

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

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

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

PRESENT:

Supervisor	Frank P. Petrone
Councilwoman	Susan A. Berland
Councilman	Eugene Cook
Councilman	Mark A. Cuthbertson
Councilwoman	Tracey A. Edwards
Town Clerk	Jo-Ann Raia
Town Attorney	Cindy Elan-Mangano

AGENDA FOR TOWN BOARD MEETING DATED JANUARY 14, 2015

BOARD OF TRUSTEES' MEETING FOLLOWING

Opened: 4:07 P.M. Closed: 4:07 P.M.

2:00 P.M. – TOWN HALL

Opened: 2:07 P.M. Closed 4:07 P.M.

(Resolutions #2015-1 to 2015-52)

HEARINGS:

ACTION

1. Consider authorizing various actions be taken upon certain properties designated as Blighted in accordance with Chapter 156, Article VII, §156-60 (Blighted Property). (SCTM #'S: 0400-169.00-01.00-069.001; 0400-267.00-02.00-020-001)
(2014-M-59)
Scheduled as per Resolution 2014-623 at 12-9-2014 Town Board Meeting

**ACTIONS TAKEN
AS PER
RESOLUTION 2015-44**

2. Consider acquiring Centerport Harbor property (Shorewood Community Association). (SCTM #: 0400-045-01-007.001)
(2014-M-60)
Scheduled as per Resolution 2014-630 at 12-9-2014 Town Board Meeting

DECISION RESERVED

3. Consider issuing a Certificate of Approval in an Historic District
Re: 420 Park Avenue, Huntington – Old Huntington Green Historic District.
(Applicant: Marc Iervolino) (SCTM #: 0400-073.00-02.00-037.000)
(2014-ZC-9-Ch. 198)
Scheduled as per Resolution 2014-628 at 12-9-2014 Town Board Meeting

DECISION RESERVED

HEARINGS (Continued):

ACTION

4. Consider issuing a Certificate of Approval in an Historic District
Re: 425 Park Avenue, Huntington – Old Huntington Green Historic District.
(Applicant: Town of Huntington) (SCTM #: 0400-073.00-01.00-036.000)
(2014-ZC-10-Ch. 198)
Scheduled as per Resolution 2014-629 at 12-9-2014 Town Board Meeting

DECISION RESERVED

5. Consider adopting Local Law Introductory No. 51-2014, amending the
Uniform Traffic Code of the Town of Huntington, Chapter 2, Article II,
§2-3, Section C. Re: East Deer Park Road, Dix Hills – Prohibited Turns.
(Local Law Introductory No. 51-2014)
Scheduled as per Resolution 2014-616 at 12-9-2014 Town Board Meeting

DECISION RESERVED

6. Consider adopting Local Law Introductory No. 52-2014, amending the
Code of the Town of Huntington, Chapter 117 (Solid Waste Management:
Collection, Recycling and Disposal). **(Re: Administrative Changes)**
(Local Law Introductory No. 52-2014)
Scheduled as per Resolution 2014-617 at 12-9-2014 Town Board Meeting

DECISION RESERVED

7. Consider adopting Local Law Introductory No. 53-2014, amending the
Code of the Town of Huntington, Chapter 130 (Junkyards).
(Re: Administrative Changes)
(Local Law Introductory No. 53-2014)
Scheduled as per Resolution 2014-618 at 12-9-2014 Town Board Meeting

DECISION RESERVED

8. Consider adopting Local Law Introductory No. 54-2014, amending the
Code of the Town of Huntington, Chapter 149 (Peddlers and Solicitors).
(Re: Administrative Changes)
(Local Law Introductory No. 54-2014)
Scheduled as per Resolution 2014-619 at 12-9-2014 Town Board Meeting

DECISION RESERVED

9. Consider adopting Local Law Introductory No. 55-2014, amending the
Code of the Town of Huntington, Chapter 164 (Sewer Use Management).
(Re: Administrative Changes)
(Local Law Introductory No. 55-2014)
Scheduled as per Resolution 2014-620 at 12-9-2014 Town Board Meeting

DECISION RESERVED

10. Consider adopting Local Law Introductory No. 56-2014, amending the
Code of the Town of Huntington, Chapter 180 (Taxicabs and Vehicles for
Hire). **(Re: Administrative Changes)**
(Local Law Introductory No. 56-2014)
Scheduled as per Resolution 2014-621 at 12-9-2014 Town Board Meeting

DECISION RESERVED

11. Consider adopting Local Law Introductory No. 57-2014, amending the
Code of the Town of Huntington, Chapter 183 (Tow Trucks and Towing for
Hire).
**(Re: Changes to bring the code into compliance with current industry
standards)**
(Local Law Introductory No. 57-2014)
Scheduled as per Resolution 2014-622 at 12-9-2014 Town Board Meeting

**ENACTMENT
RESOLUTION 2015-52**

HEARINGS (Continued):

ACTION

12. Consider adopting Local Law Introductory No. 58-2014, amending the Code of the Town of Huntington, Chapter 156 (Property Maintenance; Nuisances) Article VII, (Blighted Property).
(Local Law Introductory No. 58-2014)
Scheduled as per Resolution 2014-624 at 12-9-2014 Town Board Meeting

DECISION RESERVED

13. Consider adopting Local Law Introductory No. 59-2014, amending the Code of the Town of Huntington to add a new Chapter 158 (Huntington Public Benefits Funds), Article I (General Provisions), Article II (Huntington Beautification Fund).
(Local Law Introductory No. 59-2014)
Scheduled as per Resolution 2014-625 at 12-9-2014 Town Board Meeting

DECISION RESERVED

14. Consider adopting Local Law Introductory No. 60-2014, amending the Code of the Town of Huntington, Chapter 157 (Public Benefit Incentives), Article III (Solar Energy System Fast Track Permit Process).
(Local Law Introductory No. 60-2014)
Scheduled as per Resolution 2014-626 at 12-9-2014 Town Board Meeting

DECISION RESERVED

15. Consider adopting Local Law Introductory No. 61-2014, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions), Article X (The Steep Slopes Conservation Law), Article XI (Conditional Uses; Supplementary Regulations) and Article XVII (Planning Board Approvals).
(Local Law Introductory No. 61-2014)
Scheduled as per Resolution 2014-627 at 12-9-2014 Town Board Meeting

DECISION RESERVED

**AGENDA FOR TOWN BOARD
MEETING DATED: JANUARY 14, 2015**

RESOLUTIONS:

OFF. SEC. VOTE

ABBREVIATIONS FOR PURPOSE OF AGENDA:

Supervisor Frank P. Petrone - FP
 Councilwoman Susan A. Berland - SB
 Councilman Eugene Cook - EC
 Councilman Mark A. Cuthbertson - MC
 Councilwoman Tracey A. Edwards- TE

- | | | | | |
|----------------|---|-----------|-----------|--|
| 2015-1. | <p>ADOPT various actions of the Town Board for the Year 2015. (Designates the following institutions as bank depositories for the calendar year 2015: Bank of America, Capital One Bank, JP Morgan Chase Bank, Citibank, N.A., First National Bank of Long Island, HSBC Bank, M&T Bank, New York Commercial Bank, State Bank of Long Island, Suffolk County National Bank, TD Bank, Wachovia Bank, NA, Flushing Commercial Bank; Herald National Bank; Wells Fargo Bank; Community National Bank; Gold Coast National Bank and Bank United; Town appoints Lori Finger, Director of Purchasing with the purchasing responsibility for the Town; Appoints New York Municipal Advisors Corporation as Fiscal Advisors for bonding issues; Appoints Nixon Peabody, LLP and Hawkins, Delafield & Wood and Harris Beach PLLC as bond counsel for bonding issues; Approves the membership of the Huntington Community Development Agency to be as follows: Supervisor Frank P. Petrone-3 year (balance), Councilwoman Susan A. Berland-1 year (balance); Councilman Eugene Cook-1 year (balance); Councilman Mark A. Cuthbertson-3 year (balance); and Councilwoman Tracey A. Edwards-3 year (balance); Designates Councilwoman Susan A. Berland as Principal and Town Clerk Jo-Ann Raia, as Alternate to cast the vote of the Town of Huntington at the 2015 Annual Meeting of the Association of Towns in February; Appoints Paul Mandelik, as Chairman and Jane R. Devine, as Vice-Chairman of the Town of Huntington Planning Board, effective 1/1/2015-12/31/2015; Appoints Christopher Modelewski, as Chairman and Peter E. Tonna, as Vice-Chairman of the Town of Huntington Zoning Board of Appeals, effective 1/1/2015-12/31/2015; Designates The Observer and The Long Islander as the Official Newspapers for the Town of Huntington.)</p> | | | |
| | | <u>FP</u> | <u>SB</u> | <u>FP-AYE
SB-AYE
MC-AYE
TE-AYE
EC-NO</u> |
| 2015-2. | <p>AUTHORIZE the Supervisor to apply for and receive funding from the County of Suffolk for the provision of Adult Day Care Services.
(Period: 1/1/2015-12/31/2015)</p> | <u>SB</u> | <u>EC</u> | <u>5</u> |
| 2015-3. | <p>AUTHORIZE the Supervisor to apply for and receive funding from the County of Suffolk for nutrition services for Senior Citizens.
(Period: 1/1/2015-12/31/2015)</p> | <u>SB</u> | <u>EC</u> | <u>5</u> |
| 2015-4. | <p>AUTHORIZE the Supervisor to apply for and receive funding from the County of Suffolk for the Residential Repair Program for the elderly of Huntington. (Period: 1/1/2015-12/31/2015)</p> | <u>SB</u> | <u>EC</u> | <u>5</u> |
| 2015-5. | <p>AUTHORIZE the Supervisor to execute a lease agreement with Ecolab Inc. for dishwashing equipment for the Huntington Senior Center.
(Period: Two years)</p> | <u>SB</u> | <u>EC</u> | <u>5</u> |

**AGENDA FOR TOWN BOARD
MEETING DATED: JANUARY 14, 2015**

RESOLUTIONS:	OFF.	SEC.	VOTE
2015-6. AUTHORIZE the Supervisor to execute a contract with L.K. McLean Associates, P.C. for professional engineering services for the Halesite Marina Rehabilitation, Route 110, Halesite, NY 11743.	<u>FP</u>	<u>SB</u>	<u>5</u>
2015-7. AUTHORIZE the Supervisor to execute a contract with L.K. McLean Associates, P.C. for professional engineering/surveying at Burr’s Lane Park and Sweet Hollow Park.	<u>FP</u> <u>SB</u>	<u>EC</u>	<u>5</u>
2015-8. AUTHORIZE the Supervisor to execute a contract with LiRo Engineers, Inc. for professional engineering services at Burr’s Lane Park and Sweet Hollow Park.	<u>FP</u> <u>SB</u>	<u>EC</u>	<u>5</u>
2015-9. AUTHORIZE the Supervisor to execute a contract for the preparation of a Local Solid Waste Management Plan for the Town of Huntington with L.K. McLean Associates, P.C. (Contract effective until 12/31/2015)	<u>SB</u>	<u>EC</u>	<u>5</u>
2015-10. AUTHORIZE the Supervisor to execute a contract for the Town of Huntington Melville Employment Center Plan with Buckhurst Fish & Jacquemart, Inc. (Contract period estimated to be 18 months)	<u>FP</u> <u>MC</u>	<u>SB</u>	<u>5</u>
2015-11. AUTHORIZE the Supervisor to execute a contract for the landfill, gas monitoring and related engineering services at the Town of Huntington East Northport Landfill with R & C Formation, Ltd. (Contract period: 12 months)	<u>MC</u>	<u>EC</u> <u>SB</u>	<u>5</u>
2015-12. AUTHORIZE the Supervisor to execute a contract with Phil Bauccio Consultants & Associates to provide Risk Management Consulting Services. (Contract period: One year)	<u>FP</u>	<u>EC</u>	<u>5</u>
2015-13. AUTHORIZE the Supervisor to execute a requirements contract for the repair of gasoline and diesel pumps and leak detection systems with Henrich Equipment Co., Inc. (Contract period: One year [not prior to 3/13/2015])	<u>TE</u>	<u>SB</u>	<u>5</u>
2015-14. AUTHORIZE the Supervisor to execute an extension and amendment to the contract with Jamaica Ash and Rubbish Removal Inc. for the delivery of processible waste to the Huntington Resource Recovery Facility nunc pro tunc. (Extension period: 1/1/2015-12/31/2015)	<u>SB</u>	<u>EC</u>	<u>5</u>
2015-15. AUTHORIZE the Supervisor to execute an extension and amendment to the contract with Eastern Resource Recycling Inc. for the delivery of processible waste to the Huntington Resource Recovery Facility nunc pro tunc. (Extension period: 1/1/2015-12/31/2015)	<u>SB</u>	<u>EC</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: JANUARY 14, 2015**

RESOLUTIONS:	OFF.	SEC.	VOTE
2015-16. AUTHORIZE the Supervisor to execute an extension and amendment to the contract with Jet Sanitation Service Corporation for the delivery of processible waste to the Huntington Resource Recovery Facility nunc pro tunc. (Extension period: 1/1/2015-12/31/2015)	<u>SB</u>	<u>EC</u>	<u>5</u>
2015-17. AUTHORIZE the Supervisor to execute an extension and amendment to the contract with National Waste Services LLC for the delivery of processible waste to the Huntington Resource Recovery Facility nunc pro tunc. (Extension period: 1/1/2015-12/31/2015)	<u>SB</u>	<u>EC</u>	<u>5</u>
2015-18. AUTHORIZE the Supervisor to execute an extension and amendment to the contract with Progressive Waste Solutions TS of LI Inc. for the delivery of processible waste to the Huntington Resource Recovery Facility nunc pro tunc. (Extension period: 1/1/2015-12/31/2015)	<u>SB</u>	<u>EC</u>	SB-AYE EC-AYE FP-AYE TE-AYE MC-ABST
2015-19. AUTHORIZE the Supervisor to execute a license agreement with Camp Sunshine to hold its annual Freezin' for a Reason Polar Dip Fundraiser at Crab Meadow Beach on March 1, 2015. (Time: 9 a.m. – 4 p.m.)	<u>MC</u>	<u>SB</u>	<u>5</u>
2015-20. AUTHORIZE the Supervisor to enter into an agreement with Lighthouse Training and Consulting, LLC.	<u>FP</u>	<u>TE</u>	FP-AYE TE-AYE MC-AYE SB-AYE EC-NO
2015-21. AUTHORIZE the Supervisor to execute an agreement with the Town of Huntington Economic Development Corporation. (Period: 1/1/2015-12/31/2015)	<u>FP</u>	<u>EC</u>	<u>5</u>
2015-22. AUTHORIZE the Supervisor to execute an extension to the franchise agreement for science camps and programs for the Town of Huntington Department of Parks and Recreation with Sciensational Workshops for Kids, Inc. (Term: One year commencing 4/29/2015)	<u>SB</u> <u>MC</u>	<u>EC</u>	<u>5</u>
2015-23. AUTHORIZE the Supervisor to execute an extension to the requirements contract for overhead and rollup door repairs and service with Superior Overhead Door, Inc. (Extension period: One year commencing 4/8/2015)	<u>MC</u>	<u>EC</u>	<u>5</u>
2015-24. AUTHORIZE the Supervisor to execute an extension to the franchise agreement for the Youth Sports Programs at various Town Parks with United Soccer Academy, Inc. (Extension period: One year commencing 6/17/2015)	<u>SB</u>	<u>EC</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: JANUARY 14, 2015**

RESOLUTIONS:	OFF.	SEC.	VOTE
2015-25. AUTHORIZE the execution of an agreement with H2M Architects + Engineers to provide annual engineering retainer services for 2015 for the Huntington and Centerport Sewer Districts.	<u>TE</u>	<u>SB</u> <u>EC</u>	<u>5</u>
2015-26. AUTHORIZE the execution of an agreement with H2M Architects + Engineers to provide annual engineering services to the Dix Hills Water District for the Year 2015.	<u>SB</u>	<u>EC</u>	<u>5</u>
2015-27. AUTHORIZE the execution of an agreement with the Huntington Community First Aid Squad, Inc., for emergency medical and ambulance services to the Huntington Community Ambulance District. (Term: 1/1/2015 – 12/31/2015)	<u>FP</u>	<u>SB</u>	<u>5</u>
2015-28. AUTHORIZE the execution of an agreement with the Commack Volunteer Ambulance Corporation for emergency medical and ambulance services to the Commack Ambulance District. (Term: 1/1/2015 – 12/31/2015)	<u>FP</u>	<u>SB</u> <u>EC</u>	<u>5</u>
2015-29. AUTHORIZE the Community Benefits Agreement by and among the Town of Huntington, Town of Huntington Economic Development Corporation and Renaissance Downtowns at Huntington Station, LLC.	<u>FP</u>	<u>TE</u>	<u>5</u>
2015-30. AUTHORIZE the Town Attorney to take all appropriate action including but not limited to the commencement of a Civil Action for injunctive relief and monetary relief against the owners, operators and/or persons in charge of the property known as 21 Elkland Road, Melville, New York (SCTM No. 0400-269.00-02.00-015.000). (Property Owners: Jaime S./Denise Warren)	<u>MC</u>	<u>EC</u>	<u>5</u>
2015-31. AUTHORIZE the Town Attorney to continue the retention of an expert in engineering (Conrad F. Pohlmann, P.E.).	<u>SB</u>	<u>EC</u>	<u>5</u>
2015-32. AUTHORIZE the Town Attorney to retain legal counsel for the Dix Hills Water District (Law Office of Thomas J. Casey, Esq).	<u>FP</u>	<u>EC</u> <u>SB</u>	<u>5</u>
2015-33. AUTHORIZE the Comptroller to amend the 2015 Operating Budget for the Town of Huntington and its Special Districts –various departments.	<u>TE</u>	<u>FP</u>	<u>TE-AYE</u> <u>FP-AYE</u> <u>MC-AYE</u> <u>SB-AYE</u> <u>EC-NO</u>
2015-34. AUTHORIZE the Comptroller to amend the 2015 Operating and Capital Budget for the Town of Huntington and its Special Districts – Dix Hills Water District.	<u>SB</u>	<u>EC</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: JANUARY 14, 2015**

RESOLUTIONS:	OFF.	SEC.	VOTE
2015-35. AUTHORIZE the Comptroller to amend the 2015 Operating Budget and appropriate fund balance for the Town of Huntington and its Special Districts – Cultural Affairs (Public Art Initiative).	MC <u>SB</u>	<u>EC</u>	<u>5</u>
2015-36. AUTHORIZE the correction of Code Violations at various locations pursuant to the Code of the Town of Huntington. (Re: Christof Pasterak, 57 Caldwell Street, Huntington Station, SCTM# 0400-149.00-03.00-100.000, Chapters 119, 133, 156, 191; Alba Benitez/Jesus Fuentes, 119 East 10 th Street, Huntington Station, SCTM# 0400-146.00-03.00-122.000, Chapter 191)	<u>SB</u>	<u>EC</u>	<u>5</u>
2015-37. ACCEPT the dedication of three road widenings of East 5 th Street for the subdivision known as Avalon at Huntington Station.	<u>FP</u>	<u>TE</u>	<u>5</u>
2015-38. ACCEPT the dedication of land, equipment and easements for the benefit of the Huntington Sewer District. (Re: Avalon at Huntington Station) (SCTM# 0400-104.04-01-(001-109, 112-114 & 116-118))	<u>EC</u>	<u>FP</u>	<u>5</u>
2015-39. ACCEPT the donation of a bench from the Fort Salonga Association at Geissler’s Beach. (Re: Makamah Beach)	<u>MC</u>	<u>SB</u>	<u>5</u>
2015-40. ACCEPT a donation of goods and services from eighteen (18) merchants and businesses Re: “Surprise Friday Free Raffle” at the Town of Huntington Senior Center, nunc pro tunc. (Re: A Rise Above Bake Shop, Faz’s Tex-Mex Grill, Honu Kitchen and Cocktails, Alberts Mandarin Gourmet, Munday’s, Outback Steakhouse, Jonny D’s Pizza, Topical Smoothe Café, Cinema Arts Centre, AMC Lowes Shore 8, Elwood Cinemas, L&L Camera Inc., Madison’s Niche, Vine and Roses, The Ballroom of Huntington Inc., The Long Islander Newspapers, The Funky Flower Shop and Village Flowers.)	<u>TE</u>	<u>SB</u>	<u>5</u>
2015-41. APPOINTMENT various Directors and Deputy Directors for the Town of Huntington. (Re: Mark Tyree-Director of the Department of General Services; Neal Sheehan-Deputy Director of the Department of General Services; Matt Laux-Interim Director of the Department of Environmental Waste Management; Thom Bocard-Deputy Director of the Department of Environmental Waste Management)	<u>FP</u>	<u>TE</u>	FP-AYE TE-AYE SB-AYE MC-ABST <u>EC-NO</u>
2015-42. REAPPOINT AND APPOINT Administrative Hearing Officers. (Reappoint: Eric Sachs, Esq.; Appoint: Michael Helfer, Esq.)	FP <u>EC</u>	<u>SB</u>	<u>5</u>
2015-43. ESTABLISH “A.R.M.S.” (American Reactivated for Military Service).	<u>SB</u>	<u>EC</u>	<u>5</u>
2015-44. AUTHORIZE appropriate action(s) in accordance with Huntington Town Code Chapter 156 Property Maintenance; Nuisances, Article VII, Blighted Property, §156-67, action by Town Board for failure to comply or abate violations. (Re: Schedule A & B – Cave Hawk Corp. c/o Kevin Guilfoyle for property at 28 Kenneth Avenue, Huntington, SCTM# 0400-169.00-01.00-069.001; Sunil T. Mathew, 69 Republic Road, Melville, SCTM# 0400-267.00-02.00-020.001)	<u>SB</u>	<u>EC</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: JANUARY 14, 2015**

RESOLUTIONS:	OFF.	SEC.	VOTE
2015-45. ENACTMENT: ADOPT Local Law Introductory Number 46-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 4, Article I, §4-3, Schedule L. Re: Gerard Street; North of Main Street, Huntington – Town Parking Fields.	<u>SB</u>	<u>EC</u>	<u>5</u>
2015-46. ENACTMENT: ADOPT Local Law Introductory No. 47-2014 amending the Code of the Town of Huntington, Chapter 111 (Fire Prevention).	<u>TE</u>	<u>EC</u>	<u>5</u>
2015-47. ENACTMENT: ADOPT Local Law Introductory No. 49-2014 amending the Code of the Town of Huntington, Chapter 124 (Housing Standards and Property Maintenance), Article I (General Provisions) and Article III (Buildings and Structures).	<u>TE</u>	<u>FP</u>	<u>TE-AYE</u> <u>FP-AYE</u> <u>MC-AYE</u> <u>SB-AYE</u> <u>EC-ABST</u>
2015-48. ENACTMENT: ADOPT Local Law Introductory No.50-2014 amending the Code of the Town of Huntington, Chapter 160 (Registration of Property).	<u>TE</u>	<u>FP</u>	<u>TE-AYE</u> <u>FP-AYE</u> <u>MC-AYE</u> <u>SB-AYE</u> <u>EC-ABST</u>
2015-49. SCHEDULE A PUBLIC HEARING: March 10, 2015 at 2:00 PM To consider adopting Local Law Introductory No. 1-2015, amending Local Law Introductory No. 31-2011 so as to amend the Covenants and Restrictions established as part of Zone Change application #2011-ZM-387, known as the Residences at Oheka Castle, changing the zoning from R-80, R-40, R-20 & R-10 Residence Districts and C-6 General Business District to R-OSC Residence Open Space Cluster District, for properties located along East Gate Drive and West Gate Drive, West Hills, bearing SCTM No. 0400-188-01-(001, 002, 005, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) AND 0400-132-04-(007, 008 & 009). (Applicant: Cold Spring Hills Development LLC, Kahn Property Owner, LLC and Cold Spring Country Club, Inc.)	<u>TE</u>	<u>SB</u>	<u>TE-AYE</u> <u>SB-AYE</u> <u>FP-AYE</u> <u>EC-AYE</u> <u>MC-NO</u>
2015-50. SCHEDULE A PUBLIC HEARING: February 10, 2015 at 7:00 PM To consider adopting Local Law Introductory No. 2-2015 amending the Code of the Town of Huntington, Chapter 2 (Fair, Open and Accountable Government).	<u>FP</u> <u>TE</u> <u>EC</u> <u>SB</u>	<u>MC</u>	<u>5</u>
2015-51. SCHEDULE A PUBLIC HEARING: February 10, 2015 at 7:00 PM To consider adopting Local Law Introductory No. 3-2015 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Buttonwood Drive/Deforest Road, Dix Hills – Parking Restrictions.	<u>FP</u>	<u>TE</u> <u>SB</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: JANUARY 14, 2015**

RESOLUTIONS:

OFF. SEC. VOTE

2015-52. ENACTMENT: ADOPT Local Law Introductory No. 57-2014, amending the Code of the Town of Huntington, Chapter 183, (Tow Trucks and Towing for Hire).

FP EC 5
SB

**AGENDA FOR BOARD OF TRUSTEES’
MEETING DATED: JANUARY 14, 2015**

RESOLUTIONS:

2015-BT-1. AUTHORIZE the Comptroller to pay 2014/2015 Town of Huntington Taxes on Board of Trustee- owned property.

OFF.	SEC.	VOTE
	EC	
<u>FP</u>	<u>SB</u>	<u>5</u>

AGENDA FOR COMMUNITY DEVELOPMENT AGENCY
MEETING DATED: JANUARY 14, 2015

RESOLUTIONS:

OFF. SEC. VOTE

2015-CD

**INFORMATIONAL SHEET FOR:
TOWN BOARD, BOARD OF TRUSTEES' AND COMMUNITY DEVELOPMENT
MEETING DATED: JANUARY 14, 2015**

COMMUNICATION

DISTRIBUTION

1. Letters received Certified Mail – Applying for Liquor Licenses:
From: William Perez for Uncle Jacks Steakhouse (54 New Street, Huntington);

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: Kristopher Wolff for Frederick's Restaurant;
From: David Kaphan for Felt; From: Steve Soulellis for Mediterranean Snack Inc.;
From: Edwin Cavanagh for Larkfield Lanes; From: Gary Shea for the Loyal Order
of Moose Huntington Lodge 318 Inc.;

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

3. Letter received from James Logan, Secretary to the Board of the Greenlawn
Water District, regarding the election results. William Wieck was elected
Commissioner for the term 1/1/2015-12/31/2017.

Supervisor
Town Board
cc: Town Attorney

4. Public Notice received from the Village of Huntington Bay, regarding a Zoning
Board of Appeals meeting to be held on 12/15/2014 at 7:30 pm at Village Hall.
The hearing is for property located at 6 Castle Harbor Road which requires
variances and steep slope special permit.

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

5. Letter hand delivered from Liz Beach, Secretary to the Cold Spring Harbor Fire
District, regarding the election results. Julie Cooper was elected Commissioner for
a term of 5 years. Also included was a copy of the legal notice, copy of the ballot
and certification.

Supervisor
Town Board
cc: Town Attorney

6. Certification Form for the Annual Election for Commissioner of the South Huntington
Water District was hand delivered. Ciro DePalo was elected Commissioner.

Supervisor
Town Board
cc: Town Attorney

7. Letter hand delivered, received from Louise Caputo, Secretary/Treasurer for the
Greenlawn Fire District, advising that David Caputo was elected Commissioner for
a term of five years. Also attached was a Certificate of Canvass and a Certificate
of the Fire District Secretary.

Supervisor
Town Board
cc: Town Attorney

8. Letter received from Patricia Hawkins, Chairman of the East Northport Fire District,
regarding the elections. Attached was a Certification by Susan Racine, District
Secretary, Certificate of Canvass, copy of voter certificate, copy of the ballot and Oath
of Inspectors of Election. Raymond Teiner was elected.

