

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

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

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

PRESENT:

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

AGENDA FOR TOWN BOARD MEETING DATED NOVEMBER 10, 2016

BOARD OF TRUSTEES' MEETING FOLLOWING

Opened: 2:41 P.M. Closed: 2:42 P.M.

COMMUNITY DEVELOPMENT AGENCY MEETING FOLLOWING

Opened: 2:42 P.M. Closed: 2:43 P.M.

2:00 P.M. – TOWN HALL

Opened: 2:12 P.M. Recessed: 2:41 P.M. Resumed: 2:43 P.M. Closed: 3:20 P.M.

(Resolutions #2016-504 to 2016-540)

HEARINGS:

ACTION

1. Consider authorizing the Supervisor to execute an agreement with Meals on Wheels of Huntington to use office space at the John J. Flanagan Center, located at 423 Park Avenue, Huntington, New York 11743.

(2016-M-59)

Scheduled as per Resolution 2016-499 at 10-19-2016 Town Board Meeting

DECISION RESERVED

2. Consider revocation of the license agreement made with Integrity Golf Company, LLC, for the execution of golf course and related facilities at the Crab Meadow and Dix Hills Golf Course.

(2016-M-60)

Scheduled as per Resolution 2016-500 at 10-19-2016 Town Board Meeting

**ENACTMENT
RESOLUTION 2016-536**

3. Consider termination of certain covenants and restrictions affecting title to the Northridge property (SCTM #: 0400-99-4-009).

(2016-M-61)

Scheduled as per Resolution 2016-501 at 10-19-2016 Town Board Meeting

**ENACTMENT
RESOLUTION 2016-537**

HEARINGS (Continued):

ACTION

4. Consider authorizing the Supervisor to execute license agreements with sports related organizations for the use of Town facilities.
(Re: Commack North Little League, Inc.; Huntington Tri-Village Little League, Inc.; Commack South Little League, Inc.; Huntington Sports League, Inc.; Larkfield Little League, Inc.; Half Hollow Hills Little League, Inc.; St. Hughs-St. Elizabeth Baseball League, Inc.; Huntington Youth Football League, Inc.; Huntington Boys Club Soccer, Inc. (HBC); Cold Spring Harbor Soccer/Huntington Soccer Club, Inc.; Northport Youth Football Club, Inc.)

(2016-M-62)

Scheduled as per Resolution 2016-502 at 10-19-2016 Town Board Meeting

DECISION RESERVED

5. Consider adopting Local Law Introductory No. 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.

(Local Law Introductory No. 44-2016)

Scheduled as per Resolution 2016-460 at 9-27-2016 Town Board Meeting

DECISION RESERVED

6. Consider adopting Local Law Introductory No. 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.

(Local Law Introductory No. 47-2016)

Scheduled as per Resolution 2016-467 at 9-27-2016 Town Board Meeting

DECISION RESERVED

BOARD OF TRUSTEES' HEARING:

1. Consider the execution of a license agreement with the Cold Spring Harbor Seafarers, Inc. to operate a marina in Cold Spring Harbor.

(2016-BT-27-Ch. 137)

Scheduled as per Resolution 2016-BT-27 at 10-19-2016 Town Board Meeting

DECISION RESERVED

COMMUNITY DEVELOPMENT AGENCY HEARING:

1. Obtain comments on the Huntington Community Development Agency's Proposed Third Year Annual Plan.

HEARING CONCLUDED

**AGENDA FOR TOWN BOARD
MEETING DATED: NOVEMBER 10, 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**

- | | | | | |
|------------------|---|------------------|------------------|-----------------|
| 2016-504. | <p>AUTHORIZE the Supervisor to receive funding from the New York State Office of Children and Family Services for State Aid for Youth and Family Services and Runaway Homeless Youth Services for 2016 and to execute agreements with the Suffolk County Youth Bureau for said funding, nunc pro tunc. (Period: 1/1/2016-12/31/2016)</p> | <u>SB</u> | | |
| | | <u>EC</u> | <u>FP</u> | <u>5</u> |
| | | | | |
| 2016-505. | <p>AUTHORIZE the Supervisor to apply for and receive funding from the Alzheimer’s Association, Long Island Chapter, for the Take a Break Caregiver Respite Program.</p> | <u>FP</u> | | |
| | | <u>SB</u> | <u>EC</u> | <u>5</u> |
| | | | | |
| 2016-506. | <p>AUTHORIZE the Supervisor to apply for and receive financial assistance from the New York State Department of Environmental Conservation from the Household Hazardous Waste (HHW) State Assistance Program.</p> | <u>TE</u> | <u>EC</u> | <u>5</u> |
| | | | | |
| 2016-507. | <p>AUTHORIZE the Supervisor to execute an extension to the contract for landfill gas monitoring and related engineering services at the Town of Huntington East Northport Landfill with R&C Formation Ltd.
(Re: Extension for 1 year commencing 2/7/2017)</p> | <u>EC</u> | <u>FP</u> | <u>5</u> |
| | | | | |
| 2016-508. | <p>AUTHORIZE the Supervisor to execute an extension to the contract for a Parking Ticket Management System with Brekford Corporation.
(Re: Extension for 1 year commencing 1/16/2017)</p> | <u>FP</u> | <u>EC</u> | <u>5</u> |
| | | | | |
| 2016-509. | <p>AUTHORIZE the Supervisor to execute a license agreement with the League for Animal Protection of Huntington, Inc., nunc pro tunc.
(Term: 10 years - 6/24/2016-6/23/2026)</p> | <u>FP</u> | | |
| | | <u>EC</u> | <u>TE</u> | <u>5</u> |
| | | | | |
| 2016-510. | <p>AUTHORIZE the Supervisor to execute an extension to the agreement with Xpanding Minds Inc. to provide a Lego Enrichment Program.
(Term: 6/1/2017 – 6/1/2018)</p> | <u>SB</u> | <u>TE</u> | <u>5</u> |
| | | | | |
| 2016-511. | <p>AUTHORIZE the Supervisor to execute an agreement with an artist for design, fabrication, and installation of a public art project in Sweet Hollow Park. (Re: Team Zaluski – comprised of artists Steven Zaluski, George Schulman and Debra Rothberg; Alternate Artist: Chuck von Schmidt)</p> | <u>FP</u> | | |
| | | <u>SB</u> | <u>EC</u> | <u>5</u> |

**AGENDA FOR TOWN BOARD
MEETING DATED: NOVEMBER 10, 2016**

RESOLUTIONS:	OFF.	SEC.	VOTE
2016-512. AUTHORIZE the Comptroller to amend the 2016 Operating Budget for the Town of Huntington and its special districts – General Services.	<u>TE</u>	<u>SB</u> <u>MC</u>	<u>5</u>
2016-513. AUTHORIZE the Comptroller to transfer funds from the Town’s Affordable Housing Trust and Agency Account to Huntington Community Development Agency for the administration of the Towns Affordable Housing Program.	<u>FP</u> <u>TE</u>	<u>SB</u>	<u>5</u>
2016-514. AUTHORIZE the Comptroller to accept a Long Island Fall Festival stage rental payment and amend the 2016 Operating Budget for the Town of Huntington and its special districts – band concerts- nunc pro tunc. (Re: Huntington Township Chamber of Commerce)	<u>SB</u>	<u>FP</u>	<u>5</u>
2016-515. AUTHORIZE the correction of code violations at various locations pursuant to the Code of the Town of Huntington. (Re: Indu Realty Corp., 145 W Pulaski Rd, Huntington Station, SCTM# 0400-141.00-02.00-006.001; Chapter 119; D & C Realty Co., New York Avenue, Huntington, SCTM# 0400-072.00-02.00-048.000, Chapters 133, 156; Ghiasul Khan, 2 Atlas Court, Huntington, SCTM# 0400-210.00-01.00-085.003, Chapters 133, 191; Nelson/Helen Chang, 50 West Neck Rd, Huntington, SCTM# 0400-070.00-05.00-029.000, Chapter 156; Russell Van Deirse, 17 Carmen Rd, Dix Hills, SCTM# 0400-243.00-01.00-029.000, Chapter 156; Richard Peter, 5 Swallow Lane, Huntington, SCTM# 0400-191.00-01.00-013.000, Chapters 156, 191; Adam Greenholtz, 2 Highland Court, Huntington, SCTM# 0400-069.00-02.00-036.000, Chapter 156)	<u>SB</u> <u>MC</u>	<u>EC</u>	<u>5</u>
2016-516. AUTHORIZE the Highway Department of the Town of Huntington to charge an application fee for block parties. (Effective 1/1/2017 fee \$75.00)	REMOVED FROM AGENDA BY <u>SUPERVISOR PETRONE</u>		
2016-517. AUTHORIZE conveyance of the property located at Northridge Street and New York Avenue, Huntington, New York, SCTM #0400-099.00-04.00-009.000, to Renaissance Downtowns of Huntington Station LLC (or its permitted assignee), pursuant to the Master Developer Agreement. (SUBJECT TO PERMISSIVE REFERENDUM)	<u>FP</u> <u>EC</u>	<u>SB</u>	<u>5</u>
2016-518. ACCEPT a donation of native plantings and landscaping services at Gateway Plaza, nunc pro tunc. (Re: Quality Island Landscaping and Source the Station)	<u>EC</u>	<u>TE</u>	<u>5</u>
2016-519. ACCEPT donation of landscaping and maintenance from the Manor Road Civic Association for pedestrian refuge islands located at the intersection of Little Plains Road and Manor Road, Huntington. (Re: Lisa Vitale, President)	<u>FP</u>	<u>SB</u>	<u>5</u>
2016-520. ACCEPT donations from various merchants and businesses to the Town of Huntington for the 30 Year Employee Recognition Luncheon, nunc pro tunc. (Re: Jonny D’s Pizzeria, King Kullen, Stop N Shop Huntington, Stop N Shop Northport, Stop N Shop Dix Hills, Costco, Rob Roy Delicatessen, Village Restaurant & Pizza, Pat’s Marketplace, Giunta’s Meat Farms, Local 342 Long Island Public Service Employees)	<u>TE</u>	<u>SB</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: NOVEMBER 10, 2016**

RESOLUTIONS:	OFF.	SEC.	VOTE
2016-521. ACCEPT donations from Intralogic Solutions for the Town of Huntington Command Center.	<u>FP</u>	<u>SB</u>	<u>5</u>
2016-522. ALLOW the transfer of previously donated accrued sick, vacation or personal time to the account of Ronell Merkerson nunc pro tunc. (Effective 10/31/2016)	<u>SB</u>	<u>MC</u>	<u>5</u>
2016-523. DECLARE certain equipment and vehicles as surplus and/or obsolete and authorizes the sale at auction, trade in or disposal of the same.	<u>MC</u> <u>EC</u> <u>SB</u>	<u>FP</u> <u>EC</u>	<u>5</u>
2016-524. SCHEDULE regular meetings of the Town Board of the Town of Huntington for the Year 2017. (Re: January 10 at 7:00 PM, February 7 at 2:00 PM, March 14 at 2:00 PM, April 4 at 2:00 PM, May 9 at 7:00 PM, June 13 at 2:00 PM, July 11 at 2:00 PM, August 15 at 2:00 PM, September 19 at 7:00 PM, October 17 at 6:00 PM, November 9 at 2:00 PM and December 13 at 7:00 PM)	<u>FP</u>	<u>SB</u>	<u>5</u>
2016-525. WAIVE parking meter fees in the Downtown shopping area known as Huntington Village and authorizing the installation of holiday type lights and decorations during the holiday season in various areas. (Re: Waive parking meter fees in Huntington Village for the period 11/25/2016 and ending 1/1/2017; Huntington Chamber of Commerce, Huntington Village Business Improvement District and the East Northport Chamber of Commerce to install and maintain holiday lights for the period 11/25/2016-1/1/17, and authorize the East Northport Chamber of Commerce to place a Menorah and Nativity Scene at the Northport Railroad Station 11/25/2016-1/1/2017)	<u>FP</u>	<u>EC</u>	<u>5</u>
2016-526. ADOPT the 2017 Preliminary Annual Operating Budget, as the Annual Operating Budget for fiscal year commencing January 1, 2017.	<u>TE</u>	<u>SB</u>	<u>5</u>
2016-527. ADOPT the Capital Budget for fiscal year commencing January 1, 2017.	<u>MC</u> <u>SB</u>	<u>TE</u>	<u>5</u>
2016-528. ENACTMENT: ADOPT the Assessment Roll for the Huntington Sewer District.	<u>SB</u>	<u>FP</u> <u>MC</u>	<u>5</u>
2016-529. ENACTMENT: ADOPT the Assessment Roll for the Centerport Sewer District.	<u>SB</u>	<u>FP</u>	<u>5</u>
2016-530. ENACTMENT: ADOPT the proposed fare changes for the Huntington Area Rapid Transit (HART) System.	<u>FP</u>	<u>MC</u>	<u>5</u>
2016-531. ENACTMENT: AMEND 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.	<u>MC</u>	<u>EC</u>	<u>MC-AYE</u> <u>EC-AYE</u> <u>FP-AYE</u> <u>SB-NO</u> <u>TE-RECUSAL</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: NOVEMBER 10, 2016**

