

**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  
Councilwoman  
Councilman  
Councilman  
Councilwoman  
Town Clerk  
Town Attorney**

**Frank P. Petrone  
Susan A. Berland  
Eugene Cook  
Mark A. Cuthbertson  
Tracey A. Edwards  
Jo-Ann Raia  
Cindy Elan-Mangano**

**AGENDA FOR TOWN BOARD MEETING DATED SEPTEMBER 27, 2016**

**BOARD OF TRUSTEES' MEETING FOLLOWING**

Opened: 9:32 P.M. Closed: 9:35 P.M.

**7:00 P.M. – TOWN HALL**

Opened: 7:04 P.M. Recessed: 8:20 P.M. Resumed: 8:29 P.M. Closed: 9:32 P.M.

(Resolutions #2016-414 to 2016-472)

**HEARINGS:**

**ACTION**

1. Consider adopting Local Law Introductory No. 43-2016, authorizing override of the tax levy limit established in General Municipal Law §3-c. (Local Law Introductory No. 43-2016)  
*Scheduled as per Resolution 2016-413 at 8-16-2016 Town Board Meeting*

**ENACTMENT  
RESOLUTION 2016-454**

2. Consider adopting Local Law Introductory No. 42-2016, considering application #2016-ZM-419, Whitman 881-I, LLC, to rescind the Declaration of Covenants and Restrictions for the property located on the west side of Walt Whitman Road, south of Fletcher Place, West Hills, SCTM #: 0400-229-01-022.

(Local Law Introductory No. 42-2016)  
*Scheduled as per Resolution 2016-411 at 8-16-2016 Town Board Meeting*

**HEARING WITHDRAWN**

**HEARINGS (Continued):**

**ACTION**

3. 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: 0400-033.00-01.00-011.000; 0400-215.00-01.00-094.000; 0400-142.00-03.00-013.000; 0400-041.00-05.00-018.000; 0400-127.00-01.00-065.001**  
(2016-M-46)

*Scheduled as per Resolution 2016-406 at 8-16-2016 Town Board Meeting*

**ACTIONS TAKEN  
AS PER  
RESOLUTION 2016-455**

4. Consider adopting Local Law Introductory No. 39-2016, amending the Code of the Town of Huntington, Chapter 4 (Appearance Tickets), Section 4-1 (Authorization for Issuance) and adding Section 4-2 (Fingerprinting Requirement & Convictions).  
(Local Law Introductory No. 39-2016)

*Scheduled as per Resolution 2016-408 at 8-16-2016 Town Board Meeting*

**DECISION RESERVED**

5. Consider adopting Local Law Introductory No. 40-2016, amending the Code of the Town of Huntington, Chapter 55, Section 55-3 (Organization) and Section 55-4 (General Powers and Duties) Re: Park Rangers.  
(Local Law Introductory No. 40-2016)

*Scheduled as per Resolution 2016-409 at 8-16-2016 Town Board Meeting*

**DECISION RESERVED**

6. Consider adopting Local Law Introductory No. 41-2016, amending the Uniform Traffic Code of the Town of Huntington, Chapter 5, §5-1, Schedule M. Re: View Acre Drive – Halesite – Truck Exclusion.  
(Local Law Introductory No. 41-2016)

*Scheduled as per Resolution 2016-410 at 8-16-2016 Town Board Meeting*

**DECISION RESERVED**

**AGENDA FOR TOWN BOARD  
MEETING DATED: SEPTEMBER 27, 2016**

**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**

- |                  |   |                  |                                |  |
|------------------|---|------------------|--------------------------------|--|
| <b>2016-414.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute a contract with the New York State Office for People with Developmental Disabilities for funding the Summer Recreation Program for the Developmentally Disabled.<br/>(Period: 1/1/2017 – 12/31/2017)</p>  | <b><u>SB</u></b> | <b><u>EC</u></b>               | <b><u>5</u></b>  |
| <b>2016-415.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute a contract with the New York State Office for People with Developmental Disabilities for funding the Young Teen Program for the Developmentally Disabled.<br/>(Period: 1/1/2017 – 12/31/2017)</p>   | <b><u>SB</u></b> | <b><u>TE</u><br/><u>EC</u></b> | <b><u>5</u></b>  |
| <b>2016-416.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute contracts for engineering and surveying firms for the Town of Huntington in conformance with Town Board Resolution 2016-395.</p>  | <b><u>FP</u></b> | <b><u>MC</u><br/><u>EC</u></b> | <b><u>5</u></b>  |
| <b>2016-417.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute a contract for the provision of professional ice skating instruction at the Dix Hills Park Ice Rink Facility.<br/>(Re: Jason Briggs, Samantha Cesario and Staci Krinsky; Period: 10/7/2016-12/31/2016)</p>  | <b><u>SB</u></b> | <b><u>EC</u></b>               | <b><u>5</u></b>  |
| <b>2016-418.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute a contract for professional legal services with DiConza Traurig Kadish LLP.(Re: Bethpage Federal Credit Union and Business Services Group, LLC v. Town of Huntington and R. Kenneth Barnard, Trustee v Town of Huntington)</p>  | <b><u>TE</u></b> | <b><u>EC</u></b>               | <b><u>5</u></b>  |
| <b>2016-419.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute an extension to the requirements contract for refuse and recycling removal service two cubic yard, four cubic yard, six cubic yard and eight cubic yard containers with Jamaica Ash &amp; Rubbish Removal, Co, Inc. and Winters Bros. Hauling of LI, LLC.<br/>(Extension period one year commencing 1/1/2017)</p> | <b><u>FP</u></b> | <b><u>EC</u><br/><u>SB</u></b> | <b><u>FP-AYE</u><br/><u>EC-AYE</u><br/><u>SB-AYE</u><br/><u>TE-AYE</u><br/><u>MC-Recusal</u></b> |
| <b>2016-420.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute an extension to the requirements contract for communication equipment repair with Telecom Communications, Inc. (Extension period one year commencing 1/1/2017)</p>  | <b><u>SB</u></b> | <b><u>EC</u></b>               | <b><u>SB-AYE</u><br/><u>EC-AYE</u><br/><u>FP-AYE</u><br/><u>MC-AYE</u><br/><u>TE-Recusal</u></b> |

**AGENDA FOR TOWN BOARD  
MEETING DATED: SEPTEMBER 27, 2016**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2016-421.</b> AUTHORIZE the Supervisor to execute a Bi-Directional Agreement (Nonfinancial) with the Economic Opportunity Council of Suffolk , Inc. and the Huntington Youth Bureau Youth Development Research Institute, Inc. to facilitate mutual referrals from June 30, 2016 to June 30, 2018 nunc pro tunc. (Period: 6/30/2016-6/30/2018)	<u>MC</u>	<u>SB EC</u>	<u>5</u>
<b>2016-422.</b> REMOVED FROM THE AGENDA AT THE WORKSHOP.			
<b>2016-423.</b> AUTHORIZE the Supervisor to execute an agreement with Suffolk County Community College, Education, Health and Human Services Department, for the provision of assistance to the senior population through a Social Work Internship Program. (Period: Two years)	<u>SB</u>	<u>EC</u>	<u>5</u>
<b>2016-424.</b> AUTHORIZE the Supervisor to execute an agreement with Suffolk County Summer Youth Connection to provide youth recreation programs for children, nunc pro tunc, and to accept a donation from 7-Eleven for the event.	<u>TE</u>	<u>EC</u>	<u>5</u>
<b>2016-425.</b> AUTHORIZE the Supervisor to apply for funding nunc pro tunc, and receive a New York State and Municipal Facilities Capital Program Grant for the restoration and improvement of the Town of Huntington’s Veterans Plaza.	<u>FP</u>	<u>EC SB</u>	<u>5</u>
<b>2016-426.</b> AUTHORIZE the execution of a contract for the replacement of a digester heat exchanger at the Huntington Sewer District Wastewater Treatment Plant with Diam-N-Blu Mechanical Corp.(Period: One year)	<u>MC</u>	<u>FP EC</u>	<u>5</u>
<b>2016-427.</b> AUTHORIZE the execution of an extension to the requirements contract for wastewater treatment facility instrumentation and control maintenance for the Town of Huntington Sewer District with Hinck Electrical Contractors, Inc. (Extension period one year commencing 1/1/2017)	<u>MC SB</u>	<u>EC</u>	<u>5</u>
<b>2016-428.</b> AUTHORIZE the execution of an extension to the contract for laboratory analysis for the Huntington Sewer District Sewage Treatment Plant with Long Island Analytical Laboratories, Inc. (Extension period one year commencing 1/1/2017)	<u>TE</u>	<u>SB</u>	<u>5</u>
<b>2016-429.</b> AUTHORIZE the execution of agreements extending contracts for the collection, transportation and disposal of residential solid waste, yard waste and recyclables for the Town of Huntington Consolidated Refuse District contract BID areas one through sixteen. (Period: 1/1/2017-12/31/2017) (Re: Alpha Carting, National Waste Services, LLC, Jody Enterprises, V. Garofalo Carting, Inc., Total Collection Services, Inc., Bianculli Sanitation, Inc., American Waste & Recycling)	<u>FP</u>	<u>EC</u>	<u>5</u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: SEPTEMBER 27, 2016**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2016-430.</b> AUTHORIZE the Supervisor to execute an agreement with the Dix Hills Fire Department for the Town of Huntington to provide assistance with the registration and operation of the Dix Hills Junior Firefighter Academy, nunc pro tunc. (Period: 8/15/2016-8/19/2016)	<u><b>SB</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2016-431.</b> AUTHORIZE an amendment to the agreement made with the Huntington Community First Aid Squad, Inc. to permit the billing and collection of user fees, and adopting a schedule of user fees.	<u><b>FP</b></u>	<u><b>TE</b></u> <u><b>EC</b></u>	<u><b>5</b></u>
<b>2016-432.</b> AUTHORIZE a supplemental settlement of a claim (Crown Castle NG East, LLC).	<u><b>FP</b></u>	<u><b>SB</b></u>	<b>FP-AYE</b> <b>SB-AYE</b> <b>MC-AYE</b> <b>EC-AYE</b> <u><b>TE-Recusal</b></u>
<b>2016-433.</b> AUTHORIZE named financial institutions as depositories for tax receipts and authorizing the Receiver of Taxes to execute collateral agreements for tax receipt accounts on behalf of the Town of Huntington. (Re: JP Morgan Chase Bank, Valley National Bank, HSBC Bank USA, Bridgehampton National Bank & TD Bank)	<u><b>SB</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2016-434.</b> AUTHORIZE an extension of time to pay taxes for those persons granted a Senior Citizen Tax Exemption and Enhanced Star Exemption pursuant to Chapter 178 of the Code of the Town of Huntington. (Re: Time extended until 6/6/2017)	<u><b>MC</b></u>	<u><b>EC</b></u> <u><b>SB</b></u>	<u><b>5</b></u>
<b>2016-435.</b> AUTHORIZE the Town of Huntington to sponsor a Children's Halloween Parade on Monday, October 31, 2016. (Time: 4:00 PM-5:00 PM)	<u><b>MC</b></u> <u><b>SB</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2016-436.</b> AUTHORIZE the issuance of a permit to extend the operation of a "Haunted House" at 26 Pinelawn Road, Melville, New York. (SCTM# 0400-255.00-01.00-012.000) (Dates: 10/23, 10/27, 10/28, 10/29, 10/30 & 10/31/2016)	<u><b>SB</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2016-437.</b> AUTHORIZE the correction of code violations at various locations pursuant to the Code of the Town of Huntington. (Re: Michael/Dorothy Domino, 17A Tasman Lane, Huntington Station, SCTM# 0400-101.00-01.00-103.000, Chapters 133, 156, 191; Victor Oliva, 14 Isben Ave., Dix Hills, SCTM# 0400-275.00-01.00-004.004, Chapters 133, 156; Stan/Anne Propper, 83 Daly Rd, E. Npt, SCTM# 0400-215.00-02.00-127.000, Chapters 133, 156; Christina Carrion, 24 E. 24 <sup>th</sup> St., Huntington Station, SCTM# 0400-198.00-01.00-046.000, Chapters 133, 156; AL Relays LLC, 65 Daly Road, E.NPT, SCTM# 0400-215.00-02.00-055.001, Chapter 133; Michele Berkowitz, 15 Beaverhill Lane, Huntington, SCTM# 0400-212.00-01.00-054.000, Chapter 156; Jeong Bok Kang, 328 Marlin St., Dix Hills, SCTM# 0400-282.00-03.00-035.000, Chapter 156; Eleanor Gallagher (L/E) James Gallagher/Anita Daleo, 24 Court Drive, Huntington Station, SCTM# 0400-202.00-03.00-083.000, Chapter 156; Junior/Zelda Brown, 88 8 <sup>th</sup> Ave, Huntington Station, SCTM# 0400-143.00-02.00-009.000, Chapter 191)	<u><b>SB</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2016-438.</b> AUTHORIZE the Comptroller to amend the 2016 Operating Budget for the Town of Huntington and its special districts-various departments.	<u><b>SB</b></u>	<u><b>TE</b></u>	<u><b>5</b></u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: SEPTEMBER 27, 2016**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2016-439.</b> AUTHORIZE the Comptroller to amend the 2016 Operating and Capital Budget for the Town of Huntington and its special districts – Dix Hills Water District.	<u><b>SB</b></u>	<u><b>MC</b></u>	<u><b>5</b></u>
<b>2016-440.</b> AUTHORIZE the Comptroller to distribute interest earned on tax revenue to the various taxing districts within the Town of Huntington.	<u><b>TE</b></u>	<u><b>FP</b></u> <u><b>SB</b></u>	<u><b>5</b></u>
<b>2016-441.</b> AUTHORIZE the Comptroller to amend the 2016 Operating and Capital Budget for the Town of Huntington and its special districts-Highway Department.	<u><b>MC</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2016-442.</b> ACCEPT the dedication of land for a road widening along the westerly side of Melville Road and one drainage asegment for the subdivision known as Nitz Plat, located on the northwesterly corner of Melville Road and Bowden Drive, Huntington Station, New York.	<u><b>SB</b></u>  <u><b>MC</b></u>	  <u><b>FP</b></u>	<b>SB-AYE</b> <b>MC-AYE</b> <b>FP-AYE</b> <b>TE-AYE</b> <u><b>EC-Recusal</b></u>
<b>2016-443.</b> ACCEPT a donation of \$200 from Joseph Warren for the purpose of funding Harbor Patrol Vessel Equipment nunc pro tunc.	<u><b>EC</b></u>	<u><b>TE</b></u>	<u><b>5</b></u>
<b>2016-444.</b> ACCEPT the donation of \$1,000 from Eye Productions, Inc. for improvements at West Neck Beach nunc pro tunc.	<u><b>EC</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2016-445.</b> DESIGNATE a bank depository and accepting bonds and/or certificates from certain financial institutions and authorizing the Supervisor to execute a collateral for collateralized municipal deposits on behalf of the Town of Huntington. (Re: Peoples United Bank)	<u><b>SB</b></u>	<u><b>FP</b></u> <u><b>EC</b></u>	<u><b>5</b></u>
<b>2016-446.</b> EXEMPT New Cingular Wireless PCS, LLC from further Town Board review pursuant to §198-68.1 (P) of the Huntington Town Code for work at 7 Boxer Court, Huntington, New York, Suffolk County Tax Map No. 0400-095.00-01.00-050.001.	<u><b>MC</b></u>	<u><b>FP</b></u>	<b>MC-AYE</b> <b>FP-AYE</b> <b>SB-AYE</b> <b>EC-AYE</b> <u><b>TE-Recusal</b></u>
<b>2016-447.</b> NAME Heritage Park and authorizing Comptroller to appropriate monies from the Environmental Open Space and Park Improvement Fund and Neighborhood Parks Fund for recommended improvements (Huntington Heritage Trail). (Re: Hilaire Woods, Hilaire Woods Additions, Gottsegen Property, Park Avenue Dairy/Kiruv)	<u><b>FP</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: SEPTEMBER 27, 2016**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<p><b>2016-448. EXTEND</b> the time to make a determination regarding the adoption of Local Law Introductory Number 31-2016, considering zone change application #2015-ZM-414, Brightview Senior Living, to change the zoning from R-40 Residence District to R-HS Residential Health Services District for property located on the east side of Deer Park Avenue, North of Talisman Drive, Dix Hills, SCTM #0400-262-02-(036.002,037,038). (Time extended to January 8, 2017)</p>	<u><b>MC</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<p><b>2016-449. ENACTMENT: ADOPT</b> Local Law Introductory No. 33-2016 amending the Code of the Town of Huntington, Chapter 91 (Carnivals, Circuses, Fairs and Amusement Events).</p>	<u><b>TE</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<p><b>2016-450. ENACTMENT: ADOPT</b> Local Law Introductory No. 34-2016 amending the Code of the Town of Huntington, Chapter 156 (Property Maintenance; Nuisances), Article VII (Blighted Property).</p>	<u><b>SB</b></u>	<u><b>FP</b></u> <u><b>EC</b></u> <u><b>TE</b></u>	<u><b>5</b></u>
<p><b>2016-451. ENACTMENT: ADOPT</b> Local Law Introductory No. 35-2016 amending the Code of the Town of Huntington, Chapter 191 (Unsafe and Damaged Buildings and Structures).</p>	<u><b>SB</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<p><b>2016-452. ENACTMENT: ADOPT</b> Local Law Introductory No. 36-2016 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions), Article IV (Commercial Districts), Article VII (Off-Street Parking), Article XI (Conditional Uses; Supplementary Regulations).</p>	<u><b>MC</b></u>	<u><b>TE</b></u>	<u><b>5</b></u>
<p><b>2016-453. REMOVED FROM THE AGENDA AT THE WORKSHOP.</b></p>			
<p><b>2016-454. ENACTMENT: ADOPT</b> Local Law Introductory No. 43-2016, authorizing override of the Tax Levy Limit established in General Municipal Law §3-c.</p>	<u><b>FP</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<p><b>2016-455. AUTHORIZE</b> 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 &amp; B: Robert/Dolores Wilk, 6 Swathmore Lane, Dix Hills, SCTM# 0400-215.00-01.00-094.000; John/Violet Michta, 14 W. 10<sup>th</sup> St., Huntington Station, SCTM# 0400-142.00-03.00-013.000; Frederick/Dorothea Hughes, 295 E. Main St., Centerport, SCTM# 0400-041.00-05.00-018.000; Chuck Hollow, Inc., 1381-1387 Pulaski Road, E. Npt, SCTM# 0400-127.00-01.00-065.001; Schedule D: Waterview Realty Prop. Inc., 349 Waterside Rd, Npt, SCTM# 0400-009.00-04.00-025.000; Joseph Rafael, LLC, 391 W. Jericho Tpke, Huntington, SCTM# 0400-190.00-02.00-132.001; Realty 26 LLC, 449-455 E. Jericho Tpke, Huntington Station, SCTM# 0400-200.00-03.00-170.000; William/Eva Cunningham, 862 Larkfield Rd, E Npt, SCTM# 0400-250.00-01.00-016.000)</p>	<u><b>SB</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: SEPTEMBER 27, 2016**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<p><b>2016-456. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> To consider authorizing various actions be taken upon certain properties designated as Blighted in accordance with Chapter 156, Article VII, §156-60 (Blighted Property). (Re: Schedule A: Equity Now Inc., 5 5<sup>th</sup> Avenue (&amp; 304 Larkfield Rd), E. NPT, SCTM# 0400-119.00-01.00-115.000; J. Nazzaro Partnership LP, 840 Fort Salonga Rd, Npt, SCTM# 0400-054.00-01.00-001.000)</p>	<u><b>SB</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<p><b>2016-457. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> Concerning the adoption of the Assessment Roll for the Huntington Sewer District.</p>	<u><b>TE</b></u>	<u><b>MC</b></u>	<u><b>5</b></u>
<p><b>2016-458. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> Concerning the adoption of the Assessment Roll for the Centerport Sewer District.</p>	<u><b>MC</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<p><b>2016-459. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> To consider the proposed fare changes for the Huntington Area Rapid Transit (HART) System.</p>	<u><b>MC</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<p><b>2016-460. SCHEDULE A PUBLIC HEARING: November 10, 2016 at 2:00 PM</b> To consider adopting Local Law Introductory Number 44-2016, considering zone change application #2015-ZM-416, The Crest Group, LLC, to change the zoning from C-6 General Business District to C-11 Automotive Service Station District for part of the property located on the north side of the intersection of Jericho Turnpike and Valmont Avenue, Commack, SCTM #0400-222-03-074 &amp; 075.</p>	<u><b>MC</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<p><b>2016-461. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> To consider adopting Local Law Introductory No. 45-2016 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Branwood Drive, Suncrest Drive –Dix Hills – Parking Restrictions.</p>	<u><b>SB</b></u>	<u><b>TE</b></u>	<u><b>5</b></u>
<p><b>2016-462. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> To consider adopting Local Law Introductory No. 46-2016 amending the Code of the Town of Huntington, Chapter 183 (Tow Trucks and Towing for Hire).</p>	<u><b>FP</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<p><b>2016-463. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> To consider issuing a Certificate of Approval in an Historic District Re: 245 Main Street, Cold Spring Harbor – Cold Spring Harbor Historic District. (Applicant: Rapid Commission Advance Com., Inc.; SCTM# 0400-016.00-07.00-09.002)</p>	<u><b>MC</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: SEPTEMBER 27, 2016**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<p><b>2016-464. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> To consider the issuance of a Special Use Permit pursuant to the Marine Conservation &amp; Regulation of Marine Structures Law Town Code Chapter 137 Applicant: National Grid Location: Northport Power Station, Eaton’s Neck Rd., Northport S.C.T.M. #0400-010.00-01.00-003.002.</p>	<u><b>FP</b></u>	<u><b>EC MC</b></u>	<u><b>5</b></u>
<p><b>2016-465. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> To consider an amendment to the Land and Tower License Agreement made by and between the Dix Hills Water District and New Cingular Wireless PCS, LLC to permit the relocation and reinstallation by New Cingular Wireless PCS, LLC of its communications facility to another location at the Dix Hills Water District Facility on Colby Drive.</p>	<u><b>MC</b></u>	<u><b>EC</b></u>	<u><b>MC-AYE EC-AYE FP-AYE SB-NO TE-Recusal</b></u>
<p><b>2016-466. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> To consider an amendment to the Land and Tower License Agreement made by and between the Dix Hills Water District and New York SMSA Limited Partnership, D/B/A Verizon Wireless to permit the relocation and reinstallation by Verizon Wireless of its communications facility to another location at the Dix Hills Water District Facility on Colby Drive.</p>	<u><b>MC</b></u>	<u><b>EC</b></u>	<u><b>MC-AYE EC-AYE FP-AYE SB-NO TE-Recusal</b></u>
<p><b>2016-467. SCHEDULE A PUBLIC HEARING: November 10, 2016 at 2:00 PM</b> To consider adopting Local Law Introductory Number 47-2016, considering application #2016-ZM-429, Dairy Queen – East Northport, to rescind the Declarations of Covenants and Restrictions for the property located on the north side of Jericho Turnpike, East of Verleye Avenue, East Northport, SCTM #0400-217-03-076 &amp;077.</p>	<u><b>FP MC</b></u>	<u><b>EC SB</b></u>	<u><b>5</b></u>
<p><b>2016-468. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> Re: Preliminary Annual Operating Budget. (Re: Fiscal year beginning 1/1/2017)</p>	<u><b>FP</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<p><b>2016-469. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> Re: Preliminary Capital Budget. (Re: Fiscal year beginning 1/1/2017)</p>	<u><b>MC</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<p><b>2016-470. AUTHORIZE</b> the Supervisor to execute an agreement with the North Shore Veterinary Hospital and the League for Animal Protection for the purpose of conducting a free spaying and neutering program for pit bulls and pit bull mixes in recognition of National Pit Bull Awareness Month beginning October 1, 2016 and ending October 31, 2016.</p>	<u><b>MC</b></u>	<u><b>FP EC</b></u>	<u><b>5</b></u>
<p><b>2016-471. AUTHORIZE</b> the Town of Huntington Animal Shelter to waive the adoption fee for pit bulls and pit bull mixes in recognition of National Pit Bull Awareness Month beginning October 1, 2016 and ending October 31, 2016.</p>	<u><b>MC</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: SEPTEMBER 27, 2016**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>MOTION TO ADD RESOLUTION #2016-472 TO THE AGENDA</b>	<b><u>FP</u></b>	<b><u>MC</u></b>	<b><u>5</u></b>
<b>2016-472. AUTHORIZE</b> the settlement of a lawsuit (In the Matter of Eatons Neck, LLC v Assessor, et.al.)	<b><u>FP</u></b>	<b><u>MC</u></b>	<b><u>5</u></b>

