

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 AVAILABLE:

<http://town.huntington.ny.us>

PRESENT:

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

AGENDA FOR TOWN BOARD MEETING DATED MARCH 22, 2011

BOARD OF TRUSTEES' MEETING FOLLOWING

Opened: 7:27 P.M. Recessed: 7:32 P.M. Resumed: 7:58 P.M. Closed: 7:59 P.M.

COMMUNITY DEVELOPMENT AGENCY MEETING FOLLOWING

Opened: 7:59 P.M. Closed: 8:00 P.M.

7:00P.M. – TOWN HALL

Opened: 7:05 P.M. Recessed: 7:27 P.M. Resumed: 7:32 P.M. Closed: 7:58 P.M.

(Resolutions #2011-123 to 2011-156)

HEARINGS:

ACTION

1. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G Re: Maple Hill Road – Stop Signs. (2011-TC-4-Ch. 2)

DECISION RESERVED

2. Consider adopting Local Law Introductory No. 3-2011 amending the Code of the Town of Huntington, Chapter 36 (Administrative Hearing Officer). (Local Law Introductory No. 3-2011)

DECISION RESERVED

BOARD OF TRUSTEES' HEARINGS:

HEARING RESCHEDULED FROM MARCH 8, 2011

1. Consider a variance and the issuance of a Special Use Permit under Chapter 137, Marine Conservation, Applicant: Dan P. DeBono
Location: 140 Old Winkle Point Rd., Eatons Neck, NY 11768
S.C.T.M. #0400-005.00-03.00-001.001.
(2011-BT-3-BT-11-Ch. 137)

DECISION RESERVED

HEARING RESCHEDULED FROM MARCH 8, 2011

2. Consider the execution of a license agreement as is necessary for the construction of a residential fixed pier and floating dock assembly under Chapter 137, Marine Conservation, Applicant: Dan P. DeBono
Location: 140 Old Winkle Point Rd., Eatons Neck, NY 11768
S.C.T.M. #0400-005.00-03.00-001.001.
(2011-BT-4-BT-12)

DECISION RESERVED

3. Consider the issuance of a Special Use Permit pursuant to the Marine Conservation Law, Town Code Chapter 137, Applicant: Donna Myers of Shore Solutions on behalf of Timothy J. Cox and Kathy M. Staib
Location: 33 Prospect Rd., Centerport, NY 11721
S.C.T.M. #0400-045.00-01.00-028.000.
(2011-BT-7-Ch. 137)

DECISION RESERVED

4. Consider the execution of a license agreement pursuant to the Marine Conservation Law, Town Code Chapter 137, Applicant: Donna Myers of Shore Solutions on behalf of Timothy J. Cox & Kathy M. Staib
Location: 33 Prospect Rd., Centerport, NY 11721
S.C.T.M. #0400-045.00-01.00-028.000.
(2011-BT-8)

DECISION RESERVED

**AGENDA FOR TOWN BOARD
MEETING DATED: MARCH 22, 2011**

RESOLUTIONS:

OFF. SEC. VOTE

ABBREVIATIONS FOR PURPOSE OF AGENDA:

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

- | | | | | |
|------------------|--|------------------|------------------------|-----------------|
| 2011-123. | AUTHORIZE the Supervisor to execute an agreement with Greenman-Pedersen, Inc. (GPI) Engineering and Construction Services to review and comment on documents and reports related to the SEQRA Review for the proposed Heartland Town Square Development Project in the Town of Islip. | FP | | |
| | | <u>GJ</u> | <u>SB</u> | <u>5</u> |
| | | | | |
| 2011-124. | 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: Sundays - May 22, 2011 – November 20, 2011; Time: 7:00 AM to 12:00 PM) | FP | | |
| | | <u>GJ</u> | <u>SB</u> | <u>5</u> |
| | | | | |
| 2011-125. | AUTHORIZE the Supervisor to execute various agreements for the movies on the lawn series. (Re: Swank Motion Pictures, Inc. and Sun Technical Services) (Date/Location: June 27, 2011 at Heckscher Park, July 20, 2011 at Crab Meadow Beach, August 1, 2011 at Dix Hills Park and August 24, 2011 at Crab Meadow Beach) | MC | GJ | 5 |
| | | <u>MC</u> | <u>GJ</u> | <u>5</u> |
| | | | | |
| 2011-126. | AUTHORIZE the Supervisor to execute a traffic signal agreement with the County of Suffolk for the maintenance of a traffic signal at the intersection of CR 86, Centerport Road and Blenheim Lane (south), in the Hamlet of Centerport. | MC | GJ | 5 |
| | | <u>MC</u> | <u>GJ</u> | <u>5</u> |
| | | | | |
| 2011-127. | AUTHORIZE the Supervisor to execute a lease agreement with Textron Financial Corporation for motorized and energy efficient golf carts for Crab Meadow and Dix Hills Golf Courses.
(Period: 48 months – April 15, 2011 to March 31, 2015) | MC | GJ
SB | 5 |
| | | <u>MC</u> | <u>SB</u> | <u>5</u> |
| | | | | |
| 2011-128. | AUTHORIZE the Supervisor to execute an extension to the contract with Thos. H. Gannon & Sons, Inc. for the Townwide requirements contract for application of surface treatments on various town roadways.
(Term: One year commencing May 28, 2011) | GJ | SB | 5 |
| | | <u>GJ</u> | <u>SB</u> | <u>5</u> |
| | | | | |
| 2011-129. | AUTHORIZE the Supervisor to execute an extension to the contract with VHB Engineering, Surveying and Landscape Architecture, P.C. for consultant services for pavement and construction management.
(Term: One year commencing May 6, 2011) | MC | MM | 5 |
| | | <u>MC</u> | <u>MM</u> | <u>5</u> |

**AGENDA FOR TOWN BOARD
MEETING DATED: MARCH 22, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
2011-130. AUTHORIZE the Supervisor to execute an extension to the contract with Laser Industries, Inc. for the Townwide requirements contract for drainage and concrete construction. (Term: One year commencing May 18, 2011)	<u>SB</u> <u>GJ</u>	<u>FP</u>	<u>5</u>
2011-131. AUTHORIZE the Supervisor to execute an extension to the requirements contract for processing, disposal and marketing of curbside collected commingled household containers with Omni Recycling of Westbury, Inc. (Term: Two years commencing May 1, 2011)	<u>SB</u>	<u>GJ</u>	<u>5</u>
2011-132. AUTHORIZE the Supervisor to enter into an agreement with Gannett Fleming Engineers, P.C. for Phase II services related to the New York State Brownfields Opportunity Area Grant. (Term: Two years)	<u>FP</u> <u>GJ</u>	<u>SB</u>	<u>5</u>
2011-133. AUTHORIZE the Supervisor to execute all documents necessary to accept payment for the acquisition and/or temporary use of property by New York State for drainage and roadway improvements along NYS Route 110 (Naval Reserve Property) (P/O SCTM NO. 0400-027.00-01.00-002.000). (Location: .9 mile section of New York Avenue (Route 110) between the Prime Avenue and the Madison Street intersection and the intersection at Young's Hill Road in the Hamlet of Halesite)	<u>FP</u> <u>GJ</u>	<u>SB</u> <u>MC</u>	<u>5</u>
2011-134. AUTHORIZE an extension to the requirements contract for repairs of wastewater treatment plant equipment at the treatment plant and pump station with Bensin Contracting, Inc. (Term: One year commencing May 4, 2011)	<u>MC</u>	<u>GJ</u>	<u>5</u>
2011-135. AUTHORIZE the Comptroller to amend the 2010 Operating Budget for year end adjustments and appropriate various reserves for the Town of Huntington and its special districts-various departments.	<u>FP</u>	<u>MC</u>	<u>5</u>
2011-136. AUTHORIZE the Comptroller to amend the 2011 Operating Budget for snow removal expenses for the Town of Huntington and its special districts-Highway Department.	<u>FP</u>	<u>MC</u>	<u>5</u>
2011-137. AUTHORIZE the Town Attorney to take appropriate action including but not limited to the commencement of Civil Action against Rehab Investors D/B/A Donald Pius, its owners, principals, officers, operators and/or employees, individuals, or entities at and upon 1006 New York Avenue, Huntington Station for violating the Code of the Town of Huntington, nunc pro tunc.	<u>SB</u>	<u>GJ</u>	<u>5</u>
2011-138. ACCEPT a donation from Ahern's Lawn and Garden, Inc. for the purchase of materials associated with the "Spring Eggstravaganza" at Heckscher Park on April 20, 2011.	<u>MC</u> <u>MM</u>	<u>GJ</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: MARCH 22, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
2011-139. ACCEPT the dedication of a drainage easement for the subdivision known as Princess at Wells Road.	<u>SB</u>	<u>FP</u> <u>GJ</u>	4-AYES 1-ABST <u>(MC)</u>
2011-140. REMOVED FROM AGENDA AT EXECUTIVE SESSION.			
2011-141. RETAIN Regal Title Agency to provide title abstract services Re: Town of Huntington Adv. O'Brien. (Re: Pineridge Park)	<u>SB</u>	<u>GJ</u>	<u>5</u>
2011-142. EXTEND the time to make a determination regarding the adoption of Local Law Introductory Number 5-2010, considering zone change application #2008-ZM-372, Hilltop Homes, to change the zoning from C-6 General Business and R-80 Residence District to R-3M Garden Apartment Special District for the property located on the southeast corner of East Main Street and Centershore Road, Centerport. (SCTM# 0400-079-03-001) (Time extended until July 7, 2011)	<u>MC</u> <u>MM</u>	<u>FP</u>	4-AYES 1-NO <u>(SB)</u>
2011-143. ENACTMENT: ADOPT Local Law Introductory Number 2-2011 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Articles IV (Commercial Districts) and XI (Conditional Uses; Supplementary Regulations) to update standards for game centers and commercial places of amusement and recreation in C-6 and C-7 Commercial Zoning Districts.	<u>FP</u> <u>MC</u> <u>GJ</u>	<u>SB</u>	<u>5</u>
2011-144. SCHEDULING A PUBLIC HEARING: APRIL 12, 2011 at 7:00 PM To consider adopting Local Law Introductory No. 6 – 2011 amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article III (Building Permits) and Article VI (Administration and Enforcement).	<u>MC</u>	<u>FP</u>	<u>5</u>
2011-145. SCHEDULE A PUBLIC HEARING: APRIL 12, 2011 at 7:00 PM To consider adopting Local Law Introductory No. 7 – 2011 amending the code of the Town of Huntington, Chapter 124 (Housing Standards and Property Maintenance). (Re: Mobile Homes)	<u>MC</u>	<u>GJ</u>	<u>5</u>
2011-146. SCHEDULE A PUBLIC HEARING: MAY 16, 2011 at 7:00 PM To consider adopting Local Law Introductory Number 8 - 2011, considering zone change application #2011-ZM-386 known as Avalon at Huntington Station – R-3M to change the zone from R-7 Residence District to R-3M Garden Apartment Special District for the property located on the north side of East Fifth Street, West of Park Avenue, Huntington Station, SCTM #0400-104.04-01-(001-109, 112-114 & 116-118).	<u>FP</u> <u>GJ</u>	<u>MC</u>	4-AYES 1-NO <u>(MM)</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: MARCH 22, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
2011-147. SCHEDULE A PUBLIC HEARING: APRIL 12, 2011 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: Elwood School District, School Speed Limits.	<u>GJ</u>	<u>FP</u>	<u>5</u>
2011-148. SCHEDULE A PUBLIC HEARING: APRIL 12, 2011 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: Commack School District, School Speed Limits.	<u>GJ</u>	<u>FP</u>	<u>5</u>
2011-149. SCHEDULE A PUBLIC HEARING: APRIL 12, 2011 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: Cold Spring Harbor School District, School Speed Limits.	MM <u>GJ</u>	<u>FP</u>	<u>5</u>
2011-150. SCHEDULE A PUBLIC HEARING: APRIL 12, 2011 at 7:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article III, §2-4, Schedule D. Re: Fort Hill Road (East Fork) – One Way Streets.	<u>GJ</u>	<u>MC</u>	<u>5</u>
2011-151. SCHEDULE A PUBLIC HEARING: APRIL 12, 2011 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: West Neck Road, No Standing Restriction.	<u>GJ</u>	<u>FP</u>	<u>5</u>
2011-152. REMOVED FROM AGENDA AT WORKSHOP.			
2011-153. AUTHORIZE the Comptroller to amend the 2011 Operating Budget for the Town of Huntington and its special districts-various departments.	<u>MM</u>	<u>FP</u>	<u>5</u>
2011-154. AUTHORIZE the Town Attorney to retain Industrial & Utility Valuation Consultants, Inc. in connection with tax grievances and Article 7 Proceeding filed by LIPA and/or National Grid.	FP <u>MC</u>	MM SB <u>GJ</u>	<u>5</u>
2011-155. AUTHORIZE the Town Attorney of the Town of Huntington to retain outside counsel (Lewis & Greer, P.C.) in connection with tax grievances and Article 7 Proceeding filed by LIPA and/or National Grid.	FP <u>MC</u>	GJ SB <u>MM</u>	<u>5</u>
2011-156. REMOVED FROM AGENDA AT EXECUTIVE SESSION.			