RESOLUTIONS:	OFF.	SEC.	VOTE
2016-532. ENACTMENT: AMEND 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.	<u>MC</u>	<u>FP</u>	<u>MC-AYE FP-AYE EC-AYE SB-NO TE-RECUSAL</u>
2016-533. ENACTMENT: APPROVE the issuance of a Certificate of Approval in a 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)	<u>SB</u>	<u>EC</u>	<u>5</u>
2016-534. ENACTMENT: ADOPT Local Law Introductory Number 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.	<u>SB</u>	<u>TE</u>	<u>5</u>
2016-535. ENACTMENT: ADOPT Local Law Introductory No.46-2016, amending the Code of the Town of Huntington, Chapter 183 (Tow Trucks and Towing for Hire).	<u>EC</u>	<u>FP</u>	<u>5</u>
2016-536. ENACTMENT: REVOKE the license agreement made with Integrity Golf Company LLC, for the operation of golf course and related facilities at the Crab Meadow and Dix Hills Golf Courses. (Effective 12/31/2016)	<u>FP</u>	<u>EC MC</u>	<u>5</u>
2016-537. ENACTMENT: AUTHORIZE the Supervisor to terminate certain covenants and restrictions affecting title to the Northridge Property (SCTM: 0400-99-4-009).	<u>FP</u>	<u>EC SB</u>	<u>5</u>
2016-538. SCHEDULE A PUBLIC HEARING: December 7, 2016 at 7:00 PM To consider adopting Local Law Introductory No. 48-2016 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Branwood Court, Branwood Drive, Suncrest Drive –Dix Hills – Parking Restrictions.	<u>SB</u>	<u>TE</u>	<u>5</u>
2016-539. SCHEDULE A PUBLIC HEARING: December 7, 2016 at 7:00 PM To consider adopting Local Law Introductory No. 49-2016 amending the Code of the Town of Huntington, Chapter 124 (Housing Standards and Property Maintenance).	<u>EC SB</u>	<u>FP</u>	<u>5</u>
2016-540. SCHEDULE A PUBLIC HEARING: December 7, 2016 at 7:00 PM To consider adopting Local Law Introductory No. 50-2016 amending the Code of the Town of Huntington, Chapter 191 (Unsafe and Damaged Buildings and Structures).	<u>EC SB</u>	<u>TE</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: NOVEMBER 10, 2016**

RESOLUTIONS:

OFF. SEC. VOTE

AGENDA FOR BOARD OF TRUSTEES'
MEETING DATED: NOVEMBER 10, 2016

RESOLUTIONS:

OFF. SEC. VOTE

2016-BT

AGENDA FOR COMMUNITY DEVELOPMENT AGENCY
MEETING DATED: NOVEMBER 10, 2016

RESOLUTIONS:

OFF. SEC. VOTE

2016-CD

**INFORMATIONAL SHEET FOR:
TOWN BOARD, BOARD OF TRUSTEES' AND COMMUNITY DEVELOPMENT
MEETING DATED: NOVEMBER 10, 2016**

COMMUNICATION

DISTRIBUTION

1. Letters received Certified Mail – Initial Application for Liquor Licenses:
A) From: Patrick DeLuca for John Baker or Corp to be formed (86 Broadway, Greenlawn)

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: Marian Ingle for The Dublin Jack (426 Larkfield Rd, E Npt)

Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
3. Notification received from Ronald Pinzon, Chief, Eastern Section of the Department of the Army regarding permit application NAN-2016-00776-ESW by Ercan Elmas (applicant), location: 511 McKinley Terrace, Centerport. To remove an existing deck and replace with a new 4' X 6' platform. Maps were attached.

Supervisor
Town Board
Town Attorney
Maritime Services
Engineering Services
cc: Planning & Environment
4. Letter received from Andrew Levitt, P.C. regarding 37, 53-55 Main Street and 6 Shore Road in Cold Spring Harbor. His firm represents William and Jennifer Coden. His clients filed a formal request with the Town 11 months ago to enforce various traffic codes in this area. (ccd Supervisor/Town Board/Town Attorney/Public Safety/ Planning & Environment)

cc: File
5. Letter received from Sarah Lansdale, Director of the Suffolk County Department of Economic Development and Planning regarding a Public Notice for request for written comments on the proposed Shellfish Aquaculture Lease assignment. Copy of the public notice and a map was attached. (ccd Supervisor)

Town Board
Town Attorney
Maritime Services
cc: Planning & Environment
6. Emails received in support of the transfer of the Northridge property from: A) Elissa Oransky B) Nancy Berg C) Barbara Wildfeir D) James McGoldrick E) Elissa Kyle (ccd Supervisor/Councilpersons)

cc: Town Attorney
7. Emails received in favor of Brightview, the assisted living facility proposed in the Town of Huntington from: Russell Bostock (ccd Supervisor/Councilpersons), B) Mary Looney C) Richard Kitt

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
8. Copy of 2017 Final Budget and Certification received from Louise Caputo, Secretary/Treasurer of the Greenlawn Fire District.

Supervisor
Town Board
Town Attorney
cc: Comptroller

9. Copy of 2017 Final Budget and Certification received from Nancy Mcadzen, Secretary of the Commack Fire District. Supervisor
Town Board
Town Attorney
cc: Comptroller
10. Copy of 2017 Final Budget and Certification received from Karla Wright, Secretary of the Huntington Fire District . Supervisor
Town Board
Town Attorney
cc: Comptroller
11. Copy of the 2017 Final Budget and Certification received from Liz Beach, Secretary/Treasurer, of the Cold Spring Harbor Fire District. Supervisor
Town Board
Town Attorney
cc: Comptroller
12. Copy of the 2017 Final Budget received from Leigh Ann Varese, Secretary/Treasurer of the Centerport Fire District. Supervisor
Town Board
Town Attorney
cc: Comptroller
13. Copy of the 2017 Final Budget received from Candice Thomson, Treasurer for the Huntington Manor Fire District. Supervisor
Town Board
Town Attorney
cc: Comptroller
14. Copy of the Harborfields Central School District 2016-2017 Budget received from William Nimmo, Assistant Superintendent for Business. (original sent to Comptroller) cc: File
15. Copy of the Half Hollow Hills Central School District 2016-2017 Budget was received from Anne Marie Marrone Caliendo, Assistant Superintendent for Finance and Facilities. cc: Comptroller
16. Emails/letters received in opposition to the application from Frank Ottavio, 26 Harding Court in Centerport for a dock extension, from: A) Christina Calakos, B) Ryan Schlotter C) Debra Letourneau D) Robert Bishop E) Robert Bishop F) Jim Cox G) Dana Tucker H) Richard McCarrick I) Jo J) James/Lorraine Roth K) Kristin Divers L) Tim Vercruysse M) Salvatore Agnello N) David Semmes O) Dianne Guarino P) Paul Burgess Sr. Q) Christian Horner R) John/Jayne Garvin S) Matt Gai T) Louise/Dick Climo U) Johanna
17. Copy of the 2017 Final Budget received from Edward Flynn, District Treasurer for the Melville Fire District. Supervisor
Town Board
Town Attorney
cc: Comptroller
18. Copy of the 2017 budget received from Susan Racine, Secretary-Treasurer of the East Northport Fire District. Supervisor
Town Board
Town Attorney
cc: Comptroller
19. Public Notices received from the Incorporated Village of Laurel Hollow from:
A) Paul Bregman, Chairman of the Planning Board for a meeting to be held on 11/22/16 at 8:00 PM for properties located at 275 Laurel Lane and 12 Waylor Lane. B) Russell Mohr, Chairman of the Board of Zoning Appeals for a meeting on 11/15/16 at 7:30 PM for properties located Ridge Road, Cedarfield Road, Woodfield Court and Cold Spring Road. Supervisor
Town Board
Town Attorney
cc: Planning & Environment

20. Copy of 2017 budget received from Bonnie Sammis, Secretary for the Halesite Fire District. Supervisor
Town Board
Town Attorney
cc: Comptroller
21. Copy of 2017 budget received from Todd Cohen, Secretary for the Dix Hills Fire District. Supervisor
Town Board
Town Attorney
cc: Comptroller
22. Copy of 2017 budget received from Krisi Cartolano, Secretary for the Eaton's Neck Fire District. Supervisor
Town Board
Town Attorney
cc: Comptroller
23. Letter received from Andrew Levitt, attorney for William and Jennifer Coden, regarding Spring Street in Cold Spring Harbor. The Codens would like all the traffic regulations enforced on this street. (ccd Supervisor/Councilpersons/Town Attorney/Public Safety/Planning&Environment) cc: File
24. Emails received from Huntington Calm with comments from various people regarding the banning of leaf blowers. They are requesting the council take actions regarding this matter. (ccd Councilpersons) Supervisor
Town Attorney
cc: Planning & Environment
25. Postcard received in opposition to Brightview Senior Living from Joseph D'Angelo. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
26. The following were hand delivered by Todd Cohen, Secretary for the Dix Hills Fire District: A) Certificate of Result of Canvass of Special Bond Fire District Election B) Legal Notice of the Annual Election of the Fire District to be held on 12/13/2016 from 4:00 PM to 9:00 PM at 115 East Deer Park Road to elect one fire commissioner for a five year term. Supervisor
Town Board
cc: Town Attorney
27. Emails received in opposition of the Brightview project to be located in Dix Hills from:
A) Lynn/Michael Riordan B) Francis Bolz, Jr. C) Susan Sloane D) Connie LoMonaco E) Donna/Joel Schaeffer F) R. Kertzner G) Kertzner H) Allen/Carol Fritz I) Richard Zammillo J) Connie/Philip LoMonaco K) Karen Kenny L) Alan Pfeffer M) Susan/Robert Gochman N) Nanci Leifer O) Nick Losurdo P) Bryan Duffe Q) A. Michael Kaplan R) Sheri/Bernard Vishnick S) Scott/Darci Boerckel T) Stephen/Ellen Grenberg U) Sonali/Mathew Tharakan V) Christine Matos W) Elizabeth Wall X) Cheryl/Robert Rampolla Y) Robert Rosen Z) Ira/Laura Elenko AA) Edward Gould Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
28. Email received from June Margolin, President of Huntington Matters, Inc. regarding the blue line down Manor Road as a tribute to Sergeant Tuozzolo's. Supervisor
Town Board
cc: Town Attorney
29. Email received from Dorothea Oliveau requesting that the legal notice for the Greenlawn Water District annual election to be held on December 13, 2016 between 3:00 PM and 9:00 PM, be posted. Supervisor
Town Board
cc: Town Attorney
30. Emails received from Louise Caputo, Secretary/Treasurer of the Greenlawn Fire District, attached was a copy of the Legal Notice of the Annual Election to be held on December 13, 2016 from 6:00 PM to 9:00 PM to elect one fire commissioner for a 5 year term also, a proposition will be voted on. Also, a notice of future hearings were included. Supervisor
Town Board
cc: Town Attorney

31. Letter received from Nancy McFadzen, Secretary to the Commack Fire District, attached was a copy of the Legal Notice for the annual election to be held on December 13, 2016 from 3:00 PM to 9:00 PM to elect one commissioner for a five year term. Supervisor
Town Board
cc: Town Attorney
32. Letter received from Bruce Adams regarding the free senior citizen and handicapped parking spaces at the Huntington LIRR Train Station. The writer indicates that the half price daily parking fee be reinstated as the spaces are occupied early every day by the same daily commuters. Supervisor
Town Board
cc: Town Attorney
33. Letter received from Bruce Adams requesting that the Town permit legal parking for the Handicapped and for those with small children on the south side of Fort Salonga Road, 25A at the Betty Allen win Ponds Nature Park in Centerport. Supervisor
Town Board
Town Attorney
Planning & Environment
cc: Traffic & Transportation
34. Letter hand delivered by Andrew Levitt, attorney for William and Jennifer Coden, advising that his clients have learned that the Sandbar Restaurant (37 Main Street, Cold Spring Harbor) is operating a wine tasting room in the basement of the premises. (ccd Supervisor/Councilpersons/Town Attorney/Public Safety/Planning) cc: File
35. Email received from Andrew Kaplan, attached was a letter from Andrew Kaplan with his opinion, along with Joseph Fusaro's opinion (both are former presidents of the Elwood Board of Education) regarding the proposed amendments to the comprehensive plan, Horizons 2020, to accommodate the Villadom Mall. The letter indicates that in the Elwood School District deficit spending was reversed and is in a substantially improved financially. Town Attorney
Engineering Services
cc: Planning & Environment
36. Email received from Jim Milazzo of the Melville Fire District, attached was a copy of the Legal Notice of the election to be held on December 13, 2016 from 1:00 PM – 9:00PM to elect one commissioner for a term of 5 years. Supervisor
Town Board
cc: Town Attorney
37. A copy of a Legal Notice received from Gail Devol, Village Administrator for Huntington Bay, regarding a Board of Trustees meeting to be held on November 14, 2016 at 7:30 PM for properties located at 33 Shore Drive, 30 Bay Crest and 98 Crescent Beach Drive. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment

RESOLUTION AUTHORIZING THE SUPERVISOR TO RECEIVE FUNDING FROM THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES FOR STATE AID FOR YOUTH AND FAMILY SERVICES AND RUNAWAY HOMELESS YOUTH SERVICES FOR 2016 AND TO EXECUTE AGREEMENTS WITH THE SUFFOLK COUNTY YOUTH BUREAU FOR SAID FUNDING, NUNC PRO TUNC.