**AGENDA FOR BOARD OF TRUSTEES'  
MEETING DATED: SEPTEMBER 27, 2016**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<p><b>2016-BT23. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> To consider the granting of a variance and issuance of a Special Use Permit pursuant to the Marine Conservation &amp; Regulation of Marine Structures Law –Town Code Chapter 137 Applicant: Land Use Ecological Service Inc. On Behalf: Frank Ottaviano Location: 26 Harding Ct., Centerport, N.Y. 11721 S.C.T.M. #0400-039.00-06.00-101.001.</p>	<u>MC</u>	<u>EC</u>	<u>5</u>
<p><b>2016-BT24. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> To consider the execution of a License Agreement pursuant to the Marine Conservation &amp; Regulation of Marine Structures Law – Town Code Chapter 137 Applicant: Land Use Ecological Service Inc. On Behalf: Frank Ottaviano Location: 26 Harding Ct., Centerport, N.Y. 11721 S.C.T.M. #0400-039.00-06.00-101.001.</p>	<u>MC</u>	<u>EC</u>	<u>5</u>
<p><b>2016-BT25. SCHEDULE A PUBLIC HEARING: October 19, 2016 at 6:00 PM</b> To consider the issuance of a Special Use Permit pursuant to the Marine Conservation and Regulation of Marine Structures, Town Code Chapter 137 for the construction of a timber style bulkhead Applicant: Joseph Macchia Location: 32 West View Road, Northport, New York 11768 S.C.T.M.: 0400-002.00-01.00-050.00.</p>	<u>MC</u>	<u>EC</u>	<u>5</u>

AGENDA FOR COMMUNITY DEVELOPMENT AGENCY  
MEETING DATED: SEPTEMBER 27, 2016

RESOLUTIONS:

OFF. SEC. VOTE

2016-CD

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**INFORMATIONAL SHEET FOR:  
TOWN BOARD, BOARD OF TRUSTEES' AND COMMUNITY DEVELOPMENT  
MEETING DATED: SEPTEMBER 27, 2016**

**COMMUNICATION**

**DISTRIBUTION**

1. Letters received Certified Mail – Initial Application for Liquor Licenses:  
A) From: Chen Shi for New Precious Chinese Cuisine Corp.(504 Larkfield Rd, ENPT)  
B) From: Patrick DeLuca for Robert Gloria Corp to be formed(69 Wall St, 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:  
A) From: Xiao Fei Zheng for Precious Chinese Cuisine Corp (504 Larkfield Rd, ENPT)  
B) From: Ting Chen for Samurai Hibachi Inc (46A Gerard St, Huntington)  
C) From: Ting Chen for Tomo Hibachi Inc (286 Main St, Huntington)  
D) From: J. Creamer for Nocello Ristorante (843 Fort Salonga Rd, NPT)  

Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
Planning & Environment  
cc: Sewage Treatment Facility
3. Emails received regarding the poor condition of a property located at 6 Swathmore Lane in Dix Hills from: A) Edward Kulic B) Valerie Vautrin-Gardinier (cc'd Supervisor/Town Board)  

Supervisor  
Town Board  
Town Attorney  
Public Safety  
cc: Highway/Human Services (B only)
4. Email/letter received from Chris Voulgaris regarding the Platts property. The letter lists various reasons why he is opposed to the project.  

Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
5. Public Notice received from the Village of Huntington Bay Zoning Board of Appeals regarding a Public Hearing to be held on August 25, 2016 at 7:30 pm. The properties involved are: a) 5 Heckscher Drive b) 33 Shore Drive c) 7 Heckscher Drive d) 2 Gormley Lane.  

Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
6. Public Notice received from Karen Navin, Village Clerk for Laurel Hollow, regarding a Board of Trustee Public Hearing to be held on 9/20/2016 at 7:30 pm. The meeting is regarding property located on the north side of NYS Route 25A and the east of Moore's Hill Road and is for reconstruction of an existing laboratory building using the existing building footprint.  

Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
7. Letter received from Jack Palladino, President of the Huntington Village Business Improvement District, with a copy of the 2017 Preliminary Budget attached.  

Supervisor  
Town Board  
Town Attorney  
cc: Comptroller

8. Letter received from Vincent Puleo, Smithtown Town Clerk, regarding a Public Hearing to be held on 9/6/2016 at 2:00 PM. A topic of discussion will be an amendment to Chapter 322- Zoning as it pertains to unregistered vehicles. Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
9. Email received regarding opposition to a zone change for property located at the corner of 25A and Park Avenue from : Marcy/Richard Rhodes (ccd Supervisor/Councilpersons) Town Attorney  
Engineering Services  
cc: Planning & Environment
10. Email received from Richard Kitt expressing his concerns about a petition that was submitted in opposition to the proposed Brightview project in Dix Hills. He also indicated that this project has his support. (ccd Councilpersons) Supervisor  
Town Attorney  
Engineering Services  
cc: Planning & Environment
11. Email received from Huntington Calm regarding an article in Newsday regarding a green zone in East Quogue. (ccd: Supervisor/Councilpersons) Town Attorney  
cc: Planning & Environment
12. Email received from James McGoldrick regarding the need for changes in patrolling and enforcing the law in Huntington Station. (ccd: Supervisor/Councilpersons) Town Attorney  
cc: Public Safety
13. Letter received from Linda Wright, Tri CYA Board Member requesting support of the youth services budget. Supervisor  
Town Board  
cc: Town Attorney
14. Letter submitted to the Town Clerk, requesting distribution to the Town Board and addressed to Susan Berland, Esq from John Condon of John Condon Realty, Inc. The letter is in response to a letter Councilwoman Berland sent to Mr. Condon. Supervisor  
Town Board  
cc: Town Attorney
15. Letter received from the Mathieson family regarding traffic issues on Buttonwood Drive. The writer indicates that there is speeding and reckless driving and this endangers the residents and children at bus stops. Also included was an article from Newsday regarding a recent accident that occurred on this road. Supervisor  
Town Board  
Town Attorney  
Public Safety  
cc: Traffic & Transportation
16. Letter received from Nick Boba, Executive Director for the Center for Developmental Disabilities regarding a proposed Community Residence at 15 Lee Street in Huntington. Attached was a Site Selection and Community Residence Fact Sheet. (ccd Supervisor/Town Bd) cc: Town Attorney
17. Email received from Lili Cavallo regarding traffic conditions on Spring Street in Cold Spring Harbor as it relates to the Sandbar restaurant. A complaint was filed with Code Enforcement and the writer is requesting various signs be installed on Spring Street. (ccd Supervisor/Councilpersons/Town Attorney/Public Safety) cc: Traffic & Transportation
18. Letter received from Marissa Bennett expressing her concern to the Huntington Town Planning Board about the development of 84 unit senior citizen housing complex to be built on vacant land behind the Nassau Suffolk Services for Autism. The writer is concerned how the construction and daily traffic will impact the attendees of the NSSA. Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
19. Public Notice received from Russell Mohr, Chairman of the Incorporated Village of Laurel Hollow's Board of Zoning Appeals regarding a hearing to be held on 9/13/2016 at 7:30 PM regarding the following properties: 1) Ridge Road 2) Woodvale Drive 3) Cedarfield Road 4) Property owned by the Israeli family. Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment

20. Email received from Dr. Jaime Banks, attached was a copy of her response to Tim Dorsey, the CEO of Echo, Inc. regarding an email the Town received from Larry Will. The letter pertains to the use of gas leaf blowers. Dr. Banks is the Executive Director of Quiet Communities. Supervisor  
Town Board  
Town Attorney  
cc: Planning & Environment
21. Letter received from Lee Kilbrith, Vice President of the Huntington Village Business Improvement District attached was a copy of the preliminary 2017 Budget for the Business District. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
22. Public Notice received from C.J. Bisignano, Supervisory Bridge Management Specialist for the US Coast Guard, regarding a request by the NYSDOT for an approval of a change in a previous requested clearance for the modification of the Whitestone Expressway Bridge. Supervisor  
Town Board  
Town Attorney  
cc: Maritime Services
23. Email received from Larry Will, former Vice President of Engineering at ECHO, attached was a copy of the letter sent to Dr. Banks in response to her letter to Tim Dorsey the President of Echo Inc., regarding Mr. Will's letter to the Town. Supervisor  
Town Board  
Town Attorney  
cc: Planning & Environment
24. Email received from Paul Besmertnik, PE, LEED AP, attached was a letter from him, addressed to the Supervisor, Councilpersons, Planning Department and Planning Board, regarding the proposed shopping mall on the north side of Jericho Turnpike. The letter indicates all the reasons he is against this proposal. Town Attorney  
Engineering Services  
cc: Planning & Environment
25. Hand delivered letter received from John Condon regarding free sunscreen being dispensed at Crab Meadow Beach. The letter is questioning the Town's support of this practice. Supervisor  
Town Board  
Town Attorney  
cc: Parks & Recreation
26. Email received from William Irving, Greenlawn Memorial Park Steward/Greenlawn Fire Department, regarding a name change for a park in Greenlawn; it appears that two parks have the same name and they would like to change one to Town of Huntington Tri Village Park (located at Cuba Hill, Pulaski Road and Broadway/Greenlawn Road). (ccd Councilman Cuthbertson, Director of Parks & Recreation) Supervisor  
Councilwoman Berland  
Councilman Cook  
Councilwoman Edwards  
cc: Town Attorney
27. Email received from Maria Palone regarding a drain back up into the basements of properties she owns. Supervisor  
Town Board  
Town Attorney  
Highway  
cc: Sewage Treatment Facility
28. Email received from Jane Irving thanking Mark Tyree and Keith Barrett for watering all the hanging baskets in Greenlawn. Special thanks were given to Beth Luckhardt and Patrick Layer. Supervisor  
Town Board  
Town Attorney  
cc: Beautification Council (A. Cowie)
29. Public Notice received from Gail Devol, Administrator for the Village of Huntington Bay, regarding a Board of Trustee hearing to be held on September 12, 2016 at 7:30 PM, pertaining to the following properties: Bay Avenue, 5 Heckscher Drive, 114 Crescent Beach Drive. Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
30. Copy of the South Huntington Water District 2017 adopted budget was hand delivered. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller

31. Letter received from Edward Flynn, District Treasurer for the Melville Fire District, attached was the proposed 2017 Budget and Fund Balance Estimates for 2016. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
32. Email received from Jennifer Coden regarding deliveries to the Sandbar Restaurant in Cold Spring Harbor. Attached were pictures of a truck on Spring Street, a residential street, allegedly making deliveries to the Sandbar. (ccd Supervisor/Councilpersons/Town Attorney/Planning/Public Safety) cc: File
33. Letter hand delivered from Louise Caputo, Secretary/Treasurer of the Greenlawn Fire District, attached was a copy of the 2017 proposed budget for the fire district. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
34. Email received from Michele Speranza, a Board member of Youth Directions & Alternatives, regarding the 2017 YDA proposed budget. The writer is requesting support of the proposed increase in the budget. Supervisor  
Town Board  
Town Attorney  
cc: Director of Youth Bureau
35. Public Notice received from Gail Devol, Village Administrator for the Incorporated Village of Huntington Bay, regarding a Zoning Board of Appeals hearing to be held on 9/21/2016 at 7:30 PM at Village Hall regarding the following properties: 33 Shore Drive, 2 Gormley Lane and 316 Bay Avenue. Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
36. Email received from Karla Wright, Huntington Fire District Secretary, attached was a Notice of Public Hearing for the 2017 budget to be held on 10/18/2016 at 7:00 pm at 1 Leverich Place, Huntington. Also, attached was a copy of the proposed budget. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
37. Letters received urging the Town to adopt a law to allow an override of the state mandated tax levy and supporting the piercing of the tax cap to save valuable youth programs such as REACH Community and Youth Agency, Inc from A) June Bracken B) Lydia von Barta C) Bennett Shelsky D) Jean Broderick E) Rebecca Korner F) Lois Krawitz G) Kara Jacobson H) Casey Brandimarte I) Doreatha Baily J) Joann Pandolfo K) Judith Hoppe L) Patricia Marcoccia M) Gina Deluise N) Joan Doran O) Nina Montiglio P) Camille Brandimarte Supervisor  
Town Board  
cc: Town Attorney
38. Letters received urging the Town Board to support the youth services in this years' Town Budget, in particular the Tri Community and Youth Agency (Tri CYA). Letters received from: A) Alicia Lawrence, President, Board of Directors, TriCYA B) Mark X. Cronin, Tri-CYA Board Member and Huntington resident C) Pat Dillon (ccd Supervisor/Councilpersons) D) Maria Green Supervisor  
Town Board  
cc: Town Attorney
39. Letter, hand delivered and from, Leigh Ann Varese, Treasurer for the Centerport Fire District, attached was a copy of the 2017 proposed budget. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
40. Letter received from Larry Muller advising that he will be demolishing the house and garage structure at 36 Baycrest Drive. The work is scheduled for the week of October 10<sup>th</sup> and should be completed within 3 days. Supervisor  
Town Board  
Town Attorney  
cc: Engineering Services

41. Email received from Cynthia Scudieri, with a letter attached, regarding the zone change for Platt's Tavern site. The letter indicates the reasons that the writer wants this zone change denied.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
42. Letter received from Karen Steinhaus, addressed to Councilwoman Edwards and copied to Town Clerk, Jo-Ann Raia and Councilwoman Berland, regarding cell phone connection problems at various Town beaches. Writer indicates that outdoor payphones should be placed at the beaches or cell tower.
- Supervisor  
Councilman Cook/Cuthbertson  
Town Attorney  
Public Safety  
cc: Parks & Recreation
43. Letter received from Richard Sutton regarding helicopters that are flying over his home (west side of Huntington Harbor). The writer indicates that the "helicopter's prop wash" is tearing tree limbs off. Various examples were cited in the letter.
- Supervisor  
Town Board  
Town Attorney  
cc: Public Safety
44. Letter, hand delivered, from Nancy McFadzen, Secretary for the Commack Fire District, attached was a copy of the proposed budget for 2017 and a copy of the Notice of Hearing. The hearing will be held on 10/18/2016 at 7:00 PM at 6309 Jericho Turnpike, Commack.
- Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
45. Letters, hand delivered, from Todd Cohen, Secretary for the Dix Hills Fire District attached was a copy of the proposed 2017 budget and the Notice of Hearing. The hearing will be held on 10/18/2016 at 7:00 PM at 115 East Deer Park Road.
- Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
46. Email received from Dr. Bonnie Sager, Dr. Lucy Weinstein and Mr. Peter Calcandy regarding updates on the Gas Leaf Blowers Initiatives. Attached were letters from Assemblyman Steve Englebright to the New York State Department of Environmental Conservation and Vallard Forsythe, DVM regarding this issue. (ccd Supervisor/Councilpersons)
- Town Attorney  
cc: Planning & Environment
47. Email received from Candice Thomson of the Huntington Manor Fire District, attached was a copy of the proposed 2017 budget and Notice of Public Hearing. The hearing will be held on October 18, 2016 at 7:00 PM at 1650 New York Avenue.
- Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
48. Emails received from the following in support of the Brightview Project:  
A) Tom Siegler B) Frank Bonomo C) Emily Freda D) William Bernstein  
E) Frank Bonomo F) Vincent Ferrante G) Linda Maeurer H) Gary Maeurer  
I) Allison/Josh /Monica & Morris Glazer J) Jay Maciorowski K) Daniel/Cheryl Mogelnicki, L) Danielle Reha M) Daniel Mullen N) James/Margaret Denniston  
O) Patricia Kaufman P) Mark Kaufman Q) Noel Boyland R) Kathleen Lott  
S) Maryanne White T) James Marcinek U) Craig Gruber V) Dr. & Mrs. Segal  
( A, B, C, D, E, G, H, I, J, K, L, M, N, O, P, Q ccd Supervisor/Councilpersons)
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
49. Letter received from Andrew Freleng, Chief Planner at the Suffolk County Department of Economic Development and Planning regarding Town of Huntington Resolution 2016-409 and 2016-411. The letter indicates it is a matter of local determination which should not be construed as an approval or disapproval.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment

50. Email received from Lili Hughes regarding the Kean case at the ZBA meeting held on 9/22/2016. The writer recommends that the board deny the application.  
(ccd Supervisor/Councilpersons/Town Attorney/Public Safety/Planning & Environment) cc: File
51. Email received from Jenny Natale attesting to the character of Anthony Natale and Mark Palumbo. (ccd Supervisor/Councilpersons: Cook, Cuthbertson, Edwards) Councilwoman Berland  
cc: Town Attorney
52. Letter hand delivered by and from Kristi Cartolano, Secretary for the Eaton's Neck Fire District, attached was a copy of the proposed 2017 budget and a copy of the Notice of Public Hearing. The hearing will be held on October 18, 2016 at 7:30 PM at 55 Eatons Neck Road in Northport. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
53. Memorandum addressed to Town Clerk, Jo-Ann Raia, from Michael Schantz, Ph.D., Executive Director and CEO of the Heckscher Museum of Art, regarding Public Hearing #1. Dr. Schantz indicates that if not piercing the tax levy limit means a diminution of support for the arts organizations, then he recommends piercing the cap. Supervisor  
Town Board  
cc: Town Attorney
54. Email received from Bonnie Sammis, Secretary for the Halesite Fire District, attached was a copy of the proposed budget for 2017 and a copy of the Notice of Public Hearing. The hearing will be held on October 18, 2016 at 7:00 PM at 1 New York Avenue, Halesite. Supervisor  
Town Board  
Town Attorney  
cc: Comptroller
55. Email received from Sharon Saudino, Treasurer of the Huntington Youth Board, supporting piercing the tax cap so as not to lose Town youth programs. Supervisor  
Town Board  
cc: Town Attorney