**AGENDA FOR TOWN BOARD
MEETING DATED: MARCH 22, 2011**

RESOLUTIONS:

OFF. SEC. VOTE

**AGENDA FOR BOARD OF TRUSTEES’
MEETING DATED: MARCH 22, 2011**

RESOLUTIONS:	OFF.	SEC.	VOTE
2011-BT13. ENACTMENT: APPROVE the execution of a license agreement pursuant to the Marine Conservation Law, Town Code Chapter 137, for the construction of a residential fixed pier and floating dock assembly Applicant: Kimberly A. Willen (Rev. Trust) Location: 29 Bluff Point Rd., Northport, N.Y. S.C.T.M. # 0404-003.00-01.00-009.000.	<u>MC</u>	<u>GJ</u>	<u>5</u>
2011-BT14. ENACTMENT: APPROVE the granting of a variance and the issuance of a Special Use Permit under Chapter 137 (Marine Conservation) Applicant: Kimberly A. Willen (Rev. Trust) Location: 29 Bluff Point Rd., Northport, N.Y. S.C.T.M. #0404-003.00-01.00-009.000.	<u>MC</u>	<u>GJ</u> <u>MM</u>	<u>5</u>

**AGENDA FOR COMMUNITY DEVELOPMENT AGENCY
MEETING DATED: MARCH 22, 2011**

RESOLUTIONS:

OFF. SEC. VOTE

2011-CD2. AUTHORIZING the Chairman to execute an agreement with Gannett Fleming Engineers, P.C. for Phase II Services related to the New York State Brownfields Opportunity Area Grant.

MM

FP

GJ

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INFORMATIONAL SHEET FOR TOWN BOARD MEETING

DATED: MARCH 22, 2011

COMMUNICATION

ACTION

1. Letters received Certified Mail – Applying for Liquor Licenses:
From: Stephen Griffin for Hilton Long Island;

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: Andre Zupancic for El Picacho Corp (1026 New York Avenue,
Huntington Station); From: Donald McKay for Crab Meadow Golf Course
Snack Bar; From: Mace Colodny for The Shack;

Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
3. Letter received from Vincent Puleo, Town Clerk of Smithtown, regarding
a Public Hearing to be held on April 28, 2011 at 7:00 PM at the Eugene
Cannataro Senior Citizen Center re: Petition #2011- A the Town Board's
Own Motion to amend conditions and covenants regarding Petition #92-02
PJ Venture.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
4. Email received from Alicia Hendel, Legislative's Aide for the Suffolk County
Legislature regarding a Procedural Motion Resolution No. 10-2011 that was
adopted by the legislature, apportioning mortgage tax by: County Treasurer.

Supervisor
Town Board
cc: Town Attorney
5. Letter received from Eddie Davis expressing his support of Kensington Estates.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
6. Legal notice received from Richard Marino, Chairman of the Incorporated Village
of Laurel Hollow Board of Zoning Appeals, regarding Public Hearing to be held
on April 4, 2011 at 7:30 PM at Village Hall to consider: 1) The continuation of a
hearing on the hearing and application of 1 Glen Lane to install a garage, pool
house, sports court, driveway alterations, pool, pool deck, spa, pool equipment,
and outdoor shower deck 2) The continuation of a hearing to disturb a slope at
1 Glen Lane 3) A hearing to disturb a slope at 1424 Ridge Road 4) Hearing on
the appeal and application to construct a one-story addition and alteration at
398Cold Spring Road 5) Hearing to disturb a slope at 398 Cold Spring.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
7. Letter received from Todd Donaghy advising that he is in favor of having a
stop sign at the intersection of Maple Hill Road and Fort Hill Road.

Supervisor
Town Board
Town Attorney
Traffic & Transportation
cc: Planning & Environment

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH GREENMAN-PEDERSEN, INC. (GPI) ENGINEERING AND CONSTRUCTION SERVICES TO REVIEW AND COMMENT ON DOCUMENTS AND REPORTS RELATED TO THE SEQRA REVIEW FOR THE PROPOSED HEARTLAND TOWN SQUARE DEVELOPMENT PROJECT IN THE TOWN OF ISLIP

Resolution for Town Board Meeting Dated: March 22, 2011

The following resolution was offered by **SUPERVISOR PETRONE,**
COUNCILWOMAN JACKSON

and seconded by **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Islip Town Board is entertaining a proposal to adopt a Conceptual Master Plan and amend their Zoning Code for the redevelopment of approximately 450 acres of land on a portion of the former Pilgrim State Psychiatric Property, located on the east and west sides of the Sagtikos State Parkway, and the Islip Gateway Community Improvement Area, located along Crooked Hill Road, south of the Long Island Expressway, in the Hamlet of Brentwood, for the project known as the "Heartland Town Square"; and

WHEREAS, the project sponsor of the Heartland Town Square proposes a mixed use development of approximately 9,130 residential units, 105,000 square feet of Civic space, 1,030,000 square feet of retail space and 4,150,000 square feet of office space to be built over a 15-year period in three distinct phases; and

WHEREAS, this proposed development will be one of the largest single land use projects on Long Island, and the size and scale of the proposed project will have significant regional and local environmental impacts that will be experienced outside of the Town of Islip, particularly on neighboring communities including the Town of Huntington, which is evidenced by the fact that the project is classified as a Type I action under SEQRA; and

WHEREAS, it is anticipated that a Final Environmental Impact Statement and other SEQRA documents and actions will be considered by the Town of Islip Town Board, as lead agency, for the proposed action; and

WHEREAS, the Town of Huntington wishes to continue its comprehensive review of the Heartland Town Square project's traffic and environmental impacts on the Town of Huntington; and

WHEREAS, the Town Board in conjunction with its ongoing commitment to protect the health and safety of its residents residing in proximity to the Sagtikos Corridor requires the assistance of an expert to effectively provide an integrated and coordinated review of SEQRA and related documents with particular emphasis on the regional traffic impacts as well as social and natural impacts of the project; and

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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 including the power to approve all budgetary amendments; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract with Greenman-Pedersen Inc. Engineering and Construction Services located at 325 West Main Street, Babylon, New York 11702 to provide comprehensive services related to the review of any documents and action related to the SEQRA process of the Heartland Town Square project as set forth in the Scope of Services, in an amount not to exceed TWENTY-FOUR THOUSAND AND NO/100 (\$24,000.00) DOLLARS, to be charged to the 2011 Operating Budget Item B-3310-4550 (Outside Professional), and upon such other terms and conditions as may be acceptable to the Office of the Town Attorney; and

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

Decrease the following appropriation:

B3310-4560	Maintenance of Equipment- Traffic Signals	\$24,000.00
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Increase the following appropriation:

B3310-4550	Outside Professional-Transportation & Traffic	\$24,000.00
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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-124

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 22, 2011

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

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 2011 harvest season commencing on May 22, 2011 and ending on November 20, 2011; 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 FIVE HUNDRED AND NO/100 (\$500.00) 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 22, 2011 and ending on November 20, 2011, 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 of FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS, to be recorded in Operating Budget Account A2410 and on such other terms and conditions as may be acceptable to the Town Attorney.

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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE VARIOUS AGREEMENTS FOR THE MOVIES ON THE LAWN SERIES

Resolution for Town Board Meeting Dated: March 22, 2011

The following resolution was offered by: Councilman Cuthbertson

And seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Town of Huntington is desirous of presenting a series of films at various outdoor locations for the enjoyment of Town residents during the summer of 2011; and

WHEREAS, the Movies on the Lawn Series will be free and open to the public; and

WHEREAS, the presentation of the Movies on the Lawn Series requires that the Town enter into Agreements with Swank Motion Pictures, Inc. for the rental of four (4) films for rental fees per film not to exceed the following amounts: *Despicable Me*: not to exceed SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$750.00); *Flipped*: not to exceed SIX HUNDRED SEVENTY FIVE AND NO/100 DOLLARS (\$675.00); *Megamind*: not to exceed SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$750.00); and *You Again*: not to exceed EIGHT HUNDRED FIFTY AND NO/100 DOLLARS (\$850.00); and

WHEREAS, in addition, it will be necessary for the Town to retain Sun Technical Services, Inc. to provide related technical services for the presentation of said Movies on the Lawn Series at a cost not to exceed TWO THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$2,250.00) for each scheduled event; and

WHEREAS, the execution of various agreements regarding the Movies on the Lawn Series is a Type II Action pursuant to 6 N.Y.C.R.R. §617.5(c)(15) and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD,

HEREBY AUTHORIZES the Supervisor to execute various Agreements, on such terms and conditions as may be acceptable to the Town Attorney, with Swank Motion Pictures, Inc., 350 Vanderbilt Motor Parkway, Suite 108-C, Hauppauge, NY 11788, for the rental of four (4) films for rental fees per film not to exceed the following amounts: *Despicable Me*: not to exceed SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$750.00); *Flipped*: not to exceed SIX HUNDRED SEVENTY FIVE AND NO/100 DOLLARS (\$675.00); *Megamind*: not to exceed SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$750.00); and *You Again*: not to exceed EIGHT HUNDRED FIFTY AND

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NO/100 DOLLARS (\$850.00); to be charged to Operating Budget Line A-7020-4550;
and

FURTHER AUTHORIZES the Supervisor to execute various Agreements, on such terms and conditions as may be acceptable to the Town Attorney, with Sun Technical Services, Inc., 31 Garage Road, Sunderland, MA 01375, for the provision of related technical services for the Movies on the Lawn Series, at the following locations and in the following amounts, to be charged to Operating Budget Line A-7020-4550:

<u>Date</u>	<u>Location</u>	<u>Contract No.</u>	<u>Amount</u>
June 27, 2011	Heckscher Park	15918	\$2,250.00
July 20, 2011	Crab Meadow Beach	15919	\$2,250.00
August 1, 2011	Dix Hills Park	15920	\$2,250.00
August 24, 2011	Crab Meadow Beach	15921	\$2,250.00

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-126

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A TRAFFIC SIGNAL AGREEMENT WITH THE COUNTY OF SUFFOLK FOR THE MAINTENANCE OF A TRAFFIC SIGNAL AT THE INTERSECTION OF CR 86, CENTERPORT ROAD AND BLENHEIM LANE (SOUTH), IN THE HAMLET OF CENTERPORT

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Town of Huntington is responsible for the maintenance of traffic signals installed on County roads within the Town; and

WHEREAS, the County of Suffolk is proposing to install a traffic signal at the intersection of CR 86, Centerport Road and Blenheim Lane (south), in the Hamlet of Centerport; and

WHEREAS, the execution of a traffic signal agreement with the County of Suffolk for the maintenance of a traffic signal is a Type II action pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)(16), and (c)(20), and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a Traffic Signal Agreement with the County of Suffolk for the maintenance of a traffic signal at the intersection of CR 86, Centerport Road and Blenheim Lane (south), in the Hamlet of Centerport and execute any documents in connection therewith upon such terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LEASE AGREEMENT WITH TEXTRON FINANCIAL CORPORATION FOR MOTORIZED AND ENERGY EFFICIENT GOLF CARTS FOR CRAB MEADOW AND DIX HILLS GOLF COURSES.