Resolution for Town Board Meeting dated: November 10, 2016

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

And seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington provides youth and family services for Town residents such as counseling services, runaway youth services, parenting workshops, homework help, recreational programs, employment and career planning, college prep and conflict resolution training within the Town's school districts; and

WHEREAS, the Town of Huntington Youth Bureau is eligible to receive funds from the New York State Office of Children and Family Services for programs covered under the Comprehensive Youth Services Plan in the amount of ONE HUNDRED THIRTY THREE THOUSAND SEVEN HUNDRED SEVENTY-SEVEN AND NO/100 (\$133,777.00) DOLLARS for Youth and Family Services and Runaway Homeless Youth for the period commencing January 1, 2016 and ending December 31, 2016; and

WHEREAS, in 2014 the process has changed so that the Suffolk County Youth Bureau, will now allocate the State funding through a contract with the Town of Huntington Youth Bureau. Prior to 2014 State funding went directly to the Town but now comes through the County to Town; 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, applying for and receiving funding is not an action as defined 6N.Y.C.R.R., Section 617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

2016-504

HEREBY AUTHORIZES the Supervisor to receive funding from the New York State Office of Children and Family Services in the amount of ONE HUNDRED THIRTY THREE THOUSAND SEVEN HUNDRED SEVENTY-SEVEN AND NO/100 (\$133,777.00) DOLLARS on behalf of the Youth Bureau for Youth and Family Services and Runaway Homeless Youth for the period commencing January 1, 2016 and ending December 31, 2016 and to execute an agreement with the Suffolk County Youth Bureau for said funding and any documents in connection therewith upon such terms and conditions as approved by the Town Attorney, nunc pro tunc.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

TOWN OF HUNTINGTON

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FUNDING FROM THE ALZHEIMER'S ASSOCIATION, LONG ISLAND CHAPTER, FOR THE TAKE A BREAK CAREGIVER RESPITE PROGRAM

Resolution for Town Board Meeting dated: November 10, 2016

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

WHEREAS, the Town of Huntington successfully operates an Adult Day Care Program serving frail senior citizens, some of which have Alzheimer's Disease; and

WHEREAS, the Take A Break Caregiver Respite Program provides information and financial assistance to caregivers of persons with Alzheimer's disease and related disorders in order to help them obtain respite care services; and

WHEREAS, the Town of Huntington seeks funding in the amount of ONE THOUSAND NO/100 (\$1,000.00) DOLLARS per enrolled person from the Alzheimer's Association, Long Island Chapter, for the Take A Break Caregiver Respite Program to help caregivers who meets the program guidelines and who would benefit from respite care for their loved one; and

WHEREAS, this grant will reimburse the Town FORTY NO/100 (\$40.00) DOLLARS per day, up to a maximum of ONE THOUSAND NO/100 (\$1,000.00) DOLLARS per enrolled person for the provision of respite services to individuals in the Adult Day Care enrolled in the Take A Break Caregiver Respite Program; and

WHEREAS, applying for and receiving funding for the Take A Break Caregiver Respite Program 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 apply for and receive funding from the Alzheimer's Association, Long Island Chapter, for the Take A Break Caregiver Respite Program in an amount not to exceed the sum of ONE THOUSAND NO/100 (\$1,000.00) DOLLARS per person enrolled in the Take A Break Caregiver Respite Program and to execute any documents in connection therewith upon such other terms and conditions as are acceptable to the Town Attorney.

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2016-506

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FINANCIAL ASSISTANCE FROM THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM

Resolution for Town Board Meeting Dated: November 10, 2016

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the State of New York provides financial aid for household hazardous waste programs, and

WHEREAS, the Town maintains a permanent household hazardous waste disposal facility at the Town's Recycling Center that allows residents to safely dispose of their household hazardous wastes thereby protecting the health and safety of our drinking water and the environment, and

WHEREAS, the operation of this facility qualifies the Town to apply for this aid from the state which will potentially reimburse fifty percent of the costs incurred with the disposal of items collected at the Town's facility, and

WHEREAS, submitting this application 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 apply for and receive financial assistance from the New York State Department of Environmental Conservation for the Household Hazardous Waste Program and to execute any documents in connection therewith upon such terms and conditions as are acceptable to the Town Attorney

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-507

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

Resolution for Town Board Meeting Dated: November 10, 2016

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

and seconded by: **SUPERVISOR PETRONE**

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

WHEREAS, Town Board Resolution 2015-11 authorized the execution of a contract with R & C Formation, Ltd. for landfill gas monitoring and related engineering services at the Town of Huntington East Northport Landfill and Town Board Resolution 2015-543 authorized the first twelve (12) month extension; and

WHEREAS, said contract provides for two (2) additional twelve (12) month periods with no increase in the contract price or change in the terms and conditions; and

WHEREAS, R & C Formation, Ltd., 171 Deer Park Ave., Suite 3, Babylon, New York 11702 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 contract, and any documents in connection and related therewith, with R & C Formation, Ltd. for landfill gas monitoring and related engineering services at the Town of Huntington East Northport Landfill. The extension period shall be effective for a twelve (12) month period commencing on February 7, 2017, not to exceed the sum of TEN THOUSAND FIFTY and NO/100 (\$10,050.00) DOLLARS to be charged to the East Northport Landfill-Post Closure Maintenance operating budget line A8166.4550, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2016-507

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.

2016-508

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE CONTRACT FOR A PARKING TICKET MANAGEMENT SYSTEM WITH BREKFORD CORPORATION.

Resolution for Town Board Meeting Dated: November 10, 2016

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington is desirous of updating their Parking Ticket Management System to include an updated software application along with updated hardware requirements; and

WHEREAS, Town Board Resolution 2013-568 authorized the execution of a contract with Brekford Corporation for a parking ticket management system, RFP No. 2013-10-013; and

WHEREAS, said contract provides for a three (3) year term commencing upon execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for two (2) additional one (1) year periods under the same prices, terms and conditions; and

WHEREAS, Brekford Corporation, 7020 Dorsey Road, Suite C, Hanover, Maryland 21076 has requested the first 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 contract, and any documents in connection and related therewith, with Brekford Corporation for a parking ticket management system, associated equipment and services. The extension period shall be effective for one (1) year commencing on January 16, 2017, upon the payment by the Town of a percentage of gross revenue collected and per item costs, with all revenue to be deposited into Revenue Code A2611, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH THE LEAGUE FOR ANIMAL PROTECTION OF HUNTINGTON, INC., NUNC PRO TUNC

Resolution for Town Board Meeting date: November 10, 2016

The following resolution was offered by: Supervisor Petrone
COUNCILMAN COOK

And seconded by: COUNCILWOMAN EDWARDS

WHEREAS, the Town of Huntington has had agreements with the League for Animal Protection of Huntington, Inc. to operate a shelter for stray and homeless cats out of the Town-owned facility at 104 Deposit Road, East Northport, N.Y. known as the Grateful Paw Cat Shelter; and

WHEREAS, the Town of Huntington will enter into a license agreement with the League for Animal Protection of Huntington, Inc. for a ten year term from June 24, 2016 through June 23, 2026, the most recent agreement having recently expired; and

WHEREAS, it is therefore deemed to be in the best interests of the residents of the Town of Huntington and the animal community that lies therein to continue the relationship with the League for Animal Protection of Huntington, Inc.; and

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

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a license agreement with the League for Animal Protection of Huntington, Inc. in accordance with 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.

2016-510

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE AGREEMENT WITH XPANDING MINDS INC. TO PROVIDE A LEGO ENRICHMENT PROGRAM

Resolution for Town Board Meeting Dated: November 10, 2016

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

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, the Town wishes to offer its residents a series of enrichment programs utilizing Lego bricks to build and construct buildings and machines; and

WHEREAS, Town Board Resolution 2015-493 assigned the 2015 agreement to Xpanding Minds, P.O Box 23, Centerport, New York, 11721 to offer enrichment programs utilizing Lego bricks; and

WHEREAS, said contract provides for a one (1) year extension at the same terms and conditions; and

WHEREAS, Xpanding Minds has requested the one (1) year extension at the same terms and conditions; and

WHEREAS, the execution of an agreement is not an action under SEQRA as defined by 6 N.Y.C.R.R. §617.5 (b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the franchise agreement, and any documents in connection and related therewith, with Xpanding Minds to conduct Lego enrichment programs for the Town and will pay the Town (15%) Fifteen Percent of the gross revenue received, to be deposited into Revenue Code A2006 for the term commencing June 1, 2017 and terminating June 1, 2018, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH AN ARTIST FOR DESIGN, FABRICATON, AND INSTALLATION OF A PUBLIC ART PROJECT IN SWEET HOLLOW PARK.

Resolution for Town Board Meeting Dated: November 10, 2016

The following resolution was offered by: Supervisor Petrone
Councilwoman Berland
and seconded by: **COUNCILMAN COOK**

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

WHEREAS, the Town Board subsequently approved Public Art Plans for 2014 (Resolution 2014-32), 2015 (Resolution 2014-598), and 2016 (Resolution 2015-514) that included the planned development of a public art project in association with the Town's development of Sweet Hollow Park; and

WHEREAS, in accordance with these approved plans and procedures the Public Art Advisory Committee issued a revised Request for Qualifications (RFQ) from interested artists, the responses to which were subsequently reviewed by an Artist Selection Panel including representatives from the Public Art Advisory Committee, interested stakeholders from the community, and the Town's Open Space Coordinator; and

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

WHEREAS, the Public Art Advisory Committee proposes that the artist contract be written with distinct phases, requiring subsequent Town Board approval of a detailed design proposal for the project, prior to authorization of fabrication and installation of the work and the major expenditures associated therewith; and

WHEREAS, the proposed action requires no further SEQRA review as the Town Board classified the acquisition and development of Sweet Hollow Park as an Unlisted Action and issued a Negative Declaration and its previously-approved funding resolution included public art/sculptures;

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with the recommended artist – Team Zaluski – an artist team comprised of artists Steven Zaluski, George Schulman, and Debra Rothberg, for an amount not to exceed the total sum of TWENTY THOUSAND AND NO/100 (\$20,000.00) DOLLARS, of which not more than THREE

THOUSAND AND NO/100 (\$3,000.00) DOLLARS to be charged to the EOSPA account authorized for this project (Resolution 2015-417) will be available for expenditure prior to the approval of a detailed Artist's Design Proposal by the Town Board, and on such other terms and conditions as may be acceptable to the Town Attorney.

AND FURTHER AUTHORIZES the Supervisor to execute, in substitution, a similar agreement with the alternate artist as recommended below by the Artist Selection Panel and endorsed by the Public Art Advisory Committee, should the Town for any reason be unable to execute an agreement with primary artist indicated above:

Alternate Artist: Chuck von Schmidt

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016- 512

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

Resolution for Town Board Meeting dated: November 10, 2016

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

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

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

WHEREAS, one such power and duty is to approve all budgetary amendments; and

WHEREAS, our General Service vehicle PS322 was involved in an auto accident on September 14, 2016 and The Town of Huntington received insurance recoveries for the repair of the vehicle: and

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

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to amend the 2016 Operating Budget for the Town of Huntington and its Special Districts as follows:

Increase the following Revenue

A2680-2680 Insurance Recoveries \$2,525.21

Increase the following Expense

A1625-4520 Vehicle Repairs-Supplies \$2,525.21

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO TRANSFER FUNDS FROM THE TOWN'S AFFORDABLE HOUSING TRUST AND AGENCY ACCOUNT TO HUNTINGTON COMMUNITY DEVELOPMENT AGENCY FOR THE ADMINISTRATION OF THE TOWN'S AFFORDABLE HOUSING PROGRAM

Resolution for Town Board Meeting Dated: November 10, 2016

The following resolution was offered by: Supervisor Petrone
COUNCILWOMAN EDWARDS

And seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, via Resolution #2015-594 the Town Board enacted Local Law #44-2015 amending the Code to, among other things, allow funds from the Affordable Housing Trust Fund to be utilized for the administration of its Affordable Housing Program; and

WHEREAS, the Huntington Community Development Agency, a public benefit corporation and quasi-Town department, manages and administers the Town of Huntington Affordable Housing program; and

WHEREAS, such administration entails substantial staff time and expense in managing a workflow that includes, but is not limited to, public outreach and notification of new affordable housing opportunities, meetings with Town staff, applicants and developers, site visits, creation and review and verification of both initial lottery intake forms and post-lottery formal applications, planning and presiding over housing lotteries, legal services in connection with contracts and leases for the Town's affordable units, as well as the ongoing monitoring of the Town's existing affordable housing inventory; and

WHEREAS, in consideration for the above services performed by Huntington Community Development Agency, the Town Board wishes to transfer funds to the Huntington Community Development Agency for said purpose; and

WHEREAS, the transfer of funds is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(1) and (c)(4) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY DIRECTS the Comptroller to transfer funds from the Affordable Housing Trust and Agency Account TA-0085-I0023 in an amount not to exceed ONE HUNDRED FIFTY THOUSAND AND NO/100 (\$150,000.00) to Huntington Community Development Agency for the administration of the Town's Affordable Housing Program.