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH THE NEW YORK STATE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES FOR FUNDING THE SUMMER RECREATION PROGRAM FOR THE DEVELOPMENTALLY DISABLED

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILMAN COOK**

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

WHEREAS, direct funding is available for this program through the New York State Office for People with Developmental Disabilities (OPWDD) in the amount of THIRTY SIX THOUSAND THREE HUNDRED AND SIX NO/100 (\$36,306.00) DOLLARS for 2017; and

WHEREAS, the execution of this contract is not an action as defined by 6 N.Y.C.R.R. 617.5(c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, January 1, 2017 through December 31, 2017, with the New York State Office for People with Developmental Disabilities (OPWDD) for funding the Summer Recreation Program for the Developmentally Disabled in the amount of THIRTY SIX THOUSAND THREE HUNDRED AND SIX NO/100 (\$36,306.00) DOLLARS for the period January 1, 2017 to December 31, 2017, and to execute all necessary documents in connection therewith and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-415

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

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by **COUNCILWOMAN EDWARDS**  
**COUNCILMAN COOK**

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

WHEREAS, funding has been awarded for this program through the New York State Office for People with Developmental Disabilities (OPWDD) in the amount of FOURTEEN THOUSAND ONE HUNDRED AND EIGHTY-SIX AND NO/100 (\$14,186.00) DOLLARS for 2017; and

WHEREAS, the execution of this contract is not an action as defined by 6 N.Y.C.R.R. 617.5(c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, January 1, 2017 through December 31, 2017, with the New York State Office for People with Developmental Disabilities (OPWDD) for funding the Teen and Young Adult Program for the Developmentally Disabled in the amount of FOURTEEN THOUSAND ONE HUNDRED EIGHTY-SIX AND NO/100 (\$14,186.00) DOLLARS for the period January 1, 2017 to December 31, 2017 and to execute all necessary documents in connection therewith and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:           AYES: 5   NOES: 0   ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE CONTRACTS FOR ENGINEERING AND SURVEYING FIRMS FOR THE TOWN OF HUNTINGTON IN CONFORMANCE WITH TOWN BOARD RESOLUTION 2016-395

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Supervisor Petrone

**COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILMAN COOK**

WHEREAS, via Town Board Resolution 2016-395 the Town Board designated a schedule of firms (Schedule "A") to provide engineering and surveying services for the Town in response to a Request for Qualification 2016-06-007; and

WHEREAS, the agreements with the firms will require individual contracts; and

WHEREAS, professional engineering/surveying services 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 agreements for engineering and surveying firms for the Town of Huntington in conformance with Town Board Resolution 2016-395, upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE PROVISION OF PROFESSIONAL ICE SKATING INSTRUCTION AT THE DIX HILLS PARK ICE RINK FACILITY

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington Department of Parks & Recreation offers professional ice skating lessons and instructional programs at the Dix Hills Ice Rink facility; and

WHEREAS, services by professional ice skating instructors are utilized to provide such lessons and programs; and

WHEREAS, the execution of contracts with Ice Skating Professionals is not an action pursuant to 6 N.Y.C.R.R. §617.2(b) and therefore, no SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract with the following Ice Skating Professional for the provision of ice skating lessons and instructional programs at the Dix Hills Park Ice Rink for the period October 7, 2016 through December 31, 2016:

Jason Briggs - 151 Wayne Ave, Suffern New York 10901  
Rate \$111/per hr.

Samantha Cesario - 2897 Court Street, Oceanside New York 11972  
Rate \$90/ per hr.

Staci Krinsky - 44 Union Avenue, Upper Saddle River, New Jersey 07458  
Rate \$111/per hr.

FURTHER AUTHORIZES the Supervisor to execute all necessary documents in connection therewith and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR PROFESSIONAL LEGAL SERVICES WITH DICONZA TRAURIG KADISH LLP

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, in connection with its representation in the matters of Bethpage Federal Credit Union and Business Services Group, LLC v. Town of Huntington, et al. and R. Kenneth Barnard, Trustee v. Town of Huntington, et al., the Town's interests will best be served by the retention of outside litigation counsel to represent it, its elected officials and staff; and

WHEREAS, requests for proposals for replacement of the current outside litigation counsel have been sought by the Town Attorney and a number of responses have been received; and

WHEREAS, DiConza Traurig Kadish LLP located at 630 Third Avenue New York, New York 10017 is the successful responsive, responsible proposer; and

WHEREAS, Gerard DiConza, a partner of DiConza Traurig Kadish LLP, has vast experience in Bankruptcy and commercial litigation matters and has agreed to handle the Town's litigation at an hourly rate and with a cap as more fully described below; and

WHEREAS, the subject of this resolution is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 (c)(19) 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 herewith, with DiConza Traurig Kadish LLP, for professional legal services at a negotiated rate of TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$250.00) per hour, but not to exceed the aggregate sum of FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) in legal fees, to be charged to A1420-4551, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-419

VOTE:            AYES: 4            NOES: 0

ABSTENTIONS:

RECUSALS: 1

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	RECUSED
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 REFUSE AND RECYCLING REMOVAL SERVICE TWO CUBIC YARD, FOUR CUBIC YARD, SIX CUBIC YARD AND EIGHT CUBIC YARD CONTAINERS WITH JAMAICA ASH & RUBBISH REMOVAL, CO, INC. AND WINTERS BROS. HAULING OF LI, LLC.

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, various departments throughout the Town require 2 cubic yard, 4 cubic yard, 6 cubic yard, or 8 cubic yard refuse removal, in order to consolidate, recycle and remove rubbish generated from various Town facilities. The facilities that utilize these containers include but are not limited to Town Parks, Beaches, Marinas, Streetlighting, HART Bus and the Dix Hills Water District; and

WHEREAS, Town Board Resolution 2015-453 authorized the execution of a contract with Jamaica Ash & Rubbish Removal Co., Inc., and Winters Bros. Hauling of LI, LLC, for refuse and recycling removal service 2 cubic yard, 4 cubic yard, 6 cubic yard and 8 cubic yard containers, Bid No. 15-09R-051; and

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

WHEREAS, Jamaica Ash & Rubbish Removal Co., Inc., 172 School Street, Westbury, New York 11590 and Winters Bros. Hauling of LI, LLC, 1198 Prospect Avenue, Westbury, New York 11590 have requested the one (1) year extension; and

WHEREAS, the execution of an extension to this 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 requirements contract, and any documents in connection and related therewith, with Jamaica Ash & Rubbish Removal Co., Inc., and Winters Bros. Hauling of LI, LLC, for refuse and recycling removal service 2 cubic yard, 4 cubic yard, 6 cubic yard and 8 cubic yard containers. The extension period shall be effective for one (1) year commencing on January 1, 2017 to be charged to the various operating budgets of the Town, and upon such other terms and conditions as may be acceptable to the Town Attorney.



2016-421

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A BI-DIRECTIONAL AGREEMENT (NONFINANCIAL) WITH THE ECONOMIC OPPORTUNITY COUNCIL OF SUFFOLK, INC. AND THE HUNTINGTON YOUTH BUREAU YOUTH DEVELOPMENT RESEARCH INSTITUTE, INC. TO FACILITATE MUTUAL REFERRALS FROM JUNE 30, 2016 TO JUNE 30, 2018  
NUNC PRO TUNC

Resolution for Town Board Meeting dated: September 27, 2016

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

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

WHEREAS, the Economic Opportunity Council of Suffolk, Inc. desires to enter into an Agreement with the Town of Huntington for the purpose of Referral Services for programs and services offered by the Huntington Youth Bureau Youth Development Research Institute for the period June 30, 2016 through June 30, 2018; and

WHEREAS, the Town of Huntington Youth Bureau's Youth Development Research Institute will refer individuals who require health and mental health services to the Economic Opportunity Council of Suffolk, Inc. and Economic Opportunity Council of Suffolk County will refer individuals to the Town of Huntington Youth Bureau Youth Development Research Institute Programs who require: Drug and Alcohol Treatment and Prevention, Sanctuary's Runaway and Homeless Youth services and Project EXCEL's employment programs; and

WHEREAS, there is no cost to the Town of Huntington;

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a Bi-Directional Agreement between Economic Opportunity Council of Suffolk County and the Town of Huntington Youth Bureau's Youth Development Research Institute for the provision of Referral Services for the term June 30, 2016 through June 30, 2018 and any documents in connection and related therewith with this Bi-Directional Agreement, nunc pro tunc.

2016 - 421

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH SUFFOLK COUNTY COMMUNITY COLLEGE, EDUCATION, HEALTH AND HUMAN SERVICES DEPARTMENT, FOR THE PROVISION OF ASSISTANCE TO THE SENIOR POPULATION THROUGH A SOCIAL WORK INTERNSHIP PROGRAM

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the provision of assistance through a social work internship program with Suffolk County Community College, Education, Health and Human Services Department, will positively impact the senior population; and

WHEREAS, the Town of Huntington desires to assist students in obtaining hands on experience with clinical skills being taught in the classroom; and

WHEREAS, Suffolk County Community College, Education, Health and Human Services Department, will assume responsibility for planning, directing and implementing the educational program of the social work students; and

WHEREAS, entering into this contract for educational purposes 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 AUTHORIZES the Supervisor to execute an agreement with Suffolk County Community College, Education, Health and Human Services Department, for the provision of assistance to the senior population through a social work internship program for a period of two years, and to execute any documents in connection and related 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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Tracey A. Edwards	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2016-424

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH SUFFOLK COUNTY SUMMER YOUTH CONNECTION TO PROVIDE YOUTH RECREATION PROGRAMS FOR CHILDREN, NUNC PRO TUNC, AND TO ACCEPT A DONATION FROM 7-ELEVEN FOR THE EVENT

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Councilwoman Edwards

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town wishes to offer its residents a free nightly summer program for students ages 12-18 in partnership with Suffolk County Youth Connection; and

WHEREAS, the Town recognizes the success of the Suffolk County Summer Youth Connection, a program for students 12-18 that features recreational programs such as, basketball, jazzercise, teen finance, volleyball, golf, robotics, photography, arts and crafts, and other programs and;

WHEREAS, 7-Eleven graciously donated 32 cases of water, 4 cases of Gatorade and 15 boxes of snacks for the event; and

WHEREAS, the execution of an agreement and 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 AUTHORIZES the Supervisor to execute an agreement with Suffolk County Summer Youth Connection to provide youth recreation programs for children, nunc pro tunc, upon such other terms and conditions as may be acceptable to the Town Attorney, and to accept a donation of drinks and snacks from 7-Eleven for the event, nunc pro tunc, and expresses its sincere gratitude.

VOTE:           AYES: 5       NOES: 0       ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-425

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR FUNDING NUNC PRO TUNC, AND RECEIVE A NEW YORK STATE AND MUNICIPAL FACILITIES CAPITAL PROGRAM GRANT FOR THE RESTORATION AND IMPROVEMENT OF THE TOWN OF HUNTINGTON'S VETERANS PLAZA

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, by Resolution 1994-800 the Town of Huntington and its Veterans Advisory Board and the Department of Human Services dedicated the front lawn of Huntington Town Hall, 100 Main Street, Huntington for the placement of the World War II Memorial Monument, thereby creating the first phase of Veterans' Plaza; and

WHEREAS, the Town of Huntington desires to complete the development and enhancement of Veterans Plaza; and

WHEREAS, on or about July 6, 2016, the Town of Huntington submitted an application to New York State Senator Carl Marcellino's office in order for the Senator's Office to pursue SIXTY THOUSAND AND 00/100 DOLLARS (\$60,000) in grant funding from the New York State and Municipal Facilities Capital Program ("SAM") to restore and improve the Town of Huntington's Veterans Plaza in order to create a World War I Memorial, provide a new flagpole, provide for enhancements to the existing memorials and create a brick plaza to facilitate handicap accessibility for visitors to the Plaza; and

WHEREAS, the SAM Grant is administered by the Dormitory Authority of the State of New York; and

WHEREAS, applying for and receiving funds to complete and enhance the Town of Huntington Veterans Plaza for the benefit of our veteran community as set forth herein is a Type II action pursuant to 6 N.Y.C.R.R. Section 617.5 (c) (1), (c) (2) and (c) (25), and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD, hereby authorizes the Supervisor to apply for funds nunc pro tunc, and to receive same from the New York State Legislature and Municipal Facilities Capital Program Grant ("SAM") for restoration and improvement of the Town of Huntington's Veterans Plaza in the amount of SIXTY THOUSAND AND 00/100 DOLLARS, (\$60,000) and to execute any documents in relation thereto, upon such terms and conditions as may be acceptable to the Town Attorney; and

2016-425

HEREBY AUTHORIZES the Comptroller to amend the Town's Operating and/or Capital Budgets, as necessary, upon execution of all required documentation, not to exceed the amount awarded and the Town's share of funding required.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2016-426

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE REPLACEMENT OF A DIGESTER HEAT EXCHANGER AT THE HUNTINGTON SEWER DISTRICT WASTEWATER TREATMENT PLANT WITH DIAM-N- BLU MECHANICAL CORP.

Resolution for Town Board Meeting Dated: September 27, 2016

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

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

WHEREAS, the intent of the project is to replace the digester heat exchanger at the Huntington Sewer District wastewater treatment plant. The contract includes but is not limited to the removal and disposal of the existing digester heat exchanger and associated piping, wiring, breeching and accessories. Install a new heat exchanger, boiler and breeching furnished by the District. Install new piping, wiring, conduit, and accessories associated with connections to the heat exchanger and multi-fuel boiler; and

WHEREAS, sealed bids were received on September 1, 2016, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the replacement of digester heat exchanger at the Huntington Sewer District Wastewater Treatment Plant, Contract No. HNSD 16-50 and the same were opened publicly and read aloud; and

WHEREAS, Diam-N-Blu Mechanical Corp., 1165 Station Road, Medford, New York 11763 is the sole responsive, responsible bidder; and

WHEREAS, the replacement of digester heat exchanger is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(2), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of a contract and any documents in connection and related therewith, with Diam-N-Blu Mechanical Corp. for the replacement of a digester heat exchanger. The contract period shall be effective upon the execution of the contract for a one (1) year term, for an amount not to exceed the sum of ONE HUNDRED THREE THOUSAND FIVE HUNDRED AND NO/100 (\$103,500.00) DOLLARS, to be charged to WM 8197-2102-FB810, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5        NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-427

RESOLUTION AUTHORIZING THE EXECUTION OF AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR WASTEWATER TREATMENT FACILITY INSTRUMENTATION AND CONTROL MAINTENANCE FOR THE TOWN OF HUNTINGTON SEWER DISTRICT WITH HINCK ELECTRICAL CONTRACTORS, INC.

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILMAN COOK**

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

WHEREAS, Town Board Resolution 2013-483 authorized the execution of a contract with Hinck Electrical Contractors, Inc. for wastewater treatment facility instrumentation and control maintenance for the Town of Huntington Sewer District, Bid No. TOH 13-09R-057. Town Board Resolution 2014-450 authorized the first one (1) year extension and Town Board Resolution 2015-402 authorized the second one (1) year extension; and

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

WHEREAS, Hinck Electrical Contractors, Inc., 75 Orville Drive, Suite 1, Bohemia, NY 11716 has requested the final 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 a final extension to the requirements contract, and any documents in connection and related therewith, with Hinck Electrical Contractors, Inc. for wastewater treatment facility instrumentation and control maintenance for the Town of Huntington Sewer District. The extension period shall be effective for one (1) year commencing on January 1, 2017 to be charged to Operating Funds SS1-8131-4570, SS2-8132-4650 and SS3-8133-4650, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES:    5            NOES:    0            ABSTENTIONS:    0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-428

RESOLUTION AUTHORIZING THE EXECUTION OF AN EXTENSION TO THE CONTRACT FOR LABORATORY ANALYSIS FOR THE HUNTINGTON SEWER DISTRICT SEWAGE TREATMENT PLANT WITH LONG ISLAND ANALYTICAL LABORATORIES, INC.

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS; the objective of this RFP is to award single contracts, to laboratories, to provide certified environmental laboratory services, which will include laboratory analyses and report preparation and correspondence with regulatory agencies for wastewater. Typical analyses may include: wastewater analyses for compliance with the NYSDEC and the Clean Water Act (CWA) requirements and Sludge analyses for compliance with the NYSDEC, and sludge, grit and screenings landfill and/or incinerator disposal requirements; and

WHEREAS, Town Board Resolution 2015-465 authorized the execution of a contract with Long Island Analytical Laboratories, Inc. for the laboratory analysis for the Huntington Sewer District, RFP No. 2015-09-010; and

WHEREAS, said requirements contract provides for two (2) additional twelve (12) month periods under the same prices, terms and conditions; and

WHEREAS, Long Island Analytical Laboratories, Inc., 110 Colin Drive, Holbrook, New York 11741 has requested the first twelve (12) month extension; and

WHEREAS, the execution of an extension to this 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 execution of an extension to the requirements contract, and any documents in connection and related therewith, with Long Island Analytical Laboratories, Inc. for the laboratory analysis for the Huntington Sewer District. The extension period shall be effective for one (1) year commencing on January 1, 2017 to be charged to Operating Budget Line SS1.8131.4550, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2016-428

VOTE:            AYES:    5        NOES:    0        ABSTENTIONS:    0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-429

RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENTS EXTENDING CONTRACTS FOR THE COLLECTION, TRANSPORTATION AND DISPOSAL OF RESIDENTIAL SOLID WASTE, YARD WASTE AND RECYCLABLES FOR THE TOWN OF HUNTINGTON CONSOLIDATED REFUSE DISTRICT CONTRACT BID AREAS ONE THROUGH SIXTEEN.

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN COOK**

WHEREAS, the current residential carting contracts expire December 31, 2016; and

WHEREAS, Section 1.C.1 of the current residential carting contracts provide that the Town at its sole discretion, may initiate a contract extension for an additional one (1) year period, no earlier than one hundred twenty (120) days prior to the expiration of the original contract price, for each year in the one year extension and will be calculated based on the change in the consumer price index (CPI) for All Urban Consumers New York-Northern New Jersey-Long Island, NY-NJ-CT-PA as published by the U.S. Department of Labor; and

WHEREAS, in a letter dated April 20, 2016, the Town sent a letter to its current contract carters to determine whether they were interested in providing the Town with collection, transportation and disposal of residential solid waste, yard waste and recyclables for the Town of Huntington Refuse District for the period of January 1, 2017 through December 31, 2017; and

WHEREAS, the current carters pursuant to Schedule A attached hereto and made part of this resolution indicated that they are interested in providing the Town with collection, transportation and disposal of residential solid waste, yard waste and recyclables for the Town of Huntington Refuse District for the period of January 1, 2017 through December 31, 2017 at the same terms and conditions as set forth in the current contract, as amended; and

WHEREAS, the extension of the current carter contract for the period of January 1, 2017 through December 31, 2017 is a Type II action pursuant to 6 N.Y.C.R.R. §6.17.5(c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an extension agreement and any documents in connection and related therewith to with each of the current carter's contracts pursuant to Schedule A attached hereto and made part of this resolution for the collection, transportation and disposal of residential solid waste, yard waste and recyclables for the Town of Huntington Refuse District for the period of January 1, 2017 through December 31, 2017, to be charged to SR8158.4420, and upon such other terms and conditions as may be acceptable to the Town Attorney.

