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

Deputy Town Clerk Stacy H. Colamussi
Town Attorney Cindy Elan-Mangano

AGENDA FOR TOWN BOARD MEETING DATED AUGUST 16, 2016

COMMUNITY DEVELOPMENT AGENCY MEETING FOLLOWING

Opened: 4:31 P.M. Closed: 4:32 P.M.

2:00 P.M. – TOWN HALL

Opened: 2:03 P.M. Closed: 4:31 P.M.

(Resolutions #2016-368 to 2016-413)

HEARINGS: ACTION

1. Consider authorizing various actions be taken upon certain properties designated as Blighted in accordance with Chapter 156, Article VII, §156-60 (Blighted Property). SCTM #'S: 0400-232.00-01.00-006.001; 0400-103.00-03.00-007.000; 0400-231.00-01.00-025.007; 0400-145.00-01.00-084.000)

(2016-M-44) Scheduled as per Resolution 2016-360 at 7-12-2016 Town Board Meeting

2. Consider awarding a license agreement to operate a pro shop service at

2. Consider awarding a license agreement to operate a pro shop service at Dix Hills Park Twin Ice Rinks. (**Re: Cozzi Sports; term 5 years**) (2016-M-45)

Scheduled as per Resolution 2016-361 at 7-12-2016 Town Board Meeting

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

(Local Law Introductory No. 33-2016)

Scheduled as per Resolution 2016-362 at 7-12-2016 Town Board Meeting

ACTIONS TAKEN
AS PER

RESOLUTION 2016-405

ENACTMENT RESOLUTION 2016-404

DECISION RESERVED

HEARINGS (Continued):

ACTION

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

(Local Law Introductory No. 34-2016)

Scheduled as per Resolution 2016-363 at 7-12-2016 Town Board Meeting

5. Consider adopting Local Law Introductory No. 35-2016, amending the Code of the Town of Huntington, Chapter 191 (Unsafe and Damaged Buildings and Structures).

(Local Law Introductory No. 35-2016)

Scheduled as per Resolution 2016-364 at 7-12-2016 Town Board Meeting

6. Consider adopting Local Law Introductory No. 36-2016, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions), Article IV (Commercial Districts), Article V (Industrial Districts), Article VII (Off-Street Parking), Article XI (Conditional Uses; Supplementary Regulations).

(Local Law Introductory No. 36-2016)

Scheduled as per Resolution 2016-365 at 7-12-2016 Town Board Meeting

7. Consider adopting Local Law Introductory No. 38-2016, considering Zone Change Application #2016-ZM-422, Platt's Park Avenue LLC II, to change the zoning from R-15 Residence District to C-1 Office-Residence District for property located on the east corner of East Main Street and Park Avenue, Huntington, SCTM # 0400-073-02-(001,003.002, 003.003). (Local Law Introductory No. 38-2016)

Scheduled as per Resolution 2016-367 at 7-12-2016 Town Board Meeting

DECISION RESERVED

DECISION RESERVED

DECISION RESERVED

DECISION RESERVED

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			
2016-368.	AUTHORIZE the Supervisor to execute a contract for the South Parking Garage Elevator Rehabilitation-elevator work with Alliance Elevator Company DBA United Elevator. (Contract period 12 months from the date of execution)		<u>MC</u>	5_
2016-369.	AUTHORIZE the Supervisor to execute a contract for the South Parking Garage Elevator Rehabilitation-general construction and electrical work with Benchmark Construction Group, Inc. (Contract period 12 months from the date of execution)		<u>MC</u>	_5_
2016-370.	<u>MC</u>	EC	_5_	
2016-371.	AUTHORIZE the Supervisor to execute an extension to the traffic signal maintenance and requirements contract with Johnson Electrical Construction Corp. (Extension effective for one year commencing 11/1/2016)	<u>SB</u>	<u>EC</u>	5
2016-372.	AUTHORIZE the Supervisor to execute a license agreement with the Centerport Fire Department for the use of the Centerport Beach facilities for a BBQ Cook-Off & Country Concert Event. (Re: Date: 9/24/2016; Time: 6:00 AM – 6:00 PM)	<u>FP</u>	<u>SB</u>	5_
2016-373.	AUTHORIZE the Supervisor to execute agreements with the Suffolk County Youth Bureau for the provision of various youth services through the Youth Bureau's Comprehensive Youth Service Plan for 2016 nunc pro tunc. (Period: 1/1/2016-12/31/2016)	<u>SB</u>	EC TE	5_
2016-374.	AUTHORIZE the Supervisor to execute an agreement with Labor Educational and Community Services Agency, Inc. (LECSA), for an employee assistance program nunc pro tunc. (Period: 7/1/2016-6/30/2018)	<u>FP</u>	<u>SB</u>	5
2016-375.	AUTHORIZE the Supervisor to execute various agreements for the continuation of a Youth Court Program for the 2015-2016 Academic Year. (Re: Harborfields Central School District Huntington Union Free School District, South Huntington Union Free School District and Northport-East Northport Union Free School District)	<u>MC</u>	<u>EC</u>	5_
2016-376.	AUTHORIZE the Supervisor to enter into a Memorandum of	TAID.	CD	=

Understanding with the Greater Long Island Clean Cities Coalition.

<u>FP SB 5</u>

	MEETING DATED: AUGUST 16, 2016			
RESOLUT	TIONS:	OFF.	SEC.	VOTE
2016-377.	AUTHORIZE the Supervisor to accept a donation from the Junior Welfare League of Huntington to the Department of Parks and Recreation for various 2016 Summer Programs.	SB MC	EC	5
2016-378.	AUTHORIZE the Supervisor to apply for and receive funding from the Alzheimer's Foundation of America (AFA) for the provision of brain gymclasses to enhance the Adult Day Care Program nunc pro tunc. (Period: 1/1/2017-12/31/2017)		<u>EC</u>	_5_
2016-379.	AUTHORIZE the Supervisor to submit an application for and receive grant funding from the Local Initiatives Support Corporation pursuant to the "Zombie" and vacant properties remediation and prevention initiative of New York State Attorney General Eric T. Schneiderman.		ТЕ <u>ЕС</u>	_5_
2016-380.	AUTHORIZE the execution of an extension to the requirements contract for distribution system maintenance, installation and emergency services with Alessio Pipe and Construction Co., Inc. (Re: Dix Hills Water District; Period: 1 year effective 11/1/2016)		<u>SB</u>	_5_
2016-381.	AUTHORIZE the Department of General Services to demolish the second structure located behind the main dwelling at 163 1 st Avenue Huntington Station, New York 11746 (SCTM No. 0400-145.00-01.00-020.000). (Re: Jose Vasquez; Index #HUC 9184-11)		FP	5_
2016-382.	AUTHORIZE the Huntington Township Chamber of Commerce to hold the Long Island Fall Festival at Huntington events and authorizing the Supervisor to execute a license agreement in conjunction with same. (Re 10/7/2016-5:00 PM to 11:00 PM; 10/8/2016-11:00Am-11:00PM; 10/9/2016-11:00 AM-11:00 PM 10/10/16-11:00 AM-5:00 PM)) :	SB EC	_5_
2016-383.	AUTHORIZE the establishment of a special fee of \$35 for participants in the Lenney Peters Junior Golf Tournament at the Crab Meadow Golf Course August 30, 2016.		<u>EC</u>	_5_
2016-384.	AUTHORIZE sale by public auction of a Buffalo Head in the collection of the Heckscher Museum, with auction proceeds being restricted for acquisition of new collection objects.		<u>EC</u>	5_

2016-385.	AUTHORIZE the correction of code violations at various locations			
	pursuant to the Code of the Town of Huntington. (N. Ericksen/S. Craft, 3 Irving Place, Greenlawn, SCTM#0400-166.00-03.00-047.000, Chapter 133; S. Propper, 36 Stuyvesant Street, Huntington, SCTM#0400-161.00-03.00-095.000, Chapters 133, 156; T./ P. Dockery, Kenmore Place, Dix Hills, SCTM# 0400-280.00-07.00-022.000, Chapters 133, 156; A./J. Woodward, 150 Chaffey Court, Dix Hills, SCTM #0400-275.00-02.00-134.000, Chapters 133, 156 [sections 45+46], 191; A./R. Carter, 48 E Rogues Path, Huntington Station, SCTM#0400-154.00-02.00-043.000, Chapter 133; J./M. Puca, 1 Briarwood Drive, Huntington, SCTM#0400-092.00-02.00-004.000, Chapter 156; C./A. Herrington, 54 Glen-na Little Trail, Huntington, SCTM#0400-025.00-01.00-045.000, Chapter 156[45+46]; JP Morgan Chase Bank, National Association C/O Industry Consulting Group, Inc., 501 Walt Whitman Road, Melville, SCTM#0400-233.00-03.00-052.000, Chapter 156; M. Brown, 162 Brooklyn Ave, Huntington, SCTM#0400-160.00-04.00-007.000, Chapter 156; B. Chambers(L/E)/T. Chambers, 15 Lantern Street, Huntington, SCTM#0400-158.00-04.00-061.000, Chapter 156; R. Rosier, 38 W 11 th St, Huntington Station, CCTM#0400-280.00-05.00-023.000, Chapter 156; R. Rosier, 38 W 11 th St, Huntington Station,	CD	EC	5
	SCTM#0400-142.00-02.00-020.000, Chapter 191)	<u>SB</u>	<u>EC</u>	5
2016-386.	AUTHORIZE the Comptroller to amend the 2016 Operating Budget for the Town of Huntington and its special districts – various departments.	<u>MC</u>	<u>TE</u>	5
2016-387.	AUTHORIZE the Comptroller to appropriate monies from the Environmental Open Space and Park Improvement Fund for recommended Green Project (NYSERDA NY Prize Community Grid Competition Stage 2). (Re: Department of Transportation & Traffic Safety/Division of Conservation; Huntington Potential Critical Infrastructure Complex Microgrid)	<u>FP</u>	<u>MC</u>	
2016-388.	AUTHORIZE the Comptroller to amend the 2016 Operating and Capital Budget for the Town of Huntington and its special districts –Dix Hills Water District.	<u>SB</u>	<u>FP</u>	_5_
2016-389.	AUTHORIZE the Comptroller to accept Long Island Pride Festival stage rental payments and amend the 2016 Operating Budget for the Town of Huntington and its special districts – band concerts- nunc pro tunc.	<u>FP</u>	<u>SB</u>	5
2016-390.	ACCEPT donations from various individuals, merchants and businesses Re: National Night Out Against Crime, nunc pro tunc. (Re: August 2, 2016 at Manor Field Park; Donors: Suffolk County Police Department, Huntington Station Business Improvement District, Huntington Manor Fire Department, Coca-Cola, Target Stores, Huntington High School, Robert/Janet Serrao, Wendy Parr Creative Advertising Concepts, D&J Refreshments, Inc. and Mac Bounce, LLC)	<u>FP</u>	EC	5_
2016-391.	AMEND Resolution No. 2002-600 and authorizing the Comptroller to amend the 2016 Operating Budget for the Town of Huntington and its Special Districts.	FP	SB TE	5
2016-392.	ADOPT the Marina Contract for Winter Wet Storage at Town Marinas.	SB	EC	5
2016-393.	AMEND Town Board Resolution 2015-517 scheduling regular meetings of the Town Board of the Town of Huntington for the Year 2016.			
	(Re: September meeting changed from 9/13/2016 at 7:00 PM to 9/27/2016 at 7:00 PM)	<u>FP</u>	<u>SB</u>	5

RESOLUT	TIONS:	OFF.	SEC.	VOTE
2016-394.	DECLARE certain equipment and vehicles as surplus and/or obsolete and authorizes the sale at auction, trade in or disposal of the same.	SB EC	<u>FP</u>	5
2016-395.	DESIGNATE professional engineering and surveying firms for the Town of Huntington. (Re: Nelson & Pope, L.K. McLean Associates, P.C., Sidney B. Bowne & Son, LLP, B. Thayer Associates, Greenman-Pedersen, Inc., H2M architects + engineers, LiRO Engineers, Inc., Savik & Murray, Lockwood, Kessler & Bartlett, Inc. and Prime Engineering, P.C.)		<u>SB</u>	5_
2016-396.	REAPPOINT a member to the Town of Huntington Board of Assessment Review. (Re: Gary V. Hamilton term expires 9/30/2021)	TE EC	<u>FP</u>	_5_
2016-397.	REAPPOINT members to the Public Art Advisory Committee and designating a Chairperson. (Re: Robert Carter, Linda Furey, Caitlin Sempowich-terms expire 9/10/2019 and designate Chairperson Janine Seifert –term expires 9/10/2017)	SB EC	<u>FP</u>	5
2016-398.	RESCIND Town Board Resolution 2016-217 authorizing the Supervisor to execute a contract for the Crab Meadow Beach Pavilion Flat Roof Waterproofing with Outer-County Construction Corp.		<u>EC</u>	_5_
2016-399.	ENACTMENT: AUTHORIZE the Supervisor to execute a license agreement with Crown Castle NG East, LLC and authorizing the settlement of a claim. (Term: 10 years)	<u>FP</u>	EC	FP-AYE EC-AYE SB-AYE MC-AYE TE-RECUSAL
2016-400.	ENACTMENT: ADOPT Local Law Introductory Number 22-2016, considering Zone Change Application #2015-ZM-411, Seamus Coyle-114 Prime Ave, to change the zoning from I-4 Light Industry District to R-5 Residence District for property located on the east side of Prime Avenue, north of New York Avenue, Huntington, SCTM #0400-071-02-083.	<u>MC</u>	EC	MC-AYE EC-AYE FP-AYE TE-AYE SB-ABST
2016-401.	ENACTMENT: ADOPT Local Law Introductory Number 27-2016 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G. Re: Morris Avenue – Huntington – Stop Signs.		<u>TE</u>	_5_
2016-402.	ENACTMENT: ADOPT Local Law Introductory No. 28-2016 amending the Code of the Town of Huntington, Chapter 78 (Animals).	<u>MC</u>	<u>FP</u>	_5_
2016-403.	ENACTMENT: ADOPT Local Law Introductory Number 29-2016 amending the Code of the Town of Huntington, Chapter 159 (Recreational Facilities), Article I (Definitions), §159-1 (Definitions and Article II, (Use Regulations and Restrictions), §159-20 (Behavior and Conduct).		<u>TE</u>	_5_

	MEETING DATED: AUGUST 10, 2010			
RESOLUT	TIONS:	OFF.	SEC.	VOTE
2016-404.	ENACTMENT: GRANT a license agreement to operate a pro shop service at Dix Hills Park Twin Ice Rinks with Cozzi Sports, Inc. (Period: 5 years commencing upon contract execution)	<u>SB</u>	FP EC	5
2016-405.	AUTHORIZE appropriate action(s) in accordance with Huntington Town Code Chapter 156 Property Maintenance; Nuisances, Article VII, Blighted Property, §156-67, action by Town Board for failure to comply or abate violations. (Re: Schedule A & B: W. Edmonds, 90 Greenlawn Road, Huntington, SCTM#0400-103.00-03.00-007.000; M./M. Gladstein, 168 Chichester Road, Huntington, SCTM#0400-231.300-01.00 025.007; Huntington Manor Lionsc/o M. Vita, E. 12 th Street, Huntington, SCTM#0400-145.00-01.00 084.000; Schedule D: A./I. Jacinto, 4 Knox Place, Dix Hills, SCTAM#0400-252.00-03.00-085.000; A./I. Soto/ Y. Batsikas, 75 Alton Avenue, Greenlawn, SCTM#0400-162.00-03.00-049.000; K. Madison, 8' Wells Road, Northport, SCTM#0400-114.00-03.00-087.000; D./A. Crocini, 131 E. 2 nd Street, Huntington Station, SCTM#0400-147.00-04.00-034.000; W./J. Hergenhan, 185 W. Pulaski Rd, Huntington Station, SCTM#0400-138.00-03.00-023.000)	1 - - - - - - - 7	FP EC	
2016-406.	SCHEDULE A PUBLIC HEARING: September 27, 2016 at 7:00 PM To consider authorizing various actions be taken upon certain properties designated as blighted in accordance with Chapter 156, Article VII, §156-60 (Blighted Property). (Re: Schedule A: P. Casey, 5 Bay Place, Huntington, SCTM#0400-033.00-01.00-011.000; R./D. Wilk, 6 Swarthmore Lane, Dix Hills, SCTM#0400-215.00-01.00-094.000; J./V. Michta, 14 W. 10 th Street, Huntington Station, SCTM#0400-142.00-03.00-013.000; F./D Hughes, 295 E. Main Street, Centerport, SCTM#0400-041.00-05.00-018.000; Chuck Hollow, Inc., 1381-1387 Pulaski Road, E. Northport, SCTM#0400-127.00-01.00-065.001)	- - -	EC	_5_
2016-407.	SCHEDULE A PUBLIC COMMENT PERIOD on a proposed application for Federal Capital Assistance for the Huntington Area Rapid Transit (HART) System.		<u>EC</u>	5
2016-408.	SCHEDULE A PUBLIC HEARING: September 27, 2016 at 7:00 PM To consider adopting Local Law Introductory No. 39-2016, amending the Code of the Town of Huntington, Chapter 4 (Appearance Tickets), Section 4-1 (Authorization for Issuance) and adding Section 4-2 (Fingerprinting Requirement & Convictions).	1	<u>EC</u>	5
2016-409.	SCHEDULE A PUBLIC HEARING: September 27, 2016 at 7:00 PM To consider adopting Local Law Introductory No. 40-2016, amending the Code of the Town of Huntington, Chapter 55, Section 55-3 (Organization and Section 55-4 (General Powers and Duties) Re: Park Rangers.		<u>EC</u>	_5_
2016-410.	SCHEDULE A PUBLIC HEARING: September 27, 2016 at 7:00 PM To consider adopting Local Law Introductory No. 41-2016 amending the Uniform Traffic Code of the Town of Huntington, Chapter 5, §5-1 Schedule M. Re: View Acre Drive – Halesite – Truck Exclusion.		<u>FP</u>	5

RESOLUT	TIONS:	OFF.	SEC.	VOTE
2016-411.	SCHEDULE A PUBLIC HEARING: September 27, 2016 at 7:00 PM To consider adopting Local Law Introductory Number 42-2016 considering application #2016-ZM-419, Whitman 881-I, LLC, to rescin the Declaration of Covenants and Restrictions for the property located of the west side of Walt Whitman Road, south of Fletcher Place, West Hills SCTM #0400-229-01-022.	5, d n	<u>MC</u>	_5_
2016-412.	AUTHORIZE the Settlement of a Lawsuit (Wenger Construction Co Inc. v. Town of Huntington). (Re: Dix Hills Park Ice Rink Facility)	., <u>FP</u>	<u>EC</u>	5
2016-413.	SCHEDULE A PUBLIC HEARING: September 27, 2016 at 7:00 PM To consider adopting Local Law Introductory No. 43-2016, authorizing override of the tax levy limit established in General Municipal Law §3-c.	g	<u>MC</u>	5

AGENDA FOR BOARD OF TRUSTEES' MEETING DATED: AUGUST 16, 2016

RESULUTIONS:	OFF.	SEC.	VOIE
2016-BT			
2010-В1			

AGENDA FOR COMMUNITY DEVELOPMENT AGENCY MEETING DATED: AUGUST 16, 2016

RESOLUTIONS:	OFF.	SEC.	VOTE
2016-CD4. AUTHORIZE the Chairman to execute an agreement with Long Island Housing Services, Inc. nunc pro tunc. (Period: 4/1/2016-3/31/2017)	EC	FP SB	5
2016-CD5. AUTHORIZE the Chairman to execute an agreement with Family Service League for a Home Share Program, nunc pro tunc. (Period: 4/1/2016-3/31/2017)	EC	<u>SB</u>	5_
2016-CD6. AUTHORIZE the Chairman of the Community Development Agency to execute an agreement with Reach CYA, Inc. nunc pro tunc. (Re: Millennium Hills; Period: 4/1/2016-3/31/2017)	MC <u>SB</u>	<u>TE</u>	<u>5</u>

INFORMATIONAL SHEET FOR: TOWN BOARD, BOARD OF TRUSTEES' AND COMMUNITY DEVELOPMENT **MEETING DATED: AUGUST 16, 2016**

COMMUNICATION DISTRIBUTION

1. Letters received Certified Mail – Initial Application for Liquor Licenses: Supervisor A) From: Martha Redo for Shake Shack (849 Walt Whitman Rd, Melville) Town Board B) From: Patrick DeLuca for Tropical Café (319 Broadway, Huntington Station) Town Attorney C) From: Mark Estrella Migliaccia for Peoples Pub Inc (1972 Jericho Tpke, ENpt) **Public Safety** D) From: Patrick DeLuca for Corp to be formed (24 Clinton Avenue, Huntington) Fire Inspector

> **Engineering Services** Planning & Environment cc: Sewage Treatment Facility

> > Supervisor

2. Letters received Certified Mail – Renewal for Liquor Licenses:

A) From: Mr. Rhu (?) for 7-11 (1999 New York Avenue, Huntington Station)

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

3. Emails/letters submitted in opposition of the Change of Zone Application #2015-ZM-414, Supervisor (Brightview) from: A) Alfred Heyden B) Lloyd Landow C) Renee Novotny (2emails) Town Board D) Susan Solane E) Debra Servinskas F) Robert Rampolla G) Seth Eisen H)Alan Pfeffer Town Attorney I) Joel Hershkin J) Ellen/Stephen Greenberg K) Tracy Kleinberg L) Frank/Ruth Bolz **Engineering Services** M) Joel/Donna Schaeffer N) Gail/Gerald Jospa O) Cheryl Rampolla P) Allen Fritz cc: Planning & Development

Q) Robert Salzer R) Maryclaire Salzer S) Sonali/Mathew Tharakan T) Nanci Leifer

U) Sue Hausner V) Jay Bender W) Jill/Ronald Kaufman X) Andrew/Olga Leo Y) Sheri Vishnick

Z) Lawrence Doyle AA) Susan/Rob Gochman BB) Suk Hyeon Yun/Jie Piao CC) Catherine Giuffré (2 emails) DD) Rita Hudes EE) Susan Geiger FF) Marsha Wand GG) Carl Wand HH) Bernadette Rizzo (rescinded prior support)

4. Emails/letters submitted **in support** of the proposed Brightview project from:

A) Dr.& Mrs.Segal B) Richard Kitt C) Mark Fitzgerald

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

5. Email received from Ron Daniels in support of banning smoking on athletic fields in the Supervisor Councilpersons: Berland, Cuthbertson, Edwards Town of Huntington. (ccd Councilman Cook)

> Town Attorney cc: Parks & Recreation

6. Copy of a Public Notice received from Gail Devol, Village Administrator for Huntington Bay. A Zoning Board of Appeals meeting will be held on 7/21/2016 at 7:30 PM regarding property located at 352 Bay Avenue.

Supervisor Town Board Town Attorney

cc: Planning & Environment

7. Letter received from Edward Flynn, District Treasurer of the Melville Fire District. A copy of the Financial statements and Independent CPA Auditors' Report was attached.