2016-513

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 Tracy A. Edwards	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2016-514

RESOLUTION AUTHORIZING THE COMPTROLLER TO ACCEPT A LONG ISLAND FALL FESTIVAL STAGE RENTAL PAYMENT AND AMEND THE 2016 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – BAND CONCERTS – NUNC PRO TUNC

Resolution for Town Board Meeting Dated: November 10, 2016

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, outside group rental of the Chapin Rainbow Stage results in the Town of Huntington incurring certain expenses not included in the Town's annual operating budget; and,

WHEREAS, Town Board Resolution #2004-88 approved a Chapin Stage Rental Policy for the collection of certain fees from outside groups for rental of this Town facility in order to offset these unbudgeted expenses; and,

WHEREAS, in accordance with this approved policy a check for THREE THOUSAND EIGHT HUNDRED EIGHTY-SIX AND 26/100 DOLLARS (\$3,886.26) has been received from the Huntington Township Chamber of Commerce in payment of Stage Rental technical crew expenses associated with use of the Chapin Rainbow Stage from October 7-9, 2016 for performances as part of the Long Island Fall Festival, and;

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Comptroller to accept the Stage Rental fee payment tendered by the above-referenced group and amend the 2016 Operating Budget nunc pro tunc as follows:

Increase the following Revenue:

A-2006	Parks and Recreation Fee Class	\$3,886.26
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Increase the following Appropriations:

A-7270.1175	Part-Time Salaries	\$3,886.26
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2016-514

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-515

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: November 10, 2016

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

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

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

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

NOW, THEREFORE, THE TOWN BOARD

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

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
145 W Pulaski Road Huntington Station, NY 11746	0400-141.00-02.00-006.001	Indu Realty Corp.	09/23/2016	15721 Horace Harding Expy Flushing, NY 11367

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>
New York Avenue Huntington, NY 11743	0400-072.00-02.00-048.000	D & C Realty Co.	10/25/2016	14 Lawrence Hill Road Huntington, NY 11743
2 Atlas Court Huntington, NY 11743	0400-210.00-01.00-085.003	Ghiasul I Khan	11/02/2016	N/A

Chapter 156, Section 27 of the Code of the Town of Huntington
Authorizing the Removal of Junk Vehicles

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
50 W Neck Road Huntington, NY 11743	0400-070.00-05.00-029.000	Nelson E Chang Helen H Chang	10/27/2016	3 Suncrest Drive Dix Hills, NY 11746
17 Carman Road Dix Hills, NY 11746	0400-243.00-01.00-029.000	Russell Van Deinse	10/27/2016	24116 Linden Blvd Elmont, NY 11003

2016-515

2016-515

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>
5 Swallow Lane Huntington, NY 11743	0400-191.00-01.00-013.000	Richard Peter	10/04/2016	N/A
New York Avenue Huntington, NY 11743	0400-072.00-02.00-048.000	D & C Realty Co.	10/25/2016	14 Lawrence Hill Road Huntington, NY 11743
12 Highland Court Huntington, NY 11743	0400-069.00-02.00-036.000	Adam A Greenholtz	11/04/2016	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
5 Swallow Lane Huntington, NY 11743	0400-191.00-01.00-013.000	Richard Peter	10/27/2016	N/A
2 Atlas Court Huntington, NY 11743	0400-210.00-01.00-085.003	Ghiasul I Khan	11/02/2016	N/A

2016-517

RESOLUTION AUTHORIZING CONVEYANCE OF THE PROPERTY LOCATED AT
NORTHRIDGE STREET AND NEW YORK AVENUE, HUNTINGTON, NEW YORK,
SCTM 0400-099.00-04.00-009.000, TO RENAISSANCE DOWNTOWNS OF
HUNTINGTON STATION LLC (OR ITS PERMITTED ASSIGNEE), PURSUANT TO
THE MASTER DEVELOPER AGREEMENT

Resolution for Town Board Meeting dated: November 10, 2016

The following resolution was offered by: Supervisor Petrone
COUNCILMAN COOK

And seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington, The Huntington Economic Development Corporation, and Renaissance Downtowns at Huntington Station LLC entered into a certain Master Developer Agreement dated April 26, 2012 (and amended by a First Amendment dated February 4, 2014) (hereinafter, the "MDA"), to guide and facilitate the reconstruction and rehabilitation of identified areas, including Huntington Station, consistent with those goals described in the Horizons 2020 Comprehensive Plan; and

WHEREAS, pursuant to the MDA, Renaissance Downtowns at Huntington Station LLC committed to identifying municipality properties for redevelopment, and in connection therewith has identified municipality property located at Northridge Street and New York Avenue, Huntington, New York, SCTM 0400-099.00-04.00-009.000 (hereinafter, the "Northridge Property"), for redevelopment; and

WHEREAS, the terms and provisions of the MDA provide for conveyance by the Town of Huntington to Renaissance Downtowns at Huntington Station LLC (or its permitted assignee under the MDA) of fee title to identified municipality property, including, but not limited to, the Northridge Property, for development pursuant to the MDA; and

WHEREAS, this action is consistent with the voluntary draft environmental impact statement prepared in connection with the Huntington Station Gateway Plan upon which a negative declaration was issued pursuant to Town Board Resolution No. 2015-436.

NOW THEREFORE, BE IT,

RESOLVED, that the Town Board hereby authorizes the Supervisor to convey fee title to the property located at Northridge Street and New York Avenue, Huntington, New York, SCTM 0400-099.00-04.00-009.000, to Renaissance Downtowns at Huntington Station LLC (or its permitted assignee under the Master Developer Agreement) (including the execution of documents related to the conveyance of fee title, including, but not limited to, the deed, transfer tax returns, and such other documents as may be necessary and reasonably related to the transaction), pursuant to the terms and provisions of the Master Developer Agreement and conditioned upon a commitment letter in the approximate amount of Three Million and XX/100 (\$3,000,000.00) Dollars being issued by a banking institution licensed to do business

within the State of New York and additional proof demonstrating that equity and debt is in place in an amount equal to the anticipated construction and stabilization costs for redevelopment of the property pursuant to the Master Developer Agreement, and on such additional terms and conditions as may be acceptable to the Town Attorney; and

BE IT FURTHER RESOLVED, that this resolution is passed subject to a permissive referendum as set forth in Town Law, Section 90, and shall take effect thirty (30) days after its adoption or, if a referendum is held, upon the affirmative vote of a majority of the qualified electors of the issuer voting on the referendum; and, the Town Clerk is hereby directed within 10 days of adoption of this resolution to post and publish a notice which shall set forth the date of the adoption of the resolution and contain an abstract of such resolution concisely stating the purpose and effect thereof and specifying that such resolution was adopted subject to a permissive referendum.

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 A DONATION OF NATIVE PLANTINGS AND LANDSCAPING SERVICES AT GATEWAY PLAZA, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: November 10, 2016

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

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, in seeking to replace native plants that did not survive drought conditions at Gateway Plaza, a resident applied for and received a \$250 Source the Station grant to cover the purchase of new plants; and

WHEREAS, the beautification project includes placement of signage at Gateway Plaza to identify the native plantings; and

WHEREAS, Quality Island Landscaping is donating time and services for this beautification project; and

WHEREAS, the acceptance of this donation is not an action under SEQRA defined by 6 NYCRR 617.2(b), and therefore, no SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY ACCEPTS, the donation of native plants and landscaping services at Gateway Plaza in Huntington Station; and

HEREBY THANKS the Huntington resident, Quality Island Landscaping and Source the Station for their collaborative efforts to maintain and enhance Gateway Plaza.

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 Tracy A. Edwards **AYE**

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2016-519

RESOLUTION ACCEPTING DONATION OF LANDSCAPING AND MAINTENANCE FROM THE MANOR ROAD CIVIC ASSOCIATION FOR PEDESTRIAN REFUGE ISLANDS LOCATED AT THE INTERSECTION OF LITTLE PLAINS ROAD AND MANOR ROAD, HUNTINGTON

Resolution for Town Board Meeting dated: November 10, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Department of Transportation and Traffic Safety has redesigned the traffic signal at the intersection of Little Plains Road and Manor Road. The new design improved pedestrian safety by incorporating pedestrian refuge islands into the design.

WHEREAS, The Manor Road Civic Association, Huntington, NY 11743 has offered to provide landscaping and maintenance services for the islands located at this intersection at no cost to the Town.

WHEREAS, the above action is not an action as defined by 6 N.Y.C.R.R. 617.5(b) and therefore, no further SEQRA review is required.

NOW, THEREFORE THE TOWN BOARD

HEREBY ACCEPTS the donation of landscape planting and maintenance services for Little Plains Road and Manor Road from Lisa Vitale, President of the Manor Road Civic Association, Huntington, NY 11743, upon such terms and conditions as shall be acceptable to the Town Attorney and thanks them for their generosity.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

RESOLUTION ACCEPTING DONATIONS FROM VARIOUS MERCHANTS AND BUSINESSES TO THE TOWN OF HUNTINGTON FOR THE 30 YEAR EMPLOYEE RECOGNITION LUNCHEON, NUNC PRO TUNC,

Resolution for Town Board Meeting Dated: November 10, 2016

The following resolution was offered by: Councilwoman Edwards

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington will be hosting a luncheon honoring employees that have worked for the Town of Huntington for 30 years at the Cinema Arts Centre, 423 Park Ave Huntington, NY 11743 , on September 30, 2016; and

WHEREAS, 10 merchants and businesses have donated various goods and services for the employees; and

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

NOW, THEREFORE,

THE TOWN BOARD,

HEREBY ACCEPTS, on behalf of the Town of Huntington for the 30 year Employee Recognition Luncheon various donations from the merchants and businesses listed on the attached Schedule "A" and thanks them for their generosity, nunc pro tunc.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-520

SCHEDULE "A"
30 YEAR EMPLOYEE RECOGNITION LUNCHEON SEPTEMBER 30, 2016
CONTRIBUTION ACKNOWLEDGEMENT LIST

JONNY D'S PIZZERIA

946 New York Ave
Huntington, New York 11743

2 trays of baked ziti

KING KULLEN

50 New York Ave
Huntington, New York 11743

\$25.00 gift certificate

STOP N SHOP HUNTINGTON

60 Wall street
Huntington, New York 11743

\$50.00 gift certificate

STOP N SHOP NORTHPORT

454 Fort Salonga Road
Northport, New York 11768

\$50.00 gift certificate

STOP N SHOP DIX HILLS

1110 East Jericho Turnpike
Dix Hills, New York 11746

1 6 foot hero

COSTCO

10 Garet Place
Commack, New York 11725

\$25.00 gift certificate

ROB ROY DELICATESSEN

758 Park Ave
Huntington, New York 11743

1 tray sausage and peppers

VILLAGE RESTAURANT & PIZZA

51 Broadway
Greenlawn, New York 1170

½ tray of sausage & peppers
½ tray of baked ziti

PAT'S MARKETPLACE

9 Hewitt Square
East Northport, New York 11731

1 6 foot hero

GIUNTA'S MEAT FARMS

395 Fort Salonga Road
Northport, NY 11768

\$100.00 gift certificate

LOCAL 342 LONG ISLAND

PUBLIC SERVICE EMPLOYEES
501 William Floyd Parkway
Shirley, New York 11967

2 Trays of Sausage and Peppers

RESOLUTION ACCEPTING DONATIONS FROM INTRALOGIC SOLUTIONS FOR THE TOWN OF HUNTINGTON COMMAND CENTER

Resolution for Town Board Meeting Dated: November 10, 2016

The following resolution was offered by: Supervisor Petrone

And seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Department of Public Safety's Security Division has undergone construction of their Town of Huntington Command Center; and

WHEREAS, Intralogic Solutions is a security technology company supplying the equipment to complete the Town of Huntington Command Center; and

WHEREAS, Intralogic Solutions has offered to donate miscellaneous items to complete the command center; and

WHEREAS, accepting various donations from Intralogic Solutions 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 ACCEPTS various donations from Intralogic Solutions listed on the attached Schedule "A" and thanks them for their generosity.

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-521

SCHEDULE "A"
INTRALOGIC SOLUTIONS DONATIONS
TOWN OF HUNTINGTON COMMAND CENTER

Intralogic Solutions
504 Hicksville Road
Massapequa, NY 11758

- Four (4) monitor mounts
- Four (4) HDMI cables
- Four (4) additional software licenses
- The additional labor to hang, mount, and install these items

RESOLUTION ALLOWING THE TRANSFER OF PREVIOUSLY DONATED ACCRUED SICK, VACATION OR PERSONAL TIME TO THE ACCOUNT OF RONELL MERKERSON NUNC PRO TUNC

Resolution for Town Board Meeting Dated: November 10, 2016

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, Town employees previously donated accumulated sick, vacation or personal days to fellow employees Jason Jackson and Chas Cancellare, who had exhausted their accumulated time due to a bona fide medical reasons; and

WHEREAS, Mr. Jackson and Mr. Cancellare passed away before using the total amount of time donated by fellow employees thereby leaving a bank of 127 unused days; and

WHEREAS, effective October 31, 2016, Ronell Merkerson has exhausted his accumulated sick leave due to a bona fide medical reason; and

WHEREAS, the administration of the Bank can in no way expand the Town's current maximum level of obligation to pay for or to provide sick, vacation or personal time to any employee; and

WHEREAS, any donated time shall only be used during the time Ronell Merkerson remains as an employee and shall not inure to his benefit after his employment has ceased, nor to the benefit of his heirs.

