to securing such land in public ownership, upon which it is to be identified and mapped as protected open space 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 AUTHORIZING EXECUTION OF CONTRACT OF SALE AND APPROPRIATING FUNDING NECESSARY FOR CONTRACT AND CLOSING REQUIREMENTS FOR TOWN ACQUISITION OF MEYERS FARM PROPERTY, MELVILLE

Resolution for Town Board Meeting Dated: March 13, 2012

The following resolution was offered by: Supervisor Petrone
COUNCILMAN MAYOKA, COUNCILWOMAN BESLAND
and seconded by: COUNCILMAN CUTHBERTSON

WHEREAS, the acquisition of the former Meyers Farm property, identified as SCTM 0400-253-01-004, located at 51 Old Country Road, at the northeast corner of Round Swamp Road and Old Country Road in Melville, and comprised of approximately 8.1 acres, was recommended for purchase by the EOSPA Committee and has been successfully negotiated by the Town EOSPA Counsel and contracts of sale will be forwarded to the seller; and

WHEREAS, prior Town Board resolution supported acquisition of the property and authorized the Supervisor, Town Attorney, Special EOSPA Counsel and Comptroller to take the necessary actions to secure the land in Town ownership; however, specific costs and contract requirements must be met, including, but not limited to: surveys, title insurance, environmental site assessment, recording of deeds, pro-rated taxes as necessary, and other closing costs and items as may be specified as contract requirements; and

WHEREAS, a public hearing was held on June 11, 2008 pursuant to General Municipal Law §247 regarding acquisition of the subject property and there was strong public support expressed at the public hearing for acquiring the property for park purposes; and

WHEREAS, the future park development plan will be devised with community input, such that a 3-acre portion will be developed for active recreational use and a 5-acre component of the property will be encumbered with a conservation easement and for protection of a valuable watershed area; and

WHEREAS, it is anticipated that the development rights associated with the five (5) acre parcel whereon a house of worship could be developed will be transferred to another five (5) acre parcel having the following SCTM #0400-267.00-02.00-012.001 and known as 25 Deshon Drive, Melville, NY.

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

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

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NOW THEREFORE, BE IT

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

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract, on such terms and conditions as may be acceptable to the Town Attorney, to purchase the Meyers Farm property as identified above for park purposes for the benefit of Huntington residents for an amount not to exceed the sum of ONE MILLION THREE HUNDRED TWENTY-FIVE THOUSAND (\$1,325,000.00), excluding customary closing costs, which are hereby authorized such as title insurance and recording fees; and

BE IT FURTHER

RESOLVED, that the Town Board shall take such further action as may be necessary to participate in the transfer of the development rights pursuant to 198-118 of the Town Code of the Town of Huntington prior to closing on the purchase of the property; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate the authorized funding from Budget Item A1940.2109 [Purchase of Open Space Land] in an amount not to exceed the purchase price or ONE MILLION THREE HUNDRED TWENTY-FIVE THOUSAND (\$1,325,000.00), excluding customary closing expenses, to cover costs related to the Town's acquisition of the subject property; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Town Attorney's office to proceed to schedule a closing of title with the attorney for the owner of the former Meyers Farm property and authorizes the Supervisor to execute all documents related to the acquisition, and upon securing such property in the ownership of the Town, it is hereby declared to be and dedicated as parkland to be held and known as Sweet Hollow Park.

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO APPROPRIATE FUNDS FROM THE PARKS & RECREATION CAPITAL IMPROVEMENT RESERVE FOR THE PURPOSE OF FUNDING VARIOUS CAPITAL PROJECTS IN LIEU OF BONDING -DEPARTMENT OF MARITIME SERVICES

Resolution for Town Board Meeting Dated: March 13, 2012

The following resolution was offered by: Supervisor Petrone, **COUNCILSMAN BERLAND** and seconded by: **COUNCILSMAN CUTHBERTSON**

WHEREAS, pursuant to Resolution 2011-516, the Huntington Town Board adopted the 2012 Capital Project Budget and upon review of all capital projects approved therein, the Town's Capital Projects Committee has recommended that specific projects, including sand nourishment and maritime equipment should be funded through available Town reserves; and

WHEREAS, the Town Board has appropriated funds to be set aside for the purpose of funding future capital projects in a Parks and Recreation Capital Improvement Reserve Fund and General Reserve Fund 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

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 funding of these capital projects in lieu of bonding is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(1), (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 appropriate funds from the Parks & Recreation Capital Improvement Reserve for the purpose of funding various Capital Projects in lieu of bonding and amend the 2012 Capital Budget as follows:

<u>Capital Projects to be Amended</u>	<u>Original Budget</u>	<u>Increase</u>	<u>New Budget</u>
Beach Nourishment at Hobart and West Neck Beach	-0-	\$50,000	50,000
Navigational Aids	-0-	10,000	10,000
Landscape trailer for beach maintenance	-0-	10,000	10,000

Reserves to be appropriated:

As - Parks and Recreation Capital Improvement Reserve Fund	\$	(70,000)
Beach Nourishment at Hobart and West Neck Beach	\$	50,000
Navigational Aids	\$	10,000
Landscape trailer for beach maintenance	\$	10,000

FURTHER BE IT RESOLVED THAT the Town Clerk is hereby authorized and directed to, within ten (10) days after the adoption of this resolution, cause this resolution to be (a) published in the official newspapers of the Issue, and (b) posted on the sign board of the Town maintained pursuant to the Town Law, together with a notice of adoption thereof.

VOTE: AYES: 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.

2012-121

RESOLUTION AUTHORIZING COMPTROLLER TO APPROPRIATE MONIES FROM THE ENVIRONMENTAL OPEN SPACE AND PARK IMPROVEMENT FUND FOR RECOMMENDED PARK IMPROVEMENT AND AUTHORIZING RELATED ACTIONS (HOBART BEACH OSPREY POLE/PLATFORM)

Resolution for Town Board Meeting Dated: March 13, 2012

The following resolution was offered by Councilman Cuthbertson

and seconded by **COUNCILWOMAN BERLAND**

WHEREAS, osprey poles have been erected on Town properties in the past on such sites as the Jerome Ambro Memorial Wetlands Preserve, and

WHEREAS, for the past two years osprey nested on the superstructure of the fishing/lobster boat, Wolf Larsen, at Prices Bend adjacent to Hobart Beach, but that vessel was permanently removed from its mooring by its owners in the fall of 2011, and

WHEREAS, the EOSPA Committee has considered a proposal to place an osprey pole/platform at Hobart Beach to be erected this spring to coincide with the migratory return of the osprey and the Department of Planning and Environment has screened the request and potential locations through the Department of Maritime Services, and the Long Island offices of the NYSDEC and the U.S. Fish and Wildlife Service, and it appears to be a feasible project, and

WHEREAS, a tidal wetland permit will be required for the osprey pole/platform, which can be constructed and installed by the Department of Maritime Services, and permit fee and materials costs are anticipated not to exceed \$1,000, and

WHEREAS, the EOSPA Committee has recommended an expenditure not to exceed \$1,000 in support of the osprey pole/platform, and

WHEREAS, the proposed park improvement has been classified as Unlisted pursuant to SEQRA, and the Town Board is the only agency "involved" in authorizing expenditure of EOSPA funds, and therefore has been established as lead agency, and the Department of Planning and Environment has drafted a full Environmental Assessment Form to facilitate completion of the necessary SEQRA review;

NOW/THEREFORE, BE IT

RESOLVED, that the Town Board finds, on review of the EAF, there shall be no significant adverse impacts associated with the installation of an osprey pole/platform at Hobart Beach and hereby issues a Negative Declaration pursuant to SEQRA, and

BE IT FURTHER

RESOLVED, that the Town Board directs the Director of the Department of Planning and Environment to submit a tidal wetland permit application, and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds on an as-needed basis to be transferred from A-0870 Open Space Land and Park Improvements Reserve Fund, and charged to the appropriate capital budget account for the park improvement recommended by the EOSPA Committee as listed below for implementation by the identified department/entity:

DEPARTMENT OF GENERAL SERVICES

Hobart Beach, not to exceed \$1,000

Secure necessary tidal wetland permit and construct and install osprey pole/platform

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.

2012-122

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2011 OPERATING BUDGET FOR YEAR END ADJUSTMENTS FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS- VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town is required each year to close its accounting records for the prior fiscal year, which necessitates approval of various budget transfers to reflect actual payments and expenses that are off-set by savings and economies within each fund that occurred during the course of Fiscal Year 2011; 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, an amendment to the budget 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 Comptroller to make the budgetary amendments to the 2011 Operating Budget as per the attached Schedule A.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Petrone			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 AIncrease the following appropriations:

A1316	1150	Permanent Part Time Salaries	12,561.54
A1330	1100	Regular Salaries	10,220.06
A1410	1100	Regular Salaries	34,661.22
A1420	4530	Books	24,924.71
A1420	4550	Outside Professional	264,449.64
A1621	1300	Overtime Salaries	40,229.58
A1660	1100	Regular Salaries	34,904.57
A1680	1100	Regular Salaries	11,066.41
A1910	4150	Unallocated Insurance	28,683.54
A3010	1150	Permanent Part Time Salaries	102,553.87
A3010	1300	Overtime Salaries	43,952.00
A3120	1100	Regular Salaries	17,967.04
A3120	1150	Permanent Part Time Salaries	31,287.42
A3510	1100	Regular Salaries	17,654.03
A3510	1150	Permanent Part Time Salaries	34,166.51
A5010	1100	Regular Salaries	19,981.00
A5630	1150	Permanent Part Time Salaries	55,477.47
A5630	1300	Overtime Salaries	40,556.16
A7115	1150	Permanent Part Time Salaries	20,348.41
A7116	1100	Regular Salaries	42,396.54
A7116	4220	Electric (LIPA)	37,390.58
A7181	1200	Non-Permanent Salaries	10,647.00
A7182	1100	Regular Salaries	11,135.15
A7183	1100	Regular Salaries	14,105.17
A7270	1175	Part Time Salaries	13,837.41
A7620	1100	Regular Salaries	16,443.84
A8565	1100	Regular Salaries	15,506.60
A8565	1300	Overtime Salaries	26,116.22
A9010	8010	State Retirement	119,724.00
A9040	8030	Workers Compensation	508,299.62
A9060	8072	Medicare Reimbursement	5,929.20
B1420	4551	Outside Professionals -Legal	87,696.00
B1620	1100	Regular Salaries	16,788.34
B8020	1100	Regular Salaries	22,125.50
DB5110	1150	Permanent Part Time Salaries	22,030.26

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DB5110	4270	Motor Vehicle Rentals	198,315.48
DB5142	1100	Regular Salaries	390,763.85
DB5142	1300	Overtime Salaries	47,799.52
DB5142	8020	Social Security	12,533.25
DB9010	8010	State Retirement	112,404.00
DB9060	8070	Health Insurance	47,966.54
DB9060	8071	Retiree Health Insurance	122,055.01
SL5182	4120	Fuel for Vehicles	10,818.29
SL9010	8010	State Retirement	21,561.00
SL9060	8071	Retiree Health Insurance	13,567.42
SR1910	4150	Unallocated Insurance	16,273.98
SR8158	4120	Fuel for Vehicles	106,394.07
SR9010	8010	State Retirement	78,659.00
SR9060	8070	Health Insurance	17,563.10
SS18131	1100	Regular Salaries	13,270.13
SS18131	1300	Overtime Salaries	48,224.51
SS19010	8010	State Retirement	58,955.00
SS19060	8070	Health Insurance	43,000.03
SS19060	8071	Retiree Health Insurance	44,859.10
SS38133	4220	Electric (LIPA)	29,928.00
SS38133	4990	Refuse Disposal Charges	54,744.91
SW18321	1300	Overtime Salaries	10,042.89
SW18321	4220	Electric (LIPA)	87,717.19
SW19010	8010	State Retirement	43,278.00
SW19060	8070	Health Insurance	27,380.80
SW19060	8071	Retiree Health Insurance	12,888.04
			<hr/>
			3,486,759.72