Supervisor Town Board Town Attorney cc: Comptroller

8. Letter received from Susan Mullen, Clerk to the Smithtown Zoning Board of Appeals regarding a hearing for property located at 38 Field View Drive in Fort Salonga. This property is within 500 feet of the Town of Huntington boundary.

s Town Board
Town Attorney
cc: Planning & Environment

Supervisor

9. Email received from Huntington CALM advising that Australia is doing away with gas leaf blowers. (ccd Supervisor/Councilpersons)

Town Attorney cc: Planning & Environment

10. Email received from James Cameron, President of the Elwood Taxpayers Association requesting that the board vote in favor of the proposed amendment to Horizons 2020 for the application by Syndicated Venture 2013-ZM-397. The communication also mentions that the developer has been having meetings with the community to answer any questions regarding the project. (ccd Supervisor/Councilpersons)

Town Attorney
Engineering Services
cc: Planning & Environment

11. Emails received from the following in support of the Villadom project: A) Rebecca/ Joshua Marcus B) Irene Calanese C) Tom/Annemarie Savage D) Kimberley Cameron E) Vince Polese F) Agapi Bell G) Heather Mammolito H) Mary Jane/Samuel Mackey

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

12. Email received from Laura DiGrande, on behalf of the North Dix Hills Civic Association. Attached was a copy of the speech she was going to give at July 12th meeting, on behalf of the Association, in opposition to the proposed Brightview project.

on. Town Attorney
f Engineering Services
cc: Planning & Environment

13. Emails forwarded by Gail Jospa regarding changing the Public Hearing date for the Brightview project zone change to a nighttime meeting in September as many of the residents wish to attend but either have to work or are on vacation. She is requesting that these previously submitted emails be made part of the record. Emails received from: A) Gail Jospa B) Renee Novotny C) Rita Bender D) Lisa Bloomstein (ccd Supervisor/Councilpersons)

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

14. Email received in opposition of the Villadom project from: A) David Benson B) Linda Louis C) Chris Ceasar

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

15. Email received from mail@changemail.org regarding an online petition entitled, "Jo-Ann Raia: Stop Change of Zoning and Assisted Living Facility in Dix Hills" A)100 signatures – 7/20/2016

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

16. Letter received from Bonnie Sammis, District Secretary/Treasurer for the Halesite Fire District, regarding the resignation of Wayne Jeno from the Board of Fire Commissioners effective immediately. The Board appointed Jefrey Schondebare as a replacement until the next election.

Supervisor
Town Board
cc: Town Attorney

17. Letter from Anthony Guardino, Partner at Farrell Fritz, was hand delivered to the Town Clerk's Office, the Supervisor's Office, to each Councilperson and to Anthony Aloisio, the Director of Planning. The letter and all attachments were in support of the Change of Zone application #2015-ZM-414, Brightview Senior Living.

Town Attorney cc: Engineering Services

18. Hand delivered on July 22, 2016 by Gail Jospa, various documents, including petitions, Town Attorney in opposition to the proposed zone change 2015-ZM-414, Brightview. Packets were **Engineering Services** submitted for the Supervisor, Town Board members and the Town Clerk. cc: Planning & Environment

18**B**. Hand delivered on July 22, 2016 by Gail Jospa, one copy of the list of names that signed the online petition in opposition of the proposed Brightview project.

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

19. Letter received from Vincent Puleo, Smithtown Town Clerk, regarding a Public Hearing to be held on 8/9/2016 for an amendment to Chapter 322 Zoning-Outdoor Storage.

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

20. Email received from Laura DiGrande regarding the Comprehensive Plan amendment for Syndicated Ventures LLC Zone Change, northeast corner of Jericho Turnpike and Manor Road. Attached was a letter from the North Dix Hills Civic Association in response to a communication received by VHB Engineering. The letter was signed by the Board of Directors, L. Jospa Bloomstein, L. DiGrande and P. Schwartz.

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

21. Email received from Jeannette Salvito regarding the Public Hearing on the new Dog Laws.

Supervisor Town Board Town Attorney cc: Public Safety

22. Email received with a letter attached from Andrew Kaplan, Vice President of the Manor Plains Civic Association, regarding the proposed amendment to permit the Villadom Mall. The Association objects to this proposal. (ccd Supervisor/Town Board)

Town Attorney **Engineering Services** cc: Planning & Environment

23. Email received from Andrew Kaplan and Joseph Fusaro, former Trustees of the Elwood Board of Education, advising that they will be submitting a response to the submission of VHB as it pertains to the Villadom proposal. B) Letter regarding aforementioned received from Joseph Fusaro and Andrew Kaplan explaining their opposition to the Villadom project. (ccd Supervisor/Councilpersons)

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

24. Email received from Jane Irving regarding Pickle Park. The writer included a copy of an Councilpersons:Berland email sent to the Harborfields Board of Education and would like to know what the plan is to refurbish or upgrade the park. Pictures were also included. (ccd Supervisor/Councilman Cuthbertson)

Cook Edwards Town Attorney

cc: Parks & Recreation

- 25. A) Letter received from Sharon Whelan, District Clerk for the Harborfields Central School District, listing the names of various officials for the 2016-2017 school year. Supervisor B) Letter received from Beth Nystrom, District Clerk for the Northport-East Northport Union Town Board Free School District, listing the names of various officials for the 2016-2017 school year. cc: Town Attorney
- 26. Emails received from James McGoldrick A) regarding the need in Huntington Station for additional police presence B) the need for additional street lighting in Huntington Station. (ccd: Supervisor/Town Board/Traffic & Transportation) C) Email requesting a meeting with community officials D) Email requesting additional patrols, security in Huntington Station E) Email regarding stealing license plates and requesting additional lighting F) Email received regarding Town Attorney a hit and run in Huntington Station. G) Email received regarding car break ins and the need for Public Safety more patrols in the neighborhood. cc: Traffic & Transportation

27. Email received from James Cameron, President of the Elwood Taxpayers Association, thanking Supervisor Petrone for meeting with them. The email indicates the association supports the Villadom project as it currently exists; if any type of housing was involved the support would be withdrawn. Additional reasons for project support are mentioned.

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

28. Email received from Andrew Kaplan attached was an article written by Joseph Fusaro that was published in the Long Island Business News and titled "Orchard plan won't boost school profit". The article references the proposed Villadom project. (ccd Supervisor/ Councilpersons.)

Town Attorney **Engineering Services** cc: Planning & Environment

29. Letter received from Susan Mullen, Clerk to the Smithtown Zoning Board of Appeals, regarding property located within 500 feet of the Town of Huntington boarder. The project is Steel Forest LLC located at 500 Commack Road, Commack.

Supervisor Town Board Town Attorney cc: Planning & Environment

30. Letter hand delivered by Andrew Levitt, Esq, as representative of a number of residents that oppose zone change #2015-ZM-414, located on Deer Park Road in Dix Hills. Attached were numerous exhibits reinforcing their position. Mr Levitt hand delivered copies to the Supervisor, Town Board members and the Town Clerk. Three additional copies were supplied to the Town Clerk's Office for distribution and were hand delivered 7/28/16. cc: Planning & Environment

Supervisor Town Board Town Attorney **Engineering Services**

31. Emails received . requesting support of the proposed budget increase in 2017 for the YDA from A) Joseph Dragone, member of the Board of Directors of Y D A B) Tom Berger C) Amy Buffone D) Rhonda Navon E) Jane Evancie F) Susan Rizzo-Fitzgerald

Supervisor Town Board cc: Town Attorney

- G) Erica Conte H) June Margolin[Huntington Matters]; I) Mary Carr-McCreight
- J) Rod Miller, Director, YDA K) Bob Slingo (A, B, C, E, G, H ccd Supervisor/Councilpersons; J, K ccd Supervisor)
- L) Douglas Viviani, President, YDA Board of Directors
- 32. Letter/protest petition, hand delivered by Andrew Levitt, to the Supervisor, Town Board members and Town Clerk on July 29, 2016. Mr. Levitt represents residents that are opposed to the zone change for property located on Deer Park Road in Dix Hills. Attached was a protest petition; his clients obtained signatures of 20% of the residents who are adjacent to the Subject Premises and 20% of the signatures of the residents that are directly opposite of the Subject Premises. The letter indicates that in accordance with Town Law, the Town Board is required to obtain four affirmative votes in order to approve Brightview Senior Living's application for a change of zone from the R-40 to R-HS zoning district.

Town Attorney **Engineering Services** cc: Planning & Environment

33. Notification received on August 2, 2016, hand delivered by Chris Voulgaris and signed by Nicholas Divico and Kelly Divico indicating as owners of 20% or more of the area of land immediately adjacent to the proposed change of zone application #2016-ZM-422, Platt's Park Avenue, LLC II, they are protesting this change of zone.

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

34. Notification received on August 1, 2016, from Gail Devol, Huntington Bay Village Administrator, advising of a Zoning Board of Appeals hearing to be held on July 27, 2016 at 7:30 PM regarding property located at 352 Bay Avenue.

Supervisor Town Board Town Attorney cc: Planning & Environment

35. Emails received regarding speeding and alcohol on Melville Road from Mark Kerns B) Brendan Forte. Attached was a picture of a liquor bottle in the road. (ccd: Supervisor/Town Board/Public Safety Traffic&Transportation).

cc: Town Attorney

36. Public Notice received from Gail Devol, Administrator for the Village of Huntington Bay, advising of a public hearing to be held on August 8, 2016 at 7:30 pm regarding properties located at Bay Avenue, 10 Wincoma Drive and 30 Bay Crest.

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

37. Email received from Mary McGoldrick regarding the need for more police patrols Town Attorney

in Huntington Station. (ccd: Supervisor/Councilpersons)

cc: Public Safety

38. Email received from Huntington CALM advising that Tappan, New Jersey is now addressing the issue of gas powered equipment and they are requesting that the Town of Huntington due the same. (ccd Supervisor/Councilpersons)

Town Attorney cc: Public Safety

Supervisor

Town Board

Town Attorney

Engineering Services

39. Letter hand delivered by Loretta Guglielmino on August 8, 2016 regarding the Change of Zone application for Platt's property located at 25A East Main Street and Park Avenue. Her concerns regarding this zone change are listed in her letter. B) Emailed received from Brett/Danielle Berrie expressing their concerns regarding the development of Old Platt's Tayern. C) Email from Tom DiGiacomo in opposition to the Platt Property redevelopment D) Email from Dr. Susan Fishbein and Andrea Ortof in opposition to Platt's Tavern cc: Planning & Environment development project.

40. Letter received from Andrew Freleng, Chief Planner for Suffolk County Department of Economic Development and Planning, regarding Town of Huntington resolutions #2016-364, 2016-365 and 2016-367. The Commission has indicated that these are matters for local determination and should not be construed as an approval or disapproval.

Supervisor Town Board Town Attorney **Engineering Services**

cc: Planning & Environment

41. Letter received from Michael Kane, Chairman of the Town of Babylon Zoning Board of Appeals, regarding a hearing to be held for property located within 500 of the Town of Huntington border. The property is located at 31 Brooklyn Street in Deer Park. Attached were copies of the application, copy of the legal notice, property owners endorsement, a short environmental assessment form, maps and addresses of property owners within 200' that were notified of the hearing.

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

42. Letter from John Condon, President of John Condon Realty, Inc, hand delivered, regarding Building Permit procedures. Mr. Condon has questions regarding "pre-app meetings" and "fast track" process.

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

Supervisor

43. Email received from Tom DiGiacomo in support of the site at 233 Main Street for historical designation. (ccd Supervisor/Councilpersons)

Town Attorney Historian **Engineering Services** cc: Planning & Environment

44. Email sent from Nick DiVico, attached was a letter from Nick & Kelly DiVico, explaining Supervisor their objection to the rezoning of property located at the corner of Main Street and Park Town Board Avenue in Huntington. Also attached was an online petition in opposition to commercial Town Attorney development of the Platt's Tavern site located at the corner of Park Avenue and East **Engineering Services** Main Street. Petition indicates there are 658 signatures. cc: Planning & Environment

45. Email received from Joanne Walsh, in support of changes to the Town Code regarding blighted properties. The email also mentions a bamboo issue in the yard behind her home.

Supervisor Town Board Town Attorney cc: Public Safety 46. Emails submitted regarding concerns with a blighted property located at 6 Swathmore Lane in Dix Hills from: A) Joyce Sammis B) Donald McRae C) Nicholas Partenza

Supervisor
Town Board
Town Attorney
cc: Public Safety

47. Letter received from Peter Hans, Principal Planner for the Town of Smithtown, regarding a site plan application for property located at the southeast corner of Pulaski Road and Townline Road in Kings Park. The Town of Smithtown has approved this application subject to certain conditions.

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

48. Letter received from Denise Rossi, Controller of the Commack Volunteer Ambulance Corps. attached was a copy of the projected budget for 2017. They are requesting a meeting with the Town to discuss an increase from the districts.

Supervisor
Town Board
Town Attorney
cc: Comptroller

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE SOUTH PARKING GARAGE ELEVATOR REHABILITATION – ELEVATOR WORK WITH ALLIANCE ELEVATOR COMPANY DBA UNITEC ELEVATOR

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: COUNCILMAN COOK

and seconded by: COUNCILMAN CUTHBERTSON

WHEREAS, the South Parking Garage Elevator Rehabilitation "EL" (Elevator Work Contract) requires work to remove existing elevator cab, supply and install new 4500-lb three stop elevator, install poured epoxy elevator floor, provide and install new elevator power unit (oil pumping and control mechanisms), miscellaneous wiring, piping, and controls, final testing, inspection, and cleaning; and

WHEREAS, sealed bids were received on June 16, 2016, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the South Parking Garage Elevator Rehabilitation – Elevator Work, Contract No. TTHB 2016-02R Contract 'EL' and the same were opened publicly and read aloud; and

WHEREAS, Alliance Elevator Company DBA Unitec Elevator, 97-20 99th Street, Ozone Park, New York 11416 is the lowest responsive, responsible bidder; and

WHEREAS, the South Parking Garage Elevator Rehabilitation - Elevator Work is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(2), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Alliance Elevator Company DBA Unitec Elevator for the South Parking Garage Elevator Rehabilitation — Elevator Work. The contract period shall be effective upon the execution of the contract for a period of twelve (12) months, for an amount not to exceed the sum of TWO HUNDRED THIRTY SIX THOUSAND SEVEN HUNDRED AND NO/100 (\$ 236,700.00) DOLLARS, to be charged to EG5997-FB503-2102, TT5797-2102–GT044, TT5797-2102-GT045, and authorizes the Director of Transportation and Traffic Safety to execute change orders with an aggregate value up to 10% of the project costs and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:	AYES:	5	NOES:	0		ABSTENTIONS:	0
Supervisor Fran	nk P. Petro	ne			AYE		
Councilwoman	Susan A.	Berla	and		AYE		
Councilman Eu	igene Cool	ζ.			AYE		
Councilman M	ark A. Cut		AYE				
Councilwoman	Tracey A.	Edv	vards		AYE		

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE SOUTH PARKING GARAGE ELEVATOR REHABILITATION – GENERAL CONSTRUCTION AND ELECTRICAL WORK WITH BENCHMARK CONSTRUCTION GROUP, INC.

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: COUNCILMAN COOK

and seconded by: COUNCILMAN CUTHBERTSON

WHEREAS, the South Parking Garage Elevator Rehabilitation "G" (General Contract) requires the following work to be done: asbestos sampling and testing, miscellaneous wood blocking, demolishing of existing elevator shaft roof, installation of new elevator shaft roof, installation of flashings and sealants, exterior shaft scraping and painting, electrical work; and

WHEREAS, sealed bids were received on June 16, 2016, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the South Parking Garage Elevator Rehabilitation General Construction and Electrical Work Contract No. TTHB 2016-01R Contract 'G' and the same were opened publicly and read aloud; and

WHEREAS, Benchmark Construction Group, Inc., 250 Post Avenue, Suite #3, Westbury, New York 11590 is the lowest responsive, responsible bidder; and

WHEREAS, the South Parking Garage Elevator Rehabilitation General Construction and Electrical Work is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(2), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Benchmark Construction Group, Inc. for the South Parking Garage Elevator Rehabilitation General Construction and Electrical Work. The contract period shall be effective upon the execution of the contract for a period of twelve (12) months, for an amount not to exceed the sum of ONE HUNDRED EIGHTY FOUR THOUSAND AND NO/100 (\$184,000.00) DOLLARS, to be charged to EG5997-FB503-2102, TT5797-2102-GT044, TT5797-2102-GT045, and authorizes the Director of Transportation and Traffic Safety to execute change orders with an aggregate value up to 10% of the project costs and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AY	ÆS:	5	NOES:	0	ABSTENTIONS: ()
Supervisor Frank F			1	AYE		
Councilwoman Sus			ıd	AYE		
Councilman Eugen				AYE		
Councilman Mark	A. Cutl	hbertse	on	AYE		
Councilwoman Tra	acey A.	Edwa	rds	AYE		

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR STREETLIGHTING AND ELECTRICAL WORK WITH ANKER'S ELECTRIC SERVICE, INC.

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: COUNCILMAN CUTHBERTSON

and seconded by: COUNCILMAN COOK

WHEREAS, the Town of Huntington is in need of hiring a qualified contractor to perform various electrical work and streetscaping projects which may include the installation and service of decorative lights, conduit, service risers, sidewalk, bricks, curbs, detectable warning units, and driveway aprons. Additionally, this contract may be utilized to provide new 600 Amp and 800 Amp services to public parks and various electrical amenities, providing power to comfort stations, decorative lighting, parking lot lighting, primary power, switchgear with transformers, and sports lighting. This contract is also utilized by the Town for small power connections to various facilities and new power connections to new or existing buildings; and

WHEREAS, Town Board Resolution 2013-421 authorized the execution of a contract with Anker's Electric Service, Inc. for the 2013 requirements contract for streetlighting and electrical work, Contract No. ES 2013-02/O-E and Town Board Resolution 2015-354 awarded the first one (1) year extension; and

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

WHEREAS, Anker's Electric Service, Inc., 10 South 5th Street, Locust Valley, New York 11560 has requested the second (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Anker's Electric Service, Inc. for the requirements contract for streetlighting and electrical work. The extension period shall be effective for one (1) year commencing on November 1, 2016 to be charged to those budgets required to implement the work, on an as needed basis and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:	AYES: 5	NOES:	0	ABSTENTIONS: 0
	rank P. Petrone an Susan A. Be		AYE AYE	
	Eugene Cook		AYE	
Councilman 1	Mark A. Cuthb	ertson		AYE
Councilwom	an Tracey A. E	dwards		AYE

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE TRAFFIC SIGNAL MAINTENANCE AND REQUIREMENTS CONTRACT WITH JOHNSON ELECTRICAL CONSTRUCTION CORP.

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: COUNCILWOMAN BERLAND

and seconded by: COUNCILMAN COOK

WHEREAS, the Town of Huntington utilizes an outside contractor to provide maintenance for the town's traffic signals. The traffic signal maintenance and requirements contract is for all traffic signals which includes all electrically operated traffic control devices and associated equipment under the jurisdiction of the Town of Huntington. The Contractor shall furnish all transportation, labor, materials, supplies, equipment, tools and appurtenances necessary to ensure that the Town's traffic signals are maintained in good working order; and

WHEREAS, Town Board Resolution 2014-483 authorized the execution of a contract with Johnson Electrical Construction Corp. for traffic signal maintenance and requirements contract for the Town of Huntington, New York, Contract No. TTTS 2014-01 and Town Board Resolution 2015-352 awarded the first one (1) year extension; and

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

WHEREAS, Johnson Electrical Construction Corp., 263 Caleb's Path, Hauppauge, New York 11788 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 an extension to the requirements contract, and any documents in connection and related therewith, with Johnson Electrical Construction Corp. for traffic signal maintenance and requirements contract for the Town of Huntington, New York. The extension period shall be effective for one (1) year commencing on November 1, 2016 to be charged to those budgets required to implement the work, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:	AYES:	5	NOES:	0	ABSTENTIONS: 0
Supervisor Fran				AYE	
Councilwoman Councilman Eu				AYE AYE	
Councilman Ma	_		1	AYE	
Councilwoman	Tracey A.	Edward	ls	AYE	

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH THE CENTERPORT FIRE DEPARTMENT FOR THE USE OF THE CENTERPORT BEACH FACILITIES FOR A BBQ COOK-OFF & COUNTRY CONCERT EVENT

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: SUPERVISOR PETRONE

and seconded by: COUNCILWOMAN BERLAND

WHEREAS, the Centerport Fire Department will be hosting a BBQ Cook-Off & Country Concert event on September 24, 2016; and

WHEREAS, such event will include a BBQ Cook-Off Contest, Live Music, Food and Beverages, Vendors and other activities, and

WHEREAS, the Centerport Fire Department has requested permission from the Town of Huntington to utilize the Town of Huntington Centerport Beach facilities for such BBQ Cook-Off & Country Concert event from 6:00 a.m. until 6:00 p.m. on Saturday, September 24, 2016; and

WHEREAS, such permission to utilize said Town of Huntington property for the event is contingent upon the execution of a license agreement, which includes provisions requiring the Centerport Fire Department to hold harmless, defend and indemnify the Town of Huntington; the submission and approval of required insurance documents in a form satisfactory to the Town Attorney; the issuance, by the Town Clerk, of a permit pursuant to Chapter 91 of the Huntington Town Code (Carnivals, Circuses, Fairs and Amusement Events); the issuance, by the Department of Parks and Recreation of any and all required permits; the issuance of any and all requisite New York State Liquor Authority Permits; the issuance of any and all requisite Suffolk County Department of Health Services Permits; and the issuance of all required approvals and/or permits from any other Town department and/or other agency having jurisdiction; 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)(15), (20), (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 Centerport Fire Department, 9 Park Circle, Centerport, New York 11721, to utilize the Town of Huntington Centerport Beach Facilities for its BBQ Cook-Off & Country Concert event on from 6:00 a.m. until 6:00 p.m. on Saturday, September 24, 2016, with

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such authorization and permission being subject to: 1) the execution of a license agreement, by an authorized representative of the Centerport Fire Department, including provisions requiring the Centerport Fire Department to hold harmless, defend and indemnify the Town of Huntington; 2) the submission and approval of required insurance documents in a form satisfactory to the Town Attorney; 3) the issuance, by the Huntington Town Clerk, of a valid permit pursuant to Chapter 91 of the Huntington Town Code (Carnivals, Circuses, Fairs and Amusement Events); 4) the issuance, by the Department of Parks and Recreation of any and all required permits; 5) the issuance of any and all requisite New York State Liquor Authority Permits; 6) the issuance of any and all requisite Suffolk County Department of Health Services Permits; and 7) the issuance of all required approvals and/or permits from any other Town department and/or other agency having jurisdiction and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:	AYES:	5	NOES:	U	ABSTENTIONS: 0
Supervisor Frank Councilwoman S Councilman Eug Councilman Mar Councilwoman	Susan A. Be ene Cook k A. Cuthb	erland ertson		AYE AYE AYE AYE	

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AGREEMENTS WITH THE SUFFOLK COUNTY YOUTH BUREAU FOR THE PROVISION OF VARIOUS YOUTH SERVICES THROUGH THE YOUTH BUREAU'S COMPREHENSIVE YOUTH SERVICE PLAN FOR 2016 NUNC PRO TUNC

Resolution for the Town Board Meeting dated: August 16, 2016

The following resolution was offered by: COUNCILWOMAN BERLAND

and seconded by: COUNCILMAN COOK, COUNCILWOMAN EDWARDS

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 Suffolk County Youth Bureau desires to fund various components of the Town of Huntington Youth Bureau Comprehensive Youth Service Plan. These include: REACH CYA, Sanctuary's STILS and Family Social Worker, Tri-Community and Youth Agency, Project EXCEL, Contract Management, and FACILE Project; and

WHEREAS, the Town of Huntington Youth Bureau is eligible to receive funding from Suffolk County Youth Bureau for programs covered under the Comprehensive Youth Services Plan in the amount of ONE THOUSAND FIFTY-SEVEN TWO HUNDRED SIXTY TWO AND NO/100 (\$157,262.00) DOLLARS for the period commencing January 1, 2016 and ending December 31, 2016; and

WHEREAS, this funding will allow the Town of Huntington Youth Bureau to continue to provide services through various youth programs; and

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

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

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NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute agreements and any documents in connection and related therewith with the Suffolk County Youth Bureau to obtain funds for various programs under the Town of Huntington Youth Bureau in an amount not to exceed the total sum of ONE THOUSAND FIFTY-SEVEN TWO HUNDRED SIXTY TWO AND NO/100 (\$157,262.00) DOLLARS for the period commencing January 1, 2016 and ending December 31, 2016 to be recorded in Operating Budget Revenue Item A383 nunc pro tunc; and UPON SUCH OTHER TERMS AND CONDITIONS AS MAY BE ACCEPTABLE TO THE TOWN ATTORNEY.