Supervisor
Town Board
cc: Town Attorney

9. Letter received (hand delivered) by Kevin O'Brien, of Murphy, Bartol & O'Brien, LLP, regarding Local Law Introductory No. 45-2014 considering Zone Change Application #2013-ZM-396, Matrix Investment Group, LLC. The property is located at the corner of Jericho Turnpike and West Hills Road, in Huntington Station. Attached were six letters from neighboring property owners opposing the project. A map was also attached. cc: Planning & Environment
Supervisor
Town Board
Town Attorney
Engineering Services
10. Letter received from Karla Wright, District Secretary for the Huntington Fire District, regarding the annual election. A Certificate of the Secretary was attached. Andre Sorrentino Jr. was elected. cc: Town Attorney
Supervisor
Town Board
11. Letter received from Candace Thomson, District Treasurer for the Huntington Manor Fire Fire District, regarding the election results. Attached was a copy of the votes and oath of the election inspectors. Carlo Conte won the election. cc: Town Attorney
Supervisor
Town Board
12. Received the following from the Halesite Fire District: Certificate from the Secretary, Oath of Inspection of Election and Certificate of Result of Canvass. Craig Lanigan was elected. cc: Town Attorney
Supervisor
Town Board
13. Copy of the Legal Notice of the Election and the Canvass of the votes were received from Todd Cohen, District Secretary for the Dix Hills Fire District. Philip Tepe was elected Commissioner for a term of five years. cc: Town Attorney
Supervisor
Town Board
14. Copy of the Notice of Election and the ballot canvass was hand delivered by James Milazzo, District Secretary. Max Lituchy was elected Fire Commissioner. cc: Town Attorney
Supervisor
Town Board
15. Letter received from Mary D'Amato, Acting District Secretary for the Eaton's Neck Fire District, regarding the election. Included was a Certificate of the Secretary, Certificate of the Inspectors, Copy of the Legal Notice, Copy of the Affidavit and the Oath of the Inspectors. John Alessi was elected commissioner for a 5 years. cc: Town Attorney
Supervisor
Town Board
16. Letter received from Nancy McFadzen, Secretary for the Commack Fire District regarding the election results. Peter Paccione was elected Commissioner for 5 years. cc: Town Attorney
Supervisor
Town Board
17. Letter received from Gayle Synder, Chairperson of the Cold Spring Hills Civic Association requesting Town Clerk, Jo-Ann Raia, to distribute the Civic Association flyer to various Town Hall personnel. cc: Traffic & Transportation
Supervisor
Town Board
Town Attorney
18. Email received from Dennis Garetano requesting answers to the questions he asked at the December 9, 2014 Town Board Meeting regarding tax issues and Town Board member issues. cc: Town Attorney
19. Notice of Public Hearing received from New York State Department of Environmental Conservation, Division of Water. The hearing will be held on January 6, 2015 at the US Environmental Protection Agency from 11:00 AM – 2:00 PM. The purpose of the meeting is to amend water quality standards regulations. cc: Engineering Services
Supervisor
Town Board
Town Attorney
20. Certificate of Canvass received from Centerport Fire District. Henry Kurt Martin was elected Commissioner for a term of five years. cc: Town Attorney
Supervisor
Town Board

21. Letter received from Andrew Freleng, Chief Planner for the Department of Economic Development and Planning regarding Huntington Town Board Resolution #2014-627. The Commission has decided that this is a matter of local determination and should not be construed as either an approval or disapproval.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
22. Email received from Michael Helmich regarding the property located at 215 Depot Road. The writer indicates that the area is not in need of another Laundromat. He lists various issues that he would like the Town Board to address prior to the next Town Board meeting.

Town Attorney
cc: Planning & Environment
23. Letter received from Andrew Cangemi, addressed to Supervisor Petrone, advising that he is resigning his position as Hearing Officer effective January 5, 2015.

S. Berland
E. Cook
T. Edwards
cc: Public Safety
24. Legal Notice received from the Incorporated Village of Laurel Hollow regarding a Board of Trustee hearing to be held on January 14, 2015 at 7:30 PM. The hearing is regarding an amendment to Chapter 110 (Streets and Sidewalks) and adding a new chapter on Procurement.

Supervisor
Town Board
Town Attorney
cc: Planning & Environment
25. Notification received regarding the Association of Towns Meeting to be held on February 15-18, 2015 in New York City. Enclosed was a variety of information regarding this meeting.

Supervisor
Town Board
cc: Town Attorney
26. Email received from Chris Hadjandreas, a current landlord. He is against the pending legislation for rental permits. He is requesting that the Town go after landlords that are renting illegally.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
27. Letter received from Susan Racine, Secretary/Treasurer of the East Northport Fire District, listing all the Board of Fire Commissioner meetings for 2015.

Supervisor
Town Board
cc: Town Attorney
28. Letter was hand delivered, from Wayne Muller, PE of RMS Engineering, regarding the application of Matrix Development. This company did additional observations of traffic conditions in the area involved (Jericho Tpke/West Hills Road).

Supervisor
Town Board
cc: Engineering Services
29. Email received from Susan Matthews, Outreach Librarian for the Harborfields Public Library. She would like the HART bus to provide better access to the Library for the seniors.

Town Board
Town Attorney
cc: Traffic & Transportation
30. Memorandum received from Gail Devol, Village Administrator for Huntington Bay, regarding a Zoning Board of Appeals meeting to be held on January 15, 2015 at 7:30 PM at Village Hall. The properties that are involved are 38 Bay Crest and 9 Valley Court.

Supervisor
Town Board
Town Attorney
cc: Planning & Environment
31. Email received from Charlie Weidig regarding the cancellation of the free parking permits for the hybrid vehicles. He would like to know why this program was cancelled.

Public Safety
cc: Traffic & Transportation

32. Email received from James Rausse, AICP, President of the American Planning Association regarding the 2014 Annual Report (New York Metropolitan area). The organization is dedicated to the advancement of the community planning profession and promoting sound community planning.
- Supervisor
Town Board
Town Attorney
cc: Planning & Environment
33. Email received from Huntington Calm regarding the health of our children and leaf blowers. The email indicates that pregnant women exposed to high levels of fine particulate matter double the risk of having a child with autism.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
34. Letters received in support of the permanent preservation of Pickle Park in Greenlawn from Donna Casano, Kristen Burke, and Bruce & Kathleen Early.
- Supervisor
Town Board
Town Attorney
cc: Parks & Recreation

2015-1

RESOLUTION ADOPTING VARIOUS ACTIONS OF THE TOWN BOARD FOR THE YEAR 2015

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to pay 2014/2015 Town of Huntington Taxes on Town-owned property in the amount not to exceed the budgeted amount of TWENTY THOUSAND AND NO/100 (\$20,000.00) DOLLARS to be charged to Operating Budget Item A1950-4170; and

HEREBY DESIGNATES the following institutions as bank depositories for the calendar year 2015: Bank of America, Capital One Bank, JP Morgan Chase Bank, Citibank, N.A., First National Bank of Long Island, HSBC Bank, M&T Bank, New York Commercial Bank, State Bank of Long Island, Suffolk County National Bank, TD Bank, Wachovia Bank, NA, Flushing Commercial Bank; Herald National Bank; Wells Fargo Bank; Community National Bank; Gold Coast National Bank; Bank United; and

HEREBY AUTHORIZES the Supervisor and Comptroller to sign checks by use of a facsimile signature machine; and

HEREBY DELEGATES the power to authorize attendance by employees at conferences, conventions and schools in accordance with the provisions of Section 77-B of General Municipal Law, to the Supervisor, effective up to and including December 31, 2015; and

HEREBY APPOINTS, pursuant to General Municipal Law 104-b(2)(f) effective January 1, 2015, specifies that municipalities must identify the individual responsible for purchasing on behalf of the Town. The Town appoints Lori E. Finger, Director of Purchasing with the purchasing responsibility for the Town; and

HEREBY APPOINTS New York Municipal Advisors Corporation, 50 Jackson Avenue, Syosset, New York 11791, as Fiscal Advisors for bonding issues; and

HEREBY APPOINTS Nixon Peabody, LLP, 437 Madison Avenue, New York, NY 10002-7001 and Hawkins, Delafield & Wood, One Chase Manhattan Plaza, New York, NY 10005, Harris Beach PLLC, The Omni, Uniondale, NY 11553, as bond counsel for bonding issues; and

HEREBY AUTHORIZES the Comptroller to transfer the funds from vacant positions into the General Contingency Account, and;

2015-1

HEREBY APPROVES the membership of the Huntington Community Development Agency, effective January 1, 2015, to be as follows: Supervisor Frank P. Petrone-3 year (balance), Councilwoman Susan A. Berland-1 year (balance), Councilman Eugene Cook – 1 year (balance); Councilman Mark A. Cuthbertson-3 year (balance); and Councilwoman Tracey A. Edwards-3 year (balance); and

HEREBY DESIGNATES, pursuant to the provision of Section 6, Article III of the Constitution and By-Laws of the Association of Towns, Councilwoman Susan A. Berland, as Principal and Town Clerk Jo-Ann Raia, as Alternate to cast the vote of the Town of Huntington at the 2015 Annual Meeting of the Association of Towns in February; and

HEREBY APPOINTS Paul Mandelik, 35 Gull Hill Drive, Northport, New York 11768 as Chairman and Jane R. Devine, 145 Nassau Road, Huntington, New York 11743, Vice-Chairman of the Town of Huntington Planning Board, effective January 1, 2015 through December 31, 2015; and

HEREBY APPOINTS Christopher Modelewski, 18 Mar Kan Drive, Northport, New York 11768, as Chairman and Peter E. Tonna, 32 Sanford Street, Huntington Station, New York 11746, Vice Chairman of the Town of Huntington Zoning Board of Appeals, effective January 1, 2015 through December 31, 2015;

HEREBY DESIGNATES The Observer, 1 Brookside Dr., Smithtown, NY 11787 and The Long Islander, 14 Wall Street, Huntington, NY 11743, as the Official Newspapers for the Town of Huntington for the year 2015; and directs the Town Clerk to send official notification to the Suffolk County Clerk and Clerk of the Suffolk County Legislature of said designations; and

HEREBY DETERMINES that the subjects of this resolution are not actions as defined by 6 NYCRR §617.2 (b) and therefore no further SEQRA review is required.

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-2

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FUNDING FROM THE COUNTY OF SUFFOLK FOR THE PROVISION OF ADULT DAY CARE SERVICES

Resolution for Town Board Meeting Dated: January 14, 2015

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

and seconded by : **COUNCILMAN COOK**

WHEREAS, the Department of Human Services, Senior Citizen Division, has successfully operated an adult day care program for senior citizens; and

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

WHEREAS, the 2015 Adopted Suffolk County Operating Budget includes TEN THOUSAND NO/100 (\$10,000) DOLLARS in funding for the Social Model Adult Day Care as a respite to family caregivers for the period January 1, 2015 through December 31, 2015; and

WHEREAS, applying for and receiving funds for the Adult Day Care Program is not an action as defined by 6 N.Y.C.R.R. of 617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES, the Supervisor to apply for and receive funds from the County of Suffolk for the provision of adult day care services for the period January 1, 2015 through December 31, 2015, for an amount not to exceed the sum of TEN THOUSAND NO/100 (\$10,000.00) DOLLARS, in Operating Budget Item A-4773 and to execute any documents in connection therewith upon such other terms and conditions as are acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015- 3

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FUNDING FROM THE COUNTY OF SUFFOLK FOR NUTRITION SERVICES FOR SENIOR CITIZENS

Resolution for Town Board Meeting dated: January 14, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Department of Human Services, Senior Citizen Division, has successfully operated a nutrition program for senior citizens; and

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

WHEREAS, the 2015 Adopted Suffolk County Operating Budget includes THREE HUNDRED AND ONE THOUSAND AND SEVEN HUNDRED AND TWENTY THREE AND NO/100 (\$301,723.00) DOLLARS in funding for the IIIC Nutrition Program for the period January 1, 2015 through December 31, 2015; and

WHEREAS, applying for and receiving funds for the nutrition program is not an action as defined by 6 N.Y.C.R.R. of 617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES, the Supervisor to apply for and receive funds from the County of Suffolk for the provision of nutrition services for the period January 1, 2015 through December 31, 2015, for a unit cost for the 2015 program year in the amount of \$4.26 per meal for congregate meals and a unit cost for the 2015 program year in the amount of \$4.55 per meal for home delivered meals, to be recorded in Operating Budget Account A3776 and to execute any documents in connection therewith upon such other terms and conditions as are acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-4

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FUNDING FROM THE COUNTY OF SUFFOLK FOR THE RESIDENTIAL REPAIR PROGRAM FOR THE ELDERLY OF HUNTINGTON

Resolution for Town Board Meeting Dated: January 14, 2015,

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

and seconded by : **COUNCILMAN COOK**

WHEREAS, the Residential Repair Program provides residential repair and renovations to upgrade substandard, unsuitable or unsafe housing including handicapped modifications for persons age 60 and older within the Town of Huntington; and

WHEREAS, the 2015 Adopted Suffolk County Operating Budget includes TWENTY-FOUR THOUSAND ONE HUNDRED FIFTY-NINE AND NO/100 (\$24,159.00) DOLLARS for the Residential Repair Program; and

WHEREAS, applying for and receiving funds for this program is not an action as defined by 6 N.Y.C.R.R. of 617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES, the Supervisor to apply for and receive funding from the County of Suffolk for the Residential Repair Program for the elderly of Huntington for the period of January 1, 2015 through December 31, 2015, for an amount not to exceed the sum of TWENTY-FOUR THOUSAND ONE HUNDRED FIFTY-NINE AND NO/100 (\$24,159.00) DOLLARS to be recorded in 2015 Operating Budget A3774 and A4774, and to execute any documents in connection therewith upon such other terms and conditions as are acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-5

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LEASE AGREEMENT WITH ECOLAB INC. FOR DISHWASHING EQUIPMENT FOR THE HUNTINGTON SENIOR CENTER

Resolution for Town Board Meeting Dated: January 14, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, dishwashing equipment is needed for the operation of the Huntington Senior Center; and

WHEREAS, Suffolk County Department of Health regulations require all kitchenware to be thoroughly cleaned and sanitized; and

WHEREAS, the current owned dishwashing equipment is outdated and in need of constant repair; and

WHEREAS, leasing new dishwashing equipment is a more economical solution to purchasing and or repairing the current equipment; and

WHEREAS, the leasing of dishwashing equipment is classified as a Type II action, pursuant to SEQRA, 6NYCRR, § 617.5(c)(20) and therefore, no further review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES, the Supervisor to execute a lease agreement with Ecolab Inc. 1350 Broadway, Suite 1803, New York, New York 10018 for a period of two years with a monthly lease rate of TWO HUNDRED THIRTY FOUR AND 95/100 (\$234.95) and THREE HUNDRED AND 0/00 (\$300.00) per month for chemical products, to be charged to Operating Budget Item A6775-4001 and to execute any documents in connection therewith upon such terms and conditions as are acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-6

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH L.K. McLEAN ASSOCIATES, P.C. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE HALESITE MARINA REHABILITATION, ROUTE 110, HALESITE, NY 11743.

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, The Town of Huntington requires the services of a professional engineering firm to assist the Town in design, performing soil borings, preparation and analysis of contract bid documents necessary to rehabilitate the Halesite Marina, and

WHEREAS, L.K. McLean Associates was hired by the Town to perform professional engineering services at Town Dock last year and executed the required services in a proficient manner; and

WHEREAS, L.K. McLean has previously completed the topographical surveying services as well as a majority of the permitting for this project as authorized by Town Board Resolution TBR 2013-419, they are uniquely positioned to cost effectively complete the preparation of the final contract bid documents on this assignment; and

WHEREAS, The proposal submitted is acceptable to the Director of Engineering Services and in the best interest of the Town of Huntington; and

WHEREAS, the professional engineering services for the Halesite Marina Rehabilitation is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1)(2), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with L.K. McLean Associates, P.C., 437 South Country Rd, Brookhaven NY 11719 to provide professional engineering services for the Halesite Marina Rehabilitation for an amount not to exceed the sum of FORTY-FIVE THOUSAND TWO HUNDRED dollars (\$45,200.00), to be charged to Capital Budget Item No. EG7197-2103-2014P, and authorizes the Director of Engineering to execute contract changes with an aggregate value up to 10% of the professional services contract, upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-7

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH L.K. McLEAN ASSOCIATES, P.C. FOR PROFESSIONAL ENGINEERING/SURVEYING SERVICES AT BURR'S LANE PARK and SWEET HOLLOW PARK

Resolution for Town Board Meeting Dated: January 14, 2015

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

WHEREAS, The Town of Huntington wishes to develop a 4.8 acre park at 146 Burr's Lane in Dix Hills and an 8.0 acre park at 51 Old Country Road in Melville; and

WHEREAS, The Town of Huntington requires the services of a professional engineering/surveying firm to survey the land and prepare base mapping necessary to advance the designs for the two parks; and

WHEREAS, The Department of Engineering Services solicited proposals from three (3) local firms; and

WHEREAS, On December 4, 2014 two (2) proposals were received and reviewed by the Director of Engineering Services for the aforementioned services; and

WHEREAS, L.K. McLEAN ASSOCIATES, P.C. submitted the most cost effective proposal to complete the required services for the Town (Burr's Lane Park - \$5,250, Sweet Hollow Park - \$7,850); and

WHEREAS, The expenditure of funds for these services were approved by EOSPA and authorized by Town Board Resolution No. 2014-588; and

WHEREAS, professional engineering/surveying services at the proposed Town Park is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c) (2) and (c) (21), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with L.K. McLEAN ASSOCIATES, P.C., 437 S. Country Road, Brookhaven, N.Y. 11719 to provide professional Engineering/Surveying services at the proposed Burr's Lane Park and Sweet Hollow Park for an amount not to exceed the sum of THIRTEEN THOUSAND ONE HUNDRED dollars (\$13,100.00), to be charged to Capital Budget Nos. EG7197-2103, and authorizes the Director of Engineering to execute contract changes with an aggregate value up to 10% of the professional services contract, upon such other terms and conditions as may be acceptable to the Town Attorney.

TBR Survey Burr's Sweethollow
ENG 12/26/2014

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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-8

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH LIRO ENGINEERS, INC. FOR PROFESSIONAL ENGINEERING SERVICES AT BURR'S LANE PARK and SWEET HOLLOW PARK

Resolution for Town Board Meeting Dated: January 14, 2015

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

WHEREAS, The Town of Huntington wishes to develop a 4.8 acre park at 146 Burr's Lane in Dix Hills and an 8.0 acre park at 51 Old Country Road in Melville; and

WHEREAS, The Town of Huntington requires the services of a professional engineering firm to perform environmental engineering for the two (2) parks; and

WHEREAS, The Department of Engineering Services solicited proposals from nine (9) local firms; and

WHEREAS, On December 19, 2014 three (3) proposals were received and reviewed by the Director of Engineering Services for the aforementioned services; and

WHEREAS, LiRo Engineers, Inc. submitted the most cost effective proposal to complete the required services for the Town (Burr's Lane Park - \$25,000, Sweet Hollow Park - \$25,000); and

WHEREAS, The expenditure of funds for these services were approved by EOSPA and authorized by Town Board Resolution No. 2014-588; and

WHEREAS, the professional engineering services at the proposed Town Park is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1), (c)(2), and (c)(18) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with LiRo Engineers, Inc., Three Aerial Way, Syosset, NY 11791 to provide professional Engineering Services at the proposed Burr's Lane Park and Sweet Hollow Park for an amount not to exceed the sum of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS, to be charged to Capital Budget No. EG7197-2103, and authorizes the Director of Engineering to execute contract changes with an aggregate value up to 10% of the professional services contract, 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 Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Tracey A. Edwards	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-9

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE PREPARATION OF A LOCAL SOLID WASTE MANAGEMENT PLAN FOR THE TOWN OF HUNTINGTON WITH L.K. McLEAN ASSOCIATES, P.C.

Resolution for Town Board Meeting Dated: January 14, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington (Town) is seeking professional services for the preparation of a new Local Solid Waste Management Plan (LSWMP). The Town of Huntington has an existing LSWMP that will expire December 31, 2015. In accordance with New York State Environmental Conservation Law § 27 – 0107 and the applicable New York State Department of Environmental Conservation (NYSDEC) regulations set forth in subpart 360-15 “Comprehensive Solid Waste Management Planning”, the Town is required to develop a new 10 year LSWMP. The general project scope shall include all elements required in NYSDEC Regulations Section 360-15.9 “Plan contents” and Section 360-15.11 “Plan modification/update” as well as submission of the draft plan to NYSDEC for review and approval together with any and all revisions thereof required under Section 360-15.10 “Plan approval”; and

WHEREAS, sealed proposals were received on December 12, 2014, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the preparation of a local solid waste management plan for the Town of Huntington, RFP No. 2014-12-016 and the same were opened and read aloud; and

WHEREAS, L.K. Mclean Associates P.C., 437 South Country Road, Brookhaven New York 11719 is the successful responsive, responsible proposer; and

WHEREAS, for the preparation of a local solid waste management plan for the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(21) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with L.K. McLean Associates, P.C. for the preparation of a local solid waste management plan for the Town of Huntington. The contract period shall be effective upon execution of the contract until December 31, 2015 for an amount not to exceed the sum of FORTY FOUR THOUSAND NINE HUNDRED FIFTY FIVE NO/100 (\$44,955.00) DOLLARS commencing upon execution of the contract to be

2015-9

charged to SR8158-4550 (Outside Professional), and upon such other terms and conditions as may be acceptable to the Town Attorney.

FURTHER BE IT RESOLVED the Town Board authorizes the Comptroller to amend the 2015 Operating budget as follows:

Increase the following appropriation:

SR8158-4550	Outside Professional	\$44,955
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Decrease the following appropriation:

SR8158-4990	Refuse Disposal Charges	\$44,955
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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-10

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE TOWN OF HUNTINGTON MELVILLE EMPLOYMENT CENTER PLAN WITH BUCKHURST, FISH & JACQUEMART, INC.

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Supervisor Petrone
Councilman Cuthbertson
and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Horizons 2020 Plan proposed the preparation of an integrated land use, circulation and infrastructure plan, hereby referred to as the Melville Employment Center (MEC) Plan, designed to maintain and enhance Melville as Huntington's major employment hub; and

WHEREAS, the Huntington Town Board created the Melville Plan Advisory Committee (MPAC), comprised of various stakeholders including local developers, commercial and residential property owners, government officials and community service providers, in order to oversee both the issuance of an RFP to select a project consultant and the actual preparation of the MEC Plan; and

WHEREAS, the MPAC worked with Town Planning staff to prepare the subject RFP which was then released to solicit proposals from various professional planning consultants; and

WHEREAS, sealed proposals were received on August 15, 2014, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the Town of Huntington Melville Employment Center Plan, RFP 2014-08-009, and the same were opened and read aloud; and

WHEREAS, at the request of the Town Board, the MPAC reviewed the proposals and determined, after extensive deliberation, to interview four (4) of the firms that responded; and

WHEREAS, after conducting a thorough review and interview process, the MPAC has voted to recommend Buckhurst, Fish & Jacquemart, Inc., 115 Fifth Avenue, New York, New York 10003 as the most qualified and lowest responsive, responsible bidder; and

WHEREAS, this action is considered part of the preliminary planning and budget process necessary for the formulation of a plan for action and future approval of such plan shall only follow completion of a SEQRA review by the Town Board; therefore, this action is classified Type II pursuant to SEQRA 6 NYCRR 617.5(c)(21);

NOW, THEREFORE

2015-10

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Buckhurst, Fish & Jacquemart, Inc. for the Town of Huntington Melville Employment Center Plan. The contract period shall be effective upon the execution of the contract, and completed when the work is done satisfactorily, which is expected to take eighteen (18) months, for an amount not to exceed the sum of TWO HUNDRED THOUSAND AND NO/100 (\$200,000.00) DOLLARS, to be charged to account TA-0085-K0025 and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015- 11

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE LANDFILL, GAS MONITORING AND RELATED ENGINEERING SERVICES AT THE TOWN OF HUNTINGTON EAST NORTHPORT LANDFILL WITH R & C FORMATION, LTD.

Resolution for Town Board Meeting Dated: January 14, 2015

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

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

WHEREAS, the Town of Huntington is required by a Record of Decision (ROD) to provide monitoring reports on Landfill Gas (LFG), as well as on the operation of LFG monitoring and control systems at its East Northport Landfill. This work has been provided by an outside consultant since the installation of an LFG control system in 1974, and the Town of Huntington periodically solicits competitive pricing; and

WHEREAS, sealed proposals were received on November 14, 2014 by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the landfill, gas monitoring and related engineering services at the Town of Huntington East Northport Landfill, RFP 2014-11-013 and the same were opened and read aloud; and

WHEREAS, R & C Formation, Ltd. 171 Deer Park Ave., Suite 3, Babylon, New York 11702 is the successful proposer; and

WHEREAS, landfill, gas monitoring and related engineering services at the Town of Huntington East Northport landfill is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection therewith, with R & C Formation, Ltd. for the landfill, gas monitoring and related engineering services at the Town of Huntington East Northport landfill. The contract period shall be effective for a twelve (12) month term commencing upon execution of the contract with two (2) additional twelve (12) month periods upon mutual consent and upon such terms and conditions as may be approved by the Town Attorney and at the discretion of the Town Board, not to exceed the annual sum of TEN THOUSAND FIFTY NO/100 (\$10,050.00) DOLLARS to be charged to the East Northport Landfill-Post Closure Maintenance operating budget line A 8166 4550 and upon such other terms and conditions as may be acceptable to the Town Attorney.

2015- //

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

AUTHORIZE THE SUPERVISOR TO EXECUTE A CONTRACT WITH PHIL BAUCCIO CONSULTANTS & ASSOCIATES TO PROVIDE RISK MANAGEMENT CONSULTING SERVICES

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town with the services of Phil Bauccio Consultants has instituted cost savings solutions for the Town's workers' compensation program and general insurance program and will need occasional consulting services throughout the year for insurance renewals and workers compensation claims review; and

WHEREAS, Phil Bauccio Consultants & Associates, has experience with municipalities, extensive knowledge in risk management solutions and has acquired an in-depth knowledge of the Town's insurance program providing the Town with cost saving recommendations and guidance; and

WHEREAS, the Town of Huntington wishes to enter into a one year contract for risk management consulting services with Phil Bauccio Consultants & Associates, P.O. Box 421, East Islip, NY 11730; and

WHEREAS, the execution of this 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 a contract, and any documents in connection therewith, with Phil Bauccio Consultants & Associates to provide risk management consulting services for a one year term on an as-needed basis at an hourly rate of \$90 per hour not to exceed a total of TEN THOUSAND DOLLARS and NO/100 (\$10,000.00) to be charged to Operating Budget A9040-8030 upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015- 14

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION AND AMENDMENT TO THE CONTRACT WITH JAMAICA ASH AND RUBBISH REMOVAL INC. FOR THE DELIVERY OF PROCESSIBLE WASTE TO THE HUNTINGTON RESOURCE RECOVERY FACILITY NUNC PRO TUNC

Resolution for Town Board Meeting Dated: January 14, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, Town Board Resolution 2013-518 authorized the execution of a contract with Jamaica Ash and Rubbish Removal Inc. for the delivery of processible waste to the Huntington Resource Recovery Facility, RFP No. 2013-09-010; and

WHEREAS, said contract provides for two (2) one (1) year extensions by mutual agreement of both parties; and

WHEREAS, Jamaica Ash and Rubbish Removal Inc. of 172 School Street, Westbury, NY 11590 has requested the first extension to this contract, as amended with new pricing reflective of changes in market conditions; and

WHEREAS, the market conditions for processible waste capacity have changed in the Town's favor and the Town has renegotiated for an increased revenue to be paid by Jamaica Ash and Rubbish Removal Inc. for this capacity under this contract and will amend the contract to reflect this increased revenue; and

WHEREAS, the Town Board is desirous extending this contract with amendments; and

WHEREAS, the authorization to extend and amend a contract is a Type II Action pursuant to 6 NYCRR Part 617.5 (c) (20) and no further action is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension and an amendment increasing the capacity marketing revenue to the existing contract with Jamaica Ash and Rubbish Removal Inc. of 172 School Street, Westbury, NY 11590 for the delivery of processible waste to the Huntington Resource Recovery Facility, and any documents in connection therewith, nunc pro tunc. The extension period shall be effective for one (1) year effective January 1, 2015 through December 31, 2015, the revenue of which is to be deposited into account A 2130, and upon such other and further terms and conditions as approved by the Town Attorney.

2015-14

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-15

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION AND AMENDMENT TO THE CONTRACT WITH EASTERN RESOURCE RECYCLING INC. FOR THE DELIVERY OF PROCESSIBLE WASTE TO THE HUNTINGTON RESOURCE RECOVERY FACILITY NUNC PRO TUNC

Resolution for Town Board Meeting Dated: January 14, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, Town Board Resolution 2013-514 authorized the execution of a contract with Eastern Resource Recycling Inc. for the delivery of processible waste to the Huntington Resource Recovery Facility, RFP No. 2013-09-010; and

WHEREAS, said contract provides for two (2) one (1) year extensions by mutual agreement of both parties; and

WHEREAS, Eastern Resource Recycling Inc. of 88 Old Dock Road, Yaphank, NY 11980 has requested the first extension to this contract, as amended with new pricing reflective of changes in market conditions; and

WHEREAS, the market conditions for processible waste capacity have changed in the Town's favor and the Town has renegotiated for an increased revenue to be paid by Eastern Resource Recycling Inc. for this capacity under this contract and will amend the contract to reflect this increased revenue; and

WHEREAS, the Town Board is desirous extending this contract with amendments; and

WHEREAS, the authorization to extend and amend a contract is a Type II Action pursuant to 6 NYCRR Part 617.5 (c) (20) and no further action is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension and an amendment increasing the capacity marketing revenue to the existing contract with Eastern Resource Recycling Inc. of 88 Old Dock Road, Yaphank, NY 11980 for the delivery of processible waste to the Huntington Resource Recovery Facility, and any documents in connection therewith, nunc pro tunc. The extension period shall be effective for one (1) year effective January 1, 2015 through December 31, 2015, the revenue of which is to be deposited into account A 2130, and upon such other and further terms and conditions as approved by the Town Attorney.

2015-15

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-16

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION AND AMENDMENT TO THE CONTRACT WITH JET SANITATION SERVICE CORPORATION FOR THE DELIVERY OF PROCESSIBLE WASTE TO THE HUNTINGTON RESOURCE RECOVERY FACILITY NUNC PRO TUNC

Resolution for Town Board Meeting Dated: January 14, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, Town Board Resolution 2013-515 authorized the execution of a contract with Jet Sanitation Service Corporation for the delivery of processible waste to the Huntington Resource Recovery Facility, RFP No. 2013-09-010; and

WHEREAS, said contract provides for two (2) one (1) year extensions by mutual agreement of both parties; and

WHEREAS, Jet Sanitation Service Corporation of 228 Blyden Road, Islandia, NY 11749 has requested the first extension to this contract, as amended with new pricing reflective of changes in market conditions; and

WHEREAS, the market conditions for processible waste capacity have changed in the Town's favor and the Town has renegotiated for an increased revenue to be paid by Jet Sanitation Service Corporation for this capacity under this contract and will amend the contract to reflect this increased revenue; and

WHEREAS, the Town Board is desirous extending this contract with amendments; and

WHEREAS, the authorization to extend and amend a contract is a Type II Action pursuant to 6 NYCRR Part 617.5 (c) (20) and no further action is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension and an amendment increasing the capacity marketing revenue to the existing contract with Jet Sanitation Service Corporation of 228 Blyden Road, Islandia, NY 11749 for the delivery of processible waste to the Huntington Resource Recovery Facility, and any documents in connection therewith, nunc pro tunc. The extension period shall be effective for one (1) year effective January 1, 2015 through December 31, 2015, the revenue of which is to be deposited into account A 2130, and upon such other and further terms and conditions as approved by the Town Attorney.