Decrease the following appropriations:

A1420	4551	Outside Professional - Legal	30,000.00
A1621	1100	Regular Salaries	259,904.65
A1621	4120	Fuel for Vehicles	50,000.00
A1930	4160	Judgments and Claims	120,000.00
A1990	1100	Contingency	314,135.00
A4220	4001	Contractual Expense	128,853.00
A5630	1100	Regular Salaries	149,835.00
A8170	4001	Contractual Expense	393,928.83
A9060	8070	Health Insurance	30,000.00
A9070	8100	Retirement Accrual Payout	190,500.03
B9060	8070	Health Insurance	87,696.00
B1990	1100	Contingency	38,913.84

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DB1990	1100	Contingency	11,782.00
DB5110	1100	Regular Salaries	443,552.00
DB5110	1300	Overtime Salaries	13,053.00
DB5110	2100	Furniture and Furnishings	2,500.00
DB5110	4120	Fuel for Vehicles	101,862.00
DB5110	4775	Drainage Maintenance	138,162.00
DB5110	8020	Social Security	61,254.00
DB5130	1100	Regular Salaries	78,580.00
DB5130	4600	Bond & Note Issues	35,437.43
DB5130	8020	Social Security	9,204.00
DB9030	8020	Social Security	8,306.00
DB9050	8050	Unemployment Insurance	50,175.48
SL1990	4010	Contingency	45,946.71
SR1990	1100	Contingency	64,596.00
SR8158	1100	Regular Salaries	52,152.00
SR8158	1300	Overtime Salaries	45,206.00
SR8158	4990	Refuse Disposal Charges	56,936.15
SS11990	1100	Contingency	45,975.00
SS18131	4220	Electric (LIPA)	59,639.03
SS18131	4990	Refuse Disposal Charges	28,220.10
SS19030	8020	Social Security	5,047.20
SS19050	8050	Unemployment Insurance	7,000.00
SS19070	8100	Retirement Accrual Payout	45,000.00
SS19070	8101	Accrual Payout	12,000.00
SS19070	8102	Personal Day Expense	5,427.44
SS39060	8070	Health Insurance	12,672.91
SS39070	8100	Retirement Accrual Payout	10,000.00
SS39070	8101	Accrual Payout	7,000.00
SW18321	1150	Permanent Part Time Salaries	15,533.51
SW18321	2778	Water Mains	23,096.00
SW18321	4210	Telephone	12,789.00
SW18321	4691	Chemical Supplies	80,635.30
SW19030	8020	Social Security	11,752.00
SW19070	8100	Retirement Accrual Payout	37,501.11
			<hr/>
			3,431,759.72

Increase the following revenue:

SS32130	2130	Refuse & Garbage Charges	35,000.00
			<hr/>
			35,000.00

2012-122

Adjust the following accounts:

A-0909	Fund Balance, Unreserved	(137,660.00)
A-0814	Reserve for Workers Comp	137,660.00
		<hr/>
		0.00

2012-123

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2012 OPERATING & CAPITAL BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by **COUNCILMAN CUTHBERTSON**

WHEREAS, the purchase of handheld parking enforcement devices that increase productivity, produce accurate and legible parking tickets will generate non-tax revenue for the Town, the cost of which will be funded from the revenue generated within the first year of use; and

WHEREAS, the Town Board would like to appropriate funds for the water meter replacement program in the Dix Hills Water District approved in the 2012 Capital Budget; and

WHEREAS, the Town Board would like to appropriate funds for a street lighting replacement vehicle in the Street Lighting District to facilitate the installation of energy efficient streetlights funded through a federal grant; 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 is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(1), (c)(25) and (c)(4) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to amend the 2012 Operating and Capital Budget as follows:

Increase the following revenue account:

A2610	Fines	\$ 30,000
SW1-0599R	Appropriated Fund Balance	\$ 50,000
SL-0599R	Appropriated Fund Balance	\$ 30,000

2012 Fund Balance App. Cap projects 3-13-12.doc-comptroller-jul
3/6/2012

2012-123

Increase the following appropriations:

A3010-2600	Equipment-Parking Meters	\$	30,000
EG8397-2600	Equipment-Water Meters	\$	50,000
TT5989-2314	Vehicle Replacement	\$	30,000

VOTE: AYES: 4 NOES: 2 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

**RESOLUTION AUTHORIZING SETTLEMENT OF A CLAIM
(Gelish vs Town of Huntington)**

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILMAN CUTHBERTSON, SUPERVISOR PETRONE.**

WHEREAS, on or about November 5, 2007 a Notice of Claim was filed against the Town of Huntington on behalf of Helen Gelish seeking to recover damages sustained in an accident which occurred on July 14, 2007; and

WHEREAS, the Town Attorney has determined it to be in the Town's best interest to settle this matter for a total of THIRTY TWO THOUSAND FIVE HUNDRED and NO/100 (\$32,500.00) DOLLARS for strategic purposes with no admission of liability on the part of the Town; and

WHEREAS, the claimant has agreed to accept THIRTY TWO THOUSAND FIVE HUNDRED and NO/100 (\$32,500.00) DOLLARS in full settlement of their claim; and

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

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

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to issue checks in settlement of this matter, not to exceed a total of THIRTY TWO THOUSAND FIVE HUNDRED and NO/100 (\$32,500.00) DOLLARS pending receipt of closing papers therein and subject to an Infant Compromised Order, applied against Operating Budget Item No. A1930-4160 and authorizes the Town Attorney to execute all documents required to effectuate this settlement

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2012-125

**RESOLUTION AUTHORIZING SETTLEMENT OF A CLAIM
(Gurbuz vs Town of Huntington)**

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, on or about November 18, 2010, a Summons and Complaint was filed against the Town of Huntington on behalf of Marjorie Gurbuz seeking to recover damages sustained in a 42 U.S.C. sec. 1983 claim; and

WHEREAS, the Town Attorney has determined it to be in the Town's best interest to settle this matter for a total of SEVENTY THOUSAND and NO/100 (\$70,000.00) DOLLARS for strategic purposes with no admission of liability on the part of the Town; and

WHEREAS, the claimant has agreed to accept SEVENTY THOUSAND and NO/100 (\$70,000.00) DOLLARS in full settlement of their claim; and

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

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

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to issue checks in settlement of this matter, not to exceed a total of SEVENTY THOUSAND and NO/100 (\$70,000.00) DOLLARS pending receipt of closing papers therein and subject to an Infant Compromised Order, applied against Operating Budget Item No. A1930-4160 and authorizes the Town Attorney to execute all documents required to effectuate this settlement.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2012-126

RESOLUTION AUTHORIZING THE CORRECTION OF CODE VIOLATIONS AT VARIOUS LOCATIONS PURSUANT TO THE CODE OF THE TOWN OF HUNTINGTON AND/OR THE UNIFORM CODES OF THE STATE OF NEW YORK

Resolution for Town Board Meeting Dated: March 13, 2012

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

And seconded by: COUNCILMAN COOK, SUPERVISOR PETRONE

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

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

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

NOW, THEREFORE, THE TOWN BOARD

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

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-126

Schedule A

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

<u>PROPERTY ADDRESS</u>	<u>SCHEM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
12 Clay Pines Rd. Greenlawn, NY 11740	0400-164-00-03-00-013-000	Hyun Hee Kim	01/13/2012	N/A
68 E. Gate Dr. Huntington, NY 11743	0400-132-00-02-00-005-000	Mark and Lisa Fyfe	02/06/2012	N/A
3 Penn Ct. Dix Hills, NY 11746	0400-260-00-02-00-010-000	Faith Ministries, Inc.	02/02/2012	N/A
34 Shady Ln. Huntington, NY 11743	0400-157-00-02-00-054-000	Bette Kalpakis	01/18/2012	*4 Ridge Dr. Old Westbury, NY 11568
34 Shady Ln. Huntington, NY 11743	0400-157-00-02-00-054-000	Bette Kalpakis	01/18/2012	*C/O J. Kalpakis 229 Post Ave. Westbury, NY 11590

Schedule A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOY</u>	<u>MAILING ADDRESS</u>
68 E. Gate Dr. Huntington, NY 11743	0400-132.00-02.00-005.000	Mark and Lisa Fyle	02/06/2012	N/A

Chapter 191, Section 3 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>NOY</u>	<u>MAILING ADDRESS</u>
2 Glover Dr. Dis Hills, NY 11746	0400-284.00-03.00-172.000	Heather Lazarides	02/10/2012	N/A
34 Shady Ln. Huntington, NY 11743	0400-157.00-02.00-054.000	Bette Kalpakis	02/17/2012	*4 Ridge Dr. Old Westbury, NY 11568
34 Shady Ln. Huntington, NY 11743	0400-157.00-02.00-054.000	Bette Kalpakis	02/17/2012	*C/O J. Kalpakis 229 Post Ave. Westbury, NY 11590

*Note that one owner and/or address listed for this property

RESOLUTION ACCEPTING A DONATION OF TWO TEAM BENCHES FOR THE SYNTHETIC TURF FIELDS AT VETERANS MEMORIAL PARK.

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Northport Cow Harbor United Soccer Club would like to donate two, 15-foot Pevo team benches for the synthetic turf fields at Veterans Memorial Park in East Northport; and

WHEREAS, the benches, valued at \$332.99 each, will be available for use by all players utilizing the two synthetic turf fields; and

WHEREAS, accepting a donation is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(6) and (15) and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY ACCEPTS a donation of two team benches for the synthetic turf fields at Veterans Memorial Park and thanks the Northport Cow Harbor United Soccer Club for its 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.

RESOLUTION ACCEPTING A DONATION FROM COVANTA ENERGY CORPORATION FOR THE PROMOTION, MARKETING AND OPERATING EXPENSES ASSOCIATED WITH THE "2012 HUNTINGTON FAMILY EARTH DAY EXPO" ON APRIL 21, 2012

Resolution for Town Board Meeting Dated: March 13, 2012

The following resolution was offered by: Councilman Cuthbertson
Supervisor Petrone

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

WHEREAS, the Town would like to continue to expand on the success of its environmental programs and provide a forum for residents to learn about ways of conserving our natural resources through reduction, reuse and recycling measures by promoting a special event in conjunction with Earth Day 2012; and

WHEREAS, Covanta Energy Corporation, 99 Townline Road, East Northport, New York 11731 has offered to donate \$2,000 towards the costs of promoting, marketing and operating this event; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY ACCEPTS the donations from Covanta Energy Corporation in the amount of TWO THOUSAND AND 00/100 (\$2,000.00) DOLLARS for the promotion, marketing and operating expenses associated with the "2012 Huntington Family Earth Day Expo" and thanks them for their generosity; and

HEREBY AUTHORIZES the Comptroller to amend the 2012 operating budget as follows:

Increase the following revenue:

A-2705-2705	Gifts and Donations	\$ 2,000.00
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Increase the following appropriation:

A-8565-4700	Advertising	\$ 2,000.00
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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-129

RESOLUTION AMENDING TOWN BOARD RESOLUTION 2011-521
SCHEDULING REGULAR MEETINGS OF THE TOWN BOARD OF THE TOWN OF
HUNTINGTON FOR THE YEAR 2012

Resolution for Town Board Meeting Dated: March 13, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, scheduling regular meetings of the Town Board are not actions as defined by 6 NYCRR §617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AMENDS Town Board Resolution 2011-521 scheduling regular meetings of the Town Board of the Town of Huntington, at Town Hall, 100 Main Street, Huntington, New York, for the year 2012, as follows:

7:00 PM

JUNE

{12th} 19th

*** INDICATES TO CHANGE TO PRESENT TEXT
DELETIONS ARE INDICATED BY [BRACKETS]
ADDITIONS ARE INDICATED BY UNDERLINE

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.