*Ext of the carter renewals 1 of 3*

PURCH/LF/

9/20/2016, 11:24 AM

2016-429

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

**Collection, Transportation and Disposal of Residential Solid Waste, Yard Waste and  
Recyclables for the TOH Consolidated Refuse District Bid Areas 1-16  
Bid No. TOH 09-07R-056**

**Schedule A**

Vendor	Contract Bid Area(s)	2017 Annual for the Year
Alpha Carting 70 Princess Avenue Bay Shore, NY 11706	1	\$72,710.40
Alpha Carting 70 Princess Avenue Bay Shore, NY 11706	2	\$602,515.20
National Waste Services, LLC 1863 Harrison Avenue Bay Shore, NY 11706	3	\$319,711.08
Jody Enterprises 2657 Arthur Lane Bellmore, NY 11710	4	\$370,018.20
V. Garofalo Carting, Inc. Box 283 Commack, NY 11725	5	\$495,660.00
V. Garofalo Carting, Inc. Box 283 Commack, NY 11725	6	\$514,470.00
National Waste Services, LLC 1863 Harrison Avenue Bay Shore, NY 11706	7	\$645,610.00
National Waste Services, LLC 1863 Harrison Avenue Bay Shore, NY 11706	8	\$320,417.93

**Collection, Transportation and Disposal of Residential Solid Waste, Yard Waste and  
Recyclables for the TOH Consolidated Refuse District Bid Areas 1-16  
Bid No. TOH 09-07R-056**

**Schedule A**

<b>Vendor</b>	<b>Contract Bid Area(s)</b>	<b>2017 Annual for the Year</b>
Total Collection Services, Inc. 7 Doane Avenue Port Jefferson Station, NY 11776	9	\$269,856.60
Bianculli Sanitation, Inc. 207 Brook Avenue Deer Park, NY 11729	10	\$602,938.56
AmericanWaste & Recycling 1080C Long Island Avenue Deer Park, NY 11729	11	\$338,926.14
AmericanWaste & Recycling 1080C Long Island Avenue Deer Park, NY 11729	12	\$235,017.42
AmericanWaste & Recycling 1080C Long Island Avenue Deer Park, NY 11729	13	\$372,276.30
AmericanWaste & Recycling 1080C Long Island Avenue Deer Park, NY 11729	14	\$329,767.02
Jody Enterprises 2657 Arthur Lane Bellmore, NY 11710	15	\$418,170.48
V. Garofalo Carting, Inc. Box 283 Commack, NY 11725	16	\$294,162.00



RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT MADE WITH THE HUNTINGTON COMMUNITY FIRST AID SQUAD, INC. TO PERMIT THE BILLING AND COLLECTION OF USER FEES, AND ADOPTING A SCHEDULE OF USER FEES

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Supervisor Petrone

And seconded by: **COUNCILWOMAN EDWARDS**  
**COUNCILMAN COOK**

WHEREAS, pursuant to Town Board Resolution 2016-188, the Town of Huntington and the Huntington Community First Aid Squad, Inc. currently have an agreement in place engaging the Huntington Community First Aid Squad, Inc. to provide emergency medical and ambulance services for the Huntington Ambulance District through to December 31, 2016; and

WHEREAS, under applicable New York State law, the cost for providing emergency medical and ambulance services may be offset by user fees billed to the persons served; and

WHEREAS, the execution of an amendment to an existing agreement and the adoption of a schedule of user fees is a Type II action pursuant to 6 N.Y.C.R.R. Section 617.(c)(20) and (27), and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD,

HEREBY AUTHORIZES the Town Board, on behalf of the Huntington Ambulance District, to execute an amendment to the existing agreement made with the Huntington Community First Aid Squad, Inc., to permit the billing and collection of user fees on behalf of the Huntington Ambulance District, to be imposed from the date of this resolution upon persons furnished emergency medical and ambulance services by the Huntington Community First Aid Squad, Inc. on behalf of the Huntington Ambulance District, and on such other terms and conditions as may be acceptable to the Town Attorney; and

HEREBY ADOPTS the following user fees to be charged to persons furnished such services:

ALS 2	\$1,250.00
ALS 1	\$1,050.00
BLS	\$ 775.00
MILEAGE	\$ 25.00 per mile

With the amounts established by government programs, including, but not limited to, Medicare and Medicaid, to be included in such user fees.

2016-431

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-432

RESOLUTION AUTHORIZING A SUPPLEMENTAL SETTLEMENT OF A CLAIM  
(CROWN CASTLE NG EAST, LLC)

Resolution for Town Board Meeting dated: September 27, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, Crown Castle NG East, LLC, with principal offices at 2000 Corporate Drive, Canonsburg, PA 15317-8564, seeks to extend its fiber-based telecommunications network along the public way in order to provide RF telecommunications transport service using a Distributed Antenna System (DAS) to cover service gaps in cellular network coverage, and

WHEREAS, Crown Castle has indicated that it will file a series of applications for the installation of 116 nodes, including 30 poles along the Public Way in accordance with its License Agreement with the Town; and

WHEREAS, Crown Castle has offered to pay the Town the sum of \$116,000.00 as a Supplemental Settlement to the settlement approved by the Board on August 16, 2016 in connection with the installation of said nodes and poles; and

WHEREAS, it is expected that said applications will be filed by Crown Castle in five separate phases; and

WHEREAS, an agreement to provide funds in consideration of the staff resources that will have to be deployed by the Town to handle the submission of applications for 116 nodes after recently having reviewed applications for 74 nodes, without the Town Board taking any action regarding the approval of the applications, is a Type II action in accordance with SEQRA, 6 NYCRR Part 617.5(c)(20 & 21), requiring no further review;

NOW, THEREFORE, THE TOWN BOARD

HEREBY ACCEPTS the sum of \$116,000.00 to be held in escrow by the Town Comptroller in a non-interest bearing Trust and Agency Account in further settlement of the claims between the parties; such funds shall be held in escrow pending the approval of each such application, as evidenced by the issuance of building permits and/or highway road opening permits by the Town, as the case may be; and

HEREBY DIRECTS the release of the funds as directed by the Town Attorney in consultation with Counsel for Crown Castle but in no event later than as stated herein, and authorizes the Town Attorney to execute all documents deemed necessary to effectuate the intent of the parties to the Supplemental Settlement.

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VOTE: AYES: 4 NOES: 0 ABSTENTIONS: 0  
RECUSALS 1

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILMAN COOK**

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

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

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

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

NOW THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the following financial institutions as depositories for tax receipts, JPMorgan Chase Bank, 395 North Service Road, Suite 302, Melville, New York; Valley National Bank, Two Jericho Plaza, Jericho, New York; HSBC Bank USA, 534 Broadhollow Road, Melville, New York; Bridgehampton National Bank, 2200 Montauk Highway/PO Box 3005, Bridgehampton, New York; and TD Bank, 45 Melville Park Road, Melville, New York pursuant to Town Law 64 (1); and

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

VOTE:                    AYES:    5                    NOES:    0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING AN EXTENSION OF TIME TO PAY TAXES FOR THOSE PERSONS GRANTED A SENIOR CITIZEN TAX EXEMPTION AND ENHANCED STAR EXEMPTION PURSUANT TO CHAPTER 178 OF THE CODE OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: September 27, 2016

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

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

WHEREAS, pursuant to §925-b of the Real Property Tax Laws of the State of New York, the Town Board, by Resolution 1997-589, adopted Local Law No. 20-1997 amending the Code of the Town of Huntington, Chapter 178 (Taxation), Article I (Senior Citizens Tax Exemption and Enhanced Star Exemption) allowing an extension of time to pay taxes of up to five (5) business days; and

WHEREAS, said amendment allows the Town Board to enact a resolution each year prior to the adoption of the final budget of the Town, extending the deadline for payment of taxes without interest or penalty to those residents granted Senior Citizen Tax Exemptions pursuant to the Code of the Town of Huntington, §178-3; and

WHEREAS, said extension of time to pay must comply with deadlines set forth in the Suffolk County Tax Act; and

WHEREAS, the extension of the time to pay taxes for persons granted a Senior Citizen tax exemption and Enhanced Star exemption is not an action as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, upon the recommendation of the Receiver of Taxes,

THE TOWN BOARD

HEREBY AUTHORIZES an extension of the time to pay taxes without interest or penalty to those residents granted Senior Citizen Tax Exemptions and Enhanced Star Exemptions pursuant to the Code of the Town of Huntington §178-3 to Tuesday, June 6, 2017.

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.

# 2016-435

## RESOLUTION AUTHORIZING THE TOWN OF HUNTINGTON TO SPONSOR A CHILDREN'S HALLOWEEN PARADE ON MONDAY, OCTOBER 31, 2016

Resolution for Town Board Meeting Dated: September 27, 2016

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

And seconded by: **COUNCILMAN COOK**

WHEREAS, in conjunction with the Huntington Village Business Improvement District, which will be sponsoring a "Safe Trick-or-Treat Program" on Halloween, Monday, October 31<sup>st</sup>; the Town of Huntington will sponsor a Halloween Parade for children of all ages to march in and show their costumes; and

WHEREAS, participants will assemble at 4:00 p.m. in front of the Huntington Post Office and proceed to parade down Gerard Street, at 4:15 p.m. and conclude at the intersection of Main Street (25A) and Wall Street; and

WHEREAS, the sponsoring of a children's parade is a Type II action as defined by 6 N.Y.C.R.R. §617.5(c)(15) and therefore no SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD,

HEREBY AUTHORIZES the Town of Huntington to sponsor and conduct a Children's Halloween Parade to be held on Gerard Street and Wall Street in Huntington on Monday, October 31, 2016 from 4:00 p.m. until 5:00 p.m.; and

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

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RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT TO EXTEND THE OPERATION OF A "HAUNTED HOUSE" AT 26 PINELAWN ROAD, MELVILLE, NEW YORK.

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the operator of F & W Schmitts Farm has applied for a permit to operate a "haunted house" at 26 Pinelawn Road, Melville, New York 11747 bearing Suffolk County Tax Map #0400-255.00-01.00-012.000 on the 30<sup>th</sup> of September and on the 1<sup>st</sup>, 2<sup>nd</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 21<sup>st</sup>, and 22<sup>nd</sup> of October; and

WHEREAS, §91-3 of the Huntington Town Code (Carnivals, Circuses, Fairs and Amusement Events) provides that each permit for such an event may be issued for a term not to exceed six (6) days and that no more than two (2) permits may be issued per person or organization for each calendar year; and

WHEREAS, the operator of F & W Schmitts Farm has applied for a permit to extend the operation of the "haunted house" for the 23<sup>rd</sup>, 27<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup> of October, 2016; and

WHEREAS, the times of permitted operation on each date shall be set forth on such permit; and

WHEREAS, the issuance of a permit to extend the operation a haunted house 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 issuance of a permit to F & W Schmitts Farm for the operation of a haunted house on the 23<sup>rd</sup>, 27<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup> of October, 2016, upon the following terms and conditions:

1. F & W Schmitts Farm shall secure an extension of the bond to cover the event including the period of extension; and
2. There shall be full compliance with the Code of the Town of Huntington including but not limited to the requirements of the Department of Public Safety, the Department of Engineering Services, the Huntington Fire Marshal, the

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Melville Fire Department and the rules and regulations of all County, State and Federal agencies having jurisdiction; and

3. F & W Schmitts Farm shall secure a policy of insurance covering the event which names the Town as certificate holder and as an additional insured, by endorsement, on the policy, with a policy limit in the minimum amount of \$2,000,000.00 per occurrence and a Certificate of Insurance evidencing same shall be provided to the Town Attorney's Office; and
4. F & W Schmitts Farm shall execute a hold harmless agreement in favor of the Town of Huntington, its agents and employees in a form acceptable to the Town Attorney; and
5. All applicable permit and/or application fees and/or deposits shall be fully paid in accordance with the Code of the Town of Huntington; and
6. Any additional costs incurred by the Town of Huntington for labor; services and/or inspections in connection with or resulting from the event shall be fully reimbursed by F & W Schmitts Farm and shall be paid to the Huntington Town Clerk no later than November 4, 2016; and
7. Patrons of the haunted house attraction at F & W Schmitts Farm shall not be permitted to park vehicles on the property identified as Suffolk County Tax Map # 0400-257-03-009.005; 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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Tracey A. Edwards	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

Resolution for Town Board Meeting Dated: September 27, 2016

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

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

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

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

NOW, THEREFORE, THE TOWN BOARD

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

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

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
17A Tasman Lane Huntington Station, NY 11746	0400-101.00-01.00-103.000	Michael A Domino Dorothy J Domino	08/18/2016	N/A
14 Ibsen Avenue Dix Hills, NY 11746	0400-275.00-01.00-004.004	Victor Oliva	08/18/2016	N/A
83 Daly Road East Northport, NY 11731	0400-215.00-02.00-127.000	Stan Propper Anne Propper	08/11/2016	24 W Haven Drive East Northport, NY 11731
24 E 24 <sup>th</sup> Street Huntington Station, NY 11746	0400-198.00-01.00-046.000	Christina M Carrion	08/03/2016	11 Sarina Drive Commack, NY 11725
65 Daly Road East Northport, NY 11731	0400-215.00-02.00-055.001	AL Relays LLC	08/11/2016	2444 Wilshire Boulevard Suite 600 Santa Monica, CA 90403

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
15 Beaverhill Lane Huntington, NY 11743	0400-212.00-01.00-054.000	Michele Berkowitz	08/15/2016	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
328 Marlin Street Dix Hills, NY 11746	0400-282.00-03.00-035.000	Jeong Bok Kang	08/15/2016	N/A
17A Tasman Lane Huntington Station, NY 11746	0400-101.00-01.00-103.000	Michael A Domino Dorothy J Domino	08/18/2016	N/A
14 Ibsen Avenue Dix Hills, NY 11746	0400-275.00-01.00-004.004	Victor Oliva	08/18/2016	N/A
83 Daly Road East Northport, NY 11731	0400-215.00-02.00-127.000	Stan Propper Anne Propper	08/11/2016	24 W Haven Drive East Northport, NY 11731
24 E 24 <sup>th</sup> Street Huntington Station, NY 11746	0400-198.00-01.00-046.000	Christina M Carrion	08/03/2016	N/A
24 Court Drive Huntington Station, NY 11746	0400-202.00-03.00-083.000	Eleanor Gallagher (L/E) James R Gallagher & Anita Marie Daleo	08/25/2016	N/A

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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>
88 <sup>th</sup> Avenue Huntington Station, NY 11746	0400-143.00-02.00-009.000	Junior Brown Zelda Brown	09/06/2016	N/A
17A Tasman Lane Huntington Station, NY 11746	0400-101.00-01.00-103.000	Michael A Domino Dorothy J Domino	09/07/2016	N/A

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2016 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILWOMAN EDWARDS**

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 2016 Operating Budget

Reinstate the following position:

A-1225-1100	Legislative Aide	\$14,942
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Create the following positions:

A-1680-1100	Network System Specialist	\$15,335
SW1-8321-1100	Water Meter Reader	14,503

Abolish the following positions:

A-1680-1100	Network System Technician	(\$14,744)
SW1-8321-1100	Automotive Equipment Operator	(14,503)

Adjust the following appropriations:

A-1990-1100	Contingency	(\$15,533)
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VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



2016-440

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

Resolution for Town Board Meeting Date: September 27, 2016

The following resolution was offered by COUNCILWOMAN EDWARDS

And seconded by SUPERVISOR PETRONE, COUNCILWOMAN BERLAND

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

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

NOW THEREFORE,

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-440

**TOWN OF HUNTINGTON  
HUNTINGTON, NEW YORK  
INTEREST EARNINGS ON TAX MONIES: 2015-2016**

Interest to be distributed: \$8,739.63

<u>Town</u>	<u>2015-2016 Tax Distribution</u>	<u>Percentage of Total</u>	<u>Interest Earned</u>
General Fund - Whole Town	\$37,982,847.00	3.7846%	\$330.76
General Fund-Unpaid Property Clean-up	\$56,380.55	0.0056%	\$0.49
General Fund-Unpaid Demolition	\$0.00	0.0000%	\$0.00
General Fund-Blight Abatement	\$207,500.00	0.0207%	\$1.81
General Fund-Court Ordered Receiver	\$38,391.39	0.0038%	\$0.33
General Fund - Part Town	\$4,266,967.00	0.4252%	\$37.16
Highway 1 & 2	\$31,713,152.00	3.1599%	\$276.16
Environmental Open Space Bond	\$1,500,000.00	0.1495%	\$13.07
Out of County Tuition	\$3,253,084.00	0.3241%	\$28.32
	<hr/> \$79,018,321.94	7.8734%	\$688.10
 <u>County</u>			
County of Suffolk	\$140,542,438.73	14.0038%	\$1,223.85
	<hr/> \$140,542,438.73	14.0038%	\$1,223.85
 <u>School Districts</u>			
Cold Spring Harbor C.S.D.	\$46,357,382.21	4.6191%	\$403.69
Commack U.F.S.D.	\$49,128,216.59	4.8952%	\$427.82
Elwood Library	\$1,507,700.92	0.1502%	\$13.13
Elwood U.F.S.D.	\$38,650,050.69	3.8511%	\$336.57
Half Hollow Hills C.S.D.	\$165,383,802.71	16.4790%	\$1,440.20
Harborfields Public Library	\$4,781,078.90	0.4764%	\$41.64
Harborfields U.F.S.D.	\$54,743,569.27	5.4547%	\$476.72
Huntington U.F.S.D.	\$100,951,171.20	10.0589%	\$879.11
Northport/E. Nport U.F.S.D.	\$140,307,658.97	13.9804%	\$1,221.84
South Huntington U.F.S.D.	\$103,122,954.22	10.2753%	\$898.02
Syosset C.S.D.	\$11,012.03	0.0011%	\$0.10
	<hr/> \$704,944,597.71	70.2414%	\$6,138.84
 <u>Fire Districts</u>			
Centerport	\$1,999,912.56	0.1993%	\$17.42
Cold Spring Harbor	\$1,662,113.68	0.1656%	\$14.47
Commack	\$1,594,277.43	0.1589%	\$13.89
Dix Hills	\$5,110,525.25	0.5092%	\$44.50
East Northport	\$4,159,484.94	0.4145%	\$36.23
Eatons Neck	\$619,390.00	0.0617%	\$5.39
Greenlawn	\$3,151,932.60	0.3141%	\$27.45
Halesite	\$1,969,713.41	0.1963%	\$17.16
Huntington	\$2,985,934.93	0.2975%	\$26.00
Huntington Manor	\$5,027,361.45	0.5009%	\$43.78
Melville	\$5,010,423.18	0.4992%	\$43.63
	<hr/> \$33,291,069.43	3.3172%	\$289.92
 <u>Special Districts</u>			
Street Lighting	\$3,295,166.00	0.3283%	\$28.69
Huntington Sewer District	\$4,605,558.00	0.4589%	\$40.11

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Centerport Sewer District	\$117,322.00	0.0117%	\$1.02
Consolidated Refuse District	\$24,160,829.00	2.4074%	\$210.40
Huntington Comm. Ambulance	\$2,176,522.00	0.2169%	\$18.96
Commack Ambulance	\$401,946.00	0.0401%	\$3.50
Fire Protection Dist. # 1	\$1,572,553.00	0.1567%	\$13.70
Dix Hills Water District	\$2,412,031.00	0.2403%	\$21.00
Dix Hills-Unpaid Water Bills	\$106,478.55	0.0106%	\$0.93
Huntington-BID	\$87,500.00	0.0087%	\$0.76
Huntington Station-BID	\$90,000.00	0.0090%	\$0.79
Cold Spring Harbor-BID	\$9,000.00	0.0009%	\$0.08
	<hr/>		
	\$39,034,905.55	3.8895%	\$339.94
<b><u>Water Districts</u></b>			
So. Huntington Water Dist.	\$3,928,700.00	0.3915%	\$34.22
South Huntington-Unpaid Water Bills	\$265,594.15	0.0265%	\$2.32
Greenlawn Water District	\$2,353,428.00	0.2345%	\$20.49
Greenlawn-Unpaid Water Bills	\$224,147.07	0.0223%	\$1.95
	<hr/>		
	\$6,771,869.22	0.6748%	\$58.98
<b>Total</b>	<b>\$1,003,603,202.58</b>	<b>100.0000%</b>	<b>\$8,739.63</b>

2016- 441

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2016 OPERATING AND CAPITAL BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – HIGHWAY DEPARTMENT

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILWOMAN BERLAND**

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

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

WHEREAS, Suffolk County Water Authority has approved payment to the Town of Huntington, in lieu of paving, after installation a water main, for Railroad Ave, Sabbath Day Path, Parkview Terrace, Mohawk St, Ottawa Ave, Seminole St, Pueblo Ave, Richard La, Flower Hill Rd, West 9th St, Van Buren St; and

WHEREAS, the Town Board has approved use of partial reimbursement from SCWA for Highway road rehabilitation in the 2016 Adopted Capital Budget; and

WHEREAS, the funding of road rehabilitation and amending the Operating and Capital budget is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 (c)(2), (c)(4) and (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 the Supervisor to execute agreements that may arise from time to time between the Town of Huntington and Suffolk County Water Authority, permitting payment in lieu of final restoration and re-pavement of Town roadways and authorizing the Comptroller to accept such payment pursuant to those agreements; and further authorizes the Supervisor to execute all necessary documents in connection therewith and upon such other terms and conditions as may be acceptable to the Town Attorney.

THE TOWN BOARD

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HEREBY AUTHORIZES the Comptroller to amend the 2016 Operating and Capital Budget as follows:

Increase the following revenue:

DB1789-1789	Revenue Account	\$186,200
-------------	-----------------	-----------

Increase the following appropriations

HW5197-2776-FB502	Road Rehabilitation	\$186,200
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VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-442

RESOLUTION ACCEPTING THE DEDICATION OF LAND FOR A ROAD WIDENING ALONG THE WESTERLY SIDE OF MELVILLE ROAD AND ONE DRAINAGE EASEMENT FOR THE SUBDIVISION KNOWN AS NITZ PLAT, LOCATED ON THE NORTHWESTERLY CORNER OF MELVILLE ROAD AND BOWDEN DRIVE, HUNTINGTON STATION, NEW YORK

Resolution for Town Board Meeting Dated: September 27, 2016

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

WHEREAS, by Resolution dated December 17, 2004, the Planning Board granted conditional site approval to John Eric Nitz, CEO, 147 Melville Road Associates, LLC, for the subdivision of NITZ PLAT, located on the northwesterly corner of Melville Road and Bowden Drive, and indicated as parcel 0400-197.00-03.00-041.001, 041.002, 042.000 and 043.000 on the Suffolk County Tax Map; and

WHEREAS, as a condition of approval, the applicant was to dedicate to the Town of Huntington land for a road widening along the westerly side of Melville Road (Schedules "A" and "B" attached hereto and made a part hereof) and one Drainage Easement (Schedule "C" attached hereto and made a part hereof) for the subdivision known as NITZ PLAT and as more fully shown on the map of Nitz Plat by Hawkings Webb Jaeger and filed with the Suffolk County Clerk on August 7, 2015 (Schedule "D" attached hereto and made part hereof) ; 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, THE TOWN BOARD

HEREBY ACCEPTS the dedication of land for a road widening along the northwesterly side of Melville Road and one Drainage Easement for the subdivision known as NITZ PLAT as more fully described in attachments "A-D", at no cost to the Town, and conditions said approval on the submission by the grantor of all documents deemed necessary by the Town Attorney to effectuate such transfer free of any defects and encumbrances in order to protect and secure the interests of the Town; and

HEREBY AUTHORIZES the Supervisor to execute all documents deemed necessary by the Town Attorney to effectuate such transfer.