2015-16

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015- 17

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION AND AMENDMENT TO THE CONTRACT WITH NATIONAL WASTE SERVICES LLC FOR THE DELIVERY OF PROCESSIBLE WASTE TO THE HUNTINGTON RESOURCE RECOVERY FACILITY NUNC PRO TUNC

Resolution for Town Board Meeting Dated: January 14, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, Town Board Resolution 2013-517 authorized the execution of a contract with National Waste Services LLC for the delivery of processible waste to the Huntington Resource Recovery Facility, RFP No. 2013-09-010; and

WHEREAS, said contract provides for two (2) one (1) year extensions by mutual agreement of both parties; and

WHEREAS, National Waste Services LLC of 1863 Harrison Avenue, Bay Shore, NY 11706 has requested the first extension to this contract, as amended with new pricing reflective of changes in market conditions; and

WHEREAS, the market conditions for processible waste capacity have changed in the Town's favor and the Town has renegotiated for an increased revenue to be paid by National Waste Services LLC for this capacity under this contract and will amend the contract to reflect this increased revenue; and

WHEREAS, the Town Board is desirous extending this contract with amendments; and

WHEREAS, the authorization to extend and amend a contract is a Type II Action pursuant to 6 NYCRR Part 617.5 (c) (20) and no further action is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension and an amendment increasing the capacity marketing revenue to the existing contract with National Waste Services LLC of 1863 Harrison Avenue, Bay Shore, NY 11706 for the delivery of processible waste to the Huntington Resource Recovery Facility, and any documents in connection therewith, nunc pro tunc. The extension period shall be effective for one (1) year effective January 1, 2015 through December 31, 2015, the revenue of which is to be deposited into account A 2130, and upon such other and further terms and conditions as approved by the Town Attorney.

2015-17

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-18

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION AND AMENDMENT TO THE CONTRACT WITH PROGRESSIVE WASTE SOLUTIONS TS OF LI INC. FOR THE DELIVERY OF PROCESSIBLE WASTE TO THE HUNTINGTON RESOURCE RECOVERY FACILITY NUNC PRO TUNC

Resolution for Town Board Meeting Dated: January 14, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, Town Board Resolution 2013-516 authorized the execution of a contract with Progressive Waste Solutions TS of LI Inc. for the delivery of processible waste to the Huntington Resource Recovery Facility, RFP No. 2013-09-010; and

WHEREAS, said contract provides for two (2) one (1) year extensions by mutual agreement of both parties; and

WHEREAS, Progressive Waste Solutions TS of LI Inc. of 1198 Prospect Avenue, Westbury, NY 11590 has requested the first extension to this contract, as amended with new pricing reflective of changes in market conditions; and

WHEREAS, the market conditions for processible waste capacity have changed in the Town's favor and the Town has renegotiated for an increased revenue to be paid by Progressive Waste Solutions TS of LI Inc. for this capacity under this contract and will amend the contract to reflect this increased revenue; and

WHEREAS, the Town Board is desirous extending this contract with amendments; and

WHEREAS, the authorization to extend and amend a contract is a Type II Action pursuant to 6 NYCRR Part 617.5 (c) (20) and no further action is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension and an amendment increasing the capacity marketing revenue to the existing contract with Progressive Waste Solutions TS of LI Inc. of 1198 Prospect Avenue, Westbury, NY 11590 for the delivery of processible waste to the Huntington Resource Recovery Facility, and any documents in connection therewith, nunc pro tunc. The extension period shall be effective for one (1) year effective January 1, 2015 through December 31, 2015, the revenue of which is to be deposited into account A 2130, and upon such other and further terms and conditions as approved by the Town Attorney.

2015-18

VOTE: AYES: 4 NOES: 0 ABSTENTIONS: 1

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-19

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH CAMP SUNSHINE TO HOLD ITS ANNUAL FREEZIN' FOR A REASON POLAR DIP FUNDRAISER AT CRAB MEADOW BEACH ON MARCH 1, 2015.

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, Camp Sunshine, a not-for-profit organization that provides respite, support and hope to children with life-threatening illnesses, sponsors an annual Freezin' For A Reason Polar Dip event to raise funds to support its mission; and

WHEREAS, Camp Sunshine has once again requested use of Crab Meadow Beach and all funds generated from the Polar Dip will be used to send ill children and their families from Long Island to Camp Sunshine in Maine, free of charge; and

WHEREAS, such permission is contingent upon the execution of an agreement which includes provisions requiring Camp Sunshine to hold harmless and indemnify the Town of Huntington; and

WHEREAS, the authorization of these events and execution of a license agreement in conjunction with same is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20), and therefore no further SEQRA review is required.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Huntington hereby authorizes Camp Sunshine at Sebago Lake Inc., 35 Acadia Road, Casco, Maine 04015, to hold its Freezin' For A Reason Polar Dip at Crab Meadow Beach on Sunday, March 1, 2015, between the hours of 9 a.m. and 4 p.m.; and be it further

RESOLVED, that the Town Board of the Town of Huntington hereby authorizes the following actions in order to facilitate Camp Sunshine in relation to its event:

1. Camp Sunshine shall be responsible for restoring Crab Meadow Beach to its pre-event condition. They shall be required to accompany the Director of the Town of Huntington Department of Parks and Recreation or his designee on an inspection of the park prior to and following the event.
2. Camp Sunshine, at its own cost, shall post certified lifeguards and emergency medical technicians (EMT's) on the beach prior to and throughout the entire event.

3. Camp Sunshine, at its own cost, shall ensure that an ambulance and crew is stationed at Crab Meadow Beach for the entire event.
4. A certified cold water dive team, at Camp Sunshine's expense, shall be positioned in the water and vicinity of event participants. Depth of water for participants shall not exceed four feet.
5. Camp Sunshine shall establish a designated and roped-off area for those participating in the event. Spectators shall not be permitted within the designated area.

And therefore be it

RESOLVED, that Camp Sunshine shall provide insurance coverage for property damage and personal injury naming the Town of Huntington, its officers and employees as additional insured by endorsement and the insurance coverage must be provided prior to the commencement of the event or the use of the premises by providing the Town with a copy of the insurance policy including the endorsement naming the Town and the Town of Huntington Board of Trustees as additional insured. The insurance must be unrestricted and primary coverage. Camp Sunshine shall be required to sign a hold harmless agreement to defend the Town regarding any personal injury and property damage in a form and on terms acceptable to the Town Attorney.

The failure to procure insurance in accordance with the requirements of the above and the terms and conditions of an insurance procurement agreement acceptable to Town Attorney will constitute a breach of any agreement with the Town for use and operation at the premises and the entities may be held liable for such breach and will be held responsible for costs, expenses and attorney fees.

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a license agreement in conjunction with the event on 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 Eugene Cook	AYE
Mark A. Cuthbertson	AYE
Councilwoman Tracey A. Edwards	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-20

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH LIGHTHOUSE TRAINING AND CONSULTING, LLC

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Supervisor Petrone

And seconded by: **COUCILWOMAN EDWARDS**

WHEREAS, the Town is required to train employees in various subject matters related to health and safety pursuant to NYS State and Federal regulations, including, but not limited to Right to Know, Blood Borne Pathogens, Workplace Violence, US DOT Drug and Alcohol Awareness Training; and

WHEREAS, there are policies and procedures associated with these safety and health regulations which need to be implemented, reviewed and updated; and

WHEREAS, it is necessary to assess various work sites to determine adherence to safety and health regulations; and

WHEREAS, Lighthouse Training and Consulting, LLC, provides such services; and

WHEREAS, entering into an agreement with Lighthouse Training and Consulting, LLC, to perform training and consulting services for the Town 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 an agreement with Lighthouse Training and Consulting, LLC, to provide training and consulting services to the Town of Huntington for an amount not to exceed the sum of THIRTY THOUSAND AND NO/000(\$30,000) to be charged to operating budget A1430-4550, and upon such other terms and conditions as approved by the Town Attorney.

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-21

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE TOWN OF HUNTINGTON ECONOMIC DEVELOPMENT CORPORATION

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Supervisor Petrone

And seconded by: **COUNCILMAN COOK**

WHEREAS, via Town Board Resolution 2003-353, the Huntington Town Board authorized the formation of the Town of Huntington Economic Development Corporation (EDC); and

WHEREAS, via Town Board Resolution 2004-510, the Town Board adopted the EDC's recommendations for infrastructure improvement projects in Huntington Station, most of which have since been completed; and

WHEREAS, The EDC continues to serve in an advisory role to the Town Board for economic development initiatives in general and in particular, in connection with Huntington Station's continuing redevelopment via a public/private partnership between the Town, EDC and Renaissance Downtowns Huntington Station, LLC ; and

WHEREAS, in furtherance of the above the Town Board wishes to re-enter into an agreement with the EDC; and

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

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with the Town of Huntington Economic Development Corporation, commencing on January 1, 2015 and terminating on December 31, 2015, for services related to assisting the Town in the enhancement of economic development, in an amount not to exceed THIRTY FIVE THOUSAND AND NO/100 DOLLARS (\$35,000.00), to be charged to Operating Budget Item A8684-4043, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2015-22

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE FRANCHISE AGREEMENT FOR SCIENCE CAMPS AND PROGRAMS FOR THE TOWN OF HUNTINGTON DEPARTMENT OF PARKS AND RECREATION WITH SCIENSATIONAL WORKSHOPS FOR KIDS, INC.

Resolution for Town Board Meeting Dated: January 14, 2015

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

WHEREAS, the Town of Huntington is desirous of utilizing the instructional services of a qualified, trained vendor to organize, coordinate and supervise various science programs at various facilities throughout the Town; and

WHEREAS, Town Board Resolution 2013-121 granted a franchise agreement with Sciensational Workshops for Kids, Inc., 6 Doe Drive, Columbia, New Jersey 07832 to conduct science camps and programs at various sites, RFP 2012-12-011; and

WHEREAS, said contract provides for two (2) one (1) year extensions at the same terms and conditions; and

WHEREAS, Sciensational Workshops for Kids, Inc. has requested the first one (1) year extension at the same terms and conditions of the original Request for Proposal; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the franchise agreement, and any documents in connection and related therewith, with Sciensational Workshops for Kids, Inc. to conduct instructional science camps and programs at various sites in the Town. The Town will receive 20% of the total revenue generated which will be recorded into Operating Budget Item A2006 for a one year term commencing April 29, 2015, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR OVERHEAD AND ROLLUP DOOR REPAIRS AND SERVICE WITH SUPERIOR OVERHEAD DOOR, INC.

Resolution for Town Board Meeting Dated: January 14, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, it is the intent of this requirements contract to provide repair service and general maintenance to a wide variety of overhead and rollup doors, as required by various Town facilities to ensure that all doors are operating in good working order; and

WHEREAS, Town Board Resolution 2014-48 authorized the execution of a contract with Superior Overhead Door, Inc. for overhead and rollup door repairs and service, Bid No. TOH 14-01R-007; and

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

WHEREAS, Superior Overhead Door, Inc., 309 Magnolia Drive, Selden, New York 11784 has requested the first one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Superior Overhead Door, Inc. for overhead and rollup door repairs and service. The extension period shall be effective for one (1) year commencing on April 8, 2015 to be charged to various operating budgets in object code .4650, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-24

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE FRANCHISE AGREEMENT FOR THE YOUTH SPORTS PROGRAMS AT VARIOUS TOWN PARKS WITH UNITED SOCCER ACADEMY, INC.

Resolution for Town Board Meeting Dated: January 14, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington is desirous of utilizing the instructional services of a qualified, trained vendor to organize, coordinate and supervise year round instructional soccer and multiple sports programs for youths at various parks throughout the Town; and

WHEREAS, Town Board Resolution 2013-120 granted a franchise agreement with United Soccer Academy, Inc. 12 Maiden Lane, Suite 1, Bound Brook, New Jersey 08805 to conduct Youth Sports Programs, RFP No. 2012-12-012 at various Town Parks; and

WHEREAS, said contract provides for two (2) one (1) year extensions at the same terms and conditions; and

WHEREAS, United Soccer Academy, Inc. has requested the first one (1) year extension at the same terms and conditions as the original Request for Proposal; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the franchise agreement, and any documents in connection and related therewith, with United Soccer Academy, Inc. to conduct youth sports programs at various Town Parks. The Town will receive 20% of the total revenue generated and will be recorded into Operating Budget Item A2001. for a one year period commencing on June 17, 2015, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-25

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH H2M ARCHITECTS + ENGINEERS TO PROVIDE ANNUAL ENGINEERING RETAINER SERVICES FOR 2015 FOR THE HUNTINGTON AND CENTERPORT SEWER DISTRICTS

Resolution for Town Board Meeting Dated: January 14, 2015

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

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

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

WHEREAS, H2M Architects + Engineers has submitted proposals for annual engineering retainer services for the Huntington and Centerport Sewer Districts for 2015 and the Department of Environmental Waste Management has evaluated the proposals and found them acceptable; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an agreement with H2M Architects + Engineers P.C., 538 Broad Hollow Road, Melville, New York 11747 for annual engineering retainer services for 2015 for the Huntington and Centerport Sewer Districts for an amount not to exceed the sum of FORTY EIGHT THOUSAND TWO HUNDRED FIFTY AND NO/100 (\$48,250.00) DOLLARS to be charged to Operating Budget Items SS1-8131.4550 (\$45,650.00) and SS2-8132.4550 (\$2,600.00) and upon such other terms and conditions as approved by the Town Attorney.

FURTHER BE IT RESOLVED the Town Board authorizes the Comptroller to amend the 2015 Operating budget as follows:

Increase the following revenue:

SS10599-0599R	Appropriated Fund Balance	\$30,000
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Increase the following appropriation:

SS18131-4550	Outside Professional	\$30,000
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2015-25

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH H2M ARCHITECTS + ENGINEERS TO PROVIDE ANNUAL ENGINEERING SERVICES TO THE DIX HILLS WATER DISTRICT FOR THE YEAR 2015

Resolution for Town Board Meeting Dated: January 14, 2015

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

and seconded by : **COUNCILMAN COOK**

WHEREAS, H2M Architects + Engineers has been the consultant to the Dix Hills Water District for many years, and has demonstrated that it possesses the requisite skill, knowledge and expertise to continue serving the needs of the special improvement district for the 2015 calendar year; and

WHEREAS, H2M Architects + Engineers has submitted a written proposal of services to be rendered to the District in 2015, and such proposal has been reviewed and found to be acceptable by the Director of Engineering Services; and

WHEREAS, the Dix Hills Water District may require H2M Architects + Engineers to perform engineering beyond the tasks identified in their 2015 proposal such as tank maintenance, water main replacement, meter replacement design, facility upgrades, the District will have in their possession, a fully executed contract with H2M, billing rates, insurance documents and therefore there will be no need to execute a stand-alone contract for additional engineering services; and

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

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the execution of an agreement with H2M Architects + Engineers located at 538 Broad Hollow Road, Melville, New York 11747 for the provision of engineering services to the Dix Hills Water District in the year 2015, as set forth in the scope of services attached hereto as Schedule "A", in an amount not to exceed FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS, to be charged to Operating Budget Item No. SW1-8321-4550, and on such other and further terms and conditions as deemed acceptable to the Town Attorney; and

FURTHER AUTHORIZES, the retention of H2M Architects + Engineers to perform additional services having to do with the Dix Hill Water District on an "as-needed" basis, as may be deemed necessary by the Director of Engineering Services, upon the presentation by H2M of a "Scope of Services" in writing for each such additional project and the approval of the written proposal by the Director of Engineering, and subject further, to approval by the Members of the Town Board, as Commissioners of the District, of the additional expenditure for each such additional service.

2015-26

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



water

538 Broad Hollow Road, 4th Floor East
Melville, NY 11747tel 631.756.8000
fax 631.694.4122

December 16, 2014

Mr. Joseph Cline, P.E.
Director of Engineering Services
Town of Huntington
100 Main Street
Huntington, New York 11743

**Re: Dix Hills Water District
Proposal for Retainer Services – 2015
H2M Letter Proposal No.: LP14-1449**

Dear Mr. Cline:

As you know, H2M has been providing engineering services to the Dix Hills Water District for over 50 years. This includes the services from the large design/construction tasks related to capital projects to the routine tasks related to the normal operation and maintenance and regulatory compliance issues. We are pleased to submit this proposal to continue to provide engineering retainer services during the calendar year of 2015 for the Dix Hills Water District.

H2M has been providing engineering services to the water suppliers and municipalities of Long Island for over 80 years with a staff of over 270 employees. H2M is capable of meeting all of the engineering needs of the District. With our main office being located in Melville, within five (5) miles of the District office, our staff is immediately available for any emergency that may occur. In addition, our long standing knowledge of the District's facilities and operations allows us to be a key resource to the operational staff.

H2M proposes to continue to provide the following services as part of the retainer:

1. Attend informal general meetings of the District with Operators and Administrators (up to four (4) per year).
2. Meet quarterly with District representatives and Administrator for general discussion and review of District's problems, policy and future requirements.
3. Represent District at conferences and/or non-Town meeting (not to exceed three per year).
4. Provide general and operator consultation to District on an as-needed basis (up to 12 hours per year).
5. Provide field engineering services for trouble shooting problems and operator consultation (not to exceed six (6) times per year).
6. Prepare the Consumer Confidence Report/Annual Water Supply Statement and supplemental Water Quality Data package.
7. Prepare Town of Huntington Capital Budget forms for the District.
8. Review and evaluate water quality data for testing laboratory on a weekly basis.
9. Attend Citizens Advisory Committee meetings.

Schedule A



Mr. Joseph Cline, P.E.
Town of Huntington
December 16, 2014
LP14-1449
Page 2 of 2

10. Conduct Semi-Annual Water Storage Tank Inspection and Report for two (2) elevated tanks and one (1) ground storage tank.
11. Prepare a District Newsletter to be mailed with Consumer Confidence Report.
12. To provide printing, folding, labeling and delivery to post office of the Newsletter and Consumer Confidence Report. Note that this does not include postage.
13. Conduct Annual Safety Training Program as requested by New York State Dept. of Labor.

Noting the financial pressures of providing water to the community at a reasonable cost, H2M proposes to provide our services at the same Fee Schedule as in 2013. We propose to provide the above services (Item Nos. 1 through 13) for a lump sum fee of \$8,500 per quarter or \$34,000 for the year.

In addition, we propose to provide additional services to the District on an as needed basis to address events that occur above and beyond the scope of work listed in Items 1 through 13. We propose to provide these services on an as-needed basis and the work would be billed at hourly rates times a multiplier of 3.3 or lump sum fee should the scope of work be well defined. We recommend that the District budget approximately \$16,000 for this unforeseen/undefined additional services at this time. Any additional work will only be performed after receiving approval from your office. Based on the above, we request that a Purchase Order in the amount of \$50,000 be issued to H2M for engineering work for the Year 2015.

As discussed, we also request that this year's Agreement between the Town and H2M include the ability for the Town Board to award H2M additional assignments throughout the year for miscellaneous engineering on an "as-needed basis" based on the Town Board approving a Town Board Resolution.

H2M appreciates the opportunity to continue to provide engineering services to the District and Town.

Please contact our office if you have any questions.


H2M architects + engineers

Dennis M. Kelleher, P.E.
President - H2M Water

DMK:slj

cc: Supt. John Hennessey

2015- 27

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE HUNTINGTON COMMUNITY FIRST AID SQUAD, INC., FOR EMERGENCY MEDICAL AND AMBULANCE SERVICES TO THE HUNTINGTON COMMUNITY AMBULANCE DISTRICT

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, funding in the amount of ONE MILLION EIGHT HUNDRED SIXTY FIVE THOUSAND THREE AND NO/100 (\$1,865,003.00) DOLLARS has been allocated for the Huntington Community Ambulance District in the 2015 Operating Budget Item SM24542.4001; and

WHEREAS, the Huntington Community First Aid Squad, Inc., has provided emergency medical and ambulance services to the Huntington Community Ambulance District; and

WHEREAS, it is in the best interests of the residents of said district to continue to receive such services from the Huntington Community First Aid Squad, Inc.; and

WHEREAS, the execution of this contract 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 Board, on behalf of the Huntington Community Ambulance District to execute an agreement with the Huntington Community First Aid Squad, Inc. for emergency medical and ambulance services for the term beginning January 1, 2015 and ending December 31, 2015, at a cost of ONE MILLION EIGHT HUNDRED SIXTY FIVE THOUSAND THREE AND NO/100 (\$1,865,003.00) DOLLARS to be charged to 2015 Operating Budget Item SM24542.4001 in two equal installments to be submitted by voucher on February 28, 2015 and June 30, 2015, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COMMACK VOLUNTEER AMBULANCE CORPORATION FOR EMERGENCY MEDICAL AND AMBULANCE SERVICES TO THE COMMACK AMBULANCE DISTRICT

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND, COUNCILMAN COOK

WHEREAS, funding in the amount of FOUR HUNDRED NINETY ONE THOUSAND THREE HUNDRED THIRTY EIGHT AND NO/100 (\$491,338.00) DOLLARS has been allocated for the Commack Ambulance District in the 2015 Operating Budget Item SM14541.4001; and

WHEREAS, the Commack Volunteer Ambulance Corporation has provided emergency medical and ambulance services to the Commack Ambulance District; and

WHEREAS, it is in the best interests of the residents of said district to continue to receive such services from the Commack Volunteer Ambulance Corporation; and

WHEREAS, the execution of this contract 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 Board, on behalf of the Commack Ambulance District, to execute an agreement with the Commack Volunteer Ambulance Corporation for emergency medical and ambulance services for the term beginning January 1, 2015 and ending December 31, 2015, at a cost of FOUR HUNDRED NINETY ONE THOUSAND THREE HUNDRED THIRTY EIGHT AND NO/100 (\$491,338.00) DOLLARS to be charged to 2015 Operating Budget Item SM14541.4001 in two equal installments to be submitted by voucher on February 15, 2015 and August 1, 2015, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-29

RESOLUTION AUTHORIZING THE COMMUNITY BENEFITS AGREEMENT BY AND AMONG THE TOWN OF HUNTINGTON, TOWN OF HUNTINGTON ECONOMIC DEVELOPMENT CORPORATION AND RENAISSANCE DOWNTOWNS AT HUNTINGTON STATION, LLC

Resolution for Town Board Meeting Dated: January 14, 2015

The following Resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, the Town entered into that certain Master Developer Agreement dated as of April 26, 2012 (the "MDA") made, by and among the Town, the Town of Huntington Economic Development Corporation ("EDC") and Renaissance Downtowns at Huntington Station LLC, a wholly-owned affiliate of Renaissance Downtowns LLC ("RDHS") pursuant to which RDHS would study, engage with the community and, subject to the terms and conditions set forth in the MDA, redevelop, enhance neighborhoods, and advance economic development within Huntington Station, specifically described in the MDA;

WHEREAS, in order to ensure that, prior to any construction by RDHS, a Community Benefits Agreement ("CBA") will be developed and implemented, the parties entered into that certain First Amendment to the MDA requiring that Town, the EDC and RDHS enter into a CBA prior to the issuance of any building permits to RDHS;

WHEREAS, the Town, the EDC and RDHS have negotiated and have reached substantial agreement on the terms and conditions of a CBA;

WHEREAS, the CBA requires that RDHS provide construction skills apprenticeship training opportunities for Huntington residents in connection with the construction of the proposed hotel and office building;

WHEREAS, the CBA states that it is the intention of the parties that the majority of the funds paid by RDHS under the CBA will be used to fund community programs; and

WHEREAS, the CBA also sets goals for awarding a portion of all construction contracts and permanent jobs to Huntington contractors and residents, respectively.

NOW, THEREFORE, THE TOWN BOARD,

HEREBY AUTHORIZES the Town Supervisor to execute a CBA substantially in the form of the terms and conditions that have been discussed to date by and among the Town, the EDC and Renaissance Downtowns at Huntington Station LLC, and in form and substance satisfactory to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015 - 30

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO TAKE ALL APPROPRIATE ACTION INCLUDING BUT NOT LIMITED TO THE COMMENCEMENT OF A CIVIL ACTION FOR INJUNCTIVE RELIEF AND MONETARY RELIEF AGAINST THE OWNERS, OPERATORS AND/OR PERSONS IN CHARGE OF THE PROPERTY KNOWN AS 21 ELKLAND ROAD, MELVILLE, NEW YORK (SCTM NO.: 0400-269.00-02.00-015.000)

Resolution for Town Board Meeting Dated: January 14, 2015

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

And seconded by: **COUNCILMAN COOK**

WHEREAS, Jaime S. Warren and Denise Warren are the owners of property located at 21 Elkland Road in Melville, bearing SCTM No.: 0400-269.00-02.00-015.000; and

WHEREAS, the Town of Huntington owns adjoining land which is designated as passive parkland and known as Dr. Jeffrey Wenig Park (a/k/a Roundtree Park); and

WHEREAS, it has come to the attention of the Huntington Town Board that there are a number of encroachments and uses being made of the park, and natural vegetation has been removed and cleared, all without the consent of the Town Board; and

WHEREAS, there are violations of the Town and New York State Building Code at the premises; and

WHEREAS, authorizing the commencement of a lawsuit to enforce the property rights of the Town is a Type II action pursuant to 6 NY.C.R.R. 617.5, and therefore, no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES, the Town Attorney to take all appropriate legal and equitable action to enforce the provisions of the Code of the Town of Huntington, remedy the continuing trespass upon the property of the Town, and for monetary relief and other penalties against the owners, operators and/or persons in charge of 21 Elkland Road, Melville, New York, and all other responsible parties.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2015 - 31

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO CONTINUE THE
RETENTION OF AN EXPERT IN ENGINEERING
(CONRAD F. POHLMANN, P.E.)

Resolution for Town Board Meeting Dated: January 14, 2015

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

And seconded by: **COUNCILMAN COOK**

WHEREAS, Conrad F. Pohlmann, P.E. was previously retained by Town Board Resolution 2014-359 as an expert in the construction of a road runoff drainage system related to the matter of Modica v. Town of Huntington; and

WHEREAS, it has become necessary, due to the complexity of the case, to continue the professional engineering services in this matter; and

WHEREAS, the Town Attorney has indicated that the use of such expert services may be required to re-design engineering plans in accordance with settlement agreement; and

WHEREAS, the extension of a retainer for engineering services 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 continue the retention of Conrad F. Pohlmann, P.E., Consulting Engineer, located at 15 Highwood Drive, Northport, NY 11768, at an hourly rate of ONE HUNDRED FIFTY AND NO/100 (\$150.00) DOLLARS, for an amount not to exceed FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS to be charged to A-1420-4550 (Outside Professional) and on such other terms as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO RETAIN LEGAL COUNSEL FOR THE DIX HILLS WATER DISTRICT (LAW OFFICE OF THOMAS J. CASEY, ESQ.)

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, Thomas J. Casey, Esq. was previously retained by Town Board Resolution 2010-36 as Legal Counsel to provide legal expertise and prepare legal documents on behalf and in connection with the activities of the Dix Hills Water District; and

WHEREAS, authorizing the retention of legal counsel and the provision of funding are not actions pursuant to SEQRA as defined by 6 N.Y.C.R.R. §617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Town Attorney to retain the Law Office of Thomas J. Casey, Esq., 6 Red Deer Lane, Huntington, NY 11743, for an amount not to exceed the sum of THIRTY-TWO THOUSAND FIVE HUNDRED (\$32,500.00) DOLLARS, per year, to be charged to Operating Budget Item #SW1-8321-4551 (Outside Legal) and on such other terms as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2015 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: January 14, 2015

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

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendments to the 2015 Operating Budget as per the attached Schedule A.