2012 - 131

**RESOLUTION APPOINTING MEMBER TO THE AFFORDABLE HOUSING
ADVISORY BOARD**

Resolution for the Town Board Meeting dated: March 13, 2012

The following Resolution was offered by: Councilman Cook

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

WHEREAS, one vacancy exists on the Affordable Housing Trust Fund Advisory Board due to a term expiration; and

WHEREAS, the Town Board is desirous of appointing an individual to fill a vacancy of an expired term; and

WHEREAS, the appointment of an individual to an advisory board is not an action as defined by 6.NYCRR§617.2 (b) and therefore no further SEORA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY APPOINTS the following individual to the Affordable Housing Advisory Board for the term to expire as indicated:

	<u>Term Expires</u>
Robert Conte (Councilman Eugene Cook) 54 Hillwood Drive, Huntington Station, N.Y. 11746	12/31/14

VOIE: AYES: 4 NOES: 0 ABSTENTIONS: 1

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-132

RESOLUTION DECLARING THE MONTH OF APRIL TO BE "ADOPT A CAT" MONTH IN THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting dated: March 13, 2102

The following resolution offered by: Councilwoman Berland

and seconded by: SUPERVISOR PETRONE

WHEREAS, the Town of Huntington is desirous of encouraging the adoption of cats who are presently housed in cat shelters in the Town; and

WHEREAS, in order to facilitate a greater awareness of the need for adoption of cats and the availability of cats for adoption the Town Board wishes to undertake an effort to focus public attention to the merits of adopting a cat; and

WHEREAS, declaring the month of April to be Adopt a Cat month 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 DECLARES, April to be "Adopt a Cat" Month; and

HEREBY AUTHORIZES the necessary resources are allocated to promoting April as "Adopt a Cat" month and the sponsoring of an "Adopt a Cat" event day to be held in the month of April.

VOYE: 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 ESTABLISHING A FEE FOR A NIGHT FISHING BEACH PARKING PERMIT.

Resolution for Town Board Meeting Dated: March 13, 2012

The following resolution was offered by COUNCILMAN CUTHBERTSON

and seconded by COUNCILWOMAN BERLAND

WHEREAS, recreational fishing is a very popular pastime and hobby with Huntington residents and the nature of the sport requires access to beaches during evening and early morning hours; and

WHEREAS, to better accommodate those seeking access during late evening and the early morning, the Department of Parks & Recreation would like to establish a permit fee for parking at night to fish at those beaches with designated spots and signage; and

WHEREAS, those seeking a night fishing parking permit must be Town of Huntington residents and must possess a registration card from the New York State Department of Environmental Conservation that establishes compliance with the Recreation Marine Fishing Registry; and

WHEREAS, establishing a fee is 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

THE TOWN BOARD, upon recommendation of the Director of Parks and Recreation,

HEREBY ESTABLISHES a fee of \$30 for a seasonal night fishing parking permit per vehicle per year April 1- December 31 issued by the Department of Parks & Recreation.

VOTE: AYES: 3 NOES: 2 ABSTENTIONS:

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION GRANTING PERMISSION FOR THE HUNTINGTON YMCA TO UTILIZE THE TOWN HALL PARKING LOT FOR THE PURPOSE OF PARKING FOR ITS ANNUAL MEMORIAL DAY CARNIVAL.

Resolution for Town Board Meeting Dated: March 13, 2012.

The following resolution was offered by: Supervisor Petrone, **COUNCILMAN CUTHERBERTSON**
And seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Huntington YMCA will be sponsoring its annual Memorial Day Carnival, as a fund-raiser for the YMCA Scholarship Fund, from May 23, 2012 through May 28, 2012, and

WHEREAS, the Huntington YMCA anticipates the need for additional parking and has requested permission to utilize the Town Hall parking lot for that purpose during its annual Memorial Day Carnival; and

WHEREAS, such permission is contingent upon the execution of a Hold Harmless Agreement which includes provisions requiring the Huntington YMCA to hold harmless and indemnify the Town of Huntington; and

WHEREAS, the execution of a Hold Harmless Agreement for this purpose is not an action as defined by 6 N.Y.C.R.R. §617.2 and therefore no further SEQRA review is required.

NOW, THEREFORE BE IT RESOLVED

THE TOWN BOARD, hereby grants permission to the Huntington YMCA for the use of the Town Hall parking lot for the purpose of parking during its annual Memorial Day Carnival from May 23, 2012 through May 28, 2012, subject to the submission of a Hold Harmless Agreement and appropriate insurance documents in a form satisfactory to the Town Attorney, 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 GRANTING A PERMIT FOR AN AQUATIC EVENT TO METROPOLITAN SWIMMING, INC. FOR THEIR OPEN WATER SWIMMING CHAMPIONSHIPS

Resolution for Town Board Meeting Dated: March 13, 2012

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, Metropolitan Swimming, Inc., 19 Mt. Rainer Avenue, Farmingville, New York 11738, has requested a permit for an aquatic event to hold their Open Water Swimming Championships, consisting of the Metropolitan Swimming 5k and Age Group Championships on Sunday, July 15, 2012; and

WHEREAS, Metropolitan Swimming, Inc. has applied to the U.S. Coast Guard (USCG) for a Marine Event Permit and assistance; the Halesite Fire Department to provide ambulance coverage; and the USCG, USCG Auxiliary, Huntington Harbor Master and Suffolk Police Marine Bureau to provide assistance in patrolling the waters and to provide rescue craft; and

WHEREAS, the Town Board has previously approved similar swimming events and wishes to continue to promote and encourage the Metropolitan Open Water Swimming Championships; and

WHEREAS, the granting of a permit for an aquatic event is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(e)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY GRANTS, pursuant to the Code of the Town of Huntington §120-15, an aquatic event permit to Metropolitan Swimming, Inc., for their Open Water Swimming Championships, consisting of the Metropolitan Swimming 5k and Age Group Championships, on Sunday, July 15, 2012, subject to: 1) the submission of a hold harmless agreement and appropriate insurance in a form satisfactory to the Town Attorney; 2) the provision of a Marine Event Permit by the USCG; 3) the provision of ambulance coverage by the Halesite Fire Department; and 4) the provision of patrol boats by the USCG, USCG Auxiliary, Huntington Harbor Master and Suffolk Police Marine Bureau for swimmer safety; and

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-136

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 1-2012
AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198
(ZONING), ARTICLE XX (ACCESSORY APARTMENTS)

Resolution for Town Board Meeting dated: March 13, 2012

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

and seconded by: **COUNCILMAN MAYOKA**

THE TOWN BOARD having held a public hearing on the 6th day of February, 2012 at 7:00 p.m. to consider adopting Local Law Introductory No. 1-2012, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article XX (Accessory Apartments); and due deliberation having been had,

NOW THEREFORE, THE TOWN BOARD

HEREBY ADOPTS

Local Law Introductory No. 1-2012 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article XX (Accessory Apartments); as follows:

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

LOCAL LAW NO. 7 - 2012
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE XX (ACCESSORY APARTMENTS)

Section 1. Chapter 198 (Zoning), Article XX (Accessory Apartments), is hereby amended as follows:

CHAPTER 198
ZONING

ARTICLE XX
ACCESSORY APARTMENTS

198-132. Legislative intent.

E. It is the intention of the Town Board to exercise its authority pursuant to Municipal Home Rule and Town Law §274-b to empower the Zoning Board of Appeals to hear and determine applications for accessory apartment permits in accordance with this article.

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§198-133. Permit required; prohibitions; presumptions.

A. Conditional Use. In residence districts where authorized by this Chapter, an accessory apartment may be maintained as a conditional use only by permission of the [Hearing Officer] Zoning Board of Appeals and upon compliance with the requirements of this Article, the Code of the Town of Huntington, [the New York State Uniform Fire Prevention and Building Code] the Fire Code and Property Maintenance Code of the State of New York, the Residential Code of the State of New York and the [conditions,] rules [and/or] and regulations of any other agency having jurisdiction, including such reasonable conditions as may be imposed by [such Hearing Officer] the Zoning Board of Appeals. In reviewing applications for accessory apartments, [the Hearing Officer] the Zoning Board shall consider the factors set forth in this Article instead of supplementary regulations for conditional uses set forth elsewhere in this Chapter.

§198-134. Accessory apartment permit; conditions.

A. An accessory apartment permit shall be issued only after a public hearing held pursuant to §198-137 and upon a finding by the [hearing officer] Zoning Board of Appeals that the following conditions are satisfied.

(6) All structures on the property, including the proposed accessory apartment, comply with the requirements of this Article, the Code of the Town of Huntington, the Fire Code and Property Maintenance Code of the State of New York, the Residential Code of the State of New York, [the New York State Building Codes,] and the rules and regulations of any other agency having jurisdiction. No portion of a single family dwelling or accessory apartment shall utilize a cellar or attic, or any portion thereof, as habitable space unless a waiver is issued by the New York State Building Code Board of Review, its successor in interest, or other agency having jurisdiction.

(7) Is situated on a lot providing three (3) unobstructed off-street parking spaces for each dwelling unit so contained. Such spaces shall be paved with asphalt, concrete or other suitable material of a permanent nature as may be approved [by the Hearing Officer] by the Zoning Board of Appeals. The maximum width of such spaces shall not exceed eighteen (18) feet or twenty-four (24%) percent of the lot frontage whichever is less. The number of off-street parking spaces required may be increased or decreased as conditions warrant in the discretion of the [Hearing Officer] Zoning Board of Appeals for good cause shown.

(8) Unless otherwise provided in this Article, the lot for which the accessory apartment permit is sought is not located in an area where ten (10%) percent or more of the lots within a one-half-mile radius of the subject parcel contain accessory apartments. The Hearing Officer may [vary] recommend, and the Zoning Board may approve, a

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variance of this requirement when, due to the sparsity of development in the surrounding area, it is not practicable to maintain the ten-percent cap on accessory apartments.

(9) No accessory apartment may be contained in any building or structure other than the main building on any lot. A homeowner shall be granted only one (1) accessory apartment permit, and only one (1) accessory apartment shall be permitted per dwelling and per lot.

B. The Hearing Officer shall specifically address and the Zoning Board of Appeals shall [also] find, prior to the issuance of an accessory apartment permit, that:

(1) The proposed accessory apartment [contemplated] will be properly located and serviced with respect to water supply, waste disposal, fire protection and other public amenities.

(2) The proposed accessory apartment [contemplated] will not substantially contribute to traffic congestion or traffic hazards.

(3) All structures, landscaping and paving on a lot on which an accessory apartment is located shall be maintained in a neat and clean manner, including but not limited to driveways, walkways, sidewalks adjoining the subject parcel, exterior shingles, paint, shutters and trim, as well as landscaping, lawns and shrubbery. [The Town or its designee reserves the right to enter onto the subject property after fifteen (15) days' written notice sent by regular United States mail with proof of mailing being a United States postal service certificate of mailing to the then owner at the subject address to remove litter, debris or maintain or replace any fencing or planting if found that the improvements are not being maintained, and the Town or its designee shall bill the owner for any expense incurred. Should the owner not timely pay such bill, the costs incurred by the Town or its designee shall be filed as a lien against the real property and added to the next succeeding tax bill for the property.]