Resolution for Town Board Meeting Dated: March 22, 2011

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

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

WHEREAS, the Town of Huntington is desirous of entering into a lease agreement with Textron Financial Corporation to provide seventy-five (75) state-of-the-art, energy efficient motorized golf carts for use at Crab Meadow Golf Course and twenty-one (21) motorized golf carts for use at the Dix Hills Golf Course; and

WHEREAS, the lease agreement is for a period of forty-eight (48) months at an annual cost of \$87,949.44 and the use of motorized carts by the golfing public at Crab Meadow and Dix Hills offsets this annual expense; and

WHEREAS, the execution of a contract for the provision of motorized golf carts for Town golf courses 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 a lease agreement with Textron Financial Corp., 40 Westminster Street, Providence, Rhode Island 02903 for motorized golf carts for Crab Meadow and Dix Hills golf courses, for a period of forty-eight (48) months at a total cost of THREE HUNDRED FIFTY-ONE THOUSAND SEVEN HUNDRED NINETY SEVEN AND 76/100 (\$351,797.76) DOLLARS commencing on April 15, 2011 to March 31, 2015 to be charged to Budget Line A7193.4558, 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 Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-128

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE CONTRACT WITH THOS. H. GANNON & SONS, INC. FOR THE TOWNWIDE REQUIREMENTS CONTRACT FOR APPLICATION OF SURFACE TREATMENTS ON VARIOUS TOWN ROADWAYS

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, surface treatments, also referred to as micro-surfacing, is a cost-effective type of preventative maintenance performed on Town roads to repair deterioration and cracks and improve skid resistance which extends the life of the pavement and utilizes specialized machinery to apply a cold-mix form of asphalt to existing surfaces, thereby sealing it; and

WHEREAS, Town Board Resolution 2010-160 authorized the execution of a contract with Thomas H. Gannon & Sons, Inc. for the requirements contract for the application of surface treatments on various Town roadways, Contract No. HWY 2010-03/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, based on a review of current market conditions, it is in the best interest of the Town to exercise this extension; and

WHEREAS, Thomas H. Gannon & Sons, Inc., 75 Cedarhurst Ave., Medford, New York 11763 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 contract and any documents in connection therewith with Thomas H. Gannon & Sons, Inc. for the application of surface treatments on various Town roadways. The extension period shall be effective for a one (1) year term commencing on May 28, 2011 to be charged to HW 5197-2776, and other various funds as required to perform these 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 Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-129

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

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **COUNCILMAN MAYOKA**

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

WHEREAS, Town Board Resolution 2010-158 authorized the execution of a contract with VHB Engineering, Surveying and Landscape Architecture, P.C. for the consultant services for pavement and construction management, RFP No. 2010-03-004; and

WHEREAS, said contract provides for a one (1) year extension with no increase in the bid price or change in the terms and conditions; 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, VHB Engineering, Surveying and Landscape Architecture, P.C., 2150 Joshua's Path, Suite 300, Hauppauge, New York 11788 has requested the one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the contract and any documents in connection therewith with VHB Engineering, Surveying and Landscape Architecture, P.C. for the consultant services for pavement and construction management. The extension period shall be effective for a one (1) year term commencing on May 6, 2011 to be charged to HW 5197 2776 09502, and other various funds as required to perform these 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 Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-130

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

Resolution for Town Board Meeting Dated: March 22, 2011

The following resolution was offered by: COUNCILWOMAN BERLAND,
COUNCILWOMAN JACKSON

and seconded by: SUPERVISOR PETRONE

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

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

WHEREAS, Laser Industries, Inc., 1775 Route 25, Ridge, New York 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 contract and any documents in connection therewith with Laser Industries, Inc. for the townwide requirements contract for drainage and concrete construction. The extension period shall be effective for a one (1) year term commencing on May 18, 2011 to be charged to HW 8597 2781 10501, and other various funds as required to perform these 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 Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-131

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR PROCESSING, DISPOSAL AND MARKETING OF CURBSIDE COLLECTED COMMINGLED HOUSEHOLD CONTAINERS WITH OMNI RECYCLING OF WESTBURY, INC.

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, The Town of Huntington collects commingled household containers from residential dwellings that are to be recycled rather than disposed of by land filling or incineration. The contracted vendor will process the materials the Town offers and separate if necessary. Commingled containers consist of glass bottles (flint, amber and green), ferrous cans, non-ferrous cans, and plastic bottle resins 1-7 (Excluding expanded polystyrene). These materials may contain up to 5% contaminants by weight. The Town collects approximately 4,500 tons of these commingled household containers and the contractor must accept full title and possession of the them upon delivery, and dispose of them in a lawful and environmentally sound manner; and

WHEREAS, Town Board Resolution 2009-134 authorized the execution of a contract with Omni Recycling of Westbury, Inc. for the processing, disposal, and marketing of curbside collected commingled household containers, Bid No. 09-02R-006; and

WHEREAS, said requirements contract provides for one (1) additional two (2) year extension with a more advantageous negotiated bid price and no change in the terms and conditions; and

WHEREAS, based on a review of current market conditions, it is in the best interest of the Town to exercise this extension at the current negotiated market price of \$31.50 per ton; and

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

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Omni Recycling of Westbury, Inc. for processing, disposal and marketing of curbside collected commingled household containers. The extension shall be effective for a two (2) year period commencing on May 1, 2011 to be charged to Operating Budget Item SR8158.4990, and upon such other terms and conditions as may be acceptable to the Town Attorney.

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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-132

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH GANNETT FLEMING ENGINEERS, P.C. FOR PHASE II SERVICES RELATED TO THE NEW YORK STATE BROWNFIELDS OPPORTUNITY AREA GRANT

Resolution for Town Board Meeting Dated: March 22, 2011

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

And seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Huntington Town Board is committed to numerous initiatives toward the redevelopment of Huntington Station in partnership with the Town of Huntington Economic Development Corporation (EDC) and the Huntington Community Development Agency (CDA); and

WHEREAS, one such initiative is the joint application by the Town, EDC and CDA to New York State for a Brownfield Opportunity Area (BOA) grants whereupon grants were subsequently awarded for area-wide planning and redevelopment of the Huntington Station transportation hub; and

WHEREAS, via Town Board Resolution 2009-170, the Huntington Town Board authorized the Supervisor to accept funds and execute any grant documents in connection with the aforementioned BOA grant program in the amount of \$240,000.00; and

WHEREAS, the Town, EDC and CDA initiated an RFP process to engage a planning consultant to evaluate and recommend redevelopment opportunities for the Huntington Station transportation hub area whose expenses would be covered under this grant program; and

WHEREAS, a steering committee comprised of Town, EDC and CDA representatives, together with Huntington Station community leaders, selected Gannett Fleming Engineers, P.C. to undertake this task; and

WHEREAS, on February 10, 2009 via Resolution 2009-65 the Town Board authorized retention of Gannett Fleming Engineers P.C. to undertake Phase I of the BOA Grant nomination Plan and upon completion of Phase I resulted in the New York State Department of State's approval of the Town's BOA Phase II plan; and

WHEREAS, the BOA grant award has been executed providing the necessary funding to proceed with the implementation of Phase II Planning Services which will include specific review and analysis of the remediation required at 1345 New York Avenue and in-depth recommendations for revitalization within the Huntington Brownfield Area; and

WHEREAS, the Town, EDC and CDA representatives have recommended the continued selection of Gannett Fleming to complete Phase II of the BOA planning process; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with Gannett Fleming Engineers, P.C., 100 Crossways Park West, Suite 300, Woodbury, New York 11797, to provide consulting services in connection with the New York State Brownfield Opportunity Area grant program. The contract period shall be effective upon the execution of the contract for two (2) years for an amount not to exceed TWO HUNDRED FORTY THOUSAND AND NO/100 (\$240,000.00) DOLLARS to be charged to Capital Budget AC1997-2103 and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

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RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCEPT PAYMENT FOR THE ACQUISITION AND/OR TEMPORARY USE OF PROPERTY BY NEW YORK STATE FOR DRAINAGE AND ROADWAY IMPROVEMENTS ALONG NYS ROUTE 110 (NAVAL RESERVE PROPERTY).(P/O SCTM NO.: 0400-027.00-01.00-002.000).

Resolution for Town Board Meeting Dated: March 22, 2011

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

WHEREAS, New York State Department of Transportation intends to provide drainage and roadway improvements along a 0.9 mile section of New York Avenue (Route 110) between the Prime Avenue and the Madison Street intersection and the intersection at Young's Hill Road in the Hamlet of Halesite; and

WHEREAS, in order to provide said drainage and roadway improvements, it is necessary for New York State to assert a temporary easement and to acquire by condemnation a portion of the property formerly known as the "Naval Reserve" property identified as part of SCTM 0400-027.00-01.00-002.000; and

WHEREAS, pursuant to the Eminent Domain Procedure Law, New York State has made an offer on the property in the amount of \$2,623,700.00 and the offer has been reviewed by a certified appraiser on behalf of the Town and deemed insufficient; and,

WHEREAS, pursuant to the Eminent Domain Procedure Law, the Town of Huntington may accept advance payment under a reservation of rights to dispute the amount offered and to file a claim within three years after service of the notice of acquisition or date of vesting, whichever is later, as provided by the Court of Claims Act; and

WHEREAS, these eminent domain actions are part of the New York State Department of Transportation Project No. 0112.52, for which the State, as Lead Agency, issued a Negative Declaration on July 1, 2008 pursuant to Article 8 (SEQRA) of the New York State Environmental Conservation Law.

NOW THEREFORE THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute all documents necessary to accept advance payment of \$2,623,700.00 by the State of New York, under a reservation of rights, and to dispute the amount offered for the partial acquisition and temporary use of property formally known as the "Naval Reserve" identified as part of SCTM 0400-027.00-01.00-002.000, and to execute any documents in connection therewith and on

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such other terms and condition as may be acceptable to the Town Attorney to be recorded in Operating Budget Item C2660; and

IT IS FURTHER RESOLVED, that the Town Attorney is authorized to take all necessary action, including the commencement of legal and/or equitable proceedings to secure the market value from the State of New York as appraised by the Town's consultant.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-134

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

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

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 which 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 repairs of wastewater treatment plant equipment at the treatment plant and pump stations, Bid No. TOH 10-02R-011; 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, based on a review of current market conditions, it is in the best interest of the Town to exercise this extension; and

WHEREAS, Bensin Contracting, Inc., 652 Union Ave., Holtsville, NY 11742 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 execution of an extension to the requirements contract, and any documents in connection and related therewith, with Bensin Contracting, Inc. for the repairs of wastewater treatment plant equipment at the treatment plant and pump stations. The extension period shall be effective for one (1) year commencing on May 4, 2011 to be charged to funds SS18131-4650 and SS38133-4650, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011- 135

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2010 OPERATING BUDGET FOR YEAR END ADJUSTMENTS AND APPROPRIATE VARIOUS RESERVES FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS-- VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **COUNCILMAN CUTHBERTSON**

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 2010; and

WHEREAS, the Town Board wishes to appropriate funds that have been set aside for the purpose of a Judgments and Claims Reserve Fund in the General Fund accordance with Section 55-b of Town Law for claims that exceeded the 2010 appropriated budget for judgments and claims; and

WHEREAS, the Town Board wishes to appropriate funds that have been set aside for the purpose of a Snow and Ice Removal Reserve in the General Fund in accordance with Section 6-f of General Municipal Law for expenses incurred by General Services related to the removal of snow in Town parking lots; and

WHEREAS, the Town Board wishes to appropriate funds that have been set aside for the purpose of a Employment Benefit Accrued Liability Reserve in the General Fund, Part Town Fund, Highway Fund, and Consolidated Refuse District in accordance with Section 6-p of General Municipal Law for accrued employee benefits; and

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

WHEREAS, amending the 2010 Budget is not an action pursuant to SEQRA as defined by 6 N.Y.C.R.R. §617.5 (c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to make the budgetary amendments to the 2010 Operating Budget as per the attached Schedule A.

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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

Schedule A

Increase the following appropriations that require additional funding:

A1225	1100 Regular Salaries	4,192.44
A1315	1100 Regular Salaries	7,985.64
A1330	1100 Regular Salaries	7,985.64
A1345	1100 Regular Salaries	18,885.36
A1355	1100 Regular Salaries	21,599.18
A1410	1100 Regular Salaries	26,671.32
A1415	1100 Regular Salaries	7,985.64
A1420	1150 Permanent Part Time Salaries	15,908.25
A1420	4551 Outside Professional - Legal	495,000.00
A1431	1100 Regular Salaries	8,889.65
A1440	1100 Regular Salaries	27,435.55
A1621	1100 Regular Salaries	26,240.16
A1621	1300 Overtime Salaries	99,006.39
A1621	4220 Electric (LIPA)	97,059.05
A1621	4230 Water	6,447.56
A1625	1100 Regular Salaries	7,187.04
A1670	1100 Regular Salaries	13,998.28
A1680	1100 Regular Salaries	15,971.28
A3010	1100 Regular Salaries	48,322.25
A3010	1150 Permanent Part Time Salaries	73,237.51
A3010	1300 Overtime Salaries	41,553.59
A3010	8020 Social Security	18,590.79
A3120	1100 Regular Salaries	15,192.15
A3120	1400 Summer Casual Salaries	22,855.21
A3120	8020 Social Security	9,229.19
A3510	1100 Regular Salaries	11,510.10
A3510	1150 Permanent Part Time Salaries	36,489.84
A3621	1100 Regular Salaries	7,187.04
A5010	1100 Regular Salaries	33,094.24
A5630	1100 Regular Salaries	16,170.84
A5630	1150 Permanent Part Time Salaries	41,545.56
A5630	1300 Overtime Salaries	10,880.44
A5720	1175 Part Time Salaries	11,907.51
A6410	1100 Regular Salaries	7,187.04
A6772	1100 Regular Salaries	3,880.44
A6772	1150 Permanent Part Time Salaries	6,609.78
A6775	1100 Regular Salaries	7,187.04
A7020	1100 Regular Salaries	4,791.36