WHEREAS, authorizing the transfer of previously donated sick, vacation or personal time to another employee 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 ALLOWS the transfer of previously donated accrued sick, vacation or personal time by town employees to fellow employee Ronell Merkerson effective October 31, 2016 nunc pro tunc and directs the Comptroller to transfer funds as necessary.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-523

RESOLUTION DECLARING CERTAIN EQUIPMENT AND VEHICLES AS SURPLUS AND/OR OBSOLETE AND AUTHORIZES THE SALE AT AUCTION, TRADE IN OR DISPOSAL OF THE SAME.

Resolution for Town Board Meeting Dated: November 10, 2016

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

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

WHEREAS, the Town of Huntington Department of Audit and Control is responsible for the disposition of Town wide Fixed Asset Surplus and/or Obsolete Inventory; and

WHEREAS, the Department of Audit and Control, Division of Purchasing wishes to dispose of the equipment contained in Schedule "A" through trade in, public auction, or disposal for scrap, which will be disposed of on an as-needed basis in a manner that proves to be most cost effective to the Town of Huntington; and

WHEREAS, the disposal of surplus government property is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 (c) (25) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY DECLARES the specified equipment on Schedule "A" as surplus and/or obsolete and authorizes the sale of same at auction, or trade in, or disposal for scrap.

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.

TOWN OF HUNTINGTON
PURCHASING DIVISION
SURPLUS INVENTORY ITEMS
SCHEDULE A
11/10/16

2016

2016-523

TOH #	YEAR	MAKE	MODEL	VIN	ASSET #
General Services					
803	1984	Case/International	Farm Tractor	B510231027867	4229
804	1974	Case/International	Farm Tractor	B480207B009984X	4221

RESOLUTION SCHEDULING REGULAR MEETINGS OF THE TOWN BOARD OF
THE TOWN OF HUNTINGTON FOR THE YEAR 2017

Resolution for Town Board Meeting Dated: November 10, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, scheduling regular meetings of the Town Board 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 schedules regular meetings of the Town Board of the Town of Huntington, at Town Hall, 100 Main Street, Huntington, New York, for the year 2017, as follows:

	<u>2:00 PM</u>	<u>6:00 PM</u>	<u>7:00 PM</u>
JANUARY			10th
FEBRUARY	7th		
MARCH	14th		
APRIL	4th		
MAY			9th
JUNE	13th		
JULY	11th		
AUGUST	15th		
SEPTEMBER			19th
OCTOBER		17th	
NOVEMBER	9 th (Thursday)		
DECEMBER			13 th (Wednesday)

All meetings will be held on Tuesday unless otherwise indicated above.

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 WAIVING PARKING METER FEES IN THE DOWNTOWN SHOPPING AREA KNOWN AS HUNTINGTON VILLAGE AND AUTHORIZING THE INSTALLATION OF HOLIDAY TYPE LIGHTS AND DECORATIONS DURING THE HOLIDAY SEASON IN VARIOUS AREAS

Resolution for Town Board Meeting Dated: November 10, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN COOK**

WHEREAS, in an effort to stimulate business and encourage residents to shop locally during the holiday season, the Town Board is desirous of waiving parking meter fees in the downtown shopping area known as Huntington Village for the period beginning November 25, 2016 and ending January 1, 2017; and

WHEREAS, the Huntington Township Chamber of Commerce and Huntington Business Improvement District Association, the Huntington Station Business Improvement District Association, and the East Northport Chamber of Commerce have requested permission to install lights and other decorations in keeping with the holiday spirit within their business areas during the holiday season; and

WHEREAS, the following are the areas defined by each organization:

Huntington Township Chamber of Commerce/Huntington Business Improvement District Association – the business area known as Huntington Village;

Huntington Station Business Improvement District Association – the Huntington Station business area along New York Avenue

East Northport Chamber of Commerce – the business area along Larkfield Road; and

WHEREAS, the East Northport Chamber of Commerce has also requested permission to display their annual holiday lights, menorah and tree lighting; and

WHEREAS, the subjects of this resolution are 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 parking meter fees in the downtown shopping area known as Huntington Village (as defined in the Business Improvement District) for the period beginning November 25, 2016 and ending January 1, 2017; and

HEREBY AUTHORIZES the Huntington Township Chamber of Commerce and Huntington Village Business Improvement District Association, the Huntington Station Business Improvement District Association and the East Northport Chamber of Commerce to install and maintain holiday type lights in their business areas during the holiday season for the period beginning November 25, 2016 and ending January 1, 2017; subject to any rules, regulations, charges and/or permits required by the Long Island Power Authority (LIPA); and

HEREBY AUTHORIZES the East Northport Chamber of Commerce to place a Menorah and Nativity Scene on Town Property located at the Northport Railroad Station for the period beginning November 25, 2016 and ending January 1, 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.

RESOLUTION ADOPTING THE 2017 PRELIMINARY ANNUAL OPERATING BUDGET, AS THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR COMMENCING JANUARY 1, 2017

Resolution for Town Board Meeting Dated: November 10, 2016

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

and seconded by: **COUNCILWOMAN BERLAND**

THE TOWN BOARD, having conducted a public hearing on the 19th day of October, 2016, for the purpose of considering the Preliminary Annual Operating Budget heretofore completed and filed with the Town Clerk for the fiscal year commencing January 1, 2017, and having heard all persons desiring to be heard with reference to this matter, and having determined that the Preliminary Annual Operating Budget should be amended and adopted, as amended;

HEREBY ESTABLISHES AND ADOPTS the 2017 Preliminary Annual Operating Budget, as the Annual Operating Budget for the Town of Huntington for the fiscal year commencing January 1, 2017; and

HEREBY DIRECTS that said Annual Operating Budget be entered in detail in the minutes of the proceedings of the Town Board; and

FURTHER DIRECTS that the Town Clerk prepare and certify, as provided by law, duplicate copies of the said Annual Operating Budget adopted, and deliver two copies of said budget to the Supervisor of the Town of Huntington who shall submit said copies to the Clerk of the Suffolk County Legislature at County Center, Riverhead, New York, as required by law.

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION ADOPTING THE CAPITAL BUDGET FOR FISCAL YEAR COMMENCING JANUARY 1, 2017

Resolution for Town Board Meeting Dated: November 10, 2016

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

THE TOWN BOARD, having conducted a public hearing on the 19th day of October, 2016, for the purpose of considering the Preliminary Capital Budget heretofore completed and filed with the Town Clerk for the fiscal year commencing January 1, 2017, and having heard all persons desiring to be heard with reference to this matter, and having determined that the Preliminary Capital Budget should be adopted,

HEREBY ESTABLISHES AND ADOPTS the Capital Budget for the Town of Huntington for the fiscal year commencing January 1, 2017; and

HEREBY DIRECTS that said Capital Budget be entered in detail in the minutes of the proceedings of the Town Board, and

FURTHER DIRECTS that the Town Clerk prepare and certify, as provided by law, duplicate copies of the said Capital Budget adopted, and deliver two copies of said budget to the Supervisor of the Town of Huntington who shall submit said copies to the Clerk of the Suffolk County Legislature at County Center, Riverhead, New York, as required by law.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-528

ENACTMENT: ADOPT THE ASSESSMENT ROLL FOR THE HUNTINGTON SEWER DISTRICT

Resolution For Town Board Meeting Dated: November 10, 2016

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

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

WHEREAS, Town Board Resolution 2016-457 scheduled a public hearing on the assessment roll for the Huntington Sewer District for the 19th day of October, 2016; and

WHEREAS, the assessment roll and proposed budget for the Huntington Sewer District has been on file in the Office of the Huntington Town Clerk for public inspection; and

WHEREAS, in compliance with Town law §239 and applicable law, no less than ten (10) and no more than twenty (20) days before the public hearing on the assessment roll, a notice of completed assessment roll and public hearing on such roll was published at least once in a newspaper published within the Town; and

WHEREAS, in compliance with Town law §239 and applicable law, the notice of completed assessment roll and public hearing was mailed to each owner of taxable property in the Huntington Sewer District; and

WHEREAS, notarized affidavits of service of mailing and the names and address to whom the notice was mailed are on file in the Office of the Town Clerk; and

WHEREAS, a determination on the assessment roll pursuant to Town Law §202-a and Town law §239 is not an action pursuant to 6 N.Y.C.R.R. §617.2(b) and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD, having held a public hearing on the 19th day of October, 2016, and due deliberation having been had,

HEREBY ADOPTS the assessment roll for the Huntington Sewer District, and directs that a copy of this resolution and the adopted assessment roll be filed with the Huntington Town Clerk forthwith.

2016-528

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.

2016-529

ENACTMENT: ADOPT THE ASSESSMENT ROLL FOR THE CENTERPORT
SEWER DISTRICT

Resolution For Town Board Meeting Dated: November 10, 2016

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

And seconded by: **SUPERVISOR PETRONE**

WHEREAS, Town Board Resolution 2016-458 scheduled a public hearing on the assessment roll for the Centerport Sewer District for the 19th day of October, 2016; and

WHEREAS, the assessment roll and proposed budget for the Centerport Sewer District has been on file in the Office of the Huntington Town Clerk for public inspection; and

WHEREAS, in compliance with Town law §239 and applicable law, no less than ten (10) and no more than twenty (20) days before the public hearing on the assessment roll, a notice of completed assessment roll and public hearing on such roll was published at least once in a newspaper published within the Town; and

WHEREAS, in compliance with Town law §239 and applicable law, the notice of completed assessment roll and public hearing was mailed to each owner of taxable property in the Centerport Sewer District; and

WHEREAS, notarized affidavits of service of mailing and the names and address to whom the notice was mailed are on file in the Office of the Town Clerk; and

WHEREAS, a determination on the assessment roll pursuant to Town Law §202-a and Town law §239 is not an action pursuant to 6 N.Y.C.R.R. §617.2(b) and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD, having held a public hearing on the 19th day of October, 2016, and due deliberation having been had,

HEREBY ADOPTS the assessment roll for the Centerport Sewer District, and directs that a copy of this resolution and the adopted assessment roll be filed with the Huntington Town Clerk forthwith.

2016-529

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.

ENACTMENT: ADOPT THE PROPOSED FARE CHANGES FOR THE HUNTINGTON AREA RAPID TRANSIT (HART) SYSTEM

Resolution for Town Board Meeting dated: November 10, 2016

The following resolution was offered by: Supervisor Petrone

And seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the thirty (30) day public comment period having been concluded; and

THE TOWN BOARD having held a public hearing on the 19th day of October, 2016 at 6p.m., to consider the proposed fare changes for the HART transit system, and due deliberation having been had,

HEREBY ADOPTS

The proposed fares for the Huntington Area Rapid Transit as follows:

TRANSIT, SINGLE RIDES

Adult	\$2.25
Student ¹	\$1.25
Child ²	\$0.00
Elderly/Disabled/Medicare ³	\$0.75
Transfer	\$0.25

TRANSIT, MULTIPLE RIDES

10-Trip Ticket Book (Regular)	\$17.00
10-Trip Ticket Book (E/D/M) ³	\$6.00

PARATRANSIT, SINGLE RIDES

Client	\$4.00
Companion	\$4.00
Personal Care Attendant	\$0.00

¹ Grades K-12.

² 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)

³ 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.

2016- 530

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.

ENACTMENT: AMEND 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

Resolution for Town Board Meeting dated: November 10, 2016

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

And seconded by: **COUNCILMAN COOK**

WHEREAS, pursuant to Resolution No. 2014-614, the Dix Hills Water District and New Cingular Wireless PCS, LLC entered into a Land and Tower License Agreement dated February 5, 2015, for the installation, maintenance, and operation by New Cingular Wireless PCS, LLC of a communication facility at the Dix Hills Water District facility on Colby Drive (the "Colby Drive Facility"); and

WHEREAS, New Cingular Wireless PCS, LLC wishes to enter into an amendment to the Land and Tower License Agreement, to permit the relocation and reinstallation by it of its communications facility to another location at the Colby Drive Facility.

NOW, THEREFORE, BE IT

RESOLVED THAT, the Town Board having held a public hearing on the 19th day of October, 2016, at 6:00 p.m. and due deliberation having been had,

HEREBY AUTHORIZES the members of the Town Board to execute an amendment to the Land and Tower License Agreement dated February 5, 2015, made by and between the Dix Hills Water District and New Cingular Wireless PCS, LLC, 575 Morosgo Drive, Atlanta, Georgia, 30324, to permit the relocation and reinstallation by it of its communications facility to another location at the Dix Hills Water District facility on Colby Drive, and upon such terms and conditions as may be acceptable to the Town Attorney.