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule ACreate the following positions:

A1430-1100	Sr. Clerk Typist	43,509
A1490-1100	Neighborhood Aide III	63,386
A1680-1100	Network System Specialist	62,924
A1680-1100	Network System Specialist	97,948
A7183-1100	Heavy Equipment Operator II	75,321
A7620-1100	Director of Minority Affairs	55,000
A8170-1100	Senior Sanitation Inspector	90,798
B1620-1100	Building Inspector	60,032
B1620-1100	Building Permits Examiner	45,575
B8020-1100	GIS Manager	104,349
B8020-1100	Planner	71,074
DB5110-1100	Dispatcher	69,546
DB5110-1100	Heavy Equipment Operator II (Sign Shop)	78,192
		<u>917,654</u>

Reinstate the following positions:

DB5110-1100	Heavy Equipment Operator II	71,857
DB5110-1100	Labor Crew Leader IV	94,680
DB5110-1100	Urban Forester	72,574
SR8158-1100	Heavy Equipment Operator II	71,857
SR8158-1100	Heavy Equipment Operator II	71,857
SR8158-1100	Heavy Equipment Operator II	71,857
		<u>454,682</u>

Abolish the following positions:

A1430-1100	Clerk Typist	(39,793)
A1490-1100	Confidential Secretary	(62,473)
A1680-1100	Network System Technician	(60,499)
A1680-1100	Network System Technician	(97,948)
A7183-1100	Grounds Keeper II	(84,223)
A8170-1100	Sanitation Inspector	(86,447)
B1620-1100	Engineering Inspector	(60,032)
B8020-1100	GIS Supervisor	(96,942)
B8020-1100	Planning Aide	(67,102)
DB5110-1100	Auto Equipment Operator	(69,546)
DB5110-1100	Maintenance Mechanic III	(78,192)
		<u>(803,197)</u>

2015-33

Increase the following revenue:

B1560-1560	Building Department Fees	45,575
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Decrease the following appropriation:

A7620-1150	Permanent Part Time Salaries	(30,000)
A1990-1100	Contingency	(27,503)
B1990-1100	Contingency	(11,379)
DB1990-1100	Contingency	(239,111)
SR1990-1100	Contingency	(215,571)
		<u>(523,564)</u>

2015- 35

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2015 OPERATING BUDGET AND APPROPRIATE FUND BALANCE FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – CULTURAL AFFAIRS (PUBLIC ART INITIATIVE)

Resolution for Town Board Meeting Dated: January 14, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Public Art Initiative (A-7460.4012) fund held an unobligated balance of **THIRTY THOUSAND ONE HUNDRED EIGHTY-ONE AND 29/100 DOLLARS (\$30,181.29)** at the end of 2014, and;

WHEREAS, for several years it has been the practice of the Town Board to regularly re-appropriate from fund balance the previous year's unobligated Public Art Initiative funds to support ongoing annual and multi-year public art projects; and,

WHEREAS, the 2015 Operating Budget approved by the Town Board allocates no new funding for the Public Art Initiative (A-7460.4012) in the current year; and,

WHEREAS, implementation of annual public art projects such as "Poetry for the HART," and "Awareness Day Public Art Projects" included in the 2015 Public Art Plan as approved by Resolution 2014-598, as well as other public art projects similarly approved, cannot proceed without the support of additional funds in 2015; and,

WHEREAS, the Public Art Advisory Committee recommends that the unobligated Public Art Initiative funds from 2014 be made available for implementation of these projects as outlined in the approved 2015 Public Art Plan; and,

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate fund balance and amend the 2015 Operating Budget as follows:

2015-35

Increase the following Revenue:

A-0599R Appropriated Fund Balance \$30,181.29

Increase the following Appropriation:

A7460-4012 Public Art Initiative \$30,181.29

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE CORRECTION OF CODE VIOLATIONS AT VARIOUS LOCATIONS PURSUANT TO THE CODE OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: January 14, 2015

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

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

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

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

NOW, THEREFORE, THE TOWN BOARD

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

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-36

Schedule A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
57 Caldwell St. Huntington Sta., NY 11746	0400-149.00-03.00-100.000	Christof Pasterak	12/26/2014	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
57 Caldwell St. Huntington Sta., NY 11746	0400-149.00-03.00-100.000	Christof Pasterak	12/26/2014	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
57 Caldwell St. Huntington Sta., NY 11746	0400-149.00-03.00-100.000	Christof Pasterak	12/26/2014	N/A

2015-36

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
119 East 10th St. Huntington Sta., NY 11746	0400-146.00-03.00-122.000	Alba M. Benitez Jesus Fuentes	12/02/2014	N/A
57 Caldwell St. Huntington Sta., NY 11746	0400-149.00-03.00-100.000	Christof Pasterak	12/26/2014	N/A

RESOLUTION ACCEPTING THE DEDICATION OF THREE ROAD WIDENINGS OF EAST 5TH STREET FOR THE SUBDIVISION KNOWN AS AVALON AT HUNTINGTON

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, the subdivision known as AVALON AT HUNTINGTON STATION was granted Conditional Final Approval by the Huntington Planning Board on April 30, 2014; and

WHEREAS, as a condition of approval the applicant is to dedicate three (3) road widenings (further described in Schedules A, B, and C attached hereto) of East 5th Street; and

WHEREAS, the Office of the Town Attorney is now in possession of the necessary deed and other documents and recording fees in order to file said documents with the Clerk of Suffolk County; and

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

NOW, THEREFORE, BE IT

RESOLVED that the Town Board

HEREBY ACCEPTS the dedication of three (3) road widenings (further described in Schedules A, B, and C attached hereto) of East 5th Street for the subdivision known as AVALON AT HUNTINGTON STATION.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

SCHEDULE A

BEGINNING at a point on the northerly side of East Fifth Street, distant the following three (3) courses from the corner formed by the intersection of the northerly side of East Fifth Street with the westerly side of Park Avenue (CR 35A);

- 1) S 50° 36' 30" W, 936.34 feet;
- 2) S 32° 37' 02" W, 104.16 feet;
- 3) Westerly along the arc of a curve bearing to the right, having a radius of 642.00 feet and a length of 105.28 feet to the TRUE POINT of BEGINNING;

RUNNING THENCE along the northerly side of East Fifth Street the following two (2) courses;

- 1) S 68° 28' 51" E, 17.24 feet;
- 2) S 54° 13' 00" W, 145.02 feet;

THENCE easterly, along the arc of a curve bearing to the left, having a radius of 642.00 feet, and a length of 136.74 feet; to the POINT or PLACE of BEGINNING.

Containing within said bounds: 721 s.f.

SCHEDULE B

BEGINNING at a point on the northerly side of East Fifth Street, distant the following five (5) courses from the corner formed by the intersection of the northerly side of East Fifth Street with the westerly side of Park Avenue (CR 35A);

- 1) S 50° 36' 30" W, 936.34 feet;
- 2) S 32° 37' 02" W, 104.16 feet;
- 3) Westerly along the arc of a curve bearing to the right, having a radius of 642.00 feet and a length of 105.28 feet;
- 4) S 68° 28' 51" E, 17.24 feet;
- 5) S 54° 13' 00" W, 503.41 feet to the TRUE POINT of BEGINNING;

RUNNING THENCE along the northerly side of East Fifth Street the following two (2) courses;

- 1) S 54° 13' 00" W, a distance of 69.30 feet;
- 2) S 64° 46' 30" W, 69.30 feet;

THENCE easterly, along the arc of a curve bearing to the left, having a radius of 750.00 feet, and a length of 138.21 feet to the POINT or PLACE of BEGINNING.

Containing within said bounds: 147 s.f.

SCHEDULE C

BEGINNING at a point on the northerly side of East Fifth Street, distant the following six (6) courses from the corner formed by the intersection of the northerly side of East Fifth Street with the westerly side of Park Avenue (CR 35A);

- 1) S 50° 36' 30" W, 936.34 feet;
- 2) S32° 37' 02" W, 104.16 feet;
- 3) Westerly along the arc of a curve bearing to the right, having a radius of 642.00 feet and a length of 105.28 feet;
- 4) S 68° 28' 51" E, 17.24 feet;
- 5) S 54° 13' 00" W, 503.41
- 6) S 64° 46' 30" W, 703.85 feet;

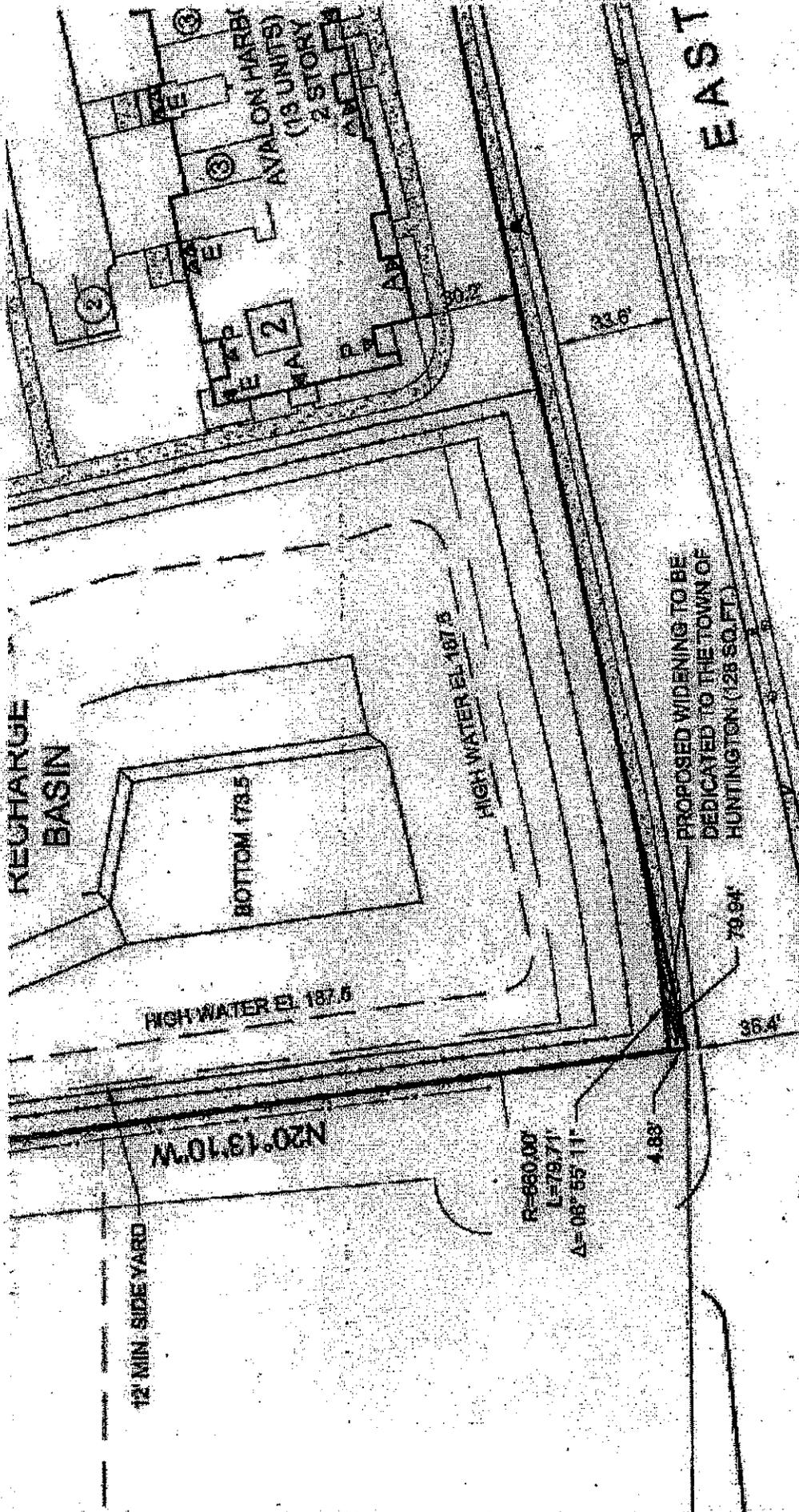
RUNNING THENCE along the northerly side of East Fifth Street S 64° 46' 30" W, 79.94 feet;

THENCE N 20° 13' 10" W, 4.83 feet;

THENCE easterly along the arc of a curve bearing to the left, having a radius of 660.00 feet, and a length of 79.71 feet to the POINT or PLACE of BEGINNING.

Containing within said bounds: 128 s.f.

Schedule C



RESOLUTION ACCEPTING THE DEDICATION OF LAND, EQUIPMENT AND EASEMENTS FOR THE BENEFIT OF THE HUNTINGTON SEWER DISTRICT

Resolution for Town Board Meeting Dated: January 14, 2015

The following Resolution offered by: **COUNCILMAN COOK**

And seconded by: **SUPERVISOR PETRONE**

WHEREAS, on June 6, 2011 by Resolution No.: 2011-310 the Town Board adopted Local Law 25-2011 conditionally rezoning property located on the north side of East Fifth Street, 1,130.97 feet west of Park Avenue, in Huntington Station, New York, from R-7 Residence District to R-3M Garden Apartment Special District (hereafter "Subject Property"); and

WHEREAS, the Subject Property was formerly identified on the Suffolk County Tax Map by number 0400-104.04-01-(001-109, 112-114 & 116-118), and is presently shown on the filed map known as "Avalon at Huntington Station" by number 0400-104.04-01-(118.2 through 118.80), inclusive; and

WHEREAS, the change of zone was conditioned, in part, upon connection of the Subject Property to the public sewer system at the applicant's sole cost and expense, including the installation of all equipment, facilities, and appurtenances deemed necessary by the Huntington Sewer District to make the connection along the East Fifth Street frontage of the property; and

WHEREAS, Avalon Huntington Former S Corp. f/k/a Starlight Building Corp., through its affiliate, AvalonBay Communities, Inc. (collectively "Avalon"), has, at its own cost and expense, constructed and installed a pump station including a standby generator, water surface meter pit and related appurtenances on a newly-created 0.08-acre parcel of land shown on the Suffolk County Tax Map as 0400-104.04-01-118.80 ("Lot 118.80"), and a subsurface force main located within a 3.01- acre parcel shown on the tax map as . 0400-104.04-1-118.3 ("Lot 118.3"); and

WHEREAS, Avalon has offered Lot 118.80, including the pump station and related appurtenances, and the force main located on Lot 118.3 for dedication to the Town/Huntington Sewer District; and

WHEREAS, two easements have been offered to be used for the benefit of the Huntington Sewer District: a 10-foot drainage easement over Lot 118.3 for the purpose of accepting stormwater runoff from Lot 118.80, and a 16-foot access easement providing

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access to the subsurface force main located within Lot 118.3 to upgrade, repair and maintain the force main and other district facilities as may be needed; and

WHEREAS, these improvements to district facilities and easements are offered at no cost to the Town or the District; and

WHEREAS, the Director of Environmental Waste Management has recommended that the offer be accepted; and

WHEREAS, the Town Board finds, after careful consideration, that the acquisition of such land, equipment and easements would benefit users of the Sewer District and it is in the best interests of the Town and District to accept such dedications and easements; and

WHEREAS, the Town Board adopted a Negative Declaration for the Avalon at Huntington Station – R3M zone change on June 6, 2011, and these improvements to sewer district facilities and necessary resulting easements were considered in the zone change review; and therefore, no further SEQRA review is required in accordance with §6 NYCRR 617.3(g),

NOW THEREFORE,

THE TOWN BOARD ON BEHALF OF THE TOWN OF HUNTINGTON, AND MEMBERS OF THE HUNTINGTON TOWN BOARD, AS COMMISSIONERS OF THE HUNTINGTON SEWER DISTRICT,

HEREBY ACCEPT, at no cost to the Town or District, the dedication of real property known as Lot 118.80 on the filed map of “Avalon at Huntington Station,” (Schedule “A”) including the pump station and related appurtenances and improvements thereon, and the subsurface force main located on Lot 118.3, upon a finding that same inures to the benefit of all District users and is necessary for the delivery of District services; and

FURTHER ACCEPT, nunc pro tunc, at no cost to the Town or District, a drainage easement over Lot 118.3 for the purpose of accepting stormwater runoff from Lot 118.80 (Schedule “B”) and a 16-foot access easement (Schedule “C”) providing access to the subsurface force main located within Lot 118.3 for the purpose of upgrading, expanding, repairing and maintaining the force main and other district facilities; and

HEREBY CONDITION said approvals on the submission by the grantor of all documents deemed necessary by the Town Attorney to protect and secure the interests of the Town and District, including a certification of title and confirmation that such transfers are free and clear of any mortgages, liens or violations; and

FURTHER AUTHORIZES the Supervisor to execute all documents deemed necessary by the Town Attorney to effectuate such transfers and accept such easements.

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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 Eugene Cook	AYE
Councilwoman Tracey A. Edwards	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

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SCHEDULE "A"

(SCTM 0400-104.04-01.00-118.80)

BEGINNING at a point on the northerly side of East Fifth Street, said point being distant the following three (3) courses from the corner formed by the intersection of the northerly side of East Fifth Street with the westerly side of Park Avenue (CR. 35A);

- 1) S 50° 36' 30" W, 936.34 feet;
- 2) S 32° 37' 02" W, 104.16 feet;
- 3) Westerly along the arc of a curve bearing to the right, having a radius of 642.00 feet and a length of 105.28 feet to the TRUE POINT of BEGINNING;

RUNNING THENCE along the northerly side of East Fifth Street, westerly along the arc of a curve bearing to the right, having a radius of 642.00 feet and a length of 58.04 feet;

THENCE the following four (4) courses;

- 1) N 48° 38' 52" W, 48.05 feet;
- 2) N 41° 21' 08" E, 57.99 feet;
- 3) N 76° 53' 50" E, 29.07 feet;
- 4) S 13° 06' 10" E, 40.68 feet to the POINT or PLACE of BEGINNING.

Containing within said bounds: 3,459 s.f./0.08 acres.

SCHEDULE "B"

(Drainage Basement Area)

BEGINNING at a point, said point being distant the following four (4) courses from the corner formed by the intersection of the northerly side of East Fifth Street with the westerly side of Park Avenue (CR 35A);

- 1) S 50° 36' 30" W, 936.34 feet;
- 2) S 32° 37' 02" W, 104.16 feet;
- 3) Westerly along the arc of a curve bearing to the right, having a radius of 642.00 feet and a length of 163.32 feet;
- 4) N 48° 38' 52" W, 26.72 feet to the TRUE POINT of BEGINNING;

RUNNING THENCE the following four (4) courses:

- 1) S 41° 21' 08" W, 10.00 feet;
- 2) N 48° 38' 52" W, 10.00 feet;
- 3) N 41° 21' 08" E, 10.00 feet;
- 4) S 48° 38' 52" E, 10.00 feet to the POINT or PLACE of BEGINNING.

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SCHEDULE "C"

FORCE MAIN EASEMENT AREA & MAP

BEGINNING at a point, said point being distant the following four (4) courses from the corner formed by the intersection of the northerly side of East Fifth Street with the westerly side of Park Avenue (CR 35A);

- 1) S 50° 36' 30" W, 936.34 feet;
- 2) S 32° 37' 02" W, 104.16 feet;
- 3) Westerly along the arc of a curve bearing to the right, having a radius of 642.00 feet and a length of 163.32 feet;
- 4) N 48° 38' 52" W, 12.68 feet to the TRUE POINT of BEGINNING;

RUNNING THENCE the following two (2) courses;

- 1) S 41° 21' 00" W, 85.89 feet;
- 2) Westerly along the arc of a curve bearing to the left, having a radius of 642.00 feet and a length of 6.63 feet to the northerly side of East Fifth Street;

THENCE along said road line S 54° 13' 00" W, 358.39 feet to a point;

THENCE the following seven (7) courses;

- 1) Westerly along the arc of a curve bearing to the left, having a radius of 750.00 feet and a length of 91.69 feet;
- 2) N 28° 46' 44" W, 16.00 feet;
- 3) Easterly along the arc of a curve bearing to the right, having a radius of 734.00 feet and a length of 89.73 feet;
- 4) N 54° 13' 00" E, 358.32 feet;
- 5) Easterly along the arc of a curve bearing to the right, having a radius of 626.00 feet and a length of 4.82 feet;
- 6) N 41° 21' 00" E, 84.16 feet;
- 7) S 48° 38' 52" E, 16.00 feet to the POINT or PLACE of BEGINNING.

2015-39

RESOLUTION ACCEPTING THE DONATION OF A BENCH FROM THE FORT SALONGA ASSOCIATION AT GEISLER'S BEACH

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, The Town of Huntington recently upgraded Geissler's (Makamah) Beach in Ft. Salonga with a new greenbelt and parking lot design; and

WHEREAS, the Fort Salonga Association (FSA) was pleased with the work, and has worked with Maritime Services Department to pick a suitable bench for the FSA to dedicate at the facility; and

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

NOW, THEREFORE,

THE TOWN BOARD

HEREBY ACCEPTS the donation of a bench from the Fort Salonga Association for installation at Geissler's (Makamah) Beach in Fort Salonga, NY.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015- 40

RESOLUTION ACCEPTING A DONATION OF GOODS AND SERVICES FROM EIGHTEEN (18) MERCHANTS AND BUSINESSES RE: "SURPRISE FRIDAY FREE RAFFLE" AT THE TOWN OF HUNTINGTON SENIOR CENTER, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Councilwoman Edwards

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington will be hosting a free raffle for a giveaway at the Senior Center, 423 Park Avenue, Huntington, on December 12, 2014; and

WHEREAS, eighteen (18) merchants and businesses have generously donated various goods and services to the Town of Huntington Seniors; and

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

NOW, THEREFORE,

THE TOWN BOARD,

HEREBY ACCEPTS various donations of goods and services from eighteen (18) merchants and businesses listed on the attached Schedule "A" and thanks them for their generosity, nunc pro tunc.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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**SCHEDULE "A"
DECEMBER 2014 SURPRISE FRIDAY HOLIDAY
CONTRIBUTION ACKNOWLEDGEMENT LIST**

BAKERIES

A RISE ABOVE BAKE SHOP

333 Main Street
Huntington, NY 11743

\$25.00 Gift certificate

RESTAURANTS

FAZ'S TEX -MEX GRILL

38 Gerard Street
Huntington, NY 11743

\$20.00 Gift Certificate

HONU KITCHEN AND COCKTAILS

363 New York Ave
Huntington, NY

\$50.00 Gift Certificate

ALBERTS MANDARIN GOURMET

269 New York Ave
Huntington, New York 11743

\$20.00 Gift Certificate

MUNDAY'S

259 Main Street
Huntington, New York 11743

(2) \$25.00 gift certificates
Total \$50.00

OUTBACK STEAKHOUSE

893 New York Ave
Huntington , New York 11743

\$20.00 Gift certicficate

JONNY D'S PIZZA

946 New York Ave
Huntington Station, New York 11746

Gift Certificate for a large pizza pie

TROPICAL SMOOTHIE CAFÉ

61 Wall Street
Huntington, New York 11743

2 free smoothies and 2 buy one get one
Free sandwiches

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MOVIE THEATRES

CINEMA ARTS CENTRE

423 Park Ave
Huntington, New York 11743

(4) Movie Passes valued at \$44.00

AMC LOWES SHORE 8

37 Wall Street
Huntington, New York 11743

(4) Movie Passes

ELWOOD CINEMAS

1950 Jericho Turnpike
East Northport, New York 11731

\$20.00 Gift Certificate

MERCHANTS

L & L CAMERA INC.

267 New York Avenue
Huntington, NY 11743

Picture Frame Flower Pot
Value \$13.99

MADISON'S NICHE

14 Wall Street
Huntington, New York

Framed Print Valued at \$14.99

VINE AND ROSES

331 Main Street
Huntington, New York 11743

Pashmina Scarf
Valued at \$35.00

**THE BALLROOM OF
HUNTINGTON INC**

508 New York Ave
Huntington, New York 11743

(3) private Dance lessons
(6) dance class lessons

**THE LONGISLANDER
NEWSPAPERS**

14 Wall Street
Huntington, New York 11743

(1) year subscription

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FLORISTS

THE FUNKY FLOWER SHOP

388 New York Ave
Huntington, New York 11743

(1) Floral Arrangement
(5) \$20.00 Gift Certificates

VILLAGE FLOWERS

297 Main Street
Huntington, New York 11743

\$10.00 Gift Certificate

2015-41

RESOLUTION APPOINTING VARIOUS DIRECTORS AND DEPUTY DIRECTORS
FOR THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: January 14, 2015

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

and seconded by: **COUNCILWOMAN EDWARDS**

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

NOW THEREFORE

THE TOWN BOARD

HEREBY APPOINTS

Mark Tyree
14 Virginia Drive
Medford, NY 11763

as Director of the Department of General Services for an annual salary not to exceed the sum of ONE HUNDRED AND THIRTY THOUSAND (\$130,000) DOLLARS, effective January 15, 2015; and

HEREBY APPOINTS

Neal Sheehan
35 Homan Avenue
Blue Point, NY 11715

as Deputy Director of the Department of General Services for an annual salary not to exceed the sum of ONE HUNDRED AND SIX THOUSAND(\$106,500.00) DOLLARS, effective January 15, 2015; and

HEREBY APPOINTS

Matt Laux
26 Anokatok Drive
Huntington, NY 11743

as Interim Director of the Department of Environmental Waste Management for an annual salary not to exceed the sum of ONE HUNDRED AND TWENTY EIGHT THOUSAND(\$128,000.00) DOLLARS, effective January 15, 2015; and

2015-41

HEREBY APPOINTS

Thom Bocard
9 Gardiner Place
Huntington, NY 11746

as Deputy Director of the Department of Environmental Waste Management for an annual salary not to exceed the sum of ONE HUNDRED AND THIRTY THOUSAND(\$130,000.00) DOLLARS, effective January 15, 2015.

VOTE: AYES: 3 NOES: 1 ABSTENTIONS: 1

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2015-42

RESOLUTION REAPPOINTING AND APPOINTING ADMINISTRATIVE HEARING OFFICERS

Resolution for Town Board Meeting Dated: January 14, 2015

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the use of Administrative Hearing Officers expedites the issuance and renewal of licenses and permits handled by the Accessory Apartment Bureau and the Town Clerk, the determination of certain parking violations handled by the Traffic Violations Bureau and such other further and different hearings as may from time to time be assigned to them by the Town Board either pursuant to its resolution or the Town Code; and

WHEREAS, the appointment of administrative hearing officers 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 REAPPOINTS the following person as Administrative Hearing Officer to perform such duties as may be assigned by the Town Attorney either pursuant to Town Board Resolution or the Town Code:

Eric Sachs, Esq.
254 Pettit Avenue
Bellmore, New York 11710

HEREBY APPOINTS the following person as Administrative Hearing Officer to perform such duties as may be assigned by the Town Attorney either pursuant to Town Board Resolution or the Town Code:

Michael Helfer, Esq.
254 Pettit Avenue
Bellmore, New York 11710

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-43

RESOLUTION ESTABLISHING "A.R.M.S." (AMERICAN REACTIVATED FOR MILITARY SERVICE)

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Councilwoman Berland

And seconded by: **COUNCILMAN COOK**

WHEREAS, our country is in a state of heightened alert and our citizens are being called upon to serve their country; and

WHEREAS, the Town Board on behalf of its residents wishes to aid in this effort by supporting the reservists employed by the Town of Huntington and their families as they are called to active duty for our nation; and

WHEREAS, the Town is aware that salaries received by Town employees from the armed services are generally less than the salaries they receive from the Town of Huntington; and

WHEREAS, the Town recognizes the sacrifices these employees are making for our Town and our Country, the Town of Huntington does not want these individuals left at an economic disadvantage; and

WHEREAS, providing compensation or salary to Town employees is not an action as defined by SEQRA in 6 N.Y.C.R.R. §617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE, BE IT RESOLVED, the Town adopts the policy of supplementing the salary of all active duty reservists employed by the Town of Huntington so that they continue to receive their current rate of remuneration while they are actively deployed for combat or other active duty during 2015; and

BE IT FURTHER RESOLVED, the TOWN BOARD does not intend to permanently amend or establish any past practices concerning employees either covered by a collective bargaining agreement or appointed and is herewith authorizing the Supervisor to issue the necessary instructions to the appropriate departments to carry out this policy so that this patriotic benefit can be applied to all qualified employees serving in combat or other active duty, other than to their regular monthly/yearly reserve obligations.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2015- 44

RESOLUTION AUTHORIZING APPROPRIATE ACTION(S) IN ACCORDANCE WITH HUNTINGTON TOWN CODE CHAPTER 156 PROPERTY MAINTENANCE; NUISANCES, ARTICLE VII, BLIGHTED PROPERTY, § 156-67, ACTION BY TOWN BOARD FOR FAILURE TO COMPLY OR ABATE VIOLATIONS

Resolution for Town Board Meeting dated: January 14, 2015

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN COOK**

WHEREAS, on November 6, 2014 the Town Board designated certain properties as "blighted" and scheduled a public hearing to consider further action to remedy the conditions of blight; and

WHEREAS, those properties whose owners failed to enter into a Restoration Agreement with the Town or to take steps to remedy the conditions of blight upon their properties have been evaluated and considered for further action(s) to be taken at a public hearing held on December 9, 2014; and

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

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

NOW THEREFORE,

THE TOWN BOARD

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

HEREBY DIRECTS the Receiver of Taxes to assess the annual registration fees upon the properties as listed in Schedule "A" to this Resolution; and

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

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

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

HEREBY DESIGNATES the properties listed on Schedule "C" as having corrected previously blighted conditions or entered into a Restoration Agreement and as such are currently in compliance; and

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

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

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PREVIOUS EXHIBITS-SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
152	28 Kenneth Avenue Huntington	0400-169.00-01.00-069.001	Cave Hawk Corp. c/o Kevin Guiffoyle 86 Center Street Lake Ronkonkoma, NY 11779-4556	10/29/2014	\$ 2,500.00
153	69 Republic Road Melville	0400-267.00-02.00-020.001	Sunil T. Mathew 69 Republic Road Melville, NY 11747-4201	10/30/2014	\$ 2,500.00

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

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	DATE PUBLIC HEARING HELD
152	28 Kenneth Avenue Huntington	0400-169.00-01.00-069.001	Cave Hawk Corp. c/o Kevin Guilfoyle 86 Center Street Lake Ronkonkoma, NY 11779-4556	10/29/2014	12/9/2014
153	69 Republic Road Melville	0400-267.00-02.00-020.001	Sunil T. Mathew 69 Republic Road Melville, NY 11747-4201	10/30/2014	12/9/2014

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

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PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	DATE PUBLIC HEARING HELD
137	1 Denton Court Huntington	0400-206.00-01.00-055.000	Philip McLaughlin Deborah McLaughlin 1 Denton Court Huntington, NY 11743-5307	9/10/2014	11/6/2014
147	11 Ketchum Court E. Northport	0400-127.00-01.00-064.013	Richard & Joanne Tworkowski 11 Ketchum Court E. Northport, NY 11731-2037	9/29/2014	12/9/2014
148	18 Carlisle Drive Northport	0400-002.00-01.00-114.000	Lilliana Nedic 2520 23rd Avenue Long Island City, NY 11105-3115	9/29/2014	12/9/2014

-SCHEDULE C-
 IN COMPLIANCE

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ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 46-2014
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON,
CHAPTER 4, ARTICLE I, §4-3, SCHEDULE L.
RE: GERARD STREET; NORTH OF MAIN STREET, HUNTINGTON – TOWN
PARKING FIELDS

Resolution for Town Board Meeting dated: January 14, 2015

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

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD having held a public hearing on the 9th day of December, 2014 at 7:00 p.m. to consider adopting Local Law Introductory No. 46-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 4, ARTICLE I, §4-3, SCHEDULE L., and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 46-2014 amending the Uniform Traffic Code of the Town of Huntington, Chapter 4, ARTICLE I, §4-3, SCHEDULE L.; as follows:

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

LOCAL LAW NO. 2 - 2015
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON
CHAPTER 4, ARTICLE I, §4-3, SCHEDULE L.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 4, ARTICLE I, §4-3, SCHEDULE L.; as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON
CHAPTER 4, ARTICLE I, §4-3, SCHEDULE L.