Schedule A

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A7115	1150	Permanent Part Time Salaries	6,774.74
A7115	1400	Summer Casual Salaries	15,308.50
A7116	1300	Overtime Salaries	6,065.07
A7181	1100	Regular Salaries	7,985.64
A7181	1200	Temporary Salaries	7,728.76
A7181	1400	Summer Casual Salaries	9,151.40
A7188	1400	Summer Casual Salaries	52,433.20
A7310	1100	Regular Salaries	7,985.64
A7620	1100	Regular Salaries	15,971.28
A8170	4001	Contractual Expense	2,244,389.00
A8565	1300	Overtime Salaries	15,547.51
A8790	1100	Regular Salaries	7,985.64
A8845	1100	Regular Salaries	3,593.52
A9010	8010	State Retirement	947,460.00
A9040	8030	Workers Compensation	759,910.00
A9055	8060	Disability Insurance	6,542.67
A9060	8072	Medicare Reimbursement	28,875.99
A9065	8080	Dental	35,174.97
A9070	8100	Retirement Accrual Payout	883,130.74
B1620	1100	Regular Salaries	19,851.72
B3310	1100	Regular Salaries	7,187.04
B3620	1100	Regular Salaries	7,985.64
B3622	1100	Regular Salaries	12,297.24
B4020	1100	Regular Salaries	18,393.78
B8020	1100	Regular Salaries	15,172.68
B8036	1100	Regular Salaries	7,985.64
B9010	8010	State Retirement	186,147.00
B9070	8100	Retirement Accrual Payout	97,143.10
B9901	9012	Transfer for Workers Compensation	49,468.48
DB5110	1100	Regular Salaries	47,132.41
DB5110	1150	Permanent Part Time Salaries	26,001.11
DB5110	1200	Temporary Salaries	5,255.92
DB5110	1300	Overtime Salaries	116,186.32
DB5130	1100	Regular Salaries	7,985.64
DB5130	1300	Overtime Salaries	9,941.40
DB5142	1100	Regular Salaries	152,568.65
DB5142	1300	Overtime Salaries	232,902.69
DB5142	4270	Motor Vehicle Rentals	323,441.54
DB9010	8010	State Retirement	285,073.00
DB9070	8100	Retirement Accrual Payout	86,163.00
DB9070	8101	Accrual Payout - Separations	32,330.00

2011 Year End Adjustments for 2010.doc

Comptroller/ptl

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Schedule A

2011-135

DB9901	9012	Transfer for Workers Compensation	213,900.32
SL9010	8010	State Retirement	13,062.00
SR8158	1200	Temporary Salaries	23,102.32
SR8158	4120	Fuel for Vehicles & Equipment	64,924.80
SR9010	8010	State Retirement	124,746.00
SR9070	8100	Retirement Accrual Payout	28,509.00
SR9901	9012	Transfer for Workers Compensation	103,898.37
SS18131	1100	Regular Salaries	28,682.22
SS18131	1300	Overtime Salaries	93,061.70
SS19010	8010	State Retirement	44,829.00
SS19060	8071	Retiree Health Insurance	29,055.84
SS19070	8101	Accrual Payout - Separations	41,637.02
SS19901	9012	Transfer for Workers Compensation	12,609.61
SS38133	1100	Regular Salaries	4,791.36
SS38133	4220	Electric (LIPA)	147,518.85
SS38133	4990	Refuse Disposal Charges	83,976.44
SW18321	1300	Overtime Salaries	8,946.32
SW18321	4220	Electric (LIPA)	83,773.34
SW19010	8010	State Retirement	26,681.00
SW19070	8101	Accrual Payout - Separations	140,063.56
SW19901	9012	Transfer for Workers Compensation	7,274.78
			<hr/>
			9,469,542.47
			<hr/>

Decrease the following appropriations from savings achieved:

A1420	4551	Outside Professional - Legal	(200,000.00)
A1440	4550	Outside Professional	(437,139.00)
A1621	4120	Fuel for Vehicles & Equipment	(49,909.00)
A1621	4665	Natural Gas	(56,868.75)
A1625	4520	Vehicle Repairs, Supplies	(31,304.00)
A1990	1100	Contingency - Salaries	(690,000.00)
A1990	4010	Contingency	(230,000.00)
A5630	1100	Regular Salaries	(43,470.00)
A5630	4150	Insurance	(82,297.84)
A6772	1100	Regular Salaries	(26,199.00)
A7141	1175	Part Time Salaries	(112,058.00)
A7181	1100	Regular Salaries	(61,874.99)
A7183	1100	Regular Salaries	(52,088.00)
A8164	4990	Refuse Disposal Charges	(175,282.00)
A8790	1400	Summer Casual Salaries	(10,963.00)
A9030	8020	Social Security	(55,039.57)

Schedule A

2011-135

A9040	8070	Health Insurance	(27,460.00)
A9050	8050	Unemployment Insurance	(23,708.05)
A9060	8070	Health Insurance	(465,537.01)
A9060	8071	Retiree Health Insurance	(176,639.81)
A9070	8102	Personal Days Expense	(85,732.23)
A9710	7000	Interest on Indebtedness	(48,038.00)
B1990	1100	Contingency - Salaries	(32,147.00)
B1990	4010	Contingency	(154,000.00)
B9060	8070	Health Insurance	(106,535.56)
B9060	8071	Retiree Health Insurance	(75,627.76)
DB1990	4010	Contingency	(1,252,732.51)
DB9060	8070	Health Insurance	(55,118.05)
DB9710	7000	Interest on Indebtedness	(112,538.44)
SL1990	4010	Contingency	(13,062.00)
SR1990	1100	Contingency - Salaries	(124,746.00)
SR1990	1100	Regular Salaries	(122,461.06)
SR8158	4990	Refuse Disposal Charges	(69,464.43)
SS11990	1100	Regular Salaries	(89,960.00)
SS11990	1100	Contingency - Salaries	(44,829.00)
SS18131	4220	Electric (LIPA)	(104,086.93)
SS18131	4520	Vehicle Repairs, Supplies	(10,999.46)
SS38133	4220	Electric (LIPA)	(22,697.09)
SS39050	8050	Unemployment Insurance	(5,000.00)
SS39060	8070	Health Insurance	(14,905.56)
SS39070	8100	Retirement Accrual Payout	(10,000.00)
SS39070	8101	Accrual Payout - Separations	(7,000.00)
SW11990	1100	Contingency - Salaries	(16,398.00)
SW11990	1100	Regular Salaries	(45,110.00)
SW18321	1100	Regular Salaries	(50,474.00)
SW18321	4691	Chemical Supplies	(154,757.00)
			<u>(5,836,258.10)</u>

Use of the following reserves:

A	0830	Employee Benefit Accrued Liability Reserve	(875,852.00)
A	0835	Snow & Ice Reserve	(60,000.00)
A	0876	Judgements & Claims Reserve	(495,000.00)
B	0830	Employee Benefit Accrued Liability Reserve	(53,322.00)
DB	0830	Employee Benefit Accrued Liability Reserve	(118,493.00)
SR	0830	Employee Benefit Accrued Liability Reserve	(28,509.00)
			<u>(1,631,176.00)</u>

2011-135

Schedule A

Increase the following revenue accounts:

A1170	1170	Franchises	(158,775.00)
A2130	2130	Refuse & Garbage Charges	(868,116.00)
A2131	2131	Town of Smithtown	(379,435.00)
A2770	2770	Unclassified Revenue	(25,642.00)
A5038	5038	Workers Compensation	(393,456.37)
SS30599	0599R	Appropriated Fund Balance	(20,000.00)
SS32130	2130	Refuse & Garbage Charges	<u>(156,684.00)</u>
			<u>(2,002,108.37)</u>
		Net Effect	0.00

2011-136

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2011 OPERATING BUDGET FOR SNOW REMOVAL EXPENSES FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – HIGHWAY DEPARTMENT

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, in order to ensure that there is sufficient funding available for unforeseen expenditures related to winter storms, the Supervisor, as Chief Fiscal Officer of the Town of Huntington, initiated a process several years ago to fund annual snow removal costs based on the five-year average of snowfalls and to place the difference between the base budget for snow removal and the five year average in a Snow Contingency Account. Funds are transferred from the Contingency Account to the Highway Budget to pay for snow removal as needed; and

WHEREAS, severe snowstorms during the month of January, 2011 exhausted the funds allocated in the Highway Department's base budget for 2011 for snow removal materials, outside snow plowing contractors and Highway Department overtime; and

WHEREAS, pursuant to Town Board Resolution 1994-228, all budgetary transfers in excess of \$5,000 require Town Board approval; and

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

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

NOW, THEREFORE

THE TOWN BOARD

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

Increase the following appropriation:

DB5142-1100	Snow Removal Regular Salaries	\$30,000
DB5142-1300	Snow Removal Overtime	\$320,000
DB5142-4270	Motor Vehicle Rentals	\$450,000
DB5142-4350	Snow Removal Materials	\$290,000

2011-136

Decrease the following appropriation:

DB1990-1100	Contingency	(\$189,000)
DB1990-4010	Contingency	(\$285,000)
DB5142-4010	Snow Removal Contingency	(\$616,000)

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-137

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO TAKE APPROPRIATE ACTION INCLUDING BUT NOT LIMITED TO THE COMMENCEMENT OF CIVIL ACTION AGAINST REHAB INVESTORS D/B/A DONALD PIUS, ITS OWNERS, PRINCIPALS, OFFICERS, OPERATORS AND/OR EMPLOYEES, INDIVIDUALS, OR ENTITIES AT AND UPON 1006 NEW YORK AVENUE HUNTINGTON STATION FOR VIOLATING THE CODE OF THE TOWN OF HUNTINGTON, NUNC PRO TUNC

Resolution for Town Board Meeting dated: March 22, 2011

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Town of Huntington Office of Public Safety and Office of the Town Attorney have sought compliance with the Code of the Town of Huntington regarding violations of the Town Code with regard to emergency conditions existing within a structure at 1006 New York Avenue; and

WHEREAS, in addition to the presence of emergency conditions, at the time of commencement of action, violations of the Town Building and Zoning Code also exist requiring prompt legal action be taken; and

WHEREAS, the authorization of the commencement of legal action 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 Town Attorney's Office to take appropriate action including but not limited to the commencement of a civil action against Rehab Investors d/b/a Donald Pius its owners, principals, officers, operators and/or employees as the property owner of 1006 New York Avenue, Huntington Station, nunc pro tunc

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-138

RESOLUTION ACCEPTING A DONATION FROM AHERN'S LAWN AND GARDEN, INC. FOR THE PURCHASE OF MATERIALS ASSOCIATED WITH THE "SPRING EGGSTRAVAGANZA" AT HECKSCHER PARK ON APRIL 20, 2011

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Town would like to promote family friendly events in order to bring residents together to build a sense of community; and

WHEREAS, Ahern's Lawn and Garden, Inc., 119 East Pulaski Road, Huntington Station, New York 11746 has offered to donate \$750 towards the costs of purchasing materials for this event; and

WHEREAS, accepting a donation not an action pursuant to SEQRA 6 NYCRR Part 617, and therefore no further review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY ACCEPTS the donation from Ahern's Lawn and Garden, Inc. in the amount of SEVEN HUNDRED FIFTY AND XX/100 (\$750.00) DOLLARS for the purchase of materials for the "SPRING EGGSTRAVAGANZA" and thanks them for their generosity; and

HEREBY AUTHORIZES the Comptroller to amend the 2011 Operating budget as follows:

Increase the following revenue:

A2705-2705 Gifts and Donations \$750.00

Increase the following Appropriation:

A1010-4610 Supplies \$750.00

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011 - 139

RESOLUTION ACCEPTING THE DEDICATION OF A DRAINAGE EASEMENT
FOR THE SUBDIVISION KNOWN AS PRINCESS AT WELLS ROAD.

Resolution for Town Board Meeting Dated: March 22, 2011

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

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

WHEREAS, the application for the development of the subdivision map known as PRINCESS AT WELLS ROAD was granted conditional final approval by the Huntington Planning Board on May 19, 2010; and

WHEREAS, conditions of the Planning Board approval included the dedication of a drainage easement; and

WHEREAS, the Office of the Town Attorney is in possession of all necessary documentation and filing fees; and

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

NOW, THEREFORE, BE IT

RESOLVED that the TOWN BOARD

HEREBY ACCEPTS the dedication of a drainage easement for the subdivision known as PRINCESS AT WELLS ROAD.

VOTE: AYES: 4 NOES: 0 ABSTENTIONS: 1

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-141

RESOLUTION RETAINING REGAL TITLE AGENCY TO PROVIDE TITLE
ABSTRACT SERVICES RE: TOWN OF HUNTINGTON ADV. O'BRIEN

Resolution for Town Board Meeting Dated : March 22, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, the Town of Huntington is engaged in litigation regarding encroachments upon certain parcels of land which are trustee lands, also known as Pineridge Park; and

WHEREAS, there is a need to retain title abstract services in relation to said litigation; and

WHEREAS, the Town Board recognizes the necessity of retaining title abstract services to provide counsel necessary title information; and

WHEREAS, retention of an title abstract services to assist the Town in litigation is not an action as defined by 6 N.Y.C.R.R. § 617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board hereby retains Regal Title Agency, located at 90 Broad Street, 18th Floor, New York, New York 10004-2260 to provide expert Title Abstract Services , to be charged to the 2011 Operating Budget A 1420-4551 (Outside Professional), and upon such other terms and conditions as may be acceptable to the Office of the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-142

RESOLUTION EXTENDING THE TIME TO MAKE A DETERMINATION REGARDING THE ADOPTION OF LOCAL LAW INTRODUCTORY NUMBER 5-2010, CONSIDERING ZONE CHANGE APPLICATION #2008-ZM-372, HILLTOP HOMES, TO CHANGE THE ZONING FROM C-6 GENERAL BUSINESS AND R-80 RESIDENCE DISTRICT TO R-3M GARDEN APARTMENT SPECIAL DISTRICT FOR THE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF EAST MAIN STREET AND CENTERSHORE ROAD, CENTERPORT.