VOTE:	AYES: 3	NOES: 1	ABSENTIONS: 0
			RECUSALS: 1
Supervisor Frank P. Petrone			AYE
Councilwoman Susan A. Berland			NO
Councilman Eugene Cook			AYE
Councilman Mark A. Cuthbertson			AYE
Councilwoman Tracey A. Edwards			RECUSED

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-533

ENACTMENT: APPROVE THE ISSUANCE OF A CERTIFICATE OF APPROVAL
IN A HISTORIC DISTRICT
RE: 245 MAIN STREET, COLD SPRING HARBOR— COLD SPRING HARBOR
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: November 10, 2016

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

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD

HAVING HELD A PUBLIC HEARING on the 19th day of October, 2016, pursuant to Section 198, Article VI of the zoning code of the Town of Huntington, to consider the application of 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, bearing Suffolk County Tax Map #0400-016.00-07.00-09.002, and located in the Cold Spring Harbor Historic District; and upon all the information presented on the application at the public hearing and due deliberation having been had,

HEREBY APPROVES the aforesaid application of Rapid Commission Advance Com., Inc. for a Certificate of Approval.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016 - 534

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 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: November 10, 2016

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILWOMAN EDWARDS**

THE TOWN BOARD having held a public hearing on the 19th day of October, 2016 at
6:00 p.m. 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., and due deliberation having been had,

HEREBY ADOPTS

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 NO. 46 - 2016
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington,
Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows

2016 - 534

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.

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 - 534

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.

ENACTMENT: ADOPT 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: November 10, 2016

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the amendment of the Code of the Town of Huntington, Chapter 183 (Tow Trucks and Towing for Hire) is a Type II action pursuant to 6 N.Y.C.R.R., Section 617.5(c)(20) and (c)(27) and, therefore, no further SEQRA review is required; and

THE TOWN BOARD having held a public hearing on the 19th day of October, 2016 at 6:00 pm 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), and after due deliberation having been had,

HEREBY ADOPTS,

Local Law Introductory No. 46-2016, amending the Code of the Town of Huntington, Chapter 183 (TOW TRUCKS AND TOWING FOR HIRE), as follows:

LOCAL LAW NO. 47 -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.
 - (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.

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

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2016-536

ENACTMENT: REVOKE THE LICENSE AGREEMENT MADE WITH INTEGRITY GOLF COMPANY LLC, FOR THE OPERATION OF GOLF COURSE AND RELATED FACILITIES AT THE CRAB MEADOW AND DIX HILLS GOLF COURSES

Resolution for Town Board Meeting Dated: November 10, 2016

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, pursuant to Town Board Resolution Nos. 2014-551 and 2015-526, the Town of Huntington entered into a License Agreement dated December 26, 2014, and First Amendment to License Agreement dated as of January 1, 2015, with Integrity Golf Company LLC (“Integrity Golf”), to operate and manage golf course and food and beverage operations at the Crab Meadow Golf Course and operate and manage operations at the Dix Hills Golf Course in the Town of Huntington, New York; and

WHEREAS, pursuant to the aforementioned License Agreement and First Amendment, Integrity Golf undertook certain duties and obligations, including the collection and timely remittance of greens fees, the timely payment of licensing fees owed to the Town of Huntington, and a commitment to make annual capital improvements to the clubhouse and other facilities at both the Crab Meadow and Dix Hills golf courses; and

WHEREAS, the Town of Huntington has, as required by the License Agreement, served written notice of default on Integrity Golf requesting that deficiencies in its performance be cured and requesting information as to the requisite time for such curative action, however, Integrity Golf has failed to cure the defaults or to provide to the Town a plan that reasonably satisfies the Town’s concerns that deficiencies be cured; and

WHEREAS, the terms and provisions of the License Agreement provide that, in the case of a continued default by Integrity Golf following its receipt of a written notice of default, the Town of Huntington shall schedule a public hearing to consider the cause and reason for revocation of the License Agreement and the effective date thereof.

NOW, THEREFORE,

THE TOWN BOARD, having held a public hearing on the 10th day of November, 2016, to consider the cause and reason for revocation of the License Agreement and the effective date thereof

HEREBY AUTHORIZES revocation of the License Agreement dated December 26, 2014, and First Amendment to License Agreement dated as of January 1, 2015, made with Integrity Golf Company LLC, 14900 E. Orange Lake Blvd., Suite 397, Kissimmee, Florida 34747, for the operation and management of the golf course and food and

ENACTMENT: AUTHORIZES THE SUPERVISOR TO TERMINATE CERTAIN COVENANTS AND RESTRICTIONS AFFECTING TITLE TO THE NORTHRIDGE PROPERTY (SCTM: 0400-99-4-009)

Resolution for Town Board Meeting Dated: November 10, 2016

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, pursuant to Town Board Resolution No. 2004-257, by deed dated May 23, 2007 and recorded on June 13, 2007 in Liber 12509, Page 330, the Town of Huntington transferred to The Huntington Economic Development Corporation fee title to property located at Northridge Street and New York Avenue, Huntington, New York, SCTM 0400-099.00-04.00-009.000 (hereinafter, the "Northridge Premises"); and

WHEREAS, the aforementioned deed contained certain covenants and restrictions running with the land, including a reversionary interest in the Northridge Premises retained by the Town of Huntington; and

WHEREAS, the Town of Huntington and The Huntington Economic Development Corporation are presently contemplating the Town's exercise of its reversionary interest in the Northridge Premises, to best facilitate its redevelopment; and

WHEREAS, in connection with exercise of the Town of Huntington's reversionary interest in the Northridge Premises, the Town wishes to terminate the aforementioned covenants and restrictions affecting title to the Northridge Premises.

NOW, THEREFORE

THE TOWN BOARD, having held a public hearing on the 10th day of November, 2016, to consider the termination of certain covenants and restrictions; and

HEREBY AUTHORIZES the Supervisor, on behalf of the Town of Huntington, to terminate those covenants and restrictions stated in the deed dated May 23, 2007 and recorded on June 13, 2007 in Liber 12509, Page 330 for property located at Northridge Street and New York Avenue, Huntington, New York, SCTM 0400-099.00-04.00-009.000, 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.

2016-538

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 48 -2016 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

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

Resolution for Town Board Meeting dated: November 10, 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 further avoid potential obstruction on 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 7th day of December, 2016 at 7:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 48 -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. 48 -2016
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

*Branwood Ct., Branwood Dr., Suncrest Dr. – Dix Hills - Parking Restrictions – Public Hearing
Transportation & Traffic Safety/bt
11/9/2016 1:51 PM*

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>
DELETE:	Suncrest Drive/North From Winthrop Dr. to Branwood Dr. (DXL)	No Parking	8:00 a.m. to 1:00 p.m., school days
	Suncrest Drive/South From Branwood Dr. to Winthrop Dr. (DXL)	No Parking	8:00 a.m. to 1:00 p.m., school days
ADD:	Branwood Court/North From Branwood Dr. to its terminus (DXL)	No Parking	8:00 a.m. to 1:00 p.m., school days
	Branwood Court/South From its terminus to Branwood Dr. (DXL)	No Parking	8:00 a.m. to 1:00 p.m., school days
	Branwood Drive/North From 85 ft. north of Suncrest Dr. (south intersection) to 115 ft. east of Suncrest Dr. (north intersection) (DXL)	No Parking	8:00 a.m. to 1:00 p.m., school days
	Branwood Drive/South From Suncrest Dr. (north intersection) to Suncrest Dr. (south intersection) (DXL)	No Parking	8:00 a.m. to 1:00 p.m., school days
	Suncrest Drive/East From Winthrop Dr. to 150 ft. south of Branwood Dr. (north intersection) (DXL)	No Parking	8:00 a.m. to 1:00 p.m., school days

<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
Suncrest Drive/East From Branwood Dr. (north intersection) to 90 ft. south of Wolf Hill Rd. (DXL)	No Parking	8:00 a.m. to 1:00 p.m., school days
Suncrest Drive/West From 50 ft. south of Wolf Hill Rd. to 105 ft. north of Branwood Ct. (DXL)	No Parking	8:00 a.m. to 1:00 p.m., school days
From 150 ft. south of Branwood Ct. to Winthrop Dr. (DXL)	No Parking	8:00 a.m. to 1:00 p.m., school days

Section 2. Severability.

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

Section 3. Effective Date.

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2016-539

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO.49 -2016 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 124 (HOUSING STANDARDS AND PROPERTY MAINTENANCE)

Resolution for Town Board Meeting dated: November 10, 2016

The following resolution was offered by: Councilman Cook
Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, it is the intention of the Town Board pursuant to §130(16) of the Town Law, and §10(1)(ii)(a)(11) and (12), §10(1)(ii)(d)(3), §10(3)(b) and (4)(a) and (b) of the Municipal Home Rule Law and other applicable statutory authority to provide a mechanism by which the hazards created by unsafe and dilapidated buildings and dwellings may be remedied in a timely and efficient manner; and

WHEREAS, the Property Maintenance Code of the State of New York has recently been amended after several years, and is now part of the International Property Maintenance Code; and

WHEREAS, the Town Board wishes to update the property maintenance requirements of the Huntington Town Code in light of recent State-generated updates and existing case law; and

WHEREAS, it is the intention of the Board to balance the interests of property owners in receiving due process against the interest of the Town in enhancing the ability of town enforcement officers to safeguard the public and occupants from the hazards of unsafe and dangerous buildings, equipment, and properties that are determined to be unfit for human habitation; and

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

NOW, THEREFORE, THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 7th day of December, 2016, at 7:00 p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No.49 -2016 amending the Code of the Town of Huntington, Chapter 124 (Housing Standards and Property Maintenance); as follows:

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

LOCAL LAW INTRODUCTORY NO. 49-2016
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 124 (HOUSING STANDARDS AND PROPERTY MAINTENANCE)

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

CHAPTER 124
HOUSING STANDARDS AND PROPERTY MAINTENANCE

ARTICLE I
GENERAL PROVISIONS

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

* * *

CODE OFFICER - The Director of Engineering Services, Director of Public Safety, or his or her designee.

* * *

CONDEMN - To adjudge unfit for occupancy or habitation.

* * *

DWELLING UNIT - A single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, food preparation and/or sanitation. Cooking facilities shall include but shall not be limited to a stove, oven, hotplate, microwave or other similar device customarily used for cooking or preparation of food.

EQUIPMENT (BUILDING SYSTEM) - The term equipment includes but is not limited to any boiler, heating and plumbing equipment, elevator, moving stairway, electrical wiring or device, [and] flammable liquid containers or other equipment on the property or within the structure.

IMMINENT DANGER- A condition which [could cause serious or life-threatening injury or death at any time] constitutes a clear and imminent threat to the life, safety or welfare of persons, or a clear danger to property as set forth in this chapter.

* * *

INFESTATION - The presence, within or contiguous to, a structure or premises of insects, [rats] rodents, vermin or other pests.

* * *

OWNER- Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or any person recorded in the official records of the state, county or [municipality] town as holding title to the property; or person-in-charge or otherwise having control of the property, including the guardian of the estate of any such person, [and the] or duly appointed executor or administrator of the estate of such person [if ordered to take possession of real property by a court].

UNLAWFUL STRUCTURE- An unlawful structure is one found in whole or in part to be occupied by more persons than permitted, or was erected, altered or occupied contrary to law.

* * *

UNSAFE EQUIPMENT – [Unsafe equipment includes but is not limited to any boiler, heating and plumbing equipment, elevator, moving stairway, electrical wiring or device, and flammable liquid containers] equipment on the property or within the structure which is in such disrepair or condition that it is a hazard to the life, health, safety, [and] or welfare of the occupants of the property, the general public, or a hazard or threat to property.

* * *

ARTICLE XI
STRUCTURES UNFIT FOR HUMAN OCCUPANCY OR HABITATION

* * *

§124-55. Designation of unfit structures and dwelling units. Any structure, building, equipment, dwelling, dwelling unit, rooming house, or rooming unit may be condemned if, in the opinion of the Code Officer, it is unfit for human habitation or occupancy, [and may be placarded,] if any one or more of the following conditions exist:

- (A) The structure is unlawful as defined in this chapter.
- (B) The structure contains unsafe equipment, lacks illumination, ventilation, sanitation, heat or other facilities adequate to protect the health and safety of the occupants or the public.
- (C) The structure is damaged, decayed, dilapidated, unsanitary, unsafe or infested in such a manner as to create a hazard to the health and safety of the occupants or the public.

(D) The structure, because of the location, general conditions, state of the premises, number of occupants or other reason, is unsanitary, unsafe, dilapidated, overcrowded or for other reasons is detrimental to health and safety of the occupants or the general public.

(E) The structure, because of the failure of the owner, person-in-charge of the property, or occupant to comply with notices or orders issued by the Code Officer is unfit for human habitation or occupancy, or a hazard to the public.

(F) [u]Unfit for habitation or occupancy due to prolonged lack of maintenance or owner failure.

(G) [a]Any other condition which, in the opinion of the Code Officer, is dangerous or jeopardizes the health, welfare and safety of the general public or occupants.

§124-56. Report and Investigation. The Code Officer [or] and/or any consultant retained by the town may inspect a building, structure, dwelling, dwelling unit, rooming house or rooming unit, or any building system or equipment, in whole or in part, which, in his or her judgment, is or may become dangerous or unsafe for human habitation, or threatens the health, safety or welfare of the occupants or general public, or is hazardous to property, or is unlawful, and shall prepare a report of his or her findings. In the absence of a warrant duly issued by a court of law, nothing in this chapter, except in the case of an emergency, shall be deemed to authorize the Code Officer or consultant to conduct an inspection without the consent of the owner or person-in-charge of the property, if the building, structure, dwelling, dwelling unit, rooming house or rooming unit to be inspected is unoccupied, and if occupied, upon the consent of the occupant thereof or owner or person-in-charge of the property.