VOTE: AYES:	5 NOES:	o ABSTENTIONS:	0
Supervisor Frank P. Pet	AYE		
Councilwoman Susan A	A. Berland	AYE	
Councilman Eugene Co	AYE		
Councilman Mark A. C	AYE		
Councilwoman Tracey	AYE		

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH LABOR EDUCATIONAL AND COMMUNITY SERVICES AGENCY, INC. (LECSA), FOR AN EMPLOYEE ASSISTANCE PROGRAM NUNC PRO TUNC

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND

WHEREAS, an employee assistance program gives the Town and its employees a means of handling and treating personal problems of employees which are adversely affecting their job performance; and

WHEREAS, by addressing and treating employees problems which cause poor productivity and excessive absenteeism, the program will save the Town expensive overtime costs, health insurance expense and workers compensation expenses; and

WHEREAS, this service has been provided by Labor Educational and Community Services Agency, Inc., pursuant to an agreement since 1987; and

WHEREAS, a service agreement for an employees assistance program is not an action as defined by 6 N.Y.C.R.R §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with Labor Educational and Community Services Agency, Inc., 390 Rabro Drive, Hauppauge, New York 11788 nunc pro tunc to provide an employee assistance program for the period July 1, 2016 through June 30, 2018, for a sum of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS to be charged to budget items A1989.4180, B1989.4180, DB1989.4180, SR1989.4180, SS11989.4180 & SW11989.4180.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank Councilwoman St Councilman Euge Councilman Mark Councilwoman Tr	usan A. Berland ne Cook A. Cuthbertson	AYE AYE AYE AYE AYE	

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RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE VARIOUS AGREEMENTS FOR THE CONTINUATION OF A YOUTH COURT PROGRAM FOR THE 2015-2016 ACADEMIC YEAR

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Councilman Cuthbertson

And seconded by: COUNCILMAN COOK

WHEREAS, the Town of Huntington and Harborfields High School, Huntington High School, Walt Whitman High School, and Northport High School desire to continue a Youth Court Program through the Youth Bureau for the academic year commencing September 2016 and continuing through August 2017; and

WHEREAS, the Town, by its lawfully constituted Town Board, hereby agrees to allocate staffing and necessary resources for the Town's Youth Court Program; and

WHEREAS, the continuation of the Youth Court Program is contingent upon each participating school district entering into an agreement with the Town of Huntington; and

WHEREAS, due to the unique nature of the Youth Court Program, the Town of Huntington waives the requirement of insurance; and

WHEREAS, the execution of an agreement 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 BE IT RESOLVED

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute agreements with the following school districts:

Harborfields central School District 2 Oldfield Road Greenlawn, New York 11740

Huntington Union Free School District 50 Tower Street Huntington Station, New York 11746

South Huntington Union Free School District 60 Weston Street Huntington Station, New York 11746

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Northport-East Northport Union Free School District 110 Elwood Road Northport, New York 11768

for the continuation of a Youth Court Program for the academic year commencing September 2016 and continuing through August 2017, and on such other terms and conditions as may be acceptable to the Town Attorney.

Supervisor Frank P. Petrone Councilwoman Susan A. Berlan Councilman Eugene Cook Councilman Mark A. Cuthbertso Councilwoman Tracey A. Edwa	

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE GREATER LONG ISLAND CLEAN CITIES COALITION

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND

WHEREAS, the Greater Long Island Clean Cities Coalition (GLICCC) carries out the objectives of the United States Department of Energy (DOE) Clean Cities program by awarding grant funding for the purchase of alternative fuel vehicles; and

WHEREAS, GLICCC has awarded the Town's Department of Environmental Waste Management grant funds on two separate occasions totaling \$530,000.00 to achieve these objectives, and based on this relationship has deemed the Town a stakeholder; and

WHEREAS, the Town as part of its ongoing energy conservation and air quality mitigation strategy wishes to continue it relationship with GLICCC and be a viable candidate for future grant funds for the purchase of alternative fuel vehicles; and

WHEREAS, GLICCC requires an executed Memorandum of Understanding (MOU) annually from all stakeholders in order for those stakeholders to be eligible for future funding; and

WHEREAS, executing this MOU is continuing agency administration and 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 enter into a Memorandum of Understanding with the Greater Long Island Clean Cities Coalition and to execute any documents in connection therewith, upon such terms and conditions as are acceptable to the Town Attorney.

VOIE:	AYES:	5	NOES:	0	ABSTENTIONS: 0
Supervisor Frank Councilwoman S Councilman Euge Councilman Mar Councilwoman T	usan A. Be ene Cook k A. Cuthb	erland ertson		AYE AYE AYE AYE	
			_		

RESOLUTION AUTHORIZING THE SUPERVISOR TO ACCEPT A DONATION FROM THE JUNIOR WELFARE LEAGUE OF HUNTINGTON TO THE DEPARTMENT OF PARKS AND RECREATION FOR VARIOUS 2016 SUMMER PROGRAMS

Resolution for Town Board Meeting Dated: August 16, 2016

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

and seconded by: COUNCILMAN COOK

WHEREAS, the Junior Welfare league of Huntington, P.O. Box 107 Huntington, New York 11743 has made a donation in the amount of EIGHT THOUSAND EIGHT HUNDRED AND FORTY FOUR DOLLARS (\$8,844) to the Department of Parks and Recreation for various Town summer programs in 2016; and

WHEREAS, the donation is to be used to provide a camp experience for as many needy children as possible in the Town; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY ACCEPTS a donation from the Junior Welfare League of Huntington in the amount of \$8,844 to be deposited as follows: \$474 into Revenue Account A2001; \$7,815 into Revenue Account A2008; \$555 into Revenue Account A2007, and thanks them for their generosity.

VOTE:	AYES:	5	NOES:	0	ABSTENTIONS:	0
Councilwoma Councilman I Councilman I	ank P. Petrone an Susan A. Be Eugene Cook Mark A. Cuthb an Tracey A. Ed	rland ertson	AYE AYE AYE AYE			

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FUNDING FROM THE ALZHEIMER'S FOUNDATION OF AMERICA (AFA) FOR THE PROVISION OF BRAIN GYM CLASSES TO ENHANCE THE ADULT DAY CARE PROGRAM NUNC PRO TUNC

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Supervisor Petrone,

COUNCILWOMAN BERLAND

and seconded by: COUNCILMAN COOK

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

WHEREAS, brain gym classes support an individual's joy of living and learning through 26 simple, safe, and effective exercises, that can improve performance in focus, organization, mental clarity, emotional balance, communication, comprehension and whole body coordination, which are of tremendous value to persons suffering from various forms of dementia, including Alzheimer's Disease; and

WHEREAS, the Town seeks funding from the AFA for the provision of brain gym classes to enhance the Brain Gym Program for seniors attending Adult Day Care; and

WHEREAS, applying for and receiving funds to offer brain gym classes for the Adult Day Care 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 funds no later than August 15, 2016 and to receive same from the AFA for the provision of brain gym classes to enhance the Adult Day Care Program for the period January 1, 2017 through December 31, 2017, for an amount not to exceed the sum of FIVE THOUSAND NO/100 (\$5,000.00) DOLLARS, in Operating Budget Item A-6773-2705 expense code 4550 and to execute any documents in connection therewith upon such other terms and conditions as are acceptable to the Town Attorney, nunc pro tunc.

VOTE:	AYES: 5	NOES: 0	ABSTENTION: 0
Councilman Et Councilman M	Susan A. Berland		

2016-379

RESOLUTION AUTHORIZING THE SUPERVISOR TO SUBMIT AN APPLICATION FOR AND RECEIVE GRANT FUNDING FROM THE LOCAL INITIATIVES SUPPORT CORPORATION PURSUANT TO THE "ZOMBIE" AND VACANT PROPERTIES REMEDIATION AND PREVENTION INITIATIVE OF NEW YORK STATE ATTORNEY GENERAL ERIC T. SCHNEIDERMAN

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Supervisor Petrone

Councilwoman Berland

and seconded by: COUNCILWOMAN EDWARDS, COUNCILMAN COOK

WHEREAS, the Governor and State Legislature enacted the New York State Abandoned Property Neighborhood Relief Act of 2016, also known as the Zombie Homes Law to address the adverse impact on local communities of the blight of vacant and abandoned properties mired in the foreclosure process; and

WHEREAS, the legislation provides new safeguards that require banks and other lenders to maintain properties in foreclosure or face penalties of up to \$500 per day per property and the establishment an electronic State registry of vacant and abandoned mortgage encumbered properties to enable the State and local governments to identify and hold accountable those banks or other mortgagees responsible for property maintenance; and

WHEREAS, the legislation also authorizes the not-for-profit Local Initiatives Support Corporation ("LISC") to use \$13 million in proceeds from a settlement agreement entered into between Morgan Stanley and New York Attorney General Eric T. Schneiderman to make grant awards to local governments in support of programs that address homeowner retention, housing vacancy, blight prevention and "zombie" property prevention and enforcement; and

WHEREAS, the Town of Huntington has been vigorous in its efforts to address blight, prevent housing vacancies and move swiftly to intercede when "zombie" properties are identified in our communities; and

WHEREAS, in recognition of our efforts to combat the danger of abandoned properties and to have the ability to improve the breadth and scope of those efforts, the Town has been invited to submit an application for grant funding of up to \$350,000, in accord with and to accomplish the purposes stipulated in the settlement agreement for Code Enforcement and Housing Quality Improvement programs and activities; and

WHEREAS, the application for and receipt of an LISC grant is a Type II action pursuant to 6 N.Y.C.R.R. §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to submit an application for and receive grant funding from the Local Initiatives Support Corporation, with offices at 501 Seventh Avenue, New York, NY 10018, pursuant to the "Zombie" and Vacant Properties Remediation and Prevention Initiative and to execute any other documents or agreements pursuant thereto and upon such other terms and conditions as may be acceptable to the Town Attorney; and

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

VOTE:	AYES:	5	NOES:	0	ABSTENTIONS:	0
Supervisor Frank P. Petrone Councilwoman Susan A. Ber Councilman Eugene Cook Councilman Mark A. Cuthber Councilwoman Tracey A. Ec	rland ertson		AYE AYE AYE AYE			

RESOLUTION AUTHORIZING THE EXECUTION OF AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR DISTRIBUTION SYSTEM MAINTENANCE, INSTALLATION AND EMERGENCY SERVICES WITH ALESSIO PIPE AND CONSTRUCTION CO., INC.

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: COUNCILMAN CUTHBERTSON

and seconded by: COUNCILWOMAN BERLAND

WHEREAS, the purpose of this project is to provide installation, emergency work for the water distribution system for the Dix Hills Water District; and

WHEREAS, Town Board Resolution 2015-560 authorized the execution of a contract with Alessio Pipe and Construction Co., Inc. for the annual requirements contract for the distribution system maintenance, installation and emergency services for the Dix Hills Water District, Contract No. DHWD 15-05; and

WHEREAS, said requirements contract provides for two (2) additional one (1) year extensions under the contracted prices, terms and conditions; and

WHEREAS, Alessio Pipe and Construction Co., Inc. 102 Fairground Ave, Huntington Station, New York 11746 has requested the one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an extension to the contract, and any documents in connection and related therewith, with Alessio Pipe and Construction Co., Inc. for the annual requirements contract for the distribution system maintenance, installation and emergency services for the Dix Hills Water District. The extension period shall for a one (1) year term effective November 1, 2016, to be charged to SW18321-2778, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:	AYES: 3	NOES:	U	ABSTENTIONS: 0
Councilman Eug Councilman Ma	Susan A. Berland	n	AYE AYE AYE AYE	

2016-381

RESOLUTION AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES TO DEMOLISH THE SECOND STRUCTURE LOCATED BEHIND THE MAIN DWELLING AT 163 1ST AVENUE, HUNTINGTON STATION, NEW YORK 11746 (SCTM NO.: 0400-145.00-01.00-020.000)

Resolution for Town Board Meeting Dated: August 16, 2016

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

And seconded by: SUPERVISOR PETRONE

WHEREAS, on September 11, 2013, Third District Court Judge C. Stephen Hackeling issued an Order appointing Natasha Meyers, Esq., as Receiver of the property at 163 1st Avenue, Huntington Station, New York 11746 (SCTM No.: 0400-145.00-01.00-020.000) and directed the Receiver to bring the subject premises into compliance with all applicable requirements of the Huntington Town Code and the applicable Codes of the State of New York; and

WHEREAS, the Receiver, prepared a "Stipulation of Settlement for Repairs", detailing all required corrective measures to be taken in order to achieve compliance with the law; and

WHEREAS, said Stipulation was signed by all parties on December 31, 2015, and So-Ordered by the Court and entered in the office of the Clerk of the Third District Court on January 11, 2016 as set forth in Schedule "A" annexed hereto and made a part of this resolution; and

WHEREAS, said So-Ordered Stipulation required the Town of Huntington to do the demolition of the second structure located behind the main dwelling with costs assessed against Defendant's tax bill, and the Defendant to do all other remedial work required; and

WHEREAS, the Department of General Services, has determined that the cost to demolish and clean up the abovementioned structure at 163 1st Avenue, Huntington Station, New York, 0400-145.00-01.00-020.000) will be FOURTEEN THOUSAND SEVEN HUNDRED EIGHTY-THREE DOLLARS AND TWENTY CENTS (\$14,783.20); and

WHEREAS, actions taken in compliance with a judicial order are Type II actions requiring no review in accordance with 6 N.Y.C.R.R. Part 617.5(c)(29) of the SEQRA regulations;

NOW, THEREFORE,

THE TOWN BOARD

2016-381

HEREBY AUTHORIZES the Department of General Services, to perform the court-ordered demolition of the above mentioned second structure at 163 1st Avenue, Huntington Station, New York 11746, (SCTM NO.: 0400-145.00-01.00-020.000) as set forth in the So-Ordered Stipulation, at a cost not to exceed FOURTEEN THOUSAND SEVEN HUNDRED EIGHTY-THREE DOLLARS AND TWENTY CENTS (\$14,783.20) to be paid from Budget Line Item No. A1621-4552, and on such other terms and conditions as may be acceptable to the Town Attorney; and

HEREBY DIRECTS, the court-appointed Receiver to notify all lien holders and any person having an interest in the property prior to performing the court-ordered demolition; and

HEREBY DIRECTS the Receiver of Taxes to assess all costs and expenses associated with the measures authorized by this Resolution upon the real property tax bill of the subject property upon receipt of such costs and expenses from the Town Departments incurring the expenditures, and such costs and expenses shall be collected at the same time and in the same manner as real property taxes.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Councilwoman Susa Councilman Eugene Councilman Mark A Councilwoman Trac	n A. Berland Cook Cuthbertson	A A A	YE YE YE YE

RESOLUTION AUTHORIZING THE HUNTINGTON TOWNSHIP CHAMBER OF COMMERCE TO HOLD THE LONG ISLAND FALL FESTIVAL AT HUNTINGTON EVENTS AND AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT IN CONJUNCTION WITH SAME

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND, COUNCILMAN COOK

WHEREAS, the Huntington Township Chamber of Commerce (the "Chamber") has requested permission to hold The Long Island Fall Festival at Huntington events on Friday, October 7, 2016, between the hours of 5pm and 11:00 pm; Saturday, October 8, 2016 between the hours of 11:00 a.m. and 11:00 p.m.; Sunday, October 9, 2016, between the hours of 11:00 a.m. and 11:00 p.m.; and Monday, October 10, 2016 between the hours of 11:00am and 5 pm; and

WHEREAS, the Chamber has requested permission to open the festival with a carnival, live band entertainment, Corporate Sponsors, Food Court, and a Beer & Wine Tasting on Friday, October 7, 2016, with the use of the Harry Chapin Rainbow Stage for live performances through Monday, October 10, 2016 for the Festival live band entertainment; and

WHEREAS, in conjunction with the festival events and carnival, the Chamber has requested permission to use certain town facilities; and

WHEREAS, the Chamber has also requested an extension of all tent permits to allow for extra time; and

WHEREAS, such permission is contingent upon the execution of a license agreement which includes provisions requiring the Chamber to hold harmless and indemnify the Town of Huntington; and

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

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Huntington hereby authorizes the Huntington Township Chamber of Commerce to hold The Long Island Fall Festival at Huntington events on Friday, October 7, 2016, between the hours of 5:00 pm and 11:00 pm; Saturday, October 8, 2016 between the hours of 11:00 a.m. and 11:00 p.m.; Sunday, October 9, 2016, between the hours of 11:00 a.m. and 11:00 p.m.; and Monday, October 10, 2016 between the hours of 11:00am and 5:00pm; and be it further

RESOLVED, that the Town Board of the Town of Huntington hereby authorizes the Chamber to open the festival with a carnival, live band entertainment, Corporate Sponsors, Food Court, and a Beer and Wine Tasting on Friday, October 7, 2016, with the use of the Harry Chapin Rainbow Stage for live performances through Monday, October 10, 2016 for the Festival live band entertainment; and be it further

RESOLVED, that the Town Board of the Town of Huntington hereby authorizes the following actions in order to facilitate the Chamber in relation to these events:

- 1. Authorizes the use of the Harry Chapin Rainbow Stage in conjunction with the Huntington Arts Council on Friday, October 7, 2016, beginning at 5 pm and ending at 11:00 p.m.; Saturday, October 8, 2016, beginning at 11:00 a.m. and ending at 11:00 p.m.; Sunday, October 9, 2016, beginning at 11:00 a.m. and ending at 11:00 p.m.; and Monday, October 10, 2016;
- 2. Authorizes the use of the cottage at Heckscher Park as a command center and the exterior grounds thereof as a first aid station, beginning at 5:00 p.m. on Friday, October 7, 2016 through Sunday, October 9, 2016 at 10:00 p.m., inclusive; and
- 3. Grants permission for restricted parking by special pass for the disabled issued by the Chamber for Saturday, October 8, 2016 and Sunday, October 9, 2016, beginning at 11:00 a.m. and ending at 11:00 p.m., at the following Town parking fields:
 - A. 150 parking spaces in the lot of the John J. Flanagan Center (Village Green Parking Lot).
 - B. Town Hall Lot.
 - C. Lot west of the Elks Club.
- 4. Madison Street and Prime Avenue will be closed to vehicular traffic on Saturday, October 8, 2016, and Sunday, October 9, 2016, beginning at 8:00 a.m. and ending at 7:00 p.m. The Chamber will coordinate with the Department of Engineering Services and the Department of Highways, and abide by all applicable Town, County and State laws and regulations. All necessary permits and approvals shall be acquired and provided to the Huntington Town Clerk prior to October 1, 2016; and
- 5. Extends all permits for tents by 48 hours to a total of 120 hours, beginning on Thursday, October 6, 2016 at 11:00 am and ending on Tuesday, October 11, 2016 at 11:00 a.m. All tents erected or maintained shall be in compliance with Chapter 111, Article 29 of the Town of Huntington Fire Prevention Code and all permits shall be acquired and provided to the Huntington Town Clerk prior to October 1, 2016; and

- 6. Authorizes the Department of Engineering Services and the Department of General Services to run shuttle buses, at a cost of \$1.00 round trip per person to defray the cost of the service. Said shuttle schedule shall accommodate the needs of the participants and/or attendees for the duration of these events; and shall run Saturday, October 8, 2016 and Sunday, October 9, 2016 from 10:00 a.m. to 7:30 p.m.;
- 7. Waives the fees currently being charged by the Bureau of Fire Prevention for tents and propane gas; and
- 8. The Huntington Township Chamber of Commerce and any and all vendors and/or organizations participating in the Food Court shall obtain any and all permits required by the Suffolk County Department of Health and any and all other agencies having jurisdiction and shall present same to the Town Clerk prior to October 1, 2016. The Huntington Township Chamber of Commerce and any and all vendors and/or organizations participating in the Food Court shall defend, indemnify and hold the Town, its agents, servants and/or employees harmless from and against all claims, including defense costs, reasonable attorney fees, liability arising out of or in connection with the aforesaid Food Courts, and/or the failure to obtain said proper permits.
- 9. The Chamber shall obtain, or cause the appropriate organizations to obtain any and all necessary permits and licenses required to provide a beer and/or wine tasting area in Heckscher Park and shall present same to the Town Clerk prior to October 1, 2016. Such area shall be subject to strict rules and regulations. The Chamber, and any and all vendors and/or organizations participating in the beer/wine tasting area shall defend, indemnify and hold the Town, its agents, servants and/or employees harmless from and against all claims, including defense costs, reasonable attorney fees, liability arising out of or in connection with the aforesaid beer/wine tasting area, and/or the failure to obtain said proper permits.
- 10. The Chamber shall be restricted from using certain areas of Heckscher Park, as directed by the Town of Huntington for the purpose of maintaining the beauty and nature of the park. Prior to submitting the site plan as required by Huntington Town Code, said site plan shall be approved by the Director of the Town of Huntington Department of General Services or his designee.
- 12. The Huntington Township Chamber of Commerce shall be responsible for restoring Heckscher Park to its pre-festival condition, especially the area where the carnival takes place. They shall be required to accompany the Director of the Town of Huntington Department of General Services or his designee on an inspection of the park prior to and following the festival. Following the post festival inspection, the Director of General Services will notify the Chamber of restoration work required to be undertaken by the Chamber. Said restoration work shall be completed within a reasonable timeframe agreed upon between the Chamber and the Town. Any and all

costs associated with such restoration work shall be the sole responsibility of the Chamber.

13. The Town Board again reiterates that the use of Heckscher Park will continue to be subject to various restrictions and limitations to be determined by the Town of Huntington.

and be it further

RESOLVED, all costs incurred by the Town of Huntington for labor, services and materials in connection with or resulting from the festival events, excluding restoration work as outlined in item 13 above, shall be fully reimbursed by the Chamber, however, said amount shall not exceed the sum of \$12,500.00 and shall be paid to the Town of Huntington on or before November 1, 2016. All such labor, services and materials provided by the Town shall, to the best of the ability of the parties, be agreed upon in advance, by the Chamber and the Town; and be it further

RESOLVED, that the Town of Huntington shall be named as a festival sponsor; and be it further

RESOLVED, that the Chamber shall provide insurance coverage for property damage, personal injury, breach of agreement/contract and lost profit naming the Town of Huntington, its officers and employees as additional insured by endorsement and the insurance coverage must be provided prior to the commencement of the work or the use of the premises by providing the Town with a copy of the insurance policy including the endorsement naming the Town as additional insured. The insurance must be unrestricted and primary coverage. The Chamber shall be required to sign a license agreement, including the procurement of insurance, hold harmless and indemnity provisions to defend the Town regarding any personal injury, property damage, breach of contract, violation of civil rights and discrimination in a form and on terms acceptable to the Town Attorney.

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

The policies of insurance shall be in a minimum of \$1,000,000 per occurrence for bodily injury and \$2,000,000 in aggregate and bodily injury including death and \$1,000,000 for property damage. The Town shall be named by endorsement as a beneficiary on any excess policies that any of the entities may have. The insurance which names the Town by endorsement shall be provided to the Huntington Town Clerk and the Town Attorney's Office by October 1, 2016. Any and all insurance agreements shall be entered that are acceptable in terms and conditions by the Town Attorney's Office; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a license agreement in conjunction with the festival events and carnival, on such other terms and conditions as may be acceptable to the Town Attorney.

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A SPECIAL FEE OF \$35.00 FOR PARTICIPANTS IN THE LENNEY PETERS JUNIOR GOLF TOURNAMENT AT THE CRAB MEADOW GOLF COURSE ON AUGUST 30, 2016.

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Councilman Cuthbertson

and seconded by: COUNCILMAN COOK

WHEREAS, Lenney Peters, the first golf professional at the Crab Meadow Golf Course, sponsored an annual junior tournament to promote the game of golf; and

WHEREAS: the competitive event stressed the importance of sportsmanship, honesty and fairness and throughout its existence, hundreds of Huntington children participated in the popular event; and

WHEREAS, following a two-decade hiatus, the town will once again sponsor the Lenney Peters Junior Golf Tournament in honor of Crab Meadow's first golf professional and in an effort to promote youth golf;

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

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the establishment of a \$35.00 fee for participants in the Lenney Peters Junior Golf Tournament to be held on Tuesday, August 30, 2016 at the Crab Meadow Golf Course.