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by **SUPERVISOR PETRONE**

WHEREAS, Town Board Resolution 2010-101 scheduled a public hearing, and the same was held on the 13th day of April, 2010, to consider adopting Local Law Introductory No. 5-2010, considering zone change application #2008-ZM-372 for a change of zone from C-6 General Business and R-80 Residence District to R-3M Garden Apartment Special District on the property located on the southeast corner of the intersection of East Main Street (NYS Route 25A) and Centershore Road, Centerport, designated as 0400-079-03-001 on the Suffolk County Tax Map; and

WHEREAS, the Town Board reserved decision; and

WHEREAS, pursuant to the Code of the Town of Huntington Chapter 54, the time period to make a determination on the application was extended to April 8, 2011 by resolution number 2010-614, and the time period is about to expire; and

WHEREAS, a time extension is not an action pursuant to SEQRA as defined by 6 NYCRR §617.2(b) and therefore no SEQRA review is required;

NOW THEREFORE THE TOWN BOARD

HEREBY EXTENDS the time to make a determination concerning the above referenced change of zone application for an additional 90 day time period to July 7, 2011.

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	NO
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-143

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 2-2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLES IV (COMMERCIAL DISTRICTS) AND XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS) TO UPDATE STANDARDS FOR GAME CENTERS AND COMMERCIAL PLACES OF AMUSEMENT AND RECREATION IN C-6 AND C-7 COMMERCIAL ZONING DISTRICTS.

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town Board is the Lead Agency as it is the only agency authorized to amend the Huntington Town Code; and

WHEREAS, this action is classified as a Type I action pursuant to the SEQRA regulations, 6 NYCRR Part 617.4(b)(2);

NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby adopts the Environmental Assessment Form prepared by the Department of Planning and Environment and dated March 11, 2011, and issues a Negative Declaration on the proposed Zoning Code amendments; and

BE IT FURTHER RESOLVED

THE TOWN BOARD, having held a public hearing on the 8th day of March, 2011 at 2:00 PM to consider adopting Local Law Introductory No. 2 - 2011 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Articles IV (Commercial Districts) and XI (Conditional Uses; Supplementary Regulations), to update standards for game centers and commercial places of amusement and recreation in C-6 and C-7 commercial zoning districts, and due deliberation having been had;

HEREBY ADOPTS Local Law Introductory No. 2 - 2011 as follows:

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

LOCAL LAW NO. 10 - 2011
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE IV (COMMERCIAL DISTRICTS) AND
ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

Section 1. The Code of the Town of Huntington, Chapter 198 (Zoning), Articles IV (Commercial Districts) and XI (Conditional Uses; Supplementary Regulations) are amended as follows:

CHAPTER 198 (ZONING)
ARTICLE IV (COMMERCIAL DISTRICTS)

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

* * *
D. Prohibited uses. The following uses are specifically prohibited:

[(1)] [Game rooms and game centers.]

- ~~(1)~~ [(2)] * * *
- ~~(2)~~ [(3)] * * *
- ~~(3)~~ [(4)] * * *
- ~~(4)~~ [(5)] * * *
- ~~(5)~~ [(6)] * * *
- ~~(6)~~ [(7)] * * *
- ~~(7)~~ [(8)] * * *

[(9)] [Commercial places of amusement and recreation.]

- ~~(8)~~ [(10)] * * *
- ~~(9)~~ [(11)] * * *
- ~~(10)~~ [(12)] * * *
- ~~(11)~~ [(13)] * * *

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

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

A. The Zoning Board of Appeals may authorize the following uses after making all of the required findings and after public hearing as provided in Article XVI. Plans for parking and loading facilities for proposed uses shall be referred to the Planning Department for technical evaluation and advisory report, and no decision shall be made until the report has been received or thirty (30) days has elapsed. Landscaping and fencing and, screening may be required in connection with any use permitted under this section.

* * *

(2) Commercial places of amusement and recreation

- (a) Commercial places of amusement and recreation in C-6 [General Business Districts] and C-7 [Minor] Commercial [Corridor] Districts, including but not limited to motion-picture theaters, billiard parlors, miniature golf courses, bowling alleys and slot-car racing establishments, except that drive-in theaters are specifically prohibited.
- (b) Game centers in C-6 [General Business Districts] and [in] C-7 [Minor] Commercial [Corridor] Districts.

* * *

§ 198-71. Location restrictions for certain uses.

A. No public garage, automotive repair shop, automotive service station, game center or commercial amusement place[, other than a game center,] shall be located in any district within two hundred (200) feet of the lot line of a premises used for a school, library, church, hospital or similar public or semipublic use.

[B.] [No game center shall be located in any district within two thousand (2,000) feet of the lot line of a premises used for a school, library, church, hospital or similar public or semipublic use.]

- B. [C.] * * *
- C. [D.] * * *
- D. [E.] * * *
- E. [F.] * * *

* * *

Section 2. Severability.

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

Section 3. Effective Date.

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

* * *INDICATES NO CHANGE IN PRESENT TEXT
ADDITIONS ARE INDICATED BY UNDERLINE.

2011-143

DELETIONS ARE INDICATED BY [BRACKETS].

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011- 144

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 6 -2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 87 (BUILDING CONSTRUCTION), ARTICLE III (BUILDING PERMITS) AND ARTICLE VI (ADMINISTRATION AND ENFORCEMENT)

Resolution for Town Board Meeting dated: March 22, 2011

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town Board wishes to update the code relating to fees charged for the placement of mobile homes on a lot pursuant to Chapter 124 and to correct a scrivener's error with regard to minimum penalties to be charged for violations of this chapter; and

WHEREAS, pursuant to §617.5 (c)(20) and (7) of SEQRA, regulations amending the Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 12TH day of APRIL, 2011 at 7:00 p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 6 -2011 amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article III (Building Permits) and Article VI (Administration and Enforcement); as follows:

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

LOCAL LAW INTRODUCTORY NO. 6 -2011
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 87 (BUILDING CONSTRUCTION),
ARTICLE III (BUILDING PERMITS) AND
ARTICLE VI (ADMINISTRATION AND ENFORCEMENT)

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

2011-144
CHAPTER 87
(BUILDING CONSTRUCTION)

* * *

ARTICLE III
BUILDING PERMITS

* * *

§ 87-23. Application fees.

* * *

E. Fixed fees. The following fees are not subject to the minimum fee or based upon the estimated costs of construction.

(1) Residential uses:

* * *

(d) One hundred (\$100) dollars for:

* * *

[7] Registration of each mobile home being used as a temporary residence.

* * *

ARTICLE VI
ADMINISTRATION AND ENFORCEMENT

* * *

§87-45. Penalties for offenses.

* * *

A. Any person or business entity who commits or permits any acts in violation of a provision of this chapter or other applicable provision of the state code shall be deemed to have committed an offense and shall upon conviction thereof, be subject to a fine or penalty of not less than two hundred fifty (\$250) dollars and not more than five thousand (\$5,000) dollars for a conviction of a first offense; upon the conviction of a second offense, where the offense occurred within two (2) years of the commission of the first offense, a fine or penalty of not less than one thousand (\$1,000) dollars and not more than ten thousand (\$10,000) dollars; and a conviction of a third or subsequent offense, where the offense occurred within five (5) years of the commission of the first offense, shall be deemed a misdemeanor punishable by a fine or penalty of not less than one thousand five hundred (\$1,500) dollars and not more than fifteen thousand (\$15,000) dollars or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each

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day or part thereof such violation continues or is permitted to exist shall constitute a separate offense punishable in like manner. Written notice of a violation is not a prerequisite for the imposition of such fine, penalty and/or punishment unless the subject of the prosecution is the noncompliance with such notice.

* * *

Section 2. Severability.

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

Section 3. Effective Date.

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

ADDITIONS ARE INDICATED BY UNDERLINE

*** INDICATES NO CHANGE TO PRESENT TEXT

DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DUTY ADOPTED.

2011 - 145

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 7 -2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 124 (HOUSING STANDARDS AND PROPERTY MAINTENANCE)

Resolution for Town Board Meeting dated: March 22, 2011

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

and seconded by: **COUNCILWOMAN JACKSON**

WHEREAS, it is the intention of the Town Board to amend the code to comply with recent judicial decisions regarding the authority of administrative hearing officers and to update provisions involving the location of mobile homes in residentially-utilized lots throughout the Town; and

WHEREAS, pursuant to §617.5 (c)(10), (c)(15) and (c)(27) of the SEQRA regulations amending the Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the **12TH** day of April, 2011 at **7:00** p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. **7** -2011 amending the Code of the Town of Huntington, Chapter 124 (Housing Standard and Property Maintenance Requirements); as follows:

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

LOCAL LAW INTRODUCTORY NO. 7 -2011

AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 124 (HOUSING STANDARDS AND
PROPERTY MAINTENANCE REQUIREMENTS)

Section 1. Amendment to Chapter 124 (Housing Standards and Property Maintenance Requirements) of the Code of the Town of Huntington; as follows:

CHAPTER 124
HOUSING STANDARDS AND
PROPERTY MAINTENANCE

ARTICLE I
GENERAL PROVISIONS

* * *
§124-03. Definitions. As used in this chapter, the following words shall have the meanings indicated:
* * *

DWELLING UNIT - A single unit providing complete, independent living facilities for one or more persons, including [permanent] provisions for living, sleeping, eating, cooking, food preparation and/or sanitation.

* * *
MOBILE HOME – A portable structure whether or not designed to be transported on its own wheels, which is used, designed to be used, or capable of being used as a detached single-family residence containing sleeping accommodations; toilet; tub or shower; food preparation facilities or equipment; and/or plumbing and electrical connection for attachment to outside systems.
* * *

ARTICLE II
EXTERIOR PROPERTY AREAS

§124-09. Responsibility.

The owner, person-in-charge and/or occupant of property shall maintain the exterior areas of the property in compliance with the standards established in this article. The failure, neglect or refusal to comply with any one of the standards in this article shall be deemed a violation of this chapter.

[§124-09.] §124-10. Exterior areas.

* * *
[§124-10. (Reserved).]
* * *

ARTICLE III
BUILDINGS AND STRUCTURES

§124-13. Responsibility.

The owner, person-in-charge and/or occupant of a structure shall maintain the exterior and interior of the structure in compliance with the standards established in this article. The failure, neglect or refusal to comply with any one of the standards in this article shall be deemed a violation of this chapter.

[§124-13.] §124-14. Exterior.

* * *

[§124-14.] §124-15. Interior.

* * *

[§124-15. (Reserved).]

§124-16. (Reserved).

[§124-17.] [(Reserved).]

ARTICLE IV
HANDRAILS AND GUARDRAILS

§124-17. Responsibility.

The owner, person-in-charge and/or occupant of a structure shall maintain the exterior and interior of the structure in compliance with the standards established in this article. The failure, neglect or refusal to comply with any one of the standards in this article shall be deemed a violation of this chapter.

§124-18. Staircases.

(A) Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair, [, and every]

(B) Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards, except that guards shall not be required when exempted by the Building Code of the State of New York [State Uniform Building Code.]

(C) Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

(D) Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

ARTICLE V
RUBBISH AND GARBAGE

§124-19. Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

An owner, person-in-charge and/or occupant of a structure who fails, neglects or refuses to comply with the provisions of this section shall be deemed in violation of this chapter.

§124-20. Dry vegetation, combustible waste and refuse. Combustible waste, refuse and large quantities of dry vegetation which by reason of their proximity to buildings or structures would constitute a fire hazard or contribute to the spread of fire shall be removed. An owner, person-in-charge and/or occupant of a structure who fails, neglects or refuses to comply with the provisions of this section shall be deemed in violation of this chapter.

§124-21. Disposal of rubbish. An owner, person-in-charge and/or occupant of a structure who fails, neglects or refuses to comply with the provisions of this section shall be deemed in violation of this chapter.

* * *

ARTICLE VI
EXTERMINATION

§124-22. Responsibility.

The owner, person-in-charge and/or occupant of a structure, as the case may be, shall maintain the exterior and interior of the structure in compliance with the standards established in this article. The failure, neglect or refusal to comply with any one of the standards in this article shall be deemed a violation of this chapter.

[§124-22.] §124-23. Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

* * *

[§124-23.] [(Reserved).]

* * *

ARTICLE VII
LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

§124-26. General provisions.

(A) Applicability. The provisions of this [chapter] article shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

(B) Responsibility.

(1) The owner or person-in-charge of the structure shall provide and maintain light, ventilation and space conditions in compliance with the requirements of this article. The failure, neglect or refusal to maintain any one of the minimum conditions or standards set forth in this article shall be deemed a violation of this chapter.