§ 124-57. Notice of intent.

(A) Whenever the Code Officer determines, based on an inspection by the Town and/or its consultant, that there exists a violation of this chapter, or a building, structure, dwelling, dwelling unit, rooming house or rooming unit is dangerous or unsafe for human habitation, or threatens the health, safety or welfare of the occupants or general public, or is hazardous to property, or is unlawful, or a building system or equipment is unsafe or hazardous, written notice shall be served by the Code Officer upon the property owner, his agent, [the occupant(s)] or person-in-charge of the property, or any person having a vested or contingent interest in the property as shown on the most current assessment roll of the Town Assessor or records maintained by the Receiver of Taxes, and the occupant directing the removal, remediation or abatement of the unsafe, unsanitary or hazardous condition by the date specified on the notice, and in the discretion of the Code Officer if circumstances warrant, notice that the occupants shall be removed and/or all entrances securely barricaded to prevent re-entry. Upon good cause shown to the satisfaction of the Code Officer, the period for compliance may be extended where remedial measures have

been started and the delay is not under the control of or due to the actions of the person to whom the notice has been issued.

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

- (1) A description of the property.
- (2) A description of the unsanitary, unsafe or hazardous condition, or the reason the structure is unlawful, or is in violation of the chapter.
- (3) A description of the remedial action which, if taken, will effectuate compliance with the notice.
- (4) A statement that the remediation or abatement must commence immediately upon receipt of the notice and completed within a specified date.
- (5) If determined by the Code Officer to be necessary, a [A] statement that the occupants be removed and/or all entrances barricaded to prevent re-entry by a specified date, if applicable.

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

(6) A statement that the owner, his agent, or person-in-charge of the property has the right to appeal the determination of the Code Officer by filing a written request for an appeal to the Department of Public Safety within twenty (20) days of receipt of such notice. The notice shall further state that all such appeals shall be accompanied by an administrative fee of one hundred and fifty (\$150) dollars, a statement setting forth the objections to the report, and copies of such documents the appellant deems relevant or necessary to the controversy.

(7) A statement that in the event of the failure or refusal of the person to whom the notice is issued to remedy the condition and/or if applicable, barricade and remove the occupants by the date on the notice or approved date of extension, or [appear for a fact-finding hearing,] to file an appeal within twenty (20) days of receipt of such notice, then in such event the notice shall automatically become a final order, and the Town may placard the structure, building, unit or equipment; [and the occupants ordered off the property] order the occupants off the property; barricade the entrances to prevent re-entry; and/or remedy all or part of the defective, dangerous, unsanitary, or unsafe condition, and charge all the direct and indirect costs of placarding, vacating and barricading the premises, remedying the

conditions, and disposing of the materials against the property if not paid within the time specified in accordance with the provisions of § 124-65.

(C) [(B)] Amendment, modification or withdrawal. The Code Officer may amend, modify or withdraw any notice issued if, in his or her judgment, the circumstances warrant such action provided the amended or modified notice is clearly marked as such and is served as provided in [(C)] (D) herein within five (5) business days of service of the original notice, and a hearing has not occurred. A notice may be withdrawn at any time for good cause.

(D) [(C)] Service of the notice. The notice shall be served either personally in accordance with the CPLR, or by registered or certified mail, return receipt requested and by regular mail, and addressed to the property owner at the last address shown on the most current assessment roll of the Town Assessor or records maintained by the Receiver of Taxes, or to the owner's agent or person-in-charge of the property 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 or records maintained by the Receiver of Taxes, and to the occupant by mailing the notice to the property address. If service is made by regular mail and by registered or certified mail, a copy of the notice shall be securely affixed in a conspicuous place upon the building[,] or structure, equipment, dwelling, dwelling unit, rooming house, or rooming unit which is the subject of the notice as access permits. If the mailing is returned for any reason, service shall be valid if mailed to the address set forth herein, as long as the notice has also been posted on the property.

§124-58. Final order.

(A) Grounds for a default. The notice of intent shall automatically become a final order if there is no compliance or compliance has not been achieved to the satisfaction of the Code Officer, or if there has been no request for an appeal within the period specified, or, if having requested an appeal, [and] there has been no appearance [before the Town Board or at the administrative] at the hearing by the person [to whom a notice has been issued] who has requested the appeal. The resulting order shall be served in the same manner as the original notice.

(B) Authority of Code Officer. In the event of a default as set forth in (A) above, the Code Officer shall post a placard on the property or, if applicable, on the defective equipment as access permits, and is authorized to take such other action as set forth in §124-57(B)(7).

§124-59. [Administrative] Hearing on appeal. If one is requested, an [An administrative] appeal 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.

(A) Town Board Action. The Town Board may consider the report of the inspection and evidence produced by the appellant, and accept or reject, in whole or in part, the findings and recommendations of the Code Officer or town consultant with or without conditions as it deems advisable. The Town Board shall render its findings and determination no later than the next regularly scheduled Town Board meeting following the [public] hearing and may make a determination on the same day as the hearing. Upon a finding that the building, structure, equipment, dwelling, dwelling unit, rooming house or rooming unit is or may become dangerous or unsafe for human habitation or occupancy, or is a hazard to the public safety or to property, or is an unlawful building or structure, the Town Board may condemn the structure and direct the owner, his agent, the occupant(s) or person-in-charge of the property, or any person having a vested or contingent interest in the property to vacate the occupants from the building or unit[,] and barricade the entrances to prevent re-entry if warranted by the circumstances, within the time specified by the Board [in the findings] until the hazardous or unsafe condition is rectified as directed, and upon the failure, neglect or refusal of such person(s) to comply, the Board may authorize the Code Officer to [re-]placard the building, structure, unit or equipment, order all occupants to vacate the premises and barricade the entrances to prevent re-entry, if warranted, and in addition, may order the code enforcement officer or other town agency or department to remedy the dangerous, unsanitary, or unsafe condition at the owner's own cost and expense. The town shall charge all costs incurred by the Town as set forth in this chapter. A copy of the Town Board resolution shall be mailed by the Town Attorney to the person(s) named in the original notice, or their attorney(s), if known, by regular mail and by registered or certified mail, return receipt requested, and shall 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. On the appeal, [The] the Hearing Officer [may] shall consider the evidence and submit his or her written determination accepting or rejecting, in whole or in part, the findings of the Code Officer and/or town consultant, with or without conditions as he or she deems advisable. [findings and recommendations to the Code Officer for ultimate determination.] A copy of the Administrative Hearing Officer's report shall be filed with the Town Clerk and served upon the appellant, or his attorney, if known, in the same manner as the Notice, [except that no posting shall be required if service is by regular, registered or certified mail]. The determination of the Hearing Officer shall be final as to the Town. [Such mailing shall include a statement that the recipient has five (5) days from receipt of the report to submit to the Director his written objections to the report. The Director shall consider the written objections and the Hearing Officer's report, and may adopt or reject, in whole or in part any portion thereof as he or she deems advisable or necessary under the circumstances.] Upon a finding that the building, structure, equipment, installation, dwelling, dwelling unit, rooming house or rooming unit is or may become dangerous or unsafe for human habitation or occupancy, or is a hazard to the public safety or to property, or is an unlawful building or structure, the [Code Officer] Hearing Officer may condemn the structure and direct the owner, his agent, the occupant(s) or person-in-charge of the property, or any person having a vested or contingent interest in the property to vacate the occupants[], from the building or unit and barricade the entrances to prevent re-entry if warranted by the circumstances, within

the time specified by the Hearing Officer until the hazardous or unsafe condition is rectified as directed, and upon the failure, neglect or refusal of such person(s) to comply, the Hearing Officer may authorize the Code Officer [may authorize] to placard the building, structure, unit or equipment [re-placarded], order all occupants to vacate the [premises] building or unit and barricade the entrances to prevent re-entry, if warranted, and in addition, may order the code enforcement officer or other town agency or department to remedy the dangerous, unsanitary, or unsafe condition at the owner's own cost and expense. The Town shall charge all costs incurred by the Town as set forth in this chapter. [The Code Officer's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the person(s) to whom the original notice was served by regular mail and by registered or certified mail, return receipt requested.]

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

§124-60. [Action upon noncompliance.] Reserved.

[Upon the failure, neglect or refusal of the owner, his agent, occupant, person-in-charge of the property, or person or business entity having a vested or contingent interest in the property to remove, remedy or abate the unsafe, unsanitary, or dangerous condition by the time specified, or to vacate the premises if directed; or if the Notice of Intent or final order is returned by the Post Office as undeliverable for any reason, as long as it was properly addressed, the Code Officer may re-placard the building, structure, equipment, installation, dwelling unit, rooming house or rooming unit, and take such action as is necessary to enforce the final order.]

§ 124-61. [Emergency work.] Emergencies.

[(A)] Notwithstanding any other provision of this chapter to the contrary, if, [If,] in the judgment of the Code Officer, an emergency exists as where there is imminent danger of failure or collapse of a structure, building, or equipment, which endangers life; or where there is actual or potential danger to the occupants of or to those in the proximity of any structure, building or equipment because of the existence of explosive fumes or vapors, or the presence of toxic fumes, gases or materials, or due to the operation of defective or dangerous equipment; or other imminent danger, condition or peril which is or may become dangerous or unsafe for human habitation or occupancy, or because of any reason set forth in §124-55 imminent danger is found to exist to life or property, [he may issue a verbal or written order to] the Code Officer may immediately placard the structure, building, unit or equipment in a conspicuous place, as access permits, and order the premises, or part thereof, immediately vacated and barricade any portion of the building to prevent re-entry, until the dangerous, unsafe or unsanitary condition is remedied to the satisfaction of the Town. In such event, the Town shall, within 48 hours,

serve written notice upon the owner, his agent, [occupant,] person-in-charge of the property, or person having a vested or contingent interest in the property that the building, unit or equipment has been placarded, the occupants have been removed and the entrances barricaded, as the case may be, and containing the additional information set forth in §124-57(A) and (B) of this chapter, including the right of the recipient to appeal the determination of the Code Officer. [to remedy the dangerous, unsanitary or hazardous condition to the satisfaction of the Code Officer within forty-eight (48) hours of service of the notice, or the condition shall be remedied by the Town without further notice, or the structure or equipment placarded and the occupants ordered off the property, if necessary, 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 or take other action 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 placard the property, remove the occupants and take whatever action is deemed necessary and proper to stabilize the emergency, and the costs assessed and levied in accordance with the provisions of this chapter.] The notice shall be served as set forth in §124-57(D), and shall include service on the occupant(s) if not previously removed from the premises. The notice shall become a final order in the event of a default pursuant to the provisions of §124-58.

[(B)] [Any person who resists, obstructs or impedes the agents, servants, officers or employees of the Town in the remediation, abatement, disposal or removal process shall be in violation of this chapter and shall be subject to the fines and penalties provided herein.]

§124-62. [Placement of placard. Whenever, in the judgement of the Code Officer, a structure, building, equipment or unit is unsafe or hazardous to life or property or has been condemned as unsafe, a placard may be posted in a conspicuous place in or about the structure, building, dwelling or unit, and if the notice pertains to equipment, it shall also be posted on the equipment.] Reserved.

§124-63. [Placard; prohibited] Prohibited acts.

(A) Impeding government action.

(1) Any person or business entity who resists, obstructs or impedes the agents, servants, officers or employees of the Town in the placement of placard(s) or the execution of the order to vacate or while they are barricading the entrances shall be deemed in violation of this article and shall be subject to the fines and penalties provided in this chapter.

(2) Any person who resists, obstructs or impedes the agents, servants, officers or employees of the Town in the remediation, abatement, disposal or removal process shall be in violation of this chapter and shall be subject to the fines and penalties provided herein.

(B) Occupancy or use. It shall be unlawful to occupy or allow any person to occupy any land, building, structure, or dwelling that has been placarded, or to operate or use, or allow another to operate or use placarded equipment except by written authorization of the Code Officer, or by the owner, person-in-charge or other authorized person to repair, remedy or abate the condition.

(C) Tampering and removal. It shall be unlawful to deface or remove any placard posted. Placards may be removed whenever the defect or condition has been eliminated to the satisfaction of the Code Officer.

(D) Unsafe structures. It shall be unlawful for any person to fail to maintain any building, structure, equipment, dwelling, dwelling unit, rooming house or rooming unit which, due to prolonged lack of maintenance, or by reason of its age and decayed or dilapidated condition, or for other reasons in the judgment of the code officer jeopardizes the health, welfare and safety of the occupant(s), surrounding properties, or the general public, or is hazardous to property. Any person who fails, neglects or refuses to maintain structures, buildings, equipment, dwelling, dwelling unit, rooming house or rooming unit in a safe and habitable condition shall be in violation of this chapter.

(E) Permitted activity. It shall be unlawful and a violation of this chapter for any person to deviate in any way from the activity permitted by the code officer pending resolution of the hazardous, unsafe or unsanitary condition, or to disobey a lawful order of the code officer.

§124-64. 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 the 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].

§ 124-65. Recovery of costs.