(4) The proposed accessory apartment [contemplated] will not [adversely affect] have a significant adverse impact on the value of [surrounding and] neighboring properties or overall land-use density in the surrounding area.

C. As a condition to issuance of an accessory apartment permit, the Hearing Officer may recommend and the Zoning Board of Appeals may impose [whatever] such condition(s) [he/she deems] as deemed proper and necessary upon the apartment, the single-family dwelling structure, and/or the property to preserve the character of the neighborhood and/or [to protect] the health, safety and welfare of neighboring residents.

D. The issuance of an accessory apartment permit shall be specifically conditioned upon the following:

(1) An inspection by the Director of [the Department of] Public Safety, or his/her designee, for the purpose of determining whether the proposed accessory apartment is in compliance with the Code of the Town of Huntington, the Fire Code and Property Maintenance Code of the State of New York, the Residential Code of the State of New York, [the New York State Uniform Fire Prevention and Building Code and/or] and the rules and regulations of any other agency having jurisdiction. The failure to schedule an inspection after due notice from the Town or resisting, obstructing and/or impeding the agents, servants, officers and/or employees of the Town of Huntington during an inspection of the premises shall be a violation of this Article and subject to the fines and penalties provided herein. A fee of seventy-five (\$75) dollars shall be imposed upon the owner of the property for each inspection that is required to be rescheduled.

(2) A duly executed sworn affidavit signed by the applicant affirming that no other apartment is being maintained, owned or operated on the subject property in violation of the Accessory Apartment Law. Additionally, the affidavit shall set forth that all conditions underlying the issuance of an accessory apartment have been met. The sworn affidavit shall be created by and filed with the Accessory Apartment Bureau. This requirement is waived upon a full consensual inspection of all structures on the property as set forth [under Subsection D(1) of this section] (D)(1) herein.

(3) The right of the Director of Public Safety, or his/her designee, in the event of [an] a declared emergency [as determined by the Director], and upon notice to the property owner, to enter upon any portion of the premises to protect the health, safety and welfare of residents or to perform any duty required of him/her under the Code of the Town of Huntington, the Fire Code and Property Maintenance Code of the State of New York, the Residential Code of the State of New York, [the New York State Building Codes] or rules and regulations of any other agency having jurisdiction. Any person or business entity who resists, obstructs or impedes the agents, servants, officers or employees of the Town of Huntington in the performance of their duties in the course of an emergency shall be in violation of this Article and subject to the fines and penalties provided herein.

(4) The inclusion in any lease, rental or other agreement for the occupancy of said apartment, a statement disclosing that the provisions of [Subsections D(1),] (D)(1), (2) and (3) [herein] are conditions to the issuance of the accessory apartment permit.

* * *

§198-135. Term of permit. A permit for an accessory apartment shall remain in effect until the earlier of the following occurrences:

A. One (1) year from the date an [application for an] accessory apartment permit is [granted by the Hearing Officer] issued by the Accessory Apartment Bureau; or

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B. Transfer of title of a single-family [dwelling] structure containing an accessory apartment, except that a permit for an owner-occupied [dwelling] structure may be transferred if the new owner(s) files an application for a transfer of the permit [under § 198-136F(1)] pursuant to §198-136F(1) and (2), within ninety (90) days of the closing of title, and the main dwelling will be or is the principal residence of the new owner upon sale. Such transfer of the permit will not take effect until the new owner(s) submits a complete application and such application is recommended for approval by the Hearing Officer, and approved by the issuance of a statement of determination by the Zoning Board of Appeals. A current permit will be null and void at the expiration of such ninety-day period where a transfer of ownership has occurred without the required application for a transfer of a permit having been filed. In the event an application for a transfer of an accessory apartment permit has not been filed by the new owner(s) in violation of this Article, there shall be a presumption that an accessory apartment is being operated, used, rented, leased and/or maintained by the new owner(s) in violation of law; or

C. Upon a determination by the [Hearing Officer] Zoning Board of Appeals [, after a public hearing,] that the permit holder and/or occupant(s) of the dwelling unit(s) located within the [residence building] residential structure [are guilty of a violation as set forth in §198-141A] has violated a condition of the permit pursuant to §198-141 and the permit is revoked; or

§198-136. Application for a permit, permit renewal and transfer of permit; fees:

B. Applications [authorized by Subsection A] shall set forth the following:

- (1) The name, [and] address, contact number(s) and e-mail address of the property owner.
- (2) The [street and post office address of the premises at which an accessory apartment is contemplated, together with] location and Suffolk County Tax Map [description] Number of the property where an accessory apartment is proposed or a transfer or renewal of a permit is requested.
- (3) Such other information as [said] the Hearing Officer or Zoning Board of Appeals may require [in furtherance of his/her authority under this article].

C. All [Applications authorized by Subsection A] applications shall be accompanied by:

D. Applications for an accessory apartment permit, or for a renewal or transfer thereof, shall be accompanied by a duly executed and acknowledged written consent of the applicant authorizing an inspection of the premises under review as set forth in [§198-134D] §198-134(D).

E. Renewals.

(1) Any permit issued under this article may be renewed for an additional term [as provided in Subsection A] by application as in the event of an original application. The notice and/or hearing requirements of § 198-137 shall not apply to applications for renewal, except that the Hearing Officer shall have the authority to require a hearing on notice when, in his/her discretion, special circumstances exist which would require public input and in such event the requirements of § 198-137 are applicable. Thereafter, whether or not a hearing is held, the matter shall proceed in accordance with the provisions of § 198-140.

F. Transfer of permits.

(1) An accessory apartment permit, except for a permit issued pursuant to [the principal residence exception hereinafter set forth in § 198-143A,] §198-143(A), may be transferred to a subsequent property owner by application as in the event of an original application and in accordance with [§ 198-135B] §198-135(B). The notice [and/or] and hearing requirements of §198-137 shall not apply to an application for transfer of a permit, except that the Hearing Officer shall have the authority to require a hearing on notice when, in his/her discretion, special circumstances exist which would require public input and in such event the requirements of § 198-137 are applicable. Thereafter, whether or not a hearing is held, the matter shall proceed in accordance with the provisions of § 198-140.

(2) Said transfer application shall be subject to all inspections and payment of the applicable fee.

§198-137. [Hearing; notice.] Public hearing.

A. [Any application pursuant to the provisions of this article shall require a public hearing on an application under this article, and said Hearing Officer shall fix a time and place for a public hearing thereon.] Unless otherwise provided in this article, an application for an accessory apartment permit shall require a public hearing at a time and place established by the Hearing Officer or the Zoning Board of Appeals, as the case may be, but in no event later than 62 days from the date a complete application is received, unless extended by mutual consent of the applicant and Hearing Officer/Zoning Board.

B. Notice of public hearing. [(1)] Notice of the public hearing before the Hearing Officer shall be drafted by the Town, and shall state the time and place of the hearing, the location of the property which is the subject of the application, and that an application has been made for a permit to maintain an accessory apartment.

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[(2)] [Notice of the public hearing shall state the time and place thereof, the location of the premises affected by the application and that application has been made to the Hearing Officer for a permit to maintain an accessory apartment at those premises.]

[(3)] [Notice of public hearing shall be given to the public by publication in the official Town newspaper once per week for two (2) consecutive weeks prior thereto.]

(1) Publication. Notice of the public hearing shall be published by the Town in the official Town newspaper(s) once per week for two (2) consecutive weeks prior to the scheduled hearing date. The last publication shall be at least five (5) days prior to the scheduled hearing date.

[(4)](2)Mailing. [of notices] The applicant shall mail notices of the public hearing, postmarked no [less] later than [thirty (30)] twenty (20) days before the hearing, to the owners of all [property] properties located within a five-hundred-foot radius of the exterior limits of the applicant's total property holdings as shown on the current tax roll. The applicant shall file [with the secretary/clerk in the accessory apartment office] a United States postal service certificate of mailing for each and every notice [of public hearing as required by this subsection in] mailed no less than five (5) working days before the hearing. Failure to mail the notices or file proof thereof as herein specified [may] shall result in postponement of the public hearing.

§198-138. [Delegation of authority.] Reserved.

[The Town Board of the Town of Huntington hereby delegates to the Hearing Officer the authority to issue permits pursuant to the provisions of this article, as set forth below.]

§198-139. [Appointment; compensation; powers and duties.] Appointment and authority of Hearing Officer.

A. The Hearing Officer shall be appointed by [the Town Attorney] and serve at the pleasure of [shall be compensated at the salary provided by] the Town Board, at a rate of compensation established by the Board. [The Hearing Officer shall be authorized to issue, on behalf of the Town, permits pursuant to the provisions of this article.]

B. The Hearing Officer shall be authorized to adopt rules necessary for the conduct of affairs, in keeping with the provisions of this article, [, and the Comptroller shall make the necessary appropriations accrued as a consequence of the administration of this program].

§198-140. Public Hearings and procedure. An accessory apartment permit may only be issued after a public hearing and compliance with all applicable laws, rules, and regulations.

(A) Administrative Proceedings. The Hearing Officer shall consider the application and evidence, and shall, within sixty-two (62) days of the close of the hearing, submit his or her written findings and recommendations to the Zoning Board of Appeals for ultimate determination. A copy of the Hearing Officer's recommendations shall be filed with the Huntington Town Clerk and served upon the applicant by regular mail and/or certified mail, return receipt requested to the address shown on the application within five (5) business days after a recommendation is rendered.

(1) The applicant and any person aggrieved by the recommendation of the Hearing Officer may, within twenty (20) days from the date of filing of the report with the Town Clerk file written objections, if any, to the findings and recommendations. A copy of the zoning board application shall be enclosed for use by the applicant when the report is mailed. A copy of the Hearing Officer's Report; a complete zoning board application with all required attachments, and any other evidence deemed necessary by the applicant or person aggrieved shall be provided with the objections. The Zoning Board may require additional information or documentation before the application is deemed complete and scheduled for a hearing. All applications to the Zoning Board shall be accompanied by an application fee in an amount set forth in Chapter A204 of the Huntington Town Code, and shall be filed within the prescribed twenty (20) day period. Failure to file a complete application within such period shall be deemed a waiver of the applicant or aggrieved party's right to a public hearing before the Zoning Board unless the Zoning Board, for good cause shown, approves an extension of time. The Zoning Board is authorized to waive the public hearing where there has been no written request for one within the required time period.

(2) If no objection to the report is filed, the Zoning Board of Appeals shall consider the Hearing Officer's recommendation, the application for an accessory apartment permit, permit renewal, or transfer of permit and may adopt or reject, in whole or in part, any portion thereof as the Board deems advisable or necessary under the circumstances. No public hearing shall be required unless specifically requested by the Zoning Board, and then in such event, the hearing shall be on such notice as set forth in (B) herein. The Zoning Board's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the applicant for a permit or permit renewal at the address shown on the application by regular and/or certified mail, return receipt requested.

(B) Zoning Board Proceedings. Any hearing held before the Zoning Board of Appeals shall be on such notice and on such terms as required for other applications for special use permits before the Board. The Zoning Board of Appeals shall consider the

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application, the Hearing Officer's report, together with such other evidence deemed necessary by the Board, and may adopt or reject, in whole or in part, any portion thereof as the Board deems advisable or necessary under the circumstances. The Zoning Board's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the ZBA applicant at the address shown on the application by regular and/or certified mail, return receipt requested. If the Zoning Board denies an application, no application by the same property owner shall be accepted for filing sooner than one (1) year of the date the denial is filed with the Huntington Town Clerk.