(2) It shall be unlawful [A person shall not] to occupy as an owner-occupant, or to permit another person to occupy[,] any [premises that do] structure which does not comply with the provisions of this article.

* * *

§124-28. Ventilation.

* * *

(C) Cooking facilities. Cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit. [Devices such as coffeepots and microwave ovens shall not be considered cooking appliances.]

* * *

ARTICLE VIII
PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

§124-32. Responsibility.

(A) Any [The] owner or person-in-charge of [the] a structure who fails, refuses, or neglects to [shall] provide and maintain such plumbing facilities, [and plumbing] installations, systems and fixtures in compliance with [these] the requirements of this article shall be deemed to be in violation of this chapter.

(B) It shall be unlawful [A person shall not] to occupy as an owner-occupant or to permit another person to occupy any structure or property which does not comply with the requirements of this [chapter] article.

* * *

ARTICLE IX
MECHANICAL AND ELECTRICAL REQUIREMENTS

§124-41. [Requirements.] Responsibility.

(A) Any owner or person-in-charge of a structure [The owner of the structure shall] who fails, refuses, or neglects to provide and maintain mechanical and electrical facilities and equipment in compliance with [these requirements] the provisions of this article shall be deemed to be in violation of this chapter.

(B) It shall be unlawful to [A person shall not] occupy as an owner-occupant or to permit another person to occupy any [premises] structure which does not comply with the requirements of this [chapter] article.

§124-42. Heating facilities.

[(A)] [Facilities required. Heating facilities shall be provided in structures as required by this section.]

[(B)] (A) Residential occupancies. * * *

[Exception: Owner-occupied, one-family dwellings.]

[(C)] (B) Heat supply.
* * *

[(D)](C) [Occupiable work] Work spaces.

- (1) Indoor [occupiable] work spaces shall be supplied with heat during the period from September 15th to May 31st to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

[(E)] (D) [Occupiable public] Public spaces. * * *

[(F)] (E) Room temperature measurement. * * *

§124-47. Carbon Monoxide Detectors.

[Carbon monoxide detectors shall comply with the Fire Code of New York State]

(A) Carbon monoxide detectors shall be installed and maintained in all residential or residentially-used dwelling units. The failure, neglect or refusal to install and/or maintain such detector shall be deemed a violation of this chapter.

(B) Carbon monoxide detectors shall be installed and maintained within each dwelling unit, and/or on each floor of a building or structure in the immediate vicinity of bedrooms, and/or the vicinity of each room used for sleeping purposes, and/or each floor where a carbon monoxide source is located. The failure, neglect or refusal to install and/or maintain such detectors shall be deemed a violation of this chapter.

(C) It shall be unlawful for an owner, occupant, or person-in-charge of property to fail,

refuse or neglect to maintain carbon monoxide detectors in an operative condition at all times.

* * *

ARTICLE X
FIRE PROTECTION SYSTEM

§124-50. Smoke alarms. [Single or multiple-station smoke alarms shall be installed and maintained in all residential or residentially-used dwellings regardless of occupant load at all of the following locations. Single or multiple-station smoke alarms shall be installed in other structures in accordance with the Fire Code of New York State.]

[(A)] [On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.]

[(B)] [In each room used for sleeping purposes.]

[(C)] [In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.]

(A) Single or multiple-station smoke alarms shall be installed and maintained in all residential or residentially-used dwelling units regardless of occupant load. Any owner or person-in-charge of a dwelling unit who fails, neglects or refuses to install and maintain such smoke alarms shall be deemed in violation of this chapter.

(B) Smoke alarms shall be installed and maintained on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms; and/or in each room used for sleeping purposes; and/or on each floor within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level. Any owner or person-in-charge of a dwelling unit who fails, neglects or refuses to install and maintain such smoke alarms shall be deemed in violation of this chapter.

(C) It shall be unlawful for an owner, occupant, or person-in-charge of property to fail, refuse or neglect to maintain smoke alarms in an operative condition at all times.

§124-51. Power source.

(A) In all residential or residentially-used dwellings, single-station smoke alarms shall receive their primary power from the building wiring, provided that such wiring is served

from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection. It shall be unlawful for an owner or person-in-charge of property to fail, refuse or neglect to provide or maintain smoke alarms which do not meet the requirements of this article.

* * *

ARTICLE XI
STRUCTURES UNFIT FOR HUMAN OCCUPANCY OR HABITATION

§124-54. Responsibility. [No person shall] It shall be unlawful to occupy, lease, sublease, rent or hire, or permit another to lease, sublease, rent or hire to another person(s) any structure, building, dwelling, dwelling unit, rooming house, or rooming unit when such structure, building, or dwelling is unfit for human occupancy or habitation, or is unlawful.

* * *

§124- 55. Designation of unfit structures and dwelling units.

Any structure, building, equipment, dwelling, dwelling unit, rooming house, or rooming unit may be condemned if, in the opinion of the code officer, it is unfit for human habitation or occupancy, and may be placarded if any one or more of the following conditions exist:

* * *

[(F)] [(Reserved)]

[(G)](F) unfit for habitation or occupancy due to prolonged lack of maintenance or owner failure,

[(H)](G) any other condition which, in the opinion of the code officer, is dangerous or jeopardizes the health, welfare and safety of the general public or occupants.

* * *

§124-57. Notice of intent.

(A) Written notice shall be served by the code officer upon the property owner, his agent, the occupant(s) or person-in-charge of the property, or any person having a vested or contingent interest in the property as shown on the most current assessment roll of the Town Assessor or records maintained by the Receiver of Taxes, directing the removal, remediation or abatement of the unsafe, unsanitary or hazardous condition by the date specified on the notice, and in the discretion of the code officer, notice that the occupants shall be removed and/or all entrances securely barricaded to prevent re-entry. Upon good cause shown to the satisfaction of the code officer, the period for compliance may be extended where remedial measures have been started and the delay is not under the control of or due to the actions of the person to whom the notice has been issued.

(B) Contents of notice. The notice of intent [to vacate] shall contain the following:

* * *

(6) A statement that in the event of the failure or refusal of the person to whom the notice is issued to bring the property into compliance by the date on the notice or approved date of extension, a fact-finding hearing will be held on the date, time and place specified in the notice before the Town Board or an Administrative Hearing Officer to determine whether the report of the code officer should be sustained, modified or withdrawn, and whether [the building, structure, equipment, dwelling, dwelling unit, rooming house or rooming unit should be placarded and] an order to vacate should be issued.

(7) A statement that in the event of the failure to remedy the condition [and] and/or remove the occupants, or appear for a fact-finding hearing, the notice shall automatically become a final order and [the unit or structure will be placarded and/or] the occupants ordered off the property.

* * *

§124-58. Final order. The notice of intent [to vacate] shall automatically become a final order if there is no compliance and there has been no appearance before the Town Board or at the administrative hearing by the person to whom a notice has been issued. The resulting order[, when issued,] shall be served in the same manner as the original notice.

§124-59. Administrative Hearing. [(A)] An administrative hearing may be held by the Huntington Town Board or a duly appointed Administrative Hearing Officer, at the option of the Town. Hearings may be adjourned only upon good cause shown.

[(B)] [Any hearing held pursuant to this article shall comply with the procedural and notice requirements of §191-09(A) or (B), and shall be conducted in accordance with §191-09(C) of the town code.]

(A) Town Board Action. The Town Board may consider the report and accept or reject, in whole or in part, the findings and recommendations of the code officer with or without conditions as it deems advisable. The Town Board shall render its findings and determination no later than the next regularly scheduled Town Board meeting following the public hearing and may make a determination on the same day as the hearing. Upon a finding that the building, structure, equipment, dwelling, dwelling unit, rooming house or rooming unit is or may become dangerous or unsafe for human habitation or occupancy, or is a hazard to the public safety or to property, or is an unlawful building or structure, the Town Board may condemn the structure and direct the owner, his agent, the occupant(s) or person-in-charge of the property, or any person having a vested or contingent interest in the property to vacate the occupants, if warranted by the circumstances, within the time specified in the findings until the hazardous or unsafe condition is rectified as directed, and upon the failure, neglect or refusal of such person(s) to

comply, the Board may authorize the code officer to re-placard the building, structure, unit or equipment, order all occupants to vacate the premises, if warranted, and charge all costs incurred by the Town as set forth in this chapter. A copy of the Town Board resolution shall be mailed by the Town Attorney to the person(s) named in the original notice by regular mail and by registered or certified mail, return receipt requested. The decision of the Town Board shall be filed with the Huntington Town Clerk and shall be final.

(B) Administrative Hearing Officer. The Hearing Officer may consider the evidence and submit his or her findings and recommendations to the Code Officer for ultimate determination. A copy of the Hearing Officer's report shall be filed with the Town Clerk and served in the same manner as the Notice, except that no posting shall be required if service is by regular, registered or certified mail. Such mailing shall include a statement that the recipient has five (5) days from receipt of the report to submit to the Director his written objections to the report. The Director shall consider the written objections and the Hearing Officer's report, and may adopt or reject, in whole or in part any portion thereof as he or she deems advisable or necessary under the circumstances. Upon a finding that the building, structure, equipment, installation, dwelling, dwelling unit, rooming house or rooming unit is or may become dangerous or unsafe for human habitation or occupancy, or is a hazard to the public safety or to property, or is an unlawful building or structure, the Code Officer may condemn the structure and direct the owner, his agent, the occupant(s) or person-in-charge of the property, or any person having a vested or contingent interest in the property to vacate the occupants, if warranted by the circumstances, within the time specified until the hazardous or unsafe condition is rectified as directed, and upon the failure, neglect or refusal of such person(s) to comply, the Code Officer may authorize the building, structure, unit or equipment re-placarded, order all occupants to vacate the premises, if warranted, and charge all costs incurred by the Town as set forth in this chapter. The Code Officer's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the person(s) to whom the original notice was served by regular mail and by registered or certified mail, return receipt requested.

[(C)] [Upon a finding that the building, structure, equipment, dwelling, dwelling unit, rooming house or rooming unit is or may become dangerous or unsafe for human habitation or occupancy, or is a hazard to the public safety or to property, or is an unlawful building or structure, the Board or Hearing Officer may condemn the structure and direct the owner, his agent, the occupant(s) or person-in-charge of the property, or any person having a vested or contingent interest in the property to vacate the occupants, if warranted by the circumstances, within the time specified in the findings until the hazardous or unsafe condition is rectified as directed, and upon the failure, neglect or refusal of such person(s) to comply, the Town Board or Hearing Officer may authorize the code officer to placard the building, structure, or equipment, order all occupants to vacate the premises, if warranted, and charge all costs incurred by the Town as set forth in this chapter.]

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

§124-60. Action upon noncompliance. [(A)]Upon the failure, neglect or refusal of the owner, his agent, occupant, person-in-charge of the property, or person or business entity having a vested or contingent interest in the property to remove, remedy or abate the unsafe, unsanitary, or dangerous condition by the time specified, or to vacate the premises if directed; or if the Notice of Intent or final order [mailing] is returned by the Post Office as undeliverable [because of the inability to make delivery] for any reason, as long as it was properly addressed, the code officer may [shall placard] re-placard the building structure, equipment, installation [dwelling], dwelling unit, rooming house or rooming unit and [order the occupants to vacate the premises by the time directed] take such action as is necessary to enforce the final order.

* * *

§124-62. Placement of placard.

[(A)] Whenever, in the judgement of the code officer, a structure, building, equipment or unit is unsafe or hazardous to life or property or has been condemned as unsafe, a placard [shall] may be posted in a conspicuous place in or about the structure, building, dwelling or unit, and if the notice pertains to equipment, it shall also be posted on the [condemned] equipment.

§124-63. Placard; prohibited acts.

* * *

(B) Occupancy or use. It shall be unlawful to [No person shall] occupy any land, building, structure, or dwelling that has been placarded, [and no person shall] or to operate or use placarded equipment except by written authorization of the code officer, or by the owner, person-in-charge or other authorized person to repair, remedy or abate the condition.

(C) Tampering and removal. It shall be unlawful to [No person shall] deface or remove any placard posted. Placards may be removed whenever the defect or condition has been eliminated to the satisfaction of the code officer.

* * *

ARTICLE XII
TEMPORARY RESIDENCES

§124-68. Mobile homes prohibited. It shall be unlawful to locate, use or maintain a mobile home as a temporary residence on residentially-zoned or residentially-utilized property except as permitted in this article.

§124-69. Temporary residences.

(1) As long as no hazard or nuisance is created, the owner or person-in-charge of property used as a one or two family home may place no more than one (1) mobile home in the case of a one-family, and no more than two (2) mobile homes in a two-family, on the same lot as the main building for use as temporary residences, if the main building on the lot is uninhabitable in the judgment of the Director of Engineering Services and has been placarded due to fire or other casualty rendering it uninhabitable. The main dwelling must have been lawfully in use and must have been residentially occupied as a one or two family home immediately before becoming uninhabitable. In a two-family home, only one of the two dwelling units must have been residentially occupied immediately prior to the casualty. In such case only one (1) mobile home will be permitted on the lot. For the purpose of this section only, main buildings containing accessory apartments for which accessory apartment permits are current and valid shall be treated the same as legal two-family homes.