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	<u>LOT NO.</u>	<u>LOCATION</u>	<u>REGULATION/TIME LIMITS</u>
ADD:	50	Eastern terminus of Gerard Street, north side of Main Street (HUN)	As posted

Section 2. Severability.

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

Section 3. Effective Date.

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

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ENACTMENT: ADOPT LOCAL INTRODUCTORY NO. 47 - 2014 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 111 (FIRE PREVENTION)

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Councilwoman Edwards

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD having held a public hearing on the 9th day of December, 2014 at 7:00 p.m. to consider adopting Local Law Introductory No. 47-2014, to consider amending the Code of the Town of Huntington, Chapter 111 (Fire Prevention), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 47-2014, amending the Code of the Town of Huntington, Chapter 111 (Fire Prevention); as follows:

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

LOCAL LAW NO. 3 -2015
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 111 (FIRE PREVENTION)

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

CHAPTER 111
FIRE PREVENTION

ARTICLE I
GENERAL PROVISIONS

§111-1. Title.

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

§111-2. Legislative Intent.

- A. It is the intention of the Town Board to establish regulations to safeguard life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of land or buildings [and structures] , whether or not the land is improved or the building is occupied.

B. The Town Board hereby adopts the provisions of the Fire code of New York State and successor law for application within its jurisdictional borders, which shall be enforced in accordance with the enforcement provisions of this chapter to the fullest [extend] extent permitted by law.

* * *

§111-5. Definitions. For the purpose of this Chapter the following terms shall have the meanings indicated. Where terms are not defined in this chapter and are defined in the Fire Code of New York State, Building Code of New York State, Mechanical Code of New York State, Fuel Gas Code of New York State, Residential Code of New York State, Property Maintenance Code of New York State or the Plumbing Code of New York State, such terms shall have the meanings ascribed therein. Where terms are not defined through the methods authorized by this section, such terms shall have their ordinary accepted meaning.

* * *

DORMITORY -- A building primarily providing sleeping and/or residential quarters for large numbers of people including but not limited to boarding school, college or university students.

LIMITED LICENSE -- A limited license is issued to an individual to proceed with a specific activity concerning the installation, repair, or modification of fire protection equipment. Limited licenses are issued for Fire Suppression Clean Agent systems, Fire Suppression Industrial Systems, Fire Suppression Kitchen Systems, and Fire Sprinkler systems.

MIXED USE OCCUPANCY -- A building or portion thereof that is utilized or occupied for more than one use or purpose. Mixed use occupancies may include residential dwelling units.

MULTIPLE RESIDENCE -- A building or portion thereof designed for or occupied by three or more family units living independently of each other and are classified as Group R-2 under the Fire Code of New York State.

OCCUPANCY -- The purpose for which a building or portion thereof is utilized or occupied.

* * *

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

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

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* * *

(4) Enforcement: issuance of notices of violation and summonses and provide assistance to the Town Attorney and other town departments in the prosecution of violations in the Town of Huntington, including but not limited to §87-25 of the town code.

* * *

§111-11. Notification of fire or explosion. The chief of any fire department providing [fire fighting] firefighting services within the Town of Huntington shall promptly notify the Chief Fire Marshal of any fire or explosion involving any structural damage to a building, fuel burning appliance, chimney or gas vent on property within his jurisdiction.

* * *

ARTICLE II
FIRE PREVENTION ADVISORY BOARD

* * *

[§111-22. through §111-25] [(Reserved)]

ARTICLE III
LIMITED LICENSES

§111-22. License Required.

- A. It shall be unlawful for any person, to install, repair, or modify automatic fire extinguishing systems, automatic fire sprinkler systems, or clean agent extinguishing systems, without benefit of a valid license issued by the Director of Engineering Services.
- B. It shall be unlawful to directly or indirectly allow a license to be used in connection with work not actually conducted or completed by the licensee or under the supervision of said individual. The person using the license and the license holder shall be deemed in violation of this chapter.

§111-23. Qualifications of applicants. The Huntington Plumbing Licensing Board shall determine whether an applicant for a limited license qualifies to take the written examination for a license based on the following criteria:

- A. Applicants shall be a minimum of 21 years of age and shall apply in writing to the Huntington Plumbing Licensing Board on application forms supplied by the Bureau of Fire Prevention together with payment of the requisite fees.
- B. Every applicant shall have at least five (5) years of continuous work experience in the installation, repair and/or maintenance of fire protection equipment; or have

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completed a plumbing union apprenticeship program, or an approved course of study at a certified technical school, or any combination thereof.

- C. Examination. Upon successful demonstration of competency, applicants shall take and pass a written examination with a minimum score of 70%. Applicants that fail the written exam may schedule a second exam without penalty. Failure to obtain a passing grade on the second exam shall require an applicant to submit an additional exam fee before the exam may be retaken. Failure to obtain a passing grade on the third exam shall void the application.
- D. Failure to receive a license shall not prevent the applicant from filing a new application at any time.

§111-24. Term of limited license; Application Fees.

- A. Term. Initial and renewal licenses are valid for a period of three (3) years from the date of issuance. Applications for initial and renewal license shall be made in person and shall include the following:
- (1) A completed and signed application on a form provided by the Department of Engineering Services accompanied by the requisite fee. The applicant shall disclose the D/B/A he or she proposes to use, if applicable; and
 - (2) Insurance certificates identifying general liability coverage in the minimum amount of \$1,000,000 for any one accident and \$500,000 for any one person, and for damage to property a minimum coverage of \$250,000; and
 - (3) Such other and further documentation as deemed necessary by the Licensing Board.
- B. Fees. The following fees are established for the application and issuance of a limited license to install, repair, or modify automatic fire extinguishing systems, automatic fire sprinkler systems, and clean agent extinguishing systems.
- (1) Initial application fee. A non-refundable processing fee of \$95.00 shall be remitted for each license type applied for prior to an applicant taking the respective examinations.
 - (2) Re-examination fee. If an applicant fails the written examination twice a non-refundable \$50.00 re-examination fee shall be payable before the test may be taken for a third time.
 - (3) Renewals. An individual who possesses a single or multiple limited licenses may renew the license(s) upon timely application for same and

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payment of a non-refundable renewal fee of \$150.00 prior to the expiration of the license sought to be renewed. Within 90 days of the expiration of the current license, renewals may be permitted upon payment of the license renewal fee and an additional penalty of \$75.00 without written reexamination. Applicants who fail to renew their licenses within such 90 day period shall be required to apply for a new license with the Plumbing Licensing Board. Such applicants are required to pay all requisite fees and pass a written examination.

§111-25. Liability of Town. The provisions of this article shall not relieve any person owning, operating maintaining or installing any fire protection equipment from liability for loss of life or damages to persons or property caused by any defect or hazardous condition therein; nor shall the Town be deemed to have assumed such liability by reason of any license issued pursuant to this article.

§111-25.1. Suspension or revocation of license. A license may be suspended or revoked by the Director of Engineering Services when it is found by inspection or otherwise that there has been an unlawful act in connection with the license, including but not limited to any of the following:

- A. A condition or restriction set forth in the license has been violated, neglected or ignored; or
- B. There has been a false statement, an error, mistake or misrepresentation as to a material fact in the application or documents submitted for a license; or
- C. The license is used by a person other than the person to which the license was issued; or
- D. The applicant failed, refused or neglected to comply with orders or notices duly issued by the Licensing Board or Bureau of Fire Prevention pertaining to the license within the time provided therein; or
- E. The license was issued in error or in violation of state, county, or local law, rule or regulation; or
- F. Such other basis as deemed proper or necessary by the Board or Chief Fire Marshal.

§111-25.2. Notice of Suspension or Revocation of License.

(A) Prior to the revocation of a licence, the Chief Fire Marshal shall prepare a report outlining the reason(s) for the proposed suspension or revocation of a license. A copy of the report shall be mailed to the licensee together with a Notice of Hearing which shall contain the date, time and place of an administrative hearing before an Administrative Hearing Officer to determine whether the license should be suspended or revoked.

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(B) Amendment, modification or withdrawal. The Chief Fire Marshal may amend, modify or withdraw any Notice issued if, in his judgment, the circumstances warrant such action provided the amended or modified Notice is served as provided in (C) herein within five (5) business days of service of the original Notice, and a hearing has not occurred.

(C) Service of Notice. The Notice of Hearing and Report shall be served either personally in accordance with the CPLR, or by registered or certified mail, return receipt requested and by regular mail, addressed to the licensee at the address shown on the application.

§111-25.3. Administrative hearing. An administrative hearing may be held before a duly appointed Administrative Hearing Officer. Hearings may be adjourned only upon good cause shown.

(A) Administrative Hearing Officer. The Hearing Officer may consider the evidence and shall submit his or her findings and recommendations to the Director of Engineering Services 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 of Hearing. 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 Hearing Officer's findings and recommendations. 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. The Director's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the licensee by regular mail and by registered or certified mail, return receipt requested.

(B) Conduct of hearings. At the administrative hearing the licensee 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.

(C) Action upon non-appearance. Upon the failure, neglect or refusal of the licensee to appear at the administrative hearing or submit objections thereto; or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the Notice was properly addressed, at the election of the Director the permit may be suspended for a period of time or revoked for the reasons set forth in the Chief Fire Marshal's original report. The Director's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the licensee by regular mail and by registered or certified mail, return receipt requested.

(D) Error or mistake. If the basis for the suspension or revocation is §111-25.1(E) such suspension or revocation shall be effective upon a mailing advising the licensee that the license is suspended or revoked and the reason(s) thereof. Such mailing shall be

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accomplished by regular and certified mail, return receipt requested, and addressed to the licensee at the address shown on the application.

(E) Remedies. Nothing contained herein is intended to limit or restrict the Town's use of other remedies without limitation, at law or in equity, or impede the ability of town officials to enforce the code through stop work orders, notices of violation and summonses.

ARTICLE [III] IV
PERMIT APPLICATION PROCESS

* * *

§111-29. Frequency of inspections.

A. The fire code official shall perform operational permit inspections and conduct fire safety property maintenance inspections of buildings and structures at the following intervals:

(1) Areas of assembly, areas of public assembly, dormitories, mixed-use occupancy buildings containing dwelling units, multiple residences, and business operations that require operational permits shall be inspected at least once every twelve (12) months.

(2) Inspection of [multiple dwellings and] all non-residential buildings, structures, uses and occupancies that do not require an operational permit shall be performed at least once every thirty-six (36) months. Requests for an inspection to be conducted less than once every thirty-six (36) months shall be accommodated upon payment of the requisite fee in the amount of one hundred (\$100.00) that shall be payable in advance of the inspection.

B. Before [an] a new operational permit is approved or an existing permit is renewed, an inspection of the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used shall be conducted to determine compliance with the provisions of this chapter or of any other applicable state or local law, regulation or rule.

* * *

§111-32. Acceptance of permit.

A. The acceptance of a permit shall constitute an agreement by the property owner and/or permit holder that the work to be performed, or activity or operation, will comply in all respects with the plans and specifications approved by the bureau, and that no modification, alteration or deviation from the approved plans and specifications, or the permit, will occur without the prior approval of the Chief Fire Marshal. A property owner and/or permit holder who performs work, or causes work to be performed, or conducts an operation or activity which modifies, alters or deviates from the approved plans, specifications or permit in any way

shall be in violation of this Chapter. In addition to any other penalty provided for herein, the Town may issue a stop-work order and [the Chief Fire Marshal] may revoke the permit.

- B. Non-transferability of permit to other property. It shall be unlawful to cause or permit a permit to be posted at a premise other than the premises for which the permit was issued. The permit holder, property owner to whom the permit was originally issued and the owner of the property on whose property the permit is unlawfully posted shall be strictly liable for a violation of this Chapter. In addition to any other penalty provided for herein, the Town may issue a stop-work order and [the Chief Fire Marshal] may revoke the permit.
- C. Alteration of permit. It shall be unlawful to alter, obscure, deface, change or otherwise tamper with any portion of a permit issued pursuant to this Chapter. The property owner and/or permit holder shall be strictly liable for a violation of this section. In addition to any other penalty provided for herein, the Town may issue a stop-work order[,] and [the Director may] revoke the permit.

§111-33. Revocation of permits.

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

* * *

- C. There has been a false statement, an error, mistake or misrepresentation as to a material fact in the application for a permit, the construction documents or the plans submitted for a permit [approval]; or

* * *

§111-34. Notice of Revocation of Permit.

(A) Prior to the revocation of a permit, the Chief Fire Marshal shall prepare a report outlining the reason(s) for the proposed revocation of a permit. A copy of the report shall be mailed to the property owner at the address shown on the most current assessment roll maintained by the Town Assessor, or to his agent, or person-in-charge of the property, and to the applicant together with a Notice of Hearing which shall contain the following:

- (1) A description of the property; and
- (2) The date, time and place of the scheduled administrative hearing before an Administrative Hearing Officer to determine whether the permit should be revoked; and

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(B) Amendment, modification or withdrawal. The Chief Fire Marshal may amend, modify or withdraw any Notice issued if, in his judgment, the circumstances warrant such action provided the amended or modified Notice is served as provided in (C) herein within five (5) business days of service of the original Notice, and a hearing has not occurred.

(C) Service of Notice. The Notice of Hearing and Report shall be served either personally in accordance with the CPLR, or by registered or certified mail, return receipt requested and by regular mail, addressed to the property owner at the last address shown on the most current assessment roll of the Town Assessor, or to the owner's agent at the last known address, or person-in-charge of the property and to the applicant.

§111-35. Administrative hearing. An administrative hearing may be held before a duly appointed Administrative Hearing Officer. Hearings may be adjourned only upon good cause shown.

(A) Administrative Hearing Officer. The Hearing Officer may consider the evidence and shall submit his or her findings and recommendations to the Director of Engineering Services 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 of Hearing. 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 Hearing Officer's findings and recommendations. 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. The Director'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.

(B) Conduct of hearings. At the administrative 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.

(C) Action upon non-appearance. Upon the failure, neglect or refusal of the owner, his agent, person-in-charge of the property or applicant to appear at the administrative hearing; or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the Notice was properly addressed, at the election of the Director the permit may be revoked for the reasons set forth in the Chief Fire Marshal's original report. The Director'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.

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(D) Error or mistake. If the basis for the revocation is §111-33(F) such revocation shall be effective upon a mailing advising the property owner, his agent, or person in charge of the property and the applicant that the permit is revoked and the reason(s) thereof. Such mailing shall be accomplished by regular and certified mail, return receipt requested, and addressed to the last known address of the proposed recipient.

(E) Remedies. Nothing contained herein is intended to limit or restrict the Town's use of other remedies without limitation, at law or in equity, or impede the ability of town officials to enforce the code through stop work orders, notices of violation and summonses.

[§111- 34.] §111-36 through §111-38. (Reserved).

ARTICLE [IV] V
FEES

* * *

§111-40. Operational permit fees.

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

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

FEE SCHEDULE FOR OPERATIONAL PERMITS

* * *

Section	Permit for:		Fee
<u>§111-79</u>	<u>Multiple Residences;</u> <u>Dormitories; Mixed-use</u> <u>Occupancy Buildings with</u> <u>Dwelling Units</u>		<u>\$475.00</u>

* * *

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

* * *

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B. Certificates of inspection issued to reflect the completion of these inspections shall be valid for a period not in excess of three (3) years.

(1) Inspection Fee. The fee to conduct Fire Safety and Property Maintenance Inspections shall be equivalent to one percent (1%) of the assessed value of the property inspected as reflected in the latest assessment rolls of the Town[.] except that the minimum fee shall be \$100.00 and the maximum fee shall be \$750.00 respectively. Property classified as regional shopping centers shall be exempt from the maximum fee value. All inspection fees shall be assessed on a yearly basis, and no annual fee shall be prorated or rebated.

* * *
ARTICLE [V] VI
CONSTRUCTION PERMITS

* * *
ARTICLE [VI] VII
OPERATIONAL PERMITS

§111-56. Required operating permits.

* * *
B. Occupancy or Use Prohibited. It shall be unlawful for an owner, managing agent, or person in charge of the property to operate a business, use, or occupy a building or a portion of a building without benefit of a required operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

* * *
§111-73. Places of assembly.

A. Permit required. It shall be unlawful for any person to operate or maintain a place of assembly or a place of public assembly without benefit of an operational permit, except that a permit shall not be required for any [place of] assembly occupancy used solely as a place of religious worship. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

B. Posting of placard. It shall be unlawful for the owner, operator or person-in-charge of a place of assembly or a place of public assembly to fail, refuse or neglect to post the occupant placard in a conspicuous place at or near the entrance to each place of assembly including those spaces used solely as a place of religious worship. Any person who fails, refuses or neglects to post the placard in a conspicuous location shall be in violation of this chapter.

- C. Exceeding occupant limit. It shall be unlawful for an owner, manager or person-in-charge of a place of assembly or a place of public assembly to allow the premise to exceed the posted occupant load identified on the occupancy placard. Any person who fails, refuses or neglects to maintain the posted occupancy limit shall be in violation of this chapter.

- D. All owners, managers, or persons-in-charge of places of assembly or a place of public assembly shall have a system or method in place by which the level of occupancy is monitored at all times during business hours in order to maintain safety and protect against exceeding the occupancy load. Such persons must disclose with specificity the method utilized and provide the number of existing occupants at the establishment upon request of a fire code official or other officer having jurisdiction. It shall be unlawful and a violation of this chapter to fail, refuse or neglect to maintain a system by which the occupancy load is monitored, or to fail to provide the number of occupants at an establishment upon request.

* * *

§111-79. Multiple residences, dormitories, and mixed-use occupancy buildings.

It shall be unlawful for an owner, managing agent, or person in charge of the property to rent, lease, or otherwise allow the occupancy of dwelling units within a multiple residence, a dormitory, or a mixed-occupancy building without benefit of an operational permit. Any person who fails, neglects or refuses to obtain an operational permit shall be in violation of this chapter.

* * *

§111- [79] 80. through §111-90. (Reserved)

ARTICLE [VII] VIII
[FIRE FIGHTING] FIREFIGHTING OPERATIONS AND RESTRICTIONS

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

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

§111-92. Fire hydrants and parking restrictions.

- A. It shall be unlawful for any person to damage, alter, tamper with, cause to be obstructed or utilized for any reason other than [fire fighting] firefighting purposes any fire hydrant within the Town of Huntington without permission of the agency having jurisdiction.

* * *

ARTICLE [VIII] IX

2015-46

MISCELLANEOUS PROHIBITIONS

* * *

ARTICLE [IX] X
ADMINISTRATIVE REMEDIES

* * *

§111-111. Emergencies.

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

* * *

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]

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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2015 - 47

ENACTMENT: ADOPT LOCAL INTRODUCTORY NO. 49 - 2014 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 124 (HOUSING STANDARDS AND PROPERTY MAINTENANCE), ARTICLE I (GENERAL PROVISIONS) AND ARTICLE III (BUILDINGS AND STRUCTURES)

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Councilwoman Edwards

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 9th day of December, 2014 at 7:00 p.m. to consider adopting Local Law Introductory No. 49-2014, to consider amending the Code of the Town of Huntington, Chapter 124 (Housing Standards and Property Maintenance), Article I (General Provisions) and Article III (Buildings and Structures), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 49-2014, amending the Code of the Town of Huntington, Chapter 124 (Housing Standards and Property Maintenance), Article I (General Provisions) and Article III (Buildings and Structures); as follows:

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

LOCAL LAW NO. 4 -2015
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 124 (HOUSING STANDARDS AND PROPERTY MAINTENANCE)
ARTICLE I (GENERAL PROVISIONS) AND ARTICLE III
(BUILDINGS AND STRUCTURES)

Section 1. Amendment to Chapter 124 (Housing Standards and Property Maintenance) of the Code of the Town of Huntington, Article I (General Provisions) and Article III (Buildings and Structures); as follows:

CHAPTER 124
HOUSING STANDARDS AND PROPERTY MAINTENANCE

ARTICLE I
GENERAL PROVISIONS

* * *

§124-03. Definitions.

* * *

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[MULTIPLE RESIDENCE – A one (1) or two (2) story building or structure containing three (3) or more dwelling units let for occupancy (with or without consideration) to a person(s) who is not the owner of record, pursuant to a written or verbal lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land, or otherwise. Structures listed on the Multiple Residence Registry are presumed to be established as Multiple Residences for compliance with this Chapter and the applicable provisions of the New York State Property Maintenance Code, but are not presumed to be legally established or in conformance with the zoning regulations.]

[MULTIPLE RESIDENCE REGISTRY- A registry of structures maintained by the Town of Huntington containing Multiple Residences subjected to prior inspection pursuant to the New York State Multiple Residence Law §§ 301 and 302.]

* * *
ARTICLE III
BUILDINGS AND STRUCTURES
* * *

§ 124-16. [Multiple residences.] (Reserved)

[(A)] [Inspection required. Inspections of the following areas within multiple residences on the Multiple Residence Registry for compliance with the provisions of this chapter and the New York State Property Maintenance Code shall be conducted by the Code Officer at least once every thirty-six (36) months, except as otherwise provided. At the request of the property owner, his agent or person-in-charge of the property an inspection may be conducted at shorter intervals upon payment of the requisite fee payable in advance of the inspection.]

[(1)] [Interior common areas of the building; and]

[(2)] [Vacant dwelling units. Notwithstanding any other provision of this section to the contrary, inspections shall be conducted when the unit becomes vacant and prior to re-letting or permitting the re-occupancy of the unit. The property owner, his agent or person-in-charge of the property shall notify the Code Officer as vacancies arise to schedule an inspection.]

[(B)] [Inspection fees. The inspection fee shall be paid in advance of an inspection and is due and payable within thirty (30) days of the date on the invoice generated by the Code Officer. The following fees shall be applicable:]

[(1)] [All interior common areas of the building: five hundred (\$500) dollars per inspection or part thereof.]

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[(2)] [Vacant dwelling units: One room studio -two hundred (\$200) dollars; one bedroom dwelling -two hundred and fifty (\$250) dollars and fifty (\$50) dollars for each additional bedroom.]

[(C)] [Occupancy permit. Upon the successful completion of an inspection and a finding by the Code Officer that the common areas or dwelling unit inspected complies with all applicable standards and regulations, an Occupancy Permit shall be issued to the owner of record. Each Occupancy Permit shall specify if the permit applies to the common area or a dwelling unit, and if it applies to a unit, it shall state with specificity the unit number or other detail sufficient to identify the unit.]

[(D)] [Prohibitions.]

[(1)] [It shall be unlawful for the property owner, his agent or person-in-charge of the property to fail, neglect or refuse to remit payment of the inspection fee within the period provided in this chapter; or]

[(2)] [It shall be unlawful for the property owner, his agent or person-in-charge of the property to fail, neglect or refuse to schedule, or permit, or otherwise interfere with an inspection; or]

[(3)] [It shall be unlawful for the property owner, his agent or person-in-charge of the property to fail, neglect or refuse to notify the Code Officer of a vacancy as one arises; or]

[(4)] [It shall be unlawful for the property owner, his agent, or person-in-charge of the property to rent, lease or otherwise allow the occupancy of dwelling units within a multiple residence without an inspection or issuance of an occupancy permit.]

* * *

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.

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

VOTE: AYES: 4 NOES: 0 ABSTENTIONS: 1

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2015-48

ENACTMENT: ADOPT LOCAL INTRODUCTORY NO. 50 - 2014 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 160 (REGISTRATION OF PROPERTY)

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Councilwoman Edwards

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, in amending its Code, the Town Board is exercising its statutory authority under §130 (3-a), (5), (11), (15) and (16) of the Town Law; §10(1)(ii)(a)(11) and (12) and §10(1)(iii)(d)(3) of the Municipal Home Rule Law, and any other applicable law, rule or statute in order to require owners of property to maintain minimum maintenance and safety standards, protect the occupants of non-owner occupied housing, preserve property values, and enhance the quality of life; and

THE TOWN BOARD having held a public hearing on the 9th day of December, 2014 at 7:00 p.m. to consider adopting Local Law Introductory No. 50-2014, to consider amending the Code of the Town of Huntington, Chapter 160 (Registration of Property), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 50-2014, amending the Code of the Town of Huntington, Chapter 160 (Registration of Property); as follows:

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

LOCAL LAW NO. 5-2015
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
HUNTINGTON, CHAPTER 160 (REGISTRATION OF PROPERTY)

Section 1. Amendment to the Code of the Town of Huntington, Chapter 160 (Registration of Property), as follows:

CHAPTER 160
REGISTRATION AND PERMITTING OF PROPERTY

ARTICLE I
[RENTAL REGISTRATION]

THE TEXT OF THIS ARTICLE IS DELETED IN ITS ENTIRETY

GENERAL PROVISIONS

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§160-1. Legislative intent.

(A) The Town Board intends to preserve the health, safety and welfare of residents within the jurisdictional limits of the Town of Huntington exclusive of its Incorporated Villages by establishing a permitting system which will enhance the delivery of municipal services, such as sanitation and code enforcement services, and emergency services such as fire, water and police services when such services are needed, and effectively aid in the maintenance of the peace and good order and a tool for the establishment of efficient planning.

(B) In addition, the welfare and safety of our residents is threatened by rental properties that are occupied while infested with rodents and other creatures, lack sufficient heat, ventilation, light or other necessities, and are otherwise uninhabitable or blighted or threaten the quality of life in the community by creating nuisances or disrupting the peace and good order.

(C) The intent of this legislation is not to legalize the occupancy of any structure that predates the year 1934 or possesses a letter-in-lieu, nor is it an admission by the Town of Huntington that said structures are legally occupied or habitable.

(D) Nothing in this Chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, county or state, or extinguish the requirements of any local law, rule or statute of any agency having jurisdiction. In the case of a conflict between this Chapter and other regulations, the more stringent requirement shall prevail.

§160-2. through §160-10. (Reserved).

ARTICLE II VACANT BUILDING REGISTRATION

* * *

§160-17. through §160-20. (Reserved).

ARTICLE III RESIDENTIAL RENTAL PERMITS

§160-21. As used in this article, the following words shall have the meanings indicated:

DWELLING UNIT – Any residential area, space, or housing unit in any zoning district which is occupied for habitation as a residence by persons other than the owner or the owner’s immediate family.

IMMEDIATE FAMILY – For the purpose of this article immediate family shall mean as set forth in §198-2 (Family).

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MANAGING AGENT - Any individual, business entity, enterprise, trust, association, public utility or other legal entity responsible for the maintenance or operation of any residential rental property.

MIXED USE OCCUPANCY -- A building or portion thereof that is utilized or occupied for more than one use or purpose. Mixed use occupancies may include residential dwelling units.

OWNER - Any person, business entity, or association who, alone or jointly with others, holds a fee interest in real property with or without accompanying actual possession thereof; or a managing agent who is responsible for the maintenance and/or operation of real property; or as executor, administrator, trustee, receiver or guardian of an estate; or as a mortgagee who has secured a judgment of foreclosure and sale, or who is in possession, title or control of real property, including but not limited to a bank or lending institution, regardless of how such judgment, possession, title or control was obtained.

RENTAL PROPERTY – Dwelling unit(s) in one and two family homes in any zoning district which are occupied for habitation as a residence by persons other than the owner or the owner's immediate family, and for which a fee or other compensation is received by the owner or managing agent, directly or indirectly, in exchange for such residential occupation. The term “rental property” shall exclude properties used solely for non-residential purposes; buildings with mixed-use occupancy regardless of the number of dwelling units; one family homes which continue to be the primary and permanent residence of the owner but are leased or occupied by one other than the owner or owner’s immediate family for six (6) months or less in any calendar year; those having valid accessory apartment permits; any property owned and/or operated by the United States, the State of New York, the County of Suffolk, Town of Huntington and their respective agencies and political subdivisions; any property owned or managed by the Huntington Housing Authority, the Huntington Housing Authority Mortgage Banking Corporation, and the Huntington Community Development Agency.

§160-22. Rental permit required.

(A) Owner or managing agent. It shall be unlawful for the owner or managing agent to lease or rent any rental property or dwelling unit for which a valid rental permit has not been issued pursuant to this article. It shall be immaterial whether or not rent or any other consideration is paid or tendered to the owner or managing agent by the occupant of such dwelling unit or rental property.