VOTE:	AYES: 4	NOES: 0	ABSTENTIONS: 0 RECUSALS: 1
Supervisor Frank P. Petrone	AYE		
Councilwoman Susan A. Berland	AYE		
Councilman Eugene Cook	RECUSED		
Councilman Mark A. Cuthbertson	AYE		
Councilwoman Tracey A. Edwards	AYE		

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

# SCHEDULE "A"

2016-442

Metes and Bounds Description of Road Widening "A"  
Suffolk County Tax Map No. 0400-197.00-03.00-043.006

Beginning at a point at the southwesterly end of a curve connecting the northerly side of Bowden Drive with the northwesterly side of Melville Road (as widened); running thence northeasterly from said point of beginning along the northwesterly side of Melville Road (as widened) the following three (3) courses and distances:

- 1) along the arc of a curve to the left having a radius of 22.00' and a length of 22.33' (chord bearing N 57° 53' 25" E 21.38')
- 2) N 28° 48' 50" E 75.47'
- 3) N 31° 48' 36" E 50.72' to a point on the original northwesterly side of Melville Road; running thence southwesterly along the original northwesterly side of Melville Road S 28° 48' 50" W 136.71' to the intersection of the original northwesterly side of Melville Road with the northerly side of Bowden Drive; running thence westerly along the northerly side of Bowden Drive S 86° 58' 00" W 15.35' to the point or place of beginning, containing within said bounds 321 square feet.

2016-442

## SCHEDULE "B"

Metes and Bounds Description of Road Widening "B"  
Suffolk County Tax Map No. 0400-197.00-03.00-043.005

Beginning at a point on the northwesterly side of Melville Road 218.29' northeast of the northerly side of Bowden Drive as measured along the original northwesterly side of Melville Road; running thence northeasterly from said point of beginning along the northwesterly side of Melville Road (as widened) N 37°17' 55" E 79.32' to land now or formerly of Sillam; running thence easterly along said land of Sillam S 79° 24' 30" E 4.86' to the original northwesterly side of Melville Road; running thence southwesterly along the original northwesterly side of Melville Road S 40° 21' 00" W 81.62' to the point or place of beginning, containing within said bounds 172 square feet.

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## SCHEDULE "C"

### Metes and Bounds Description of Drainage Easement

Beginning at a point at the southwesterly end of a curve connecting the northerly side of Bowden Drive with the northwesterly side of Melville Road (as widened); running thence westerly from said point of beginning along the northerly side of Bowden Drive S 86° 58' 00" W 7.50' to a point; running thence northerly, northeasterly and southeasterly through lot 3 of the Nitz Plat the following three (3) courses and distances:

- 1) N 03° 02' 00" W 10.00'
- 2) N 69° 11' 00" E 18.58'
- 3) S 61° 11' 10" E 10.00' to the northwesterly side of Melville Road (as widened); running thence southwesterly along the arc of a curve to the right having a radius of 22.00' and a length of 22.33' (chord bearing S 57° 53' 25" W 21.38') to the northerly side of Bowden Drive and the point or place of beginning



2016-443

RESOLUTION ACCEPTING A DONATION OF \$200 FROM JOSEPH WARREN  
FOR THE PURPOSE OF FUNDING HARBOR PATROL VESSEL EQUIPMENT  
NUNC PRO TUNC

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, Joseph Warren who is a boater contacted the Town and expressed a desire to donate \$200 to the help fund equipment on the Town's marine patrol boat; 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 TWO HUNDRED DOLLARS (\$200) from Joseph Warren of Rowayton, Connecticut to be deposited into fund A3120-4510 for use by the Department of Maritime Services toward vessel equipment 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.

RESOLUTION ACCEPTING THE DONATION OF \$1,000 FROM EYE PRODUCTIONS, INC. FOR IMPROVEMENTS AT WEST NECK BEACH NUNC PRO TUNC

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, Eye Productions, Inc. is a movie studio based in Long Island City, NY that produces "Madam Secretary"; and

WHEREAS, Eye Productions, Inc. recently contracted with the Town of Huntington for the use of West Neck Beach for filming a television scene for which the Town was paid a fee; and

WHEREAS, Eye Productions, Inc. contacted the Town and offered to make a voluntary donation of ONE THOUSAND DOLLARS (\$1,000) to be used toward facility improvement at West Neck Beach; 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 ONE THOUSAND DOLLARS (\$1,000) from Eye Productions, Inc. to be deposited into fund A7181-4650 for use by the Department of Maritime Services toward facility improvements at West Neck Beach nunc pro tunc.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-445

RESOLUTION DESIGNATING A BANK DEPOSITORY AND ACCEPTING BONDS AND/OR CERTIFICATES FROM CERTAIN FINANCIAL INSTITUTIONS AND AUTHORIZING THE SUPERVISOR TO EXECUTE A COLLATERAL FOR COLLATERALIZED MUNICIPAL DEPOSITS ON BEHALF OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: September 27, 2016

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

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

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

WHEREAS, Town Board Resolution 2016-1 designated certain institutions as bank depositories for the calendar year 2016; and

WHEREAS, the Comptroller has requested that People's United Bank be designated as a bank depository as a bank depository for the remainder of 2016; and

WHEREAS, the Town of Huntington deposits monies received in the normal course of business with various financial institutions designated by the Town Board; and

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

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

NOW THEREFORE

THE TOWN BOARD

HEREBY DESIGNATES Peoples United Bank as a bank depository for the remainder of 2016 and authorizes the Supervisor to execute a Collateral Agreement on behalf of the Town of Huntington.

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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-446

RESOLUTION EXEMPTING NEW CINGULAR WIRELESS PCS, LLC FROM FURTHER TOWN BOARD REVIEW PURSUANT TO §198-68.1 (P) OF THE HUNTINGTON TOWN CODE FOR WORK AT 7 BOXER COURT, HUNTINGTON, NEW YORK, SUFFOLK COUNTY TAX MAP NO. 0400-095.00-01.00-050.001

Resolution for Town Board Meeting dated: September 27, 2016

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

and seconded by: **SUPERVISOR PETRONE**

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

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

WHEREAS, the Town Board has received a request for exemption pursuant to §198-68.1 (P) from New Cingular Wireless PCS, LLC in connection with its application to upgrade/modify its existing public utility wireless telecommunications facilities located on the existing monopole erected on Town-owned property located at 7 Boxer Court, Huntington, New York, bearing SCTM No. 0400-095.00-01.00-050.001; and

WHEREAS, the proposed upgrade/modification consists of (i) the removal of three (3) existing antennas to be replaced with six (6) new LTE WCS/GSM antennas and (ii) the replacement of three (3) Remote Radio Heads with six (6) new Radio Heads; and

WHEREAS, in accordance with §198-68.1 (P), the Director of Engineering Services has reviewed the proposed documents and drawings submitted by New Cingular Wireless PCS, LLC with its application, and has recommended that the Town Board exempt it from further Town Board review pursuant to §198-68.1 of the Huntington Town Code; and

WHEREAS, the subject proposal has been classified a Type II action pursuant to 6 NYCRR Part 617.5(c)(1, 2 and 15) of the State Environmental Review Act (SEQRA), and therefore no further review is required pursuant to SEQRA; and

NOW THEREFORE BE IT

RESOLVED, that the application of New Cingular Wireless PCS, LLC to upgrade/modify as described in this resolution its existing public utility wireless telecommunications facilities located on the existing tower erected at 7 Boxer Court, Huntington, New York, bearing SCTM No. 0400-095.00-01.00-050.001, is hereby exempted from further Town Board review so long as no other modifications or upgrades



2016-447

RESOLUTION NAMING HERITAGE PARK AND AUTHORIZING COMPTROLLER TO APPROPRIATE MONIES FROM THE ENVIRONMENTAL OPEN SPACE AND PARK IMPROVEMENT FUND AND NEIGHBORHOOD PARKS FUND FOR RECOMMENDED IMPROVEMENTS (HUNTINGTON HERITAGE TRAIL)

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington has acquired several properties west of Park Avenue in Huntington to comprise an assemblage of 14.6 acres with the goal to create a Huntington Heritage Trail, and

WHEREAS, the Town Historian and Environmental Open Space and Park Fund Advisory (EOSPA) Committee have recommended that the property assemblage should be named Heritage Park as it includes properties that are within or adjoin the Town-designated Old Huntington Green Historic District and in a National Register of Historic Places-listed district (Old Town Green District), and protects many elements reflecting Huntington's heritage, and

WHEREAS, the Huntington Greenway Trails Committee has reviewed preliminary plans for the Huntington Heritage Trail and design and narrative for interpretive signage that were prepared pro bono by The Laurel Group, and has recommended that the project proceed, and

WHEREAS, the EOSPA Committee reviewed and voted to support a nomination from the Director of General Services at its meeting of July 26, 2016 for up to \$57,500 from the EOSPA Park Improvement Fund to provide initial funding to create trailhead entrances, to begin renovation of the former Park Avenue Dairy property and barn, and to create interpretive signage for the project, and

WHEREAS, the proposed project is designed for the preservation of a site located in a historic district on the National Register of Historic Places and may be classified a Type II action pursuant to 6 NYCRR 617.5(c)(1, 2, 6, 8, and 20) as it involves repair, restoration, landscape maintenance, and minor temporary uses of land having negligible impact on the environment and is consistent with routine agency administration;

NOW THEREFORE, BE IT

RESOLVED, that the assemblage of properties acquired to date that include Hilaire Woods, Hilaire Woods Additions, Gottsegen Property, Park Avenue Dairy/Kiruv are hereby collectively to be named and signed as Heritage Park,

AND BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds on an as-needed basis to be transferred from A-0870 Open Space Land and Park Improvements Reserve Fund, and charged to the appropriate capital budget account for the

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park improvement recommended by the EOSPA Committee as listed below for implementation by the identified department/entity:

**DEPARTMENT OF GENERAL SERVICES**

*Heritage Trail initiation, not to exceed \$57,500*

*Heritage Park, Huntington*

Implement first phase of improvements to include trailhead entrances, gravel parking, interpretive signage, building stabilization and access, with the input of the Huntington Greenway Trails Committee, Huntington Preservation Commission, and Town Historian

AND BE IT FURTHER

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

AND BE IT FURTHER

RESOLVED, that the Department of Planning and Environment is encouraged to seek and help coordinate community volunteer assistance with the project as it proceeds, and

AND BE IT FURTHER

RESOLVED, that the Town Board recognizes and thanks The Laurel Group for its significant contribution toward the Huntington Heritage Trail Project for the benefit of Huntington's residents.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-448

RESOLUTION EXTENDING THE TIME TO MAKE A DETERMINATION REGARDING THE ADOPTION OF LOCAL LAW INTRODUCTORY NUMBER 31-2016, CONSIDERING ZONE CHANGE APPLICATION #2015-ZM-414, BRIGHTVIEW SENIOR LIVING, TO CHANGE THE ZONING FROM R-40 RESIDENCE DISTRICT TO R-HS RESIDENTIAL HEALTH SERVICES DISTRICT FOR PROPERTY LOCATED ON THE EAST SIDE OF DEER PARK AVENUE, NORTH OF TALISMAN DRIVE, DIX HILLS, SCTM# 0400-262-02-(036.002, 037, 038).

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by **SUPERVISOR PETRONE**

WHEREAS, Town Board Resolution 2016-313 scheduled a public hearing, and the same was held on the 12th day of July, 2016, to consider adopting Local Law Introductory No. 31-2016, amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), §198-7 of the Huntington Town Code, thereby rezoning from R-40 Residence District to R-HS Residential Health Services District the property designated on the Suffolk County Tax Map as 0400-262-02-(036.002, 037, 038); and

WHEREAS, the Town Board reserved decision; and

WHEREAS, pursuant to the Code of the Town of Huntington Chapter 54, the 90 day time period to make a determination on the application is set to expire on October 10, 2016; and

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

NOW, THEREFORE, THE TOWN BOARD

HEREBY EXTENDS the time to make a determination concerning the above referenced change of zone application for an additional 90 day time period to January 8, 2017.

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.

2016-449

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 33-2016 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 91 (CARNIVALS, CIRCUSES, FAIRS AND AMUSEMENT EVENTS)

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Councilwoman Edwards

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD having held a public hearing on the 16<sup>th</sup> day of August, 2016 at 2:00 p.m. to consider adopting Local Law Introductory No. 33-2016, amending the Code of the Town of Huntington, Chapter 91 (Carnivals, Circuses, Fairs and Amusement Events), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 33-2016, amending the Code of the Town of Huntington, Chapter 91 (Carnivals, Circuses, Fairs and Amusement Events), as follows:

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

LOCAL LAW NO. 38 - 2016  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 91 (CARNIVALS, CIRCUSES, FAIRS AND AMUSEMENT EVENTS)

Section 1. Amendment to Chapter 91 (Carnivals, Circuses, Fairs and Amusement Events); as follows:

CHAPTER 91  
(CARNIVALS, CIRCUSES, FAIRS AND AMUSEMENT EVENTS)

§ 91-2. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

\* \* \*

AMUSEMENT RIDE - A manually operated or mechanically powered machine, apparatus or device which is used solely for amusement, and which is designed to propel, project or move a person through the air, along the ground or otherwise, and shall include a merry-go-round and/or carousel and other similar machinery customarily associated with amusements or carnivals. For the purpose of §91-4 (A) of this chapter, the term "amusement ride" shall not include a slide, funhouse,

pirate bounce (bounce house), rock wall, or a maze, but these attractions shall be deemed amusement rides for all other purposes.

\* \* \*

§ 91-4. Location of amusement rides restricted.

A. No more than one (1) amusement ride per one-quarter (1/4) acre shall be permitted, and no more than [fifteen (15)] seventeen (17) amusement rides shall be operated, maintained and/or erected per fair, carnival, circus or amusement event.

\* \* \*

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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Tracey A. Edwards	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016- 450

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 34- 2016 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 156 (PROPERTY MAINTENANCE; NUISANCES), ARTICLE VII (BLIGHTED PROPERTY)

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Councilwoman Berland

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

THE TOWN BOARD having held a public hearing on the 16th day of August, 2016 at 2:00 p.m. to consider adopting Local Law Introductory No. 34-2016 amending the Code of the Town of Huntington, Chapter 156 (Property Maintenance; Nuisances), Article VII (Blighted Property) and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 34-2016 amending the Code of the Town of Huntington, Chapter 156 (Property Maintenance; Nuisances), Article VII (Blighted Property) ; as follows:

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

LOCAL LAW NUMBER 39 -2016

AMENDING THE CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 156 (PROPERTY MAINTENANCE; NUISANCES),  
ARTICLE VII (BLIGHTED PROPERTY)

Section 1. Amendment to the Code of the Town of Huntington, Chapter 156 (Property Maintenance; Nuisances), Article VII (Blighted Property), as follows:

CHAPTER 156  
PROPERTY MAINTENANCE; NUISANCES

\* \* \*

ARTICLE VII  
BLIGHTED PROPERTY

\* \* \*

§156-61. Blighted Property Designation. Blighted Property - The following conditions shall be factors in evaluating whether or not a property is designated as a Blighted Property:

A. A determination by [the Director of Planning and Environment and/or an official of the Department of Public Safety and Code Enforcement] a code officer that the property is in a condition which poses a serious threat to the safety, health, [and or] or general welfare of the community. (50 points)

B. The owner of the property has been issued Summonses and/or has been prosecuted for violation(s) of the Code of the Town of Huntington and/or the New York State Uniform Fire Prevention and Building Code for commercial and residential structures, and such violations have not been corrected. (50 points)

\* \* \*

F. The property is [determined] found to be unmaintained by [a Town Code Enforcement Officer/official] the code officer based upon evidence of the persistent and continued existence of the following deleterious conditions:

\* \* \*

23. Hazardous or dilapidated vacant building or structure [Vacant Building or Structure].

§ 156-62. Definitions. For purposes of this article the following words shall have the following meanings:

Blighted Property -- [an] shall mean improved or [vacant] unimproved property in any zoning district which meets or exceeds a point value of one hundred (100) points as set forth within this article.

\* \* \*

[Code Enforcement Official shall mean an official charged with the enforcement and/or administration of this article.] Code Officer -- shall mean the Director of Engineering Services, the Director of Public Safety, and/or their designees.

\* \* \*

Restoration Agreement -- shall mean a legal and binding agreement between the Town and a given property owner, wherein said property owner proposes to complete specific repairs and/or improvements in order to resolve conditions existing on his or her property as identified by a [Code Enforcement Official] code officer in accordance with the definition of "Blighted Property." Such repairs and/or improvements shall be outlined on an explicitly fixed timeline and as such will be offered a full exemption from the annual registration fee outlined in § 156-64(D). The [Director of the Department of Planning and Environment] Town Attorney shall have the authority, on behalf of the Town, to execute such Restoration Agreement.

\* \* \*

[Vacant Parcel -- shall mean a parcel of land with no structure(s) thereon.]

\* \* \*

§156-64. Enforcement.

A. [The Department of Public Safety, Code Enforcement] The Code Officer shall be charged with reviewing complaints and conducting investigations in order to determine if blight exists at the subject property.

B. Once a property has been determined to be blighted, [Code Enforcement] the Department of Public Safety shall prepare and send out notification letters to each property owner. Such notice shall be served by personal service upon the owner or person in charge of the affected building or structure; or if no such person can be reasonably found, by mailing said owner such notice by means of certified mail, return receipt requested, and by regular mail, to the last known address as shown by the records of the Town Assessor; and by securely affixing a copy of such notice upon the door of the affected building or structure.

\* \* \*

§156-65. Restoration Agreement:

\* \* \*

B. Restoration Agreement Contents. All Restoration Agreements shall include a definite plan for the resolution of any condition(s) [existing on the blighted premises/corresponding property as identified by a Code Enforcement Official in accordance with the definition of Blighted Property defined herein.] identified by the code officer pursuant to this article.

\* \* \*

E. Penalties for Non Compliance with Restoration Agreement Terms. Any property owner who does not complete the repairs and/or improvements outlined in a Restoration Agreement within the established timeline, or any period of extension granted by the Town Attorney, will be subject to the actions described in § 156-67.

§156-66. Incentives. Any entity and/or individual that purchases a property registered on the Town's Blighted Property Inventory List may be offered certain incentives from the Town.

§156-66. Incentives.

- A. All incentives are at the discretion of the code officer [Director of the Department of Planning and Environment] charged with the duty of processing the particular application filed by the purchaser. [The "rating" of the purchased property, the location of the purchased property, the degree of repair and development necessary, and the impact of the proposed project on the Town's economy, are factors to be considered in the grant of an exemption.] Said code officer may evaluate any factors, including but not limited to the applicant's liability and other insurance coverage.
- B. Incentives may include, but are not limited to, up to a twenty-five (25%) percent reduction of [certain] building permit and/or land use application fees to be collected by the applicable town department and may include the fast-tracking of applications as may be reasonable under the circumstances [by the Planning and Engineering Departments and/or an acceleration of the processing of certain permits as issued by the Planning and Engineering Departments].
- C. Applicants must demonstrate the ability to pay for their proposed projects either through commitment letters for loans obtained from a commercial lender of their selection or [through the availability of developer funds] by other means.
- [D.] [The environmental condition of the project site(s) and the applicant's liability and other insurance coverage must be considered by the Town before the approval of any incentives.]
- [E.] [The timeframe applies to the time within which a property owner/developer submits an application with the Town of Huntington Department of Planning and Environment or Engineering.]

[(1)] [Application is defined as any building permit application, or an application to initiate an administrative process within the Department of Planning and Environment and Engineering which would enable the submission of a Building Permit application (such administrative processes include but are not limited to the Change of Zone process, application for a variance from the Zoning Board of Appeals, and/or Site Plan Review).]

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

- A. Failure to comply with a Restoration Agreement. Whenever the owners of a property shall fail to comply with an executed Restoration Agreement, the Town Board may authorize the work to be done and shall provide for the cost thereof to be paid from general Town funds as directed by resolution of the Town Board, pursuant to the authority provided under § 64 and § 130 of the Town [I]Law. Additionally, failure to comply with an executed Restoration Agreement shall result in the placement, or retention of the property on the Blighted Property

Inventory List and the imposition of the corresponding annual registration fees applicable for each year that the offending conditions exist or remain.