(2) Burden of proof. The owner or person-in-charge of the property shall bear the burden of establishing the loss or casualty and occupancy of the building to the satisfaction of the Director of Engineering Services.

§124-70. Registration required.

The owner or person-in-charge of property shall register a mobile home being used as a temporary residence with the Director of Engineering Services within ten (10) days of locating the mobile home on the lot. Failure to register the mobile home shall be deemed a violation of this chapter.

§124-71. Prohibitions.

(A) It shall be unlawful to keep, use or maintain a mobile home as a temporary residence for more than one hundred and eighty (180) days without the prior approval of the Director of Engineering Services.

(B) A mobile home may remain beyond 180 days upon good cause shown if, in the judgement of the Director, work has been started and the delay, if any, is not under the control of or due to the actions of the property owner, person-in-charge of or having an interest in the property.

§124-72. Conditions of placement.

The Director of Engineering Services may condition or restrict the placement, location and maintenance of temporary residences as is necessary or advisable to safeguard life or property in the judgment of the Director. The Director shall consider the intended use of the mobile home, the function or use of the area within the lot where placement is requested, [and] the impact if any on public health and safety, and other reasonable factors warranted by the circumstances.

§124-73. Standards. Any mobile home used as a temporary residence shall be located and maintained so that it can be occupied safely without endangering life or property, or the public health and welfare, and shall comply with the following standards. The Director of Engineering Services may modify or waive a standard, in whole or in part, or condition the location and placement of a mobile home on compliance with other requirements, as in the judgement of the Director is necessary to maintain safety or alleviate a possible hazard. Failure to comply with any one of the following requirements shall be deemed a violation of this Chapter.

- (A) HUD Certification. A valid manufacturer's label shall be permanently affixed to the unit.
- (B) Snow Load Certification. The mobile home shall be certified to sustain the appropriate snow load for the region.
- (C) Location. A mobile home used as temporary residence shall be placed as close to the existing sanitary waste facilities as possible, but in no event shall it be located within ten (10) feet of the main residence or within six (6) feet of an accessory building or structure. A mobile home shall not be located or maintained on any sidewalk, street, roadway or public-right-of-way.
- (D) Installation and maintenance. Mobile homes used as temporary residences shall be located, installed and maintained in accordance with the Residence Code of the State of New York and the National Fire Association Standard 501.
- (E) Anchoring. The temporary residence shall be anchored to the ground in accordance with manufacturer's specifications and in conformance with state, county and local standards.
- (F) Landing and stairs. Landings, stairs and railings shall be installed and securely fastened at all exterior doors and shall comply with all federal, state, and local requirements.
- (G) Electrical. The electrical connection shall comply with all state, county and local codes and regulations.
- (H) Water. The water connection shall be made using piping approved by all state, county and local codes and regulations for drinking water and shall be protected from physical damage and freezing.

- (I) Waste. The sanitary waste system shall be connected to the existing sanitary system located on the property in compliance with all applicable laws, rules and regulations. The piping shall be so braced and supported to prevent sagging and shall be protected from physical damage and freezing.
- (J) Good repair. Mobile homes used as temporary residences shall be kept in good repair and shall be safe for habitation.
- (K) Any other condition or restriction established by the Director of Engineering Services.

§124-74. (Reserved).

§124-75. Removed of hazard or nuisance.

Any mobile home placed, located or maintained on a sidewalk, street, roadway or public right-of-way shall be deemed abandoned and a nuisance and hazard to the general public, and the code officer shall be authorized to impound such units with or without notice to the owner or person-in-charge of the property, who shall be liable to the town for the costs of disconnecting and removing the mobile home, transportation, storage at a cost of fifty (\$50) dollars a day or part thereof, and other direct and incidental expenses, including an administrative fee equal to twenty-five (25%) percent of the total cost of the removal process. Said administrative fee is intended to reimburse the Town for the time expended by its employees in disconnecting and removing the mobile home, transportation, storage, notifying the appropriate party, certifying the amounts due to the Town and taking other action in furtherance of this section.

§124-76. Removal of mobile home.

(A) Mobile homes used a temporary residences shall be removed no later than ten (10) days of the issuance of a certificate of completion, certificate of occupancy or other final approval evidencing that the repair or replacement work resulting from the casualty has been completed to state and local standards, and the main building is habitable. Failure to remove the mobile home shall be deemed a violation of this chapter.

(B) In the judgment of the Director of Engineering Services, the owner or person-in-charge of property may retain a mobile home on the lot beyond ten (10) days, if actions to remove the mobile home have been started and the delay, if any, is not under the control of or due to the conduct of the property owner, person-in-charge of or having an interest in the property.

(C) No mobile home shall be in place for a period of time greater than approved by the Director of Engineering Services. Any mobile home not so removed shall be deemed to be in violation of this chapter and shall be removed by the town, upon reasonable notice, and the costs of disconnecting and removing the mobile home from the property,

transportation, storage at a cost of fifty (\$50) a day or part thereof, and other direct and incidental expenses, including an administrative fee equal to twenty-five (25%) percent of the total cost of the removal process shall be borne by the owner or person-in-charge of the property. Said administrative fee is intended to reimburse the Town for the time expended by its employees in disconnecting and removing the mobile home, transportation, storage, notifying the appropriate party, certifying the amounts due to the Town and taking other actions in furtherance of this chapter.

§124-77. Revocation.

Permission to place a mobile home for use as a temporary residence may be revoked by the Director of Engineering Services and upon reasonable notice, the mobile home removed from the lot, transported and stored at the direction of the Director at the sole cost and expense of the owner or person-in-charge of the property, under the following circumstances:

(A) If it is found by the code officer that work has not commenced after a reasonable period of time or has been started but unreasonably delayed, due in whole or in part to the actions of the property owner, person-in-charge of or having an interest in the property; or

(B) One or more of the conditions or restrictions established for the placement of a mobile home have been violated by the property owner or person-in-charge of the property, or there has been a violation of any provision of this chapter.

§124-78. Removal after revocation. Any person who fails, neglects or refuses to remove a mobile home after permission has been revoked shall be deemed to be in violation of this chapter.

§124-79. through §124-80. (Reserved).

ARTICLE [XII] XIII
ADMINISTRATION AND ENFORCEMENT

[§124-68.] §124-81. Penalties for offenses.

* * *

(B) A person or business entity who commits or causes another to commit any act in violation of §124-70 shall be deemed to have committed an offense against this Chapter, and shall upon conviction thereof, be subject to a fine or penalty of not less than two hundred and fifty (\$250) dollars and not more than five hundred (\$500) dollars. Each day, or part thereof, such violation continues or is permitted to exist following notification by the Town, or service of a notice of violation, or summons shall constitute a separate offense, punishable in like manner.

[(B)] (C) * * *

[(C)] (D) * * *

Section 2. Severability.

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

Section 3. Effective Date.

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

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2011-146

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 8-2011, CONSIDERING ZONE CHANGE APPLICATION #2011-ZM-386 KNOWN AS AVALON AT HUNTINGTON STATION – R-3M TO CHANGE THE ZONE FROM R-7 RESIDENCE DISTRICT TO R-3M GARDEN APARTMENT SPECIAL DISTRICT FOR THE PROPERTY LOCATED ON THE NORTH SIDE OF EAST FIFTH STREET, WEST OF PARK AVENUE, HUNTINGTON STATION, SCTM# 0400-104.04-01-(001-109, 112-114 & 116-118).

Resolution for Town Board Meeting dated: March 22, 2011

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

WHEREAS, AVALON BAY COMMUNITIES, INC., 135 Pinelawn Rd., Suite 130 South, Melville, NY 11747, contract vendee, submitted application #2011-ZM-386 for a change of zone from R-7 Residence District to R-3M Garden Apartment Special District for property located on the north side of East Fifth Street, west of Park Avenue (CR 35), Huntington Station, designated as 0400-104.04-02-(001-109, 112-114 & 116-118) on the Suffolk County Tax Map; and

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

WHEREAS, this action meets the criteria of a Type I Action in accordance with SEQRA, 6 NYCRR Part 617.4(b)(5)(iv) & (10), for the construction of more than 250 units adjacent to public parkland; and

WHEREAS, pursuant to the SEQRA regulations, the scheduling of a public hearing to consider amending the Code of the Town of Huntington is not an action, so the SEQRA review is not required to be completed at this time;

NOW THEREFORE BE IT

RESOLVED, the Town Board directs the Department of Planning and Environment to coordinate the Voluntary Draft Environmental Impact Statement (VDEIS) submitted by the applicant as an Expanded Environmental Assessment Form (EEAF) with all involved and interested agencies in order to assure a thorough SEQRA review; and be it further

RESOLVED, the Town Board hereby schedules a public hearing for the 16TH day of MAY, 2011, at 7:00 PM to consider adopting Local Law Introductory

No. 8 -2011 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), §198-7 of the Huntington Town Code, thereby rezoning from R-7 Residence District to R-3M Garden Apartment Special District property designated on the Suffolk County Tax Map as 0400-104.04-02-(001-109, 112-114 & 116-118), as follows:

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

LOCAL LAW INTRODUCTORY NO. 8 - 2011
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)
SECTION 7 (ZONING MAP)

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

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

* * *

§ 198-7 Zoning Map

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

The premises located on the north side of East Fifth Street, west of Park Avenue, Huntington Station, designated on the Suffolk County Tax Map as 0400-104.04-02-(001-109, 112-114 & 116-118), to be rezoned from R-7 Residence District to R-3M Garden Apartment Special District, more particularly described as:

BEGINNING at a POINT on the north side of East Fifth Street as widened, 1130.97 feet west from the intersection with the west side of Park Avenue,

THENCE from said POINT OF BEGINNING west along the arc of a curve bearing right, having a radius of 642.00 feet and a length of 14.82 feet,

THENCE South 68 degrees 28 minutes 51 seconds East, 17.24 feet,

THENCE South 54 degrees 13 minutes 00 seconds West, 572.21 feet,

THENCE South 64 degrees 46 minutes 30 seconds West, 783.79 feet,

THENCE North 20 degrees 13 minutes 10 seconds West, 364.70 feet,

THENCE South 69 degrees 10 minutes 50 seconds West, 311.06 feet,

THENCE North 18 degrees 07 minutes 30 seconds West, 168.81 feet,

THENCE North 66 degrees 42 minutes 22 seconds East, 295.30 feet,

THENCE North 20 degrees 13 minutes 10 seconds West, 428.95 feet,

THENCE North 76 degrees 53 minutes 50 seconds East, 1423.31 feet,

THENCE South 13 degrees 06 minutes 10 seconds East, 562.35 feet to the POINT OF BEGINNING.

* * *

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: 4 NOES: 1 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-147

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

RE: ELWOOD SCHOOL DISTRICT, SCHOOL SPEED LIMITS

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **SUPERVISOR PETRONE**

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

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the 12 day of **APRIL**, 2011, at 7:00p.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 I.

	<u>NAME OF STREET</u>	<u>SPEED LIMIT (miles per hour)</u>	<u>LOCATION</u>
ADD:	Elwood Road (ENP)	30	From 130 feet south of Cedar Road to 760 feet north of Cedar Road
ADD:	Kenneth Avenue (ENP)	15	From 760 feet south of Eileen Lane to 250 feet north of Montana Street
ADD:	Cuba Hill Road (ENP)	15	From 25 feet east of Newfoundland Avenue to 200 feet west of Kenneth Avenue
ADD:	Harley Avenue (ENP)	20	From Harwick Street to 110 feet west of Corbitt Street

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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-148

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

RE: COMMACK SCHOOL DISTRICT, SCHOOL SPEED LIMITS

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **SUPERVISOR PETRONE**

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

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the **12** day of **APRIL**, 2011, at **7:00p.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 I.

	<u>NAME OF STREET</u>	<u>SPEED LIMIT</u> (miles per hour)	<u>LOCATION</u>
ADD:	Burr Road (CMK)	20	From Romany Way to Manning Drive
ADD:	Cedar Road (CMK)	15	From 45 feet east of Ketay Drive South to 670 feet west of Field Daisy Lane
ADD:	Townline Road (CMK)	20	From 230 feet south of Scholar Lane to 190 feet south of Cedar Road
ADD:	Townline Road (CMK)	20	From Longbow Lane to Cornflower Lane

2011-148

	<u>NAME OF STREET</u>	<u>SPEED LIMIT</u> (miles per hour)	<u>LOCATION</u>
ADD:	Vanderbilt Parkway (DXL)	20	From 180 feet west of Hearthstone Drive to 290 feet west of McLane Drive
ADD:	McCulloch Drive (DXL)	15	From 460 feet north of Dexter Place to 435 feet south of Dexter Place
ADD:	Calvert Avenue (CMK)	15	From 60 feet north of Sheldon Place to terminus

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-149

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

RE: COLD SPRING HARBOR SCHOOL DISTRICT, SCHOOL SPEED LIMITS

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **SUPERVISOR PETRONE**

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

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the **12** day of **APRIL**, 2011, 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 I.