(B) Real estate agency, real estate broker or agent. It shall be unlawful for any person, real estate agency, broker or agent to list, show or otherwise offer for lease, rent or occupancy any rental property or dwelling unit for which a valid rental permit has not been issued pursuant to this article. It shall be the duty of such person, broker or agent to verify the existence of a valid permit before listing, showing or otherwise offering for lease, rent or occupancy any rental property or dwelling unit.

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§160-23. Violation of article; presumptive evidence. The presence or existence of any of the following shall create a rebuttable presumption that rental property or a dwelling unit is rented. Nothing herein shall be construed so as to prevent persons from living together as a family unit with the owner.

- (1) The property is occupied by someone other than the owner, and the owner or managing agent of the property represents in writing or otherwise, to any person or establishment, business, institution or government agency, that he resides at an address other than the rental property.
- (2) Persons living in the rental property or dwelling unit represent that they pay rent to the owner of the premises.
- (3) Utilities, cable, phone or other services are in place or requested to be installed or used at the premises in the name of someone other than the record owner.
- (4) Testimony by a witness with personal knowledge of the facts that a person other than the record owner resides at the premises.
- (5) There is more than one mailbox at the premises.
- (6) There is more than one gas meter at the premises.
- (7) There is more than one electric meter at the premises.
- (8) There are separate entrances for segregated parts of the building.
- (9) There are partitions or internal doors which may serve to bar access between segregated portions of the building including but not limited to bedrooms.
- (10) There exists a separate written or oral lease, or rental or occupancy agreement, or payment arrangement for portions of the rental property between the owner or managing agent and the different occupants and/or tenants of the property.
- (11) There exists an inability of any occupant or person in possession thereof to have unimpeded and/or lawful access to all parts of the rental property or rental unit.
- (12) Two or more kitchens each containing one or more of the following: a range, oven, hotplate, microwave or other similar device customarily used for cooking or preparation of food and/or a refrigerator.

§160-24. Term of permit. A rental permit and renewal thereof shall be valid for a period of one (1) year from the date of issuance unless sooner terminated.

§160-25. Application for rental permits.

(A) The owner or managing agent of rental property or a dwelling unit shall apply for a rental permit before the property or dwelling unit is advertised for rent or if the vacancy is not advertised then such permit shall be obtained before the premises are leased or occupied by one other than a member of the owner's immediate family. The rental permit number shall be noted on the advertisement. Failure to file an application or to apply within the specified period shall be deemed a violation of this article.

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(B) Transfer of property. In the event ownership of rental property is transferred to a new owner, the new owner or managing agent shall apply for a rental permit within thirty (30) days of the closing of title if any portion of the property is rented or leased at the time of closing. If an application is not filed as required by this article there shall be a presumption that the property is being utilized as rental property by the new owner(s) in violation of law. Failure to file an application or to apply within the specified period shall be deemed a violation of this article.

(C) Application. Applications for rental permits shall be on forms provided by the Department of Public Safety and signed by each owner or managing agent of the property. A non-refundable application fee of seventy-five (\$75.00) dollars per property shall be payable upon application. In no instance shall the filing of an application and payment of fees be construed as to exonerate the owner or managing agent of responsibility for compliance with the building, housing and maintenance requirements of any local, county, state or federal agency having jurisdiction. Each application shall include the following:

- (1) The information set forth in §160-13(A) as is applicable in the discretion of the Director of Public Safety, and §160-13(B); and
- (2) A copy of the latest deed to the property; and
- (3) Latest survey of the property, if available or a plot or schematic showing the size and location of the lot and all buildings and structures thereon; and
- (4) Government issued proof of residency of each owner with picture ID (driver's license, passport, etc.), and the address and contact number thereof; and
- (5) The name, address and contact number of the managing agent, if applicable; and
- (6) A signed and notarized certification in a form acceptable to the Director of Public Safety by each property owner or managing agent attesting to the total number of persons occupying each rental property or rental unit owned or managed by the registrant as of the date of registration; and
- (7) Location of the premises, the number of dwellings units located therein, and number of persons to be accommodated; and
- (8) A floor plan of each dwelling unit and the accommodations; and
- (9) A certification from a licensed professional engineer, licensed architect, or a Town ordinance/code enforcement officer attesting that that the property at issue is in compliance with the Huntington Town Code, and meets the requirements of all applicable county, state and federal laws, codes, rules and regulations. Nothing in this article, except in the case of an emergency pursuant to §160-36(B), shall be deemed to authorize the Town to conduct an inspection of any property without the consent of the owner or managing agent or occupant of the property in the absence of a warrant duly issued by a court of law.
- (10) Such other information and/or documentation deemed necessary by the Director of Public Safety.

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(D) Duty to amend. If the status of the information changes during the course of any calendar year, it is the responsibility of the owner or managing agent to submit such changes to the Department of Public Safety in writing within thirty (30) days of the occurrence of such change.

(E) Non-compliance. Failure of an owner or managing agent to secure a rental permit or to amend the information, or to do so within the period provided shall constitute a violation of this article.

§160-26. Issuance of permit; fees.

(A) Permit fee. A permit fee of four hundred and seventy-five (\$475) dollars per property shall be payable on or before a rental permit or renewal permit is issued.

(B) Late charges. A late charge equal to two times the amount of the permit fee, prorated for the period of delay, shall be charged to owners and/or managing agents who fail to apply for a rental permit or renew their permits on a timely basis.

(C) Compliance required. No permit or renewal thereof shall be issued unless the property is in compliance with all the provisions of the Code of the Town of Huntington, and meets the requirements of all applicable county, state and federal laws, codes, rules and regulations.

§160-27. Renewal of permit. A rental permit may be renewed by application to the Department of Public Safety as in the case of an original permit application, with payment of a non-refundable application fee of twenty-five (\$25) dollars and the production of any documents deemed necessary by the Director. All applications for a renewal of a permit shall be filed before the expiration of the original permit, and are subject to the late charges set forth in §160-26(B). A renewal permit fee of four hundred and seventy-five (\$475) dollars shall be payable before a renewal is issued.

§160- 28. through §160-35. (Reserved).

ARTICLE IV ADMINISTRATIVE REMEDIES AND PENALTIES

§160-36. Authority of the Town.

(A) Application for a search warrant. See, Chapter 71 of the Huntington Town Code.

(B) Emergencies. If, in the judgment of the Director of Public Safety, an emergency exists as when a condition or hazard is an immediate peril to the public health and safety, or a serious and immediate danger to person or property, he or she may enter any building or structure to inspect and investigate.

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§160-37. Penalties for offenses.

(A) A violation of Article IV of this Chapter shall be punishable by a fine or penalty of not less than one hundred and fifty (\$150) dollars nor greater than seven hundred fifty (\$750) dollars and/or imprisonment for a period not to exceed 15 days; a conviction of a second offense, within a period of five (5) years of the first conviction, shall be punishable by a fine or penalty of not less than seven hundred and fifty (\$750) dollars nor greater than one thousand five hundred (\$1,500) dollars and/or imprisonment for a period not to exceed 15 days; and a conviction of a third or subsequent offense, within a period of five (5) years of the second conviction, shall be punishable by a fine or penalty of not less than one thousand five hundred (\$1,500) dollars nor greater than two thousand five hundred (\$2,500) dollars and/or imprisonment for a period not to exceed 15 days. Each week or part thereof the violation continues shall be deemed a separate and distinct offense punishable in like manner.

(B) In addition to the criminal penalties set forth herein or in other applicable law, rule or regulation, the Town Attorney is authorized to pursue civil and equitable relief, including but not limited to compensatory actions; civil penalties in the amount of up to five hundred (\$500) dollars per day, or any part thereof; an action to compel compliance with or to restrain by injunction the violation of this chapter; and other remedies which in the opinion of the Town Attorney may seem necessary and proper.

(C) No oversight or dereliction of duty on the part of the Town shall serve to legalize the use and/or occupancy of any property, building or structure which does not conform to the provisions of this chapter or other applicable local, state and/or federal law, rule, ordinance or regulation.

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]

2015-48

VOTE: AYES: 4 NOES: 0 ABSTENTIONS: 1

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2015-49

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 1 - 2015, AMENDING LOCAL LAW INTRODUCTORY NO. 31-2011 SO AS TO AMEND THE COVENANTS AND RESTRICTIONS ESTABLISHED AS PART OF ZONE CHANGE APPLICATION #2011-ZM-387, KNOWN AS THE RESIDENCES AT OHEKA CASTLE, CHANGING THE ZONING FROM R-80, R-40, R-20 & R-10 RESIDENCE DISTRICTS AND C-6 GENERAL BUSINESS DISTRICT TO R-OSC RESIDENCE OPEN SPACE CLUSTER DISTRICT, FOR PROPERTIES LOCATED ALONG EAST GATE DRIVE AND WEST GATE DRIVE, WEST HILLS, BEARING SCTM NO. 0400-188-01-(001, 002, 005, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) AND 0400-132-04-(007, 008 & 009).

Resolution for Town Board Meeting Dated: January 14, 2015

The following resolution was offered by: Councilwoman Edwards

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, Cold Spring Hills Development, LLC and Kahn Property Owner, LLC, both at 135 West Gate Drive, Huntington, NY 11743, and Cold Spring Country Club, Inc., P.O. Box 246, Cold Spring Harbor, NY 11724, have submitted a petition to amend the Declarations of Covenants and Restrictions that are required by Town Board Resolution 2012-91, Local Law Introductory No. 31-2011, to complete the approval of zone change application #2011-ZM-387, The Residences at Oheka Castle, for a change of zone from R-80, R-40, R-20 & R-10 Residence Districts and C-6 General Business District to R-OSC Residence – Open Space Cluster District for property located along East Gate Drive and West Gate Drive, West Hills, designated as 0400-188-01-(001, 002, 005, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) and 0400-132-04-(007, 008 & 009) on the Suffolk County Tax Map; and

WHEREAS, the purpose for amending the Declarations of Covenants and Restrictions is to divide the covenants and restrictions between all parties to the application as appropriate based upon their ownership of the land involved or their participation in the new proposed development, so that no party is bound by a restriction that is not related to their intended use of the various tax lots; and

WHEREAS, the Covenants and Restrictions that are under consideration for amendment were established as a condition of the zone change approved on March 12, 2012 by Resolution No. 2012-91; and

WHEREAS, by Resolution No. 2014-122 the Town Board extended the applicants' time within which to file the Covenants and Restrictions; and

WHEREAS, a Negative Declaration was issued by the Town Board on the zone change application on March 12, 2012, and the requested amendments to the Declarations of Covenants and Restrictions established as a condition of the zone change approval do not involve new information, changes to the project, or material changes in circumstances

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involving the project, therefore the existing Negative Declaration does not have to be amended or rescinded in accordance with SEQRA, 6 NYCRR Part 617:7(e & f);

NOW, THEREFORE, THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 10th day of MARCH, 2015 at 2:00 PM to consider adopting Local Law Introductory No. 1 - 2015, amending Local Law Introductory No: 31-2011 so as to amend the Covenants and Restrictions established for zone change application #2011-ZM-387, known as the Residences at Oheka Castle, changing the zoning from R-80, R-40, R-20 & R-10 Residence Districts and C-6 General Business District to R-OSC Residence Open Space Cluster District, for properties located along East Gate Drive and West Gate Drive, West Hills, bearing SCTM# 0400-188-01-(001, 002, 005, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) and 0400-132-04-(007, 008 & 009), as follows:

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

LOCAL LAW INTRODUCTORY NO. 1 - 2015
AMENDING LOCAL LAW INTRODUCTORY NO. 31-2011
SO AS TO AMEND THE COVENANTS AND RESTRICTIONS
FOR ZONE CHANGE APPLICATION NO. 2011-ZM-387, KNOWN AS
THE RESIDENCES AT OHEKA CASTLE

Section 1. Amendment to Local Law Introductory No. 31-2011 amending all prior Covenants and Restrictions established for Zone Change Application No. 2011-ZM-387, as follows:

* * *

§ 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 along East Gate Drive and West Gate Drive, West Hills, designated on the Suffolk County Tax Map as all of 0400-188-01-(001, 002, 005, 023.001, 024.001, 024.002, 057.001 and 109) and 0400-132-04-(007, 008, and 009), and part of 0400-188-01-025.001, to be rezoned from R-80, R-40, R-20 and R-10 Residence Districts and C-6 General Business District to R-OSC Residence – Open Space Cluster District, more particularly described in the attached Schedule "A", attached and made part of this resolution.

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Such change of zone shall be specifically conditioned upon the filing by the applicants of the following Covenants and Restrictions, to run with the land, in a form acceptable to the Town Attorney. Such Covenants and Restrictions shall be filed at the applicants' own cost and expense in the Office of the Suffolk County Clerk.

(1) The following restrictions shall be imposed against portions of the tax lots known and described by SCTM No. 0400-188-01-(023.001, 024.001, 024.002, 025.001 & 057.001), more particularly described in Schedule "B", attached and made part of this resolution:

(A) If the traffic signal at the intersection of Jericho Turnpike and East Gate Drive is approved by the New York State Department of Transportation, the owner(s) shall install (or cause the installation) of the signal at their own cost and expense, and the owner(s) shall also be responsible for the cost of any other associated improvements at the intersection, such as new lane striping, curb realignment, road widening or narrowing, and in addition any signal timing adjustments to nearby traffic signals affected by the new signal installation; and

(B) The owner(s) of the property described in Schedule "B" shall bear the costs of connecting all buildings on such property, in addition to all buildings on SCTM No. 0400-188-01-005 & 025.001 to the Nassau County public sewer system at their own cost and expense. If the means of sanitary disposal is changed by the inability to connect to the Nassau County Public Sewer System, the applicant or property owner shall develop and implement a plan in accordance with the Suffolk County Department of Health Services requirements and comply with any additional SEQRA review requirements; and

(C) The owner(s) shall be responsible for the cost of any improvements to the South Huntington Water District pipe network that are necessary to provide sufficient water service to the new development; and

(D) During any future site plan application the owner(s)/developer(s) must submit a Soil Management Plan for review, and shall be required to place money in escrow with the Town to enable the Town to hire an independent professional consulting firm to review the Soil Management Plan and suggest any changes that may be necessary, and all required mitigation must be completed before the issuance of any building permits for new construction on the property; and

(E) No subdivision or site plan approvals shall be granted by the Planning Board until yield maps are provided that show that the proposed subdivision or site plan would not make the parcels and the uses nonconforming to any section of the Town of Huntington Zoning Code, unless the Zoning Board of Appeals has first granted variances or special use permits to legalize the nonconformities; and

(F) All garbage produced by the development, whether collected by the Town or a private carter, must be brought to the Town's Resource Recovery Facility for disposal; and

(G) The owner(s)/developer(s) shall consult the Suffolk County Planning Commission Guidelines with respect to Energy Efficiency and Public Safety; and

(H) The Landscape Plan submitted with the site plan application for the new residences shall identify irrigation, fertilization, and pesticide practices that will be followed in order to reduce or eliminate any potential environmental impacts; and

(I) No construction of the new residential community shall commence until the site plan has been approved, building permit(s) have been issued, and proof provided to the Town Attorney that the development rights, or portion thereof, necessary for the construction and contemplated hereby have been conveyed to this property.

(2) The following restrictions shall be imposed against all of the tax lots known and described by SCTM No. 0400-188-01-(001, 002, 005 & 109) and 0400-132-04-(007, 008 & 009), and portions of the tax lots known and described by SCTM No. 0400-188-01-(023.001, 024.001, 024.002 & 057.001), more particularly described in Schedule "C", attached and made part of this resolution:

(A) A Conservation Easement or Declaration of Covenants and Restrictions shall be filed on the property described in Schedule "C", permitting the transfer of development rights onto the property described in Schedule "B" to permanently protect the open space; and

(B) No subdivision or site plan approvals shall be granted by the Planning Board until yield maps are provided show that the proposed subdivision or site plan would not make the parcels and the uses nonconforming to any section of the Town of Huntington Zoning Code, unless the Zoning Board of Appeals has first granted variances or special use permits to legalize the nonconformities; and

(C) The buildings on SCTM No. 0400-188-01-005 shall be connected to the Nassau County public sewer system at the expense of the owner(s) of the property described in Schedule "B" before any Certificates of Occupancy are issued on the Schedule "B" property. If the means of sanitary disposal is changed by the inability to connect to the Nassau County Public Sewer System, the owner(s) of the property described in Schedule "B" shall develop and implement a plan in accordance with the Suffolk County Department of Health Services requirements and comply with any additional SEQRA review requirements; and

(D) No new residential construction shall commence until the site plan has been approved, building permit(s) have been issued, and proof provided to the Town Attorney that the development rights, or portion thereof, necessary for the construction and contemplated hereby have been transferred to the property.

* * *

Section 2. Severability

2015-49

SCHEDULE "A"
Property Rezoned To R-OSC

Parcel I:

The premises located along the east side of West Gate Drive and north side of Jericho Turnpike, West Hills, designated on the Suffolk County Tax Map as 0400-188-01-109, more particularly described as:

BEGINNING at a point on the easterly side of West Gate Drive, said point being distant approximately 165 feet (per SCTM) along the easterly side of West Gate Drive from the northerly end of a curve connecting said road line with the northerly side of Promenade Avenue.

RUNNING THENCE along the easterly side of West Gate Drive the following two (2) courses:

1. N 32° 29' 00" E, 522.46 feet;
2. N 68° 30' 30" E, 246.84 feet;

THENCE the following five (5) courses:

1. S 59° 20' 00" E, 638.58 feet;
2. S 01° 21' 20" E, 140.00 feet;
3. N 85° 37' 20" E, 24.47 feet;
4. S 01° 21' 20" E, 180.00 feet;
5. S 38° 56' 30" E, 294.42 feet; to the northerly side of Jericho Turnpike (NYS Route 25);

THENCE along said road line; the following two (2) courses:

1. Westerly along the arc of a circular curve bearing to the right, having a radius of 1,007.07 feet, and a length of 451.31 feet;
2. S 88° 03' 55" W, 119.21 feet;

THENCE the following four (4) courses:

1. N 01° 40' 10" W, 311.19 feet;
2. N 27° 56' 00" W, 22.60 feet;
3. S 89° 51' 40" W, 257.52 feet;
4. N 73° 52' 50" W, 465.81 feet; to the POINT or PLACE of BEGINNING.

Parcel II:

The premises located along East Gate Drive and West Gate Drive, West Hills, designated on the Suffolk County Tax Map as all of 0400-188-01-(001, 002, 005, 023.001, 024.001, 024.002 & 057.001) and 0400-132-04-(007, 008 & 009) and the eastern portion of 0400-188-01-025.001, more particularly described as:

BEGINNING at a point on the northwesterly side of East Gate Drive, distant approximately 147 feet (per SCTM.) from the northwesterly end of a curve connecting the northwesterly side of East Gate Drive with the northerly side of Colonial Drive;

RUNNING THENCE along the northwesterly side of East Gate Drive the following five (5) courses:

1. N 38° 46' 10" W, 319.00 feet;
2. N 40° 35' 10" W, 377.42 feet;
3. N 38° 19' 10" W, 190.54 feet;
4. N 33° 42' 40" W, 88.78 feet;
5. N 53° 31' 00" W, 128.02 feet;

THENCE the following nine (9) courses:

1. N 58° 15' 20" E, 415.75 feet;
2. N 25° 46' 20" W, 103.77 feet;
3. N 00° 07' 50" W, 81.91 feet;
4. S 89° 23' 50" W, 117.73 feet;
5. N 14° 32' 30" W, 33.34 feet;
6. N 34° 16' 40" W, 19.01 feet;
7. N 71° 04' 20" W, 19.01 feet;
8. S 89° 22' 10" W, 246.13 feet;
9. N 69° 35' 00" W, 471.80 feet to the northwesterly side of East Gate Drive;

THENCE across said road line S 78° 56' 00" W, 57.28 feet;

THENCE the following seven (7) courses:

1. S 40° 15' 40" E, 732.66 feet;
2. S 45° 15' 50" E, 78.77 feet;
3. S 53° 31' 00" E, 158.89 feet;
4. S 33° 42' 40" E, 82.07 feet;
5. S 38° 19' 10" E, 193.54 feet;
6. S 40° 35' 10" E, 377.62 feet;

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7. S 38° 46' 10" E, 414.72 feet;

THENCE Southerly along the arc of a curve bearing to the right, having a radius of 50.00 feet and a length of 95.05 feet;

THENCE along the northerly side of Colonial Drive westerly along the arc of a circular curve bearing to the left, having a radius of 1,522.73 feet, and length of 144.23 feet;

THENCE the following fifteen (15) courses:

1. N 51° 05' 20" W, 64.82 feet;
2. S 80° 27' 50" W, 282.54 feet;
3. N 58° 38' 20" W, 167.61 feet;
4. N 75° 14' 10" W, 141.12 feet;
5. Northerly along the arc of a circular curve bearing to the left, having a radius of 50.00 feet, and a length of 157.07 feet;
6. S 73° 08' 05" W, 225.36 feet;
7. S 51° 43' 00" W, 48.42 feet;
8. S 23° 42' 50" W, 591.81 feet;
9. S 18° 09' 15" W, 75.14 feet;
10. S 07° 35' 10" W, 163.05 feet;
11. S 34° 34' 20" W, 105.82 feet;
12. S 02° 22' 50" W, 206.01 feet;
13. N 69° 23' 10" W, 586.17 feet;
14. S 18° 03' 30" W, 50.00 feet;
15. N 63° 45' 10" W, 233.25 feet to the easterly side of West Gate Drive.

THENCE along said road line; the following two (2) courses:

1. Northerly along the arc of a circular curve bearing to the left, having a radius of 931.96 feet, and a length of 52.81 feet;
2. N 03° 42' 30" E, 426.54 feet;

THENCE the following nine (9) courses:

1. N 38° 06' 30" E, 498.44 feet;
2. N 24° 09' 52" E, 471.12 feet;
3. N 33° 14' 30" E, 117.55 feet;
4. N 50° 49' 50" E, 82.79 feet;
5. S 36° 22' 40" E, 90.97 feet;

THENCE North 34 degrees 57 minutes 19 seconds East, 418.79 feet,

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THENCE North 43 degrees 41 minutes 10 seconds West, 644.56 feet,

THENCE the following eleven (11) courses:

1. S 55° 10' 10" W, 196.04 feet;
2. S 34° 52' 30" W, 353.73 feet;
3. S 55° 07' 30" E, 25.00 feet;
4. S 32° 50' 20" W, 197.12 feet;
5. S 34° 49' 14" W, 263.79 feet;
6. N 87° 49' 10" W, 129.93 feet;
7. N 73° 58' 30" W, 223.01 feet;
8. N 65° 38' 50" W, 45.84 feet;
9. S 88° 37' 10" W, 301.10 feet;
10. S 02° 55' 40" W, 697.87 feet;
11. N 56° 20' 50" E, 461.70 feet to the southerly side of Whitewood Court;

THENCE along said road line S 66° 32' 30" E, 275.13 feet;

THENCE the following three (3) courses;

1. S 28° 01' 40" W, 621.26 feet;
2. S 09° 45' 20" W, 148.26 feet;
3. N 84° 43' 30" E, 390.31 feet to the westerly side of West Gate Drive;

THENCE along said road line the following five (5) courses:

1. S 03° 42' 30" W, 191.68 feet
2. Southerly along the arc of curve bearing to the right, having a radius of 881.96 feet and a length of 215.59 feet;
3. Southerly along the arc of a curve bearing to the right, having a radius of 168.75 feet and a length of 149.60 feet;
4. N 68° 30' 30" W, 324.13 feet;
5. S 32° 29' 00" W, 553.40 feet;

THENCE the following eleven (11) courses:

1. N 73° 52' 50" W, approx. 244 feet;
2. Northerly along the dividing line between the Towns of Huntington Suffolk County) and Oyster Bay (Nassau County) approx. 3,086 feet;
3. S 83° 37' 28" E, approx. 137 feet;
4. N 80° 00' 02" E, 346.81 feet;

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5. N 02° 01' 18" E, 159.32 feet;
6. N 03° 51' 18" E, 82.08 feet;
7. N 01° 15' 32" E, 150.00 feet;
8. N 44° 15' 32" E, 579.03 feet;
9. N 70° 37' 00" E, 58.11 feet;
10. S 47° 03' 48" E, 204.42 feet;
11. S 89° 45' 32" E, 204.42 feet to the westerly side of East Gate Drive;

THENCE along said road line southerly along the arc of a curve bearing to the right, having a radius of 483.00 feet and a length of 106.04 feet;

THENCE the following seven (7) courses:

1. N 49° 50' 50" E, 50.00 feet;
2. S 40° 09' 10" E, 29.99 feet;
3. Northerly along the arc of a circular curve bearing to the right, having a radius of 20.17 feet, and a length of 36.75 feet;
4. S 68° 15' 40" E, 872.84 feet;
5. N 28° 50' 20" E, 100.05 feet;
6. S 75° 09' 00" E, 138.99 feet;
7. N 11° 15' 30" E, 149.85 feet; to the southerly side of Green Meadow Lane.

THENCE along said road line; the following four (4) courses:

1. Easterly along the arc of a circular curve bearing to the left, having a radius of 1,435.00 feet, and a length of 77.68 feet;
2. Easterly along the arc of a circular curve bearing to the right, having a radius of 600.00 feet, and a length of 184.62 feet;
3. S 66° 30' 00" E, 300.03 feet;
4. Southerly along the arc of a circular curve bearing to the right, having a radius of 109.79 feet, and a length of 117.62 feet; to the westerly side of Forestdale Drive.

THENCE along said road line; the following three (3) courses:

1. Southerly along the arc of a circular curve bearing to the left, having a radius of 597.03 feet, and a length of 83.38 feet;
2. S 13° 07' 10" E, 650.01 feet;
3. Southerly along the arc of a circular curve bearing to the left, having a radius of 260.00 feet, and a length of 157.92 feet;

THENCE the following four (4) courses:

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1. S 46° 13' 30" W, 84.07 feet;
2. S 15° 06' 20" E, 106.15 feet;
3. S 01° 50' 10" E, 462.89 feet;
4. S 35° 47' 50" W, 210.82 feet; to the POINT or PLACE of BEGINNING.

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SCHEDULE "B"

The premises located on the west side of East Gate Drive, north of Colonial Drive, West Hills, designated on the Suffolk County Tax Map as portions of 0400-188-01-(023.001, 024.001, 024.002, 025.001 & 057.001), and designated as Lot 4 on the Map of Residences at Oheka Castle, more particularly described as:

BEGINNING at a POINT at the eastern corner of the property, where it intersects with the westerly side of East Gate Drive, 397.41 feet north of the intersection of the westerly side of East Gate Drive with an arc connecting to the northerly side of Colonial Drive,

THENCE from said POINT OF BEGINNING South 51 degrees 13 minutes 50 seconds West, 161.87 feet,

THENCE North 82 degrees 38 minutes 43 seconds West, 204.99 feet,

THENCE North 43 degrees 41 minutes 10 seconds West, 369.65 feet,

THENCE South 56 degrees 50 minutes 30 seconds West, 518.23 feet,

THENCE North 36 degrees 22 minutes 40 seconds West, 387.57 feet,

THENCE North 34 degrees 57 minutes 19 seconds East, 418.79 feet,

THENCE North 43 degrees 41 minutes 10 seconds West, 619.74 feet,

THENCE North 76 degrees 35 minutes 13 seconds East, 204.57 feet,

THENCE North 43 degrees 00 minutes 59 seconds East, 232.19 feet,

THENCE South 40 degrees 15 minutes 40 seconds East, 732.66 feet,

THENCE South 45 degrees 15 minutes 50 seconds East, 78.77 feet,

THENCE South 53 degrees 31 minutes 00 seconds East, 158.89 feet,

THENCE South 33 degrees 42 minutes 40 seconds East, 82.07 feet,

THENCE South 38 degrees 19 minutes 10 seconds East, 193.54 feet,

THENCE South 40 degrees 35 minutes 10 seconds East, 377.62 feet,

THENCE South 38 degrees 46 minutes 10 seconds East, 17.31 feet to the POINT OF BEGINNING.

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SCHEDULE "C"

Parcel I:

The premises located along the east side of West Gate Drive and north side of Jericho Turnpike, West Hills, designated on the Suffolk County Tax Map as 0400-188-01-109, and designated as Lot 1 on the Map of Residences at Oheka Castle, more particularly described as:

BEGINNING at a point on the easterly side of West Gate Drive, said point being distant approximately 165 feet (per SCTM) along the easterly side of West Gate Drive from the northerly end of a curve connecting said road line with the northerly side of Promenade Avenue.

RUNNING THENCE along the easterly side of West Gate Drive the following two (2) courses:

3. N 32° 29' 00" E, 522.46 feet;
4. N 68° 30' 30" E, 246.84 feet;

THENCE the following five (5) courses:

6. S 59° 20' 00" E, 638.58 feet;
7. S 01° 21' 20" E, 140.00 feet;
8. N 85° 37' 20" E, 24.47 feet;
9. S 01° 21' 20" E, 180.00 feet;
10. S 38° 56' 30" E, 294.42 feet; to the northerly side of Jericho Turnpike (NYS Route 25);

THENCE along said road line; the following two (2) courses:

3. Westerly along the arc of a circular curve bearing to the right, having a radius of 1,007.07 feet, and a length of 451.31 feet;
4. S 88° 03' 55" W, 119.21 feet;

THENCE the following four (4) courses:

5. N 01° 40' 10" W, 311.19 feet;
6. N 27° 56' 00" W, 22.60 feet;
7. S 89° 51' 40" W, 257.52 feet;
8. N 73° 52' 50" W, 465.81 feet; to the POINT or PLACE of BEGINNING.