\* \* \*

- C. Assessment of costs and expenses, liens. All costs and expenses incurred by the Town in connection with the abatement of a violation of this chapter shall be provided to the Town Board by the [Department of Planning and Environment and/or Engineering] Code Officer. The total costs and expenses shall then be determined by the Town Attorney, in consultation with the Departments involved, and shall be reported to the Receiver of Taxes as the amount to be assessed against the property, and the expense so assessed shall constitute a lien and charge on the premises on which it is levied until paid or otherwise satisfied or discharged.
  
- D. Persistent or ongoing blighted properties. Any property previously designated by the Town Board as a “blighted property” and placed upon the blighted property inventory list wherein blighted conditions continue to persist, following a public hearing and upon a determination by the Town Board, will thereafter be deemed as a persistent blighted property[.]. Said persistent blighted property shall be assessed the annual blighted property assessment fee, and the Town will take any and all necessary actions to abate the blighted conditions, upon notice to the property owner by the Office of the Town Attorney[.] by registered or certified mail return receipt requested, and by regular mail, to the last known address as shown by the records of the Town Assessor.
  
- E. Demolition. Any “Blighted Property” deemed to be an “Unsafe and Damaged Building and/or Structure” pursuant to Chapter 191 of the Code of the Town of Huntington will follow the procedures set forth in Chapter 191 regarding demolition/emergency work.

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.

2016-450

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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Tracey A. Edwards	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-451

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 35- 2016 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 191 (UNSAFE AND DAMAGED BUILDINGS AND STRUCTURES)

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 16th day of August, 2016 at 2:00 p.m. to consider adopting Local Law Introductory No. 35-2016 amending the Code of the Town of Huntington, Chapter 191 (Unsafe and Damaged Buildings and Structures), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 35-2016 amending the Code of the Town of Huntington, Chapter 191 (Unsafe and Damaged Buildings and Structures); as follows:

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

LOCAL LAW NUMBER 40 -2016

AMENDING THE CODE OF THE TOWN OF  
HUNTINGTON, CHAPTER 191 (UNSAFE AND DAMAGED PROPERTY)

Section 1. Amendment to the Code of the Town of Huntington, Chapter 191 (Unsafe and Damaged Buildings and Structures), as follows:

CHAPTER 191  
UNSAFE AND DAMAGED BUILDINGS AND STRUCTURES

\* \* \*

Chapter 191. Unsafe and Damaged Buildings and Structures

\* \* \*

§ 191-02. Definitions.

As used in this chapter, the following words shall have the meanings indicated:

**BUILDING** –see Huntington Town Code §198-2

[Any structure used or intended for supporting or sheltering any use or occupancy, whether occupied or vacant.]

**CODE OFFICER**

The Director of Engineering Services, the Director of Public Safety, and/or their designees.

**CONSULTANT**

Any engineering firm, or other professional entity, providing services to the Town to assist in the enforcement of the provisions of this code section.

**EQUIPMENT** –see Huntington Town Code §124-03

**EQUIPMENT, UNSAFE** –see Huntington Town Code §124-03

**PERSON** An individual or business entity of any kind.

**STAGING** Any temporary structure including pavilions, stages and scaffolding.

**STRUCTURE** – see Huntington Town Code §198-2

[Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including signs, fences, and retaining and freestanding walls.]

§ 191-03. Prohibitions.

(A) It shall be unlawful to own, operate or maintain a building, staging, [or] structure, or equipment which is in an unsafe, hazardous, unsanitary or dilapidated condition.

(B) An owner, his agent, or person-in-charge of a building, staging, [or] structure, or equipment shall maintain same in a safe and sanitary condition to preserve and protect the health, welfare and safety of the general public.

(C) No act on the part of the Town performed in error or otherwise shall be deemed to be an oversight, error or dereliction of duty on the part of the Town, or shall serve to permit or allow the ownership, maintenance or operation of an unsafe, unsanitary or hazardous building, staging, or structure.

§ 191-04. Unsafe Buildings, Structures, Staging and Equipment

For the purpose of this chapter, a building, staging, [or] structure, or equipment may be deemed unsafe, hazardous, unsanitary or dilapidated if upon inspection any of the following apply:

(A) Those having leaning or bulging wall(s); or

(B) [Thirty-three (33%) percent or more of damage to supporting members or fifty (50%) percent damage to the overall structure] Those which, exclusive of the foundation, show damage or deterioration of the supporting member or members or damage or deterioration of the nonsupporting enclosing or outside walls or covering; or

(C) [improperly distributed loads] Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used; or

(D) [sufficient damage by fire or the elements to present a danger to the life, safety and welfare of the occupants or the general public] Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the general public; or

(E) [inadequate facilities to support life] Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein; or

(F) [inadequate egress or ingress in the event of a fire or other emergency] Those having inadequate facilities for egress in cases of fire or other emergency, or those having insufficient stairways, elevators, fire escapes or other means of egress; or

(H) Those where parts of the building, staging, or structure are in danger of detaching creating a hazardous condition; or

(G) Those which are [the structure is] damaged, decayed, dilapidated, unsanitary, unsafe or infested in such a manner as to create a serious hazard to the health and safety of the public; or

(I) Those having debris and rubble from fire or other occurrence or condition; or

(J) Those maintained in unsanitary or overcrowded conditions, found in whole or in part to be occupied by more persons than permitted under this code; or

(K) Those vacant and left unsecured at entrances, windows or other portions of the structure; or

(L) Those unfit for habitation due to prolonged lack of maintenance or owner failure; or

(M) Those with any other condition which, in the opinion of the code officer, is dangerous or jeopardizes the health, welfare and safety of the occupants or the general public.

§ 191-05. Report and Investigation.

The code officer and/or any consultant retained by the T[t]own may inspect any building, staging, equipment or structure which, in his or her opinion, is or may become dangerous or unsafe, or threaten the health, safety or welfare of the occupants or general public[.], and shall prepare a report of his or her findings. The report shall contain a report or affidavit from the Department of Engineering.

§ 191-06. Notice to remedy the unsafe, unsanitary or hazardous condition.

(A) A written notice shall be served upon the property owner, his agent, the occupant(s) or person-in-charge of the property, or any person having a vested or contingent interest in the property as shown on the most current assessment roll maintained by the Town Assessor, and any mortgagees and/or lienholders shown on a title report, directing the removal, remediation or abatement of the unsafe, hazardous or dangerous condition by the date specified on the notice. Such period may be extended for good cause shown, as long as it can be demonstrated that remedial measures have been started and the delay is not under the control of or due to the actions of the person to whom the notice has been issued.

(B) Contents of notice. The notice shall contain the following:

\* \* \*

(5) A statement that in the event of the failure or refusal of the person to whom the notice is issued to bring the property into compliance by the date on the notice or approved date of extension, a [fact-finding] hearing will be held on the date, time and place specified in the notice before the Town Board or an Administrative Hearing Officer to determine whether the report of the code officer should be modified or withdrawn, and whether in the absence of any action by the owner, the Town may repair or secure, demolish and remove the building, staging, [or] structure or equipment.

(6) A statement that in the event of his failure to remedy the condition or appear at the [fact-finding] hearing, the building, staging, [or] structure or equipment will be secured or repaired demolished and removed by the Town and the costs and expenses thereof assessed against the land or the person responsible.

\* \* \*

(D)

Service of the notice. The notice shall be served either personally in accordance with the Civil Practice Law and Rules (CPLR) or by registered or certified mail, return receipt requested, and addressed to the property owner at the last known address shown on the most current assessment roll of the Town Assessor, or to the owner's agent at the last known address, or to the occupant of the property, or person having a vested or contingent interest in the property as shown on the most current assessment roll of the Town Assessor, and any mortgagees and/or lienholders shown on a title report. If service

is made by registered or certified mail, a copy of the notice shall be securely affixed upon the building, staging or structure which is the subject of the notice.

(E) § 191-07. Filing of Notice and other documents. The notice, together with the lis pendens and metes and bounds description of the property, and any other supporting documents deemed necessary, shall be filed in the Office of the Suffolk County Clerk by the Town Attorney in the same manner as a Notice of Pendency, and with a lis pendens, meets and bounds description of property, notice of unsafe building/notice of public hearing, resolution setting the hearing, the consultant's report, if any, or the code officer's report, pursuant to Article 65 of the Civil Practice Law and Rules (CPLR). The notice shall remain effective for a one (1) year from the date of filing pursuant to Town Law § 130(16), and may only be vacated by an order of the court or upon the consent of the Town Attorney.

[§191-07 through §191-08. (Reserved)]

§ 191-08. (Reserved)

§ 191-09. [Administrative] Hearing.

A[n] [administrative] hearing may be held by the Huntington Town Board or a duly appointed Administrative Hearing Officer, at the option of the Town. Hearings may be adjourned only upon good cause shown and at the discretion of the code officer.

(A)

Town Board Action. The Town Board may consider the report and accept or reject, in whole or in part, the findings and recommendations of the code officer with or without conditions as it deems advisable. The Town Board shall render its findings and determination no later than the next regularly scheduled Town Board meeting following the public hearing and may make a determination on the same day as the hearing. Upon a finding that the building, staging, equipment or structure is or may become unsafe, unsanitary or hazardous, or a threat to the occupants or general public, the Board by resolution may direct the owner, his agent, the occupant(s) or person-in-charge of the property, or any person having a vested or contingent interest in the property to secure and/or repair, or demolish and remove the building, staging, equipment or structure within the time specified in the resolution, and upon the failure, neglect or refusal of such person(s) to comply, the Town Board may authorize the [t]Town [personnel], upon reasonable notice, to enter the premises and perform the work, and the costs assessed in accordance with the provisions of this Chapter. A copy of the Town Board resolution shall be mailed by the Town Attorney to the person(s) named in the original notice by regular mail and by registered or certified mail, return receipt requested, and shall also be posted on the premises. The decision of the Town Board shall be filed with the Huntington Town Clerk and shall be final.

(B) Administrative Hearing Officer. The Hearing Officer may consider the [evidence] report and accept or reject, in whole or in part, the findings and recommendations of the

code officer with or without conditions as it deems advisable and submit his or her findings and recommendations to the [Director] Town Board 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 to remedy, except that no posting shall be required if service is by regular, registered or certified mail. Such mailing shall include a statement that the recipient has five (5) days from receipt of the report to submit to the Director his written objections to the report.] The Hearing Officer shall render his or her findings and recommendations to the Town Board no later than thirty (30) days from the close of the hearing. The [Director] Town Board 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] it deems advisable or necessary under the circumstances. Upon a finding that the building, staging, equipment or structure is or may become unsafe, unsanitary or hazardous, or a threat to the occupants or general public, the [Director] Town Board may order the owner, his agent, the occupant(s) or person-in-charge of the property, or any person having a vested or contingent interest in the property to secure and/or repair, or demolish and remove the building, staging, equipment or structure within the time specified and upon the failure, neglect or refusal to comply, may authorize the Town [personnel], upon reasonable notice, to enter the premises and perform the work, and the costs assessed in accordance with the provisions of this chapter. [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.] A copy of the Town Board resolution, with a copy of the hearing officer's report attached, shall be mailed by the Town Attorney to the person(s) named in the original notice by regular mail and by registered or certified mail, return receipt requested, and shall also be posted on the premises. The decision of the Town Board shall be filed with the Huntington Town Clerk and shall be final.

(C) Conduct of hearings. At the 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.

\* \* \*

#### § 191-11. Liability for costs.

The owner, his agent, occupant, person-in-charge of the property, or person having a vested or contingent interest in the property shall be liable for the direct and indirect costs of abating the unsafe, unsanitary or hazardous condition, [including but not limited to an administrative fee equal to twenty-five (25%) percent of the total cost of said removal, remediation, abatement and disposal process,] intended to reimburse the Town for the time and expense of holding the hearing, abating the condition, notifying the appropriate parties, certifying the amounts due to the Town, and charging same against the property or person responsible.

\* \* \*

§ 191-13. Emergency work.

(A) If, in the judgment of the code officer, an emergency exists as when a building, staging or structure is in imminent danger of collapse or an immediate peril to the public health and safety exists, he may issue a verbal or written order to the owner, his agent, occupant, person-in-charge of the property, or person having a vested or contingent interest in the property to remedy the dangerous, unsanitary or hazardous condition to the satisfaction of the town within [forty-eight (48)] twenty four (24) hours of service of the notice or the condition shall be remedied by the Town without further notice and the costs thereof filed as a lien against the property if not paid to the Town within five (5) days of receipt of a written demand for same. Service of the written order may be accomplished in any manner set forth in this chapter; or by posting the notice in a conspicuous portion of the property so as to be visible from the street; or by overnight express mail. Upon the failure, neglect and/or refusal of the person who has been notified to remedy or remove the condition to the satisfaction of the code officer, the officer shall report his findings and recommendations to the Town Supervisor who, upon such findings, may execute a declaration of emergency authorizing town personnel to enter the property and perform the work, and the costs assessed and levied in accordance with the provisions of this chapter.

\* \* \*

§191-14. Transfer of Title.

The transfer of title by the owner (transferor) of the unsafe building, staging, structure, or equipment to another party (transferee) shall be no defense in any pending proceeding commenced by the Town. Upon receipt of proof by the transferor of a transferee, the transferor shall notify the Town and provide such proof containing the transferee's contact information. The owner of the unsafe building, staging, equipment or structure who is transferring title shall provide the name and address of the proposed buyer/transferee within thirty days of the contract of sale being executed, or, in the case of a bank foreclosure within thirty days that a judgement of foreclosure and sale is received. Failure to provide such information to the Town shall be deemed in violation of this chapter.

§ 191-15. through § 191-25. (Reserved)

§ 191-16. Penalties for offenses.

\* \* \*

(C) The town attorney is authorized to maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by

injunction the violation of this chapter, or to pursue other equitable or legal remedies and penalties as in his[her] judgment may seem necessary and proper, and to recover legal fees.

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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Tracey A. Edwards	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016 - 452

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 36-2016 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE I (GENERAL PROVISIONS), ARTICLE IV (COMMERCIAL DISTRICTS), ARTICLE VII (OFF-STREET PARKING), ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILWOMAN EDWARDS**

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

WHEREAS, the proposed legislation is classified as a Type I action in accordance with the provisions of SEQRA, 6 NYCRR Part 617.4(b)(2), because it changes the permitted uses in zoning districts covering more than 25 acres of land;

THE TOWN BOARD having held a public hearing on the 16th day of August, 2016 at 2:00 p.m. to consider adopting Local Law Introductory No. 36-2016 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions), Article IV (Commercial Districts), Article VII (Off-Street Parking), Article XI (Conditional Uses; Supplementary Regulations) and due deliberation having been had,

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

HEREBY ADOPTS

Local Law Introductory No. 36-2016 amending the Code of the Town of Huntington, Chapter 198 (Zoning); as follows:

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

LOCAL LAW NUMBER **41-2016**

AMENDING THE CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 198 (ZONING), ARTICLE I (GENERAL PROVISIONS),  
ARTICLE IV (COMMERCIAL DISTRICTS),

2016 - 452

ARTICLE VII (OFF-STREET PARKING),  
ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

Section 1. Amendment to the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions), Article IV (Commercial Districts), Article VII (Off-Street Parking), Article XI (Conditional Uses; Supplementary Regulations) as follows:

CHAPTER 198  
ZONING

\* \* \*

ARTICLE I  
General Provisions

\* \* \*

§198-2. Definitions and word usage.

\* \* \*

HOOKAH LOUNGES AND VAPE STORES/LOUNGES-Any facility or location whose business operation, and its principal use, include the on-site indoor smoking of electronic cigarettes, vape pens, vapors, e-liquids, other legal marijuana derivatives or other substances.

SMOKING - Smoking is the inhalation of the smoke/ liquid nicotine/vapors/water pipe tobacco and other substances encased in electronic cigarettes, vape pens, and pipes commonly known as “hookah”, “waterpipe”, “shisha”, and “narghile” or any similar device.

\* \* \*

ARTICLE IV  
Commercial Districts

§198-26. C-5 Planned Shopping Center District.

The regulations set forth in this section or set forth elsewhere and referring to this section are established to provide for retail shopping facilities composed principally of groups of retail and service establishments of integrated design, intended to serve community-wide or regional needs as well as those of local neighborhoods.

A. Use regulations. In the C-5 Planned Shopping Center District, a building or premises shall be used only for the following purposes:

\* \* \*

(15) Hookah Lounges and Vape Stores/Lounges subject to the restrictions set forth in §198-71 F.

\* \* \*

§198-27. C-6 General Business Section.

A. Use regulations. In the C-6 General Business District, a building or premises shall be used only for the following purposes:

\* \* \*

(25) Hookah Lounges and Vape Stores/Lounges subject to the restrictions set forth in §198-71 F.

\* \* \*

ARTICLE VII  
Off-Street Parking

\* \* \*

§198-47 Table of Minimum Spaces Required.

Use or Use Category	Basic Unit of Measurement
Department store, personal service store not specifically designated elsewhere in this section and food shop as defined in §198-2, and <u>hookah lounges and vape stores/lounges</u>	1 per 200 square feet of gross floor area

\* \* \*

Article XI  
Conditional Uses; Supplementary Regulations

\* \* \*

§198-71. Location restrictions for certain uses. [Amended 9-28-1982 by Ord. No. 82-ZC-119]

\* \* \*

F. Hookah Lounges and Vape Stores/Lounges

- (1) Shall be prohibited within one-thousand five-hundred (1,500) feet of the lot line of any park, playground, religious institution, or school; and
- (2) Shall be prohibited where there are residences within a mixed-use building; and
- (3) No more than one Hookah Lounge or Vape Stores/Lounge shall be located on any lot; and
- (4) Hookah Lounges and Vape Stores/Lounges may be established in C-5 and C-6 commercial districts.

\* \* \*

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	<b>AYE</b>
Councilwoman Susan A. Berland	<b>AYE</b>
Councilman Eugene Cook	<b>AYE</b>
Councilman Mark A. Cuthbertson	<b>AYE</b>
Councilwoman Tracey A. Edwards	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 43-2016,  
AUTHORIZING OVERRIDE OF THE TAX LEVY LIMIT ESTABLISHED IN  
GENERAL MUNICIPAL LAW §3-c

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the adoption of a Local Law to override the tax levy limit established in General Municipal Law §3-c 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 27<sup>th</sup> day of September, 2016 at 7:00 p.m. to consider adopting Local Law Introductory No. 43 -2016, to consider authorizing the adoption of a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c, and after due deliberation having been had,

HEREBY ADOPTS,

Local Law Introductory No. 43 -2016, Authorizing the Town Board to Override the Tax Levy Limit Established in General Municipal Law §3-c, as follows:

LOCAL LAW NO. 42 -2016  
TOWN OF HUNTINGTON,  
COUNTY OF SUFFOLK,  
STATE OF NEW YORK

A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c Section 1. Purpose and Intent. It is the purpose and intent of this Local Law to override the limit on the amount of real property tax that may be levied by the Town of Huntington, County of Suffolk, State of New York, pursuant to General Municipal Law §3-c, and to allow the Town of Huntington to adopt a budget for Town purposes, including all special improvement districts governed by the Huntington Town Board or the Members of the Huntington Town Board, for the fiscal year 2017 that require a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority. This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty (60%) percent of the Town Board.

Section 3. Tax Levy Limit Override. The Town Board of the Town of Huntington, County of Suffolk, is hereby authorized to adopt a budget for Town purposes, including special improvements districts governed by the Huntington Town Board or Members of the Huntington Town Board, for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability. If any clause, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm, or circumstances, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

VOTE:           AYES: 5   NOES: 0   ABSENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-455

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: September 27, 2016

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN COOK**

WHEREAS, on August 16, 2016 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 are being evaluated and considered for further action(s) to be taken; and

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

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

NOW, THEREFORE,

THE TOWN BOARD

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

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

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

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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; 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

HEREBY DESIGNATES the properties listed on Schedule "D" as persistent or ongoing blighted properties and shall be assessed the annual blighted property assessment fee, whereas the Town will take any and all necessary actions to abate the blighted conditions; and

HEREBY DIRECTS AND AUTHORIZES the Town Attorney to provide each property owner listed in Schedule "D" with a copy of this Resolution, sent registered or certified mail return receipt to the last known address as shown by the records of the Town Assessor.