VOTE:	AYES: 5	NOES:	0	ABSTENTIONS: 0
Councilman Eu Councilman Ma	Susan A. Berland		AYE AYE AYE AYE AYE	

RESOLUTION AUTHORIZING SALE BY PUBLIC AUCTION OF A BUFFALO HEAD IN THE COLLECTION OF THE HECKSCHER MUSEUM, WITH AUCTION PROCEEDS BEING RESTRICTED FOR ACQUISITION OF NEW COLLECTION OBJECTS

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: COUNCILWOMAN BERLAND

and seconded by: COUNCILMAN COOK

WHEREAS, August and Nannie Heckscher in 1917 created the Heckscher Trust to which they donated certain property thereafter known as Heckscher Park and announced their intention to establish a museum on this property for the benefit of the citizens of Huntington, which was eventually completed and dedicated in 1920; and,

WHEREAS, ownership of this museum, its collection, and the surrounding 18.5-acre Heckscher Park was conveyed by the Heckscher Trust to the Town of Huntington in 1954 in exchange for the Town agreeing to maintain and operate this property in perpetuity to carry out the charitable and educational purposes of the Trust, including operation of the museum; and,

WHEREAS, subsequently the Town of Huntington encouraged a group of its citizens interested in supporting the continued operation of the museum to establish a non-profit corporation, The Heckscher Museum, in 1957 to assist the Town with management of this cultural institution; and,

WHEREAS, the Town of Huntington formally delegated responsibility for operation of the museum and care of its collection to this non-profit corporation by agreement with The Heckscher Museum in 1964; and,

WHEREAS, in keeping with these contractual responsibilities, The Heckscher Museum has observed that it does not use and does not anticipate using for its educational purposes a Buffalo Head that was donated to the museum prior to 1954, as the Museum's focus is on visual art, with special emphasis on American art of the New York region; and,

WHEREAS, this collection object has been stored unused for decades, taking up valuable collection space that could be better used for collection objects more central to the museum's educational purposes; and,

WHEREAS, this unused collection object may have monetary value that could be used to support the acquisition of works of art more in keeping with The Heckscher Museum's mission; and,

WHEREAS, the American Alliance of Museums Accreditation Commission expects The Heckscher Museum to make "plans to identify and deal with the non-art and ethnographic objects" stored in its vaults; and,

WHEREAS, the American Alliance of Museums Accreditation Commission requires that the proceeds from any sale of objects from an accredited museum's collections be restricted to the care or acquisition of collection objects; and,

WHEREAS, the sale by public auction of objects from a museum collection and restriction of sale proceeds to acquisition of new collection objects are not actions as defined by 6 NYCRR §617.2(b) and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD, upon the recommendation and request of the Board of Trustees of The Heckscher Museum,

HEREBY AUTHORIZES The Heckscher Museum to sell on behalf of the Town of Huntington the Buffalo Head now in its possession through public auction by South Bay Auctions so that the highest price possible will be obtained in the public market place;

and

HEREBY DIRECTS that The Heckscher Museum, acting as Trustee for the Town of Huntington, place any funds accrued from the sale of the Buffalo Head into the segregated fund already established by the Museum in the name of the Town of Huntington with funds similarly accrued from the previously authorized sale of Town-owned objects de-accessioned from the Museum's collections, and that such funds be used exclusively for the purchase of art to enrich its permanent collection for the educational benefit of the Town's citizens, and that any art so purchased shall be owned by the Town of Huntington and held by the Museum on its behalf.

VOTE:	AYES:	5	NOES:	0	ABSTENTIONS:	0
Supervisor Fran	nk P. Pet	rone	;		AYE	
Councilwoman	Susan A	. Be	rland		AYE	
Councilman Eu	igene Co	ok			AYE	
Councilman Ma	ark Cuth	berts	son		AYE	
Councilman Tr	acey A.	Edw	ards		AYE	

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: August 16, 2016

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

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

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

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

NOW, THEREFORE, THE TOWN BOARD

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

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

VOTE:	AYES: 5	NOES:	0	ABSTENTIONS: 0
Supervisor Frank P Councilwoman Sus Councilman Eugen Councilman Mark Councilwoman Tra	san A. Berlan e Cook A. Cuthberts	AYE Son AYE		

Schedule A

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

MAILING ADDRESS	N/A	11 Sarina Drive Commack, NY 11725	35 Monmouth Street Deer Park, NY 11729	N/A	N/A		MAILING ADDRESS	N/A
NOV	08/01/2016	07/14/2016	06/29/2016	07/21/2016	07/20/2016	<u>luntington</u>	NON	07/05/2016
OWNER	Norman J Ericksen (L/E) Susan Craft	Stanley Propper	Thomas F Dockery Patrick Dockery	Adrienne Woodward John D Woodward Jr.	Alicia Carter Reginald Carter	Chapter 156, Section 27 of the Code of the Town of Huntington Authorizing the Removal of Junk Vehicles	OWNER	Joseph A Puca Margaret Puca
SCTM#	0400-166.00-03.00-047.000	0400-161.00-03.00-095.000	0400-280.00-07.00-022.000	0400-275.00-02.00-134.000	0400-154.00-02.00-043.000	Chapter 156, Section 27 c	SCTM#	0400-092.00-02.00-004.000
PROPERTY ADDRESS	3 Irving Place Greenlawn, NY 11740	36 Stuyvesant Street Huntington, NY 11743	Kenmore Place Dix Hills, NY 11746	150 Chaffey Court Dix Hills, NY 11746	48 E Rogues Path Huntington Station, NY 11746		PROPERTY ADDRESS	1 Briarwood Drive Huntington, NY 11743

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

MAILING ADDRESS	N/A	N/A		MAILING ADDRESS	11 Sarina Drive Commack, NY 11725	35 Monmouth Street Deer Park, NY 11729	P.O. Box 1919 Wichita Falls, TX 76307	N/A	N/A	N/A
NON	07/21/2016	06/01/2016	<u>tington</u> <u>rass</u>	NOV	07/14/2016	06/29/2016	07/11/2016	06/24/2016	07/21/2016	06/01/2016
OWNER	Adrienne Woodward John D Woodward Jr.	Curtis Herrington Ann Herrington	Chapter 156, Section 46 of the Code of the Town of Huntington Authorizing the Removal of Overgrown Weeds and Grass	OWNER	Stanley Propper	Thomas F Dockery Patrick Dockery	JP Morgan Chase Bank, National Association C/O Industry Consulting Group, Inc.	Mary E Brown	Adrienne Woodward John D Woodward Jr.	Curtis Herrington Ann Herrington
SCTM#	0400-275.00-02.00-134.000	0400-025.00-01.00-045.000	Chapter 156, Se Authorizing	SCIM#	0400-161.00-03.00-095.000	0400-280.00-07.00-022.000	0400-233.00-03.00-052.000	0400-160.00-04.00-007.000	0400-275.00-02.00-134.000	0400-025.00-01.00-045.000
PROPERTY ADDRESS	150 Chaffey Court Dix Hills, NY 11746	54 Glen-na Little Trail Huntington, NY 11743		PROPERTY ADDRESS	36 Stuyvesant Street Huntington, NY 11743	Kenmore Place Dix Hills, NY 11746	501 Walt Whitman Road Melville, NY 11747	162 Brooklyn Avenue Huntington, NY 11743	150 Chaffey Court Dix Hills, NY 11746	54 Glen-na Little Trail Huntington, NY 11743

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

MAILING ADDRESS	1451 5 th Avenue FL. 1 New York, NY 10035	N/A		MAILING ADDRESS	66 Lebkamp Avenue Huntington, NY 11743	N/A
W.	14, Ne	Ż		M	99 Hr	Z
NOV	06/23/2016	07/11/2016	<u>luntington</u> <u>ure</u>	$\overline{\mathrm{NOV}}$	08/01/2016	07/21/2016
OWNER	Bernice Chambers (L/E) Taryn Chambers	Matthew Dickson Lorilee Dickson	Chapter 191, Section 3 of the Code of the Town of Huntington Authorizing the Securing of an Unsafe Structure	OWNER	Rosemarie Rosier	Adrienne Woodward John D Woodward Jr.
SCTM#	0400-158.00-04.00-061.000	0400-280.00-05.00-023.000	Chapter 191, Se Authorizi	SCTM#	0400-142.00-02.00-020.000 1746	0400-275.00-02.00-134.000
PROPERTY ADDRESS	15 Lantern Street Huntington, NY 11743	17 Kenmore Street Dix Hills, NY 11746		PROPERTY ADDRESS	38 W 11 th Street 0400 Huntington Station, NY 11746	150 Chaffey Court Dix Hills, NY 11746

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

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: COUNCILMAN CUTHBERTSON

and seconded by: COUNCILWOMAN EDWARDS

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

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

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendments to the 2016 Operating Budget

Reinstate the following p	oosition:	
SW1-8321-1100	Maintenance Mechanic II	\$27,415
Create the following pos	itions:	
A-1315-1100	Principal Clerk	\$20,488
SR-8158-1100	Principal Clerk	20,488
Abolish the following po	sitions:	
A-1315-1100	Senior Clerk Typist	(\$18,802)
SR-8158-1100	Senior Clerk Typist	(17,940)
Adjust the following app	ropriations:	
A-1990-1100	Contingency	(\$1,686)
SR-1990-1100	Contingency	(2,548)
SW1-1990-1100	Contingency	(27,415)

2016-386

VOTE:	AYES:	5	NOES:	0	ABSTENTIONS:	0
Supervisor Fra Councilwoman Councilman E Councilman M Councilwoman	n Susan A. Be ugene Cook Iark A. Cuthb	erland ertson	A A	YE YE YE YE		

2016-387

RESOLUTION AUTHORIZING COMPTROLLER TO APPROPRIATE MONIES FROM THE ENVIRONMENTAL OPEN SPACE AND PARK IMPROVEMENT FUND FOR RECOMMENDED GREEN PROJECT (NYSERDA NY PRIZE COMMUNITY GRID COMPETITION STAGE 2)

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILMAN CUTHBERTSON

WHEREAS, the Town Board authorized a NY Prize Community Grid Competition application (RFP-3044) to the New York State Energy Research and Development Authority (NYSERDA) for up to \$1,000,000 to support the development of community microgrids Stage 2: Detailed Engineering Design and Financial and Business Plan by resolution on July 12, 2016; and

WHEREAS, this application is a follow-up to a successfully completed Stage 1 Community Microgrid Feasibility Assessment to evaluate the feasibility of installing and operating a community microgrid within the Town of Huntington to potentially provide critical service to Town Hall, the Village Green Flanagan Senior Center, the Wastewater Treatment Plant, Heckscher Museum, the YMCA, and the Huntington Hospital, and EOSPA green project funding supported the TRC consultant contract; and

WHEREAS, the Town wishes to contract the New York Power Authority (NYPA) in a strategic partnership to assist the preparation and submittal of the grant application for the Stage 2 Detailed Engineering Design and Financial and Business Plan by October 12, 2016 in the amount of \$38,125; and

WHEREAS, a nomination for EOSPA funding for this contract was proposed by the Town's Chief Sustainability Officer, supported by the ACEERS Committee, and the EOSPA Committee voted to support the green project nomination at its July 26, 2016 meeting to recommend funding in an amount not to exceed \$38,125, and

WHEREAS, the action is classified Type II pursuant to 6 NYCRR 617.5(c)(21) as it involves preliminary planning and budgetary process necessary to the formulation of a proposal for action, which does not commit the Town Board to commence, engage in or approve such action;

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to amend the Town's Operating and Capital Budgets, as necessary, and to appropriate funds on an as-needed basis to be transferred from A-0870 Open Space Land and Park Improvements Reserve Fund, in addition to funding that may have already been authorized for these projects, and charged to the

appropriate capital budget account for the green project improvement recommended by the EOSPA Committee as listed below for implementation by the identified department/entity:

DEPT. OF TRANSPORTATION & TRAFFIC SAFETY/DIV. OF CONSERVATION Huntington Potential Critical Infrastructure Complex microgrid, not to exceed \$38,125 Provide professional services to prepare technical proposal for Town of Huntington microgrid project for Stage 2 NYSERDA NY Prize grant application

AND BE IT

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

VOTE: AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Petrone Councilwoman Susan A. Berland		
Councilman Eugene Cook	AYE	
Councilman Mark A. Cuthbertsor	1 AYE	
Councilman Tracey A. Edwards	AYE	

\$ 20,615

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2016 OPERATING AND CAPITAL BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – DIX HILLS WATER DISTRICT

Resolution for Town Board Meeting Dated:

August 16, 2016

The following resolution was offered by COUNCILWOMAN BERLAND

and seconded by **SUPERVISOR PETRONE**

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

WHEREAS, the expenditures for emergency water main leak repairs exceeded the yearly estimate and additional funding is required for an emergency repairs on Millet Street North; and

WHEREAS, the expenditures for emergency fire hydrant repairs exceeded the yearly estimate and additional funding is required for emergency repairs on Half Hollow Road and on South Service Road near Bagatelle Road; and

WHEREAS, the funding of repairs and amending the operating budget is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(1), (c)(2) and (c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

SW10599-0599R

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

Υ	41 .	C 11	•	
Increase	the	toll	lowing	revenue:

Increase the following appropriations:	
	A

Appropriated Fund Balance

Water Mains SW18321-2778 \$ 6,400 SW18321-2779 Fire Hydrants 14,215

VOTE:	AYES:	5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Petro			AYE AYE	
Councilwoman Susan A. Councilwoman Eugene C		AYE		
Councilman Mark A. Cut			AYE	

AYE Councilwoman Tracey A. Edwards

RESOLUTION AUTHORIZING THE COMPTROLLER TO ACCEPT LONG ISLAND PRIDE FESTIVAL STAGE RENTAL PAYMENTS 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: August 16, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND

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 checks totaling TWO THOUSAND EIGHT HUNDRED TWENTY-SEVEN AND 47/100 DOLLARS (\$2,827.47) have been received from Long Island Gay and Lesbian Youth, Inc. in Bay Shore in payment of Stage Rental fees associated with use of the Chapin Rainbow Stage on June 11, 2016 for performances as part of the Long Island Pride 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 SEORA review is required

NOW, THEREFORE, BE IT

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

<u>Increase</u> the following Revenue:

A-2006	Parks and Recreation Fee Class	\$2,827.47
Increase the follo	wing Appropriations:	
A-7270.1175	Part-Time Salaries	\$1,967.47
A-7270.4550	Outside Professional	\$ 850.00
Combined Total	of Increases in Appropriations:	\$2 827 47

2016-389

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Fran Councilwoman	nk P. Petrone Susan A. Berland	AYE AYE	
Councilman Eu		AYE	
Councilman Ma	~	AYE	
Councilwoman	Tracey A. Edwards	AYE	

2016-390

RESOLUTION ACCEPTING DONATIONS FROM VARIOUS INDIVIDUALS, MERCHANTS AND BUSINESSES RE: NATIONAL NIGHT OUT AGAINST CRIME, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILMAN COOK

WHEREAS, National Night Out Against Crime has been held annually since 1984 in both the United States and Canada and it is meant to increase awareness about police programs in communities, such as drug prevention, neighborhood watch, and other anti-crime efforts; and

WHEREAS, National Night Out Against Crime, held this year on August 2, 2016, at the Manor Field Park, is a community-police awareness-raising event co-sponsored by the Town, the Huntington Station Business Improvement District, the Huntington Station Enrichment Center, the Suffolk County Police Department, Target and 7-Eleven in conjunction with the many individuals, community based organizations and merchants who support this event with their time talent and resources; and

WHEREAS, many merchants, organizations, businesses and individuals have donated goods and services that contributed to the success of this evening for the community and the Town Board wishes to acknowledge the generosity of those participants; and

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

NOW, THEREFORE,

THE TOWN BOARD,

...

HEREBY ACCEPTS various donations from the individuals, merchants, businesses and other agencies listed on the attached Schedule "A" and thanks them for their generosity, nunc pro tunc.

VOTE:	AYES: 5	NOES: 0	ABSENTIONS: 0
Supervisor Frank P. Councilwoman Sus Councilman Eugene Councilman Mark A Councilwoman Trad	an A. Berland e Cook A. Cuthbertson	AYE AYE AYE AYE AYE	

SCHEDULE "A" NATIONAL NIGHT OUT "AGAINST CRIME EVENING AUGUST 2, 2016 CONTRIBUTION ACKNOWLEDGEMENT LIST

SUFFOLK COUNTY POLICE DEPARTMENT

Sheriff's autism GPS bracelets

1071 Park Avenue

Huntington, New York 11743.

HUNTINGTON STATION

\$300 donation to help defray costs

BUSINESS IMPROVEMENT DISTRICT P.O. Box 53

Huntington Station NY 11746

HUNTINGTON MANOR

FIRE DEPARTMENT

1650 New York Avenue

Huntington Station, New York,

Donation of Ice Touch a fire truck

COCA-COLA

375 Wireless Blvd.

Hauppauge, NY 11788

Bottled water

TARGET STORES

124 East Jericho Turnpike

Huntington Station, NY 11746

Hot dogs and other items

HUNTINGTON HIGH SCHOOL

Football Team players

Coach football play

ROBERT SERRAO & JANET SERRAO

(In her individual capacity and not

as a Town Employee)

DJ Services

WENDY PAAR

CREATIVE ADVERTISING CONCEPTS

74 West Park Avenue

Long Beach, NY 11561

Sparkling Ice Water

D & J REFRESHMENTS, INC.

2600 Newbridge Road

Bellmore, NY 11710

Ice Cream Truck – free ice cream

Approximate value \$100.

MAC BOUNCE, LLC

237 Broadway/Greenlawn Road

Huntington, NY 11743

Bounce Houses

RESOLUTION AMENDING RESOLUTION NO. 2002-600 AND AUTHORIZING THE COMPTROLLER TO AMEND THE 2016 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND, COUNCILWOMAN EDWARDS

WHEREAS, the Town Board adopted by Resolution No. 2002-600, on September 10, 2002 that all monies collected from summons issued for parking in fire zones/lanes and/or in front of fire hydrants and other fire related locations shall be utilized to enhance recruitment and training of volunteer firefighters and emergency medical technician personnel; and

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

WHEREAS, The T-band radio system that the Town currently transmits on will be unavailable by the year 2021. This UHF spectrum must be vacated by 2021 as mandated by Federal legislation. As more and more agencies look for space on alternate bands, there will be fewer and fewer options available and we feel it is in the Town's best interest to make move now, while there is still adequate space to the County 800MHz band. This move will provide us with direct access to the Suffolk County Police, an feature we currently do not have with our existing radios and system. The Town will be required to purchase new radios that will transmit off of and communicate directly with the Suffolk County 800MHz system in order to safely and properly carry out the functions of the Departments of Public Safety, Maritime Services and the Office of the Fire Marshal as acting command of the Emergency Operations Center; and

WHEREAS, Suffolk County, having numerous antenna locations throughout the Town, will provide us with continuous uninterrupted service, having no dead spots and proper town-wide transmission coverage for all of our staff. Suffolk County, will provide all maintenance and service for their equipment, providing expedited repair time during a problem or outage due to storm or other event, enabling us to resume communications in optimal time. In addition, by us tapping in to the County resources, this will save the Town the cost of maintaining and upgrading our own radio towers; and

WHEREAS, the funding of the purchase of new radios and amending the operating budget is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(1), (c)(2) and (c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AMENDS Resolution No. 2002-600 of September 10, 2002 to the extent that it currently authorizes all of the proceeds collected from fire violations to be appropriated for the recruitment and training of volunteer firefighters and emergency medical technicians be deposited in a Trust and Agency, instead providing for a maximum of \$100,000 to be held in said Trust account; and

FURTHER BE IT RESOLVED that additional proceeds will be added from summonses issued for parking in fire zones/lanes, fire hydrants, and/or other fire locations to the account in order to always maintain a balance of \$100,000.

FURTHER BE IT RESOLVED the Town Board authorizes the Comptroller to appropriate \$200,000 from the TA-0085-H0014 for the purpose of purchasing radios for various departments.

VOTE:	AYES:	5	NOES:	0	ABSTENTIONS	S: 0
Supervisor Frank P. Per Councilwoman Susan A Councilwoman Eugene Councilman Mark A. C Councilwoman Tracey	A. Berland Cook outhbertson		AYE AYE AYE AYE			

RESOLUTION ADOPTING THE MARINA CONTRACT FOR WINTER WET STORAGE AT TOWN MARINAS

Resolution for Town Board Meeting Dated:

August 16, 2016

The following resolution was offered by: COUNCILWOMAN BERLAND

and seconded by: COUNCILMAN COOK

WHEREAS, the marina contract for 2016-17 Winter Wet Storage requires approval; and

WHEREAS, the Harbors and Boating Advisory Council has recommended that winter wet storage fees be increased for the 2016-17 storage season to \$19.50 per foot for residents signing up prior to September 1st, and \$20.50 per foot thereafter.

WHEREAS, adoption of the Marina Contract for Winter Wet Storage at Town Marinas is a Type II action pursuant to 6 NYCRR §617.5(c)(20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD, upon the recommendation of the Department of Maritime Services and the Harbors and Boating Advisory Council HEREBY ADOPTS the Marina Contract for Winter Wet Storage at Town Marinas for the 2016-17 season, as amended, attached hereto and made part of this resolution.

VOTE:	AYES:	5	NOES:	0	ABSTENTIONS:	0
-	Frank P. Petroi nan Susan A. I			AYE AYE		
Councilman Eugene Cook				AYE		
Councilman	Mark A. Cutl	bertson		AYE		
Councilman	Tracey A. Ed	wards		AYE		

2016-392

TOWN OF HUNTINGTON DEPARTMENT OF MARITIME SERVICES MARINA CONTRACT FOR WINTER WET STORAGE PLEASURE BOATS ONLY

SCHEDULE A

TERMS AND CONDITIONS

- 1. The granting of berthing hereunder is from November 15, 2016 to April 1, 2017 unless special arrangements have been made with the Town Harbormaster for early arrival should an assigned summer slip be vacant in which case the term would commence no earlier than November 1st.
- 2. All boats occupying berths shall comply with the Federal, State, Town and Board of Fire Underwriters regulations. Filling of gas tanks shall not be permitted at any Town Marina. The Department of Maritime Services shall have the exclusive right to determine if a vessel is seaworthy and suitable for placement in the Marina.
- 3. Berthing spaces are assigned to the User for a specified boat and are non-transferable. No other boat other than the one under contract may use the assigned berth. User shall be prohibited from subleasing or otherwise renting of berth. No boat occupying a Town Marina berth shall be used for chartering or for commercial purposes. Adequate lines for berthing shall be provided by User and shall be replaced by User if, in the opinion of the Department of Maritime Services, such lines are inadequate or unsafe. Spring lines shall be a minimum of 3/8-inch nylon or equivalent. The bow and stern lines shall be of sufficient size as to safely berth boat.
- 4. (a) User warrants that he/she owns the boat and has marine insurance coverage. User shall be responsible for damage that he/she or his/her boat or equipment may cause to other boats in the Marina or to the marina structures or facilities thereof. The Town assumes no responsibility for the safety of any vessel in the Marina, while afloat or otherwise. No boats shall be stored or left on any float, bulkhead, parking field or in any of the Marina waters except as assigned.
 - (\$300,000.00), combined single limit for property damage and bodily injury for the term of this agreement (November 15, 2016 April 1, 2017 or November 1, 2016 April 1, 2016 for vessels granted permission for early arrival). Prior to the execution of this agreement, User shall furnish to the Town of Huntington Department of Maritime Services, a certificate of insurance evidencing the aforesaid insurance requirements. It is agreed between the Town and the User that no responsibility is assumed by the Town for injuries to any persons on Marina property, nor for the safety of any boat in the Marina area, or for damages to the vessel or its equipment from fire, flood, abnormal high or low tides, theft, explosion, water, snow or ice, freezing, wind, storms, vandalism, leakage, sinking, acts of Gods, or other events, and any other damages incurred to any property in or on said vessel, howsoever arising. The User shall save the Town and the Board of Trustees harmless from any such loss or damage and the Town of Huntington and the Board of Trustees shall be under no obligation to insure the User's boat, equipment or other property against any such loss or damage. The Town reserves the right to assume control of any vessel for protection of life and property as deemed necessary by the Department of Maritime Services of the Town of Huntington. The Town of Huntington hereby expressly reserves the exclusive right to assign or reassign a berth other than the berth specified herein. User hereby agrees to abide by these conditions.
- 5. The Town may cancel this agreement at any time and for any reason upon five (5) days written notice to the User at the address listed on the contract.
- 6. (a) Vessel decks shall be clean of any garbage, oil, sludge, sewage or refuse matter, and debris of any kind shall not be thrown, deposited, or permitted to fall from any boat berthed at the Marina.
 - (b) No one shall, at any time during the term hereof, live aboard while the boat is in winter storage.
 - (b) Water service will not be provided.
 - (c) Power plug-ins are strictly forbidden for winter wet storage other than for de-icers, heat tape and an emergency lighting situation. Notification of such emergency must be immediately reported to the Department of Maritime Services.
- 7. (a) Any boat berthed in the marina that shall become a menace to navigation or unseaworthy or sinks, grounds, or otherwise becomes disabled or unsafe, the determination of which shall be made exclusively by the Town of Huntington, shall be removed or restored to seaworthy and safe condition by the User herein upon notice by the Town or its designated agent, which notice shall be made by regular mail and/or certified mail addressed to the User's last known address as provided by User in this contract. (§120.17)*
 - (b) If such boat is not removed or restored to seaworthy condition by the said User within one (1) week of service of said notice, this contract shall terminate without any refund of fee and the Town, or its designated agent, may direct the removal of the boat,

and the cost of said removal, including any and all charges as a result thereof, shall attach to, and become a lien upon, said boat, and said boat may be sold upon direction of the Town Board at public auction to defray said expenses, with any surplus being returned to the Owner of record. The Town and Board of Trustees shall not be liable for any damage done to said boat during its removal, storage and sale. Nothing contained in this section shall be construed to restrict or prohibit earlier action by the Department of Maritime Services, with or without notice to the owner, if, in the judgment of the Department, such boat severely impedes or severely restricts navigation, or is in such and unseaworthy condition so as to cause immediate an/or serious danger to either the health, safety and/or welfare of the public or to Town property or other berthed vessels.