(C) Conduct of hearings. At the hearing before the Hearing Officer or Zoning Board of Appeals, the applicant shall be entitled to be represented by legal counsel and provided with an opportunity to be heard. He may present the testimony of witnesses, experts and other evidence in his own behalf as he deems necessary and relevant to the subject matter of the hearing. All hearings shall be recorded.

[§198-140.] [Meetings; proceedings.]

[A.] [The Hearing Officer shall conduct the affairs delegated to him/her, keeping and maintaining minutes of the proceedings and all records, and shall file the determinations with the Town Clerk as a public record, all in the same manner as he/she does regarding the conduct of all other official business.]

[B.] [The Hearing Officer shall render a written decision within ninety (90) days of the close of the hearing, unless the time is extended for an additional ninety (90) days by the Hearing Officer.]

[C.] [The decision of the Hearing Officer shall be filed in the Office of the Huntington Town Clerk and shall be mailed to the applicant by regular mail to the address shown on the application. In the event an application is denied the Hearing Officer shall set forth the reasons for such denial. If an application has been denied after a public hearing, no application for the same apartment shall be accepted or filed sooner than one (1) year of the date the denial is filed with the Town Clerk.]

§198-141. Revocation, modification or amendment of permit.

(A) All permits shall be subject to revocation by the Zoning Board upon a finding by the Board, after a public hearing held on notice, that the permit holder and/or occupant has not complied with one or more conditions of the accessory apartment permit as approved by the Zoning Board.

(B) [(A)] The Department of Public Safety shall notify the Hearing Officer if there has been a violation of the Huntington Town Code, the Residential Code of New York State, the Fire and Property Maintenance Code of the State of New York, the rules of any agency having jurisdiction, or of [violations of the Code of the Town of Huntington, the

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New York State Uniform Fire Prevention and Building Code or any violation of the conditions] any condition of the accessory apartment permit. The Hearing Officer may recommend that the permit be revoked, amended or modified [revoke, modify or amend a permit issued pursuant to this Article] upon a finding, after a public hearing, that the permit holder [and/or] or any occupant of the building is in violation thereof [occupant(s) of the dwelling unit(s) located within the residence building are in violation of a condition imposed by the Hearing Officer at the time the accessory apartment permit was granted or renewed, or of any provision of this Article or of the Code of the Town of Huntington, the New York State Uniform Fire Prevention and Building Code or the conditions, rules and/or regulations of any other agency having jurisdiction.]

(C) [(B)] Public hearing. The public hearing shall be held on fifteen (15) days prior written notice to the permit holder [and mailed] by mailing notice to the address shown on the [most current] application, [on file with the Accessory Apartment Bureau,] to the occupant(s) of the building, if known, by mailing notice to the property address, [all dwelling units located within the residence building which shall be mailed to the subject premises,] and to the owners of all properties located within [a distance of] five hundred (500) feet of the property line of the subject premises. If the name(s) of the occupant(s), [is] are not known then the notice shall be addressed to "occupant(s)." The Accessory Apartment Bureau shall [cause said notices to be mailed] mail notices of the public hearing by regular mail and shall file a certificate of mailing with the Hearing Officer no later than five (5) days before the scheduled hearing date. Said notice shall state the nature of the alleged violation(s), the date, time and place of the hearing, [and shall advise the addressee that imposition of civil penalties pursuant to §198-141C(3), if any, in a sum to be determined by the Hearing Officer shall be considered. The Hearing Officer's decision shall be filed in the Huntington Town Clerk's Office, and mailed to the permit holder and to the occupants of all dwelling units located within the residence building in the same manner as the notice of public hearing.]

(D) Administrative proceedings. The Hearing Officer shall consider the matter, and shall, within sixty-two (62) days of the close of the hearing, submit his or her written findings and recommendations to the Zoning Board of Appeals for ultimate determination. A copy of the Hearing Officer's recommendations shall be filed with the Huntington Town Clerk for public inspection and served upon the permit holder by regular mail and/or certified mail, return receipt requested to the address shown on the application, and to the occupants of the building by mailing the report to the property address.

(1) The permit holder and any person aggrieved by the recommendation of the Hearing Officer may, within twenty (20) days from the date of filing of the report with the Town Clerk file written objections, if any, to the findings and recommendations. A copy of the zoning board application shall be enclosed for use by the permit holder when the report is mailed. A copy of the Hearing Officer's Report, a complete zoning board application with all required

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attachments, and any other evidence deemed necessary by the ZBA applicant shall be provided with the objections. The Zoning Board may require additional information or documentation before the application is deemed complete and scheduled for a hearing. All applications to the Zoning Board shall be accompanied by an application fee in an amount set forth in Chapter A204 of the Huntington Town Code, and shall be filed within the prescribed twenty (20) day period. Failure to file a complete application within such period shall be deemed a waiver of the permit holder or aggrieved party's rights to a public hearing before the Zoning Board of Appeals unless the Zoning Board, for good cause shown, approves an extension of time. The Zoning Board is authorized to waive the public hearing where there has been no written request for one within the required time period.

(2) If no objection to the report is filed, the Zoning Board of Appeals shall consider the Hearing Officer's recommendation, the notice of the Director of Public Safety, and other relevant evidence, and may adopt or reject, in whole or in part, any portion thereof as the Board deems advisable or necessary under the circumstances. No public hearing shall be required unless specifically requested by the Zoning Board, and then in such event, the hearing shall be on such notice as set forth in (c) herein. The Zoning Board's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the permit holder at the address shown on the application and to the occupants of the building at the property address by regular and/or certified mail, return receipt requested.

(E) Zoning Board of Appeals. Any hearing held before the Zoning Board of Appeals shall be on such notice and on such terms as established for revocation, modification, or amendment of special use permits before the Board. The Zoning Board of Appeals shall consider the objections and the Hearing Officer's report, together with such other evidence deemed necessary by the Board, and may adopt or reject, in whole or in part, with or without conditions, any portion thereof as the Board deems advisable or necessary under the circumstances. The Zoning Board's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the permit holder and ZBA applicant, if they are not the same, at the address shown on the application by regular and/or certified mail, return receipt requested and to the occupants of the building at the property address.

(F) Conduct of hearings. At the hearing before the Hearing Officer or Zoning Board of Appeals, the permit holder and occupants of the building shall be entitled to be represented by legal counsel and provided with an opportunity to be heard. They may present the testimony of witnesses, experts and other evidence in their own behalf as they deem necessary or relevant to the subject matter of the hearing. All hearings shall be recorded.

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(G) Revocation. If the Zoning Board revokes the special use permit, no application for the same apartment shall be accepted for filing sooner than three (3) years of the date the revocation is filed with the Huntington Town Clerk. If an accessory apartment permit for a non-owner occupied parcel is revoked, the permit shall not be renewed, restored or reissued. It shall be unlawful to operate, maintain, rent, lease, advertise or occupy an accessory apartment if the accessory apartment permit has been revoked, and any person who commits an offense against this section shall be deemed in violation of this article.

(H) Modification and amendment of permit. If the Zoning Board of Appeals modifies or amends a permit, it shall be unlawful to operate, occupy or maintain an accessory apartment in a manner that deviates from the modification or amendment, and any person who commits an offense against this section shall be deemed in violation of this article.

[C.] [Payment of fines and penalties; revocation of permit; civil penalties.]

[(1)] [If after a public hearing, the permit holder and/or occupant(s) is found to be in violation [as set forth in § 198-141A] and the permit is modified or amended by the Hearing Officer, then in that event the accessory apartment permit, as modified or amended, shall not be in effect until all outstanding fines and penalties are fully paid and the premises have been inspected by the Town of Huntington and found to be in full compliance.]

[(2)] [In the event a permit has been revoked by the Hearing Officer after a public hearing, then no application for an accessory apartment permit for the same premises shall be accepted or filed until all outstanding fines and penalties are fully paid; the premises have been inspected by the Town and found to be in full compliance; and three (3) years have passed since the filing of the revocation in the Town Clerk's Office.]

[(3)] [If an accessory apartment permit issued pursuant to the principal residence requirement exception is revoked after a public hearing, the permit shall not be renewed, restored or reissued.]

[(4)] [In addition to any penalty imposed under this Article, the Hearing Officer, after a public hearing held pursuant to § 198-141B, may impose a civil penalty of up to one hundred (\$100) dollars for each day the violation continues until such time as the violation(s) is corrected to the satisfaction of the Town. Any civil penalty imposed by the Hearing Officer shall be payable to the Town of Huntington by the property owner within fifteen (15) days of receipt of such decision. If the civil penalty imposed by the Hearing Officer is not paid in full at the expiration of said fifteen (15) days, then upon the recommendation of the Director of Public Safety, said unpaid penalty shall be presented to the Town Board and, if approved, shall be added to the tax bill and levied against the property where the violation has occurred. The Director of Public Safety may, in

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his discretion, extend the time to pay such civil penalty upon good cause shown at any time before the matter is presented to the Town Board.]

§198-142. [Schedule of Fees.] Annual permit fees.

§198-143. [Principal residence requirement exception.] Non-owner occupied properties.

(A) [Any principal residence requirement exception permit that had been applied for prior to December 31, 1997, and having been approved by the Hearing Officer shall be permitted to exist until such time as the property is sold by the permit holder or said permit expires without having been renewed in accordance with the provisions of this article.] Any application for an accessory apartment filed prior to December 31, 1997 by a property owner who did not reside at the property and was granted a permit shall be allowed to continue, subject to compliance with the provisions of this chapter, the rules and regulations of any agency having jurisdiction, and the conditions of the permit.

[B.] [(Reserved)]

[C.] [(Reserved)]

[D.](B) Renewal[s.] of permit. [(1)] Any permit issued [under the principal residence requirement exception] for a non-owner occupied property may be renewed for an additional term of one (1) year by application as in the event of an original application. The notice and/or hearing requirement of § 198-137 shall not apply to applications for renewal, except that the Hearing Officer and/or the Zoning Board of Appeals shall have the authority to call a hearing on notice when, [in his/her] in their discretion, special circumstances exist which would require public input. [(2)] Said renewal [application] shall be subject to an inspection [requirements outlined in this article] and payment of the permit fee.

[E.] (C) Nonresident representatives.

(1) All persons who are granted a permit [under the principal residence requirement exception] for non-owner occupied properties and who are not residents of the Town of Huntington shall designate a person who is a resident of the Town of Huntington and notify the Hearing Officer of such designation and to whom they will give power of attorney to act on their behalf in all matters related to the conditions and requirements of the accessory apartment permit. They also appoint the Huntington Town Clerk to be their representative for the service of process in any matter concerning the accessory apartment. The Clerk's responsibility will be to send a copy of said process to the address of the property owner on file in the office of the Receiver of Taxes and prepare and retain affidavits of mailing of said process.

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(2) All persons who are granted a permit [under the principal residence requirement exception] for non-owner occupied properties and who are residents of the Town of Huntington but will absent themselves from the Town for a period in excess of forty-five (45) days shall designate during that period of absence a person who is a resident of the Town of Huntington and who will be present during the permit holder's period of absence to whom the permit holder designates and gives power of attorney to act on the permit holder's behalf in all matters related to the conditions and requirements of the accessory apartment permit and shall notify the Hearing Officer of such designation. [Such procedure for service] Service of process shall be [that] as set forth in [§198-143E(1)] (C)(1) above.