VOTE:                      AYES: 5      NOES: 0      ABSTENTIONS: 0

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

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**

PREVIOUS EXHIBITS-SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
221	14 W. 10th Street Huntington Station	0400-142.00-03.00-013.000	John J. Michta, Jr. Violet M. Michta 150 4th Avenue Huntington Station, NY 11746-2313	4/27/2016	\$ 2,500.00
229	295 E. Main Street Centerport	0400-041.00-05.00-018.000	Frederick Hughes Dorothea Hughes 295 E. Main Street Centerport, NY 11721-1440	7/12/2016	\$ 2,500.00
228	1381-1387 Pulaski Road E. Northport	0400-127.00-01.00-065.001	Chuck Hollow, Inc. 221 Huntington Bay Road Huntington, NY 11743-1334	7/5/2016	\$ 2,500.00

**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	BLIGHT DESIGNATION DATE
221	14 W. 10th Street Huntington Station	0400-142.00-03.00-013.000	John J. Michta, Jr. Violet M. Michta 150 4th Avenue Huntington Station, NY 11746-2313	4/27/2016	8/16/2016
229	295 E. Main Street Centerport	0400-041.00-05.00-018.000	Frederick Hughes Dorothea Hughes 295 E. Main Street Centerport, NY 11721-1440	7/12/2016	8/16/2016
228	1381-1387 Pulaski Road E. Northport	0400-127.00-01.00-065.001	Chuck Hollow, Inc. 221 Huntington Bay Road Huntington, NY 11743-1334	7/5/2016	8/16/2016

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	PROPERTY ADDRESS	TAX ID #	PROPERTY OWNER / MAILING ADDRESS	BLIGHT DESIGNATION DATE
178	49 9th Avenue Huntington Station	0400-143.00-01.00-031.002	101-43 118th Street So. Richmond Hill, NY 11419	7/14/2015
186	23 Cordell Place E. Northport	0400-122.00-01.00-045.000	David Schwartz 23 Cordell Place E. Northport, NY 11731	7/14/2015
197	190 W. 21st Street Huntington Station	0400-193.00-02.00-068.000	Raghav Sharma 190 W. 21st Street Huntington Station, NY 11746	8/11/2015
198	19 Oakley Drive Huntington Station	0400-195.00-01.00-023.000	Tom F. Keogh Benia Keogh 19 Oakley Drive Huntington Station, NY 11746	9/16/2015
220	40 Tamarack Street E. Northport	0400-183.00-02.00-013.000	Estate of Georgia Hansen Cindy Hansen Gullo, Exec. 7267 Coventry Court Weeki Wachee FL 34607- 1510	6/7/2016
227	5 Bay Place Huntington	0400-033.00-01.00-011.000	Patricia Casey 5 Bay Place Huntington, NY 11743-1220	7/16/2016
230	6 Swarthmore Lane Dix Hills	0400-215.00-01.00-094.000	Robert J. Wilk Dolores Wilk 6 Swarthmore Lane Dix Hills, NY 11746-4829	7/18/2016

- SCHEDULE C -  
 IN COMPLIANCE

2016-455

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 ADDRESS	TAX ID #	PROPERTY OWNER / MAILING ADDRESS	BLIGHT DESIGNATION DATE	ANNUAL REGISTRATION FEE
133	349 Waterside Road Northport	0400-009.00-04.00-025.000	Waterview Realty Prop., Inc. 12 Lily Drive South Setauket, NY 11720	8/19/2014	\$ 2,500.00
193	391 W. Jericho Tpke. Huntington	0400-190.00-02.00-132.001	Joseph Rafael, LLC 391 W. Jericho Tpke. Huntington, NY 11743	8/11/2015	\$ 5,000.00
195	449-455 E. Jericho Tpke. Huntington Station	0400-200.00-03.00-170.000	Realty 26 LLC 215-54 Jamaica Avenue Queens Village, NY 11428	8/11/2015	\$ 5,000.00
192	862 Larkfield Road E. Northport	0400-250.00-01.00-016.000	William Cunningham Eva Cunningham 862 Larkfield Road E. Northport, NY 11731	8/11/2015	\$ 2,500.00

-SCHEDULE D-  
 PERSISTENT BLIGHT

2016-456

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

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN COOK**

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

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

WHEREAS, the owner(s) of the properties listed in Schedule "A" have failed to respond to the Notice(s) of Violation(s) issued by the Department of Public Safety and have not taken sufficient steps to correct the blighted conditions listed in the Notice of Violation(s); and

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

NOW, THEREFORE, THE TOWN BOARD

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

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

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

HEREBY SCHEDULES a public hearing to be held on the **19th** day of **OCTOBER**, 2016 at **6:00p.m.** at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider authorizing various actions be taken with regard to blighted properties to bring about compliance with Article VII, Chapter 156 of the Code of the Town of Huntington.

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VOTE:            AYES: 5    NOES: 0    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

EX. #	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
233	5 5th Avenue (& 304 Larkfield Road) E. Northport	0400-119.00-01.00-115.000	Equity Now Inc. 16 E. 34th Street Room 1201 New York, NY 10016-4363	8/19/2016	\$ 5,000.00
234	840 Ft. Salonga Road Northport	0400-054.00-01.00-001.000	J. Nazzaro Partnership LP 8 Saxon Avenue Suite C Bay Shore, NY 11706-7036	8/19/2016	\$ 5,000.00

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RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING THE ADOPTION OF THE ASSESSMENT ROLL FOR THE HUNTINGTON SEWER DISTRICT

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by **COUNCILMAN CUTHBERTSON**

WHEREAS, pursuant to Town Law §239, the Town Board is required to hold a public hearing on the assessment roll for the Huntington Sewer District; and

WHEREAS, Town Law §239 requires that no less than ten nor more than twenty days before the public hearing the Town Clerk must publish a notice of the completed assessment roll and public hearing on such roll at least once in a newspaper published within the Town;

WHEREAS, Town Law §239 and applicable law require that such notice be mailed to each owner of taxable real property in the Huntington Sewer District; and

WHEREAS, the proposed budget for the sewer district and, as required by Town Law §239, the completed assessment roll for the Huntington Sewer District, are on file in the Office of the Huntington Town Clerk; and

WHEREAS, scheduling a public hearing is not an action as defined by SEQRA in 6 NYCRR §617.2(b) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY SCHEDULES a public hearing on the assessment roll for the Huntington Sewer District to be held on the 19<sup>th</sup> day of October, 2016 at 6:00 p.m. at Town Hall, 100 Main Street, Huntington, New York at which time all persons interested may be heard on such assessment roll; and

HEREBY DIRECTS the Town Clerk to publish at least once in a newspaper published within the Town a notice of the completed assessment roll and public hearing for the Huntington Sewer District no less than ten nor more than twenty days before the public hearing on said assessment roll; and

HEREBY FURTHER DIRECTS the Department of Information Technology and the Department of General Services, under the direction of the Department of Environmental Waste Management, to: (i) promptly print the notice of completed assessment roll and

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public hearing for the Huntington Sewer District for each owner of taxable real property in the District; and (ii) promptly deliver such notices to the Office of the Receiver of Taxes; and

HEREBY FURTHER DIRECTS the Office of the Receiver of Taxes, with the assistance of the Department of Environmental Waste Management, to: (i) arrange for the mailing of the notice of the completed assessment roll and public hearing for the Huntington Sewer District to each owner of taxable real property in the District within the prescribed legal time frame, but in no event later than October 8, 2016; and (ii) file with the Town Clerk no later than three days before such public hearing a notarized affidavit of service of the mailing, and the names and addresses to whom such notice was mailed.

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.

2016-458

RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING THE ADOPTION OF THE ASSESSMENT ROLL FOR THE CENTERPORT SEWER DISTRICT

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by **COUNCILWOMAN BERLAND**

WHEREAS, pursuant to Town Law §239, the Town Board is required to hold a public hearing on the assessment roll for the Centerport Sewer District; and

WHEREAS, Town Law §239 requires that no less than ten nor more than twenty days before the public hearing the Town Clerk must publish a notice of the completed assessment roll and public hearing on such roll at least once in a newspaper published within the Town;

WHEREAS, Town Law §239 and applicable law require that such notice be mailed to each owner of taxable real property in the Centerport Sewer District; and

WHEREAS, the proposed budget for the sewer district and, as required by Town Law §239, the completed assessment roll for the Centerport Sewer District, are on file in the Office of the Huntington Town Clerk; and

WHEREAS, scheduling a public hearing is not an action as defined by SEQRA in 6 NYCRR §617.2(b) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY SCHEDULES a public hearing on the assessment roll for the Centerport Sewer District to be held on the 19<sup>th</sup> day of October, 2016 at 6:00 p.m. at Town Hall, 100 Main Street, Huntington, New York at which time all persons interested may be heard on such assessment roll; and

HEREBY DIRECTS the Town Clerk to publish at least once in a newspaper published within the Town a notice of the completed assessment roll and public hearing for the Centerport Sewer District no less than ten nor more than twenty days before the public hearing on said assessment roll; and

HEREBY FURTHER DIRECTS the Department of Information Technology and the Department of General Services, under the direction of the Department of Environmental

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Waste Management, to: (i) promptly print the notice of completed assessment roll and public hearing for the Centerport Sewer District for each owner of taxable real property in the District; and (ii) promptly deliver such notices to the Office of the Receiver of Taxes; and

HEREBY FURTHER DIRECTS the Office of the Receiver of Taxes, with the assistance of the Department of Environmental Waste Management, to: (i) arrange for the mailing of the notice of the completed assessment roll and public hearing for the Centerport Sewer District to each owner of taxable real property in the District within the prescribed legal time frame, but in no event later than October 8, 2016; and (ii) file with the Town Clerk no later than three days before such public hearing a notarized affidavit of service of the mailing, and the names and addresses to whom such notice was mailed.

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 TO SCHEDULE A PUBLIC HEARING TO CONSIDER THE PROPOSED FARE CHANGES FOR THE HUNTINGTON AREA RAPID TRANSIT (HART) SYSTEM

Resolution for Town Board Meeting dated: September 27, 2016

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

And seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington owns and operates a mass transit bus system; and

WHEREAS, the Town of Huntington has not increased fares on the Huntington Area Rapid Transit (HART) bus system since January 2013; and

WHEREAS, the Town of Huntington is facing escalating operating expenses; and

WHEREAS, the proposed new fares would provide for the maintenance of service levels and assist in the mitigation of the budget deficit; and

WHEREAS, the proposed new fares will continue to assist the Town of Huntington in providing efficient and accessible Fixed-Route and Paratransit transportation; and

WHEREAS, federal regulations require that the Town of Huntington follow local procedures and afford the general public the opportunity to comment on changes to the fare structure; and

WHEREAS, the projects to be undertaken are Type II actions pursuant to 6 NYCRR 617.5(c) (20) and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the 19th day of October, 2016 at 6:00 pm at Huntington Town Hall, 100 Main Street, Huntington, New York 11743 for the purpose of giving all parties with significant social, economic, or environmental interests in the aforementioned fare changes an opportunity to comment orally, or in writing in regard to the aforementioned fare changes; and

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HEREBY ESTABLISHES A WRITTEN COMMENT PERIOD for the purpose of giving all parties with significant social, economic, or environmental interests in the aforementioned fare changes an opportunity to comment in regard to the aforementioned fare changes, which will commence with the publishing of a public notice and conclude thirty days thereafter; and

HEREBY DIRECTS the Town Clerk to publish a notification (Schedule A) in The Long Islander, The Observer, and Suffolk editions of Newsday and The Bilingual News.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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**SCHEDULE A  
NOTICE OF HEARING**

NOTICE is hereby given that the Huntington Town Board, in connection with a proposal to increase Huntington Area Rapid Transit (HART) bus fares and modify the HART fare structure, effective January 1, 2017, will hold a public hearing at its regularly scheduled meeting on Wednesday, October 19, 2016 at 6:00 p.m., and welcomes interested persons to submit written comments regarding the proposal to the Department of Transportation and Traffic Safety at 100 Main Street, Huntington, NY 11743 until 30 days from the publication date of this notice.

	Proposed	Current
TRANSIT, SINGLE RIDES		
Adult	\$2.25	\$2.00
Student <sup>1</sup>	\$1.25	\$1.25
Child <sup>2</sup>	\$0.00	\$0.00
Elderly/Disabled/Medicare <sup>3</sup>	\$0.75	\$0.75
Transfer	\$0.25	\$0.25
TRANSIT, MULTIPLE RIDES		
10-Trip Ticket Book (Regular)	\$17.00	\$15.00
10-Trip Ticket Book (E/D/M) <sup>3</sup>	\$6.00	\$6.00
PARATRANSIT, SINGLE RIDES		
Client	\$4.00	\$3.00
Companion	\$4.00	\$3.00
Personal Care Attendant	\$0.00	\$0.00

<sup>1</sup> Grades K-12.

<sup>2</sup> Height 44 inches and under (limit 3 children ride free when accompanied by a person paying the Adult fare; additional children will be charged the Student fare)

<sup>3</sup> Persons with valid, municipally issued cards identifying them as at least 60 years old or mentally or physically disabled are eligible to pay the reduced, one-way cash fare or use the reduced price E/D/M tickets. A valid Medicare Card is also accepted as ID for these purposes. HART drivers may require persons to display their ID card when paying the fare or redeeming a ticket to ride at the reduced rate.

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 44-2016, CONSIDERING ZONE CHANGE APPLICATION #2015-ZM-416, THE CREST GROUP, LLC, TO CHANGE THE ZONING FROM C-6 GENERAL BUSINESS DISTRICT TO C-11 AUTOMOTIVE SERVICE STATION DISTRICT FOR PART OF THE PROPERTY LOCATED ON THE NORTH SIDE OF THE INTERSECTION OF JERICHO TURNPIKE AND VALMONT AVENUE, COMMACK, SCTM# 0400-222-03-074 & 075.

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, THE CREST GROUP, LLC, 38 Kings Highway, Hauppauge, NY 11788, contract vendee, submitted application #2015-ZM-416 for a change of zone from C-6 General Business District to C-11 Automotive Service Station District for the property located on the north side of the intersection of Jericho Turnpike (NYS 25) and Valmont Avenue, Commack, designated as 0400-222-03-074 & 075 on the Suffolk County Tax Map; and

WHEREAS, the zone change application was later amended by the applicant to only request C-11 zoning on the front half of the property, leaving the rear zoned C-6; and

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

WHEREAS, this action does not meet the criteria of any Type I or Type II actions in accordance with SEQRA, 6 NYCRR Parts 617.4 & 617.5, and therefore it is classified as an Unlisted action; and

WHEREAS, the Town Board has coordinated the EAF Part I submitted with the application with all involved and interested agencies, and since no objections have been received and thirty (30) days has elapsed, the Town Board has now been established as Lead Agency; and

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

NOW THEREFORE BE IT

RESOLVED, the Town Board hereby schedules a public hearing for the 10th day of NOVEMBER, 2016, at 2:00 PM to consider adopting Local Law

2016460

Introductory No. 44 -2016 amending the “Amended Zoning Map of the Town of Huntington”, as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), §198-7 of the Huntington Town Code, thereby rezoning from C-6 General Business District to C-11 Automotive Service Station District part of the property designated on the Suffolk County Tax Map as 0400-222-03-074 & 075, as follows:

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

LOCAL LAW INTRODUCTORY NO. 44 - 2016  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 198 (ZONING)  
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)  
SECTION 7 (ZONING MAP)

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

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

\* \* \*

§ 198-7 Zoning Map

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

A portion of the premises located on the north side of the intersection of Jericho Turnpike and Valmont Avenue, Commack, designated on the Suffolk County Tax Map as 0400-222-03-074 & 075, to be rezoned from C-6 General Business District to C-11 Automotive Service Station District, more particularly described as:

BEGINNING at a POINT on the northerly side of Jericho Turnpike, 1246.25 feet east of the intersection of the easterly side of Rural Place with the northerly side of Jericho Turnpike,

THENCE from said POINT OF BEGINNING North 00 degrees 53 minutes 30 seconds West, 130.01 feet,

THENCE North 89 degrees 46 minutes 40 seconds East, 275.34 feet,

THENCE South 00 degrees 47 minutes 45 seconds East, 33.72 feet,



2016-461

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 45 -2016 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

RE: BRANWOOD DRIVE, SUNCREST DRIVE – DIX HILLS - PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: September 27, 2016

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

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to change parking regulations to provide sufficient sight distance along a residential roadway; 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 19th day of October, 2016 at 6:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 45 -2016 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. 45 -2016  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

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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:	Branwood Drive/East From Suncrest Dr. north for 85 ft. (DXL)	No Stopping	-----
	Branwood Drive/North From 115 ft. east of Suncrest Dr. to Suncrest Dr. (DXL)	No Stopping	-----
	Suncrest Drive/East From 150 ft. south of Branwood Dr. to Branwood Dr. (DXL)	No Stopping	-----
	From 90 ft. south of Wolf Hill Rd. to Wolf Hill Rd. (DXL)	No Stopping	-----
	Suncrest Drive/West From Wolf Hill Rd. south for 50 ft. (DXL)	No Stopping	-----
	From 105 ft. north of Branwood Ct. to 150 ft. south of Branwood Ct. (DXL)	No Stopping	-----

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.

2016-461

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.

2016- 462

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 46 -2016, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 183 (TOW TRUCKS AND TOWING FOR HIRE)

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN COOK**

WHEREAS, Chapter 183 of the Code of the Town of Huntington (“Chapter 183”) controls, regulates, and standardizes the operations and activities of the tow truck industry operating in the Town of Huntington by, among other things, providing for business owner requirements, vehicle requirements, vehicle operating requirements, police response requirements, private enforcement requirements, and rates, billing, and fee provisions; and

WHEREAS, Chapter 183 was last amended on January 14, 2015, and, since that time, new industry service needs relevant to Chapter 183 provisions have become apparent; and

WHEREAS, in addition, § 183-2 states, in part, that “Licenses” are divided into three (3) different categories, but instead there are only two (2) categories; and

WHEREAS, the Code of the Town of Huntington should be amended to reflect current industry service needs, and to state the correct number of License categories; and

WHEREAS, pursuant to Sections 617.5(c)(20) and (27) of SEQRA, regulation amending and updating the Town Code to clarify the number of towing categories and the situations in which a heavy-duty tow truck may be called 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 for the **19<sup>th</sup>** day of **OCTOBER**, 2016 at **6:00** p.m. at Town Hall, 100 Main Street, Huntington, New York to consider adopting Local Introductory No. **46-2016**, amending the Code of the Town of Huntington, Chapter 183 (TOW TRUCKS AND TOWING FOR HIRE), as follows:

2016-462

LOCAL LAW INTRODUCTORY NO. 46 -2016  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 183 (TOW TRUCKS AND TOWING FOR HIRE)

Section 1. Amending the Code of the Town of Huntington, Chapter 183 (Tow Trucks and Towing for Hire); as follows:

CHAPTER 183  
TOW TRUCKS AND TOWING FOR HIRE

\* \* \*

§ 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:

\* \* \*

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)] two (2) different categories, as follows:

- (1) CLASS A: 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: 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.

\* \* \*

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 and towed to a place within the Town.

- (1) All vehicles requiring general towing: One Hundred Eighty-Five (\$185) Dollars.

2016-462

- (2) All vehicles requiring heavy duty towing[.]due to the weight of the vehicle or as otherwise directed by a Police officer: 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) 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.
- 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): Ninety (\$90) Dollars.
  - (2) Storage.
    - (a) Outside storage: Thirty-Five (\$35) Dollars per day for basic vehicles; One Hundred (\$100) Dollars per day 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. If the licensee has no outside storage facilities, the same maximum rate restriction specified in subsection (2)(a) above shall apply.
  - (3) Righting an overturned vehicle: One Hundred Twenty-Five (\$125) Dollars for basic vehicles; Five Hundred (\$500) Dollars for heavy-duty vehicles[.]or vehicles for which a tow truck listed on the heavy-duty roster has been called for service by a Police officer, at the officer's discretion.
  - (4) Winching to a towable position: Fifty (\$50) Dollars for basic vehicles; Two Hundred Fifty (\$250) Dollars for heavy-duty vehicles[.]or vehicles for which a tow truck listed on the heavy-duty roster has been called for service by a Police officer, at the officer's discretion.

\* \* \*

## Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by a 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.

2016-462

ADDITIONS ARE INDICATED BY UNDERLINE,  
\*\*\* INDICATED NO CHANGE IN PRESENT TEXT.  
DELETIONS ARE INDICATED BY BRACKETS.

VOTE:            AYES: 5    NOES: 0    ABSECTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016- 463

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A  
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT  
RE: 245 MAIN STREET, COLD SPRING HARBOR— COLD SPRING HARBOR  
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by Rapid Commission Advance Com., Inc., 40 Marcus Drive, Melville, NY 11747, for a Certificate of Approval to construct one story side and rear additions, a second story addition, a first story side covered porch and a second story side and rear attached deck at a two family dwelling located at 245 Main Street, Cold Spring Harbor, NY 11724 in accordance with plans dated September 5, 2016 pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is located in the Cold Spring Harbor Historic District and bears Suffolk County Tax Map #0400-016.00-07.00-09.002, and

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

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

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **19th** day of **OCTOBER**, 2016, at **6:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of Rapid Commission Advance Com., Inc.

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-464

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER THE  
ISSUANCE OF A SPECIAL USE PERMIT PURSUANT TO THE MARINE  
CONSERVATION & REGULATION OF MARINE STRUCTURES LAW  
TOWN CODE CHAPTER 137  
APPLICANT: NATIONAL GRID  
LOCATION: NORTHPORT POWER STATION, EATON'S NECK RD., NORTHPORT  
S.C.T.M. #: 0400-010.00-01.00-003.002

Resolution for Town Board Meeting Dated: September 27, 2016

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

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

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

National Grid Generation LLC  
175 East Old Country Rd.  
Hicksville, N.Y. 11801

to dredge north of the discharge channel at the Northport Power Station to re-establish design depths to maintain adequate flow of cooling and discharge water and provide sand to nourish Asharoken Beach as per the Army Corp. of Engineers req. SCTM #0400-010-01-003.002; and

WHEREAS, the scheduling of a public hearing is not an action as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review is required at this time for the scheduling said public hearing.