- (c) Owners of boats that are not removed from the Town's marinas by April 1st, except those boats having a contract with the Town of Huntington for the same (identical) berth in the same marina for the period immediately following winter storage season:

 1) may be subject to a \$25.00daily fee after April 1st; 2) May have their vessel removed from the marina by the Town or its designated agent and the cost of said removal, including any and all charges as a result thereof, shall attach to, and shall become a lien upon said boat, and said boat may be sold upon direction of the Town Board at public auction to defray said expenses with any surplus therefrom being returned to the Owner of record. The Town or Board of Trustees shall not be liable for any damage done to said boat during its removal, storage and sale; and 3) Owners hall be prohibited from future participation in any Town of Huntington boat berthing or storage program.
- 8. The failure of the Town or Board of Trustees to insist upon a strict performance of the terms and conditions herein, shall not be deemed a waiver of any rights or remedies that the Town or Board of Trustees may have and shall not be deemed a waiver of any subsequent breach or default of the terms and conditions herein. This instrument may not be changed, modified, or altered orally.
- 9. Winter storage fees are based upon the length of the boat at a rate set forth by the Town Board. Fees shall be payable on or before November 1, 2016. Payments for winter wet storage shall be final, and no refunds will be granted.
- 10. The Town has no duty or obligation to keep the User's boat under surveillance at any time and the failure to maintain a guard or watchman shall not be deemed to constitute negligence on the Town's part. User acknowledges that the Town of Huntington shall not provide any guard or watchman service during the term hereof. Nor shall the employment of such guard and watchman be deemed to create any obligation on the part of the Town for the care and safety of the User's vessel or any equipment thereon.
- 11. Any violation of this agreement may result in the revocation of berthing privileges and the forfeiture of any fees paid.
- 12. Winter Wet Storage berths are filled on a first come, first served basis. Users who have their principal residence (domicile) in the Town of Huntington may apply between August 1st and September 1st. After September 1st, non-residents will be permitted to make application for a Marina Berth. For residents, proof of residency will consist of a New York State Driver's license and a New York State Boat Registration listing their principal residence in the Town of Huntington.
- 13. The User shall be the owner of a boat registered in New York State, and said vessel shall be the same boat described in this contract. If the boat is owned jointly, or by a partnership, association or corporation, all owners or members or partners shall be residents of the Town of Huntington in order to take advantage of early sign-up for Town residents (August 1st September 1st).
- 14. User warrants that his/her boat meets all Federal, State, and Town laws with regard to marine toilet and sanitary facilities, and complies with all requirements of the NO DISCHARGE ZONE where applicable.

*CODE OF THE TOWN OF HUNTINGTON

RESOLUTION AMENDING TOWN BOARD RESOLUTION 2015-517 SCHEDULING REGULAR MEETINGS OF THE TOWN BOARD OF THE TOWN OF HUNTINGTON FOR THE YEAR 2016

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AMENDS Town Board Resolution 2015-517 scheduling regular meetings of the Town Board of the Town of Huntington, at Town Hall, 100 Main Street, Huntington, New York, for the year 2016, as follows:

7 PM

SEPTEMEBER

[13th] 27th

* * * INDICATES NO CHANGE TO PRESENT TEXT DELETIONS ARE INDICATED BY [BRACKETS]. ADDITIONS ARE INDICATED BY <u>UNDERLINE</u>.

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS:0
Supervisor Frank Councilwoman Su Councilman Euger Councilman Mark Councilwoman Tr	san A. Berland ne Cook A. Cuthbertson	AYE AYE AYE AYE AYE	·

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: August 16, 2016

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

and seconded by: SUPERVISOR PETRONE

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 Fran Councilwoman Councilman Eu Councilman Ma Councilwoman	Susan A. I gene Cook irk A. Cuth	Berland	n		AYE AYE AYE AYE AYE

TOWN OF HUNTINGTON PURCHASING DIVISION SURPLUS INVENTORY ITEMS SCHEDULE A 08/16/16

TOH#	YEAR	MAKE	MODEL	VIN	ASSET #
Highway					
353	2009	Gehl	6640	GHL06640P00607961	4878
381	1989	Lil Giant	48HC	8G207891	4069
411	2001	Vermeer	1230A	1VRN1517211003408	4650
331T1	1981	Hyster	Low Boy	1HKMEGLA5BC023404	856 9

RESOLUTION DESIGNATING PROFESSIONAL ENGINEERING AND SURVEYING FIRMS FOR THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILWOMAN BERLAND

WHEREAS, in response to a Town issued Request for Qualifications (RFQ), submissions were considered in adopting a list of qualified Professional Service Consultants that are capable of providing professional engineering, architecture and surveying services for the Town. Once adopted, the Town, its agencies and boards, may select from time to time as the need arises, one or more firms from the pre-qualified list to provide professional consulting services. The list will remain in effect unless receded by the Town Board or until superseded by another award. Inclusion of a firm on the qualified list does not represent or guarantee that it will receive any work during the period the list is in effect. Submission for consideration, however, will constitute a firm's agreement to be bound by the terms and conditions in the RFQ, its attachments and the Agreement, should the firm be selected to provide services to the Town; and

WHEREAS, twenty five (25) sealed Statement of Qualifications were received on June 24, 2016, by the Town of Huntington Director of Purchasing pursuant to RFQ No. 2016-06-007 and the same were opened; and

WHEREAS, the Statement of Qualifications were evaluated and ranked by a review panel, comprised of members from the Town Attorney's office and the Engineering Department; and

WHEREAS, the Town Board desires to designate professional engineering and surveying firms capable of providing engineering and surveying services and after careful consideration, the Board has selected the professionals set forth in Schedule "A" pursuant to such RFQ; and

WHEREAS, the Town, its agencies, departments, and boards, will be able to select, as the need arises, one or more of the approved professionals on Schedules "A; and

WHEREAS, all expenditures up to \$15,000 on a professional assignment are subject to review and approval by the head of the department or agency requesting the work; and

WHEREAS, all expenditures over \$15,000 on a professional assignment are subject to review and approval by the head of the department or agency requesting the work, the head of the department or agency will then be required to obtain Town Board approval via resolution authorizing the expenditure for professional services; and

WHEREAS, contracting for professional engineering and surveying services is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY DESIGNATES the professionals set forth in Schedule "A" to provide services to the Town of Huntington, its departments, agencies and boards, on an as needed basis, on such terms and conditions as set forth in the RFQ agreement, and upon review and approval by the head of the department or agency requesting the work when expenditures do not exceed \$15,000, and upon review and approval of the Town Board when expenditures exceed \$15,000, and on such other terms and conditions as deemed acceptable to the Town Attorney.

VOTE:	AYES:	5	NOES:	0		ABSTENTIONS: 0
Supervisor Fran			AYE			
Councilwoman			and		AYE AYE	
Councilman Eugene Cook						
Councilman M			AYE			
Councilwoman	i Tracey A	L. Ed	wards		AYE	

SCHEDULE "A"

PROFESSIONAL ENGINEERING AND SURVEYING SERVICES RFQ No. 2016-06-007

NELSON & POPE

572 Walt Whitman Road Melville, New York 11747

L.K. McLEAN ASSOCIATES, P.C.

437 South Country Road Brookhaven, New York 11719

SIDNEY B. BOWNE & SON, LLP

235 East Jericho Turnpike P.O. Box 109 Mineola, New York 11501

B. THAYER ASSOCIATES

100 Crossways Park Drive West, Suite 104 Woodbury, New York 11797

GREENMAN-PEDERSEN, INC.

325 West Main Street Babylon, New York 11702

H2M ARCHITECTS + ENGINEERS

538 Broad Hollow Road, 4th Floor East Melville, New York 11747

LIRO ENGINEERS, INC.

Three Aerial Way Syosset, New York 11791

SAVIK & MURRAY

35-3 Carlough Road Bohemia, New York 11716

LOCKWOOD, KESSLER & BARTLETT, INC.

One Aerial Way Syosset, New York 11791

PRIME ENGINEERING, P.C.

664 Blue Point Road, Unit B Holtsville, New York 11742

Engineering and surveying services PURCH/LF/JC/CEM 8/3/2016,10:51 AM

2016-396

RESOLUTION REAPPOINTING A MEMBER TO THE TOWN OF HUNTINGTON BOARD OF ASSESSMENT REVIEW

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Councilwoman Edwards,

COUNCILMAN COOK

and seconded by: SUPERVISOR PETRONE

WHEREAS, the reappointment of an individual to a Town of Huntington board is not an action as defined by N.Y.C.R.R. §617.2(b) and, therefore, no further SEQRA review is required;

NOW, THEREFORE,

THE TOWN BOARD

HEREBY REAPPOINTS the following individual to the Town of Huntington Board of Assessment Review for one (1) additional five (5) year term to expire as indicated:

Gary V. Hamilton

9/30/2021

VOTE:	AYES:	5	NOES:	0	ABSENTIONS:	0
Supervisor Francouncilwoman Councilman Eu Councilman M Councilwoman	Susan A. B gene Cook ark A. Cuthl	erland pertson		A' A'	YE YE YE	,

RESOLUTION REAPPOINTING MEMBERS TO THE PUBLIC ART ADVISORY COMMITTEE AND DESIGNATING A CHAIRPERSON

Resolution for Town Board Meeting Dated: August 16, 2016

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

and seconded by: SUPERVISOR PETRONE

WHEREAS, Town Board Resolution 2001-550 adopted Public Art Advisory Committee Guidelines and Administrative Plan, created a Public Art Advisory Committee, appointed members thereto and designated a Chairperson; and

WHEREAS, the terms of current members Robert Carter, Linda Furey, and Caitlin Sempowich expire on September 10, 2016; and

WHEREAS, pursuant to the Public Art Advisory Committee Guidelines and Administrative Plan, the Chairperson shall be designated annually by the Town Board; and

WHEREAS, the appointment, or reappointment, of members to the Public Art Advisory Committee and designation of its chairperson are not actions as defined by 6 NYCRR §617.2(b) and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD, upon the recommendation of the Public Art Advisory Committee,

HEREBY REAPPOINTS the following individuals to the Public Art Advisory Committee for terms to expire as indicated:

ROBERT CARTER (for a term ending on September 10, 2019)

LINDA FUREY (for a term ending on September 10, 2019)

CAITLIN SEMPOWICH (for a term ending on September 10, 2019)

AND HEREBY DESIGNATES as Chairperson JANINE SEIFERT, for a period to expire on September 10, 2017.

5	NOES:	0	ABSTENTIONS: 0
	·	AYE	
Supervisor Frank P. Petrone Councilwoman Susan A. Berland			•
Councilman Eugene Cook			. *
Councilman Mark Cuthbertson			
vards		AYE	•
1	ınd :	ınd 1	AYE and AYE AYE AYE

RESOLUTION RESCINDING TOWN BOARD RESOLUTION 2016-217 AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE CRAB MEADOW BEACH PAVILION FLAT ROOF WATERPROOFING WITH OUTER-COUNTY CONSTRUCTION CORP.

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: SUPERVISOR PETRONE

and seconded by: COUNCILMAN COOK

WHEREAS, sealed bids were received on March 24, 2016, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the Crab Meadow Beach Pavilion Flat Roof Waterproofing, Contract No. GS 2016-01/ES and the same were opened publicly and read aloud; and

WHEREAS, Outer-County Construction Corp., 2229 Pine Ave., Ronkonkoma, New York 11779 was deemed to be the lowest responsive, responsible bidder; and

WHEREAS, in spite of repeated requests by the Purchasing Department and the Town Attorney's Office, Outer County Construction Corp. has failed to provide the required proof of insurance and bonding to execute the contract as awarded by Town Board by Resolution No.: 2016-217, and has, for all purposes, withdrawn its bid; and

WHEREAS, rescinding Resolution No.: 2016-217 is a Type II action under SEQRA, pursuant to 6 N.Y.C.R.R. §617.5 (c) (20), and therefore no further SEQRA review is required.

NOW, THEREFORE THE TOWN BOARD

AYES: 5

VOTE:

HEREBY RESCINDS Town Board Resolution No.: 2016-217 awarding to Outer-County Construction Corp. a contract for the reconstruction of the Crab Meadow Beach Pavilion Flat Roof Waterproofing System.

ABSTENTIONS: 0

NOES: 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

ENACTMENT: RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH CROWN CASTLE NG EAST, LLC AND AUTHORIZING THE SETTLEMENT OF A CLAIM

Resolution for Town Board Meeting Dated: August 16, 2016

The following Resolution was offered by: Supervisor Petrone

and seconded by: COUNCILMAN COOK

WHEREAS, by Resolution No.: 2014-408 on August 19, 2014 the Town Board authorized the commencement of a lawsuit in connection with a dispute between the Town and Crown Castle NG East LLC involving the installation and maintenance of Crown's equipment and network along the public-rights-of ways; and

WHEREAS, after extended negotiations, both parties believe it is in their best interests to compromise the outstanding issues arising out of the operation of Crown's DAS system within the jurisdictional boundaries of the Town of Huntington, exclusive of the Incorporated Villages, without an admission of liability on the part of either party; and

WHEREAS, the Town Attorney has recommended that the offer of settlement be accepted by the Town Board, as negotiated, and upon the approval of such settlement, then the authorization to enter into a License Agreement with Crown Castle NG East, LLC to use the Public Ways; and

WHEREAS, the Town Board, 100 Main St., Huntington, NY 11743 was established as Lead Agency and classified the action as Unlisted on June 7, 2016; and

THE TOWN BOARD having held a public hearing on the 12th day of July, 2016 at 2:00 p.m. to consider entering into a License Agreement with Crown Castle NG East, LLC, with principal offices at 2000 Corporate Drive, Canonsburg, PA 15317-8564, for the non-exclusive use and occupancy of the Town right-of-ways as is necessary to operate and maintain a Distributed Antenna System (DAS) therein for a term of ten (10) years, and due deliberation has been had,

NOW, THEREFORE, THE TOWN BOARD

HEREBY ADOPTS the Short Environmental Assessment Form Parts II & III prepared by the Department of Planning and Environment and issues a Negative Declaration in accordance with Article 8 of the Environmental Conservation Law on the proposed use and occupancy by Crown Castle of the public ways as is necessary for the installation and operation of its DAS, and proposed settlement between the parties; and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: planning@huntingtonny.gov; and

HEREBY AUTHORIZES the settlement of a claim against Crown Castle NG East, LLC, in the amounts and on the terms set forth in the Settlement Agreement annexed hereto and made a part hereof as Schedule "A", and authorizes the Supervisor and/or Town Attorney to execute all necessary documents in connection with such settlement, and upon the finalization of the settlement to the satisfaction of the Town Attorney, then

HEREBY FURTHER AUTHORIZES, the Supervisor to execute a License Agreement with Crown Castle NG East, LLC, 2000 Corporate Drive, Canonsburg, PA 15317-8564, for the non-exclusive use and occupancy of the public way as is necessary to operate and maintain a Distributed Antenna System (DAS) thereat for a term of ten (10) years, together with compensation at the rate of 5% of gross revenue, \$500 per year for each Town owned-structure it uses for its Network, and \$500 per year for each pole or structure Crown locates within the public way in connection with its DAS System during the term of the license, together with such other terms and conditions as deemed necessary by the Town Attorney.

VOTE:	AYES: 4	NOES: 0	ABSTENTIONS: 0 RECUSALS: 1
Supervisor Fran	nk P. Petrone	AYE	
Councilwoman	Susan A. Berland	AYE	
Councilman Eu	igene Cook	AYE	
Councilman M	ark A. Cuthbertson	AYE	
Councilwoman	Tracey A. Edwards	RECUSED	

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

SCHEDULE "A"

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") entered into this day
of, 2016, between the TOWN OF HUNTINGTON, a New York municipal
corporation (the "Town"), and CROWN CASTLE NG EAST LLC ("Crown Castle") a Delaware
limited liability company, and its respective affiliates, parents and subsidiaries, with an office at
2000 Corporate Drive, Canonsburg, PA 15317-8564.

WITNESSETH:

WHEREAS, the Town and Crown Castle have agreed to resolve the dispute as to the rights and obligations of the parties respecting the operation and maintenance of the DAS within the Public Way; and

WHEREAS, in order to avoid the costs and vagaries of litigating the dispute among the parties, and, without any admission of fact, law or liability, the parties have agreed to resolve, compromise and settle the dispute and compromise all allegations on the terms and conditions set forth below.

NOW, THEREFORE, for good and valuable consideration, including the promises and covenants hereinafter set forth, the sufficiency of which is hereby acknowledged, the parties agree as follows:

(1) Crown Castle shall pay to the Town a ten (10) year advance payment for the applicable compensation due under the License Agreement for the Verizon (24) EFR Nodes commencing and payable upon installation of each said node to the end of the License Term, and thereafter until the Nodes are wholly removed from the Public Way.

2016-399

Crown Castle hereby certifies that pursuant to its agreement with its customer, this amount is \$136,322.75; and

Crown Castle shall pay the Town retroactively for the 50 Existing Nodes, in (2) an amount equal to what the Town would have received had the parties entered into a License Agreement with identical terms prior to the initial deployment in 2010, up and until the date the License Agreement is fully executed. This amount was calculated as of July 31, 2016 to be approximately \$92,005.28, and shall be payable to the Town upon the execution of the License Agreement by Crown, as the Agreement will be executed by the parties separately. Crown Castle subsequently discovered that the foregoing amount is actually \$4,087.45 more than what Crown Castle believes the correct calculation to be. However, as a show of good faith, Crown Castle is willing to voluntarily pay the full \$92,005.28 through July 31, 2016. Crown Castle shall certify the foregoing calculation at the time of payment as a condition of this Agreement, with the understanding among the parties that Crown Castle is only able to certify the amount back to the time of the Crown Castle and its predecessor's (NextG Networks) integration of September 1, 2012. The Town will continue to receive 5% of the future monthly gross revenue, as defined in the License Agreement, that Crown Castle collects on the 50 Existing Nodes, and other compensation as set forth more fully in the License Agreement, including payment of the "Annual Fee" for poles owned or installed by Crown Castle, commencing on August 1, 2016 to the end of the License Term, and thereafter until Crown Castle's Equipment, as defined in the License Agreement, is wholly removed from the Public Way; and

- (3) This Settlement Agreement does not affect the Town's right to receive additional compensation for new installations that are processed throughout the License Term. Such compensation shall be due and payable to the Town as set forth in the License Agreement; and
- (4) Future installations and modifications of existing nodes during the License Term will be processed as set forth in the Town Code as it exists at the time the installation, upgrades and/or modifications are made, and in accordance with State and Federal Law; and
- (5) Crown Castle has already paid the building permit and site plan approval filing fees in accordance with the provisions of the Huntington Town Code, without admitting any liability or wrongdoing on the part of Crown Castle; and
- (6) <u>No Assignment</u>. The parties hereto represent and warrant that they have not made or caused to be made any assignment or transfer for any of the rights, claims, demands, grievances, suits, action or causes of action referred to herein, ancillary hereto or released, discharged or compromised hereby; and
- (7) No Reliance/Review by Counsel. The parties executing this Agreement hereby represent and acknowledge that: (i) they have reviewed all of the terms and provisions of this Agreement with their independent counsel and understand and consent to the terms and provisions hereof; (ii) they been represented by counsel in the negotiation and consummation of this Agreement and all matters relating thereto and have review this Agreement with their counsel; (iii) they are fully authorized to execute this Agreement; and

- (iv) this Agreement when executed by the respective parties will be the legal, binding and valid obligation of the parties enforceable in accordance with the terms hereof; and
- (8) Release. In exchange for and in consideration of the covenants and promises contained herein, and full compliance with the provisions of this Agreement, each party hereby waives, discharges and releases the other, together with their respective past and present employees, contractors, officers, directors, agents, principals, shareholders, related entities, parent companies, subsidiary corporations, sister corporations and other affiliated business entities, insurers, affiliated corporations, successors-in-interest, assigns, insurers, fiduciaries, trustees, administrators, lessees, sub-lessees, customers, representatives, and/or attorneys from:
 - (i) Any claims or violations which were asserted, or which could have been asserted specifically relating to or arising out of the DAS, to the date of this Agreement; and
 - (ii) All causes of actions, violations, actions, debts, sums of money, accounts, bonds, bills, covenants, contracts controversies, promises, agreements, trespasses, variances, judgments, damages, executions, claims, demands whatsoever, in law, equity and/or admiralty, which either party ever had specifically relating to or arising out of the installation, maintenance and operation DAS system from the beginning of time to the date hereof; and
- (9) <u>Entire Agreement</u>. This Agreement constitutes and sets forth the entire agreement and understanding of the parties relating to the subject matter hereof and all other matter ancillary hereto and supersedes all prior agreements, arrangements and

understandings relating to the subject matter hereof and all matters ancillary hereto. No party has made any representation or warranty, oral or written, express or implied, in fact or in law, except as set forth in this Agreement. In the event of conflict between the terms of this Agreement and the License Agreement, the terms of this Agreement shall control as to the Nodes and time period set forth.; and

(10) <u>Notices</u>. Any notice required to be given hereunder must be in writing and may be served in person, by overnight delivery service or by certified mail upon the respective parties as follows:

if to the Town:

TOWN OF HUNTINGTON

Attn: Town Clerk 100 Main Street Huntington, NY 11743

with a copy which shall not constitute legal notice to:

Huntington Town Attorney 100 Main Street Huntington, New York 11743

if to Crown Castle:

CROWN CASTLE NG EAST LLC

c/o Crown Castle USA Inc.
2000 Corporate Drive
Canonsburg, PA 15317-8564
Attn: General Counsel, Legal Department

with a copy which shall not constitute legal notice to:

CROWN CASTLE NG EAST LLC

2000 Corporate Drive Canonsburg, PA 15317-8564 Attn: SCN Contracts Management

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(11) <u>Miscellaneous</u>.

A. This Agreement may not be waived, changed, modified or varied in any manner whatsoever unless in writing and duly signed by all of the parties hereto.

B. This Agreement shall be governed and construed in accordance with the laws of the State of New York, without regard to conflicts of laws principles, and the parties hereto consent and submit to the exclusive jurisdiction of the Courts located in the State of New York, County of Suffolk, for any action or proceeding regarding the terms of this Agreement, provided, however, that any claim brought under federal law or otherwise subject to federal jurisdiction, may be brought in the United States District Court for the Eastern District of New York.

C. In the event any part, term or provision of this Agreement is found for any reason to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other part, term or provision of this Agreement and this Agreement shall be construed as if such invalid, illegal or unenforceable part, term or provision had never been contained herein.