(A) The costs incurred by the Town shall be certified by the director of each town department providing services and the Town Attorney shall mail written notice of such costs by both regular mail and certified or registered mail, return receipt requested, to the owner, his agent, occupant, person-in-charge of the property, or person having a vested or contingent interest in the property to the last known address, or to the last address shown on the most current assessment roll maintained by the Town Assessor or to the property

address, as the case may be. The notice shall state that upon the failure to pay the amount certified within ten (10) days of receipt of the notice by cash, money order, or certified or bank check the amount will be added to the tax bill or other action will be taken without further notice. Nothing contained herein shall be construed to limit the Town's remedies or bar the commencement of an action to collect the debt in lieu of a tax lien.

(B) Tax lien. In the event the debt is not paid within the ten (10) day period, or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed as set forth above, such certification of costs shall be provided to the Tax Receiver who shall cause the costs as shown thereon to be charged against such lands without further notice. The amount so charged shall forthwith become a lien against such lands and shall be added to and become part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officer(s) and in the same manner as taxes.

§ 124-66. (Reserved)

§ 124-67. (Reserved)

* * *

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.

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 50 -2016 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 191 (UNSAFE AND DAMAGED BUILDINGS AND STRUCTURES)

Resolution for Town Board Meeting dated: November 10, 2016

The following resolution was offered by: Councilman Cook
Councilwoman Berland

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, it is the intention of the Town Board pursuant to §130(16) of the Town Law, and §10(1)(ii)(a)(11) and (12), §10(1)(ii)(d)(3), §10(3)(b) and (4)(a) and (b) of the Municipal Home Rule Law and other applicable statutory authority to provide a mechanism by which the blight and hazards created by collapsed, unsafe and dilapidated buildings and structures may be remedied in a timely and efficient manner; and

WHEREAS, it is the intention of the Board to update the Code in light of recent State-generated updates and existing caselaw; and

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

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the **7th** day of December, 2016 at **7** p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. **50** -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 INTRODUCTORY NO. 50 -2016
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 191, (UNSAFE AND DAMAGED BUILDINGS AND STRUCTURES)

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

* * *

§191-04. Unsafe Buildings, Structures, Staging and Equipment. For the purpose of this chapter, a building, staging, structure, or equipment may be deemed unsafe, hazardous, unsanitary, [or] dilapidated, or unfit for human habitation or occupancy if, upon inspection, any of the following apply:

* * *

§ 191-05. Report and Investigation.

The code officer and/or any consultant retained by the town may inspect any building, staging, equipment or structure which, in his or her opinion, is or may become dangerous or unsafe, or threatens the health, safety or welfare of the occupants or general public, or is a hazard to property, and shall prepare a report of his or her findings. The report shall contain a report or affidavit from the Department of Engineering. In the absence of a warrant duly issued by a court of law, nothing in this chapter, except in the case of an emergency, shall be deemed to authorize the code officer and/or consultant to conduct an inspection without the consent of the owner or person-in-charge of the property, if the building or structure, or part thereof, to be inspected is unoccupied, and if occupied, upon the consent of the occupant thereof or owner or person-in-charge of the property.

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

- (A) Whenever the code officer determines, based on an inspection by the Town and/or its consultant, that there exists a violation of this chapter, or a building or structure is dangerous or unsafe for human habitation or occupancy, or threatens the health, safety or welfare of the occupants or general public, or is a hazard to the public or to property, or the staging or equipment is unsafe or hazardous, [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, along with the occupant(s), and any mortgagees and/or lienholders shown on a title report, directing the removal, remediation or abatement of the unsafe, unsanitary, hazardous or dangerous condition by the date specified on the notice, and in the discretion of the code officer, if circumstances warrant, notice that the occupant(s) shall be removed and/or all entrances securely barricaded to prevent re-entry. [Such period] The period for compliance 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:

* * *

- (3) A description of the manner in which the building, staging, equipment or structure is to be secured or repaired, or demolished and removed.

* * *

- (5) If determined by the code officer to be necessary, a statement that the occupant(s) be removed and/or all entrances barricaded to prevent re-entry by a specified date, if applicable.

[(5)](6)A statement that in the event of the failure or refusal of the person to whom the notice is issued to bring the property into compliance by the date on the notice or approved date of extension, or to comply with the order to remove the occupants and barricade the entrances, a 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 prepared of the inspection [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, or demolish and remove the building, staging, structure or equipment, or, if applicable, placard the building, staging, structure or equipment, and, if deemed necessary, remove the occupant(s) and barricade the entrances to prevent re-entry.

[(6)](7)A statement that in the event of his failure or refusal to remedy the condition, or, if applicable, barricade the entrances and remove the occupants by the date on the notice or approved date of extension, or appear at the hearing, then in such event, the notice shall automatically become a final order, and the building, staging, structure or equipment [will] may be secured or repaired, or demolished and removed by the Town, and/or placarded, and if deemed necessary and not demolished, all occupants removed and the entrances barricaded. [and the costs and expenses thereof assessed against the land or the person responsible.] The Town shall charge all the direct and indirect costs and expenses of placarding, vacating and barricading the premises, remedying the conditions, securing the property and disposing of the materials against the property, if not paid within the time specified in accordance with the provisions of this chapter.

(C) Amendment, modification or withdrawal. The code officer may amend, modify or withdraw any notice issued if, in his judgment, the circumstances warrant such action provided the amended or modified notice is clearly marked as such and is served as provided in (D) herein within five (5) business days of service of the

original notice, and a hearing has not occurred. A notice may be withdrawn at any time for good cause.

- (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 by regular mail, 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 or person-in-charge of the property 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 to the occupant(s) by mailing the notice to the property address, and any mortgagees and/or lienholders shown on a title report. If service is made by regular mail and by registered or certified mail, a copy of the notice shall be securely affixed in a conspicuous place upon the building, staging or structure which is the subject of the notice and if the notice pertains to equipment, it shall also be posted on the equipment, as access permits. If the mailing is returned for any reason, service shall be valid if mailed to the address set forth herein, as long as the notice has also been posted on the property.

* * *

§ 191-09. Hearing. A 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 of the inspection and evidence produced by the property owner or other person appearing at the hearing, and accept or reject, in whole or in part, the findings and recommendations of the code officer and/or town consultant, 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, or a hazard to the public or to property, or is unfit for human habitation or occupancy, 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, or direct that the occupant(s) be removed, and the entrances barricaded to prevent re-entry 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 [Town] code officer or other 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] secure or repair, or demolish and remove the building, staging, equipment or structure, and if warranted, direct that the property be placarded, the

occupant(s) be removed, and the entrances barricaded to prevent re-entry. The Town shall charge all costs incurred by the Town as set forth in this chapter. A copy of the Town Board resolution shall be mailed by the Town Attorney to the person(s) named in the original notice, or their attorney(s), if known, 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 report of the inspection and evidence produced by the property owner or other person appearing at the hearing, and accept or reject, in whole or in part, the findings and recommendations of the code officer and/or town consultant, with or without conditions as [it] he or she deems advisable, and shall submit his or her findings and recommendations to the [Director] Town Board for ultimate determination. 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. A copy of the Hearing Officer's report shall be mailed by the Town Attorney to the person(s) named in the original notice, or to their attorney(s), if known, by regular mail and by registered or certified mail, return receipt requested. Written notice of the date and time when the Town Board will consider the Hearing Officer's report shall be mailed to the person(s) named in the original notice, or to their attorney(s), if known, either along with the copy of the Hearing Officer's Report or under separate cover and mailed in the same manner at least twenty (20) days prior to the meeting date of the Board. The Town Board shall consider the Hearing Officer's report, and may adopt or reject, in whole or in part, any portion thereof as 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, or a hazard to the public or to property, or is unfit for human habitation or occupancy, the 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, or direct that the occupant(s) be removed, and the entrances barricaded to prevent re-entry within the time specified in the resolution, and upon the failure, neglect or refusal of such person(s) to comply, may authorize the [Town] code officer or other 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.] secure or repair, or demolish and remove the building, staging, equipment or structure, and if warranted, direct that the property be placarded, the occupant(s) removed, and the entrances barricaded to prevent re-entry. The Town shall charge all costs incurred by the Town as set forth in this chapter. 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, or their attorney(s), if known 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 [fact finding] hearing the person to whom a notice has been issued shall be entitled to be represented by legal counsel and provided with an opportunity to be heard. He may present the testimony of witnesses, experts and other evidence in his own behalf as he deems necessary and relevant to the subject matter of the hearing. All hearings shall be recorded.

§191-10. Action upon noncompliance.

[(A)] Upon the failure, neglect or refusal of the owner, his agent, occupant, person-in-charge of the property, or person having a vested or contingent interest in the property to remove, remedy or abate the unsafe, unsanitary or dangerous condition, or to take such other required action within the specified period of time; or if there has been no appearance at the hearing, or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly posted on the property and addressed as set forth in this chapter, Town personnel may enter the property, upon reasonable notice, and secure or repair, demolish or remove the building, staging, equipment or structure, or to abate the hazard, or to placard the property, remove the occupants and barricade the entrances to prevent re-entry, at the expense of the property owner, his agent, the occupant(s), or person-in-charge of the property as set forth herein.

[(B)] [Impeding government action. Any person who resists, obstructs or impedes the agents, servants, officers or employees of the Town in the remediation, abatement, disposal or removal process shall be in violation of this article and shall be subject to the fines and penalties provided herein.]

* * *

§191-12. Recovery of costs.

* * *

(B) Tax lien. In the event the debt is not paid within the ten (10) day period, or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed as set forth in (A) herein, such certification of costs shall be provided to the Tax Receiver who shall cause the costs as shown thereon to be charged against such lands without further notice. The amount so charged shall forthwith become a lien against such lands and shall be added to and become part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officer(s) and in the same manner as taxes.

§191-13. [Emergency work.] Emergencies.

- [(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) 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.]
- [(B)] [Any person who resists, obstructs or impedes the agents, servants, officers or employees of the Town in the remediation, abatement, disposal or removal process shall be in violation of this article and shall be subject to the fines and penalties provided herein.]
- (A) Notwithstanding any other provision of this chapter to the contrary, if, in the judgment of the code officer, an emergency exists as where there is imminent danger of failure or collapse of a structure, building, staging or equipment, which endangers life; or where there is actual or potential danger to the occupants of or to those in the proximity of any structure, building, staging or equipment because of the existence of explosive fumes or vapors, or the presence of toxic fumes, gases or materials, or due to the operation of defective or dangerous equipment; or other imminent danger, condition or peril which is or may become dangerous or unsafe for human habitation or occupancy, or because of any reason set forth in §191-04 imminent danger is found to exist to life or property, the code officer may immediately placard the structure, building, staging, or equipment, as applicable, in a conspicuous place, and order the premises, or part thereof, immediately vacated and barricade any portion of thereof to prevent re-entry, until the dangerous, unsafe or unsanitary condition is remedied to the satisfaction of the Town. In such event, the Town shall, within 48 hours, serve written notice upon the owner, his agent, person-in-charge of the property, or person having a vested or contingent interest in the property, and any known mortgagees and/or lienholders, that the building, staging structure or equipment has been placarded, the occupants have been removed and the entrances barricaded, as the case may be, and containing the additional information set forth in §191-06(B) of this

chapter, including the right of the recipient to appear for a hearing to challenge the determination of the code officer. Said notice shall be served as set forth in §191-06(D) except that only those mortgagees and/or lienholders that are known to the Town shall be notified since no title report is required under the circumstances, and if the occupant(s) have not been removed, notice shall be given to the occupant(s). Said notice shall become a final order in the event of a default pursuant to the provisions of §191-10.

§191-14. [Reserved.] Prohibited acts.

(A) Impeding government action.

(1) Any person or business entity who resists, obstructs or impedes the agents, servants, officers or employees of the Town in the placement of placard(s) or the execution of an order to vacate or while they are barricading the entrances shall be deemed in violation of this chapter and shall be subject to the fines and penalties provided herein.

(2) Any person who resists, obstructs or impedes the agents, servants, officers or employees of the Town in the remediation, abatement, disposal or removal process shall be deemed in violation of this chapter and shall be subject to the fines and penalties provided herein.

(B) Occupancy or use. It shall be unlawful to occupy or allow any person to occupy any land, building, structure, or dwelling that has been placarded, or to operate or use, or allow another to operate or use placarded equipment except by written authorization of the code officer, or by the owner, person-in-charge or other authorized person to repair, remedy or abate the condition.

(C) Tampering and removal. It shall be unlawful to deface or remove any placard posted. Placards may be removed whenever the defect or condition has been eliminated to the satisfaction of the code officer.

(D) Unsafe structures. It shall be unlawful for any person to fail to maintain any building, structure, staging or equipment, which, due to prolonged lack of maintenance, or by reason of its age and decayed or dilapidated condition, or for other reasons in the judgment of the code officer jeopardizes the health, welfare and safety of the occupant(s), surrounding properties, or the general public, or is hazardous to property. Any person who fails, neglects or refuses to maintain structures, buildings, staging, or equipment in a safe and habitable condition shall be in violation of this chapter.

(E) Permitted activity. It shall be unlawful and a violation of this chapter for any person to deviate in any way from the activity permitted by the code officer pending resolution of the hazardous, unsafe or unsanitary condition, or to disobey a lawful order of the code officer.

* * *

Section 2. Severability.

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

Section 3. Effective Date.

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

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.