NOW, THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the ~~19th~~ day of **OCTOBER**, 2016, at 6:00 pm at Town Hall, 100 Main Street, Huntington, New York 11743, to consider the issuance of a special use permit to dredge north of the discharge channel at the Northport Power Station to re-establish design depths to maintain adequate flow of cooling and discharge water and provide sand to nourish Asharoken Beach as per the Army Corp. of Engineers req. at Northport Power Plant, Eaton's Neck Rd., Northport, N.Y. 11768, S.C.T.M. # #0400-010-01- 003.002

2016-464.

VOTE:                      AYES:    5                      NOES:   0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.





RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 47 -2016, CONSIDERING APPLICATION #2016-ZM-429, DAIRY QUEEN - EAST NORTHPORT, TO RESCIND THE DECLARATIONS OF COVENANTS AND RESTRICTIONS FOR THE PROPERTY LOCATED ON THE NORTH SIDE OF JERICHO TURNPIKE, EAST OF VERLEYE AVENUE, EAST NORTHPORT, SCTM# 0400-217-03-076 & 077.

Resolution for Town Board Meeting Dated: September 27, 2016

The following resolution was offered by: Supervisor Petrone  
Councilman Cuthbertson

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

WHEREAS, 4005 JERICHO TURNPIKE CORPORATION, 57 Ridgewood Avenue, Central Islip, NY, 11722, property owner, submitted application #2016-ZM-429, known as Dairy Queen - East Northport, to rescind in its entirety the Declarations of Covenants and Restrictions that were established through two prior applications by the Town Board on April 2, 1991 by Resolution #1991-26, recorded at Liber 12205, Page 776, and on June 15, 2010 by Resolution #2010-316, recorded at Liber 12671 and Page 107; and

WHEREAS, these Declarations of Covenants and Restrictions were placed on the property as a result of zone change applications #1985-ZM-209, Delco Development Company, which considered changing the zoning from I-4 Light Industry to C-6 General Business District but was never completed, and #2009-ZM-379, East Northport Venture, LLC, which changed the zoning from I-4 Light Industry to C-6 General Business District on the property located on the north side of Jericho Turnpike, east of Verleye Avenue, East Northport, and designated as 0400-217-03-077 on the Suffolk County Tax Map; and

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

WHEREAS, this action does not meet the criteria of any Type I or Type II actions in accordance with SEQRA, 6 NYCRR Parts 617.4 & 617.5, and therefore it is classified as an Unlisted action; and

WHEREAS, pursuant to the SEQRA regulations, the scheduling of a public hearing to consider amending the Code of the Town of Huntington is not an action, and no SEQRA review is required;

NOW THEREFORE BE IT

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RESOLVED, the Town Board hereby schedules a public hearing for the 10th day of NOVEMBER, 2016 at 2:00 P.M. to consider adopting Local Law Introductory No. 47 -2016 to rescind in their entirety the Declarations of Covenants and Restrictions for zone changes 1985-ZM-209 and 2009-ZM-379, on the property designated on the Suffolk County Tax Map as 0400-217-03-076 & 077, as follows:

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

LOCAL LAW INTRODUCTORY NO. 47 - 2016  
AMENDING TOWN BOARD RESOLUTION 1991-26 AND 2010-316 AND  
LOCAL LAW NO. 6-2012

Section 1. Amendment to Town Board Resolution 1991-26, rescinding in their entirety the Declarations of Covenants and Restrictions established by the Town Board for zone change 1985-ZM-209 on the property designated on the Suffolk County Tax Map as 0400-217-03-076 & 077, as follows:

[1.][A 75 foot wide buffer shall be provided along the northern boundary of the property, to remain in its natural state. Said buffer will insure that the residents living to the north of the subject property will be protected from any visual and noise impacts that may result from the proposed project.]

[2.][Although the change of zone results in the property being zoned C-6, General Business, site plan review by the Planning Board shall ensure that design and area requirements of the C-5, Planned Shopping Center shall be met. The uses which shall be permitted on the subject property shall be those specifically enumerated in section 198-26 of the town code, C-5 planned shopping center (with the exception of the animal hospital and the relocated auto facility).]

Section 2. Amendment to Town Board Resolution 2010-316 and Local Law No. 6-2012 rescinding in their entirety the Declarations of Covenants and Restrictions established by the Town Board for zone change 2009-ZM-379 on the property designated on the Suffolk County Tax Map as 0400-217-03-076 & 077, as follows:

[1.] [Buildings and parking will be prohibited within the rear 125 feet of the property, which may be landscaped (including berms, sound walls, and fences) or left natural to provide a buffer for residential neighbors, and]

[2.][The front 30 feet of the property will be maintained as a landscaped area to enhance the site's visual appearance from the street, with the exception of the entrance/exit driveway, any necessary road and drainage improvements, and signs, and]

2016-467

[3.][The owner will provide cross access easements to neighboring properties upon request by the Town of Huntington in order to promote better traffic flow, and]

[4.][The property will be restricted to the uses and setbacks permitted in the C-5 Planned Shopping Center zoning district, and no outdoor garden center will be located at the rear of the building, and]

[5.][All HVAC and other noise-generating equipment outside the building will have noise shields to reduce noise transmission toward neighboring residences, and]

[6.][The developer will have to contribute funds to the improvement of the Jericho Turnpike (NYS 25) and Larkfield Road intersection if requested by the New York State Department of Transportation.]

\* \* \*

Section 3. 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 4. Effective Date

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

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION SCHEDULING PUBLIC HEARING RE: PRELIMINARY ANNUAL OPERATING BUDGET

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILWOMAN BERLAND**

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, having received the detailed statement of estimated expenditures and revenues from the Town Clerk, pursuant to the provisions of Section 106 of Town Law, and having received the tentative Annual Operating Budget for the fiscal year beginning January 1, 2017 from the Supervisor, pursuant to the provisions of Section 52 (2) of Town Law.

WHEREAS, the Operating Budget is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 (c) (20) and (21) and therefore no further SEQRA review is required; and

HEREBY APPROVES the aforementioned tentative Annual Operating Budget as the Preliminary Annual Operating Budget of the Town of Huntington for the fiscal year beginning January 1, 2017 and directs that such preliminary Annual Operating Budget be filed forthwith in the office of the Town Clerk of the Town of Huntington where it shall be available for inspection by any interested person at all reasonable hours; and

HEREBY SCHEDULES A PUBLIC HEARING for the 19th day of October 2016, at 6:00pm at Town Hall, 100 Main Street, Huntington, New York, for the purpose of reviewing said Preliminary Annual Operating Budget and hearing the public thereon; and

HEREBY DIRECTS that the Town Clerk shall give notice of such public hearing by publishing notice thereof in the Long Islander and The Observer, and that the Town Clerk shall cause a copy of such notice to be posted on the sign board of the Town of Huntington, in accordance with the provisions of Section 108 of Town Law.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-468

LEGAL NOTICE

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Huntington, New York, at a Town Board meeting held at Town Hall, 100 Main Street, Huntington, New York on the 27<sup>th</sup> day of September, 2016 at 7:00pm, duly adopted a resolution, an abstract of which is as follows:

NOTICE IS HEREBY GIVEN that the Preliminary Annual Operating Budget of the Town of Huntington, Suffolk County, New York, for the fiscal year beginning January 1, 2017, has been completed and filed in the office of the Town Clerk of the Town of Huntington, 100 Main Street, Huntington, New York, where it is available for inspection by any interested person at all reasonable hours; and

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Huntington will meet and review said Preliminary Annual Operating Budget and hold a public hearing thereon at Town Hall, 100 Main Street, Huntington, New York, on the 19th day of October, 2016, at 6:00pm, and that at such hearing any person may be heard in favor of or against the Preliminary Annual Operating Budget as compiled or for or against any item or items therein contained; and

FURTHER NOTICE IS HEREBY GIVEN, pursuant to Section 108 of Town Law, that the following are proposed annual salaries of Town Officers for the Town of Huntington to wit:

SUPERVISOR	\$162,903
COUNCILPERSON	\$ 76,841
RECEIVER OF TAXES	\$130,253
TOWN CLERK	\$112,911*
SUPERINTENDENT OF HIGHWAYS	\$139,969**

\*The Town Clerk also receives a stipend as Registrar of Vital Statistics of \$17,342

\*\*The Superintendent of Highways also receives a stipend as Coordinator of Emergency Response-Public Works of \$7,000.00

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HUNTINGTON

DATED:       Huntington, New York  
              September 27, 2016

RESOLUTION SCHEDULING PUBLIC HEARING RE: PRELIMINARY CAPITAL BUDGET

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILWOMAN BERLAND**

THE TOWN BOARD OF THE TOWN OF HUNTINGTON, having received the tentative Capital Budget prepared pursuant to the Code of the Town of Huntington Chapter 12 (Capital Program) that includes proposed capital projects to be undertaken during 2017.

WHEREAS, the Capital Budget is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 (c) (20) and (21) and therefore no further SEQRA review is required; and

HEREBY APPROVES the aforementioned tentative Capital Budget as the Preliminary Capital Budget of the Town of Huntington for the fiscal year beginning January 1, 2017, and directs that such preliminary Capital Budget be filed forthwith in the office of the Town Clerk of the Town of Huntington where it shall be available for inspection by any interested person at all reasonable hours; and

HEREBY SCHEDULES A PUBLIC HEARING for the 19th day of October 2016, at 6:00pm at Town Hall, 100 Main Street, Huntington, New York, for the purpose of reviewing said Preliminary Capital Budget and hearing the public thereon; and

HEREBY DIRECTS that the Town Clerk shall give notice of such public hearing by publishing notice thereof in the Long Islander and The Observer, and that the Town Clerk shall cause a copy of such notice to be posted on the sign board of the Town of Huntington, in accordance with the provisions of Section 108 of Town Law.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-470

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE NORTH SHORE VETERINARY HOSPITAL AND THE LEAGUE FOR ANIMAL PROTECTION FOR THE PURPOSE OF CONDUCTING A FREE SPAYING AND NEUTERING PROGRAM FOR PIT BULLS AND PIT BULL MIXES IN RECOGNITION OF NATIONAL PIT BULL AWARENESS MONTH BEGINNING OCTOBER 1, 2016 AND ENDING OCTOBER 31, 2016.

Resolution for Town Board Meeting Dated: September 27, 2016

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

WHEREAS, the Town Board desires to promote the health, safety and welfare of the community; and

WHEREAS, the Town Board desires to improve the health of pit bulls and pit bull mixes in the Town of Huntington; and

WHEREAS, the Town Board in conjunction with North Shore Veterinary Hospital, 835 Fort Salonga Road, Northport, New York, and the League for Animal Protection, 4 Deposit Road, East Northport, New York desire to conduct a spaying and neutering clinic in an effort to improve the quality of health of pit bulls and pit bull mixes for the month of October 2016 at the North Shore Veterinary Hospital and the League for Animal Protection in recognition of National Pit Bull Awareness Month;

WHEREAS, conducting a spaying and neutering clinic for pit bulls and pit bull mixes is not an action as defined by 6 NYCRR §617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with North Shore Veterinary Hospital and the League for Animal Protection to conduct a no cost spaying and neutering clinic for pit bulls and pit bull mixes for the Town of Huntington from October 1, 2016 to October 31, 2016 and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-471

RESOLUTION AUTHORIZING THE TOWN OF HUNTINGTON ANIMAL SHELTER TO WAIVE THE ADOPTION FEE FOR PIT BULLS AND PIT BULL MIXES IN RECOGNITION OF NATIONAL PIT BULL AWARENESS MONTH BEGINNING OCTOBER 1, 2016 AND ENDING OCTOBER 31, 2016.

Resolution for Town Board Meeting Dated: September 27, 2016

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

WHEREAS, under current Town Code, the adoption fee for seized pit bulls and pit bull mixes are eighty dollars (\$80), which includes the spaying and/or neutering of an adopted dog; and

WHEREAS, the Town Board wishes to waive the adoption fee in recognition of National Pit Bull Awareness Month for the period beginning October 1, 2016 and ending October 31, 2016; and

WHEREAS, the Town of Huntington wishes to waive the animal adoption fee due to the overcrowding at the Animal Shelter; and

WHEREAS, the implementation of the animal adoption fee waiver will allow families to adopt pit bull and pit bull mixes that are in desperate need of a home at this time of year, and

WHEREAS, the animal adoption fee waiver 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 WAIVES the Town of Huntington Animal Shelter's adoption fee from the period beginning October 1, 2016 and ending October 31, 2016.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016- 472

RESOLUTION AUTHORIZING SETTLEMENT OF A LAWSUIT  
(In the Matter of Eatons Neck, LLC. v. Assessor, et.al.)

Resolution for Town Board Meeting Dated: September 27, 2016

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington was successful in defending the above referenced lawsuit involving the Eatons Neck, LLC property consisting of 440 acres known as The Sandpiper Farm (Tax Map Nos. 401-1-1-1.1 and 401-1-1-1.2), which sought an agricultural assessment under the provisions of the *Agriculture and Markets Law §304-a* (the "Agricultural Assessments"); and

WHEREAS, tax years 2011/12, 2012/13, 2013/14 and 2014/15 came on for trial regarding the Agricultural Assessments only in the Supreme Court of the State of New York, County of Suffolk and tax year 2015/16 was added to the matters before the Court at the time of trial and a decision was issued by the Court, dated December 11, 2015 and Amended Trial Order dated December 18, 2015; and

WHEREAS, Petitions were filed pursuant to Article 7 of the Real Property Tax Law, alleging overassessment for both parcels, land and buildings; and

WHEREAS, in order to avoid further litigation the parties have agreed to settle their differences regarding the Assessments with respect to tax years 2011 through 2016, inclusive;

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

WHEREAS, the Assessor has recommended that the Board approve the proposed settlement;

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the settlement as follows:

- I. As to Tax Map No. 401-1-1-1.1:
  - A. That the land assessment remains the same for the years 2010/11 through 2014/15.
  - B. That the Assessor be authorized to reduce the land assessment on 385 acres by fifty-five (55%) percent for the year 2015/16.

C. That the Assessor be authorized to set the land assessment for the year 2016/17 for 385 acres in accordance with an agricultural assessment.

D. That the Assessor be authorized to set the building assessment at a market value of \$500,000 for years 2010/11 through 2016/17.

II. As to Tax Map No. 401-1-1-1.2:

A. That the Assessor be authorized to set the building assessment at a market value of Two Million (\$2,000,000) Dollars for tax years 2011/12-2016/17.

III. That the proposed settlements are approved subject to a formal stipulation between the Town and Petitioner or counsel; and

THE TOWN BOARD HEREBY FURTHER AUTHORIZES the settlement of the case entitled "In the Matter of EATONS NECK, LLC. v. THE ASSESSOR and THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF HUNTINGTON" (Index Nos. 17036/2012, 31188/2013, 31187/2013 & 31186/2013, etc.), as well as all proceedings filed in Supreme Court, State of New York for years 2011/12 through 2016/17, as set forth above, and upon such terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

# 2016-BT23

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER THE GRANTING OF A VARIANCE AND ISSUANCE OF A SPECIAL USE PERMIT PURSUANT TO THE MARINE CONSERVATION & REGULATION OF MARINE STRUCTURES LAW -TOWN CODE CHAPTER 137

APPLICANT: LAND USE ECOLOGICAL SERVICE INC.

ON BEHALF: FRANK OTTAVIANO

LOCATION: 26 HARDING CT., CENTERPORT, N.Y. 11721

S.C.T.M. #: 0400-039.00-06.00-101.001

Resolution for Board of Trustees Meeting Dated: September 27, 2016

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

and seconded by: **TRUSTEE COOK**

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

Land Use Ecological Service Inc.  
On behalf of  
Frank Ottaviano  
26 Harding Ct.,  
Centerport, N.Y. 11721

to construct a residential fixed pier and floating dock assembly that exceeds the one hundred (100) ft. maximum length limitation by 114 ft.. Overall length of dock assembly is to measure 214 ft from MHWL. Project site to be accessed via a construction barge at 26 Harding Ct., Centerport, N.Y. 11721, S.C.T.M. # 0400-039.00-06.00-101.001; and

WHEREAS, the scheduling of a public hearing is not an action as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review is required at this time for the scheduling said public hearing.

NOW, THEREFORE

THE BOARD OF TRUSTEES

HEREBY SCHEDULES a public hearing for the 19th day of OCTOBER, 2016, at 6:00 pm at Town Hall, 100 Main Street, Huntington, New York 11743, to consider a variance to § 137-9. A [1] and the issuance of a special use permit to Frank Ottaviano to construct a residential fixed pier and floating dock assembly that exceeds the one hundred (100) ft. maximum length limitation by 114 ft.. Overall length of dock assembly is to measure 214 ft from MHWL. Project site to be accessed via a construction barge at 26 Harding Ct., Centerport, N.Y. 11721, S.C.T.M. # 0400-039.00-06.00-101.001

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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

2016-BT 24

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER THE EXECUTION OF A LICENSE AGREEMENT PURSUANT TO THE MARINE CONSERVATION & REGULATION OF MARINE STRUCTURES LAW – TOWN CODE CHAPTER 137

APPLICANT: LAND USE ECOLOGICAL SERVICE INC.

ON BEHALF: FRANK OTTAVIANO

LOCATION: 26 HARDING CT., CENTERPORT, N.Y. 11721

S.C.T.M. #: 0400-039.00-06.00-101.001

Resolution for Board of Trustees Meeting Dated: September 27, 2016

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

and seconded by: **TRUSTEE COOK**

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

Land Use Ecological Service Inc.  
On behalf of  
Frank Ottaviano  
26 Harding Ct.,  
Centerport, N.Y. 11721

to construct a residential fixed pier and floating dock assembly that exceeds the one hundred (100) ft. maximum length limitation by 114 ft.. Overall length of dock assembly is to measure 214 ft from MHWL. Project site to be accessed via a construction barge at 26 Harding Ct., Centerport, N.Y. 11721, S.C.T.M. # 0400-039.00-06.00-101.001; and

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

WHEREAS, the scheduling of a public hearing is not an action as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review is required at this time.

NOW, THEREFORE

THE BOARD OF TRUSTEES

HEREBY SCHEDULES a public hearing for the 19th day of OCTOBER, 2016, at 6:00 pm at Town Hall, 100 Main Street, Huntington, New York 11743, to consider the execution of a license agreement pursuant to Marine Conservation & Regulation of Marine Structures Law, Town Code Chapter 137 for the use of underwater lands as is necessary for the construction of a residential fixed pier and floating dock

2016-BT 24

assembly for the docking of water-craft with a maximum length of two hundred and fourteen ft. from the mean high water line at 26 Harding Ct., Centerport, N.Y. 11721, S.C.T.M. # 0400-039.00-06.00-101.001, on such terms and conditions as may be acceptable to the Town Attorney.

VOTE:                    AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

# 2016-BT25

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER THE  
ISSUANCE OF A SPECIAL USE PERMIT PURSUANT TO THE MARINE  
CONSERVATION AND REGULATION OF MARINE STRUCTURES, TOWN CODE  
CHAPTER 137 FOR THE  
CONSTRUCTION OF A TIMBER STYLE BULKHEAD  
APPLICANT: JOSEPH MACCHIA  
LOCATION: 32 WEST VIEW RD., NORTHPORT, N.Y. 11768  
S.C.T.M. #: 0400-002.00-01.00-050.000

Resolution for Board of Trustees Meeting Dated: September 27, 2016

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

and seconded by: **TRUSTEE COOK**

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

Joseph Macchia  
32 West View Road  
Northport, NY 11768

to construct 65 ft. of timber style bulkhead within 18 inches of existing bulkhead. Applicant proposes to access the shoreline/work site via a private northern property and a Town of Huntington beach shoreline. Work to take place at 32 West View Road, Northport, NY 11768, S.C.T.M. # 0400-002.00-01.00-050.000; and

WHEREAS, the scheduling of a public hearing is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and, therefore, no further SEQRA review is required at this time for the scheduling said public hearing.

NOW, THEREFORE, THE BOARD OF TRUSTEES

HEREBY SCHEDULES a public hearing for the **19<sup>th</sup>** day of **OCTOBER**, 2016, at **6:00** p.m. at Town Hall, 100 Main Street, Huntington, New York 11743, to construct 65 ft of timber style bulkhead within 18 inches of existing bulkhead. Applicant proposes to access the shoreline/work site via a private northern property and a Town of Huntington-beach shoreline. Work to take place at 32 West View Road, Northport, NY 11768, S.C.T.M. # 0400-002.00-01.00-050.000.

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

President Frank P. Petrone	<b>AYE</b>
Trustee Susan A. Berland	<b>AYE</b>
Trustee Eugene Cook	<b>AYE</b>
Trustee Mark A. Cuthbertson	<b>AYE</b>
Trustee Tracey A. Edwards	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.