D. This Agreement shall extend to, be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Nothing in this Agreement, express or implied, is intended to confer on any other person or entity, other than the parties hereto, or their respective successors and assigns, any rights, remedies, obligations or liabilities.

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E. Each of the parties hereto has joined in and contributed to the drafting

of this Agreement and each of the parties hereby agrees that there shall be no

presumption in favor of either party based upon draftsmanship.

F. No failure or delay on the part of either party to exercise any right,

power or remedy hereunder shall operate as a waiver thereof, nor shall any single or

partial exercise of any such right, power or remedy preclude any other or further

exercise thereof or the exercise of any right, power or remedy hereunder.

WHEREFORE, the parties hereto have executed this Agreement as of the date set forth

above.

THE TOWN OF HUNTINGTON

By:		
Name:	Frank P. Petrone	
Title:	Town Supervisor	

CROWN CASTLE NG EAST LLC

Зу:	 	 	
Name:			
Fitle:			

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 22-2016, CONSIDERING ZONE CHANGE APPLICATION #2015-ZM-411, SEAMUS COYLE – 114 PRIME AVE, TO CHANGE THE ZONING FROM I-4 LIGHT INDUSTRY DISTRICT TO R-5 RESIDENCE DISTRICT FOR PROPERTY LOCATED ON THE EAST SIDE OF PRIME AVENUE, NORTH OF NEW YORK AVENUE, HUNTINGTON, SCTM# 0400-071-02-083.

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: COUNCILMAN CUTHBERTSON

and seconded by: COUNCILMAN COOK

WHEREAS, SEAMUS COYLE, 735 Old Bethpage Rd., Old Bethpage, NY 11804, property owner, submitted application #2015-ZM-411 for a change of zone from I-4 Light Industry District to R-5 Residence District for property located on the east side of Prime Avenue, north of New York Avenue (NYS 110), Huntington, designated as 0400-071-02-083 on the Suffolk County Tax Map; and

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

WHEREAS, the Town Board, 100 Main St., Huntington, NY 11743 classified the action as Unlisted in accordance with the provisions of 6 NYCRR Part 617, SEQRA, and established itself as Lead Agency on May 10, 2016; and

WHEREAS, the Department of Planning and Environment has prepared an EAF Parts II and III which analyzes the planning and zoning issues relative to the subject application as well as consistency with the Horizons 2020 Comprehensive Plan and evaluates potential project impacts in accordance with the SEQRA regulations, and the SEQRA documents and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: planning@huntingtonny.gov; and

WHEREAS, by resolution dated April 20, 2016 the Planning Board recommended to the Town Board that the Town Board issue a Negative Declaration under SEQRA and approve the zone change application; and

WHEREAS, on June 6, 2016 the Suffolk County Planning Commission sent a letter indicating that the application was considered to be a matter for local determination;

NOW THEREFORE BE IT

RESOLVED, upon due deliberation of the completed Environmental Assessment Form on file in the offices of the Town Clerk and the Department of Planning and Environment, the Town Board, as Lead Agency, determines that the action will not have a significant effect upon the environment because the rezoning of the property and proposed site development will have no adverse environmental impacts, and further finds that the proposed action to rezone the property is consistent with the Town of Huntington Comprehensive Plan and with the Board's long term planning policies and goals, and additionally finds that any subdivision or site plan resulting therefrom may require its own determination of significance, following SEQRA assessment of the specific project's environmental consequences based upon new information and/or revisions to the conceptual plan, the Town Board hereby:

- (1) Issues a Negative Declaration based on the reasons outlined in the EAF, Parts II and III; and
- (2) Finds that the requirements for a SEQRA review have been met; and

BE IT FURTHER RESOLVED, that the Town Board, having held a public hearing on the 12th day of July, 2016 to consider adopting Local Law Introductory No. 22-2016 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), §198-7 of the Huntington Town Code, thereby rezoning from I-4 Light Industry District to R-5 Residence District the property designated on the Suffolk County Tax Map as 0400-071-02-083, and due deliberation having been had:

HEREBY ADOPTS

Local Law Introductory No. 22-2016, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts, Map, General Regulations), as follows:

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

LOCAL LAW NO. <u>34</u> - 2016 AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 198 (ZONING) ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS) SECTION 7 (ZONING MAP)

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

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

seamus coyle 114 prime_TB enactment.docx Planning/CT 7/28/16

§ 198-7 Zoning Map

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

The premises located on the east side of Prime Avenue, north of New York Avenue (NYS 110), Huntington, designated on the Suffolk County Tax Map as 0400-071-02-083, to be rezoned from I-4 Light Industry District to R-5 Residence District, more particularly described as:

BEGINNING at a POINT on the easterly side of Prime Avenue, 123.29 feet north of the intersection with the northwesterly side of New York Avenue (NYS 110),

THENCE from said POINT OF BEGINNING North 15 degrees 24 minutes 00 seconds West, 90.48 feet,

THENCE North 39 degrees 22 minutes 33 seconds East, 43.26 feet,

THENCE North 82 degrees 47 minutes 39 seconds East, 99.48 feet,

THENCE South 31 degrees 58 minutes 00 seconds West, 60.90 feet,

THENCE South 15 degrees 24 minutes 00 seconds East, 59.90 feet,

THENCE South 74 degrees 32 minutes 00 seconds West, 89.00 feet to the POINT OF BEGINNING.

Section 2. Severability

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

Section 3. Effective Date

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

* * * INDICATES NO CHANGE TO PRESENT TEXT. ADDITIONS ARE INDICATED BY <u>UNDERLINE</u>. DELETIONS ARE INDICATED BY [BRACKETS].

VOTE: AYES: 4 NOES: 0 ABSTENTIONS:1

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

AYE

AYE

AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 27-2016 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.
RE: MORRIS AVENUE -HUNTINGTON – STOP SIGNS

Resolution for Town Board Meeting dated: August 16, 2016

The following resolution was offered by: COUNCILMAN CUTHBERTSON

and seconded by: COUNCILWOMAN EDWARDS

THE TOWN BOARD having held a public hearing on the 12th day of July, 2016 at 2:00 p.m. to consider adopting Local Law Introductory No. 27-2016 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G., and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 27-2016 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G.; as follows:

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

LOCAL LAW NO. **35** - 2016 AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G.; as follows

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

DIRECTION

ΑT

SIGN ON

SIGN STOP OF TRAVEL

INTERSECTION OF:

SOUTH

Rotterdam Street

ADD: Morris Avenue (HUN)

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:	Λ	ABSTENTIONS:	Λ
VOIE:	AILS.	.5	NOES.	U	ADSTENTIONS.	U

AYE
AYE
AYE
AYE
AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 28-2016 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 78 (ANIMALS)

Resolution for Town Board Meeting Dated: August 16, 2016

The following Resolution was offered by: COUNCILMAN CUTHBERTSON

and seconded by: SUPERVISOR PETRONE

THE TOWN BOARD having held a public hearing on the 12th day of July, 2016 at 2:00 p.m. to consider adopting Local Law Introductory No. 28-2016, amending the Code of the Town of Huntington, Chapter 78 (Animals) and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 28-2016 amending the Code of the Town of Huntington, Chapter 78 (Animals) as follows:

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

LOCAL LAW NUMBER **36-2016**AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 78 (ANIMALS)

Section 1. Amending the Code of the Town of Huntington, Chapter 78 (Animals); as follows:

CHAPTER 78 ANIMALS

§ 78-2. Definitions.

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

ANIMAL

All species of mammals except humans, including dogs, as well as all species of birds.

ANIMAL "AT LARGE"

Means an animal which either: (1) in the case of dogs, is not under effective restraint or confinement; or (2) in the case of animals other than dogs or cats, is not in the immediate presence and under the effective control of its owner or custodian; or (3) is tethered or leashed on any street, or other public place, not set aside for such tethering or leashing for a period of longer than 15 minutes, or in such a way as to block a public walkway or

1

thoroughfare; or (4) is pastured, tethered, tied or otherwise present on private property or in any public area without the consent of the owner or occupant; or (5) is in any place or position with the capacity to injure persons, property and/or other animals; or (6) fights, bites, or causes harm to any other animal or person unless such animal or person has entered the private property owned by, or in the possession of, the person owning or controlling the offending animal without permission; or (7) is not on the private property owned by, or in the possession of, the person owning or harboring the animal and is not wearing a required identification tag; or (8) is left at any place without provision for its care as outlined in this Chapter.

CREMATION

To reduce a dead animal to ashes by incineration.

DOG

Any member of the species canis familiaris.

EMOTIONAL SUPPORT DOG

Any dog that may be trained to aid a person with an emotional disability by providing comfort and support and is actually used for such purpose.

EUTHANIZE

To bring about death by humane method.

GUIDE DOG

Any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State during the period such dog is being trained or bred for such purpose. See "Service Dog."

HARBOR

To provide food or shelter to any dog or animal.

HEARING DOG

Any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center within the state during the period such dog is being trained or bred for such purpose. See "Service Dog."

IDENTIFICATION TAG

[a] A tag issued by the Town Clerk which sets forth the license number together with the name of the Town and State, the telephone number of the Department of Public Safety, and any other information deemed necessary by the Town Clerk.

INCLEMENT WEATHER

Weather conditions that are likely to adversely affect the health and safety of an animal, including, but not limited to, rain, sleet, ice, snow, wind, temperatures below thirty two

(32) degrees Fahrenheit and above ninety five (95) degrees Fahrenheit, extreme heat and cold, or other conditions for which the National Weather Service or other weather services shall issue a weather advisory.

OWNER

[means] Any person who harbors or keeps any dog or other animal.

OWNER OF RECORD

[means the person in whose name a dog was last licensed pursuant to this chapter.] The person in whose name any dog was last licensed pursuant to this chapter, except that if any license was issued on application of a person under 18 years of age, the owner of record shall be deemed to be the parent or guardian of such person. If it cannot be determined in whose name any dog was last licensed, the owner shall be deemed to be the owner of record of such dog, except that if the owner is under 18 years of age, the owner of record shall be deemed to be the parent or guardian of such person.

PHYSICAL CONDITION

Any special medical needs of an animal due to disease, illness, injury or breed about which the owner or person with custody or control of the animal should be reasonably aware.

POLICE WORK DOG

Any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

SERVICE DOG

Any dog that is trained to aid a person with a disability and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.

SUSTENANCE

Means providing an animal with adequate food, adequate water and minimum care as follows:

(1) "Adequate food" means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the condition and size of the animal and the environment in which it is kept. An animal shall be fed or have food available at least once each day, unless a licensed

veterinarian instructs otherwise, or withholding food is in accordance with accepted agricultural or veterinarian practices; and,

(2) "Adequate water" means fresh, potable water provided at suitable intervals for the species, and which, in no event, shall exceed 24 hours at any interval. The animal must have access to the water; and

(3)"Minimum care," includes veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

TETHER

A rope, chain, or the like, by which an animal is fastened to a fixed object so as to limit its range of movement.

THERAPY DOG

Any dog that may be trained to aid a person who resides in a hospital, nursing home or other facility by providing affection and comfort and is actually used for such purpose.

UNATTENDED OUTSIDE

Animals that are left outdoors in inclement weather without ready access to, or the ability to enter a house, apartment, building and/or any other permanent structure in excess of thirty (30) minutes.

VEHICLE

A motor vehicle as defined in §125 of the Vehicle and Traffic Law of the State of New York, or a trailer as defined in §156 of such law.

Article II. Dogs and Other Animals

§ 78-3. Running at large prohibited.

- A. Any person owning, possessing or harboring a dog, pet or other animal shall be responsible for the conduct of the animal at all times. Except as to those persons owning, possessing or harboring cats, all persons owning, possessing or harboring a dog, pet or other animal shall be responsible for restraining and keeping the animal on his or her own property and shall not allow or permit a dog, pet or other animal to stray upon any private or public property.
 - (1) It shall be a violation of this section for any owner to permit a dog or other animal, whether licensed or unlicensed, to be at large within the Town of Huntington other than the owner's premises or in an authorized off-leash area.
 - (2) No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to a stationary object outdoors, or cause such animal to be so restrained, for longer than two continuous hours in any continuous twelve-hour period. When the same dog is observed to be tethered in the same location that it was in after an initial observation of the dog in that location, then there shall be a rebuttable presumption that the dog has been continuously tethered in that location since

- the initial observation. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash.
- (3) Any person who tethers, leashes, fastens, secures, restrains, chains, or ties a dog to a stationary object outdoors shall provide such animal with proper sustenance and shall restrain the dog with a device having swivels at both ends that is of adequate length for the type, age and size of the dog or animal being restrained.
- C. Notwithstanding the provisions of this section, no person shall tether, leash, fasten, chain, tie, secure or restrain any dog or animal to any object for any amount of time with a device that:
 - (1) is a choke collar or pinch collar; or similar collar that restrains the dog in a manner that it impairs the flow of oxygen or blood to the dog which may cause choking or substantial discomfort to the dog;
 - (2) is embedded, partially embedded, or may become embedded in the dog's skin;
 - (3) weighs more than 1/8th of the dog's total body weight, but in no way shall exceed 10 pounds;
 - (4) is less than 10 feet in length for a running cable trolley and 15 feet in length for a tether to a stationary object;
 - (5) is too short to allow the dog continuous access to adequate food, water, and shelter or to urinate or defecate in an area separate from where it must eat, drink or lie down;
 - (6) is not designed for dogs;
 - (7) has weights attached or contains links that are more than onequarter inch thick;
 - (8) because of its design or placement is likely to become entangled around itself, the dog, objects or other animals;
 - (9) is long enough to allow the dog to move outside of its owner's property;
 - (10) would allow the restrained animal to move over an object, including but not limited to, any type of fencing or barrier or edge that could result in the strangulation of or injury to such animal.
- D. Notwithstanding the provisions of this section, any tether, leash, fastener, chain, tie or restraint shall be attached to properly fitting collar or harness designed for this purpose worn by the dog, with enough room between the collar and the dog's throat through which two adult fingers may fit, provided however, that such collar or harness is in compliance with subdivision C (1) herein.
- E. Notwithstanding the provisions of this section, no person shall tether, leash, fasten, chain, tie, secure or restrain any dog for any amount of time if such dog is under six (6) months of age.
- F. Notwithstanding the provisions of this section, no person shall tether,

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- leash, fasten, chain, tie, secure or restrain more than one dog at a time on a permissible device.
- G. Notwithstanding the provisions of this section, no person shall allow a tethered, leashed, fastened, chained, tied, secured or restrained dog to be taunted, prod, hit, harassed, threatened, attacked or otherwise harmed by humans or other animals.
- H. Upon a finding of any violation(s) of this section, any dog seized pursuant to the provisions of this Chapter or any other state or federal law, shall be returned to the owner or custodian only upon proof that the violation(s) have been cured.
- I. The provisions of this section shall not be construed to prohibit the Town of Huntington, the American Society for the Prevention of Cruelty to Animals, the Suffolk County Society for the Prevention of Cruelty to Animals or any other law enforcement officer or peace officer from enforcing any other law, rule or regulation regarding the humane treatment of animals.
- J. The provisions of this section shall not apply to law enforcement work dogs, utilized by federal or state law enforcement agencies while under the control of law enforcement for law enforcement purposes.
- K. Nothing in this section shall be construed to affect any other protections afforded to animals under any provision of law, including but not limited to, the requirement of adequate shelter pursuant to Section 353-b of the New York State Agriculture and Markets Law.
- [(C)]L. Nothing contained in [(B) herein] this section is intended to apply to a guide dog, a hearing dog, service dog, working search dog, war dog, detection dog or therapy dog as defined in Article 7 of the New York State Agriculture and Markets Law while under the control of the person needing assistance. [, and police work dogs utilized by law enforcement agencies while under the control of law enforcement for law enforcement purposes.]

§ 78-6. Seizure; redemption; fees.

- (A) The Animal Control Officer or any peace officer shall seize any dog, <u>or animal</u>, under the following circumstances [.]:
 - (1) Is running at large [and not under the immediate and full control of the owner or the control of the person-in-charge of the dog.] and/or if there is probable cause to believe that the owner or custodian harboring said animal or dog is in violation of §78-3 or §78-17 of this Chapter.

§ 78-7. Commission of nuisances and other offenses.

(A) [No person owning, possessing or harboring a dog or having the right or ability to

prevent it shall knowingly, carelessly or negligently permit such dog or other animal to commit any nuisance in or upon any public property, including but not limited to parks. roadways, highways, streets, walkways, pathways, sidewalks or off-leash areas; or upon the floor of any tenement house which is used in common by tenants thereof; or upon the fences of any premises or the walls or stairways of any building abutting on a public street, avenue, park, public square or place; or upon the floor of any theater, store, factory or any building which is used in common by the public, including all public rooms or places therewith connected; or upon the floor of any depot or station; or upon the station platform or stairs of any railroad or other common carrier; or upon the roof of any tenement house used in common by tenants thereof; or upon the floor of any hall. stairway or office of any hotel, motel or lodging house which is used in common by guests thereof; nor shall any person omit to do any reasonable and proper act or take any reasonable and proper precaution to prevent any such dog or other animal from committing such a nuisance in, on or upon any of the places or premises herein specified.] It shall be unlawful for a dog to defecate, urinate or commit a nuisance on public property, except that portion of a public street lying between the curblines in accordance with the requirements of Subsection B or on private property without the consent of the owner or person in possession of such private property. A person owning or possessing a dog which defecates, urinates or commits any nuisance as prohibited herein, with or without the knowledge, consent or fault of such person, shall be guilty of a violation of this section. It shall be presumed that a dog defecating, urinating or committing a nuisance on private property of a person other than the dog's owner or possessor does so without the consent of the owner or person in possession of such private property.

- (B)[No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog to soil, defile, urinate, defecate on or deface any public property, including but not limited to parks, roadways, highways, streets, walkways, pathways, sidewalks or off-leash areas, or any place where people congregate or walk or on any private property without the permission of the owner of said private property.] The owner or possessor of any dog shall immediately remove all feces deposited by said dog by placing such feces in a plastic bag which shall be sealed and deposited in a covered garbage receptacle.
- (C) Exceptions. [Dogs may be curbed on that portion of a roadway or street lying between the curblines. A person who curbs a dog shall immediately remove, in a suitable container, all feces deposited by such dog. The feces removed from the designated area shall be disposed of in a sanitary manner by the person owning, harboring, keeping or in charge of any dog curbed, except that a person who is visually impaired and/or disabled and is accompanied by a guide or service dog shall be exempted except that a] $\underline{\mathbf{A}}$ person who is visually impaired and/or disabled and is accompanied by a guide or service dog shall be exempted.
- (D) Menacing by dogs. No person who owns or harbors a dog shall allow, permit, neglect to restrain, fail to adequately control or otherwise fail to prevent such dog to attack, bite, chase, jump upon, harass or otherwise intimidate or cause reasonable apprehension of

bodily harm to any person peaceably conducting himself/herself in any place where such person may lawfully be.

* * *

§ 78-15. Surrender of dog by owner for [destruction] euthanasia or adoption; fees.

* * *

C. Fees.

(1) A resident of the Town of Huntington who surrenders a dog to the Animal Control Officer for adoption or [destruction] <u>euthanasia</u> shall pay a fee of fifty (\$50.) dollars.

* * *

- (4) In the case of surrender of a dog for euthanasia, there shall be an additional cremation fee of twenty-five (\$25.) dollars.
- (5) In the case of surrender of a dog for purposes of cremation only, there shall be a cremation fee of twenty-five (\$25.) dollars.

* *

§ 78-17. <u>Unattended Animals</u>

- A. It shall be a violation of this section for any person to place or confine an animal or permit such animal to be placed or confined or remain in an unattended vehicle without sufficient ventilation or under other conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of water or such other circumstances as reasonably may be expected to cause suffering, disability or death.
- B. Nothing in this chapter shall be construed so as to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.
- C. Any police officer, peace officer, public safety officer of the Department of Public Safety of the Town of Huntington or animal control officer of the Town of Huntington who finds an animal in a vehicle in violation of Subsection A hereof may enter said vehicle, without civil or criminal liability, to remove the animal. The person removing the animal shall take such animal or cause said animal to be delivered to an animal shelter or other place of safekeeping in the Town of Huntington. This section can be enforced by the American Society for the Prevention of Cruelty to Animals, the Suffolk County Society for the Prevention of Cruelty to Animals or any other law enforcement or peace officer.
- D. In the event that the owner or custodian of said animal cannot otherwise be

located, the person shall leave in a prominent place on or in the vehicle a written notice bearing his or her name and department and the address where the animal may be claimed by the owner or custodian thereof. The animal shelter having custody of the animal shall make reasonable efforts to contact the owner and give notice that the animal is in its custody. The animal shall be surrendered to the owner if the owner claims the animal within 10 days from the time the animal was removed from the vehicle and pays all reasonable charges which have accrued for the maintenance of such animal. If the owner does not claim the animal within the specified time, the animal shelter may place the animal for adoption in accordance with the provisions of this chapter and the Agricultural and Markets Law of the State of New York.

E. It shall be a violation of this section for any person to leave a dog unattended outdoors for over thirty minutes in inclement weather or under other conditions or for such a period of time as may endanger the health or well-being of such dog due to heat, lack of water or such other circumstances, such as weather advisory by any federal, state, county or town government or as reasonably may be expected to cause suffering, disability or death. It shall be a rebuttable presumption that any temperature below thirty two (32) degrees Fahrenheit or above ninety five (95) degrees Fahrenheit constitutes inclement weather.

§ 78-18. Penalties for offenses.

A. Except as otherwise provided in this article, any person committing an offense against any provision of this article shall be guilty of a violation punishable by a fine of not less than one hundred (\$100.) dollars nor more than [up to] five hundred (\$500.) dollars for the first offense, not less than two hundred and fifty (\$250.) dollars nor more than one thousand (\$1,000.) dollars for the second offense, and not less than seven hundred and fifty (\$750.) dollars nor more than two thousand five hundred (\$2,500.) dollars for the third and subsequent offense committed within eighteen (18) months of the first offense.

B. Any person or owner who has committed an offense against §78-3, § 78-5, and/or §78-17 herein shall be guilty of a violation and shall be held liable on conviction thereof to a fine or penalty of not less than five hundred (\$500.) dollars nor more than five thousand (\$5,000.) dollars for a conviction of a first offense; upon conviction of a second violation where the offense is committed within a period of five (5) years of the first offense, a fine of not less than one thousand (\$1,000.) dollars nor more than ten thousand (\$10,000.) dollars; and upon conviction of a third or subsequent violation where the offense is committed within a period of five (5) years of the first and second offense shall constitute a misdemeanor punishable by a fine of not less than one thousand five-hundred dollars (\$1,500.) nor more than fifteen thousand (\$15,000.) dollars or imprisonment not to exceed six (6) months, or both.

C. Any person committing an offense against the provisions of § 78-9 shall be guilty of a violation punishable by a fine of not less than one hundred (\$100.)

dollars nor more than [not more than one hundred (\$100.)] two hundred fifty (\$250.) dollars. In the event the subject dog is reported to have bitten a person or another domestic warm-blooded animal, said person shall be subject to an additional fine of not more than five hundred (\$500.) dollars.

- D. Any person committing an offense against the provisions of § 78-7 shall be guilty of a violation punishable by a fine of [not exceeding] two hundred fifty (\$250.) dollars or by imprisonment for a period not exceeding fifteen (15) days for each such infraction, or by both such fine and imprisonment.
- E. In addition to the criminal penalties set forth herein or in other applicable law, rule or regulation, the Town Attorney is authorized to pursue civil and equitable relief, including but not limited to compensatory actions; civil penalties in the amount of up to five hundred (\$500) dollars per day, or part thereof; an action to compel compliance with or to restrain by injunction the violation of this article; and other remedies which in the opinion of the Town Attorney may seem necessary and proper. Such civil and equitable relief may be sought in a court of competent jurisdiction. Any civil monetary penalty awarded may be added to the tax bill of the property where the violation has occurred and shall be collected in the same manner.