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Parcel II:

The premises located along East Gate Drive and West Gate Drive, West Hills, designated on the Suffolk County Tax Map as all of 0400-188-01-(001, 002 & 005) and 0400-132-04-(007, 008 & 009) and portions of 0400-188-01-(024.001 & 024.002), and designated as Lot 2 on the Map of Residences at Oheka Castle, more particularly described as:

BEGINNING at a point on the northwesterly side of East Gate Drive, distant approximately 147 feet (per SCTM) from the northwesterly end of a curve connecting the northwesterly side of East Gate Drive with the northerly side of Colonial Drive

RUNNING THENCE along the northwesterly side of East Gate Drive the following five (5) courses:

6. N 38° 46' 10" W, 319.00 feet;
7. N 40° 35' 10" W, 377.42 feet;
8. N 38° 19' 10" W, 190.54 feet;
9. N 33° 42' 40" W, 88.78 feet;
10. N 53° 31' 00" W, 128.02 feet;

THENCE the following nine (9) courses:

10. N 58° 15' 20" E, 415.75 feet;
11. N 25° 46' 20" W, 103.77 feet;
12. N 00° 07' 50" W, 81.91 feet;
13. S 89° 23' 50" W, 117.73 feet;
14. N 14° 32' 30" W, 33.34 feet;
15. N 34° 16' 40" W, 19.01 feet;
16. N 71° 04' 20" W, 19.01 feet;
17. S 89° 22' 10" W, 246.13 feet;
18. N 69° 35' 00" W, 471.80 feet to the northwesterly side of East Gate Drive;

THENCE across said road line S 78° 56' 00" W, 57.28 feet;

THENCE the following fourteen (14) courses:

12. S 43° 00' 59" W, 232.19 feet;
13. S 76° 35' 13" W, 204.57 feet;
14. N 43° 41' 10" W, 24.82 feet;
15. S 55° 10' 10" W, 196.04 feet;
16. S 34° 52' 30" W, 353.73 feet;
17. S 55° 07' 30" E, 25.00 feet;
18. S 32° 50' 20" W, 197.12 feet;

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19. S 34° 49' 14" W, 263.79 feet;
20. N 87° 49' 10" W, 129.93 feet;
21. N 73° 58' 30" W, 223.01 feet;
22. N 65° 38' 50" W, 45.84 feet;
23. S 88° 37' 10" W, 301.10 feet;
24. S 02° 55' 40" W, 697.87 feet;
25. N 56° 20' 50" E, 461.70 feet to the southerly side of Whitewood Court;

THENCE along said road line S 66° 32' 30" E, 275.13 feet;

THENCE the following three (3) courses;

4. S 28° 01' 40" W, 621.26 feet;
5. S 09° 45' 20" W, 148.26 feet;
6. N 84° 43' 30" E, 390.31 feet to the westerly side of West Gate Drive;

THENCE along said road line the following five (5) courses:

6. S 03° 42' 30" W, 191.68 feet
7. Southerly along the arc of curve bearing to the right, having a radius of 881.96 feet and a length of 215.59 feet;
8. Southerly along the arc of a curve bearing to the right, having a radius of 168.75 feet and a length of 149.60 feet;
9. N 68° 30' 30" W, 324.13 feet;
10. S 32° 29' 00" W, 553.40 feet;

THENCE the following eleven (11) courses:

12. N 73° 52' 50" W, approx. 244 feet;
13. Northerly along the dividing line between the Towns of Huntington Suffolk County) and Oyster Bay (Nassau County) approx. 3,086 feet;
14. S 83° 37' 28" E, approx. 137 feet;
15. N 80° 00' 02" E, 346.81 feet;
16. N 02° 01' 18" E, 159.32 feet;
17. N 03° 51' 18" E, 82.08 feet;
18. N 01° 15' 32" E, 150.00 feet;
19. N 44° 15' 32" E, 579.03 feet;
20. N 70° 37' 00" E, 58.11 feet;
21. S 47° 03' 48" E, 204.42 feet;
22. S 89° 45' 32" E, 204.42 feet to the westerly side of East Gate Drive;

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THENCE along said road line southerly along the arc of a curve bearing to the right, having a radius of 483.00 feet and a length of 106.04 feet;

THENCE the following seven (7) courses:

8. N 49° 50' 50" E, 50.00 feet;
9. S 40° 09' 10" E, 29.99 feet;
10. Northerly along the arc of a circular curve bearing to the right, having a radius of 20.17 feet, and a length of 36.75 feet;
11. S 68° 15' 40" E, 872.84 feet;
12. N 28° 50' 20" E, 100.05 feet;
13. S 75° 09' 00" E, 138.99 feet;
14. N 11° 15' 30" E, 149.85 feet; to the southerly side of Green Meadow Lane.

THENCE along said road line; the following four (4) courses:

5. Easterly along the arc of a circular curve bearing to the left, having a radius of 1,435.00 feet, and a length of 77.68 feet;
6. Easterly along the arc of a circular curve bearing to the right, having a radius of 600.00 feet, and a length of 184.62 feet;
7. S 66° 30' 00" E, 300.03 feet;
8. Southerly along the arc of a circular curve bearing to the right, having a radius of 109.79 feet, and a length of 117.62 feet; to the westerly side of Forestdale Drive.

THENCE along said road line; the following three (3) courses:

4. Southerly along the arc of a circular curve bearing to the left, having a radius of 597.03 feet, and a length of 83.38 feet;
5. S 13° 07' 10" E, 650.01 feet;
6. Southerly along the arc of a circular curve bearing to the left, having a radius of 260.00 feet, and a length of 157.92 feet;

THENCE the following four (4) courses:

5. S 46° 13' 30" W, 84.07 feet;
6. S 15° 06' 20" E, 106.15 feet;
7. S 01° 50' 10" E, 462.89 feet;
8. S 35° 47' 50" W, 210.82 feet; to the POINT or PLACE of BEGINNING.

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Parcel III:

The premises located along East Gate Drive and West Gate Drive, West Hills, designated on the Suffolk County Tax Map as portions of 0400-188-01-(023.001 & 057.001), and designated as Lot 3 on the Map of Residences at Oheka Castle, more particularly described as:

BEGINNING at the southerly end of a curve connecting the northerly side of Colonial Drive with the southeasterly side of East Gate Drive.

RUNNING THENCE along the northerly side of Colonial Drive westerly along the arc of a circular curve bearing to the left, having a radius of 1,522.73 feet, and length of 144.23 feet;

THENCE the following fifteen (15) courses:

16. N 51° 05' 20" W, 64.82 feet;
17. S 80° 27' 50" W, 282.54 feet;
18. N 58° 38' 20" W, 167.61 feet;
19. N 75° 14' 10" W, 141.12 feet;
20. Northerly along the arc of a circular curve bearing to the left, having a radius of 50.00 feet, and a length of 157.07 feet;
21. S 73° 08' 05" W, 225.36 feet;
22. S 51° 43' 00" W, 48.42 feet;
23. S 23° 42' 50" W, 591.81 feet;
24. S 18° 09' 15" W, 75.14 feet;
25. S 07° 35' 10" W, 163.05 feet;
26. S 34° 34' 20" W, 105.82 feet;
27. S 02° 22' 50" W, 206.01 feet;
28. N 69° 23' 10" W, 586.17 feet;
29. S 18° 03' 30" W, 50.00 feet;
30. N 63° 45' 10" W, 233.25 feet to the easterly side of West Gate Drive.

THENCE along said road line; the following two (2) courses:

3. Northerly along the arc of a circular curve bearing to the left, having a radius of 931.96 feet, and a length of 52.81 feet;
4. N 03° 42' 30" E, 426.54 feet;

THENCE the following nine (9) courses:

6. N 38° 06' 30" E, 498.44 feet;
7. N 24° 09' 52" E, 471.12 feet;
8. N 33° 14' 30" E, 117.55 feet;

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9. N 50° 49' 50" E, 82.79 feet;
10. S 36° 22' 40" E, 478.54 feet;
11. N 56° 50' 30" E, 518.23 feet;
12. S 43° 41' 10" E, 369.65 feet;
13. S 82° 38' 43" E, 204.99 feet;
14. N 51° 13' 50" E, 161.87 feet to the southeasterly side of East Gate Drive;

THENCE along said road line the following two (2) courses;

1. S 38° 46' 10" E, 397.41 feet;
2. Southerly along the arc of a curve bearing to the right, having a radius of 50.00 feet and a length of 95.05 feet to the POINT or PLACE of BEGINNING.

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 2 -2015 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2 (FAIR, OPEN AND ACCOUNTABLE GOVERNMENT)

Resolution for Town Board Meeting Dated: January 14, 2015

The following Resolution offered by: Supervisor Petrone, **COUNCILWOMAN EDWARDS**
COUNCILMAN COOK, COUNCILWOMAN BERLAND

And seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Huntington Town Board wishes to establish a mechanism by which Members of the Planning and Zoning Boards can share concerns, updates in the law and other issues of common occurrence or interest on an annual basis; and

WHEREAS, the sharing of information and ideas will inure to the benefit of such Membership and the community at large; and

WHEREAS, the Town Board wishes to update the Town Code to comply with the state-mandated training requirements established for the Board of Assessment Review; and

WHEREAS, amending the Town Code to establish a joint meeting process between two administrative and/or quasi-judicial Boards, and to update the Code is a Type II Action in accordance with SEQRA, 6 NYCRR Part 617.5(c)(18, 19, 20, & 27), requiring no further environmental review because the legislation involves the continuing establishment and maintenance of Town administrative and recordkeeping procedures,

NOW THEREFORE, THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 10th day of February, 2015 at 7:00 p.m. at Town Hall, 100 Main Street, Huntington, New York to consider adopting Local Law Introductory No. 2 -2015, amending the Code of the Town of Huntington, Chapter 2 (Fair, Open and Accountable Government); as follows:

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

LOCAL LAW INTRODUCTORY NUMBER 2 -2015
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,
CHAPTER 2 (FAIR, OPEN AND ACCOUNTABLE GOVERNMENT)

Section 1. Amendment to the Code of the Town of Huntington, Chapter 2 (Fair, Open and Accountable Government), as follows:

CHAPTER 2
(FAIR, OPEN AND ACCOUNTABLE GOVERNMENT)

§ 2-3. Training and continuing education requirements. All members of the Zoning Board of Appeals, Planning Board and Board of Assessment Review shall complete the following training and continuing education requirements as a condition to service:

(A) Each member of the Zoning Board of Appeals[,] and Planning Board [and Board of Assessment Review] shall complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of the four (4) hours in any one (1) year may be carried over by the member into succeeding years in order to meet the requirements of this subdivision. Such training shall be approved by the Town Attorney and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, law school, college, bar association, qualified attorneys or other similar entity or person. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom learning. Proof of such attendance shall be filed by the respective department head [appointee] in the Town Clerk's office by December 31 of each year of service. [, with a copy to the Town Attorney. The Town Clerk shall create and maintain a system of tracking the training individual members complete annually, and such information shall be presented to the Town Board prior to considering a member for reappointment.]

(1) [B.] To be eligible for reappointment to such board, such member shall have completed the required training [approved by the Town Attorney pursuant to this subdivision].

(2) [C.] The training required by this [subdivision] Chapter may be waived or modified by resolution of the Town Board when, in the judgment of the Board, it is in the best interest of the Town to do so.

(3) [D.] No decision or action of a [board] Board shall be voided or declared invalid because of a failure to comply with [this subdivision] the training requirements of this Chapter.

(B) Members of the Board of Assessment Review shall complete the training required pursuant to §523(2) of the Real Property Tax Law as a condition of appointment.

§2-4. Removal from office.

The failure of any Board M[m]ember to comply with the foregoing training and education requirements shall be grounds for removal by the Town Board after a public hearing and an opportunity to be heard. [In addition, in the event of a violation of any other requirement as set forth in this chapter, it shall be grounds for removal of an appointed member if they fail to object to said violation (where they have knowledge or

reasonably should have known of same) either in the recorded minutes or in a writing filed with the Town Clerk, the Secretary of the appointed public body and the Town Attorney. These grounds] Such cause for removal shall be in addition to and not in derogation of any other grounds provided by law.

§2-5. Members of the Planning Board and Zoning Board of Appeals.

(A) Monthly conferences. The Chairmen of the Zoning Board and Planning Board, counsel to such Boards, and the Director of Planning or his designee shall meet on a monthly basis, at a time established by the Director in advance of each meeting, to coordinate the review and processing of land use applications, discuss concerns, and streamline the land use approval process.

(B) Annual conference. All Planning and Zoning Board Members shall convene annually at a time and place established by the Director of Planning for joint training on planning and/or zoning issues, or to discuss common areas of interest or concern, or any combination thereof as set forth in an agenda jointly prepared in advance of each session by the Chairman of each Board. Such sessions may include but shall not be limited to the presentation of experts in the fields of planning, zoning and land use, and such other experts and speakers as deemed necessary by the Boards.

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
Councilman Eugene Cook	AYE
Councilwoman Tracey A. Edwards	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 3 -2015 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

RE: BUTTONWOOD DRIVE/DEFOREST ROAD, DIX HILLS - PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: January 14, 2015

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to change parking regulations to improve sight distance; and

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

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 10th day of February, 2015 at 7:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 3 -2015 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

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

LOCAL LAW INTRODUCTORY NO. 3 -2015
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

2015-51

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

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

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD:	Buttonwood Drive/North From DeForest Road east for 35 feet (DXL)	No Standing	-----
	Buttonwood Drive/South From DeForest Road east for 35 feet (DXL)	No Standing	-----
	DeForest Road/East From 35 feet south of Buttonwood Drive to 40 feet north of Buttonwood Drive (DXL)	No Standing	-----

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.

2015-51

Section 3. Effective Date.

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2015 - 52

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 57-2014, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 183 (TOW TRUCKS AND TOWING FOR HIRE)

Resolution for Town Board Meeting Dated: January 14, 2015

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

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

WHEREAS, the amendment of the Code of the Town of Huntington, Chapter 183 (Tow Trucks and Towing for Hire) is a Type II action pursuant to 6 N.Y.C.R.R., Section 617.5(c)(20) and (c)(27) and, therefore, no further SEQRA review is required; and

THE TOWN BOARD having held a public hearing on the 14th day of JANUARY, 2015 2:00 pm to consider adopting Local Law Introductory No. 57-2014, amending the Code of the Town of Huntington, Chapter 183 (TOW TRUCKS AND TOWING FOR HIRE), and after due deliberation having been had,

HEREBY ADOPTS,

Local Law Introductory No. 57-2014, amending the Code of the Town of Huntington, Chapter 183 (TOW TRUCKS AND TOWING FOR HIRE), as follows:

LOCAL LAW NO. 6 -2015
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,
CHAPTER 183 (TOW TRUCKS AND TOWING FOR HIRE)

* * *

CHAPTER 183
TOW TRUCKS AND TOWING FOR HIRE

ARTICLE I
GENERAL PROVISIONS

§ 183-1. Purpose and intent.

- A. It is the purpose and intent of this chapter to control, regulate and standardize the operations and activities of the tow truck industry operating in the Town of Huntington by licensing all persons and tow trucks engaged in such business within the [town] Town as a matter of public interest in safeguarding the public against fraud, the imposition of exorbitant towing charges or any similar abuse and to ensure equitable and uniform systems of handling all types of towing calls. Furthermore, it is hereby declared and found that it is vital importance to the traveling public and the providers of emergency services that disabled vehicles be removed from the

roadways within the [town] Town as promptly as possible in order to avoid impeding the proper movement of traffic unnecessarily and/or causing additional vehicular incidents.

B. History has demonstrated the need for investigation and review of past conduct of applicants, in the interest of promoting public safety, morals, welfare, economic well-being and highway safety and usage. The provisions of this chapter seek to protect the peace and security of our citizens, residents and taxpayers in their homes and neighborhoods; to safeguard consumers against fraud and inferior services; and to prevent congestion and unsafe conditions on the streets and highways of the [town] Town. It has been made with reasonable consideration of the character of our community and with a view to preserving that character, among other considerations.

* * *

§ 183-2. Definitions and word usage.

A. Definitions. Unless otherwise stated in this section where the term is used herein, the meaning of the terms used in this chapter shall be as stated below:

* * *

APPLICABLE LAWS - Includes all laws, rules, regulations, codes, ordinances, local laws or other authority of the Town of Huntington, County of Suffolk, State of New York, United States of America, or other government subdivisions having jurisdiction over or within the [town] Town.

* * *

CRIMINAL JUSTICE SERVICES [, NYSCJS or CJS] – The New York State Division of Criminal Justice Services.

* * *

FIRE MARSHAL – The Town of Huntington Fire Marshal.

* * *

LICENSES - Due authorization in writing which permits a person to engage in the business of towing or to employ others for said purposes, divided into three (3) different categories, as follows:

(1) CLASS A: [RESTRICTED]GENERAL

Licenses for engaging in the business of towing for hire for general purposes independent of any other business activities or for restricted purposes accessory to other lawful business activities[:].

(2) CLASS B: [GENERAL] POLICE RESPONSE

Licenses for engaging in the business of towing for hire for general and Police response purposes, whether accessory to, or independent of, any other lawful business activities.

[(3) CLASS C: POLICE RESPONSE]

[Licenses for engaging in the business of towing for general and police response purposes, whether accessory to, or independent of, any other lawful business activities.]

* * *

POLICE RESPONSE ROSTERS or ROSTERS – Includes [five (5)] three (3) lists of Class [C] B licensees to be called, by the Suffolk County Police Department Precinct having jurisdiction within the Town of Huntington, for removal, towing and/or storage of vehicles, as follows:

(1) [~~DISABLED MOTORIST ROSTER~~]VEHICULAR ACCIDENT ROSTER

[A list of all Class C licensees, identical to the Vehicular Accident Roster, used separately for disabled vehicles only.] A list of all Class B licensees to be used for vehicles involved in accidents.

(2) [~~FLATBED ROSTER~~] DISABLED MOTORIST ROSTER

[A] An optional list of all Class [C] B licensees [that possess and operate flatbed tow trucks] to be used for [all] disabled vehicles [requiring the specific capabilities of such a tow truck] which have not been involved in an accident.

(3) HEAVY-DUTY ROSTER

A list of Class [C] B licensees that possess and operate heavy-duty tow trucks, to be used for all vehicles requiring the specific capabilities of such a tow truck.

[(4) REQUEST ROSTER]

[A general list of all Class C licensees, indicating availability of flatbed and heavy-duty capability, used for all requests by vehicle owners and/or operators for licensees of their own choosing.]

[(5) VEHICULAR ACCIDENT ROSTER]

[A list of all Class C licensees, identical to the Disabled Motorist Roster, used separately for vehicles involved in accidents only.]

* * *

RECOVERY - Any situation [in which the wrecked vehicle is] where a [large] tow truck[, road tractor or trailer and requires multiple pieces of equipment] is issued to clear [the wreck from the roadway,] or restore a wrecked vehicle or [in which the wrecked] to service a vehicle [has sustained major structural damage resulting in an] made unmovable and/or unstable [situation] by major damage which [may result in more] risks further

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damage [or a rupture of] to the [tanks] vehicle and/ or [trailer or the potential spillage of contents if] any other property, requiring that specialized towing equipment [is not] be used to [remove the wreck from the roadway.] correct or restore the vehicle to a safe condition for transport or that multiple pieces of equipment be used such as recovery straps, air bags, snatch blocks, torches, chains, chain binders or cribbing, subject to review and approval of the Town Director of Public Safety or his designee.

* * *

SPILL RESPONSE TEAM – The Town of Huntington Spill Response Team, a component of the office of the Town of Huntington Harbor Master.

* * *

TOW or TOWING - Includes the raising, carrying, pulling, pushing, moving, removing or otherwise transporting of any vehicle from one (1) location to another, by means of the use of a vehicle, upon the public streets, roads and highways within the jurisdiction of the [town] Town.

* * *

VEHICLE - Includes motor vehicles, tractors or trailers, as defined in New York State Vehicle and Traffic Laws; and/or legally licensed or registered to be operated on public streets; and/or not licensed or registered, but which may be operated on private lands; and/or not licensed or registered for operation, but which must be towed from one (1) location to another upon the public streets, roads and highways within the jurisdiction of the Town of Huntington. A “basic” vehicle is one having a weight not exceeding 10,000 pounds. A “heavy duty” vehicle is one having a weight exceeding 10,000 pounds.

* * *

§ 183-3. Inclusions and exemptions.

A. Inclusions. All of the provisions of this chapter shall apply to any person or vehicle engaged in the following activities or any combination thereof:

- (1) Towing for hire in conjunction with the operation of a garage, depot, terminal and/or automotive body or repair shop or service station, located within the [town] Town.
- (2) Regularly advertising or soliciting towing business, responding to calls or otherwise regularly providing or offering towing services within the [town] Town, regardless of the location of the business.

B. Exemptions. The license, certificate and permit provisions of this chapter shall not apply to persons or vehicles solely engaged in the following activities:

* * *

(3) Towing occasionally from a point within the [town] Town to a point without the [town] Town or from a point without the [town] Town to a point within the [town] Town, or from a point without the [town] Town, through the [town] Town, to a point beyond the [town] Town and not otherwise included by the provisions set forth hereinabove in this section.

* * *

ARTICLE II
BUSINESS OWNER REQUIREMENTS

§ 183-4. License required for business owners.

It shall be unlawful for any person to engage in towing for hire within the Town of Huntington without first securing a license from the Town Clerk for the category of business to be conducted, as follows:

A. Class A: [Restricted. A Lawful public garage or automotive body or repair shop or service station, located within the town, may be issued such a license for the restricted purpose of responding to calls for assistance directly from owners and/or operators of vehicles needing transport to any such garages, shops or stations owned by them or others.] General. A lawful terminal, whether located within the Town or elsewhere, may be issued such a license for the general purposes of responding to calls for assistance directly from owners and/or operators of vehicles needing transport to any destination.

B. Class B: [General. A lawful terminal, whether located within the town or elsewhere, may be issued such a license for the general purposes of responding to calls for assistance directly from owners and/or operators of vehicles needing transport to any destination.] Police Response. A lawful depot, located within the Town, may be issued such a license for the purposes of responding to calls for assistance either from Police or directly from owners and/or operators of vehicles needing transport to any destination, or for private enforcement purposes.

[C. Class C: Police Response. A lawful depot, located within the town, may be issued such a license for the purposes of responding to calls for assistance either from police or directly from owners and/or operators of vehicles needing transport to any destination, or for private enforcement purposes.]

§ 183-5. License application; qualifications; examination.

A. Application. Applications for a license or license renewal required herein shall be filed with the Town Clerk, on a form supplied by the Town Clerk. Said application shall be in the form of a sworn affidavit by the applicant, stating that all information is true and

accurate to the best of their knowledge and belief, including the information set forth herein.

(1) Personal information.

* * *

(f) [Proof that the applicant can read and write the English language, and a] A signed statement that the applicant has read and understands the provisions of this chapter and will abide by them if issued a license.

(2) Business information.

(a) Name, address, telephone number of business, located within the [town] Town.

* * *

C. Inspection. No license shall be issued or renewed until the business premises to be used by the proposed licensee shall have been inspected by the [town] Town and found to be in conformance with all provisions of this chapter.

* * *

§ 183-6. Additional licensee requirements.

Licensees are responsible for ensuring that they, and their employees and operators (as applicable), take such training course as may be prescribed, from time to time, by any applicable laws, specifically designed to educate and familiarize them with customary safety standards. Evidence of satisfactory completion of such courses shall be filed with the license application. Current licensees shall file proof that such courses are regularly attended and/or have been satisfactorily completed.

§ 183-7. Business owner regulations.

These regulations are mandatory and are the responsibility of licensees as to owners, vehicles, operators and/or employees during all times and operations of the business.

* * *

C. Business facilities.

(1) License related. Licensees shall maintain a legally permitted [terminal and those further facilities required for the category of license they hold, as follows:] depot, and a legally permitted public garage or automotive body or repair shop or service station within the Town. In the case of a Class B license, the depot and the garage, shop, or service station must be at the same location.

[(a) Class A: Restricted. Such licensees shall maintain a legally permitted public garage or automotive body or repair shop or service station within the town.]

[(b) Class C: Police response. Such licensees shall maintain a legally permitted depot within the town, and may also maintain a legally permitted public garage or automotive body or repair shop or service station at the same location.]

* * *

§ 183-8. Prohibited activities by business owner.

These activities are unlawful and are the responsibility of licensees as to owners, vehicles, operators and/or employees during all times and operations of the business.

* * *

B. Attention-seeking devices. Licensees, or persons on their behalf, shall not use loudspeakers, noisemaking and/or other attention-seeking devices upon any street, road, highway, alley, park or other public place within the [town] Town for the purpose of attracting attention to solicitation of business or for any other purpose, unless specifically required by law.

* * *

D. Invalid documents. Licensees shall not allow operation of any vehicles of the business while requisite [town] Town, state or federal documents of any nature are not in effect, have expired or been suspended or revoked, as they apply to owners, vehicles or operators.

* * *

ARTICLE III
VEHICLE REQUIREMENTS

* * *

§ 183-10. Certificate application; qualifications.

A. Application. Applications for a certificate or certificate renewal required herein shall be filed with the Town Clerk, on a form supplied by the Town Clerk. Said application shall be in the form of a sworn affidavit by the applicant, stating that all of the information is true and accurate to the best of their knowledge and belief, including the documents and information set forth herein.

* * *

(2) Business information[:]. Name, address (local and legal, if different), telephone number of the vehicle owner and all other information regarding said owner as if an applicant for a license, if different than business owner.

[(a) Number of license issued by the Town Clerk.]

[(b) Name, address (local and legal, if different), telephone number of the vehicle owner and all other information regarding said owner as if an applicant for a license, if different than business owner.]

* * *

§ 183-11. Vehicle Inspections; compliance.

A. Police inspection.

(1) Issuance. No certificate shall be issued or renewed until the vehicle has passed inspection by the Suffolk County Police Department, as prescribed by the [town] Town, and a [police] Police inspection sheet, with the shield number and signature of a police officer designated by the Huntington Precinct Commander affixed thereto, has been received by the Town Clerk.

(2) Rules and regulations. The Town Clerk may establish reasonable rules and regulations for vehicle inspections, including, but not limited to, inspections performed at any time under the direction and supervision of or by any employee or official designated by the [town] Town.

* * *

(4) Waiver. A disapproved or suspended certificate may be approved or reinstated after filing a request for waiver with the Town Clerk, based on submission of proof that corrective measures have been taken within ten (10) days of such disapproval or suspension. If said proof is not timely submitted and/or the Town Clerk revokes the certificate, a new application, [police] Police inspection and fee shall be required.

* * *

C. Liability. Said inspections shall not be conclusive against the [town] Town but shall be evidence merely that the owner of the vehicle has had inspections made as required by this chapter.

D. Police authority. Nothing herein shall prevent [police] Police authorities from making further inspections of the vehicle at any time, and [police] Police authorities are hereby given specific authority to make such inspections whenever deemed necessary for public health, safety and welfare.

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* * *

§ 183-13. Vehicle regulations.

These regulations are mandatory and are the responsibility of licensees as to owners, vehicles, operators and/or employees during all times and operations of the business, and the responsibility of permittees while in possession of a vehicle.

* * *

B. Accident reports. All accidents involving [each] a vehicle shall be reported to the police department having jurisdiction within seven (7) days of the occurrence.

C. Equipment. Each tow truck shall be equipped with the following, in good condition and satisfactory working order at all times:

(1) Tow trucks, generally.

* * *

(b) Emergency flashing amber lights visible from the front and rear of the vehicle and a [police] Police-approved reflective triangle or at least one (1) dozen red railroad-type flares; and

(c) A ten (10) pound multipurpose (ABC) dry chemical fire extinguisher [with a minimum rating of 10A-80BC]; and

(d) [A lifting boom or similar device in the rear of the truck and equipment to push all types of vehicles; and] A minimum one and one-half (1 1/2) ton power winch and at least seventy-five (75) feet of three-eighths (3/8) inch steel cable; and

(e) [A minimum one and one-half (1 1/2) ton power winch and at least one hundred fifty (150) feet of three-eighths (3/8) inch steel cable, except flatbed tow trucks; and] Dolly wheels or similar equipment, protective straps, safety chains, a tow sling where applicable, a snatch block and jumper cables; and

(f) [Dolly wheels or similar equipment, protective straps, safety chains, a tow sling where applicable, a snatch block and jumper cables; and] A crow bar, a hacksaw and an axe; and

(g) [A crow bar, a hacksaw and an axe] A shovel, a heavy-duty broom and a plastic container and/or heavy duty commercial plastic bags of at least three (3) millimeters in thickness; and

(h) [A shovel, a heavy-duty broom and a plastic container and/or heavy duty commercial plastic bags of at least three (3) millimeters in thickness; and] Two (2) tow hooks with proper chains, unless the truck is a heavy-duty tow truck.

(2) [Hydraulic lift flatbed tow trucks: two (2) tow hooks with proper chains.] Heavy-duty tow trucks: In addition to the items (a) through (h) required for a flatbed tow truck, a GVWR of thirty-three thousand (33,000) pounds or greater and the capability of lifting loads of twenty-two (22) tons or greater.

[(3) Heavy-duty tow trucks: a GVWR of twenty-six thousand (26,000) pounds or greater and the capability of lifting loads of twenty-two (22) tons or greater.]

* * *

E. Inspections. Each vehicle and its equipment shall be inspected annually and must pass all town, state and police inspections[.] as required by this Chapter.