§198-144. [Principal residence requirement exception; term of permit.] Non-owner occupied permits; term of permit. A permit for an accessory apartment issued [pursuant to the principal residence requirement exception provisions of this article] to an owner who does not reside at the property shall remain in effect until the earlier of the following occurrences:

- A. One (1) year from the date an application for an accessory apartment permit is [granted by the Hearing Officer] issued; or
- B. Transfer of title of the single-family dwelling in which the accessory apartment is located; or
- C. Upon a determination by the [Hearing Officer] Zoning Board of Appeals, after a public hearing, [in accordance with § 198-141B,] that the owner, the person having possession and/or occupant(s) of the dwelling unit(s) located within the residence building are guilty of a violation [asset forth in § 198-141A]; or
- D. The permit is terminated by operation of law or order of the court.

§198-145. [Principal residence requirement exception; schedule of fees and surcharges.] Fees for non-owner occupied properties. The following fees shall be payable for properties containing an accessory apartment that are not owner occupied:

- (A) [Upon the approval by the Hearing Officer of an application, the Hearing Officer shall issue the permit upon the payment by the applicant, in addition to any application fees, of the] The sum of four hundred seventy-five (\$475) dollars for each one-year period or part thereof that said permit is in existence.
- (B) The Town Board may from time to time adopt a schedule of reasonable fees and surcharges to be imposed upon applicants for permits authorized by this article.
- (C) Cash security. In addition to the [fees stated above] permit fee, the property owner [, the applicant for a principal residence requirement exception] shall also post the sum of one thousand (\$1,000) dollars cash security for each apartment up to five (5) and, for every additional four (4)

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apartments, or fraction thereof, an additional security of one thousand (\$1,000) dollars with the Comptroller of the Town of Huntington.

(D) Forfeiture of security. The security will be forfeited under the following conditions:

[(1)] [This cash security shall be forfeited to the Town of Huntington upon the occurrence of any of the following conditions:]

[(a)](1) The [principal residence requirement exception] non-owner occupied permit is revoked[.] ; or

[(b)](2) The premises is not [maintained pursuant to the requirements as contained in] in compliance with the Code of the Town of Huntington, [or the New York State Building and Fire Code] the Fire Code and Property Maintenance Code of the State of New York, the Residential Code of New York State, or rules and regulations of any other agency having jurisdiction[.] ; or

[(c)](3) The [principal residence requirement exception] permit is not renewed and the [premises is not altered to comply with the Code of the Town of Huntington or the New York State Building and Fire Codes] property is not restored or altered to comply with the statutes set forth in (D)(2) above within sixty (60) days after the expiration date of the permit[.] ; or

[(d)](4) The [principal residence requirement exception permit's] term of the permit has expired and the [premises is not altered to comply with the Code of the Town of Huntington or the New York State Building and Fire Codes] property is not restored or altered to comply with the statutes set forth in (D)(2) above within sixty (60) days after the expiration date of the permit,

[(2)] (E) Return of Security. The cash security shall be returned to the [principal residence requirement exception] permit holder upon the occurrence of the following [conditions]:

[(a)](1) The use of the premises is restored to a single-family dwelling [and:] is in compliance with the statutes set forth in (D)(2) above; and the permit has been returned to the Accessory Apartment Bureau; or

[(1)] [The premises has been altered to comply with the Code of the Town of Huntington and/or the New York State Building and Fire Codes for a single-family dwelling; and]

[(2)] [The principal residence requirement exception permit has been returned to the Town of Huntington and canceled.]

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~~[(b)](2)~~ Upon an approved transfer to a [homeowner-occupied] owner-occupied applicant.

~~[D.](E)~~ The fee for the transfer of [the] a non-owner occupied permit to an owner occupied permit shall be [one hundred twenty-five (\$125)] two hundred and fifty (\$250) dollars, and the fee for the renewal of [the] a non-owner occupied permit shall be [fifty (\$50)] one hundred seventy-five (\$175) dollars.

§198-146. Exemptions.

A. Take Back the Blocks Program.

(1) A not-for-profit agency as defined in § 501(c)(3) of the United States Code, or successor law, who is participating in and satisfies the criteria of the "Take Back the Blocks Program," and the Huntington Community Development Agency may apply for and receive an accessory apartment permit if it lawfully holds title to a single-family structure identified as part of such Program. The application fee and annual permit fee for an accessory apartment shall be waived while the property is owned by the not-for-profit agency or the Huntington Community Development Agency. The lot frontage of the property shall be no less than fifty (50) linear feet. While the property must have a valid certificate of occupancy, the certificate need not be in place for a period of three (3) years as provided in § 198-134(A)(5) and the provisions of § 198-134(A)(8) shall be waived. In all other respects, the requirements of this Article shall be applicable to such properties.

(2) Upon the sale of the property by a qualified not-for-profit agency or the Huntington Community Development Agency to a new owner, the new owner shall be required to apply for a transfer of the accessory apartment permit, except that the Hearing Officer may waive the ninety-day period set forth in this Article. The application fee to transfer the permit and the accessory apartment permit fee for the first year of ownership shall be waived. All properties sold by the not-for-profit agency or the Huntington Community Development Agency shall be occupied by the new owner in accordance with the Accessory Apartment Law in order to qualify for the exemptions.

§198-147. [Appeals.] (Reserved).

[A.] [All appeals from the determination of the Hearing Officer or from any administrative determination regarding the interpretation of any provision of this chapter shall solely be by an Article 78 proceeding without any right or obligation to appeal to the Zoning Board of Appeals. Said appeal must be filed within thirty (30) days of the filing of the Hearing Officer's determination or from the issuance of the administrative determination appealed from.]

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[B.] [In adopting Subsection A herein, the Town Board's intention is to exercise its authority pursuant to Municipal Home Rule Law §10 to supersede any inconsistent provision of state law, with particular reference to Town Law § 267-a(4).]

Section 2. Severability.

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

Section 3. Effective Date.

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

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

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

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

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 6th day of February, 2012, to consider amending the Uniform Traffic Code of the Town of Huntington, and due deliberation having been had,

HEREBY AMENDS

the Uniform Traffic Code of the Town of Huntington, Chapter 2, Traffic Regulations; Article II, Turning Movements; §2-3, Prohibited Turns; Schedule C.

<u>LOCATION</u>	<u>CONTROLLING TRAFFIC</u>	<u>PROHIBITED TURN</u>	<u>HOURS/DAYS</u>
ADD: Driveway on north side of Ruland Road 175 feet east of Broadhallow Road (RL 110). (MVL)	South from driveway	Left	-----

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 L. Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

Resolution for Town Board Meeting Dated: March 13, 2012

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

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

THE TOWN BOARD having held a public hearing on the 6th day of February, 2012, to consider amending the Uniform Traffic Code of the Town of Huntington, and due deliberation having been had,

HEREBY AMENDS:

the Uniform Traffic Code of the Town of Huntington, Chapter 2, Traffic Regulations; Article II, Turning Movements; §2-3, Prohibited Turns; Schedule C.

<u>LOCATION</u>	<u>CONTROLLING TRAFFIC</u>	<u>PROHIBITED TURN</u>	<u>HOURS/DAYS</u>
ADD: Holdsworth Drive at North entrance to Huntington High School 250 feet east of Oakwood Road (HUN)	East and West on Holdsworth Drive	U-turn	-----

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 L. Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: AMEND THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.
RE: SWEET HOLLOW ROAD, MELVILLE - PARKING RESTRICTIONS.

Resolution for Town Board Meeting Dated: March 13, 2012

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

THE TOWN BOARD having held a public hearing on the 6th day of February, 2012, to consider amending the Uniform Traffic Code of the Town of Huntington, and due deliberation having been had,

HEREBY AMENDS

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

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD:	Sweet Hollow Road/North From Old Walt Whitman Road To Old Country Road. (MVL)	No Parking	-----
	Sweet Hollow Road/South From 440 ft. east of Old Country Road To 465 ft. east of Old Country Road (MVL)	No Stopping	-----
	Sweet Hollow Road/South From 810 ft. east of Old Country Road To 1010 ft. east of Old Country Road (MVL)	No Stopping	-----

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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 L. Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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: March 13, 2012

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, on February 6, 2012 the Town Board designated certain properties as "blighted" and scheduled a public hearing to consider further action to remedy the conditions of blight; and

WHEREAS, those properties whose owners failed to enter into a Restoration Agreement with the Town or to take steps to remedy the conditions of blight upon their properties have been evaluated and considered for further action(s) to be taken, at a public hearing held on March 13, 2012; and

WHEREAS, pursuant to its authority under §64 and §130 of New York State Town Law 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 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 the Town Attorney to provide each property owner listed in Schedule "A" with a copy of this Resolution; and

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FURTHER DIRECTS the Town Attorney to notify the property owners of properties listed on Schedule "B" to this Resolution that structure(s) upon their properties are being evaluated and will be considered for possible demolition at a hearing before an Administrative Hearing Officer; and

HEREBY AUTHORIZES the Town Attorney to retain a record of those properties listed on Schedule "C" who were scheduled for review in a Public Hearing but have since either entered into a Restoration Agreement or have remediated the blight conditions on their properties.

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 Mayeska	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

**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	ANNUAL REGISTRATION FEE
Exhibit 2	135 West Hills Rd. Hunt. Station NY 11746	0400-194-01-055.001	135 WEST HILLS CORP. 135 West Hills Road Huntington Station, NY 11746	\$5,000.00
Exhibit 3	25 7th Ave. South Hunt. Station NY 11746	0400-194-01-088.000	LAUREN SIVAN 6 Darrow Court Greenlawn, NY 11740	\$5,000.00
Exhibit 4	17 Carman Rd. Dix Hills NY 11746	0400-243-00-01.00-029.000	RUSSELL VAN DEINSE 241-16 Linden Blvd. Elmont, NY 11003	\$2,500.00
Exhibit 5	1068 Westminster Avenue Dix Hills NY 11746	0400-278-02-153	BRIAN E. LEVENSON 1068 Westminister Ave. Dix Hills, NY 11746-6337	\$2,500.00
Exhibit 7	536 3rd Street, East Northport NY 11731	0400-119-00-01.00-050.000	DOMINIC ESPOSITO NADINE NASH 536 3rd Street East Northport, NY 11731	\$2,500.00
Exhibit 9	10 Cross Avenue Greenlawn 11740	0400-110.00-03.00-026.005	YOUNG & SUNG HAM 10 Cross Avenue Greenlawn, NY 11740-1435	\$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**

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	\$2,500.00
Exhibit 11	114 Columbia St. Hunt. Sta 11746	0400-141-1-27	DELVIS AREVALO & ELSA BARDALES BANEGAS 114 Columbia Street Huntington Sta. 11746	\$2,500.00
Exhibit 12	28 Columbia St. Hunt. Station NY 11746	0400-140.00-03.00-075.000	BROADWAY NY LLC 28 COLUMBIA ST PO BOX 552 HUNTINGTON, NY 11746	\$2,500.00
Exhibit 14	39 8th Avenue Hunt. Station NY 11746	0400-142.00-01.00-062.00	JOHN FRANK DEVELOPMENT CORP. 50 Bella Court Nesconset, NY 11767	\$2,500.00
Exhibit 15	69 East 11th Street, Hunt. Stat. 11746	0400-146-01-034.000	NEW YORK EQUITY NOTE, LLC C/O HUBCO INCORPORATIONS 1715 N. Ocean Ave, Suite B Medford, NY 11801	\$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

Exhibit 16	117 East 11th Street Hunt Station NY 11746	0400-146-02-074.000	LOUIS AVINO, JR. JEANNE AVINO 117 East 11th Street Hunt Station, NY 11746	\$2,500.00
Exhibit 17	24 Mill Lane Huntington NY 11743	0400-71-2-65	STEPHEN & RENEE DANSEGLIO 24 Mill Lane Huntington, NY 11743	\$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 to SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS
Exhibit 2	135 West Hills Rd. Hunt. Station NY 11746	0400-194-01-055.001	135 WEST HILLS CORP. 135 West Hills Road Huntington Station, NY 11746
Exhibit 3	25 7th Ave. South Hunt. Station NY 11746	0400-194-01-086.000	LAUREN SIVAN 6 Darrow Court Greenlawn, NY 11740
Exhibit 11	114 Columbia St. Hunt. Sta 11746	0400-141-1-27	DELVIS AREVALO & ELSA BARDALES BANE GAS 114 Columbia Street Huntington Sta. 11746
Exhibit 12	28 Columbia St. Hunt. Station NY 11746	0400-140.00-03.00-076.000	BROADWAY NY LLC 28 COLUMBIA ST PO BOX 552 HUNTINGTON, NY 11746
Exhibit 14	39 8th Avenue Hunt. Station NY 11746	0400-142.00-01.00-062.00	JOHN FRANK DEVELOPMENT CORP. 50 Bella Court Nesconset, NY 11767

SCHEDULE B

**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**

Exhibit 15	69 East 11th Street, Hunt. Stat. 11746	0400-146-01-034.000	NEW YORK EQUITY NOTE LLC C/O HUBCO INCORPORATIONS 1715 N. Ocean Ave, Suite B Medford, NY 11801
Exhibit 17	24 Mill Lane Huntington NY 11743	0400-71-2-65	STEPHEN & RENEE DANSEGLIO 24 Mill Lane Huntington, NY 11743

PROPERTIES PREVIOUSLY CITED FOR BLIGHT: CURRENTLY IN COMPLIANCE OR PARTY TO RESTORATION AGREEMENT

EXHIBITS to SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS
Exhibit 1	6 Tracy Dr. Huntington NY 11743	0400-25-4-37	THOMAS EMBERTON 262 Eastern Parkway Apt 6 Farmingdale, NY 11735
Exhibit 6	10 Huntington Rd. Huntington NY 11743	0400-20-1-30	PAUL ROHRBACH 10 Huntington Road Huntington, NY 11743
Exhibit 8	58 Southdown Rd Huntington NY 11743	0400-19-2-29	ALAN JOHNSON 58 Southdown Road Huntington NY 11743
Exhibit 13	665 W Jericho Tpke Hunt. Station, NY 11746	0400-19-2-125.2	FAIB REO acquisitions LLC c/o SNR DENTON US LLP 1121 Avenue of Americas New York, NY 10020
Exhibit 18	37 Evergreen Ave Hunt. Station NY 11746	0400-200.00-03.00-105.000	HEATH GREENIDGE 37 Evergreen Avenue Hunt. Sta. NY 11746-3459
	1003 Baldwin Path Dix Hills, NY 11746	0400-281.00-02.00-082.000	ROMAZ PROPERTIES LTD 185 Merrick Road Lynbrook, NY 11563-2700

SCHEDULE C

PROPERTIES PREVIOUSLY CITED FOR BLIGHT; CURRENTLY IN COMPLIANCE OR

PARTY TO RESTORATION AGREEMENT

	11 Oak Road Huntington NY 11743	0400-024 -02 -092 000	ROBERT KANG (ESTATE OF) 11 Oak Road Huntington NY 11743
46 Homeland Dr. Huntington NY 11743		0400-189-03 -042 000	STANLEY & FLORA KRISMAN 777 West Jericho Tpke. Huntington, NY 11743

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

Resolution for Town Board Meeting Dated: March 13, 2012

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

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

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, designating certain properties to be blighted and scheduling a public hearing to consider actions to be taken to correct code violations by the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 (c) (20) and (27) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

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

HEREBY DIRECTS the Director of Planning and Environment to place such blighted properties on the Blighted Property Inventory list; 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 SCHEDULES a public hearing to be held on the 17th day of April, 2012 at 7:00 p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to

2012-141

consider authorizing various actions with regard to blighted properties to bring about compliance with Article VII, Chapter 156 of the Code of the Town of Huntington.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-141

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

EXHIBITS to SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE
Exhibit 19	3 Forest Court Huntington NY 11743	0400-33-1-15	DAVID & JEANNETTE LAGONE 27 Cedarwood Road West Babylon, NY 11704	13-Sep-11
Exhibit 20	8 Stratford Avenue Dix Hills, NY 11746	0400-281-02-007	THOMAS LA TRACE & LISA LA TRACE 8 Stratford Avenue Dix Hills, NY 11746	5-Jan-12
Exhibit 21	6 Majestic Drive Dix Hills, NY 11746	0400-214-00-03-00-003	JOHN BARON & MICHAEL BARON 6 Majestic Drive Dix Hills, NY 11746	11-Jan-12
Exhibit 22	4 Helen Place Huntington Station, NY 11748	0400-154-2-7	CSP RESIDENTIAL LLC P.O. BOX 5701 Oyster Bay, NY 11771	12-Jan-12
Exhibit 23	182 West 9th Street Huntington Station, NY 11748	0400-141-04-012-003	RETROACTIVE INVESTMENTS, INC 400 Garden City Plaza Garden City, NY 11755	18-Jan-12

SCHEDULE A

2012-141

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

Exhibit 24	37 Vanderbilt Pkway Dix Hills, NY 11746	0400-245-03-052	EUN HEE Choi & Soon JA CHOI 35 Vanderbilt Pkway Dix Hills, NY 11746	25-Jan-12
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SCHEDULE A

2012-142

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 6 - 2012 AMENDING THE CODE OF THE TOWN OF HUNTINGTON SO AS TO REPEAL CHAPTER 40 (HUNTINGTON HOUSING AUTHORITY)

Resolution for Town Board Meeting Dated: March 13, 2012

The following Resolution was offered by: SUPERVISOR PETRONE

and seconded by: COUNCILMAN CUTHBERTSON

WHEREAS, by Local Law No. 19-1999 the Town Board added Chapter 40 (Huntington Housing Authority); and

WHEREAS, it has come to the attention of the Town that this section of the Town Code is unenforceable due to the fact that the Huntington Housing Authority has a corporate existence separate and apart from the Town of Huntington; and

WHEREAS, the Town Board wishes to consider repealing this section of the Code of the Town of Huntington; and

WHEREAS, SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING THE Code of the Town of Huntington is not an action as defined by 6 N.Y.C.R.R. § 6172 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 17th day of April 2012 at 7:00 p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 6 - 2012, amending the Code of the Town of Huntington so as to repeal Chapter 40 (Huntington Housing Authority), as follows:

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

LOCAL LAW INTRODUCTORY NO. 6 - 2012
AMENDING THE CODE OF THE TOWN OF HUNTINGTON SO AS TO REPEAL
CHAPTER 40 (HUNTINGTON HOUSING AUTHORITY)

Section 1. Chapter 40 (Huntington Housing Authority) is hereby amended so as to repeal same in its entirety, as follows:

CHAPTER 40
[HUNTINGTON HOUSING AUTHORITY]

RESERVED FOR FUTURE USESection 2. Severability.

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

Section 3. Effective Date.

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

ADDITIONS ARE INDICATED BY UNDERLINE.

* * * INDICATES THERE IS NO CHANGE IN PRESENT TEXT.

DELETIONS ARE INDICATED BY [BRACKETS].

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-143

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 7 - 2012 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE VII (OFF-STREET PARKING).

Resolution for Town Board Meeting dated: March 13, 2012

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

WHEREAS, the Town wants to clarify which Board is responsible for the review of parking plans and that landbanked parking must comply with zoning regulations at the time of approval, but will not be required to meet engineering standards until the time of construction; and

WHEREAS, the revision of policies concerning site plan application review is an administrative change to the Town Code, which is a Type II action requiring no review in accordance with 6 NYCRR Part 617.5(c)(20) & (27) of the SEQRA regulations;

NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby schedules a public hearing for the **17th** day of **April**, 2012 at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory Number 7 - 2012 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article VII (Off-Street Parking), as follows:

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

LOCAL LAW INTRODUCTORY NO. **7** -2012
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING) ARTICLE VII (OFF-STREET PARKING)

Section 1. Amendment to Chapter 198 (Zoning), Article VII (Off-Street Parking) of the Code of the Town of Huntington, as follows:

CHAPTER 198 (ZONING)
ARTICLE VII (OFF-STREET PARKING)

§ 198-43. General requirements and procedures.

Notwithstanding any other provision of this chapter, no building in a zoning district shall be erected nor shall any such building be structurally altered so as to increase the gross floor area nor shall any such building be converted for a more intensive use unless off-

street parking spaces as specified in § 198-47, the table of this article, or in another section of this [article] chapter are provided for the entire premises. [However, when the Planning Board can determine that the required off-street parking requirement is in excess of the projected parking generation for a proposed use, the Planning Board may permit (approve) a lesser number of spaces to be constructed upon a finding that such modification shall be sufficient to serve the projected demand and that no adverse impacts will result. After submitting a fully conforming site plan, showing the total number of parking spaces required by this chapter, the applicant shall prepare a modified site plan showing the reduced parking area, substituting appropriate landscaped areas for the parking spaces which have been determined to be excessive. This modified site plan may be approved by the Planning Board subject to the condition that all required parking spaces, in accordance with this chapter, shall be provided upon subsequent study and finding of the Planning Board that additional parking spaces are necessary. Should such finding be made and the property owned does not comply, then the provision of § 198-121D shall apply.]

§ 198-45. Interpretation and modification of requirements.

- D. Landbanked parking. When an applicant for a permit for a building or use shall find that required off-street parking is in excess of the demand generation of the use or building proposed, the Planning Board [of Appeals] may reduce the extent of parking area to be improved upon a finding that any proposed modification shall be sufficient to serve the demand generation and that no hazard or traffic congestion shall result. The approved site plan shall show both the reduced area to be improved and the total requirement established by this chapter, with any unbuilt parking spaces replaced by landscaping. All landbanked parking spaces must conform to zoning requirements such as dimensions, setbacks, location, and steep slopes, but engineering work shall not be required until the spaces are proposed for construction. [and the] The applicant shall submit a [properly executed instrument] Declaration of Covenants and Restrictions in a form approved by the Town Attorney, specifying that all required spaces shall be improved upon subsequent finding by the [appropriate] Planning [bi]Board that such improvement is needed as a result of increased demand generation or actual site conditions.

Section 2. Severability

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

Section 3. Effective Date

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

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-144

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AWARDING A LICENSE AGREEMENT FOR BUS SHELTER ADVERTISING FOR THE TOWN OF HUNTINGTON.

Resolution for Town Board Meeting Dated: March 13, 2012

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

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

WHEREAS, the Town wishes to engage the services of a qualified licensee to provide bus shelter advertising for the Town of Huntington. These services will generate additional nontax levy revenue collections through a targeted marketing and partnership program; and

WHEREAS, requests for proposals were received on January 20, 2012, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, to provide transit advertising and marketing program for the Town of Huntington, New York, RFP No. 2012-01-002 and the same were opened and read aloud; and

WHEREAS, the scheduling of a public hearing to consider this license agreement is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(20) and therefore no further SEQRA review of the scheduling of the public hearing is required.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 17th day of April, 2012 at 7:00 P.M. at Huntington Town Hall, 100 Main Street Huntington, New York to consider awarding a license agreement to provide bus shelter advertising for the Town of Huntington to Sunrise Outdoor Advertising, Inc., 251 Main Street, Huntington, New York 11743 for a period of five (5) years commencing upon contract execution, with anticipated annual gross revenue to be Year 1- \$172,500.00; Year 2- \$198,000.00; Year 3- \$ 208,000.00; Year 4- \$218,000.00; Year 5- \$ 229,000.00; of which the Town will receive fifty-five (55%) percent to be deposited into revenue account A1751. Said contract has one (1) five (5) year extension at the Town's sole discretion; 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 SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT
RE: 554 PARK AVENUE, HUNTINGTON—OLD HUNTINGTON GREEN
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by Jeffrey Ratti, 554 Park Avenue, Huntington, NY 11743, for Certificates of Approval to demolish a 10' x 7.5' shed, legalize a 67 linear foot retaining wall with fence on top, and legalize an 11.7' x 11.4' shed in the rear yard of a single family dwelling located at 554 Park Avenue, Huntington, NY, 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 #0400.00-097.00-03.00-017.000, and

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

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

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **17th** day of **April** 2012, at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of Jeffrey Ratti.

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.

2012-146

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AWARDING A FRANCHISE AGREEMENT TO CONDUCT A BASEBALL/SOFTBALL SUMMER CAMP FOR THE TOWN OF HUNTINGTON DEPARTMENT OF PARKS AND RECREATION.

Resolution for Town Board Meeting Dated: March 13, 2012

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

WHEREAS, the Town of Huntington is desirous of offering a series of one-week baseball and softball camps and skills workshops at various Town fields; and

WHEREAS, requests for proposals were received on February 17, 2012, by the Town of Huntington, Director of Purchasing, 100 Main Street, Huntington, New York, for conducting a baseball/softball summer camp for the Town of Huntington Department of Parks and Recreation, RFP No. 2012-02-003 and the same were opened and read aloud; and

WHEREAS, Spring Training Summer Camps, Inc., P.O. Box 2204, Halesite, New York 11743 is the successful proposer; and

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

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 17th day of April, 2012 at 7:00P.M. at Huntington Town Hall, 100 Main Street, Huntington, New York to consider awarding a franchise agreement for conducting a baseball/softball summer camp to Spring Training Summer Camps, Inc. The Town will receive 30% of the total revenue generated which will be recorded into Operating Budget Item A2006. The contract period shall be effective for a two (2) year term commencing upon the execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for two (2) additional one (1) year periods under the same prices, terms and conditions, 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.

2012-147

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE V, §2-10, SCHEDULE 1.

RE: LAWRENCE HILL ROAD, COLD SPRING HARBOR, SCHOOL SPEED LIMITS

Resolution for Town Board Meeting Dated: March 13, 2012

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

WHEREAS, amendments to the Uniform Traffic Code of the Town of Huntington regarding speed restrictions are classified as Type II actions pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)16(c)20 and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the **17th** day of **April**, 2012, at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 2, Traffic Regulations; Article V, Speed Restrictions; §2-10, School Speed Limits; Schedule 1.

	<u>NAME OF STREET</u>	<u>SPEED LIMIT</u> (miles per hour)	<u>LOCATION</u>
ADD:	Lawrence Hill Road (CSH)	20	From 150 feet west of Seaward Court to 670 feet west of Rogers Drive.

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

2012-148

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

RE: ANDERSON PLACE, SCUDDER PLACE, HUNTINGTON - PARKING RESTRICTIONS.

Resolution for Town Board Meeting Dated: March 13, 2012

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, amendments to the Uniform Traffic Code of the Town of Huntington regarding parking restrictions are classified as Type II actions pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)16(c)(20) and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the 17th day of April 2012, at 7:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 3, Parking Regulations; Article II, Parking, Standing and Stopping Regulations; §3-3, Designation of Areas and Restrictions; Schedule J.

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD:	Anderson Place/West From 95 ft. south of Main St. (Rt. 25A) to 170 ft. south of Main St. (Rt. 25A). (HUN)	Handicapped parking	-----
	Scudder Place/East From 115 ft. south of Main St. (Rt. 25A) to 55 ft. south of Main St. (Rt. 25A). (HUN)	Handicapped parking	-----

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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	
Councilwoman Mark Maynska		AYE	

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2012-149

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT
RE: 35 SPRING STREET, COLD SPRING HARBOR—COLD SPRING HARBOR
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: March 13, 2012

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

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by Charles Conroy, 35 Spring Street, Cold Spring Harbor, NY 11724, for a Certificate of Approval to legalize a second story deck and six (6) skylight windows built without a permit at a single family dwelling located at 35 Spring Street, Cold Spring Harbor, NY, pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is located in the Cold Spring Harbor Historic District and bears Suffolk County Tax Map #0400.00-063.00-02.00-008.000, and

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

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

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 17th day of April 2012, at 7:00 p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of Charles Conroy.

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: APPROVE THE ISSUANCE OF A SPECIAL USE PERMIT UNDER CHAPTER 137 (MARINE CONSERVATION)
APPLICANT: BARBARA RAISCH
ON BEHALF OF EATON HARBORS CORP.
LOCATION: SOUTH END OF BEACH RD., EATON'S NECK, N.Y. 11768
S.C.T.M. # 400-005.00-05.00-001.000

Resolution for Board of Trustees Meeting Dated: March 13, 2012

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

and seconded by: **TRUSTEE MAYOKA**

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

Barbara Raisch
On behalf of
Eaton Harbors Corp.
P.O. Box 474
Northport, N.Y. 11768

to legalize repair/resurfacing made to an existing boat ramp (use by club members only) with concrete cap at Eaton Harbors Corp. property located on the west side of the southernmost end of Beach Rd., Eaton's Neck, N.Y. 11768 S.C.T.M. # 0400-005.00-05.00-001.000; 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 Forms, 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.

NOW, THEREFORE

THE BOARD OF TRUSTEES, having held a public hearing on the 6th day of February, 2012, to consider the issuance of a special use permit to Eaton Harbors Corp. to legalize repairs/resurfacing made to an existing boat ramp (use by club members only) with a concrete cap at Eaton Harbors Corp. property located on the west side of the southernmost end of Beach Rd., Eaton's Neck, N.Y. 11768 S.C.T.M. # 0400-005.00-05.00-001.000; and due deliberation being had;

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 APPROVES the issuance of a Special Use Permit under Chapter 137 of the Code of the Town of Huntington, to Eaton Harbors Corp. to legalize repairs/resurfacing made to an existing boat ramp (use by club members only) with a concrete cap at Eaton Harbors Corp. property located on the west side of the southernmost end of Beach Rd., Eaton's Neck, N.Y. 11768 S.C.T.M. # 0400-005.00-05.00-001.000subject to the following conditions:

- 1) No addition, expansion or modification of location or configuration of the permitted boat ramp may be made without the property owner first obtaining the necessary authorization/permits from the government agencies having jurisdiction.
- 2) It shall be the responsibility of the permit holder(s)/owner(s) to provide maintenance, repair and service of said structure(s). Failure to comply shall result in forfeiture of the permit and removal of the structure by the Town of Huntington at the permit holder's/owner's expense.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION ACCEPTING V&M PROFESSIONAL MANAGEMENT LLC'S REQUEST TO SURRENDER THE LEASE FOR THE SPACE THEY OCCUPY IN THE PREMISES KNOWN AS 1264-1268 NEW YORK AVENUE, HUNTINGTON STATION, NEW YORK TO THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY

Resolution for the Community Development Agency Board Meeting Dated: March 13, 2012

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

and seconded by: **MEMBER HERLAND**

WHEREAS, the Huntington Community Development Agency is the owner of a certain premises know as and by 1264-1268 New York Avenue, Huntington Station, New York; and

WHEREAS, on January 28th, a certain Lease was executed with the Huntington Community Development Agency as Landlord and V&M Professional Management LLC as Tenant for approximately 650 square feet in the premises known as 1264-1268 New York Avenue, Huntington Station, New York ("the Premises"); and

WHEREAS, the Lease was for a term of five (5) years commencing February 1, 2010 and ending January 31, 2015; and

WHEREAS, the Lease was personally guaranteed by Vikas Arora, the Managing Member of the Tenant; and

WHEREAS, the Tenant is currently in arrears in the amount of \$3,850.70 from December, 2011 through March 2012; and

WHEREAS, the Tenant has requested that the Huntington Community Development Agency accept their proposed surrender of the Lease effective January 31, 2012; and

WHEREAS, the acceptance of the proposed surrender of the lease 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 HUNTINGTON COMMUNITY DEVELOPMENT AGENCY BOARD

HEREBY AUTHORIZES the Director of the Huntington Community Development Agency accept and execute a surrender agreement containing terms acceptable to the Agency's attorney which terminates the Lease with V&M Professional Management LLC as Tenant and Vikas Arora as Guarantor for approximately 650 square feet in the

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premises known as 1264-1268 New York Avenue, Huntington Station, New York and is conditioned upon receipt of a payment from the Tenant in the amount of \$3,850.70 representing the unpaid rent for the period December 1, 2011 to March 31, 2012.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Chairman Frank P. Petrone	AYE
Member Susan A. Berlind	AYE
Member Eugene Cook	AYE
Member Mark A. Cuthbertson	AYE
Member Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION APPROVING AND AUTHORIZING THE DIRECTOR OF THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY TO EXECUTE A LEASE WITH RENAISSANCE DOWNTOWNS AT HUNTINGTON STATION, LLC FOR 1266 NEW YORK AVENUE, HUNTINGTON STATION, NEW YORK

Resolution for the Community Development Agency Board Meeting Dated: March 13, 2012

The following Resolution was offered by: **CHAIRMAN PETRONE**

And seconded by: **MEMBER CUTHBERTSON, MEMBER MAYOKA**

WHEREAS, the Huntington Community Development Agency is the owner of premises known as and by 1266 New York Avenue, Huntington Station, New York; and

WHEREAS, the Director of the Huntington Community Development Agency has recommended that Renaissance Downtowns at Huntington Station, LLC be a tenant to lease approximately 650 square feet in the premises known as 1266 New York Avenue, Huntington Station, New York; and

WHEREAS, the lease of this premises to a qualified and eligible sponsor 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 HUNTINGTON COMMUNITY DEVELOPMENT AGENCY BOARD

HEREBY APPROVES Renaissance Downtowns at Huntington Station, LLC, 9 Gerhard Road, Plainview, N.Y. 11803, as a tenant to lease approximately 650 square feet in the premises known as 1266 New York Avenue, Huntington Station, New York, the details of which are as follows: (1) month to month lease provided tenant is not in default (2) minimum rent of \$866.67 (3) Security deposit equal to two months rent \$ 1,733.34 (4) premises to be used as a public informational office, with professional offices and meeting space (5) Tenant accepts premises in "as is" condition (6) Tenant will pay the cost of all utilities as per lease agreement (7) Tenant responsible for all non-structural maintenance (8) Tenant shall, at its sole cost an expense, also provide and keep for the benefit of Tenant (as named insured) and for Landlord (as additional insureds) Commercial General Liability Insurance covering the Leased Premises and protecting landlord and Tenant of not less than One Million (1,000,000) Dollars combined single limit for bodily injury and property damage liability in any one occurrence and not less than the amount of Two Million (2,000,000) Dollars in the annual aggregate limit. (9) No assignment or subleasing permitted.

FURTHER AUTHORIZES the Huntington Community Development Agency to execute the Lease and any other documents necessary to carry out the terms of the Lease which in the discretion of the Director and Agency Attorney that are reasonable required in connection therewith.

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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Chairman Frank P. Petrone	AYE
Members Susan A. Berland	AYE
Members Eugene Cook	AYE
Members Mark Cuthbertson	AYE
Members Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.