Article III. Cats

- § 78-19. Surrender of cat by owner for euthanasia [destruction or adoption]; fees.
 - A. The Animal Control Officer of the Town of Huntington, in addition to the powers granted to him by law, may, upon application of a resident of the Town of Huntington and surrender to the dog shelter, accept any cat owned by such resident for immediate [adoption or destruction] <u>euthanasia</u>, at the discretion of the Animal Control Officer.
 - [B.Any cat belonging to a qualified resident senior citizen of the Town of Huntington shall be transported to the dog shelter free of charge by the Animal Control Officer or other duly designated person.]

<u>B.</u>[C.] Fees.

- (1) A resident of the Town of Huntington who surrenders a cat to the Animal Control Officer for <u>euthanasia</u> [adoption or destruction] shall pay a fee of fifty (\$50.) dollars.
- (2) A qualified resident senior citizen of the Town of Huntington shall receive a discount of five (\$5.) dollars when he or she surrenders a cat to the Animal Control Officer or other duly designated person for <u>euthanasia</u> [adoption or destruction].
- [(3) In the case of an adoption of a cat, a fee of eighty (\$80) dollars shall be paid to the Town of Huntington. In addition, said cat must have been spayed/neutered and

vaccinated to prevent the spread of rabies. In the case of adoption by an animal humane society, the adoption fee shall be waived if said society provides a notarized statement to the Animal Control Officer or other duly designated person certifying that said cat shall be spayed/neutered and vaccinated, and that proof of same shall be filed with the Animal Control Officer or duly designated person within ten (10) days of adoption. Failure to subsequently file such proof shall result in said humane society being ineligible for any further waiver of adoption fees pending said filing.]

- [(4) In addition to any other fee required to be paid hereinabove, a rabies vaccination fee of fifteen (\$15.) dollars shall be paid in the event that a redeemed or adopted cat requires vaccination to prevent the spread of rabies.]
- (3) In the case of surrender of a cat for euthanasia, there shall be a cremation fee of twenty-five (\$25.) dollars.
- (4) In the case of surrender of a cat for purposes of cremation only, there shall be a cremation fee of twenty-five (\$25.) dollars.

§ 78-23. Penalties for offenses.

- A. Except as provided otherwise in this section, any person committing an offense against any provision of this article shall be guilty of a violation punishable by a fine of not less than one hundred (\$100.) dollars nor more than [up to] five hundred (\$500.) dollars for the first offense, not less than two hundred and fifty (\$250.) dollars nor more than one thousand (\$1,000.) dollars for the second offense, and not less than seven hundred and fifty (\$750.) dollars nor more than two thousand five hundred (\$2,500.) dollars for the third and subsequent offense committed within eighteen (18) months of the first offense.
- B. Any person committing an offense against the rabies vaccination requirements hereinabove shall be guilty of a violation punishable by a fine of not more than one hundred (\$100.) dollars. In the event that the subject cat is reported to have bitten a person or another domestic warm-blooded animal, said person shall be subject to an additional fine of not more than five hundred (\$500.) dollars.
- C. In addition to the criminal penalties set forth herein or in other applicable law, rule or regulation, the Town Attorney is authorized to pursue civil and equitable relief, including but not limited to compensatory actions; civil penalties in the amount of up to five hundred (\$500) dollars per day, or part thereof; an action to compel compliance with or to restrain by injunction the violation of this article; and other remedies which in the opinion of the Town Attorney may seem necessary and proper. Such civil and equitable relief may be sought in a court of competent jurisdiction. Any civil monetary penalty awarded may be added to the tax bill of the property where the violation has occurred and shall be collected in the same manner.

* *

§ 78-29. Penalties for offenses.

A. Except as otherwise provided in this article, any person committing an offense against any provision of this article shall be guilty of a violation punishable by a fine of not less than one hundred (\$100.) dollars nor more than [up to] five hundred (\$500.) dollars for the first offense, not less than two hundred and fifty (\$250.) dollars nor more than one thousand (\$1,000.) dollars for the second offense, and not less than seven hundred and fifty (\$750.) dollars nor more than two thousand five hundred (\$2,500.) dollars for the third and subsequent offense committed within eighteen (18) months of the first offense.

B. In addition to the criminal penalties set forth herein or in other applicable law, rule or regulation, the Town Attorney is authorized to pursue civil and equitable relief, including but not limited to compensatory actions; civil penalties in the amount of up to five hundred (\$500) dollars per day, or part thereof; an action to compel compliance with or to restrain by injunction the violation of this article; and other remedies which in the opinion of the Town Attorney may seem necessary and proper. Such civil and equitable relief may be sought in a court of competent jurisdiction. Any civil monetary penalty awarded may be added to the tax bill of the property where the violation has occurred and shall be collected in the same manner.

*

Article V. Prohibited Animals

* *

§ 78-34. Penalties for offenses.

A. Any person who violates any provision of this Article shall be guilty of a violation and shall be held liable on conviction thereof to a fine or penalty of not less than five hundred (\$500.) dollars for each animal nor more than five thousand (\$5,000.) dollars for a conviction of a first offense; upon conviction of a second offense committed within a period of five years of the first offense, a total of not less than one thousand (\$1,000.) dollars nor more than ten thousand (\$10,000.) dollars; and upon conviction of a third or subsequent violation where the offense is committed within a period of five (5) years of the first and second offense, said offense shall constitute a misdemeanor punishable by a fine of not less than one thousand five hundred (\$1,500.) dollars nor more than fifteen thousand (\$15,000.) dollars, or imprisonment not to exceed six (6) months or both.

B. In addition to the criminal penalties set forth herein or in other applicable law, rule or regulation, the Town Attorney is authorized to pursue civil and equitable relief, including but not limited to compensatory actions; civil penalties in the

amount of up to five hundred (\$500) dollars per day, or part thereof; an action to compel compliance with or to restrain by injunction the violation of this article; and other remedies which in the opinion of the Town Attorney may seem necessary and proper. Such civil and equitable relief may be sought in a court of competent jurisdiction. Any civil monetary penalty awarded may be added to the tax bill of the property where the violation has occurred and shall be collected in the same manner.

Article VI. Disposal of dead animals

§ 78-35. Disposal by cremation.

No dead animal or other biological tissue shall be disposed of in the Town of Huntington by any means other than cremation in an approved facility. All cremation shall be performed at <u>approved</u> [the crematorium owned and operated by the Town of Huntington or at] licensed facilities providing [equal] crematory services.

§ 78-37. Fees.

- [A. The fees for euthanization shall be as follows:
 - (1) For each dog: included in surrender fee.
 - (2) For each cat: included in surrender fee.
 - (3) For each litter of newborn kittens or pups: ten (\$10.) dollars.]
- [B. The fees for cremation services shall be as follows:
 - (1) For each dog: thirty (\$30) dollars.
 - (2) For each cat: twenty (\$20) dollars.
 - (3) For each litter of kittens and pups: twenty (\$20) dollars.
 - (4) Other small animals, each under fifty (50) pounds twenty (\$20) dollars per animal.]
- [C.] A. The Director of Public Safety may, from time to time, recommend changes in the fees for cremation and euthanization to the Town Board.

* *

§ 78-40. Penalties for offenses.

A. Any person committing an offense against any provision of this article shall be guilty of a violation punishable by a fine of not less than one hundred (\$100.) dollars nor more than [up to] five hundred (\$500.) dollars for the first offense, not less than two hundred and fifty (\$250.) dollars nor more than one thousand (\$1,000.) dollars for the second offense, and not less than seven hundred and fifty (\$750.) dollars nor more than two thousand five hundred (\$2,500.) dollars

for the third and subsequent offense committed within eighteen (18) months of the first offense.

B. In addition to the criminal penalties set forth herein or in other applicable law, rule or regulation, the Town Attorney is authorized to pursue civil and equitable relief, including but not limited to compensatory actions; civil penalties in the amount of up to five hundred (\$500) dollars per day, or part thereof; an action to compel compliance with or to restrain by injunction the violation of this article; and other remedies which in the opinion of the Town Attorney may seem necessary and proper. Such civil and equitable relief may be sought in a court of competent jurisdiction. Any civil monetary penalty awarded may be added to the tax bill of the property where the violation has occurred and shall be collected in the same manner.

Article VII. Deer Management

* * *

§ 78-50. Penalties for offenses.

<u>A.</u> Any person who commits an act in violation of this article shall, upon conviction thereof, be guilty of a violation subject to a fine or penalty of not less than one hundred (\$100.) dollars and not more than one thousand (\$1,000.) dollars for a conviction of a first offense; upon the conviction of a second offense, where the offense occurred within two (2) years of the commission of the first offense, a fine or penalty of not less than five hundred (\$500.) dollars and not more than two thousand five hundred (\$2,500.) dollars; and upon conviction of a third or subsequent offense, where the offense occurred within five (5) years of the commission of the first offense, shall be punishable by a fine or penalty of not less than five hundred (\$500.) dollars and not more than five thousand (\$5,000) dollars.

B.In addition to the criminal penalties set forth herein or in other applicable law, rule or regulation, the Town Attorney is authorized to pursue civil and equitable relief, including but not limited to compensatory actions; civil penalties in the amount of up to five hundred (\$500) dollars per day, or part thereof; an action to compel compliance with or to restrain by injunction the violation of this article; and other remedies which in the opinion of the Town Attorney may seem necessary and proper. Such civil and equitable relief may be sought in a court of competent jurisdiction. Any civil monetary penalty awarded may be added to the tax bill of the property where the violation has occurred and shall be collected in the same manner.

* *

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 Councilwoman Sus Councilman Eugen Councilman Mark Councilwoman Tra	san A. Berland e Cook A. Cuthbertson	AYI AYI AYI AYI	E E		

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 29-2016 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 159 (RECREATIONAL FACILITIES), ARTICLE I (DEFINITIONS), §159-1 (DEFINITIONS), AND ARTICLE II (USE REGULATIONS AND RESTRICTIONS), §159-20 (BEHAVIOR AND CONDUCT)

Resolution for Town Board Meeting dated: August 16, 2016

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILWOMAN EDWARDS**

THE TOWN BOARD having held a public hearing on the 12th day of July, 2016 at 2:00 p.m. to consider adopting Local Law Introductory No. 29-2016, amending the Code of the Town of Huntington, Chapter 159 (Recreational Facilities), Article I (Definitions), §159-1 (Definitions), and Article II (Use Regulations and Restrictions), §159-20 (Behavior and Conduct), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 29-2016, amending the Code of the Town of Huntington, Chapter 159 (Recreational Facilities), Article I (Definitions), §159-1 (Definitions), and Article II (Use Regulations and Restrictions), §159-20 (Behavior and Conduct), as follows:

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

LOCAL LAW NO. 37 - 2016
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,
CHAPTER 159 (RECREATIONAL FACILITIES),
ARTICLE I (DEFINITIONS), §159-1 (DEFINITIONS), AND
ARTICLE II (USE REGULATIONS AND RESTRICTIONS),
§159-20 (BEHAVIOR AND CONDUCT)

Section 1. Chapter 159 (Recreational Facilities), Article I (Definitions), §159-1 (Definitions), and Article II (Use Regulations and Restrictions), §159-20 (Behavior and Conduct), are hereby amended to read as follows:

CHAPTER 159 (RECREATIONAL FACILITIES)

ARTICLE I [(DEFINITIONS)] <u>ADMINISTRATIVE PROVISIONS</u>

§159-1. Definitions. As used in this Article, the following words shall have the meanings indicated:

<u>PIPE – Includes a traditional tobacco pipe, bong, hookah, waterpipe, shisha, narghile or similar device.</u>

SMOKING - See §198-2.

ARTICLE II USE REGULATIONS AND RESTRICTIONS

§159-20. Behavior and conduct. No person shall:

(N) Smoke a tobacco product; herbal product; <u>marijuana</u>; cigarette; electronic cigarette; pipe or cigar; <u>vapors</u>; <u>e-liquids</u>; <u>or other legal marijuana derivatives</u> in an outdoor playground, <u>athletic field</u> or beach. This prohibition applies only to public playgrounds and beaches and is not intended to include private property to which the general public does not generally have access or private areas used exclusively for private functions. "No Smoking" signs, or the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it, shall be prominently posted where smoking is regulated by this Article. In the event a playground is not enclosed by fencing or other partition, no smoking shall be permitted beyond the signs posted in accordance with this section. This prohibition is not intended to include parking lots at beaches.

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 invalidated, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

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

ADDITIONS ARE INDICATED BY <u>UNDERLINE</u>.

* * * INDICATES NO CHANGE IN PRESENT TEXT.

DELETIONS ARE INDICATED BY [BRACKETS].

VOTE:	AYES: 5	NOES: 0	ABSTENTIONS: 0
Supervisor Frank P. Petrone Councilwoman Susan A. Ber Councilman Eugene Cook Councilman Mark A. Cuthbe Councilwoman Tracey A. Ed	rtson	AYE AYE AYE AYE AYE	

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: GRANT A LICENSE AGREEMENT TO OPERATE A PRO SHOP SERVICE AT DIX HILLS PARK TWIN ICE RINKS WITH COZZI SPORTS, INC.

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: COUNCILWOMAN BERLAND

and seconded by: SUPERVISOR PETRONE COUNCILMAN COOK

WHEREAS, the Town Department of Parks and Recreation wishes to engage the services of a qualified licensee to provide pro shop concession services for the Town's Dix Hills Park Twin Ice Rink facility. These services will include but are not limited to skate sharpening, sales of hockey equipment, figure skating equipment and sales of related accessories and apparel; and

WHEREAS, requests for proposals were received on June 10, 2016, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for pro shop services at Dix Hills Park Twin Ice Rinks, RFP No. 2016-06-006 and the same were opened and read aloud; and

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

NOW, THEREFORE

THE TOWN BOARD having held a public hearing on the 16th day of August 2016, to consider granting a license agreement to Cozzi Sports, Inc., and due deliberation having been made,

HEREBY GRANTS a license agreement to Cozzi Sports, Inc., 1001 Stewart Avenue, Bethpage, New York 11714 for pro shop services, for a period of five (5) years commencing upon contract execution, with one five (5) year extension upon the mutual consent of both parties; in consideration for the payment of the following by Cozzi Sports, Inc.: years 1, 2 & 3 - \$1,300.00 per month; year 4 & 5- \$1,400.00 per month; and if the contract is renewed, then years 6 & 7 - \$1,400.00 per month; years 8, 9 & 10 - \$1,500.00 per month, 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
Councilwoman Susan A. Berland
Councilman Eugene Cook
Councilman Mark A. Cuthbertson
Councilwoman Tracey A. Edwards
AYE
AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

Resolution for Town Board Meeting dated: August 16, 2016

The following resolution was offered by: Councilwoman Berland

and seconded by: SUPERVISOR PETRONE COUNCILMAN COOK

WHEREAS, on July 12, 2016 the Town Board designated certain properties as "blighted" and scheduled a public hearing to consider further action to remedy the conditions of blight; and

WHEREAS, those properties whose owners failed to enter into a Restoration Agreement with the Town or to take steps to remedy the conditions of blight upon their properties are being evaluated and considered for further action(s) to be taken; and

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

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

NOW THEREFORE,

THE TOWN BOARD

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

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

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

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

FURTHER DIRECTS the Town Attorney to notify the property owners of properties listed on Schedule "B" to this Resolution that structure(s) upon their properties are being evaluated for further action to mitigate blight; and

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

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

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

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

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
222	90 Greenlawn Road Huntington	William Edmonds 170 Linden Lane 0400-103.00-03.00-007.000 Glen Head, NY 11545-2712	William Edmonds 170 Linden Lane Glen Head, NY 11545-2712	5/17/2016	\$ 2,500.00
223	168 Chichester Road Huntington	0400-231.00-01.00-025.007	Michael J. Gladstein Marilyn Gladstein 168 Chichester Road 231.00-01.00-025.007 Huntington, NY 11743-6525	5/10/2016	\$ 2,500.00
227	E. 12th Street Huntington	0400-145.00-01.00-084.000	Huntington Manor Lions c/o Manley Vita 7360 Province Way, Apt.4201 Naples, FL 34104- 6059	6/8/2016	\$ 5,000.00

-SCHEDULE A-

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

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PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	BLIGHT DESIGNATION DATE
222	90 Greenlawn Road Huntington	0400-103.00-03.00-007.000	William Edmonds 170 Linden Lane 400-103.00-03.00-007.000 Glen Head, NY 11545-2712	5/17/2016	7/12/2016
			Michael J. Gladstein Marilyn Gladstein		
Ċ	168 Chichester Road	168 Chichester Road	168 Chichester Road Huntington NY 11743-6525	5/10/2016	7/12/2016
273	ioigiiiiun	20.020-00:10-00:102-00+0			
			Huntington Manor Lions c/o Manley Vita		
			7360 Province Way,		
	E. 12th Street		Apt.4201 Naples, FL 34104-		
227	Huntington	0400-145.00-01.00-084.000 6059	6059	6/8/2016	7/12/2016

-SCHEDULE B-

- SCHEDULE C - IN COMPLIANCE

PREVIOUS EXHIBITS	PROPERTY ADDRESS	TAX ID #	PROPERTY OWNER / MAILING ADDRESS	BLIGHT DESIGNATION DATE
	61 Norwich Street Huntination Station	61 Norwich Street LLC Thomas Healy 125 W. Shore Road Huntington NY 11743-2042	61 Norwich Street LLC Thomas Healy 125 W. Shore Road Huntinoton NY 11743-2042	7/12/2016
627				

Chapter 156 §67 - (A), (B), (C) and (D) of the Code of the Town of Huntington

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

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY ADDRESS	TAX ID #	PROPERTY OWNER / MAILING ADDRESS	BLIGHT DESIGNATION DATE	ANNUAL REGISTRATION FEE	JAL ATION
105	4 Knox Place Dix Hills	0400-252.00-03.00-085.000	Amold Jacinto Irma Jacinto 4 Knox Place Dix Hills, NY 11746	12/10/2013	ω	2,500.00
187	75 Alton Avenue Greenlawn	0400-162.00-03.00-049.000	Angel & Francis Soto Yasanka Batsikas 75 Alton Avenue Greenlawn, NY 11740-2140	8/11/2015	₩	2,500.00
184	87 Wells Road Northport	0400-114.00-03.00-087.000	Katherine Madison 87 Wells Road Northport, NY 11768-3449	8/11/2015	Ф.	2,500.00
31	131 E. 2nd Street Huntington Station	0400-147.00-04.00-034.000	David J. Crocini Ana Crocini 131 E. 2nd Street Huntington Sta., NY 11746	5/22/2012	€	2,500.00
106	185 W. Pulaski Road Huntington Station	0400-138.00-03.00-023.000	Walter Hergenhan Joann Hergenhan E. 19th Street Huntington Station, NY 11746	12/10/2013	ω.	2,500.00

-SCHEDULE D-PERSISTENT BLIGHT

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

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Councilwoman Berland

and seconded by: COUNCILMAN COOK

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

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

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

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

NOW, THEREFORE, THE TOWN BOARD

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

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

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

HEREBY SCHEDULES a public hearing to be held on the 27th day of SEPTEMBER, 2016 at 7:00 p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider authorizing various actions be taken with regard to blighted properties to bring about compliance with Article VII, Chapter 156 of the Code of the Town of Huntington.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

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2016-406

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

			PROPERTY OWNER/	NOTIFICATION	ANNUAL
EX. #	PROPERTY IN VIOLATION	TAX ID #	MAILING ADDRESS	DATE	REGISTRATION FEE
227	5 Bay Place Huntington	0400-033.00-01.00-011.000	Patricia Casey 5 Bay Place Huntington, NY 11743-1220	7/16/2016	\$ 2,500.00
230	6 Swarthmore Lane Dix Hills	0400-215.00-01.00-094.000	Robert J. Wilk Dolores Wilk 6 Swarthmore Lane Dix Hills, NY 11746-4829	7/18/2016	\$ 2,500.00
221	14 W. 10th Street Huntington Station	0400-142.00-03.00-013.000	John J. Michta, Jr. Violet M. Michta 150 4th Avenue Huntington Station, NY 11746- 2313	4/27/2016	\$ 2,500.00
229	295 E. Main Street Centerport	0400-041.00-05.00-018.000	Frederick Hughes Dorothea Hughes 295 E. Main Street Centerport, NY 11721-1440	7/12/2016	\$ 2,500.00
228	1381-1387 Pulaski Road E. Northport	0400-127.00-01.00-065.001	Chuck Hollow, Inc. 221 Huntington Bay Road Huntington, NY 11743-1334	7/5/2016	\$ 2,500.00

SCHEDULE A Schedule Public Hearing

RESOLUTION SCHEDULING A PUBLIC COMMENT PERIOD ON A PROPOSED APPLICATION FOR FEDERAL CAPITAL ASSISTANCE FOR THE HUNTINGTON AREA RAPID TRANSIT (HART) SYSTEM

Resolution for Town Board Meeting dated: August 16, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington proposes to submit an application to the Federal Transit Administration (FTA) for federal capital assistance for the Huntington Area Rapid Transit (HART) system; and

WHEREAS, the application is being made under the Urbanized Area Formula Grant Program (Section 5307) of the Fixing America's Surface Transportation (FAST) Act; and

WHEREAS, based upon the FTA Section 5307 apportionments to the New York-Newark, NY-NJ-CT Urbanized Area for Federal Fiscal Years 2010 and 2011, including \$284,392 from the remaining unobligated federal Section 5307 funds allocated to the Town of Huntington for FFY 2010 and \$15,608 from the federal Section 5307 funds allocated to the Town of Huntington for FFY 2011, the Town will receive \$300,000 in capital funds; and

WHEREAS, the Town of Huntington intends to program these funds for projects generally described in the Section 5307 Proposed Program of Projects as annexed hereto as Schedule A; and

WHEREAS, the Section 5307 Proposed Program of Projects will become the final Section 5307 Program of Projects unless otherwise established; and

WHEREAS, no persons, families, or businesses will be displaced by these projects; and

WHEREAS, these projects are not expected to have any significant environmental impact; and

WHEREAS, these projects are in conformance with comprehensive land use and transportation planning in the area and are consistent with the adopted programming of projects in the Nassau/Suffolk Transportation Improvement Program; and

WHEREAS, these projects will continue to assist the Town of Huntington in providing efficient and accessible transportation to the elderly and handicapped who may otherwise be denied the opportunity for mobility; and

WHEREAS, federal regulations require that the general public be afforded the opportunity to present their views on the Section 5307 Proposed Program of Projects; and

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

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A 30 DAY PUBLIC COMMENT PERIOD commencing on the date of publication of the public notice. All parties with significant social, economic, or environmental interests in the aforementioned projects will be given an opportunity to comment orally, or in writing, in regard to the aforementioned projects; and

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

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PUBLIC NOTICE (AVISO PÚBLICO *)

NOTICE is hereby given that the Town of Huntington intends to file an application with the Federal Transit Administration (FTA) of the U.S. Department of Transportation for capital financial assistance for mass transportation projects. This financial assistance is being sought under Section 5307 of the Federal Transit Act (the Act).

A. Proposed Program of Projects: Based upon the actual FTA Section 5307 apportionment to the New York-Newark NY-NJ-CT (UZA 1) Urbanized Area for Federal Fiscal Years 2010 and 2011 (FFYs) and upon agreement among the Section 5307 Designated Recipients of the New York portion of the Urbanized Areas, the Town of Huntington has been allocated \$1,625,918 in Section 5307 funds for FFYs. Total federal funds requested under Section 5307 for this application are \$300,000, and total required non-federal matching funds (state and town) are \$75,000.

Capital Projects – (100% Federal funds / 20% Local funds)

PROJECT DESCRIPTION	FEDERAL AMOUNT	TOTAL AMOUNT
PREVENTIVE MAINTENANCE TOTAL PROJECT COSTS	\$300,000 \$300,000	\$375,000 \$375,000
FEDERAL SHARE LOCAL (NON-FEDERAL SHARE)		\$300,000 \$75,000

B. Federal Allocation Information

Urbanized Area:

New York-Newark NY-NJ-CT

Designated Recipient:

Town of Huntington

- C. Relocation: No persons, families or businesses will be displaced by these projects.
- D. Environment: None of the aforementioned projects are expected to have any adverse environmental impacts.
- E. Comprehensive Planning: These projects are in conformance with comprehensive land use and transportation planning for the Town of Huntington, Suffolk County, and the New York metropolitan area and have been or will be endorsed by the New York Metropolitan Transportation Council, the metropolitan planning organization for the New York metropolitan region, as the product of continuing, cooperative, and comprehensive planning for all modes of transportation.

F. Elderly and Disabled: These projects will continue to assist the Town of Huntington in providing efficient and accessible transportation to the elderly and handicapped who may otherwise be denied the opportunity for mobility.

A copy of the detailed project descriptions is available for public inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, at the Huntington Town Clerk's office in the Huntington Town Hall, 100 Main Street, Huntington, NY 11743.

- * A full copy of this public notice in Spanish is available between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, at the Huntington Town Clerk's office in the Huntington Town Hall, 100 Main Street, Huntington, NY 11743.
- * Una copia completa de este aviso público en español está disponible entre las horas de 8:30 a 16:30, del lunes a viernes, en la ciudad de Huntington en la oficina de la Secretaria en el Ayuntamiento de Huntington, 100 Main Street, Huntington, NY 11743.

The Town of Huntington will afford an opportunity for interested persons or agencies to be heard with respect to the social, economic, and environmental aspects of this application and, if requested, schedule a public hearing to be held by the Huntington Town Board. Additionally, interested persons may submit written comments regarding the Proposed Program of Projects to the Town of Huntington Department of Transportation and Traffic Safety, 100 Main Street, Huntington, NY 11743 until 30 days from the publication date of this notice.

If no comments are received, or if comments are received but are not significant enough to cause a modification of the Proposed Program of Projects, the Proposed Program of Projects as herein published shall become the final Program of Projects.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. **39** -2016, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 4 (APPEARANCE TICKETS), SECTION 4-1 (AUTHORIZATION FOR ISSUANCE) AND ADDING SECTION 4-2 (FINGERPRINTING REQUIREMENT & CONVICTIONS)

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILMAN COOK

WHEREAS, the Town Board has determined that it is in the best interests of the safety and general welfare of the Town to expand the authorization for the issuance of appearance tickets; and

WHEREAS, it has been deemed prudent going forward to thoroughly investigate the background of new hires who will be issuing appearance tickets for and on behalf of the Town; and

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

NOW, THEREFORE,

THE TOWN BOARD,

HEREBY SCHEDULES a public hearing for the **27th** day of **SEPTEMBER**, 2016 at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, New York to consider adopting Local Law Introductory No. -2016 amending the Code of the Town of Huntington, Chapter 4 (Appearance Tickets) as follows:

LOCAL LAW INTRODUCTORY NO. 39 -2016
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 4 (APPEARANCE TICKETS)
SECTION 4-1 (AUTHORIZATION FOR ISSUANCE)
SECTION 4-2 (FINGERPRINTING REQUIREMENT AND CONVICTIONS)

<u>Section 1.</u> Chapter 4 (Appearance Tickets), Section 4-1 (Authorization for Issuance), Section 4-2 (Fingerprinting Requirement and Convictions) is hereby amended to read as follows:

§ 4-1. Authorization for Issuance.

The code enforcement officer, ordinance inspector, town investigators, building inspectors, housing inspectors, zoning inspectors, plumbing inspectors, engineering

inspectors, chief of the fire prevention bureau, animal control officers, dog wardens, police officers, peace officers, harbor masters, bay constables, security officers, <u>park rangers</u> and other public servants of the Town of Huntington are hereby authorized, directed and permitted to issue appearance tickets pursuant to § 150.10 of the Criminal Procedure Law in the course of instituting prosecutions against violators of the Code of the Town of Huntington.

§ 4-2. Fingerprinting Requirement and Convictions.

As part of the application process, all applicants seeking to be hired by the Town for the positions listed in §4-1, above, upon the effective date hereof, shall be required to be fingerprinted through and shall pay the cost for the services of a New York State Division of Criminal Justice Service-approved statewide vendor-managed civil fingerprint capture system. Fingerprint reports shall be forwarded to the Town Personnel 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 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 State of New York.

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

VOTE:	AYES: 5	5]	NOES:	0	ABSENTIONS:	0

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

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. **40** -2016, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 55, SECTION 55-3 (ORGANIZATION) AND SECTION 55-4 (GENERAL POWERS AND DUTIES) RE: PARK RANGERS

Resolution for Town Board Meeting Dated: August 16, 2016

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

and seconded by: COUNCILMAN COOK

WHEREAS, protection of the peace and good order of the Town's residents in their persons and with respect to their property and the protection of the Town's parks, beaches and other public property for the peaceful use and enjoyment of the Town's residents is of the highest possible importance to the Town Board; and

WHEREAS, there are circumstances and situations wherein the presence of Park Rangers would add another layer of protection responsive to the Town and additionally Park Rangers, designated as "peace officers" pursuant to CPL §2.10(9), would have powers that would further other significant law enforcement objectives; and

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

NOW, THEREFORE,

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **27th** day of **SEPTEMBER**, 2016 at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, New York to consider adopting Local Law Introductory No. -2016 amending the Code of the Town of Huntington, Chapter 55 (PUBLIC SAFETY, DEPARTMENT OF) as follows:

LOCAL LAW INTRODUCTORY NO. 40 -2016
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 55 (PUBLIC SAFETY, DEPARTMENT OF)
§55-3 (ORGANIZATION) AND §55-4 (GENERAL POWERS AND DUTIES)

<u>Section 1.</u> Chapter 55 (Public Safety, Department of) §55-3 (Organization) and §55-4 (General Powers and Duties) is hereby amended to read as follows:

§ 55-3. Organization

A. * *

B. The Department shall be divided into the following divisions:

- (1) Division of Security.
- (2) Division of Code Enforcement.
- (3) Division of Animal Control.
- (4) Division of Special Services.
- (5) Division of Park Rangers.
- § 55-4. General powers and duties.

F. Division of Park Rangers. This Division of Park Rangers shall be composed of individuals with peace officer training and status entrusted with the responsibility to maintain the peace and good order of our community including in all parks, beaches, other recreational spaces and upon all other Town owned property. It shall be the responsibility of all Park Rangers to actively patrol in marked or unmarked vehicles and enforce all federal, state and local laws to accomplish their mission. They will work closely with all public safety divisions and other code enforcement personnel as and where deployed by the Director of Public Safety. Park Rangers, designated peace officers in accordance with § 2.10, Subdivision 9, of the Criminal Procedure Law, shall exercise the powers of peace officer and such other powers as may be authorized by law.

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 State of New York.

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

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

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

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 41 _____-2016 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 5, §5-1, SCHEDULE M.

RE: VIEW ACRE DRIVE - HALESITE - TRUCK EXCLUSION

Resolution for Town Board Meeting dated: August 16, 2016

The following resolution was offered by: COUNCILMAN CUTHBERTSON

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to distinguish a Town roadway as being unsuitable for travel by the use of heavy trucks;

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 **27th** day of September, 2016 at **7:00** p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. **41** -2016 amending the Uniform Traffic Code of the Town of Huntington, Chapter 5, §5-1, SCHEDULE M.; as follows:

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

LOCAL LAW INTRODUCTORY NO. 41 -2016 AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON CHAPTER 5, §5-1, SCHEDULE M.

Section 1. Amendment to the Uniform Traffic Code of the Town of Huntington, Chapter 2, §5-1, SCHEDULE M.; as follows:

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON CHAPTER 5, §5-1, SCHEDULE M.

NAME OF STREET

View Acre Drive (HLS)

LIMITS

From Park Ave. to Maple Hill Rd.

Section 2. Severability.

ADD:

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 Fra Councilwoma			ınd	AYE AYE		
Councilman E	lugene Coo	ok		AYE		
Councilman M	Iark A. Cu	thbert	son	AYE		
Councilwoma	n Tracey A	A. Edw	ards	AYE		

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 42 -2016, CONSIDERING APPLICATION #2016-ZM-419, WHITMAN 881-I, LLC, TO RESCIND THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE PROPERTY LOCATED ON THE WEST SIDE OF WALT WHITMAN ROAD, SOUTH OF FLETCHER PLACE, WEST HILLS, SCTM# 0400-229-01-022.

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: COUNCILMAN CUTHBERTSON

WHEREAS, WHITMAN 881-I, LLC, 720 East Palisade Ave., Suite 203, Englewood Cliffs, NJ 07632, applicant and one of the property owners, submitted application #2016-ZM-419 to rescind in its entirety the Declaration of Covenants and Restrictions that was established by the Town Board on October 15, 2002 by Resolution #2002-703 and filed in the Office of the Suffolk County Clerk on September 30, 2004 at Liber 12346 and Page 573; and

WHEREAS, this Declaration of Covenants and Restrictions was placed on the property as a result of zone change application #2001-ZM-335, 21st Century Kids, LLC, which changed the zoning from R-10 Residence District to C-1 Office-Residence District on the rear portion of property located on the west side of Walt Whitman Road (NYS 110), south of Fletcher Place, West Hills, and designated as 0400-229-01-022 on the Suffolk County Tax Map; and

WHEREAS, the applicant Whitman 881-I, LLC purchased an undivided 45% interest in this property from 881 Walt Whitman Associates, LLC, the owner of the property during the 21st Century Kids zone change application, and the remaining property ownership is divided between Whitman 881-II, LLC (45%) and Jaris 110, LLC (10%), and all property owners have consented to this application; and

WHEREAS, said application was forwarded to the Planning Board by the Town Board for study and recommendation under the applicable provisions of Huntington Town Code §198-127; and

WHEREAS, the application was reviewed by the Zoning Board of Appeals under Appl. #21143, and they classified the action as Unlisted in accordance with the provisions of 6 NYCRR 617, SEQRA, and coordinated the action with all involved agencies to establish themselves as Lead Agency, and issued a Negative Declaration on April 23, 2015, and therefore SEQRA is complete and no other agency can require a SEQRA review in accordance with Section 617.6(b)(3)(iii) of the SEQRA regulations;

NOW THEREFORE BE IT

RESOLVED, the Town Board hereby schedules a public hearing for the **27th** day of **SEPTEMBER**, 2016, at **7:00** PM to consider adopting Local Law

Introductory No. <u>42</u> -2016 considering application #2016-ZM-419 to rescind in their entirety the Declaration of Covenants and Restrictions for zone change #2001-ZM-335, 21st Century Kids, LLC, on the property designated on the Suffolk County Tax Map as 0400-229-01-022, as follows:

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

LOCAL LAW INTRODUCTORY NO. <u>42</u> - 2016 AMENDING TOWN BOARD RESOLUTION 2002-703 AND LOCAL LAW NO. 2-2005

Section 1. Amendment to Town Board Resolution 2002-703 and Local Law No. 2-2005 rescinding in their entirety the Declaration of Covenants and Restrictions established by the Town Board for zone change #2001-ZM-419, 21st Century Kids LLC, as follows:

- [•] [The applicant dedicate the proposed .8 acre parkland to Suffolk County as an addition to West Hills County Park, instead of to the Town as shown on the site plan; and]
- [•] [If the day care construction is not started within two (2) years of the action to rezone the property by the Town Board, the zoning shall revert back to the R-10 zoning; and]
- [•] [A 6 foot high chain link fence, with privacy slats, shall enclose the site on the west, north and south sides of the property; and]
- [•] [A landscape plan shall be implemented, with an irrigation system, and maintained; and]
- [•] [All exterior lighting shall be focused downward and back shielded from the neighbors; and]
- [•] [The applicant shall submit covenants and restrictions to the Town Attorney's Office and the Department of Planning and Environment and once approved by these departments, file said document in the office of the County Clerk, to run with the land, as follows:]
- [1.][The new day care center shall be occupied by a "for profit day care entity".]
- [2.][The portion of the property on which the day care center resides, shall revert back to residential (R-10) zoning if the center ceases to operate.]
- [3.][Hours of operation shall be limited to 6:30 AM to 7:30 PM, Monday through Friday.]

- [4.] [Premises shall not be used for various parties, events, etc., which are not directly for the benefit of all the children enrolled. Premises shall not be rented or leased for any parties or events.]
- [5.] [Carnivals shall be limited to end of the year parties for children.]

Section 2. Severability

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

Section 3. Effective Date

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

* * * INDICATES NO CHANGE TO PRESENT TEXT. ADDITIONS ARE INDICATED BY <u>UNDERLINE</u>. DELETIONS ARE INDICATED BY [BRACKETS].

VOTE:	AYES:	5	NOES:	0	ABSTENTIONS:	0
Supervisor Frank P. F	etrone?		AYE			
Councilwoman Susar	n A. Berland	d	AYE			
Councilman Eugene	Cook		AYE			
Councilman Mark A	. Cuthberts	son	AYE			
Councilwoman Trac	ey A. Edw	ards	AYE			

RESOLUTION AUTHORIZING THE SETTLEMENT OF A LAWSUIT (WENGER CONSTRUCTION CO., INC. v. TOWN OF HUNTINGTON)

Resolution for Town Board Meeting Dated: August 16, 2016

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

and seconded by: COUNCILMAN COOK

WHEREAS, the Town of Huntington (the "TOH") entered into a public improvement contract with Wenger Construction Co., Inc. in connection with a construction project known as the "Expansion/Renovation of the Ice Rink Facility in Dix Hills Park, Contract No. ES 2008-02/0-C" ("Dix Hills Project"); and

WHEREAS, in connection with the Dix Hills Project, the Hanover Insurance Company ("Hanover") issued a performance bond naming TOH as the obligee (Bond No. 1839404); and

WHEREAS, Wenger commenced an action against TOH entitled Wenger Construction Co., Inc. v. Town of Huntington, Supreme Court, Suffolk County, Index No. 10143/12 wherein Wenger sought to recover contract balance and other damages claimed due in connection with the Dix Hills Project. (Action No. 1); and

WHEREAS, Wenger commenced an action against TOH entitled Wenger Construction Co., Inc. v. Town of Huntington, Supreme Court, Suffolk County, Index No. 21930/12 wherein Wenger sought to recover contract balance and other damages claimed due in connection with the Dix Hills Project. (Action No. 2); and

WHEREAS, TOH has asserted counterclaims against Wenger seeking damages for alleged defects in work and delays in completion of the Dix Hills Project in both Action No. 1 and Action No. 2; and

WHEREAS, TOH commenced two Third-Party Actions against Hanover both entitled Town of Huntington v. The Hanover Insurance Company, Supreme Court, Suffolk County, Third-Party Index No. 320230/12 and 760050/13, respectively (the "Third Party Actions"), seeking recovery of damages under the performance bond; and

WHEREAS, the parties desire to amicably resolve their differences by entering into a Settlement Agreement, which disposes of all outstanding issues between them relating to the Dix Hills Project and the various actions.

NOW, THEREFORE,

BE IT RESOLVED, TOH agrees to pay Wenger ONE MILLION FIVE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS AND NO/CENTS (\$1,575,000.00) in full and final settlement of all claims in Action No. 1, Action No. 2 and the Third Party

1

2016-4/2

Actions subject to the payment of any and all mechanics liens by Wenger as applicable and/or the bonding by Wenger of all mechanics liens related to the Dix Hills Project; and

BE IT FURTHER RESOLVED, Wenger agrees to waive and release any lien rights it may have had with respect to the Dix Hills Project. Wenger further agrees to indemnify and hold harmless TOH for any judgment entered against it arising out of the filing of a mechanic's lien by any subcontractor or supplier in connection with the Dix Hills Project or any other claim by any subcontractor or supplier related in any way to the Dix Hills Project; and

BE IT FURTHER RESOLVED that the Town Board authorizes special counsel, Harris Beach PLLC, to negotiate the final terms and conditions of the settlement agreement and authorizes the Town Supervisor to execute any and all documents in furtherance of a settlement on the above terms; and

BE IT FURTHER RESOLVED THAT THE TOWN BOARD HEREBY AUTHORIZES the Comptroller to issue a check in settlement of this matter, not to exceed a total of ONE MILLION FIVE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS AND NO/100 (\$1,575,000.00) DOLLARS pending receipt of closing papers therein, and upon such other terms and conditions as may be acceptable to the Town Attorney, to be applied against Operating Budget Items A1930-4160, EG7197-2101-10301 and EG7197-2103-0S070; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Comptroller to amend the 2016 Operating Budget as follows:

Increase the following appropriation:

A1930-4160 Judgments & Claims

\$455,000

Decrease the following appropriation:

A8170-4001

Contractual Expense

\$455,000

BE IT FURTHER RESOLVED that this Resolution shall be effective upon adoption by the Town Board of the Town of Huntington and authorizes the Town Attorney to execute all documents required to effectuate this settlement.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

AYE

AYE

AYE

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 43 -2016, AUTHORIZING OVERRIDE OF THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

Resolution for Town Board Meeting Dated: August 16, 2016

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, on June 24, 2011, the New York State Legislature enacted Chapter 97 of NYS Laws of 2011, hereinafter referred to as "General Municipal Law §3-c"; and

WHEREAS, under General Municipal Law §3-c, the growth in the property tax levy is limited to a specified tax levy limit; and

WHEREAS, based on calculations under General Municipal Law §3-c, the tax levy limit for the Town of Huntington (that is, the permitted increase during 2017 over the 2016 real property tax levy) is limited to an approximately 0.68 percent; and

WHEREAS, New York State mandated increases, which are not regulated by the tax cap, in the cost for employee health insurance and retiree health insurance alone exceeds the tax levy limit by nearly 300 percent; and

WHEREAS, Federal and New York State mandated increases, which are not regulated by the tax cap, and include all administrative and enforcement aspects of the Municipal Separate Storm Sewer System (MS4), Clean Air Act and Clean Water Act compliance, and Affordable Care Act Recording and Reporting, will preclude the Town of Huntington's ability to maintain essential services and simultaneously satisfy these mandated increases while also staying within the specified tax levy limit; and

WHEREAS, General Municipal Law §3-c expressly authorizes local governments to override the tax levy limit by the adoption of a local law approved by a vote of at least 60 percent of the total voting power of the governing body, that is, the Town Board; and

WHEREAS, in order for the Town of Huntington to be able to appropriate revenues sufficient to maintain essential services while at the same time satisfy Federal and New York State mandated increases, the Town Board must have authority to adopt a budget that requires a real property tax levy in excess of the limit prescribed under General Municipal Law §3-c; and

WHEREAS, the scheduling of a public hearing is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and, therefore, a SEQRA review of the scheduling of a public hearing is not required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 27th day of SEPTEMBER, 2016 at 7:00 p.m. at Town Hall, 100 Main Street, Huntington, New York to consider adopting Local Introductory No. 43-2016, which expressly authorizes the Town Board of the Town of Huntington to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law §3-c, as follows:

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

LOCAL LAW INTRODUCTORY NO. 43 -2016
TOWN OF HUNTINGTON, COUNTY OF SUFFOLK, STATE OF NEW YORK
A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c

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

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

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

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

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

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

Councilwoman Tracey A. Edwards

2016 - CD4

RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE AN AGREEMENT WITH LONG ISLAND HOUSING SERVICES, INC. NUNC PRO TUNC

Resolution for Community Development Agency Board Meeting dated: August 16, 2016

The following resolution was offered by:

MEMBER COOK

And seconded by:

CHAIRMAN PETRONE MEMBER BERLAND

WHEREAS, each year Huntington Community Development Agency (HCDA) seeks an educational partner to promote fair housing and fair housing practices by increasing public awareness of fair housing laws; and

WHEREAS, Long Island Housing Services, Inc. (LIHS), 640 Johnson Avenue, Bohemia, New York, is a not-for-profit corporation of the State of New York that is dedicated to the advancement of fair housing through education and counseling; and

WHEREAS, the adopted April 1, 2016 through March 31, 2017 budget approved by the HCDA Board included Community Development Block Grant funds for the purpose of counseling and assistance provided by LIHS; and

WHEREAS, providing housing counseling for Town of Huntington residents is not an action pursuant to 6N.Y.C.R.R. § 617.2 (b), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE HUNTINGTON COMMUNITY DEVELOPMENT AGENCY BOARD

HEREBY AUTHORIZES the Chairman to execute a one year agreement, nunc pro tune, with Long Island Housing Services, Inc. for outreach, public education, and housing counseling as needed to Town residents for the period April 1, 2016 through March 31, 2017, for an amount not to exceed the sum of NINE THOUSAND DOLLARS AND NO/100 (\$9,000.00) and upon such other terms and conditions as approved by the Agency Attorney.

VOTE:	AYES:	5		NOES:	U	ABSTENTIONS:	U
Chairman Frank P Member Susan A. Member Eugene C Member Mark Cu Member Tracey A	Berland Cook thbertson	3	AYE AYE AYE AYE				

2016 - CD5

RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE AN AGREEMENT WITH FAMILY SERVICE LEAGUE FOR A HOME SHARE PROGRAM, NUNC PRO TUNC

Resolution for the Community Development Agency Board Meeting dated: August 16, 2016

The following resolution was offered by:

MEMBER COOK

And seconded by:

MEMBER BERLAND

WHEREAS, Family Service League, 790 Park Avenue, Huntington, New York, 11743, is a charitable 501 (c) (3), not for profit organization that provides services to families and individuals in need of financial assistance, housing and counseling; and

WHEREAS, the Family Service League Home Share Program matches seniors with individuals who are willing to perform light chores and/or provide companionship in exchange for low or no rent; and

WHEREAS, the adopted April 1, 2016 through March 31, 2017 budget for Huntington Community Development Agency (HCDA) included Community Development Block Grant funds for the provision of a Home Share Program and HCDA has now received the HUD funding to execute that contract; and

WHEREAS, providing family and housing counseling for seniors 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 COMMUNITY DEVELOPMENT AGENCY BOARD

HEREBY AUTHORIZES the Chairman to execute a one year agreement, nunc pro tunc, with Family Service League for a Home Share Program to the residents of the Town of Huntington for the period April 1, 2016 through March 31, 2017 for an amount not exceed the sum of TEN THOUSAND DOLLARS AND NO/100 (\$10,000.00) and upon such other terms and conditions as approved by the Agency Attorney.

VOTE:	AYES: 5	NOES:	0	ABSTENTIONS:	0
	rank P. Petrone san A. Berland	A	YE YE		
Member Eu	gene Cook	E	AE		
Member Ma	rk A. Cuthberts	on A	YE		
Member Tra	icey A. Edwards	A	YE		

$2016-CD \omega$

RESOLUTION AUTHORIZING THE CHAIRMAN OF THE COMMUNITY DEVELOPMENT AGENCY TO EXECUTE AN AGREEMENT WITH REACH CYA, INC., NUNC PRO TUNC

Resolution for Community Development Agency Board Meeting dated: August 16, 2016

The following resolution was offered by:

MEMBER CUTHBERTSON MEMBER BERLAND

And seconded by: MEMBER EDWARDS

WHEREAS, the Huntington Community Development Agency (HCDA) develops programs that promote economic development, social justice and otherwise enhance the quality of life for residents in the Town of Huntington; and

WHEREAS, REACH CYA, Inc., 525 Half Hollow Road, Dix Hills, 11746, a charitable 501(c)(3), is a non-profit organization that provides social, recreational, informational, educational and advocacy programs for children, youth and families in Commack and Half Hollow Hills; and

WHEREAS, REACH CYA, Inc., via HCDA, provides needed family support services to the residents of Millennium Hills, an affordable housing development for low income homeowners and renters within the Town of Huntington; and

WHEREAS, the adopted April 1, 2016 through March 31, 2017 budget for the Huntington Community Development Agency included Community Development Block Grant funds for a contract with the Reach CYA, Inc. for the aforementioned family support services and the HCDA has now received funding from HUD to execute that contract; and

WHEREAS, providing services for Millennium Hills 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 COMMUNITY DEVELOPMENT AGENCY BOARD

HEREBY AUTHORIZES the Chairman to execute a one year agreement, nunc pro tunc, with REACH CYA, Inc., to provide social, recreational, informational, educational and advocacy programs to the residents of Millennium Hills for the period April 1, 2016 through March 31, 2017, for an amount not to exceed the sum of NINE THOUSAND DOLLARS AND NO/100 (\$9,000.00) and upon such other terms and conditions as approved by the Agency Attorney.

2016-CD

VOTE:	AYES:	5	NOES:	0	ABSTENTIONS:	0
Chairman Fra Member Susa Member Euge Member Mark Member Trac	n A. Berla ene Cook k A.Cuthb	and ertso		AYE AYE AYE AYE AYE		