* * *

H. Disposition of vehicles. Upon the sale or other disposition of any vehicle for which a certificate has been issued, the certificate holder shall, within twenty-four (24) hours, notify the Town Clerk and surrender the certificate, decal and any other [town] Town-issued documentation for said vehicle.

§ 183-14. Prohibited activities involving vehicles.

These activities are unlawful and are the responsibility of licensees as to owners, vehicles, operators and/or employees during all times and operations of the business and the responsibility of permittees while in possession of a vehicle.

* * *

B. Attention-seeking devices. No vehicle shall be operated with use of loudspeakers, noisemaking and/or other attention-seeking devices upon any street, road, highway, alley, park or other public place within the [town] Town for the purpose of attracting attention to solicitation of business or for any other purpose, unless specifically required by law.

* * *

ARTICLE IV
VEHICLE OPERATOR REQUIREMENTS

* * *

§ 183-16. Permit application; qualifications; examination.

A. Applications. Applications for a permit or permit renewal required herein shall be filed with the Town Clerk, on a form supplied by the Town Clerk. Said application shall be in the form of a sworn affidavit by the applicant, stating that all information is true and accurate to the best of their knowledge and belief, including the information set forth herein.

(1) Personal information:

* * *

(g) [Proof that the applicant can read and write the English language, and a] A signed statement that applicant has read and understands the provisions of this chapter and will abide by them if issued a license.

* * *

B. Identification. Applicants shall also file the items set forth herein with said application.

(1) Fingerprints:

(a) [A copy of the application and a fingerprint card] All applicants shall be [referred to the Town Department of Public Safety for appropriate fingerprinting of the applicant, which the Town Clerk] fingerprinted through, and shall [then send to the] pay the cost for the services of, a New York State Division of Criminal Justice Service-approved statewide vendor-managed civil fingerprint capture system.

(b) [The application shall be accompanied by a fee (in addition to required processing fees); the Town Clerk shall determine the amount and manner of payment, pursuant to requirements of Criminal Justice Services for such investigation deemed necessary or advisable for protection of public good and welfare.] Criminal Justice Services shall submit any criminal record discovered, or a statement indicating that no such relevant information exists, to be filed with the Town Clerk.

(c) [Criminal Justice Services shall return any criminal record discovered or a statement no such relevant information exists, to be filed with the Town Clerk.] New fingerprints for each renewal period may be waived by the Town Clerk, unless the license has lapsed for a period of time in excess of one (1) year.

[(d) New fingerprints for each renewal period may be waived by the Town Clerk, unless the license has lapsed for a period of time in excess of one (1) year.]

(2) Photographs.

* * *

[(c) New photographs for each renewal period may be waived by the Town Clerk, unless the license has lapsed for a period of time in excess of one (1) year.]

(3) [Driver's] Driver license.

(a) A copy of the applicant's current New York State [Driver's] Driver License, which the Town Clerk shall then send to the New York State Department of Motor Vehicles or the Town's Department of Public Safety, as applicable, for a full search of the applicant's driving history.

(b) The application shall be accompanied by a fee, [(in addition to required processing fees);] the amount and manner of payment of which the Town Clerk shall determine [amount and manner of payment, pursuant to requirements of the DMV for such investigation deemed necessary or advisable for protection of public good and welfare].

(c) [The DMV] When applicable, the Town's Department of Public Safety shall return any driving record discovered or a statement that no such relevant information exists, to be filed with the Town Clerk.

* * *

D. Issuance. No permit required by this chapter shall be issued until responses by Criminal Justice Services and the [DMV] Town's Department of Public Safety, as applicable, have been received, all prescribed fees have been paid and the application has been approved by the Town Clerk.

* * *

§ 183-19. Prohibited activities by vehicle operator.

These activities are unlawful and are the responsibility of permittees while in possession of a vehicle, and the responsibility of licensees as to owners, vehicles, operators and/or employees during all times and operations of the business.

* * *

B. Attention-seeking devices. Permittees shall not use loudspeakers, noisemaking and/or other attention-seeking devices in the operation of a vehicle upon any street, road, highway, alley, park or other public place within the [town] Town for the purpose of attracting attention to solicitation of business or for any other purpose, unless specifically required by law.

* * *

G. Invalid documents. Permittees shall not operate vehicles while requisite [town] Town or state licenses, certificates or permits are not in effect, have expired or been suspended or revoked, as they apply to owners, vehicles or operators.

* * *

I. Solicitation of towing for hire. Unless specifically authorized to do so pursuant to a [town] Town, county, state or federal emergency road service contract:

(1) Cruising. Permittees shall not cruise public streets, roads and/or highways within the [town] Town for the purpose of soliciting towing for hire work.

(2) Accident scenes. Permittees shall not appear at and/or approach accident scenes on private property or public streets, roads and/or highways within the [town] Town for the purpose of soliciting towing for hire work.

(3) Police radio monitoring. Permittees shall not monitor, directly or indirectly, the police radio of the Suffolk County Police Department for the purpose of soliciting towing for hire work, unless included on Police Response Rosters, and then for the purpose of providing quick response to [police] Police calls only.

* * *

ARTICLE V
POLICE RESPONSE REQUIREMENTS

* * *

§ 183-21. Police response requirements; restrictions.

A. Documentation. It shall be unlawful for any person, owner and/or operator to engage in response to [police] Police calls for towing within the Town of Huntington without first having secured all of the following from the Town Clerk:

(1) A Class [C] B license for the business: and

* * *

B. Hours of operation. Licensees shall operate and maintain twenty-four (24) hour [on premises] service to respond to emergency calls to tow vehicles.

C. Current standards.

(1) Training courses. Licensees and permittees are responsible for taking such training courses as may be prescribed, from time to time, by any applicable laws, specifically designed to educate and familiarize them with [police] Police response standards.

(2) Equipment. Licensees are responsible for outfitting all vehicles with such equipment as may be prescribed, from time to time, by any applicable laws, for [police] Police response purposes.

* * *

§ 183-22. Roster procedures.

The procedures set forth herein shall control development, maintenance and use of the [five (5)] Police Response Rosters, and shall be adhered to by all licensees and permittees.

A. Development procedures.

(1) Inclusion. All towing businesses that have been found duly qualified for a Class [C] B License by the [town] Town shall be included on the proper [roster] Roster, as set forth hereinbelow.

(2) Compilation. The Huntington Precinct Commander, or their designee, shall compile [five (5)] three (3) separate Police Response Rosters, with the aid and assistance of the Town Clerk, as set forth hereinbelow.

(3) Contents. Each [roster] Roster shall contain the name, address (location, if for any reason different), telephone number and [town] Town license number and date of issuance of all towing businesses qualified for that [roster] Roster.

(4) Placement. Licensees shall be placed on each [roster] Roster in the order that their license for inclusion thereon has been issued each year, which list shall be all-inclusive.

B. Maintenance procedures.

(1) Supervision. Said [rosters] Rosters are under the supervision and control of the Precinct Commander, or their designee, who shall be responsible for providing a current copy of each [roster] Roster to the communications desk at the precinct at all times.

(2) Separate [rosters] Rosters. The following separate [rosters] Rosters shall be maintained:

(a) [Disabled Motorist Roster. Said roster shall include all Class C licensees and shall be identical in content to the] Vehicular Accident Roster.

(b) [Flatbed Roster. Said roster shall include all Class C licensees that possess and operate flatbed tow trucks for which certificates have been issued.] Disabled Motorist Roster.

(c) Heavy Duty Roster. [Said roster shall include all Class C licensees that possess and operate heavy duty tow trucks for which certificates have been issued.]

[(d) Request Roster. Said roster shall include all Class C licensees, indicating availability of flat bed and heavy duty capability.]

[(e) Vehicular Accident Roster. Said roster shall include all Class C licensees and shall be identical in content to the Disabled Motorist Roster.]

(3) Removal from [roster] Roster. In compliance with the provisions set forth in this chapter, the Precinct Commander may remove any licensee from any [roster] Roster and recommend to the Town Clerk the suspension of any license issued hereunder, pending a revocation hearing by the Town Board or hearing officer, wherein a licensee and/or their operator called for [roster] Roster response could not be reached, refused to respond, was unavailable for response, delayed in responding or failed to act properly in any manner on three (3) occasions.

C. Use procedures.

(1) Police calls. The [rosters] following Rosters shall be used by the [Suffolk County] Police [Department] to call for towing of vehicles[, as they may deem necessary, in the following manner]:

(a) [Disabled Motorist Roster. This roster shall be used only for towing of disabled vehicles which have not been involved in an accident and do not require heavy duty or flatbed services] Vehicular Accident Roster.

(b) [Flatbed Roster. This roster shall be used only for towing of any vehicles requiring flatbed services] Disabled Motorist Roster.

(c) Heavy Duty Roster. [This roster shall be used only for towing of any vehicles requiring heavy-duty services.]

[(d) Request Roster. This roster shall be used for all requests by vehicle owners and/or operators for licensees of their own choosing.]

[(e) Vehicular Accident Roster. This roster shall be used only for towing of vehicles which have been involved in an accident and do not require heavy-duty or flatbed services.]

In foul weather, the Police may call from any of the aforementioned Rosters.

(2) Rotation of licensees.

(a) One (1) turn per rotation. Each licensee shall have only one (1) turn on the [roster] Roster, on a rotational basis, per licensed Business regardless of the number of vehicles

owned or operated by said licensee or the number of business locations maintained, and shall have [their] its next turn after the[roster] Roster has had a full rotation.

(b) Loss of turn.

(1) In the event that the licensee fails to respond to the aforesaid call within [thirty (30)] forty-five (45) minutes, they shall lose this and their next turn on the list, and the next licensee on said list shall be called.

* * *

(3) Police records.

(a) Maintenance. The Precinct Commander, or their designee, shall maintain records of all calls made to licensees with reference to [roster] Roster calls in any manner the Precinct Commander determines efficient to reveal the information set forth hereinbelow.

(b) Contents.

(1) General information. Said records shall include the date, time and place of the accident or disablement event; the name and address of the person, and description of the vehicle requiring [roster] Roster response; and the name and address of the licensee and/or permittee called from any [roster] Roster.

* * *

(3) Selection statement. Said records shall also include any statement exercising a right of selection by a motor vehicle owner and/or operator, as set forth hereinbelow.

(c) Availability. Said records shall be made available to the proper officials of the [town] Town at all times, including the Town Clerk and the Director of Public Safety, or their designees.

§ 183-23. Tow and repair authorization procedures.

The procedures set forth herein shall pertain to tow and repair authorization during and subsequent to [police] Police response and shall be adhered to by all licensees and permittees.

A. Tow authorizations.

(1) Permittee authorization. No vehicle shall be towed or moved from a [police] Police response scene without prior written authorization of the owner, operator and/or other person in charge of the vehicle, including for the location to which the vehicle is to be towed or moved.

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(2) Police substitute authorizations. In the event that the owner, operator and/or other person in charge of the vehicle is incapacitated and/or absent from the scene, no such vehicle shall be towed or moved from a [police] Police response scene without prior authorization of the police officer in charge at the scene. Said substitute authorization shall imply nothing more than consent to remove the vehicle for public safety purposes.

B. Repair authorizations. In no event shall repairs commence on a vehicle towed from a [police] Police response scene unless prior authorization has been obtained from the vehicle owner or their representative. In the event of a dispute, the burden of proof of such authorization is on the licensee.

§ 183-24. Police response regulations.

These regulations are mandatory and the responsibility of licensees as to themselves, their vehicles, operators and/or employees during all times and operations of the business for Police Response Roster calls and of the permittee while in possession of a vehicle for Police Response Roster calls.

A. Compliance, generally. Licensees, vehicles and permittees responding to [roster] Roster calls shall be in compliance with all requirements of this chapter, including the requirement that all parties engaging in towing for hire shall have a Town license and/or permit, as applicable, and with all other applicable laws, including but not limited to those concerning vehicles, traffic and parking.

B. Rates. Licensees and permittees shall charge fees to all persons having vehicles towed on [roster] Roster calls in compliance with all other requirements of this chapter.

C. Identification devices. Licensees and permittees shall display their [police] Police response authorization, as well as all other identification devices prescribed by this chapter.

D. Scene maintenance. Permittees shall clean up and remove any debris, solid and/or liquid, resulting from the accident and/or disablement event to which they are called, to the satisfaction of the police officer, Fire Marshal[l], Spill Response Team representative or other designated [town] Town official at the scene, unless a fire district official at the scene or Spill Response Team representative called to the scene determines any substance to be hazardous, due to type or quantity. Any hazardous substance shall be handled in accordance with the Town of Huntington's Spill Response Policy protocols.

E. Written logs. Licensees and/or permittees shall maintain and constantly update all written logs prescribed in this chapter, specifically indicating each call made in response to [roster] Roster calls.

§ 183-25. Prohibited activities by responders to [police] Police calls.

These activities are unlawful and the responsibility, of licensees as to themselves, their vehicles, operators and/or employees during all times and operations of the business for [roster] Roster calls and of the permittee while in possession of a vehicle for [roster] Roster calls.

* * *

B. Police investigations. Licensees, vehicles and permittees shall not tow or move any vehicle from a [police] Police response scene where a police officer requires, requests, directs or demands an investigation at the scene, whether for an examination to determine if it was defective, for the taking of photographs and/or drawing of diagrams of the scene, or for any other [police] Police purposes whatsoever.

C. Assignment. It shall be unlawful for a licensee or their agent to assign their place on any [roster] Roster to any other tow truck business and/or operator, for any reason whatsoever.

D. Solicitation of vehicular accident or disablement response work.

(1) Cruising. Licensees and/or permittees shall not cruise public streets, roads and/or highways within the Town of Huntington for the purpose of soliciting vehicular accident or disablement response work, unless specifically authorized to do so pursuant to a [town] Town, county, state or federal emergency road service contract.

(2) Accident and/or disablement scenes. Licensees and/or permittees shall not appear at and/or approach the scene of any motor vehicle accident or disablement on private property or on the public streets, roads and/or highways within the [town] Town, for the purpose of soliciting accident or disablement response work, unless responding to a [roster] Roster call or specifically authorized to do so pursuant to a [town] Town, county, state or federal emergency road service contract.

(3) Police radio monitoring. Licensees and/or permittees shall not monitor, neither directly nor indirectly, the police radio of the Suffolk County Police Department or any other law enforcement agency for the purpose of soliciting accident or disablement response work, unless operating a vehicle included on the [roster] Roster and authorized to respond to calls from said police department for removal of accident or disabled vehicles from the public streets, roads and/or highways of the [town] Town or specifically authorized to do so pursuant to a [town] Town, county, state or federal emergency road service contract.

§ 183-26. Owner's and/or operator's rights.

A. Selection of licensee.

* * *

(2) Authorization. In such an event, the police officer at the scene shall have said owner and/or operator sign a statement to that effect, including the name, address and telephone number of the licensee selected. The [police] Police officer shall witness the signing of said statement and shall have it included with the [police] Police records set forth hereinabove.

B. Point of delivery.

(1) Right. Notwithstanding any other provision of this chapter to the contrary, it shall be the right of any motor vehicle owner and/or operator engaged in an accident or disablement event to request that a licensee called to the scene deliver their vehicle to any location of their choosing within the Town of Huntington or within a reasonable distance from the borders of the [town] Town.

* * *

§ 183-27. Police Response Oversight Committee.

[There shall be] The Town may create a Police Response Oversight Committee [of the Town of Huntington, which shall,] to be supplied with a current copy of the Police Response Rosters and a report from the Precinct Commander of any and all problems and/or concerns arising out of specific or general responses to [police] Police calls, to ensure efficiency of operation and compliance with all regulations set forth in this chapter, and said committee shall be composed of the following public officials, without additional compensation:

* * *

ARTICLE VI
PRIVATE ENFORCEMENT REQUIREMENTS

§ 183-28. Legislative intent.

It is the legislative intent of this article to prevent potential abuses in the towing for hire industry, whereby a motor vehicle which has been parked on private property within the jurisdiction of the Town of Huntington without authorization of the property owner might be towed or removed to another location over the public streets, roads and highways of the [town] Town, at the expense of the vehicle owner or operator, without their prior knowledge, consent and/or authorization, or that such vehicle owner or operator might be charged an exorbitant rate for such towing or removal or redemption of their vehicle.

§ 183-29. Towing from private property.

No motor vehicle which is parked on private property within the jurisdiction of the [town] Town, without the authorization of the property owner, shall be towed or removed

therefrom unless by a licensee and all of the conditions set forth in this article have been previously complied with.

§ 183-30. Filing of written authorization agreement required.

A. Filing. [The property owner] A licensee or his/her/its agent shall, [first] not less than annually, file with the Town Clerk and the Huntington Precinct Commander of the Suffolk County Police Department a copy of [the] any written agreement made by him/her/it with a private property owner authorizing [one (1) or more towing businesses] the licensee to remove any unauthorized motor vehicles parked on [their] the private property owner's premises.

B. Content. Said written agreement shall set forth the [fo;lowing] following:

* * *

(6) Copies of all licenses, certificates and permits issued by the [town] Town for operation of said Class [C] B towing business, its vehicles and operators.

* * *

§ 183-32. Request for enforcement required; Release of Vehicles.

Each instance of the towing of an unauthorized vehicle from private property shall occur only after a specific, written request from, and under the specific direction of, the property owner or their authorized agent to the towing business authorized to do so pursuant to the filed written agreement.

For each instance of towing under this Article VI, the towing business shall make the vehicle available for release twenty-four (24) hours per day, seven days per week without exception.

§ 183-33. Notice to [police] Police required.

Each instance of the towing of an unauthorized vehicle from private property shall occur only after specific notice of such towing or removal of each unauthorized vehicle is made to the Police's Huntington Precinct [of the Suffolk County Police Department] by the licensee, indicating the location from and to which the vehicle is being towed and whereat it can be redeemed.

* * *

ARTICLE VII
COMMON REQUIREMENTS

§ 183-35. Response to inquiries required.

All parties holding licenses, certificates or permits issued pursuant to the provisions of this chapter, as well as their agents and employees, will promptly answer all requests for information, documentation or any other requests made by the Suffolk County Police Department, the Town Clerk, the Department of Public Safety or any other proper federal, state, county or [town] Town official.

* * *

§ 183-37. Terms; expirations; renewals.

A. Terms. All business licenses and vehicle certificates issued hereunder shall have a term of not more than one (1) year, and all operator permits issued hereunder shall have a term of not more than [two (2) years] one (1) year, unless any shall be sooner suspended and/or revoked, pursuant to the provisions of this chapter.

B. Expirations. All business licenses, [and] vehicle certificates and operators permits issued hereunder shall expire at 12:00 midnight on the first day of October next following the date of issuance, regardless of the date of issuance thereof. [All operator permits issued hereunder shall expire at 12:00 midnight on the first day of October of the year next following the date of issuance, regardless of the date of issuance thereof.]

* * *

§ 183-38. Issuance, posting and availability of identification devices; contents.

A. Business owner's license.

(1) Issuance. Upon approval of an application, the Town Clerk shall issue to the business owner one (1) or more of the following licenses, as may be appropriate, bearing the title indicated hereinbelow:

(a) "Business License: Class A: [Restricted] General Towing."

(b) "Business License: Class B: [General Towing] Police Response Towing."

[(c) "Business Licence: Class C: Police Response Towing."]

* * *

B. Vehicle's certificate of operation.

(1) Issuance. Upon approval of an application, the Town Clerk shall issue for each vehicle one (1) of the following certificates, as may be appropriate, bearing the title indicated hereinbelow:

* * *

(b) "Certificate Of Operation: [Flatbed Towing] Heavy-Duty Towing."

[(c) "Certificate Of Operation: Heavy-Duty Towing."]

* * *

§ 183-41. Written logs required.

* * *

C. Inspections. Such records shall be kept for six (6) years from the date of the transactions and shall be available for inspection by the [town] Town, upon request, at all times during said period.

* * *

ARTICLE VIII
CUSTOMER REQUIREMENTS

* * *

§ 183-46. Customers' rights; complaints.

* * *

B. Complaints. Customers who wish to file complaints regarding poor service, poor vehicle conditions, improper conduct or any other reason should do so at the [office] Department of [the Town Clerk] Public Safety, Huntington Town Hall, 100 Main Street, Huntington, New York 11743.

ARTICLE IX
DISAPPROVALS, SUSPENSIONS, REVOCATIONS AND APPEALS

§ 183-47. Disapprovals.

* * *

B. Certificate of operation. Upon any circumstances set forth herein, the Town Clerk shall notify the applicant of the disapproval of their application, and no certificate shall be issued.

(1) Noncompliance. Vehicles which do not comply with the requirements of the United States of America, State of New York, County of Suffolk or Town of Huntington, including any of the following:

(a) License. Lack of a valid business owner's license from the [town] Town.

* * *

(2) Inspection failure. Vehicles which do not comply with state and/or [town] Town inspections as required hereinabove, including any of the following:

* * *

§ 183-48. Suspensions and revocations.

* * *

C. Administrative [hearing officer] Hearing Officer. The Town Board may appoint an administrative hearing officer to conduct an appeal hearing on the denial, suspension or revocation of the license. The hearing officer shall submit his/her written findings and recommendations to the Town Board.

* * *

ARTICLE X
RATES, BILLING AND FEES PROVISIONS

§ 183-52. Maximum rates.

A. Basic services. No licensee shall charge more than the maximum rates set forth herein, day or night, for each vehicle used in towing a motor vehicle picked up within the [town] Town and towed to a place within the [town] Town.

(1) [All vehicles weighing up to one and one-half (1 ½) tons, regardless of time or distance, and all passenger cars, regardless of weight: Eighty (\$80) Dollars] All vehicles requiring general towing: One Hundred Eighty-Five (\$185) Dollars.

(2) [All vehicles weighing more than one and one half (1 ½) tons and up to three (3) tons, other than passenger cars: One Hundred (\$100) Dollars, plus Twenty (\$20) Dollars per hour from time of hookup to time of arrival at delivery point.] All vehicles requiring heavy duty towing: Four Hundred (\$400) Dollars per hour, from time of leaving place of towing business to time of return thereto, excluding Police directed waiting time.

(3) [All vehicles weighing more than three (3) tons, other than passenger cars: One Hundred (\$100) Dollars and an additional Seven (\$7) dollars for each full two (2) tons in excess of three (3) tons, plus Twenty (\$20) Dollars per hour from time of hookup to time of arrival at delivery point.] Accessibility during normal business hours (Monday through Friday, 8:00 am to 5:00 pm) to the towed vehicle, for any purpose, while being stored: no charge.

[(4) All vehicles requiring heavy duty towing. Two Hundred (\$200) Dollars per hour, from time of leaving place of towing business to time of return thereto, excluding police directed waiting time.]

[(5) All vehicles requiring flatbed towing: One Hundred Fifty (\$150) Dollars.]

[(6) Cancellation of towing service after hookup, but before vehicle movement: Thirty-five (\$35) Dollars.]

[(7) Accessibility to towed vehicle, for any purpose, while being stored: no charge.]

B. Incidental services. In addition to the foregoing, the following maximum rates for services incidental to towing may be charged, day or night:

(1) Dollying (where a vehicle is removed or conveyed on a dolly): [Seventy (\$70)] Ninety (\$90) Dollars.

(2) Storage.

(a) Outside storage: [Fifteen (\$15)] Thirty-Five (\$35) Dollars per day for [the first three (3) days or part thereof; Twenty (\$20)] basic vehicles; One Hundred (\$100) Dollars per day [after the first three (3) days] for heavy duty vehicles.

(b) Inside storage: Storage of vehicles in interior space shall be by private agreement, requiring prior written authorization of the vehicle owner and/or operator[; unless]. If the licensee has no outside storage facilities, the same maximum rate restriction specified [hereinabove for outside storage] in sub-section (2)(a) above shall apply.

(3) Righting an overturned vehicle: One Hundred [(\$100)] Twenty-Five (\$125) Dollars for basic vehicles; [Two] Five Hundred [Fifty] [(\$250)] (\$500) Dollars for [vehicles associated with a] heavy-duty [tow] vehicles.

(4) Winching [from off roadway: Thirty-five (\$35)] to a towable position: Fifty (\$50) Dollars for basic vehicles; [One] Two Hundred [Twenty-Five (\$125)] Fifty (\$250) Dollars for [vehicles associated with a] heavy-duty vehicles.

(5) Pulling of an axle or shaft necessary for tow: [Thirty (\$30)] Forty (\$40) Dollars per axle or shaft.

(6) Extraordinary labor: after the first one-half (1/2) hour on-scene, excluding [police] Police-directed waiting time, an additional charge of [Fifty (\$50)] Seventy-Five (\$75) Dollars per one-half (1/2) hour may be charged, subject to review and approval of the Town Director of Public Safety or his designee.

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§ 183-53. Billing for towing services.

A. Form. Licensees shall use a prenumbered, duplicate billing pad, in a form filed with and approved by the Town Clerk, containing the information set forth hereinbelow.

* * *

(6) State registration, vehicle license plate, and town certificate numbers of the tow truck.

* * *

§ 183-54. Fees.

A. Regular fees. The following fees shall be collected on an annual basis by the Town Clerk at the time applications are presented for the following:

(1) Business owner's license: [Two] Three Hundred [Sixty (\$260)] Twenty-Five (\$325) Dollars.

(2) Certificate of operation and decal for each motor vehicle: [Sixty] Eighty-Five [(\$65)] (\$85) Dollars.

(3) Vehicle operator's permit: [Thirty] Forty-Five [\$35] (\$45) Dollars.

(4) [Processing by the town of fingerprints when applicable, in addition to New York State Division of Criminal Justice Services fee: fifty dollars (\$50).] Waiver of disapproval, suspension or revocation: Thirty-Five (\$35) Dollars.

(5) [Waiver of disapproval, suspension or revocation: Twenty-Five (\$25) Dollars.] Appeal of disapproval hearing: One Hundred Twenty-Five (\$125) Dollars.

(6) [Appeal of disapproval hearing: one hundred dollars (\$100).] Revocation Hearing: Three Hundred Fifteen (\$315) Dollars.

B. Late fees. The following additional fees shall be collected by the Town Clerk at the time applications are presented for renewal when said applications are made in excess of thirty (30) days [alter] after the expiration date thereof:

(1) Business owner's license.

(a) Class A: [fifty dollars (\$50)] Forty-Five (\$45) Dollars.

(b) Class B: [thirty-five dollars (\$35)] Ninety (\$90) Dollars.

[(c) Class C: seventy-five dollars (\$75)]

(2) Vehicle operator's permit: [ten dollars (\$10)] Fifteen (\$15) Dollars.

C. Replacement fees. The following fee shall be collected by the Town Clerk at the time an application is presented for replacement of any type of lost or damaged document previously issued thereby: [twenty-five dollars (\$25)] Thirty-Five (\$35) Dollars.

* * *

ARTICLE XI
PENALTIES AND MISCELLANEOUS PROVISIONS

§ 183-55. Penalties for offenses.

A. Any person or persons, associations, corporations or entities committing an offense against this chapter or any section or provision thereof is guilty of a violation punishable by a fine as indicated hereinbelow or imprisonment for a period not to exceed fifteen (15) days, or by both fine and imprisonment, and each day's continued violation shall constitute a separate offense:

(1) First offense: not less than [two hundred fifty dollars (\$250)] Three Hundred Fifteen (\$315) Dollars.

(2) Second offense: not less than [five hundred dollars (\$500)] Six Hundred Twenty-Five (\$625) Dollars.

(3) Third offense: not less than [one thousand dollars (\$1,000)] One Thousand Two Hundred Fifty (\$1,250) Dollars, and additionally, in the case of vehicle operators, revocation of permit for a minimum of one (1) year, after which, reinstatement shall be based on a complete new application process, including fingerprints.

B. In addition to [any other remedy provided by law, the town may bring an injunction proceeding to enforce this article.] the criminal penalties set forth herein or in other applicable law, rule or regulation, the Town Attorney is authorized to pursue civil and equitable relief, including but not limited to compensatory actions; civil penalties in the amount of up to five hundred (\$500) dollars per day, or any part thereof; an action to compel compliance with or to restrain by injunction the violation of this chapter; and other remedies which in the opinion of the Town Attorney may seem necessary and proper. Such civil and equitable relief may be sought in a court of competent jurisdiction or from a duly appointed hearing officer whenever permitted by law. Any civil monetary penalty awarded may be added to the tax bill of the property where the violation has occurred and shall be collected in the same manner.

* * *

§ 183-56. No implied warranty.

2015-52

Nothing herein shall imply a warranty by the Town of Huntington or bear any relationship to any approval or representation by the [town] Town as to the quality of performance, character or reputation of any licensee, vehicle or permittee.

* * *

ADDITIONS ARE INDICATED BY UNDERLINE,
*** INDICATED NO CHANGE IN PRESENT TEXT.
DELETIONS ARE INDICATED BY BRACKETS.

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-BT-1

RESOLUTION AUTHORIZING THE COMPTROLLER TO PAY 2014/2015 TOWN OF HUNTINGTON TAXES ON BOARD OF TRUSTEE -OWNED PROPERTY

Resolution for Board of Trustee Meeting Dated: January 14, 2015

The following resolution was offered by: President Petrone

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

WHEREAS, authorizing the Comptroller to pay taxes is not an action as defined by 6 NYCRR §617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE BOARD OF TRUSTEES

HEREBY AUTHORIZES the Comptroller to pay 2014/2015 Town of Huntington Taxes on Board of Trustees-owned property in an amount not to exceed the budgeted amount of EIGHT THOUSAND FIVE HUNDRED and NO/100 (\$8,500.00) DOLLARS to be charged to Operating Budget Item C1950-4170.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.