	<u>NAME OF STREET</u>	<u>SPEED LIMIT</u> (miles per hour)	<u>LOCATION</u>
ADD:	Goose Hill Road (CSH)	20	Beginning at Pond Field Court and extending north for 325 feet

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-150

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING
THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2,
ARTICLE III, §2-4, SCHEDULE D
RE: FORT HILL ROAD (EAST FORK) – ONE-WAY STREETS

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, an amendment to the Uniform Traffic Code of the Town of Huntington regarding stop signs is a TYPE II action 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 12 day of **APRIL** ,
2011, 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 III, Directional Restrictions, §2-4,
One-Way Streets; Schedule D.

	<u>NAME OF STREET</u>	<u>DIRECTION</u>	<u>HOURS/DAYS</u>	<u>LIMITS</u>
ADD:	Fort Hill Road (east fork) (HLS)	NORTH	-----	From Maple Hill Road to Fort Hill Road

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-151

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: WEST NECK ROAD, NO STANDING RESTRICTION

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **SUPERVISOR PETRONE**

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

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the 12 day of, **APRIL** 2011, at 7 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>
DELETE:	West Neck Road/East From Main St. (Rt. 25A) to 75 ft. north of Gerard St. (HUN)	No Standing	-----
ADD:	West Neck Road/East From Main St. (Rt. 25A) to 155 ft. north of Gerard St. (HUN)	No Standing	-----

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

*West Neck Road/No Standing Restriction/Public Hearing
Transportation & Traffic Safety/aa
3/10/2011 1:10 PM*

2011-153

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

Resolution for Town Board Meeting Dated: March 22, 2011

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

and seconded by: **SUPERVISOR PETRONE**

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

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

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

NOW, THEREFORE

THE TOWN BOARD

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

Reinstate the following positions effective March 28, 2011 :

A-1355-1100	Clerk Typist	\$27,460
A-5010-1100	Deputy Superintendent of Highway	\$76,458

Adjust the following Appropriations:

A-1990-1100	Contingency	(\$103,918)
-------------	-------------	-------------

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011 - 154

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO RETAIN INDUSTRIAL & UTILITY VALUATION CONSULTANTS, INC. IN CONNECTION WITH TAX GRIEVANCES AND ARTICLE 7 PROCEEDING FILED BY LIPA AND/OR NATIONAL GRID

Resolution for Town Board Meeting Dated: March 22, 2011

The following resolution was offered by: **SUPERVISOR PETRONE,
COUNCILMAN CUTHBERTSON**

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

WHEREAS, due to the complexity of issues presented it has become necessary to seek the expertise of an industrial and utility valuation consultant; and

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

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Town Attorney to retain Industrial & Utility Valuation Consultants, Inc., 111 Washington Avenue, Albany, New York 12210 to represent the interests of the Town of Huntington in the connection with tax grievances and Article 7 Proceeding filed by LIPA and/or National Grid, and all other matters related thereto, at an hourly rate of TWO HUNDRED AND FIFTY (\$250.00) DOLLARS, to be charged to Operating Budget A-1420-4550 (Outside Professional), 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 Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011 - 155

RESOLUTION AUTHORIZING THE TOWN ATTORNEY OF THE TOWN OF HUNTINGTON TO RETAIN OUTSIDE COUNSEL (LEWIS & GREER, P.C.) IN CONNECTION WITH TAX GRIEVANCES AND ARTICLE 7 PROCEEDING FILED BY LIPA AND/OR NATIONAL GRID

Resolution for Town Board Meeting Dated: March 22, 2011

The following resolution was offered by: **SUPERVISOR PETRONE,
COUNCILMAN CUTHBERTSON**

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

WHEREAS, due to the complexity of issues presented it has become necessary to seek the expertise of a law firm specializing in tax certiorari matters; and

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

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Town Attorney to retain the legal services of Lewis & Greer, P.C., 510 Haight Avenue, Poughkeepsie, New York 12603 to represent the interests of the Town of Huntington in connection with tax grievances and Article 7 Proceeding filed by LIPA and/or National Grid, and all other matters related thereto, at an hourly rate of ONE HUNDRED EIGHTY-FIVE (\$185.00) DOLLARS, to be charged to Operating Budget A-1420-4551 (Outside Legal), 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 Mark A. Cuthbertson	AYE
Councilwoman Glenda A. Jackson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2011-BT13

ENACTMENT: APPROVE THE EXECUTION OF A LICENSE AGREEMENT PURSUANT TO THE MARINE CONSERVATION LAW, TOWN CODE CHAPTER 137, FOR THE CONSTRUCTION OF A RESIDENTIAL FIXED PIER AND FLOATING DOCK ASSEMBLY

APPLICANT: KIMBERLY A WILLEN (REV. TRUST)

LOCATION: 29 BLUFF POINT RD., NORTHPORT, N.Y.

S.C.T.M. #: 0404-003.00-01.00-009.000

Resolution for Board of Trustees Meeting Dated: March 22, 2011

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

and seconded by: **TRUSTEE JACKSON**

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

Kimberly A Willen (Rev. Trust)

29 Bluff Point Rd.

Northport, N.Y. 11768-1515

to repair and extend existing dock assembly used to dock and secure vessels(s) for residential and/or recreational use. The proposed dock repair and extension will create a dock assembly with an overall measure length of 243.0 ft. In addition to the extended length the applicant proposes the installation of two (2) boatlifts to be located at the end of the fixed pier. Project site to be accessed via a construction barge at 29 Bluff Point Rd., Northport, N.Y. 11768 S.C.T.M. # 0404-003.00-01.00-009.000; and

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

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

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

NOW, THEREFORE

THE BOARD OF TRUSTEES, having held a public hearing on the 8th day of March, 2011, to consider the matter of the execution of a license agreement pursuant to the Marine Conservation Law Chapter 137 for the construct of a residential fixed pier and floating dock assembly with a maximum length of two hundred forty-three ft. from the Mean

High Water Line at 29 Bluff Point Rd., Northport, N.Y. 11768 S.C.T.M. # 0404-003.00-01.00-009.000; 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 GRANTS the execution of a license agreement to Kimberly A Willen (Rev. Trust) to repair and extend existing dock assembly used to dock and secure vessels(s) for residential and/or recreational use. The proposed dock repair and extension will create a dock assembly with an overall measure length of 243.0 ft. In addition to the extended length the applicant proposes the installation of two (2) boatlifts to be located at the end of the fixed pier. Project site to be accessed via a construction barge at 29 Bluff Point Rd., Northport, N.Y. 11768 S.C.T.M. # 0404-003.00-01.00-009.000 on such terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2011-BT 14

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

APPLICANT: KIMBERLY A WILLEN (REV. TRUST)
LOCATION: 29 BLUFF POINT RD., NORTHPORT, N.Y.
S.C.T.M. #: 0404-003.00-01.00-009.000

Resolution for Board of Trustees Meeting Dated: March 22, 2011

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

and seconded by: **TRUSTEE JACKSON, TRUSTEE MAYOKA**

WHEREAS, pursuant to Chapter 137, the Marine Conservation Law of the Town of Huntington, an application for a variance to § 137-26.A [1] and a special use permit has been submitted by:

Kimberly A Willen (Rev. Trust)
29 Bluff Point Rd.
Northport, N.Y. 11768-1515

to repair and extend existing dock assembly used to dock and secure vessels(s) for residential and/or recreational use. The proposed dock repair and extension will create a dock assembly with an overall measure length of 243.0 ft. In addition to the extended length the applicant proposes the installation of two (2) boatlifts to be located at the end of the fixed pier. project site to be accessed via a construction barge at 29 Bluff Point Rd., Northport, N.Y. 11768 S.C.T.M. # 0404-003.00-01.00-009.000; 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 Form, submitted by the applicant, and by the SEQRA review prepared by the Town Department of Maritime Services, it has been determined that no potentially adverse environmental impacts are posed by the pending action, providing the conditions requested by the Department of Maritime Services are adhered to.

NOW, THEREFORE

THE BOARD OF TRUSTEES, having held a public hearing on the 8th day of March, 2011, to consider the matter of a variance to § 137-26.A [1] to construct a residential fixed pier and floating dock assembly that exceeds the one hundred (100) ft. maximum length limitation by one hundred and forty-three (143) ft. at 29 Bluff Point Rd., Northport, N.Y. 11768 S.C.T.M. # 0404-003.00-01.00-009.000; and due deliberation being had;

HEREBY RESOLVES, that based upon the review of the Environmental Assessment

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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 granting of a variance and the issuance of a special use permit under Chapter 137 of the Code of the Town of Huntington, to Kimberly A Willen (Rev. Trust) to repair and extend existing dock assembly used to dock and secure vessels(s) for residential and/or recreational use. The proposed dock repair and extension will create a dock assembly with an overall measure length of 243.0 ft. In addition to the extended length the applicant proposes the installation of two (2) boatlifts to be located at the end of the fixed pier. Project site to be accessed via a construction barge at 29 Bluff Point Rd., Northport, N.Y. 11768 S.C.T.M. # 0404-003.00-01.00-009.000; subject to the following conditions:

- 1) Applicant must notify the Dept. of Engineering Services, Dept. Of Maritime Services and the Harbor Master's office 48 hours prior to the commencement of any construction/demolition activities. Notification shall be in writing to each department at 100 Main St., Town Hall, Huntington, N.Y. 11743 and separate facsimile transmissions at (631) 351-3373, (631) 351-3132 and (631) 425-0621
- 2) All activities must be conducted in conformance with the approved New York State DEC Tidal Wetlands Permit and associated approved plans.
- 3) All work associated with the subject project must be completed during periods of low tides to eliminate any potential for turbidity to impact the waterway.
- 4) There will be no disturbance to the vegetated tidal wetlands or protected areas as a result of this project
- 5) Any deviation from or modification of the approved plans for this project will require additional review and/or additional permitting from the Town of Huntington as well as any other regulatory agencies
- 6) Upon the completion of the activity, all construction debris shall be removed from the site and property disposed of at a state approved disposal area.
- 7) No construction equipment, vehicles or material deliveries shall transverse adjacent properties nor access the beach/shoreline via Town of Huntington park lands.
- 8) No materials or debris shall be discharged or otherwise permitted in tidal waters, wetlands and/or protected buffer areas.
- 9) All necessary precautions shall be taken to preclude contamination of wetlands or

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waterways by construction debris, suspended solids, sediments, fuel, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with this project.

- 10) There will be no disturbance to the vegetated tidal wetlands or protected areas as a result of the proposed activity.
- 11) Upon the completion of the activity, all construction debris shall be removed from the site and property disposed of at a state approved disposal area.
- 12) All required Town of Huntington inspections are scheduled at appropriated intervals during the course of demolition/construction.
- 13) The applicant is responsible for obtaining and adhering to all necessary Federal, State and local permits.
- 14) The applicant, owner and their duly authorized representatives (such as contractors, sub-contractors and work-force) are required to adhere to the construction plans, methodology and/or terms/conditions approved by the Town of Huntington, Dept. of Engineering Services, Dept. Of Maritime Services and the Town Attorney's Office.
- 15) Any modification or deviation from the approved plans, methodology and/or terms/conditions as included in the issued permit must be approved by the Town of Huntington prior to the commencement of activities.
- 16) Upon completion of the project the applicant must notify the Dept. of Engineering Services and the Dept. Of Maritime Services in writing to each department at 100 Main St., Town Hall, Huntington, N.Y. 11743

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE AN AGREEMENT WITH GANNETT FLEMING ENGINEERS, P.C. FOR PHASE II SERVICES RELATED TO THE NEW YORK STATE BROWNFIELDS OPPORTUNITY AREA GRANT

Resolution for Community Development Agency Board Meeting Dated: March 22, 2011

The following resolution was offered by: Chairman Petrone

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

WHEREAS, a steering committee comprised of Town, EDC and CDA representatives, together with Huntington Station community leaders, selected Gannett Fleming Engineers, P.C. to provide services related to Phase I of the Brownfields Opportunity Area (BOA) Grant ; and

WHEREAS, completion of Phase I resulted in the Town's Brownfield Opportunity Area nominating plan being approved; and

WHEREAS, the next phase of BOA Grant has been funded to proceed to implementation of Phase II Planning Services which will include specific review and analysis of the remediation required at 1345 New York Avenue; and

WHEREAS, the Town, EDC and CDA representatives have recommended the continued selection of Gannett Fleming to complete Phase II of the BOA planning process; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Chairmen to execute an agreement with Gannett Fleming Engineers, P.C., 100 Crossways Park West, Suite 300, Woodbury, New York 11797 ; to provide consulting services in connection with the New York State Brownfields Opportunity Area grant program in 2011 and upon such other terms and conditions as may be acceptable and approved by the Agency Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED