

**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:**

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

**AGENDA FOR TOWN BOARD MEETING DATED JANUARY 10, 2017**

**7:00 P.M. – TOWN HALL**

Opened: 7:01 P.M. Closed: 9:49 P.M.

(Resolutions #2017-1 to 2017-48)

**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 #: 0400-225.00-02.00-030.000) (2016-M-64)  
*Scheduled as per Resolution 2016-581 at 12-7-2016 Town Board Meeting*

**ACTIONS TAKEN  
AS PER  
RESOLUTION 2017-39**

2. Consider granting a license agreement to operate and manage golf course operations and food concessions at the Crab Meadow Golf Course and Dix Hills Golf Course in the Town of Huntington, New York.  
**(Re: Gelucci Brands LLC and Dietz Golf Corporation)**  
(2016-M-65)  
*Scheduled as per Resolution 2016-582 at 12-7-2016 Town Board Meeting*

**ENACTMENT  
RESOLUTION 2017-38**

3. Consider establishing potential terms of shared Town-County acquisitions of farmland development rights for South Huntington property (Fox Hollow Farm).  
**(SCTM #: 0400-203.00-02.00-051.001 p/o and  
0400-203.00-02.00-051.003 p/o)**  
(2016-M-66)  
*Scheduled as per Resolution 2016-589 at 12-7-2016 Town Board Meeting*

**DECISION RESERVED**

**HEARINGS (Continued):**

**ACTION**

4. Consider adopting Local Law Introductory No. 51-2016, amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Ruland Road – Melville – Parking Restrictions. (Local Law Introductory No. 51-2016)  
*Scheduled as per Resolution 2016-583 at 12-7-2016 Town Board Meeting*

**DECISION RESERVED**

5. Consider adopting Local Law Introductory No. 52-2016, amending the Code of the Town of Huntington, Chapter 117 (Solid Waste Management: Collection, Recycling and Disposal), §117-14 (Markings and Identification on Collection Vehicles, Roll-Off Containers and Dumpsters), and §117-34 (Penalties for Offenses). (Local Law Introductory No. 52-2016)  
*Scheduled as per Resolution 2016-584 at 12-7-2016 Town Board Meeting*

**DECISION RESERVED**

6. Consider adopting Local Law Introductory No. 53-2016, amending the Code of the Town of Huntington, Chapter 160 (Registration and Permitting of Property), Article III (Residential Rental Permits). (Local Law Introductory No. 53-2016)  
*Scheduled as per Resolution 2016-585 at 12-7-2016 Town Board Meeting*

**DECISION RESERVED**

7. Consider adopting Local Law Introductory No. 54-2016, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions), Article II (Zoning Districts; Map; General Regulations), Article XX (Accessory Apartments). (Local Law Introductory No. 54-2016)  
*Scheduled as per Resolution 2016-586 at 12-7-2016 Town Board Meeting*

**DECISION RESERVED**

8. Consider adopting Local Law Introductory No. 55-2016, considering Zone Change Application #2016-ZM-419, Whitman 881-I, LLC, to change the zoning from C-8 General Business A District and C-1 Office-Residence District to C-8 General Business A District, and to rescind the Declaration of Covenants and Restrictions previously recorded as part of the 21<sup>st</sup> Century Kids, LLC Zone Change, #2001-ZM-335, for the property located on the west side of Walt Whitman Road, south of Fletcher Place, West Hills, SCTM #0400-229-01-022. (Local Law Introductory No. 55-2016)  
*Scheduled as per Resolution 2016-588 at 12-7-2016 Town Board Meeting*

**DECISION RESERVED**

**AGENDA FOR TOWN BOARD  
MEETING DATED: JANUARY 10, 2017**

**RESOLUTIONS:**

**OFF. SEC. VOTE**

**ABBREVIATIONS FOR PURPOSE OF AGENDA:**

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

- |                |   |                         |                         |                 |
|----------------|---|-------------------------|-------------------------|-----------------|
| <b>2017-1.</b> | <p><b>ADOPT</b> various actions of the Town Board for the Year 2017.<br/>         (Re: Designates the following as bank depositories: Bank of America, Capital One Bank, JP Morgan Chase Bank, Citibank, N.A., First National Bank of LI, HSBC Bank, M&amp;T Bank, State Bank of LI, Suffolk County National Bank, TD Bank, Wachovia Bank, NA, Flushing Bank; Herald National Bank; Wells Fargo Bank; Bridgehampton National Bank; Gold Coast National Bank, Bank United; People’s United Bank; Empire National Bank and Customers Bank; Appoints: Lori Finger Director of Purchasing; Appoints: Munistat Services Inc as Fiscal Advisors; Appoints: Nixon Peabody, LLP, Hawkins, Delafield &amp; Wood and Harris Beach PLLC as bond counsel; Approves Supervisor Petrone, Councilwoman Berland, Councilman Cook, Councilman Cuthbertson and Councilwoman Edwards as members of the Huntington Community Development Agency; Designates Councilwoman Berland as Principal and Councilwoman Edwards as Alternate to cast the vote for the Town of Huntington at the 2017 Annual Meeting of the Association of Towns; Appoints: Jo-Ann Raia, Town Clerk, Marriage Officer [1/1/2017-12/31/2017]; Designates The Observer and The Long Islander as the Official Newspapers for the Town of Huntington)</p> | <b>MC</b>               | <b>FP<br/>EC</b>        | <b><u>5</u></b> |
| <b>2017-2.</b> | <b>REMOVED FROM THE AGENDA AT THE WORKSHOP.</b>   |                         |                         |                 |
| <b>2017-3.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute an extension to the contract for professional legal services with Leventhal, Mullaney &amp; Blinkoff, LLP.<br/>         (Re: Extension one year commencing 3/2/2017)</p>  | <b><u>TE</u></b>        | <b><u>MC</u></b>        | <b><u>5</u></b> |
| <b>2017-4.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute an extension to the requirements contract for the heating ventilation, air conditioning (HVAC) and refrigeration service, maintenance and installation with Absolute Control HVAC Corp. (Re: Extension one year commencing 4/7/2017)</p>  | <b><u>MC</u></b>        | <b><u>EC</u></b>        | <b><u>5</u></b> |
| <b>2017-5.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute an extension to the requirements contract for the lawn and landscape maintenance for the Highway Department with B &amp; B Maintenance Services, Inc.<br/>         (Re: Extension one year commencing 4/1/2017)</p>   | <b><u>SB<br/>EC</u></b> | <b><u>FP</u></b>        | <b><u>5</u></b> |
| <b>2017-6.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute an extension to the license agreement for the transit advertising and marketing programs for the Town of Huntington with Creative Advertising Concepts, Inc.<br/>         (Re: Extension five years commencing 2/28/2017)</p>   | <b><u>FP<br/>MC</u></b> | <b><u>EC<br/>TE</u></b> | <b><u>5</u></b> |
| <b>2017-7.</b> | <p><b>AUTHORIZE</b> the Supervisor to execute a contract with the Huntington YMCA for the use of the Dix Hills Park Pool.<br/>         (Period: 6/26/17-8/18/2017; between the hours of 6:00 am – 9:00 am; Monday through Saturday)</p>   | <b><u>SB<br/>TE</u></b> | <b><u>EC</u></b>        | <b><u>5</u></b> |

**AGENDA FOR TOWN BOARD  
MEETING DATED: JANUARY 10, 2017**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<p><b>2017-8.</b>     <b>AUTHORIZE</b> the Supervisor to execute agreements for the provision of various youth services on behalf of the Youth Bureau for the year 2017 nunc pro tunc. (Re: Tri Community and Youth Agency, Inc [Region I]; Youth Directions and Alternatives, Community and Youth Agency, Inc. [Region II]; Regional Enrichment Agency of Commack and Half Hollow Hills, Community and Youth Agency, Inc. [Region III]; Family Service League of Suffolk County, Inc.; Long Island Crisis Center Inc.; CAST Gang Prevention Program/ Tri-Community and Youth Agency Inc. [Region I]; Huntington Youth Bureau Youth Development Research Institute, Inc [non drug related and drug related])</p>	<p><b>FP</b> <b>SB</b> <b>EC</b></p>	<p><b>TE</b></p>	<p><b><u>5</u></b></p>
<p><b>2017-9.</b>     <b>AUTHORIZE</b> the Supervisor to execute a license agreement with Vicobe Productions for the use of Crab Meadow Beach for a sprint triathlon on July 29, 2017 and July 30, 2017, and further granting an aquatic permit in conjunction with such event. (Re: 7/29/2017 from 9:00 am – 6:00 pm; 7/30/2017 from 4:00 am – 1:00 pm)</p>	<p><b>FP</b> <b>EC</b></p>	<p><b>SB</b></p>	<p><b><u>5</u></b></p>
<p><b>2017-10.</b>    <b>AUTHORIZE</b> the Supervisor to execute a license agreement with the Suffolk County Council, Inc., Boy Scouts of America for the use of the Centerport Beach picnic area and Centerport Beach for its Cub Adventure Day Camp. (Re: 8:00 am – 5:00 pm; Monday through Friday; 7/31/2017-8/4/2017; 8/7/2017-8/11/2017; 8/14/2017-8/18/2017)</p>	<p><b>SB</b> <b>EC</b></p>	<p><b>FP</b></p>	<p><b><u>5</u></b></p>
<p><b>2017-11.</b>    <b>AUTHORIZE</b> the Supervisor to execute a license agreement with the Huntington YMCA for the provision of an instructional sailing and kayaking program at Centerport Beach and the use of the Centerport Beach Boathouse. (Period: Use of Centerport Beach 6/26/2017 -8/25/2017; Use of Centerport Beach Boathouse 3/2/2017-3/1/2018)</p>	<p><b>MC</b> <b>SB</b></p>	<p><b>EC</b></p>	<p><b><u>5</u></b></p>
<p><b>2017-12.</b>    <b>AUTHORIZING</b> the Supervisor to execute a funding agreement with the Town of Huntington Economic Development Corporation nunc pro tunc. (Period: 1/1/2017-12/31/2017)</p>	<p><b>FP</b> <b>MC</b></p>	<p><b>EC</b></p>	<p><b><u>5</u></b></p>
<p><b>2017-13.</b>    <b>AUTHORIZE</b> the Supervisor to execute a one (1) year extension to the Inter Municipal Cooperative Agreement with the Elwood Union Free School District for the use of the School District’s facilities for Town recreational programs. (Period: 7/1/2017 – 6/30/2018)</p>	<p><b>EC</b> <b>TE</b></p>	<p><b>SB</b></p>	<p><b><u>5</u></b></p>
<p><b>2017-14.</b>    <b>AUTHORIZE</b> the Supervisor to enter into a use and maintenance agreement with St. Anthony’s High School with regard to St. Anthony’s softball field and student center.</p>	<p><b>FP</b> <b>EC</b></p>	<p><b>MC</b></p>	<p><b><u>5</u></b></p>
<p><b>2017-15.</b>    <b>AUTHORIZE</b> the Supervisor to execute a budget amendment revision No. Four to the 2016 agreement with the Suffolk County Department of</p>			

**AGENDA FOR TOWN BOARD  
MEETING DATED: JANUARY 10, 2017**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
Health Services for the Town's Drug and Alcohol Treatment and Prevention Program for cost of living adjustment nunc pro tunc.	<u><b>SB</b></u>	<u><b>TE</b></u>	<u><b>5</b></u>
<b>2017-16.</b> <b>AUTHORIZE</b> the Comptroller to amend the 2017 Operating Budget for the Town of Huntington and its special districts-various departments.	<u><b>MC</b></u> <u><b>TE</b></u>	<u><b>SB</b></u>	<u><b>5</b></u>
<b>2017-17.</b> <b>AUTHORIZE</b> the correction of Code Violations at various locations pursuant to the Code of the Town of Huntington. (Re: John Cham, 200 W Pulaski Road, Huntington, SCTM# 0400-138.00-03.00-050.000, Chapters 133, 191; Jung Don/Kyoung Mi Kim, 20 Kenmore Street, Dix Hills, SCTM # 0400-280.00-07.00-021.000; Chapter 191)	<u><b>SB</b></u> <u><b>MC</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2017-18.</b> <b>AUTHORIZE</b> execution of contract of sale and appropriating funding necessary for acquisition of Marchais Property, Huntington. (Re: 1 Hill Place, Huntington; SCTM# 0400-027.00-01.00-007.000)	<u><b>FP</b></u> <u><b>EC</b></u>	<u><b>MC</b></u>	<u><b>5</b></u>
<b>2017-19.</b> <b>AUTHORIZE</b> an agreement with the appointed Chapter 7 Trustee (In Re Al Relays, LLC).	<u><b>MC</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2017-20.</b> <b>AUTHORIZE</b> the execution of a retainer agreement with H2M architects + engineers to provide annual engineering services to the Dix Hills Water District for the Year 2017.	<u><b>FP</b></u> <u><b>SB</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2017-21.</b> <b>AUTHORIZE</b> the use of Dix Hills Park Pool by the children of Tri Community & Youth Agency upon payment of a flat fee for the summer of 2017.	<u><b>FP</b></u> <u><b>SB</b></u> <u><b>TE</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2017-22.</b> <b>AUTHORIZE</b> the use of Dix Hills Park Pool by the children of Whitman Village Housing Development Fund Corporation upon payment of a flat fee for the summer of 2017.	<u><b>FP</b></u> <u><b>MC</b></u> <u><b>SB</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>
<b>2017-23.</b> <b>AUTHORIZE</b> the use of Dix Hills Park Pool by the children of Gateway Gardens upon payment of a flat fee for the summer of 2017.	<u><b>FP</b></u> <u><b>TE</b></u> <u><b>SB</b></u>	<u><b>MC</b></u>	<u><b>5</b></u>
<b>2017-24.</b> <b>AUTHORIZE</b> the Comptroller to amend the 2017 Operating Budget and appropriate fund balance for the Town of Huntington and its special districts – Cultural Affairs (Public Art Initiative).	<u><b>SB</b></u>	<u><b>FP</b></u>	<u><b>5</b></u>
<b>2017-25.</b> <b>ACCEPT</b> the dedication of land for road widening improvements along the north side of Spagnoli Road located at 260 Spagnoli Road, Melville, New York. (Re: SCTM# 0400-265-01-011.007)	<u><b>TE</b></u>	<u><b>EC</b></u>	<u><b>5</b></u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: JANUARY 10, 2017**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2017-26.</b> ACCEPT donations from various individuals and merchants on behalf of “Meds and Food for Kids” for Hurricane Matthew relief in Haiti, nunc pro tunc. (Re: Gingerbites Restaurant and Catering)	<u>MC</u>	<u>TE</u>	<u>5</u>
<b>2017-27.</b> REMOVED FROM THE AGENDA AT THE WORKSHOP.			
<b>2017-28.</b> APPROVE Public Official Bonds. (Re: Ray Maloney, Deputy Superintendent of Highways for the Town of Huntington)	<u>MC</u>	<u>FP</u>	<u>5</u>
<b>2017-29.</b> ESTABLISH “A.R.M.S.” (American Reactivated for Military Service).	<u>SB</u>	<u>FP</u>	<u>5</u>
<b>2017-30.</b> ESTABLISH various fees for the Department of Environmental Waste Management Municipal Refuse Division Back Door Collection Service Program for 2017.	<u>MC</u>	<u>SB</u>	<u>5</u>
<b>2017-31.</b> PURSUANT to Highway Law §189 to accept a portion of Maxess Road into the Town of Huntington Highway System. (Re: SCTM# 0400-268.00-01.00-017.003)	<u>FP</u> <u>EC</u>	<u>TE</u>	<u>5</u>
<b>2017-32.</b> REAPPOINT a Chairman and Vice Chairman of the Board of Assessment Review. (Re: Jeffrey Stark, Chairman; Randolph Spelman, Vice-Chairman)	<u>FP</u> <u>MC</u>	<u>SB</u>	<u>5</u>
<b>2017-33.</b> REAPPOINT and APPOINT members to the Affordable Housing Advisory Board. (Re: Reappoint: Cheryl Grossman term expires 12/31/2019; Appoint: Roger Weaving term expires 12/31/2018 and James McGoldrick term expires 12/31/2019)	<u>FP</u> <u>SB</u>	<u>EC</u>	<u>5</u>
<b>2017-34.</b> ENACTMENT: ADOPT Local Law Introductory Number 44-2016, considering zone change application #2015-ZM-416, The Crest Group, LLC, to change the zoning from C-6 General Business District to C-11 Automotive Service Station District for part of the property located on the north side of the intersection of Jericho Turnpike and Valmont Avenue, Commack, SCTM #0400-222-03-074 & 075. (Re: Applicant: The Crest Group)	<u>FP</u> <u>MC</u>	<u>EC</u>	<u>5</u>
<b>2017-35.</b> ENACTMENT: ADOPT Local Law Introductory Number 48-2016 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Branwood Court, Branwood Drive, Suncrest Drive – Dix Hills –Parking Restrictions.	<u>SB</u>	<u>EC</u> <u>TE</u>	<u>5</u>
<b>2017-36.</b> ENACTMENT: ADOPT Local Law Introductory No. 49-2016 amending the Code of the Town of Huntington, Chapter 124 (Housing Standards and Property Maintenance).	<u>EC</u> <u>SB</u>	<u>FP</u>	<u>5</u>

**AGENDA FOR TOWN BOARD  
MEETING DATED: JANUARY 10, 2017**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<b>2017-37.</b> <b>ENACTMENT: ADOPT</b> Local Law Introductory No. 50-2016 amending the Code of the Town of Huntington, Chapter 191 (Unsafe and Damaged Buildings and Structures).	<b><u>EC</u></b> <b><u>SB</u></b>	<b><u>FP</u></b>	<b><u>5</u></b>
<b>2017-38.</b> <b>ENACTMENT: GRANT</b> a license agreement to operate and manage golf course operations and food concessions at the Crab Meadow Golf Course and Dix Hills Golf Course in the Town of Huntington, New York to Dietz Golf Corp. and Gelucci Brands LLC. (Contract period 5 years ending 12/31/2021)	<b><u>MC</u></b> <b><u>TE</u></b>	<b><u>FP</u></b> <b><u>EC</u></b> <b><u>SB</u></b>	<b><u>5</u></b>
<b>2017-39.</b> <b>AUTHORIZE</b> appropriate action(s) in accordance with Huntington Town Code Chapter 156 Property Maintenance; Nuisances, Article VII, Blighted Property, §156-67, action by Town Board for failure to comply or abate violations. (Re: Richard Russillo, 15 Janice Court, Commack, SCTM# 0400-225.00-02.00-030.000, Chapter 156)	<b><u>SB</u></b>	<b><u>EC</u></b>	<b><u>5</u></b>
<b>2017-40.</b> <b>SCHEDULE A PUBLIC HEARING: February 7, 2017 at 2:00 PM</b> To consider authorizing various actions be taken upon certain properties designated as Blighted in accordance with Chapter 156, Article VII, §156-60 (Blighted Property). (Re: Maryann Dellinger, 794 Larkfield Road, ENPT, SCTM# 0400-219.00-01.00-012.000, Chapter 156)	<b><u>SB</u></b>	<b><u>FP</u></b>	<b><u>5</u></b>
<b>2017-41.</b> <b>SCHEDULE A PUBLIC HEARING: February 7, 2017 at 2:00 PM</b> To consider authorizing the Supervisor to execute a license agreement with Deborah Barletta for the use of a portion of Town land. (Re: SCTM# 0400-093.00-02.00-108.00; term 15 years)	<b><u>MC</u></b>	<b><u>EC</u></b> <b><u>TE</u></b>	<b><u>5</u></b>
<b>2017-42.</b> <b>SCHEDULE A PUBLIC HEARING: February 7, 2017 at 2:00 PM</b> To consider awarding a franchise agreement to conduct 2017 Youth Sports Programs for the Town of Huntington Department of Parks and Recreation. (Re: US Sports Institute)	<b><u>MC</u></b>	<b><u>TE</u></b>	<b><u>5</u></b>
<b>2017-43.</b> <b>SCHEDULE A PUBLIC HEARING: February 7, 2017 at 2:00 PM</b> To consider awarding a franchise agreement to conduct science camps and programs for the Town of Huntington Department of Parks and Recreation. (Re: Scienstational Workshops for Kids, Inc.)	<b><u>EC</u></b> <b><u>MC</u></b>	<b><u>SB</u></b>	<b><u>5</u></b>
<b>2017-44.</b> <b>SCHEDULE A PUBLIC HEARING: February 7, 2017 at 2:00 PM</b> To consider adopting Local Law Introductory No. 1-2017 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Park Drive – Melville –Parking Restrictions.	<b><u>SB</u></b>	<b><u>TE</u></b> <b><u>EC</u></b>	<b><u>5</u></b>
<b>2017-45.</b> <b>SCHEDULE A PUBLIC HEARING: February 7, 2017 at 2:00 PM</b>			

**AGENDA FOR TOWN BOARD  
MEETING DATED: JANUARY 10, 2017**

<b>RESOLUTIONS:</b>	<b>OFF.</b>	<b>SEC.</b>	<b>VOTE</b>
<p>To consider adopting Local Law Introductory No. 2-2017 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Railroad Avenue – East Northport – Parking Restrictions.</p>	<b><u>TE</u></b>	<b><u>FP EC</u></b>	<b><u>5</u></b>
<p><b>2017-46. SCHEDULE A PUBLIC HEARING: February 7, 2017 at 2:00 PM</b> To consider adopting Local Law Introductory No. 3-2017 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions) and Article XI (Conditional Uses; Supplementary Regulations).</p>	<b><u>FP EC</u></b>	<b><u>SB</u></b>	<b><u>5</u></b>
<p><b>2017-47. SCHEDULE A PUBLIC HEARING: February 7, 2017 at 2:00 PM</b> To consider adopting Local Law Introductory No. 4-2017 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Floral Avenue – Huntington – Parking Restrictions.</p>	<b><u>TE</u></b>	<b><u>EC</u></b>	<b><u>5</u></b>
<p><b>2017-48. SCHEDULE A PUBLIC HEARING: February 7, 2017 at 2:00 PM</b> To consider adopting Local Law Introductory No. 5-2017 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Nash Place – Huntington – Parking Restrictions.</p>	<b><u>TE</u></b>	<b><u>FP</u></b>	<b><u>5</u></b>



AGENDA FOR BOARD OF TRUSTEES'  
MEETING DATED: JANUARY 10, 2017

RESOLUTIONS:

OFF. SEC. VOTE

2017-BT

\_\_\_\_\_

AGENDA FOR COMMUNITY DEVELOPMENT AGENCY  
MEETING DATED: JANUARY 10, 2017

RESOLUTIONS:

OFF. SEC. VOTE

2017-CD

\_\_\_\_\_

**INFORMATIONAL SHEET FOR:  
TOWN BOARD, BOARD OF TRUSTEES' AND COMMUNITY DEVELOPMENT  
MEETING DATED: JANUARY 10, 2017**

**COMMUNICATION**

**DISTRIBUTION**

1. Letters received Certified Mail – Initial Application for Liquor Licenses:
    - A) From: Patrick DeLuca for La Scala (34 Vanderbilt Motor Pkwy, Commack)
    - B) From: Weiguang Jiang for TBD (350 Route 110, Huntington Station)
  2. Letters received Certified Mail – Renewal for Liquor Licenses:
    - A) From: Roberto Ornato for Jonathan’s Ristorante (15 Wall Street, Huntington)
    - B) From: Steve Coulellis for Mediterranean Snack Bar, Inc. (360 New York Ave, Huntington)
  3. Public Notice received from the Village of Huntington Bay Zoning Board of Appeals regarding a hearings to be held on December 15, 2016 at 7:30 PM for the following properties: A) 341 Bay Avenue B) 46 Taylor Road C) 22 Baycrest.
  4. Three emails received from Nadine and John Dumser regarding hunting in Asharoken.
    - A) Indicates a letter was delivered to Mayor Letica and the Asharoken Board of Trustees to demand bow hunting be banned in Asharoken. It also mentions comments made on the LI Gun Club’s website. B) Attached to this email was an article entitled “Asharoken New York Public Hunting”. C) Attached was a copy of a letter sent to Mayor Letica from Joanne Bourbeau, Northeastern Regional Director of the Humane Society of the United States. D) Additional email received regarding banning bow hunting. (ccd Supervisor/Councilpersons)
  5. Email received from Rosemarie Rollino regarding the proposed no parking signs to be placed on Suncrest Drive, Branwood Drive and Branwood Court (Local Law Introductory No. 48-2016) The writer is opposed to this resolution. Attached were pictures of the area. (ccd Supervisor/Councilpersons)
  6. Email received from Ian S. Wilder, Esq, Deputy Director of Long Island Housing Services, Inc., regarding attainable housing in Huntington. The writer is in support of the Huntington Township Housing Coalition’s report that was presented at the December 2016 Town Board meeting. (ccd Supervisor/Councilpersons)
  7. Email received from Jason Shapiro in opposition to changing the Comprehensive Plan and re-zoning for the Villadom Project. (ccd Supervisor/Councilpersons)
- Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
Planning & Environment  
cc: Sewage Treatment Facility
- Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
Planning & Environment  
cc: Sewage Treatment Facility
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
- Town Attorney  
cc: Public Safety
- Public Safety  
cc: Traffic & Transportation
- Town Attorney  
Community Development  
cc: Planning & Environment
- Town Attorney  
Engineering Services  
cc: Planning & Environment

- |  |   |
|--|---|
| 8. Emails received from the following in support of the Huntington Township Housing Coalition Report, affordable and attainable housing: A) Kathleen Williams Ging B) John Batanchiev C) Millie/Morty Willen D) Barbara Duncan                   | Supervisor<br>Town Board<br>Town Attorney<br>Community Development<br><u>cc: Planning &amp; Environment</u> |
| 9. Notification received from the Greenlawn Water District that John T. McLaughlin was elected Water Commissioner for a term of three years.   | Supervisor<br>Town Board<br><u>cc: Town Attorney</u>  |
| 10. Notification received from the South Huntington Water District that Paul J. Tonna was elected Commissioner for a three year term commencing 1/1/2017.  | Supervisor<br>Town Board<br><u>cc: Town Attorney</u>  |
| 11. Notification received from the Huntington Fire District that Thomas Collins was elected Fire Commissioner for a five year term commencing 1/1/2017.  | Supervisor<br>Town Board<br><u>cc: Town Attorney</u>  |
| 12. Letter received from Louise Caputo, Secretary/Treasurer of the Greenlawn Fire District, advising Douglas Tewksbury was elected Fire District Commissioner for a five year term. Certification and Certificate of Canvass was also submitted. | Supervisor<br>Town Board<br><u>cc: Town Attorney</u>  |
| 13. Notification received from the Dix Hills Fire District that Robert Commisso was elected Fire Commissioner for a 5 year term. Certificate of Canvass was included.  | Supervisor<br>Town Board<br><u>cc: Town Attorney</u>  |
| 14. Notification received from the East Northport Fire District that Wayne Kaifler, Sr. was elected Fire Commissioner for a 5 year term. Certificate of Canvass and Oath of Inspectors were included.  | Supervisor<br>Town Board<br><u>cc: Town Attorney</u>  |
| 15. Notification received from the Cold Spring Harbor Fire District that John Parker was elected Fire Commissioner for a 5 year term. Copies of Certification, ballots and copy of public notice submitted.                                      | Supervisor<br>Town Board<br><u>cc: Town Attorney</u>  |
| 16. Notification received from Huntington Manor Fire District that Raymond Spatafora was elected Fire Commissioner for a term of 5 years.  | Supervisor<br>Town Board<br><u>cc: Town Attorney</u>  |
| 17. Notification received from the Melville Fire District that Phillip Harry Foundos was elected Fire Commissioner for a term of 5 years.  | Supervisor<br>Town Board<br><u>cc: Town Attorney</u>  |
| 18. Notification received from the Halesite Fire District that Andrew Magerle was elected Fire Commissioner for a term of 5 years and Jeffrey Schondebare was elected to serve as Fire Commissioner for a term of 1 year.                        | Supervisor<br>Town Board<br><u>cc: Town Attorney</u>  |
| 19. Notification received from Eaton's Neck Fire District that Brian Gorman was elected Fire Commissioner for a term of 5 years. Certification, Affidavit and Oath of Inspection were attached.  | Supervisor<br>Town Board<br><u>cc: Town Attorney</u>  |

20. Letter received from Andrew Freleng, Chief Planner for the Suffolk County Planning Commission regarding the application of Pilgrim State Property 22-50 Jackson Avenue Association, LP and Pilgrim East LP (aka Heartland Town Square) for a change of zone. The hearing will be held on January 4, 2017 at 10:00 AM at the Legislature Building in Smithtown. The letter is requesting any comments to be made in writing or in person at the meeting. (ccd A. Aloisio, Planning & Environment)
- Supervisor  
Town Board  
cc: Town Attorney
21. Emails received in opposition to the “City of Melville” plan (actually the Melville Employment Center Plan) from: A) Wendy/David Sherman B) Jill Mintzer c) Ilan/Jill Halal (A, B, C ccd Councilpersons)
- Supervisor (B&C)  
Town Attorney  
cc: Planning & Environment
22. Email received from Alissa Taff, President of the Civic Association of Sweet Hollow regarding the Melville Employment Center Plan. The association does not approve the plan and does not want to become a city. (ccd Councilpersons)
- Supervisor  
Town Attorney  
cc: Planning & Environment
23. Email received from Jim Braun regarding the public hearing to be held in January regarding accessory apartments. The writer submitted an excel spreadsheet and indicates other information that should be added to the data. The writer indicates that before any changes are made that the data should be analyzed. (ccd Councilpersons)
- Supervisor  
Town Attorney  
cc: Public Safety
24. Letter received from Candace Thomson, District Treasurer for the Huntington Manor Fire District advising that Raymond Spatafora was elected commissioner for a five year term. Oath of Inspection also included.
- Supervisor  
Town Board  
cc: Town Attorney
25. Certificate of Canvass received from the Centerport Fire District, advising that Peter S. Gunther was elected Fire Commissioner for a five year term.
- Supervisor  
Town Board  
cc: Town Attorney
26. Letter received from Nancy McFadzen, Secretary for the Commack Fire District advising that Jerome Quigley was elected Fire Commissioner for a term of five years.
- Supervisor  
Town Board  
cc: Town Attorney
27. Email received from Jon Heidelberger, Esq. attached was a letter of recommendation for Robert Storck to be appointed to the Harbors and Boating Advisory Council. (ccd Ed Carr Maritime Services)
- Supervisor  
Town Board  
cc: Town Attorney
28. Copy of a Public Notice received from Certilman Balin regarding the Zone Change Application of 22-50 Jackson Avenue Associates, LP and Pilgrim East, LP to establish a Pilgrim State Planned Redevelopment District and to change zoning classification of certain parcels comprising approximately 452 acres (located at the former Pilgrim State Psychiatric Center. The Suffolk County Planning Commission will consider the matter at its January 4, 2017 meeting at 10:00 am at 725 Veterans Memorial Hwy, Smithtown.
- Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
29. Letter received, via hand delivery, from William Coden, regarding Christopher Modelewski, Chairman of the Zoning Board of Appeals. (ccd Supervisor/Deputy Supervisor/Councilpersons)
- Town Attorney  
cc: Planning & Environment

30. Letter received from Andrew Freleng, Chief Planner for the Suffolk County Planning Commission regarding the Town of Huntington Resolutions 2016-585, 586, 588 and 589. The Commission has determined these are matters for local determination which should not be construed as an approval or disapproval. Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
31. Notification received from the Association of Towns regarding the meeting to be held from February 19 – 22, 2017 at the Marriott Marquis in New York City. Included was the Itinerary and various other pertinent information. Supervisor  
Town Board  
cc: Town Attorney
32. Email received from Jean (Varrone) Simeone-Down regarding the rezoning of the Bertucci property. Attached was a letter indicating she represented the Fletcher Place, Piermont Dr. and Gwynn Road residents years ago when a request was made for a Tutor Time Day Care Center on the rear portion of the Bertucci property. The support was for a Day Care facility with strict regulations. She indicates it was also agreed that if the facility was not built or ceased to operate within two years the property would revert back to R-10 Residence. Supervisor  
Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment
33. Email received from Andrew Kallock, an attorney working in Public Policy for Airbnb, regarding the Public Hearing to be held at the Town Board meeting on 1/10/2017. Attached was a letter in support of short term rental policies for the Town of Huntington. (ccd Supervisor/Councilpersons) Town Attorney  
Engineering Services  
cc: Planning & Environment
34. Letter hand delivered by Andrew Levitt, Esq, signed by Jennifer Coden, Lindsay Renert, and Alyssa Nightingale regarding Sandbar-Oyster Bay Management Co., LLC located at 53-55 Main Street in Cold Spring Harbor. The letter is pursuant to Town Law § 268 and indicates alleged violations for this premise. Included was a letter from NYS Department of Transportation regarding a street sign for this location. (ccd Supervisor/Councilpersons/  
Town Attorney/Public Safety/Fire Inspector/ Planning & Environment, etc) cc: File
35. Letter hand delivered by Andrew Levitt, Esq signed by Jennifer Coden, Lindsay Renert, and Alyssa Nightingale regarding Namresi Construction Inc. located at 37 Main Street in Cold Spring Harbor. The letter is pursuant to Town Law § 268 and indicates alleged violations for this premise. (ccd Supervisor/Councilpersons/Town Attorney/ Public Safety/Planning) cc: File
36. Email received from Ellen O'Brien of the Huntington Chamber of Commerce and addressed to Supervisor Petrone, with an attached letter from the Executive Committee of the Chamber. Quoting from the letter they "appauld the Supervisor and Town Council in their efforts to address short term rentals in the Town of Huntington". It also indicates rentals of any type should be subject to oversight and permitting. They also support proper guidelines. Town Board  
Town Attorney  
Engineering Services  
cc: Planning & Environment

2017-1

RESOLUTION ADOPTING VARIOUS ACTIONS OF THE TOWN BOARD FOR THE YEAR 2017

Resolution for Town Board Meeting Dated: January 10, 2017

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

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

**THE TOWN BOARD**

HEREBY AUTHORIZES the Comptroller to pay 2016/2017 Town of Huntington Taxes on Town-owned property in the amount not to exceed the budgeted amount of TWENTY THOUSAND AND NO/100 (\$20,000.00) DOLLARS to be charged to Operating Budget Item A1950-4170; and

HEREBY DESIGNATES the following institutions as bank depositories for the calendar year 2017: Bank of America, Capital One Bank, JP Morgan Chase Bank, Citibank, N.A., First National Bank of Long Island, HSBC Bank, M&T Bank, State Bank of Long Island, Suffolk County National Bank, TD Bank, Wachovia Bank, NA, Flushing Bank; Herald National Bank; Wells Fargo Bank; Bridgehampton National Bank; Gold Coast National Bank; Bank United; People's United Bank; Empire National Bank, Customers Bank and

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

HEREBY DELEGATES the power to authorize attendance by employees at conferences, conventions and schools in accordance with the provisions of Section 77-B of General Municipal Law, to the Supervisor, effective up to and including December 31, 2017; and

HEREBY APPOINTS, pursuant to General Municipal Law 104-b(2)(f) effective January 1, 2017, specifies that municipalities must identify the individual responsible for purchasing on behalf of the Town. The Town appoints Lori E. Finger, Director of Purchasing with the purchasing responsibility for the Town; and

HEREBY APPOINTS Munistat Services, Inc., 12 Roosevelt Avenue, Port Jefferson Station, NY 11776 as Fiscal Advisors for bonding issues; and

HEREBY APPOINTS Nixon Peabody, LLP, 437 Madison Avenue, New York, NY 10002-7001 and Hawkins, Delafield & Wood, 28 Liberty Street, 42<sup>nd</sup> Floor, New York, NY 10005, Harris Beach PLLC, The Omni, Uniondale, NY 11553, as bond counsel for bonding issues; and

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

HEREBY APPROVES the membership of the Huntington Community Development Agency, effective January 1, 2017, to be as follows: Supervisor Frank P. Petrone-1 year (balance), Councilwoman Susan A. Berland- 3 year (balance), Councilman Eugene Cook – 3 year (balance); Councilman Mark A. Cuthbertson-1 year (balance); and Councilwoman Tracey A. Edwards-1 year (balance); and

HEREBY DESIGNATES, pursuant to the provision of Section 6, Article III of the Constitution and By-Laws of the Association of Towns, Councilwoman Berland, as Principal and Councilwoman Edwards, as Alternate to cast the vote of the Town of Huntington at the 2017 Annual Meeting of the Association of Towns in February; and

HEREBY APPOINTS, pursuant to Domestic Relations Law §11-C, Jo-Ann Raia, Town Clerk, as Marriage Officer for the Town of Huntington for a term beginning January 1, 2017 and ending December 31, 2017; and

HEREBY DESIGNATES The Observer, 1 Brooksite Dr., Smithtown, NY 11787 and The Long Islander, 14 Wall Street, Huntington, NY 11743, as the Official Newspapers for the Town of Huntington for the year 2017; and directs the Town Clerk to send official notification to the Suffolk County Clerk and Clerk of the Suffolk County Legislature of said designations; and

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION  
TO THE CONTRACT FOR PROFESSIONAL LEGAL SERVICES WITH  
LEVENTHAL, MULLANEY & BLINKOFF, LLP.

Resolution for Town Board Meeting Dated: January 10, 2017

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, under Chapter 29 and pursuant to the General Municipal Law, the Town Board of the Town of Huntington has created and established the Board of Ethics and Financial Disclosure (the "Ethics Board"). The Ethics Board provides opinions with respect to questions arising under Chapter 29, and receives, reviews, and investigates complaints involving conduct prescribed by Chapter 29. The Ethics Board is also required to conduct public hearings and provide seminars for all government officials of the Town of Huntington, as provided in Chapter 29; and

WHEREAS, the Town of Huntington presently has a need to retain outside legal counsel to assist the Board of Ethics and Financial Disclosure in satisfying its duties, as they are described in Chapter 29; and

WHEREAS, Town Board Resolution 2015-59 awarded the contract for legal services , RFP No. 2015-01-002 and Town Board Resolution 2015-246 increased the level of service to Leventhal, Mullaney & Blinkoff, LLP, Attorneys At Law, 15 Remsen Avenue, Roslyn, New York 11576 and Town Board Resolution 2016-9 awarded the first one (1) year extension; and

WHEREAS, said contract provides for three (3) one (1) year extensions at the negotiated prices, terms and conditions; and

WHEREAS, Leventhal, Mullaney & Blinkoff, LLP, Attorneys At Law has requested the second one (1) year extension at the agreed upon prices, terms and conditions of the original contract; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the contract, and any documents in connection and related therewith, with Leventhal, Mullaney & Blinkoff, LLP Attorneys At Law for professional legal services at a negotiated rate of TWO HUNDRED AND NO/100 (\$200.00) DOLLARS per hour not to exceed FIFTEEN THOUSAND AND NO/100 (\$15,000.00) DOLLARS in a twelve (12) month period. The extension period shall be effective for a one (1) year term commencing upon March 2, 2017 under the agreed upon prices, terms and conditions as the original contract, to be charged to A1420-4551, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-4

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR THE HEATING VENTILATION, AIR CONDITIONING (HVAC) AND REFRIGERATION SERVICE, MAINTENANCE AND INSTALLATION WITH ABSOLUTE CONTROL HVAC CORP.

Resolution for Town Board Meeting Dated: January 10, 2017

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

WHEREAS, this requirements contract will enable a certified mechanic to service, maintain and install heating ventilation, air conditioning (HVAC) and refrigeration equipment as required in accordance with the manufacturer's recommended specifications throughout various facilities in the Town of Huntington; and

WHEREAS, the contractor must utilize high-energy efficiency HVAC equipment that meets or exceeds the energy efficiency specifications set forth in ENERGY STAR and meets or exceeds PSEG and/or National Grid efficiency and incentive levels to qualify for utility rebates if available; and

WHEREAS, Town Board Resolution 2015-57 authorized the execution of a contract with Absolute Control HVAC Corp., for the requirements contract for the HVAC and refrigeration equipment service, maintenance and installation, TOH 15-01R-009 and Town Board Resolution 2016-107 authorized the first one (1) year extension; and

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

WHEREAS, Absolute Control HVAC Corp., 962 Sunrise Highway, West Babylon, New York 11704 has requested the second 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

2017-4

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Absolute Control HVAC Corp. for the requirements contract for the HVAC and refrigeration equipment service, maintenance and installation. The extension period shall be effective for one (1) year commencing on April 7, 2017 to be charged to the various operating budgets of the Town, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES:    5        NOES:    0        ABSTENTIONS:    0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-5

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR THE LAWN AND LANDSCAPE MAINTENANCE FOR THE HIGHWAY DEPARTMENT WITH B & B MAINTENANCE SERVICES, INC.

Resolution for Town Board Meeting Dated: January 10, 2017

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

WHEREAS the Town of Huntington Highway Department is responsible for the lawn and landscape maintenance of various Town roads, right of ways, medians, shoulders and recharge basins. This service includes mowing all grassed areas, trimming grass along fence lines, trees, shrubs, curb strips, and removal of all debris; and

WHEREAS, Town Board Resolution 2016-60 authorized the execution of a contract with B & B Maintenance Services, Inc. for the lawn and landscape maintenance for the Highway Department, Bid No. TOH 16-01R-005; and

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

WHEREAS, B & B Maintenance Services, Inc., P.O. Box 183, Ronkonkoma, New York 11779 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 Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with B & B Maintenance Services, Inc. for the lawn and landscape maintenance for the Highway Department. The extension period shall be effective for one (1) year commencing on April 1, 2017 to be charged to Operating Budget Item No. DB-5140-4420, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5        NOES: 0        ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-6

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE LICENSE AGREEMENT FOR THE TRANSIT ADVERTISING AND MARKETING PROGRAMS FOR THE TOWN OF HUNTINGTON WITH CREATIVE ADVERTISING CONCEPTS, INC.

Resolution for Town Board Meeting Dated: January 10, 2017

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

WHEREAS, the Town wishes to engage the services of a qualified licensee to provide a transit advertising and marketing program. These services will promote the Town's many assets and the Town will in turn generate additional nontax levy revenue collections through a targeted marketing and partnership program; and

WHEREAS, Town Board Resolution 2011-570 authorized the execution of a license agreement with Creative Advertising Concepts, Inc., 74 West Park Avenue, Long Beach, New York 11561 to provide transit advertising and marketing programs for the Town of Huntington, New York, RFP No. 2011-09-012; and

WHEREAS, said agreement provides for a five (5) year extension at the agreed upon prices, terms and conditions; and

WHEREAS, Creative Advertising Concepts, Inc., 74 West Park Avenue, Long Beach, New York 11561 has requested the five (5) 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 agreement, and any documents in connection and related therewith, with Creative Advertising Concepts, Inc. to provide a transit advertising and marketing program for the Town of Huntington. The extension period shall be effective for a five (5) year term commencing on February 28, 2017. In consideration for 60% of the HART Bus advertising gross revenue and 60% of the gross revenue generated for the marketing program less administrative expenses of five (5) % of projected net revenue per year by Creative Advertising Concepts, Inc. to be recorded into Revenue Account No. A1751, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2017-6

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH THE HUNTINGTON YMCA FOR THE USE OF THE DIX HILLS PARK POOL

Resolution for Town Board Meeting Dated: January 10, 2017

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

WHEREAS, the Town of Huntington wishes to make the Dix Hills Park Pool available to the Huntington YMCA from June 26, 2017 through August 18, 2017 from 6 a.m. to 9 a.m. Monday through Saturday at no cost to the Town; and

WHEREAS, the YMCA agrees to provide a certified lifeguard and staff at all times when using the pool and will provide the necessary insurance coverage naming the Town of Huntington as an additional insured certificate holder; and

WHEREAS, the YMCA will pay the Town of Huntington \$25.00 per hour for the use of the pool; and

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

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract with the Huntington YMCA, 60 Main Street, Huntington New York 11743 for use of the Dix Hills Park Pool from June 26, 2017 through August 18, 2017 between the hours of 6:00 a.m. and 9:00 a.m., Monday through Saturday, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



2017-8

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AGREEMENTS FOR THE PROVISION OF VARIOUS YOUTH SERVICES ON BEHALF OF THE YOUTH BUREAU FOR THE YEAR 2017 NUNC PRO TUNC

Resolution for Town Board Meeting Dated: January 10, 2017

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

WHEREAS, the Town of Huntington annually enters into contractual relationships with essential not-for-profit service providers in the Town of Huntington that offer assistance to all youth and families such as counseling, runaway and homeless youth services, homework help, recreational programs, employment and career planning, college prep and conflict resolution in the Town of Huntington funded through the Town's Youth Bureau; and

WHEREAS, the Town Board wishes to continue to maintain access to these services for its residents through programs provided by said not-for-profit organizations; 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 youth services agreements is not an action as defined 6 NYCRR §617.2(b) and therefore no further SEQR review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor, on behalf of the Town of Huntington Youth Bureau, to execute agreements on such terms and conditions as may be acceptable to the Town Attorney for the provision of services pursuant to the Town's Comprehensive Youth Plan for the year 2017 Nunc Pro Tunc with the following agencies:

Tri Community and Youth Agency, Inc. (Region I). West Hills Rd., Hunt., Sta., NY 11746	\$590,464.00
Youth Directions and Alternatives, Community and Youth Agency, Inc. (Region II) 7 Diane Court, E. Npt., NY 11731	\$438,230.00
Regional Enrichment Agency of Commack and Half Hollow Hills, Community and Youth Agency, Inc. (Region III) 525 Hall Hollow Rd., Dix Hills, NY 11746	\$349,050.00
Family Service League of Suffolk County, Inc. 790 Park Ave., Hunt., NY 11743	\$284,186.00

2017-8

Long Island Crisis Center, Inc. \$ 15,594.00  
2740 Martin Ave., Bellmore, NY 11710

CAST Gang Prevention Program \$ 45,000.00  
Tri-Community and Youth Agency Inc. (Region 1)  
West Hills Rd., Hunt.Sta. NY 11746

Huntington Youth Bureau Youth Development Research \$1,039,986.00  
Institute, Inc. (Non Drug related)  
423 Park Ave., Hunt., NY 11743

Huntington Youth Bureau Youth Development Research \$ 847,114.00  
Institute, Inc. (Drug related)  
423 Park Ave., Hunt., NY 11743

BE IT UNDERSTOOD that services provided pursuant to the above agreements shall be financed with funds provided by the Town of Huntington (Operating Budget Items A7320.4001 & A4220.4001), Local Villages, the New York State Office of Children and Family Services, Suffolk County Youth Bureau, Dept. of Health and Human Services, Suffolk Dept. of Health; and

BE IT FURTHER RESOLVED that the Supervisor is authorized to execute amendments to these agreements in order to adjust the amounts approved in this resolution, based on changes in funding provided by County and State sources without additional contributions by the Town of Huntington, subject to such terms and conditions as may be acceptable to the Town Attorney; and

HEREBY AUTHORIZES the Comptroller to amend the Town's 2017 Operating Budget as follows:

Increase the following Revenue:

A3831-3831 County Aid Youth Services \$45,000.00

Increase the following Appropriation:

A7320-4001 Joint Youth Program \$45,000.00

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH VICOBE PRODUCTIONS FOR THE USE OF CRAB MEADOW BEACH FOR A SPRINT TRIATHLON ON JULY 29, 2017 AND JULY 30, 2017, AND FURTHER GRANTING AN AQUATIC PERMIT IN CONJUNCTION WITH SUCH EVENT

Resolution for Town Board Meeting Dated: January 10, 2017

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, Vicobe Productions has successfully conducted sprint triathlons in several Long Island Towns, including Huntington, and such event helps promote physical fitness and a healthy lifestyle; and

WHEREAS, Vicobe Productions has requested permission to utilize Crab Meadow Beach, parking lot and pavilion to conduct a sprint triathlon from 9 a.m. July 29, 2017 through 1 p.m. on July 30, 2017 and;

WHEREAS, a portion of proceeds from both events will benefit two local not-for-profit organizations with strong ties to the Northport community; and

WHEREAS, such permission to utilize said Town property is contingent upon the execution of a License Agreement, which includes provisions requiring Vicobe Productions to hold harmless and indemnify the Town of Huntington; the issuance of a valid Special Event Permit by the Town of Huntington Department of Parks and Recreation; the granting of an Aquatic Permit pursuant to §120-15 of the Huntington Town Code; 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 the use of Town property for this purpose and the granting of an Aquatic Permit pursuant to §120-15 of the Huntington Town Code 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 GRANTS, pursuant to the Code of the Town of Huntington §120-15, an aquatic event permit to Vicobe Productions for its Triathlon event at the Town of Huntington Crab Meadow Beach beginning with set-up and staging from 9 a.m. to 6 p.m. July 29, 2017 and the triathlon event from 4 a.m. to 1 p.m. July 30, 2017; and

FURTHER AUTHORIZES the Supervisor to execute a License Agreement with Vicobe Productions, 98 Southdown Road, Huntington, New York 11743, for its Triathlon Event at the Town of Huntington Crab Meadow Beach on July 29, 2017 and July 30, 2017. Permission for

such event is subject to: 1) the execution of a License Agreement which includes provisions requiring Vicobe Productions to hold harmless and indemnify the Town of Huntington and signed by an authorized representative of Vicobe Productions; 2) the submission of appropriate insurance documents in a form satisfactory to the Town Attorney; 3) the issuance of a valid Special Event Permit by the Town of Huntington Department of Parks and Recreation; 4) the granting of an aquatic permit pursuant to §120-15 of the Huntington Town Code; 5) and 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:    0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH THE SUFFOLK COUNTY COUNCIL, INC., BOY SCOUTS OF AMERICA FOR THE USE OF THE CENTERPORT BEACH PICNIC AREA AND CENTERPORT BEACH FOR ITS CUB ADVENTURE DAY CAMP.

Resolution for Town Board Meeting Dated: January 10, 2017

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

WHEREAS, Suffolk County Council, Inc., Boy Scouts of America is desirous of operating a Cub Adventure Day Camp Program for three (3) consecutive weeks during in August 2017; and

WHEREAS, Suffolk County Council, Inc., Boy Scouts of America has requested permission from the Town of Huntington to utilize the Centerport Beach picnic area and Centerport Beach for such program; and

WHEREAS, Suffolk County Council, Inc., Boy Scouts of America will be solely responsible for the provision of all personnel, equipment, supervision, instruction and operation of such Cub Adventure Day Camp Program and for the safety of all program participants; and

WHEREAS, such permission will be contingent upon the following: 1) the execution of a License Agreement, which includes provisions requiring Suffolk County Council, Inc., Boy Scouts of America to hold harmless, defend and indemnify the Town of Huntington and the Town of Huntington Board of Trustees; 2) Payment of a license fee in the amount of THREE THOUSAND AND NO/100 DOLLARS (\$3,000.00) to the Town of Huntington; 3) the submission and approval of certificates of insurance in amounts and in a form acceptable to the Town Attorney; 4) the issuance, by Suffolk County Department of Health Services, of a valid permit for the operation of a children's day camp at the Town of Huntington Centerport Beach location; 5) the issuance of all required approvals and/or permits from any other Town department and/or other agency having jurisdiction; and

WHEREAS, entering into this license agreement is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 (c) (15) and, therefore, no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD,

HEREBY AUTHORIZES the Supervisor to execute a license agreement with Suffolk County Council, Inc., Boy Scouts of America, 7 Scouting Boulevard, Medford, NY 11763 for the use of the Centerport Beach picnic area and Centerport Beach for its Cub Adventure Day Camp from 8:00 a.m. until 5:00 p.m., Monday through Friday, on the following dates: Monday, July 31, 2017 through Friday, August 4, 2017; Monday, August 7, 2017 through Friday, August 11, 2017; and Monday, August 14, 2017 through Friday, August 18, 2017. Authorization for such use is subject to: 1) the execution of a License Agreement, which includes provisions requiring Suffolk



2017 - //

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH THE HUNTINGTON YMCA FOR THE PROVISION OF AN INSTRUCTIONAL SAILING AND KAYAKING PROGRAM AT CENTERPORT BEACH AND THE USE OF THE CENTERPORT BEACH BOATHOUSE.

Resolution for Town Board Meeting Dated: January 10, 2017

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

and seconded by **COUNCILMAN COOK**

WHEREAS, the Huntington YMCA is desirous of continuing to provide an instructional sailing and kayaking program for youth and adults in the community; and

WHEREAS: the Huntington YMCA has requested permission from the Town of Huntington to continue providing such instructional sailing program at the Town of Huntington Centerport Beach and to utilize the Centerport Beach boathouse for storage of equipment related to such program; and

WHEREAS, the Huntington YMCA will be solely responsible for the provision of all equipment, supervision and instruction and for the safety of all program participants; and

WHEREAS, entering into this license agreement is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 (c) (15) and therefore no further SEQRA review is required.

NOW THEREFORE, BE IT

RESOLVED that the Town Board hereby authorizes the Supervisor to execute a license agreement with the Huntington YMCA, 60 Main Street, Huntington, New York, 11743 for the provision of an instructional sailing and kayaking program at Centerport Beach for the period June 26, 2017 through August 25, 2017 and the use of the Centerport Beach boathouse for the period of March 2, 2017 through March 1, 2018 for a license fee of FIVE THOUSAND ONE HUNDRED AND NO/100 (\$5,100) to be deposited in A-2006 and on such other terms and conditions as may be acceptable to the Town Attorney.

2017 - 11

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



2017-12

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A FUNDING AGREEMENT WITH THE TOWN OF HUNTINGTON ECONOMIC DEVELOPMENT CORPORATION, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: January 10, 2017

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

And seconded by: **COUNCILMAN COOK**

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

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

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

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

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with the Town of Huntington Economic Development Corporation, commencing on January 1, 2017 and terminating on December 31, 2017, for services related to assisting the Town in the enhancement of economic development, in an amount not to exceed THIRTY FIVE THOUSAND AND NO/100 DOLLARS (\$35,000.00), to be charged to Operating Budget Item A8684-4043, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                      AYES:    5                      NOES:    0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A ONE (1) YEAR EXTENSION TO THE INTER MUNICIPAL COOPERTIVE AGREEMENT WITH THE ELWOOD UNION FREE SCHOOL DISTRICT FOR THE USE OF THE SCHOOL DISTRICT'S FACILITIES FOR TOWN RECREATIONAL PROGRAMS

Resolution for Town Board Meeting Dated: January 10, 2017

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

WHEREAS, the Town of Huntington is desirous of using various facilities owned by the Elwood Union Free School District for the Town's recreational programs; and

WHEREAS, Elwood Union Free School District requires the Town to enter into a Inter Municipal Cooperative Agreement for the use of their facilities; and

WHEREAS, Town Board Resolution No. 2016-67 (2015-153) granted a one (1) year agreement between the Town of Huntington and the Elwood Union Free School District; and

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

WHEREAS, the Town of Huntington Department of Parks and Recreation and the Elwood Union Free School District have requested the one (1) year extension; and

WHEREAS, this action is considered routine or continuing agency administration and management therefore this action is a Type II action defined by SEQRA in 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 Supervisor to execute a one (1) year extension to the Inter Municipal Cooperative Agreement with the Elwood Union Free School District for the use of the School Districts facilities for the Town's recreational programs from July 1, 2017 to June 30, 2018 and further authorizes the Supervisor to execute all necessary documents in connection therewith and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                      AYES:    5                      NOES:    0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2017- 14

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A USE AND MAINTENANCE AGREEMENT WITH ST. ANTHONY'S HIGH SCHOOL WITH REGARD TO ST. ANTHONY'S SOFTBALL FIELD AND STUDENT CENTER

Resolution for Town Board Meeting Dated: January 10, 2017

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

And seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town is desirous of periodically utilizing a softball field and the Student Center at St. Anthony's High School; and

WHEREAS, St. Anthony's High School is desirous of having the Town of Huntington periodically groom and maintain its softball field; and

WHEREAS, the use and maintenance of this field and Student Center by the Town is not an action pursuant to SEQRA as no physical change to the use, appearance or condition is proposed for the property and therefore, no further SEQRA review is required; and

NOW, THEREFORE, THE TOWN BOARD,

HEREBY AUTHORIZES the Supervisor to enter into an agreement with St. Anthony's High School for the use and maintenance of a softball field and use of the Student Center at St. Anthony's High School beginning March 1, 2017 and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-15

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A BUDGET AMENDMENT REVISION NO. FOUR TO THE 2016 AGREEMENT WITH THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES FOR THE TOWN'S DRUG AND ALCOHOL TREATMENT AND PREVENTION PROGRAM FOR COST OF LIVING ADJUSTMENT NUNC PRO TUNC

Resolution for Town Board Meeting Dated: January 10, 2017

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

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services, has awarded a Cost of Living Adjustment (COLA) to existing salaries for the Town's Drug and Alcohol Treatment and Prevention Program in the amount not to exceed EIGHT HUNDRED AND NO/100 (\$800.00) for the program budget year 2016; and

WHEREAS, the current Drug and Alcohol Treatment and Prevention Budget for 2016 with the Suffolk County Department of Health Service is SIX HUNDRED FIFTY-EIGHT THOUSAND ONE HUNDRED SIXTY-SIX AND NO/100 (\$658,166.00) DOLLARS funding for the 2016 Budget period will be increased in the amount of EIGHT HUNDRED AND NO/100 (\$800.00) DOLLARS modifying the total amount of such contract for the 2016 budget period to an amount not to exceed SIX HUNDRED FIFTY-EIGHT THOUSAND NINE HUNDRED SIXTY-SIX NO/100 (\$658,966.00) DOLLARS; and

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

NOW, THEREFORE,

THE TOWN BOARD,

HEREBY AUTHORIZES the Supervisor to execute a Budget Amendment Revision No. Four to the 2016 Agreement with the Suffolk County Dept. of Health Services for the Town's Drug and Alcohol Treatment and Prevention Program for Cost of Living Adjustment in the amount EIGHT HUNDRED AND NO/100 (\$800.00) DOLLARS modifying the total amount of such contract for the 2016 budget period to an amount not to exceed SIX HUNDRED FIFTY-EIGHT THOUSAND NINE HUNDRED SIXTY SIX AND NO/100 (658,966.00) DOLLARS NUNC PRO TUNC. To be recorded in Revenue Code A4831, Appropriation A4220, and on such other terms and conditions as may be acceptable to the Town Attorney.

2017-15

VOTE:                    AYES:    5                    NOES:   0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-16

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2017 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: January 10, 2017

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

and seconded by: **COUNCILWOMAN BERLAND**

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 2017 Operating Budget

Reinstate the following positions:

A-1420-1100	Clerk Typist	\$37,299
A-7020-1100	Senior Account Clerk	47,655
SR-8158-1100	Laborer (Refuse)	63,219

Abolish the following positions:

A-1315-1100	Senior Clerk	(\$66,101)
A-1315-1100	Senior Clerk	(66,415)
A-1680-1100	Senior Account Clerk Typist	(48,966)
A-1680-1100	Systems Programmer Analyst	(105,713)
A-3621-1100	Ordinance Inspector	(64,408)
A-6772-1100	Senior Citizen Program Supervisor	(62,163)
A-7620-1100	Principal Clerk	(73,687)
B-3621-1100	Ordinance Inspector	(64,408)
B-8020-1100	Executive Asst. to Planning Director	(98,611)

# 2017-16

B-8020-1100	Senior Clerk Typist	(51,458)
B-8020-1100	Senior Planner	(107,841)
DB-5110-1100	Heavy Equipment Operator II	(75,032)
SW1-8321-1100	Auto Equipment Operator	(64,128)

Create the following positions:

A-1315-1100	Principal Clerk	\$68,816
A-1315-1100	Principal Clerk	69,144
A-1431-1100	Senior Planner	107,841
A-1680-1100	Confidential Secretary	38,462
A-1680-1100	Senior Programmer Analyst	67,669
A-3621-1100	Housing Inspector	64,408
A-6772-1100	Senior Citizen Aide II	69,382
A-7620-1100	Senior Clerk Typist	42,821
A-8790-1100	Senior Clerk Typist	67,418
B-3621-1100	Housing Inspector	64,408
B-8020-1100	Clerk Typist	37,299
B-8020-1100	Planning Aide	47,017
B-8020-1100	Planning Aide	47,017
DB-5110-1100	Dispatcher	37,516
SW1-8321-1100	Water Meter Reader	37,516

Adjust the following appropriations:

A-8790-1150	Permanent Part -Time	(\$30,000)
A-1990-1100	Contingency	(163,462)
B-1990-1100	Contingency	126,577
DB-1990-1100	Contingency	37,516
SR-1990-1100	Contingency	(63,219)
SW1-1990-1100	Contingency	26,612

VOTE:                      AYES:    5                      NOES:    0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-17

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

Resolution for Town Board Meeting Dated: January 10, 2017

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

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

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

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

NOW, THEREFORE, THE TOWN BOARD

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

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

VOTE:                      AYES:    5              NOES:    0              ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



2017-17

Schedule A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
200 W Pulaski Road Huntington, NY 11743	0400-138.00-03.00-050.000	John C. Cham	12/15/2016	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
200 W Pulaski Road Huntington, NY 11743	0400-138.00-03.00-050.000	John C. Cham	12/15/2016	N/A
20 Kenmore Street Dix Hills, NY 11746	0400-280.00-07.00-021.000	Jung Don Kim Kyoung Mi Kim	12/19/2016	N/A

2017-18

RESOLUTION AUTHORIZING EXECUTION OF CONTRACT OF SALE AND APPROPRIATING FUNDING NECESSARY FOR ACQUISITION OF MARCHAIS PROPERTY, HUNTINGTON

Resolution for Town Board Meeting Dated: January 10, 2017

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

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the acquisition of an approximately 0.7 acre Marchais Property located at 1 Hill Place, Huntington, identified as SCTM 0400-027.00-01.00-007.000, was recommended by the EOSPA Committee as an addition to Mill Dam Park and has been successfully negotiated and contracts of sale will be prepared for signature by all involved parties; and

WHEREAS, prior Town Board resolution supported acquisition of the Marchais Property, and authorized the Supervisor, Town Attorney, Special EOSPA Counsel and Comptroller to take the necessary actions to secure the land in Town ownership; however, specific costs and contract requirements must be met, including, but not limited to: surveys, title insurance, environmental site assessment, removal of existing site improvements, recording of deeds, pro-rated taxes as necessary, and other closing costs reasonably related to the transaction; and

WHEREAS, a public hearing was held on June 7, 2016 pursuant to General Municipal Law §247 regarding acquisition of the subject property; and

WHEREAS, prior to completing the acquisition of the subject property, the Town Board has determined that its action to acquire the property is classified as Unlisted pursuant to SEQRA, and the Town Board is the only agency "involved" in authorizing expenditures against the EOSPA Program funds, and therefore has been established as lead agency, and

WHEREAS, the Department of Planning and Environment has prepared a short Environmental Assessment Form for the proposed action to facilitate completion of the necessary SEQRA evaluation prior to the Town Board authorizing any action;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board finds, on review of the short form EAF, there shall be no significant adverse impacts associated with acquisition of the property or a portion thereof for park purposes and hereby issues a Negative Declaration pursuant to SEQRA, and

BE IT FURTHER

RESOLVED, that the Town Board authorizes the Supervisor to execute a contract and related documents, on such terms and conditions acceptable to the Town Attorney, to purchase the Marchais Property as identified above for passive park purposes for the benefit

2017-18

of Huntington residents for an amount not to exceed the sum of ONE HUNDRED AND FIVE THOUSAND AND NO 00/100 DOLLARS (\$105,000) subject to survey verification, plus closing costs, including but not limited to survey, appraisal, environmental audit, removal of existing site improvements, title insurance, tax adjustment, and taxes prior to exemption; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds in an amount not to exceed the purchase price or ONE HUNDRED AND FIVE THOUSAND AND NO 00/100 DOLLARS (\$105,000) subject to survey verification, excluding customary closing expenses, to cover costs related to the Town acquisition of the subject property on an as-needed basis to be transferred from A-0870 Open Space Land and Park Improvements Reserve Fund and charged to the appropriate capital budget account for the proposed acquisition; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Town Attorney's office to proceed to schedule a closing of title with the attorney for the owner of the Marchais Property and authorizes the Supervisor and/or his designee to execute all documents related to securing such land in public ownership, upon which it is to be identified as parkland on the Town Assessment Roll and mapped as protected open space in the records of the Department of Planning and Environment.

VOTE:                    AYES:    5        NOES:    0        ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

\*AMENDED BY RESOLUTION #2018-140 WHICH WAS ADOPTED AT THE  
3/20/2018 TOWN BOARD MEETING

2017-19

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE APPOINTED  
CHAPTER 7 TRUSTEE (IN RE AL RELAYS, LLC)

Resolution for Town Board Meeting dated: January 10, 2017

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

And seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington is aware of the potential cost of remediation in the event environmental contaminants are measured at levels in excess of those permitted under a certain Record of Decision (ROD) approved by the NYS Department of Environmental Conservation and issued to Deutsch Relays, Inc.; and

WHEREAS, the Town of Huntington (along with the Dix Hills Water District and the Greenlawn Water District) endeavors to cause the aforementioned cost of remediation to be borne by the responsible party, and not the taxpayers of the Town of Huntington; and

WHEREAS, pursuant to Town Board Resolution 2014-303, the Town of Huntington therefore retained the firm NAPOLI BERN RIPKA SHKOLNIK LLP on behalf of the Town of Huntington and the Dix Hills Water District, and likewise the Greenlawn Water District retained the firm at that same time; and

WHEREAS, on October 28, 2014, NAPOLI BERN RIPKA SHKOLNIK LLP commenced a civil action against AL Relays, LLC, AL Relays, Inc., and DRI Relays, Inc. in the New York State courts entitled Dix Hills Water District, et al. v. AL Relays LLC, et al., Case No. 069243/2014 (all claims in the action being "Water District Claims"); and

WHEREAS, since that time, the firm NAPOLI BERN RIPKA SHKOLNIK LLP has separated into two (2) law firms, with the successor firm NAPOLI SHKOLNIK PLLC formed and continuing work in connection with the described litigation; and

WHEREAS, on or about June 3, 2015, AL Relays, LLC filed a voluntary chapter 7 petition in the United States Bankruptcy Court for the Central District of California, Case No. 2:15-bk-18869-RN, and upon consent of the parties, the New York State Action has effectively been removed to said bankruptcy court (the "Bankruptcy Court"); and

WHEREAS, the Town of Huntington, the Dix Hills Water District, and the Greenlawn Water District believe that there may exist fraudulent transfer claims against one or more of AL Relays, LLC, AL Relays, Inc., and/or DRI Relays Inc.; and

WHEREAS, the trustee in the aforementioned Bankruptcy Court action, Brad D. Krasnoff, Chapter 7 trustee (the "Trustee"), wishes to retain NAPOLI SHKOLNIK PLLC (with LESLIE COHEN LAW PC (collectively, the "Firms") as his special litigation counsel pursuant to 11 U.S.C. § 327(c), to prosecute on behalf of the debtor's estate all causes of action, rights, and remedies which may belong to the debtor's estate, including for fraudulent transfers against any appropriate parties, including those entities that are

1-10-2017

2017-19

co-defendants in the New York State Action (all claims in the action being “Bankruptcy Estate Claims”); and

WHEREAS, subject to the approval of the Bankruptcy Court, the Trustee (on the one hand) and the Town of Huntington, the Dix Hills Water District, and the Greenlawn Water District (on the other) are willing to share the recoveries under the causes of action belonging to them; and

WHEREAS, subject to approval of the Bankruptcy Court, the parties wish to enter into an agreement whereby (i) they will permit the Firms’ engagement as special litigation counsel by the Trustee on a contingency fee basis of twenty-five (25%) percent of any net amounts (minus approved expenses) that are (a) recovered as Bankruptcy Estate Claims and (b) recovered as Water District Claims, and (ii) they agree on the division of the remaining net recovery as follows, (a) forty (40%) percent to the bankruptcy estate on the Bankruptcy Estate Claims and (b) sixty (60%) percent to the Town of Huntington, the Dix Hills Water District, and Greenlawn Water District as plaintiffs on the Water District Claims; and

WHEREAS, the making of an agreement in a litigation is not an “action” as defined in 6 N.Y.C.R.R. §617.2(b), and, therefore, no further SEQRA review is required.

NOW, THEREFORE, BE IT RESOLVED

THE TOWN BOARD of the Town of Huntington hereby authorizes entering into an agreement with the trustee appointed in the bankruptcy action commenced by AL Relays, LLC’s filing a voluntary chapter 7 petition in the United States Bankruptcy Court for the Central District of California, Case No. 2:15-bk-18869-RN, whereby the parties (i) will consent to the trustee’s engagement of NAPOLI SHKOLNIK PLLC, 360 Lexington Avenue, 11<sup>th</sup> Floor, New York, New York 10017 (with LESLIE COHEN LAW PC, 506 California State, Rte 2 #200, Santa Monica, California 90401), as special litigation counsel on a contingency fee basis of twenty-five (25%) percent of any net amounts (minus approved expenses) that are (a) recovered as bankruptcy estate claims in the foregoing bankruptcy court action and (b) recovered as claims in Dix Hills Water District, et al. v. AL Relays LLC, et al., Case No. 069243/2014, and (ii) agree on the division of the remaining net recovery as follows, (a) forty (40%) percent to the bankruptcy estate and (b) sixty (60%) percent to the Town of Huntington, the Dix Hills Water District, and Greenlawn Water District, and on such other terms and conditions as may be acceptable to the Town Attorney’s Office.

VOTE:                    AYES: 5        NOES: 0        ABSENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-20

RESOLUTION AUTHORIZING THE EXECUTION OF A RETAINER AGREEMENT WITH H2M ARCHITECTS + ENGINEERS TO PROVIDE ANNUAL ENGINEERING SERVICES TO THE DIX HILLS WATER DISTRICT FOR THE YEAR 2017

Resolution for Town Board Meeting Dated: January 10, 2017

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

WHEREAS, H2M architects + engineers has been the consultant to the Dix Hills Water District for many years, and has demonstrated that it possesses the requisite skill, knowledge and expertise to continue serving the needs of the special improvement district for the 2017 calendar year; and

WHEREAS, H2M architects + engineers has submitted a written proposal of services to be rendered to the District in 2017, and such proposal has been reviewed and found to be acceptable by the Director of Engineering Services; and

WHEREAS, the Dix Hills Water District may require H2M architects + engineers to perform engineering beyond the tasks identified in their 2017 proposal such as tank maintenance, water main replacement, meter replacement design, facility upgrades, the District will have in their possession, a fully executed contract with H2M, billing rates, insurance documents and therefore there will be no need to execute a stand-alone contract for additional engineering services; and

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

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a Retainer Agreement with H2M architects + engineers located at 538 Broad Hollow Road, Melville, New York 11747 for the provision of engineering services to the Dix Hills Water District in the year 2017, as set forth in the scope of services attached hereto as Schedule "A", in an amount not to exceed FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS, to be charged to Operating Budget Item No. SW1-8321-4550, and on such other and further terms and conditions as deemed acceptable to the Town Attorney; and

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

2017-20

VOTE:            AYES: 5    NOES: 0    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017- 21

**RESOLUTION AUTHORIZING THE USE OF DIX HILLS PARK POOL BY THE CHILDREN OF TRI COMMUNITY & YOUTH AGENCY UPON PAYMENT OF A FLAT FEE FOR THE SUMMER OF 2017**

Resolution for Town Board Meeting Dated: January 10, 2017

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

and seconded by **COUNCILMAN COOK**

WHEREAS, the Tri Community & Youth Agency has expressed a desire to provide an additional recreational outlet for the children in their community during the summer of 2017; and

WHEREAS, they have requested that the children in their organization be allowed the use of Dix Hills Park Pool upon the presentation of proper identification for a flat fee of ONE HUNDRED AND NO/100 (\$100) DOLLARS; and

WHEREAS, the use of Dix Hills Park Pool for this purpose is a Type II action, pursuant to 6 N.Y.C.R.R. Section 617.5 (c) (20) and therefore no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the use of Dix Hills Park Pool by the children of Tri Community & Youth Agency upon payment of a flat fee of ONE HUNDRED AND NO/100 (\$100) DOLLARS for the summer of 2017.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



2017-22

RESOLUTION AUTHORIZING THE USE OF DIX HILLS PARK POOL BY THE CHILDREN OF WHITMAN VILLAGE HOUSING DEVELOPMENT FUND CORPORATION UPON PAYMENT OF A FLAT FEE FOR THE SUMMER OF 2017

Resolution for Town Board Meeting Dated: January 10, 2017

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Whitman Village Housing Development Fund Corporation has expressed a desire to provide an additional recreational outlet for the children in their community during the summer of 2017; and

WHEREAS, they have requested that the children in their organization be allowed the use of Dix Hills Park Pool upon the presentation of proper identification for a flat fee of ONE HUNDRED AND NO/100 (\$100) DOLLARS; and

WHEREAS, the use of Dix Hills Park Pool for this purpose is a Type II action, pursuant to 6 N.Y.C.R.R. Section 617.5 (c) (20) and therefore no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the use of Dix Hills Park Pool by the children of Whitman Village Housing Development Fund Corporation upon payment of a flat fee of ONE HUNDRED AND NO/100 (\$100) DOLLARS for the summer of 2017.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-23

RESOLUTION AUTHORIZING THE USE OF DIX HILLS PARK POOL BY THE CHILDREN OF GATEWAY GARDENS UPON PAYMENT OF A FLAT FEE FOR THE SUMMER OF 2017

Resolution for Town Board Meeting Dated: January 10, 2017

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

WHEREAS, Gateway Gardens and Millennium Hills, 1A Lowndes Avenue, Huntington Station, NY 11746 have expressed a desire to provide an additional recreational outlet for the children in their community during the summer of 2017; and

WHEREAS, they have requested that the children in their housing community be allowed the use of Dix Hills Park Pool upon the presentation of proper identification for a flat fee of ONE HUNDRED AND NO/100 (\$100) DOLLARS per complex; and

WHEREAS, the use of Dix Hills Park Pool for this purpose is a Type II action, pursuant to 6 N.Y.C.R.R. Section 617.5 (c) (20) and therefore no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the use of Dix Hills Park Pool by the children of Gateway Gardens upon payment of a flat fee of ONE HUNDRED AND NO/100 (\$100) DOLLARS per complex for the summer of 2017.

VOTE:                      AYES:    5              NOES:    0              ABSTENTIONS:    0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-24

**RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2017 OPERATING BUDGET AND APPROPRIATE FUND BALANCE FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – CULTURAL AFFAIRS (PUBLIC ART INITIATIVE)**

Resolution for Town Board Meeting Dated: January 10, 2017

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Public Art Initiative (A-7460.4012) fund held an unobligated balance of SEVENTEEN THOUSAND FORTY-FIVE AND 23/100 DOLLARS (\$17,045.23) at the end of 2016, and;

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

WHEREAS, the 2017 Operating Budget approved by the Town Board allocates no new funding for the Public Art Initiative (A-7460.4012) in the current year; and,

WHEREAS, implementation of public art projects such as "Poetry for the HART," and "Traffic Signal Box Public Art Projects" included in the 2017 Public Art Plan as approved by Resolution 2016-571, as well as other public art projects similarly approved, cannot proceed without the support of additional funds in 2017; and,

WHEREAS, the Public Art Advisory Committee recommends that the unobligated Public Art Initiative funds from 2016 be made available for implementation of these projects as outlined in the approved 2017 Public Art Plan; and,

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

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board hereby authorizes the Comptroller to appropriate fund balance and amend the 2017 Operating Budget as follows:

**Increase the following Revenue:**

2017-24

A-0599R                      Appropriated Fund Balance                      \$17,045.23

Increase the following Appropriation:

A7460-4012                      Public Art Initiative                      \$17,045.23

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-25

RESOLUTION ACCEPTING THE DEDICATION OF LAND FOR ROAD WIDENING IMPROVEMENTS ALONG THE NORTH SIDE OF SPAGNOLI ROAD LOCATED AT 260 SPAGNOLI ROAD, MELVILLE, NEW YORK

Resolution for Town Board Meeting Dated: January 10, 2017

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, by Resolution dated November 2, 2016, the Planning Board granted conditional site approval to Karp Associates for property located at 260 Spagnoli Road, on the north side of Spagnoli Road, approximately 30 feet east of Hub Drive in Melville, indicated as parcel 0400-265-01-011.007 on the Suffolk County Tax Map; and

WHEREAS, as a condition of approval, the applicant was to dedicate to the Town of Huntington land for road widening improvements and the installation of sidewalks as more fully set forth and described in Schedules A (metes and bounds) and B (schematics) attached hereto and made a part hereof; and

WHEREAS, the Town Zoning Board of Appeals has caused a coordinated review of the proposal to be made pursuant to the State Environmental Quality Review Act (SEQRA), said proposal was classified an Unlisted Action and was issued a Negative Declaration on July 17, 2015 through ZBA #21196, and the SEQRA review for the subject application is complete.

NOW, THEREFORE, THE TOWN BOARD

HEREBY ACCEPTS the dedication of land for road widening improvements along the north side of Spagnoli Road located at 260 Spagnoli Road, Melville, New York as more fully described in Schedules "A" and "B", at no cost to the Town, and conditions said approval on the submission by the grantor of all documents deemed necessary by the Town Attorney to effectuate such transfer free of any defects and encumbrances in order to protect and secure the interests of the Town; and

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

SCHEDULE A

**BBV**

Civil  
Engineers  
Surveyors

2017-25  
Barrett  
Bonacci &  
Van Weele, PC  
NY  
175A Commerce  
Dr.  
Hauppauge, NY  
11788  
T 631-435-2121

November 1, 2016

ALL that certain plot, piece or parcel of land, situate, lying and being at Melville, in the Town of Huntington, County of Suffolk and State of New York, being known and designated as part of lot No. 3 on a certain map entitled "Map of Ranick Industrial Park" and filed in the office of the Clerk of the County of Suffolk on January 23, 1975 as Map No. 6212, being more particularly bounded and described as follows:

**BEGINNING** at a point on the northerly side of Bethpage Road (Spagnoli Road) the following two (2) courses and distances from the corner formed by the westerly side of New York State Route 110, (Walt Whitman Road) and the northerly side of Bethpage Road (Spagnoli Road):

1. Westerly, along a tie line bearing North 89 degrees 42 minutes 40 seconds West, for a distance of 3,187.87 feet;
2. South 19 degrees 57 minutes 46 seconds East, 26.93 feet to the Point or Place of Beginning;

**RUNNING THENCE** Westerly, along the northerly side of Bethpage Road (Spagnoli Road), along the arc of a curve bearing to the right, having a radius of 450.00 feet and a length of 212.46 feet, the chord of which bears South 81 degrees 00 minutes 25 seconds West, 210.49 feet;

**THENCE** Easterly, along the arc of a curve bearing to the left, having a radius of 246.19 feet and a length of 124.06 feet, the chord of which bears North 80 degrees 11 minutes 14 seconds East, 122.75 feet;

**THENCE** North 33 degrees 13 minutes 42 seconds East, 26.00 feet;

**THENCE** North 70 degrees 02 minutes 14 seconds East, 65.00 feet;

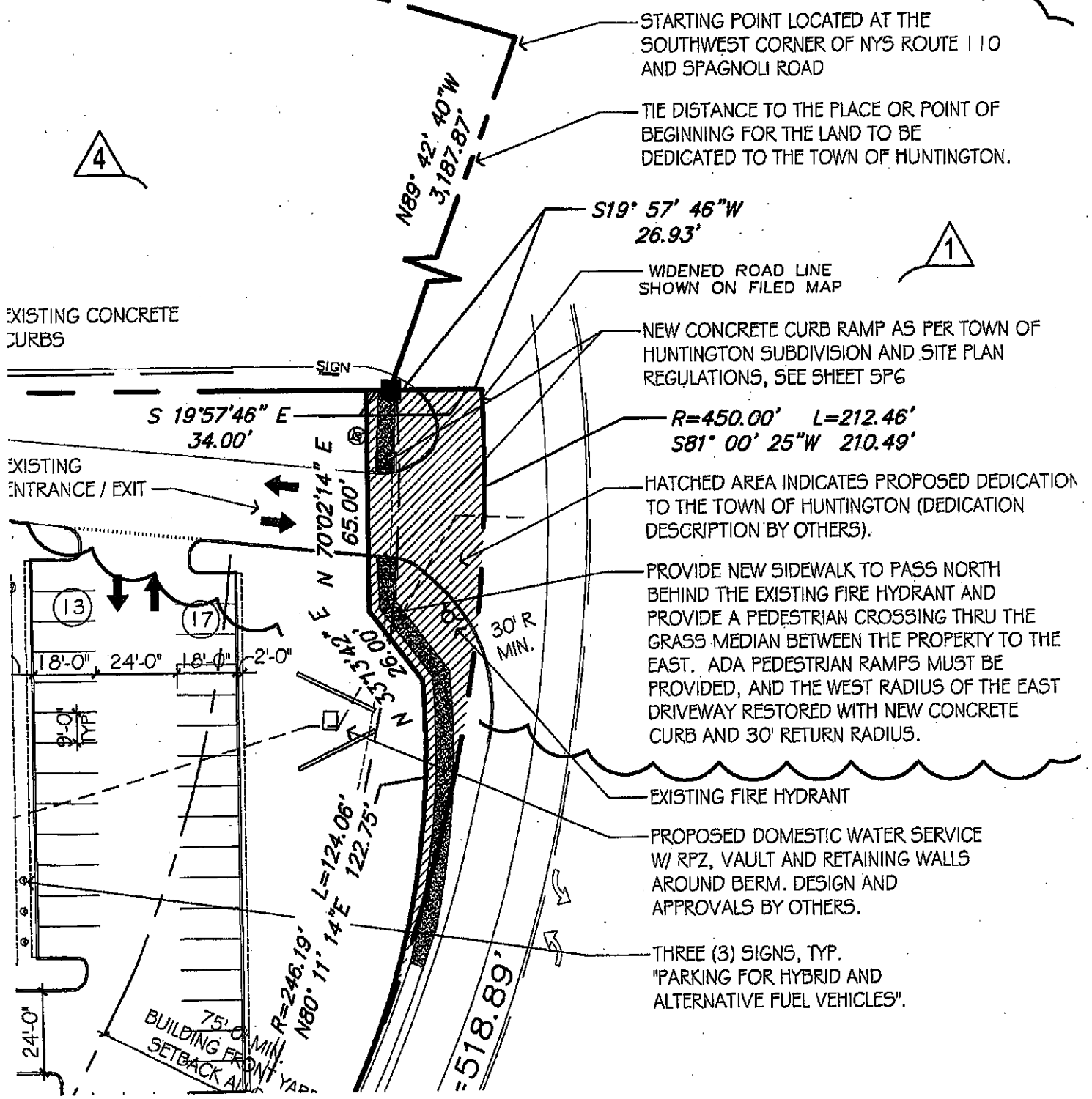
**THENCE** South 19 degrees 57 minutes 46 seconds East, 34.00 feet to the northerly side of Bethpage Road (Spagnoli Road) and the **POINT OR PLACE OF BEGINNING**.

Containing: 3,268 square feet, more or less.

For information only:

Suffolk County Tax Map Number: District 0400, Section 265, Block 1 part of Lot 11.7

# STATE ROUTE 110 (WHITMAN ROAD)



STARTING POINT LOCATED AT THE SOUTHWEST CORNER OF NYS ROUTE 110 AND SPAGNOLI ROAD

TIE DISTANCE TO THE PLACE OR POINT OF BEGINNING FOR THE LAND TO BE DEDICATED TO THE TOWN OF HUNTINGTON.

S19° 57' 46" W  
26.93'

WIDENED ROAD LINE SHOWN ON FILED MAP

NEW CONCRETE CURB RAMP AS PER TOWN OF HUNTINGTON SUBDIVISION AND SITE PLAN REGULATIONS, SEE SHEET SP6

R=450.00' L=212.46'  
S81° 00' 25" W 210.49'

HATCHED AREA INDICATES PROPOSED DEDICATION TO THE TOWN OF HUNTINGTON (DEDICATION DESCRIPTION BY OTHERS).

PROVIDE NEW SIDEWALK TO PASS NORTH BEHIND THE EXISTING FIRE HYDRANT AND PROVIDE A PEDESTRIAN CROSSING THRU THE GRASS MEDIAN BETWEEN THE PROPERTY TO THE EAST. ADA PEDESTRIAN RAMPS MUST BE PROVIDED, AND THE WEST RADIUS OF THE EAST DRIVEWAY RESTORED WITH NEW CONCRETE CURB AND 30' RETURN RADIUS.

EXISTING FIRE HYDRANT

PROPOSED DOMESTIC WATER SERVICE W/ RPZ, VAULT AND RETAINING WALLS AROUND BERM. DESIGN AND APPROVALS BY OTHERS.

THREE (3) SIGNS, TYP. "PARKING FOR HYBRID AND ALTERNATIVE FUEL VEHICLES".

EXISTING CONCRETE CURBS

EXISTING ENTRANCE / EXIT

S 19° 57' 46" E  
34.00'

N 70° 02' 14" E  
65.00'

E 33° 13' 42" E  
26.00'

N 37° 13' 42" E  
26.00'

R=246.19'  
N80° 11' 14" E  
L=124.06'  
122.75'

30' R MIN.

518.89'

75' MIN. BUILDING FRONT YARD SETBACK ALL

4

1

2017-26

RESOLUTION ACCEPTING DONATIONS FROM VARIOUS INDIVIDUALS AND MERCHANTS ON BEHALF OF "MEDS AND FOOD FOR KIDS" FOR HURRICANE MATTHEW RELIEF IN HAITI, NUN PRO TUNC

Resolution for Town Board Meeting Dated: January 10, 2017

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, the Town of Huntington, together with Gingerbites Restaurant and Catering [located at: 730 E Jericho Turnpike, Huntington Station, NY 11746] accepted donations on behalf of "Meds and Food for Kids", a 501(3) (c) Haitian Charity that is aiding Haiti's Hurricane Matthew relief effort; and

WHEREAS, the Town of Huntington has collected money via a collection box at Town Hall and Gingerbites Restaurant and Catering collected money at its location; and

WHEREAS, said money collected through donations from various individuals and merchants will be donated to "Meds and Food for Kids".

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

NOW, THEREFORE,

THE TOWN BOARD

HEREBY ACCEPTS the donations on behalf of "Meds and Food for Kids", a charity that is assisting with the Hurricane Matthew relief effort in Haiti, nunc pro tunc.

VOTE:                    AYES:    5                    NOES:   0                    ABSTENTIONS:   0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



2017-28

RESOLUTION APPROVING PUBLIC OFFICIAL BONDS

Resolution for Town Board Meeting Dated: January 10, 2017

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the approval of public official bonds is not an action pursuant to 6 N.Y.C.R.R. §617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD, pursuant to the provisions of §25 of Town Law and §11 Public Officers Law,

HEREBY APPROVES the official undertakings of:

Ray Maloney, Deputy Superintendent of Highways of the Town of Huntington  
Town of Huntington Blanket Insurance Policy

HEREBY DIRECTS the Town Attorney to file said bonds with the Clerk of the County of Suffolk, Riverhead, New York.

VOTE:                      AYES: 5              NOES: 0              ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-29

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

Resolution for Town Board Meeting Dated: January 10, 2017

The following resolution was offered by: Councilwoman Berland

And seconded by: **SUPERVISOR PETRONE**

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, the Town adopts the policy of supplementing the salary of all active duty reservists employed by the Town of Huntington so that they continue to receive their current rate of remuneration while they are actively deployed for combat or other active duty during 2017; and

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

VOTE:                      AYES: 5    NOES: 0    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2017-30

RESOLUTION ESTABLISHING VARIOUS FEES FOR THE DEPARTMENT OF ENVIRONMENTAL WASTE MANAGEMENT MUNICIPAL REFUSE DIVISION BACK DOOR COLLECTION SERVICE PROGRAM FOR 2017

Resolution for Town Board Meeting dated: January 10, 2017

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Code of the Town of Huntington § 117-29 establishes that “back-door” service consists of a sanitation carter collecting refuse from a dwelling at a location other than the curbside immediately adjacent to the front or side of the dwelling for a reasonable fee; and

WHEREAS, the Municipal Refuse Division of the Department of Environmental Waste Management Town provides these enhanced collection services to residential dwellings and commercial businesses that receive evening curbside collection in Huntington village and Huntington Station; and

WHEREAS, the Department of Environmental Waste Management has reviewed the costs associated with these enhanced collection services and has determined that the current fee schedule is not equitable to the cost of labor and equipment required to provide these services; and

WHEREAS, the Department has proposed a new fee schedule that reflects the costs of collection while offering a discounted rate for residents with documented disabilities; and

WHEREAS, pursuant to Section 617.5 (c) 20 of SEQRA, the implementation of this fee schedule is “routine or continuing agency administration and management, not including new programs or major reordering of priorities” and requires no further action pursuant to SEQRA, and

THE TOWN BOARD, upon recommendation of the Interim Director of the Department of Environmental Waste Management,

HEREBY ESTABLISHES various fees effective April 1, 2017 for the Department of Environmental Waste Management as follows:

<b>Residential Back Door Service</b>	<b>Cost Per Month</b>	<b>Driveway Longer Than 200 FT (x1.5)</b>
Once a week collection (\$5 per collection)	\$20.00	\$30.00
Twice a week collection (\$5 per collection)	\$40.00	\$60.00
ADA Compliance once a week collection (\$2.50—50% discount)	\$10.00	\$15.00
ADA Compliance twice a week collection	\$20.00	\$30.00



2017-31

RESOLUTION PURSUANT TO HIGHWAY LAW §189, TO ACCEPT A PORTION  
OF MAXESS ROAD INTO THE TOWN OF HUNTINGTON HIGHWAY SYSTEM

Resolution for Town Board Meeting Dated: January 10, 2017

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

And seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, by Resolution dated December 23, 1970, the Planning Board approved the plat known as Huntington Quadrangle (#5563) which was filed on January 20, 1971 in the Office of the Suffolk County Clerk; and

WHEREAS, Maxess Road bearing Suffolk County Tax Map Number 0400-268.00-01.00-017.003 and more fully described in Schedule "A", from its intersection with Baylis Road to Town of Huntington Recharge Basin No.: 259 (bearing S.C.T.M. No.: 0400-268.00-01.00-09.00), was to be dedicated to the Town as a public highway; and

WHEREAS, pursuant to §189 of the Highway Law all lands used by the public as a highway for a period of at least ten (10) years shall be deemed a highway, with the same force and effect as if such land had been duly laid-out and recorded as a highway; and

WHEREAS, such portion of Maxess Road bearing Suffolk County Tax Map No.: 0400-268.00-01.00-017.003 in Melville, Suffolk County, New York has been used by the public for pedestrian and vehicular travel for decades; the Town of Huntington has exercised dominion and control over the roadway; and the Superintendent of Highways has maintained, repaired and plowed the roadway commensurate with its use as a public thoroughfare for more than ten (10) years; and

WHEREAS, the dedication and acceptance of this road into the Town's Highway System is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(19) and (c)(20), and therefore, no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY DECLARES Maxess Road, in Melville, Suffolk County, New York, more fully identified by Suffolk County Tax Map No.: 0400-268.00-01.00-017.003 and in Schedule "A", a public thoroughfare for all purposes, and the road is hereby accepted as part of the Town of Huntington's Highway System in all respects, and

HEREBY AUTHORIZES the Town Supervisor to execute all documents necessary to effectuate the intent of this Resolution.

2017-31

SCHEDULE "A"

The premises described is intended to be the parcel bearing Suffolk County Tax Map Number 0400-268.00-01.00-017.003.

ALL that portion of land shown as Maxess Road on the Map of Huntington Quadrangle filed on January 20<sup>th</sup>, 1971 as Map no. 5563, being more particularly described as follows:

BEGINNING at a point at the southwest corner of the intersection Baylis Road and Maxess Road; RUNNING THENCE the following courses:

Along the arc of a curve bearing to the left, having a radius of 100.00 feet and a length of 157.08 feet;

North 24° 58' 30" East 115.50 feet;

Along the arc of a curve bearing to the left, having a radius of 1000.00 feet and a length of 523.11 feet;

North 5° 0' 0" West 319.30 feet;

Along the arc of a curve bearing to the right, having a radius of 780.00 feet and a length of 513.68 feet;

North 32° 44' 0" East 100.01 feet;

Along the arc of a curve bearing to the right, having a radius of 700.00 feet and a length of 37.55 feet;

North 83° 43' 40" East 96.27;

Along the arc of a curve bearing to the right, having a radius of 780.00 feet and a length of 98.38 feet;

South 32° 44' 0" West 100.01 feet;

Along the arc of a curve bearing to the left, having a radius of 700.00 feet and a length of 461.00 feet;

South 5° 0' 0" East 319.30 feet;

Along the arc of a curve bearing to the right, having a radius of 1080.00 feet and a length of 564.96 feet;

South 24° 58' 20" West 115.50 feet;

Along the arc of a curve bearing to the left, having a radius of 100.00 feet and a length of 157.08 feet;

North 65° 1' 40" West 280.00 feet to the POINT OR PLACE OF BEGINNING.

2017-31

VOTE:                      AYES: 5              NOES: 0              ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION REAPPOINTING A CHAIRMAN AND A VICE CHAIRMAN OF THE BOARD OF ASSESSMENT REVIEW

Resolution for Town Board Meeting Dated: January 10, 2017

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

WHEREAS, the reappointment of individuals to the Town of Huntington boards 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 Jeffrey J. Stark, as Chairman and Randolph W. Spelman, as Vice-Chairman, of the Town of Huntington Board of Assessment Review through September 30, 2017.

VOTE:                    AYES: 5                    NOES: 0                    ABSENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.



RESOLUTION REAPPOINTING AND APPOINTING MEMBERS TO THE TOWN OF HUNTINTON AFFORDABLE HOUSING ADVISORY BOARD

Resolution for Town Board meeting dated: January 10, 2017

The following resolution was offered by: Supervisor Petrone  
COUNCILWOMAN BERLAND

and seconded by: COUNCILMAN COOK

WHEREAS, vacancies on the Town of Huntington Affordable Advisory Board require Town Board action to reappoint an existing member and appoint new members; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY REAPPOINTS the following individual to the Affordable Housing Advisory Board for term as indicated:

	<u>Term Expires</u>
Cheryl Grossman 7 Debbie Court, Dix Hills, NY 11746	12/31/19

HEREBY APPOINTS the following individuals to the Affordable Housing Advisory Board to fill vacancies for terms as indicated:

	<u>Term Expires</u>
Roger Weaving 49 Penataquit Place Huntington, NY 11743	12/31/18

	12/31/19
James McGoldrick 2 Lynch Street Huntington Station, NY 11746	

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

Resolution for Town Board Meeting Dated: January 10, 2017

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

and seconded by: **COUNCILMAN COOK**

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

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

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

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

WHEREAS, the Town Board, 100 Main St., Huntington, NY 11743 established itself as Lead Agency on September 27, 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](mailto:planning@huntingtonny.gov); and

WHEREAS, by resolution dated August 31, 2016 the Planning Board recommended to the Town Board that the Town Board issue a Negative Declaration under SEQRA and approve the application subject to the following conditions:

- 1) Oversized landscaped buffers as shown on the site plan shall be a condition of any approval;

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 finds that the action will not have a significant effect upon the environment because the rezoning action incorporates measures and conditions of approval to effectively mitigate impacts; and further finds that the proposed action to rezone the property is consistent with the Town of Huntington Comprehensive Plan and with long term planning policies and goals and is unlikely to pose significant adverse environmental impacts; 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 or revisions to the concept plans, 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 10th day of November, 2016, at 2:00 PM to consider adopting Local Law Introductory No. 44-2016 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), §198-7 of the Huntington Town Code, thereby rezoning from C-6 General Business District to C-11 Automotive Service Station District part of the property designated on the Suffolk County Tax Map as 0400-222-03-074 & 075, and due deliberation having been had:

HEREBY APPROVES the change of zone as set forth below, except that this Local Law shall not be filed with the Secretary of State by the Huntington Town Clerk or be deemed effective against the subject property until the Covenants and Restrictions identified in this Resolution are approved by the Town Attorney as to form and content, and the applicant provides proper proof of filing with the Suffolk County Clerk to the Department of Planning and Environment, Town Attorney, and Town Clerk; and

FURTHER RESOLVES that no subdivision or site plan shall be approved by the Planning Board or signed by the Director of Planning unless the plan is in full compliance with the requirements of this Resolution, the Covenants and Restrictions, and any applicable condition, restriction, or limitation established by the Planning Board during subdivision or site plan review; and

HEREBY ADOPTS

Local Law Introductory No. 44-2016, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts, Map, General Regulations), as follows on the terms and conditions as set forth herein.

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

LOCAL LAW NO. \_\_\_\_\_ - 2017  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 198 (ZONING)  
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)  
SECTION 7 (ZONING MAP)

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

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

\* \* \*

§ 198-7 Zoning Map

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

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

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

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

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

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

2017-34

THENCE South 01 degree 22 minutes 40 seconds West, 96.32 feet,

THENCE South 89 degrees 46 minutes 40 seconds West, 271.47 feet along the street line to the POINT OF BEGINNING.

Such change of zone shall be specifically conditioned upon the filing by the applicant of the following Covenants and Restrictions, to run with the land, in a form acceptable to the Town Attorney. Such Covenants and Restrictions shall be filed at the applicant's own cost and expense in the Office of the Suffolk County Clerk. Proof of such filing shall be provided by the applicant to the Town Attorney, Director of Planning, and Huntington Town Clerk. All such Covenants and Restrictions shall be in addition to such terms and conditions as deemed necessary by the Town Attorney to assure compliance with the Covenants.

- (1) A landscaped buffer of at least 30 feet in depth shall be provided along the northern property line; and
- (2) A landscaped buffer of at least 15 feet in depth shall be provided along Jericho Turnpike; and
- (3) Landscaped buffers of at least 10 feet in depth shall be provided along the eastern and western property lines.

\*

\*

\*

## Section 2. Severability

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

## Section 3. Effective Date

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

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

2017-34

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-35

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 48-2016  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.  
RE: BRANWOOD COURT, BRANWOOD DRIVE, SUNCREST DRIVE – DIX HILLS  
- PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: January 10, 2017

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

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

THE TOWN BOARD having held a public hearing on the 7<sup>th</sup> day of December, 2016 at 7:00 p.m. to consider adopting Local Law Introductory No. 48-2016 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J., and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 48-2016 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

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

LOCAL LAW NO. 1 - 2017  
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

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

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

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



2017-35

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

Section 2. Severability.

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

Section 3. Effective Date.

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

VOTE:            AYES:    5    NOES:    0    ABSTENTIONS:    0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2017-36

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

Resolution for Town Board Meeting Dated: January 10, 2017

The following resolution was offered by: Councilman Cook  
Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 7th day of December, 2016 at 7:00 p.m. to consider adopting Local Law Introductory No. 49-2016, to consider amending the Code of the Town of Huntington, Chapter 124 (Housing Standards and Property Maintenance); and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 49-2016, amending the Code of the Town of Huntington, Chapter 124 (Housing Standards and Property Maintenance); as follows:

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

LOCAL LAW NO. 2 -2017  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 124 (HOUSING STANDARDS AND PROPERTY MAINTENANCE)

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

CHAPTER 124  
HOUSING STANDARDS AND PROPERTY MAINTENANCE

ARTICLE I  
GENERAL PROVISIONS

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

\* \* \*

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

\* \* \*

CONDEMN - To adjudge unfit for occupancy or habitation.

\* \* \*

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

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

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

\* \* \*

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

\* \* \*

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

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

\* \* \*

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

\* \* \*

ARTICLE XI  
STRUCTURES UNFIT FOR HUMAN OCCUPANCY OR HABITATION

\* \* \*

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

- (A) The structure is unlawful as defined in this chapter.
- (B) The structure contains unsafe equipment, lacks illumination, ventilation, sanitation, heat or other facilities adequate to protect the health and safety of the occupants or the public.
- (C) The structure is damaged, decayed, dilapidated, unsanitary, unsafe or infested in such a manner as to create a hazard to the health and safety of the occupants or the public.
- (D) The structure, because of the location, general conditions, state of the premises, number of occupants or other reason, is unsanitary, unsafe, dilapidated, overcrowded or for other reasons is detrimental to health and safety of the occupants or the general public.
- (E) The structure, because of the failure of the owner, person-in-charge of the property, or occupant to comply with notices or orders issued by the Code Officer is unfit for human habitation or occupancy, or a hazard to the public.
- (F) [u]Unfit for habitation or occupancy due to prolonged lack of maintenance or owner failure.
- (G) [a]Any other condition which, in the opinion of the Code Officer, is dangerous or jeopardizes the health, welfare and safety of the general public or occupants.

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

building, structure, dwelling, dwelling unit, rooming house or rooming unit to be inspected is unoccupied, and if occupied, upon the consent of the occupant thereof or owner or person-in-charge of the property.

§ 124-57. Notice of intent.

(A) Whenever the Code Officer determines, based on an inspection by the Town and/or its consultant, that there exists a violation of this chapter, or a building, structure, dwelling, dwelling unit, rooming house or rooming unit is dangerous or unsafe for human habitation, or threatens the health, safety or welfare of the occupants or general public, or is hazardous to property, or is unlawful, or a building system or equipment is unsafe or hazardous, written notice shall be served by the Code Officer upon the property owner, his agent, [the occupant(s)] or person-in-charge of the property, or any person having a vested or contingent interest in the property as shown on the most current assessment roll of the Town Assessor or records maintained by the Receiver of Taxes, and the occupant directing the removal, remediation or abatement of the unsafe, unsanitary or hazardous condition by the date specified on the notice, and in the discretion of the Code Officer if circumstances warrant, notice that the occupants shall be removed and/or all entrances securely barricaded to prevent re-entry. Upon good cause shown to the satisfaction of the Code Officer, the period for compliance may be extended where remedial measures have been started and the delay is not under the control of or due to the actions of the person to whom the notice has been issued.

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

- (1) A description of the property.
- (2) A description of the unsanitary, unsafe or hazardous condition, or the reason the structure is unlawful, or is in violation of the chapter.
- (3) A description of the remedial action which, if taken, will effectuate compliance with the notice.
- (4) A statement that the remediation or abatement must commence immediately upon receipt of the notice and completed within a specified date.
- (5) If determined by the Code Officer to be necessary, a [A] statement that the occupants be removed and/or all entrances barricaded to prevent re-entry by a specified date, if applicable.
- [(6) A statement that in the event of the failure or refusal of the person to whom the notice is issued to bring the property into compliance by the date on the notice or approved date of extension, a fact-finding hearing will be held on the date, time and place specified in the notice before the Town Board or an Administrative Hearing Officer to determine whether the report of the Code Officer should be

sustained, modified or withdrawn, and whether an order to vacate should be issued.]

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

(7) A statement that in the event of the failure or refusal of the person to whom the notice is issued to remedy the condition and/or if applicable, barricade and remove the occupants by the date on the notice or approved date of extension, or [appear for a fact-finding hearing,] to file an appeal within twenty (20) days of receipt of such notice, then in such event the notice shall automatically become a final order, and the Town may placard the structure, building, unit or equipment; [and the occupants ordered off the property] order the occupants off the property; barricade the entrances to prevent re-entry; and/or remedy all or part of the defective, dangerous, unsanitary, or unsafe condition, and charge all the direct and indirect costs of placarding, vacating and barricading the premises, remedying the conditions, and disposing of the materials against the property if not paid within the time specified in accordance with the provisions of § 124-65.

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

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

§124-58. Final order.

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

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

§124-59. [Administrative] Hearing on appeal. If one is requested, an [An administrative] appeal hearing may be held by the Huntington Town Board or a duly appointed Administrative Hearing Officer, at the option of the Town. Hearings may be adjourned only upon good cause shown.

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

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

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

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

[Upon the failure, neglect or refusal of the owner, his agent, occupant, person-in-charge of the property, or person or business entity having a vested or contingent interest in the property to remove, remedy or abate the unsafe, unsanitary, or dangerous condition by the time specified, or to vacate the premises if directed; or if the Notice of Intent or final order is returned by the Post Office as undeliverable for any reason, as long as it was



properly addressed, the Code Officer may re-placard the building, structure, equipment, installation, dwelling unit, rooming house or rooming unit, and take such action as is necessary to enforce the final order.]

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

[(A)] Notwithstanding any other provision of this chapter to the contrary, if, [If,] in the judgment of the Code Officer, an emergency exists as where there is imminent danger of failure or collapse of a structure, building, or equipment, which endangers life; or where there is actual or potential danger to the occupants of or to those in the proximity of any structure, building or equipment because of the existence of explosive fumes or vapors, or the presence of toxic fumes, gases or materials, or due to the operation of defective or dangerous equipment; or other imminent danger, condition or peril which is or may become dangerous or unsafe for human habitation or occupancy, or because of any reason set forth in §124-55 imminent danger is found to exist to life or property, [he may issue a verbal or written order to] the Code Officer may immediately placard the structure, building, unit or equipment in a conspicuous place, as access permits, and order the premises, or part thereof, immediately vacated and barricade any portion of the building to prevent re-entry, until the dangerous, unsafe or unsanitary condition is remedied to the satisfaction of the Town. In such event, the Town shall, within 48 hours, serve written notice upon the owner, his agent, [occupant,] person-in-charge of the property, or person having a vested or contingent interest in the property that the building, unit or equipment has been placarded, the occupants have been removed and the entrances barricaded, as the case may be, and containing the additional information set forth in §124-57(A) and (B) of this chapter, including the right of the recipient to appeal the determination of the Code Officer. [to remedy the dangerous, unsanitary or hazardous condition to the satisfaction of the Code Officer within forty-eight (48) hours of service of the notice, or the condition shall be remedied by the Town without further notice, or the structure or equipment placarded and the occupants ordered off the property, if necessary, and the costs thereof filed as a lien against the property if not paid to the Town within five (5) days of receipt of a written demand for same. Service of the written order may be accomplished in any manner set forth in this chapter; or by posting the notice in a conspicuous portion of the property so as to be visible from the street; or by overnight express mail. Upon the failure, neglect and/or refusal of the person who has been notified to remedy or remove the condition or take other action to the satisfaction of the Code Officer, the officer shall report his findings and recommendations to the Town Supervisor who, upon such findings, may execute a declaration of emergency authorizing town personnel to placard the property, remove the occupants and take whatever action is deemed necessary and proper to stabilize the emergency, and the costs assessed and levied in accordance with the provisions of this chapter.] The notice shall be served as set forth in §124-57(D), and shall include service on the occupant(s) if not previously removed from the premises. The notice shall become a final order in the event of a default pursuant to the provisions of §124-58.

[(B)] [Any person who resists, obstructs or impedes the agents, servants, officers or employees of the Town in the remediation, abatement, disposal or removal process shall

be in violation of this chapter and shall be subject to the fines and penalties provided herein.]

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

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

(A) Impeding government action.

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

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

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

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

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

(E) Permitted activity. It shall be unlawful and a violation of this chapter for any person to deviate in any way from the activity permitted by the code officer pending

resolution of the hazardous, unsafe or unsanitary condition, or to disobey a lawful order of the code officer.

§124-64. Liability for costs. The owner, his agent, occupant, person-in-charge of the property, or person having a vested or contingent interest in the property shall be liable for the direct and indirect costs of abating the unsafe, unsanitary or hazardous condition [, including but not limited to an administrative fee equal to twenty-five (25%) percent of the total cost of the remediation, abatement and disposal process, intended to reimburse the Town for the time and expense of holding the hearing, abating the condition, notifying the appropriate parties, certifying the amounts due to the Town, and charging same against the property or person responsible].

§ 124-65. Recovery of costs.

(A) The costs incurred by the Town shall be certified by the director of each town department providing services and the Town Attorney shall mail written notice of such costs by both regular mail and certified or registered mail, return receipt requested, to the owner, his agent, occupant, person-in-charge of the property, or person having a vested or contingent interest in the property to the last known address, or to the last address shown on the most current assessment roll maintained by the Town Assessor or to the property address, as the case may be. The notice shall state that upon the failure to pay the amount certified within ten (10) days of receipt of the notice by cash, money order, or certified or bank check the amount will be added to the tax bill or other action will be taken without further notice. Nothing contained herein shall be construed to limit the Town's remedies or bar the commencement of an action to collect the debt in lieu of a tax lien.

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

§ 124-66. (Reserved)

§ 124-67. (Reserved)

\* \* \*

## Section 2. Severability.

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

2017-36

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

Section 3. Effective Date.

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

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

VOTE:                      AYES: 5              NOES: 0              ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 50-2016 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 191 (UNSAFE AND DAMAGED BUILDINGS AND STRUCTURES)

Resolution for Town Board Meeting Dated: January 10, 2017

The following resolution was offered by: Councilman Cook  
Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 7th day of December, 2016 at 7:00 p.m. to consider adopting Local Law Introductory No. 50-2016, to consider amending the Code of the Town of Huntington, Chapter 191 (Unsafe and Damaged Buildings and Structures), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 50-2016, amending the Code of the Town of Huntington, Chapter 191 (Unsafe and Damaged Buildings and Structures); as follows:

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

LOCAL LAW NO. 3 -2017  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 191, (UNSAFE AND DAMAGED BUILDINGS AND STRUCTURES)

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

CHAPTER 191  
UNSAFE AND DAMAGED BUILDINGS AND STRUCTURES

\* \* \*

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

\* \* \*

§ 191-05. Report and Investigation.

The code officer and/or any consultant retained by the town may inspect any building, staging, equipment or structure which, in his or her opinion, is or may become dangerous

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

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

(A) Whenever the code officer determines, based on an inspection by the Town and/or its consultant, that there exists a violation of this chapter, or a building or structure is dangerous or unsafe for human habitation or occupancy, or threatens the health, safety or welfare of the occupants or general public, or is a hazard to the public or to property, or the staging or equipment is unsafe or hazardous, [A] written notice shall be served upon the property owner, his agent, [the occupant(s)] or person-in-charge of the property, or any person having a vested or contingent interest in the property as shown on the most current assessment roll maintained by the Town Assessor, along with the occupant(s), and any mortgagees and/or lienholders shown on a title report, directing the removal, remediation or abatement of the unsafe, unsanitary, hazardous or dangerous condition by the date specified on the notice, and in the discretion of the code officer, if circumstances warrant, notice that the occupant(s) shall be removed and/or all entrances securely barricaded to prevent re-entry. [Such period] The period for compliance may be extended for good cause shown, as long as it can be demonstrated that remedial measures have been started and the delay is not under the control of or due to the actions of the person to whom the notice has been issued.

\* \* \*

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

\* \* \*

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

\* \* \*

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

~~[(5)]~~(6) A statement that in the event of the failure or refusal of the person to whom the notice is issued to bring the property into compliance by the

date on the notice or approved date of extension, or to comply with the order to remove the occupants and barricade the entrances, a hearing will be held on the date, time and place specified in the notice before the Town Board or an Administrative Hearing Officer to determine whether the report prepared of the inspection [of the code officer] should be modified or withdrawn, and whether in the absence of any action by the owner, the Town may repair or secure, or demolish and remove the building, staging, structure or equipment, or, if applicable, placard the building, staging, structure or equipment, and, if deemed necessary, remove the occupant(s) and barricade the entrances to prevent re-entry.

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

- (C) Amendment, modification or withdrawal. The code officer may amend, modify or withdraw any notice issued if, in his judgment, the circumstances warrant such action provided the amended or modified notice is clearly marked as such and is served as provided in (D) herein within five (5) business days of service of the original notice, and a hearing has not occurred. A notice may be withdrawn at any time for good cause.
- (D) Service of the notice. The notice shall be served either personally in accordance with the Civil Practice Law and Rules (CPLR) or by registered or certified mail, return receipt requested and by regular mail, and addressed to the property owner at the last known address shown on the most current assessment roll of the Town Assessor, or to the owner's agent or person-in-charge of the property at the last known address, [or to the occupant of the property,] or person having a vested or contingent interest in the property as shown on the most current assessment roll of the Town Assessor, and to the occupant(s) by mailing the notice to the property address, and any mortgagees and/or lienholders shown on a title report. If service is made by regular mail and by registered or certified mail, a copy of the notice shall be securely affixed in a conspicuous place upon the building, staging or structure which is the subject of the notice and if the notice pertains to equipment, it shall also be posted on the equipment, as access permits. If the mailing is

returned for any reason, service shall be valid if mailed to the address set forth herein, as long as the notice has also been posted on the property.

\* \* \*

§ 191-09. Hearing. A hearing may be held by the Huntington Town Board or a duly appointed Administrative Hearing Officer, at the option of the Town. Hearings may be adjourned only upon good cause shown and at the discretion of the code officer.

- (A) **Town Board Action.** The Town Board may consider the report of the inspection and evidence produced by the property owner or other person appearing at the hearing, and accept or reject, in whole or in part, the findings and recommendations of the code officer and/or town consultant, with or without conditions as it deems advisable. The Town Board shall render its findings and determination no later than the next regularly scheduled Town Board meeting following the [public] hearing and may make a determination on the same day as the hearing. Upon a finding that the building, staging, equipment or structure is or may become unsafe, unsanitary or hazardous, or a threat to the occupants or general public, or a hazard to the public or to property, or is unfit for human habitation or occupancy, the Board by resolution may direct the owner, his agent, the occupant(s) or person-in-charge of the property, or any person having a vested or contingent interest in the property to secure and/or repair, or demolish and remove the building, staging, equipment or structure, or direct that the occupant(s) be removed, and the entrances barricaded to prevent re-entry within the time specified in the resolution, and upon the failure, neglect or refusal of such person(s) to comply, the Town Board may authorize the [Town] code officer or other town personnel, upon reasonable notice, to enter the premises and [perform the work, and the costs assessed in accordance with the provisions of this Chapter] secure or repair, or demolish and remove the building, staging, equipment or structure, and if warranted, direct that the property be placarded, the occupant(s) be removed, and the entrances barricaded to prevent re-entry. The Town shall charge all costs incurred by the Town as set forth in this chapter. A copy of the Town Board resolution shall be mailed by the Town Attorney to the person(s) named in the original notice, or their attorney(s), if known, by regular mail and by registered or certified mail, return receipt requested, and shall also be posted on the premises. The decision of the Town Board shall be filed with the Huntington Town Clerk and shall be final.
- (B) **Administrative Hearing Officer.** The Hearing Officer may consider the report of the inspection and evidence produced by the property owner or other person appearing at the hearing, and accept or reject, in whole or in part, the findings and recommendations of the code officer and/or town consultant, with or without conditions as [it] he or she deems advisable, and shall submit his or her findings and recommendations to the [Director] Town Board for ultimate determination. The Hearing Officer shall render his or her findings and recommendations to the Town Board no later than thirty (30) days from the close of the hearing. A copy of



the Hearing Officer's report shall be mailed by the Town Attorney to the person(s) named in the original notice, or to their attorney(s), if known, by regular mail and by registered or certified mail, return receipt requested. Written notice of the date and time when the Town Board will consider the Hearing Officer's report shall be mailed to the person(s) named in the original notice, or to their attorney(s), if known, either along with the copy of the Hearing Officer's Report or under separate cover and mailed in the same manner at least twenty (20) days prior to the meeting date of the Board. The Town Board shall consider the Hearing Officer's report, and may adopt or reject, in whole or in part, any portion thereof as it deems advisable or necessary under the circumstances. Upon a finding that the building, staging, equipment, or structure is or may become unsafe, unsanitary or hazardous, or a threat to the occupants or general public, or a hazard to the public or to property, or is unfit for human habitation or occupancy, the Town Board may order the owner, his agent, the occupant(s) or person-in-charge of the property, or any person having a vested or contingent interest in the property to secure and/or repair, or demolish and remove the building, staging, equipment or structure, or direct that the occupant(s) be removed, and the entrances barricaded to prevent re-entry within the time specified in the resolution, and upon the failure, neglect or refusal of such person(s) to comply, may authorize the [Town] code officer or other town personnel, upon reasonable notice, to enter the premises and [perform the work, and the costs assessed in accordance with the provisions of this chapter.] secure or repair, or demolish and remove the building, staging, equipment or structure, and if warranted, direct that the property be placarded, the occupant(s) removed, and the entrances barricaded to prevent re-entry. The Town shall charge all costs incurred by the Town as set forth in this chapter. A copy of the Town Board resolution[, with a copy of the hearing officer's report attached,] shall be mailed by the Town Attorney to the person(s) named in the original notice, or their attorney(s), if known by regular mail and by registered or certified mail, return receipt requested, and shall also be posted on the premises. The decision of the Town Board shall be filed with the Huntington Town Clerk and shall be final.

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

§191-10. Action upon noncompliance.

- [(A)] Upon the failure, neglect or refusal of the owner, his agent, occupant, person-in-charge of the property, or person having a vested or contingent interest in the property to remove, remedy or abate the unsafe, unsanitary or dangerous condition, or to take such other required action within the specified period of time; or if there has been no appearance at the hearing, or if the mailing is returned by the Post Office because of the inability to make delivery for any

reason, as long as the notice was properly posted on the property and addressed as set forth in this chapter, Town personnel may enter the property, upon reasonable notice, and secure or repair, demolish or remove the building, staging, equipment or structure, or to abate the hazard, or to placard the property, remove the occupants and barricade the entrances to prevent re-entry, at the expense of the property owner, his agent, the occupant(s), or person-in-charge of the property as set forth herein.

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

\* \* \*

§191-12. Recovery of costs.

\* \* \*

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

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

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

may execute a declaration of emergency authorizing town personnel to enter the property and perform the work, and the costs assessed and levied in accordance with the provisions of this chapter.]

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

(A) Notwithstanding any other provision of this chapter to the contrary, if, in the judgment of the code officer, an emergency exists as where there is imminent danger of failure or collapse of a structure, building, staging or equipment, which endangers life; or where there is actual or potential danger to the occupants of or to those in the proximity of any structure, building, staging or equipment because of the existence of explosive fumes or vapors, or the presence of toxic fumes, gases or materials, or due to the operation of defective or dangerous equipment; or other imminent danger, condition or peril which is or may become dangerous or unsafe for human habitation or occupancy, or because of any reason set forth in §191-04 imminent danger is found to exist to life or property, the code officer may immediately placard the structure, building, staging, or equipment, as applicable, in a conspicuous place, and order the premises, or part thereof, immediately vacated and barricade any portion of thereof to prevent re-entry, until the dangerous, unsafe or unsanitary condition is remedied to the satisfaction of the Town. In such event, the Town shall, within 48 hours, serve written notice upon the owner, his agent, person-in-charge of the property, or person having a vested or contingent interest in the property, and any known mortgagees and/or lienholders, that the building, staging structure or equipment has been placarded, the occupants have been removed and the entrances barricaded, as the case may be, and containing the additional information set forth in §191-06(B) of this chapter, including the right of the recipient to appear for a hearing to challenge the determination of the code officer. Said notice shall be served as set forth in §191-06(D) except that only those mortgagees and/or lienholders that are known to the Town shall be notified since no title report is required under the circumstances, and if the occupant(s) have not been removed, notice shall be given to the occupant(s). Said notice shall become a final order in the event of a default pursuant to the provisions of §191-10.

§191-14. [Reserved.] Prohibited acts.

(A) Impeding government action.

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

- (2) Any person who resists, obstructs or impedes the agents, servants, officers or employees of the Town in the remediation, abatement, disposal or removal process shall be deemed in violation of this chapter and shall be subject to the fines and penalties provided herein.
- (B) Occupancy or use. It shall be unlawful to occupy or allow any person to occupy any land, building, structure, or dwelling that has been placarded, or to operate or use, or allow another to operate or use placarded equipment except by written authorization of the code officer, or by the owner, person-in-charge or other authorized person to repair, remedy or abate the condition.
- (C) Tampering and removal. It shall be unlawful to deface or remove any placard posted. Placards may be removed whenever the defect or condition has been eliminated to the satisfaction of the code officer.
- (D) Unsafe structures. It shall be unlawful for any person to fail to maintain any building, structure, staging or equipment, which, due to prolonged lack of maintenance, or by reason of its age and decayed or dilapidated condition, or for other reasons in the judgment of the code officer jeopardizes the health, welfare and safety of the occupant(s), surrounding properties, or the general public, or is hazardous to property. Any person who fails, neglects or refuses to maintain structures, buildings, staging, or equipment in a safe and habitable condition shall be in violation of this chapter.
- (E) Permitted activity. It shall be unlawful and a violation of this chapter for any person to deviate in any way from the activity permitted by the code officer pending resolution of the hazardous, unsafe or unsanitary condition, or to disobey a lawful order of the code officer.

\* \* \*

Section 2. Severability.

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

Section 3. Effective Date.

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

2017-37

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

VOTE:                      AYES: 5    NOES: 0    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

264

**\*AGREEMENT TERMINATED BY RESOLUTION #2018-514 WHICH WAS  
ADOPTED AT THE 11/8/2018 meeting  
WITH GELUCCI BRANDS LLC.**

2017-38

ENACTMENT: GRANT A LICENSE AGREEMENT TO OPERATE AND MANAGE GOLF COURSE OPERATIONS AND FOOD CONCESSIONS AT THE CRAB MEADOW GOLF COURSE AND DIX HILLS GOLF COURSE IN THE TOWN OF HUNTINGTON, NEW YORK TO DIETZ GOLF CORP. AND GELUCCI BRANDS LLC

**\*\*AMENDED  
BY RESOLUTION  
2019-14  
WHICH WAS  
ADOPTED AT  
THE  
1/29/2019  
TOWN BOARD  
MEETING  
RE: DIETZ  
GOLF CORP.**

Resolution for Town Board Meeting Dated: January 10, 2017

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

WHEREAS, The Town is seeking an operator(s) with extensive experience and knowledge operating golf facilities, offering financial stability and a strong commitment to customer service and employee performance; and

WHEREAS, requests for proposals were received on December 2, 2016, by the Town of Huntington, Director of Purchasing, 100 Main Street, Huntington, New York to Operate and Manage Golf Course and Food Concessions at the Crab Meadow Golf Course and the Dix Hills Golf Course in the Town of Huntington under a license agreement, RFP No. 2016-12-016 and the same were opened and read aloud; and

WHEREAS, Dietz Golf Corp., 26 Baiting Hollow Road, Calverton, New York 11933 and Gelucci Brands LLC, 12 Gerard Street, Huntington, New York 11743 are the successful responsive and responsible proposers; and

NOW, THEREFORE

THE TOWN BOARD having held a public hearing on the 10<sup>th</sup> day of January 2017, to consider granting a license agreement to Dietz Golf Corp. and Gelucci Brands LLC, and due deliberation having been made,

HEREBY GRANTS a license agreement to Dietz Golf Corp and Gelucci Brands LLC. to Operate and Manage Golf Course and Food Concessions at the Crab Meadow Golf Course and the Dix Hills Golf Course in the Town of Huntington. The Town will receive revenue pursuant to Schedule A, which will be deposited into fund A2410-2410. The contract period shall be effective for a five (5) year period commencing upon the execution of the contract and ending December 31, 2021 and will have the potential to renew the agreement for two (2) additional and successive five (5) year terms at the town's discretion under the negotiated prices, terms and conditions, and upon such other terms and conditions as may be acceptable to the Town Attorney.

1-10-2017

2017-38

VOTE:            AYES: 5            NOES: 0

ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

**SCHEDULE A**

**Town of Huntington  
Request for Proposals  
License Agreement to Operate and Manage Golf Course Pro Shops  
at Crab Meadow Golf Course and Dix Hills Golf Course  
in the Town of Huntington  
RFP No. 2016-12-016**

<b>Year</b>	<b>Dietz Golf Corp. Proposed Annual License Payment</b>
2017	\$50,000.00
2018	\$52,000.00
2019	\$54,000.00
2020	\$56,000.00
2021	\$58,000.00
<b>Total Annual License Payment for Years 2017 through 2021</b>	<b>\$270,000.00</b>

**Town of Huntington  
Request for Proposals  
License Agreement to Operate a Restaurant and Snack Bar  
at Crab Meadow Golf Course  
220 Waterside Ave. Northport, New York  
RFP No. 2016-12-016**

<b>Year</b>	<b>Gelucci Brands LLC Proposed Annual License Payment</b>
2017	\$40,000.00
2018	\$42,000.00
2019	\$44,000.00
2020	\$46,000.00
2021	\$48,000.00
<b>Total Annual License Payment for Years 2017 through 2021</b>	<b>\$220,000.00</b>



2017-39

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

Resolution for Town Board Meeting dated: January 10, 2017

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN COOK**

WHEREAS, on December 7, 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 property listed in Schedule “A” to this Resolution; and

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

2017-39

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.

VOTE:            AYES: 5    NOES: 0    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2017-39

**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
235	15 Janice Court Commack	0400-225.00-02.00-030.000	Richard Russillo 15 Janice Court Commack, NY 11725-3906	10/26/2016	\$ 2,500.00

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

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	BLIGHT DESIGNATION DATE
235	15 Janice Court Commack	0400-225.00-02.00-030.000	Richard Russillo 15 Janice Court Commack, NY 11725-3906	10/26/2016	12/7/2016

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

2017-39

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY ADDRESS	TAX ID #	PROPERTY OWNER / MAILING ADDRESS	BLIGHT DESIGNATION DATE
227	E. 12th Street Huntington Station	0400-145.00-01.00-084.000	Huntington Manor Lions c/o Manley Vita 7360 Province Way, Apt. 4201 Naples, FL 34104-6059	7/12/2016

-SCHEDULE C-  
 IN COMPLIANCE

2017-40

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: January 10, 2017

The following resolution was offered by: Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

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 **7th** day of **February**, 2017 at **2:00** 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.

2017-40

VOTE:            AYES: 5    NOES: 0    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-40

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

EX. #	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
236	794 Larkfield Road E. Northport	0400-219.00-01.00-012.000	Maryann Dellinger PO Box 194 E. Northport, NY 11731-0194	12/7/2016	\$ 2,500.00



RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH DEBORAH BARLETTA FOR THE USE OF A PORTION OF TOWN LAND

Resolution for Town Board Meeting dated: January 10, 2017

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

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

WHEREAS, the Town of Huntington is the owner of a certain parcel of real property which is vacant land located on Maple Place in Huntington, NY and which is identified as SCTM# 0400-093.00-02.00-108.00; and

WHEREAS, Deborah Barletta, the owner of property located at 50 Maple Place, Huntington, New York (SCTM 0400-093.00-02.00-107.00) has been using and occupying a portion of the Town-owned land adjacent to such property; and

WHEREAS, Deborah Barletta has approached the Town of Huntington and requested that the Town allow her driveway retaining wall to remain on the Town-owned property and be maintained or reconstituted, if needed, by Deborah Barletta; and

WHEREAS, the Town Engineering Department and Law Department have inspected the premises and have no objection to the driveway retaining wall remaining on Town-owned property; and

WHEREAS, Deborah Barletta has requested a fifteen (15) year term for this agreement; and

WHEREAS, the execution of a license agreement for this purpose 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 SCHEDULES a public hearing for the **7<sup>th</sup>** day of **February**, 2017 at **2:00** p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider authorizing the Supervisor to execute a license agreement with Deborah Barletta for the use of an area of Town-owned property (0400-093.00-02.00-108.00) to accommodate a driveway retaining wall at the southwest corner of the property at 50 Maple Place, Huntington, NY (SCTM 0400-093.00-02.00-107.00) for a term of fifteen (15) years and on such other terms and conditions as deemed necessary by the Town Attorney.

VOTE:                      AYES:    5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-42

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AWARDING A FRANCHISE AGREEMENT TO CONDUCT 2017 YOUTH SPORTS PROGRAMS FOR THE TOWN OF HUNTINGTON DEPARTMENT OF PARKS AND RECREATION.

Resolution for Town Board Meeting Dated: January 10, 2017

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

and seconded by: **COUNCILWOMAN EDWARDS**

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

WHEREAS, requests for proposals were received on December 9, 2016, by the Town of Huntington, Director of Purchasing, 100 Main Street, Huntington, New York, for conducting 2017 youth sports programs for the Town of Huntington Department of Parks and Recreation, RFP No. 2016-12-014 and the same were opened and read aloud; and

WHEREAS, US Sports Institute, 4 Somerset Street, Whitehouse Station New Jersey 08889 is the sole proposer; and

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

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 7<sup>th</sup> day of February, 2017 at 2:00P.M. at Huntington Town Hall, 100 Main Street, Huntington, New York to consider awarding a franchise agreement for conducting 2017 youth sports programs to US Sports Institute. The Town will receive twenty percent (20%) of the total revenue generated which will be recorded into Operating Budget Item A2001. The contract period shall be effective for a two (2) year term commencing upon the execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for two (2) additional one (1) year periods under the same prices, terms and conditions, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017- 43

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AWARDING A FRANCHISE AGREEMENT TO CONDUCT SCIENCE CAMPS AND PROGRAMS FOR THE TOWN OF HUNTINGTON DEPARTMENT OF PARKS AND RECREATION.

Resolution for Town Board Meeting Dated: January 10, 2017

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

and seconded by: **COUNCILWOMAN BERLAND**

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

WHEREAS, requests for proposals were received on December 9, 2016, by the Town of Huntington, Director of Purchasing, 100 Main Street, Huntington, New York, for conducting science camp and programs for the Town of Huntington Department of Parks and Recreation, RFP No. 2016-12-015 and the same were opened and read aloud; and

WHEREAS, Sciensational Workshops for Kids, Inc., 6 Doe Drive, Columbia, New Jersey 07832 is the sole proposer; and

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

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 7<sup>th</sup> day of February, 2017 at 2:00P.M. at Huntington Town Hall, 100 Main Street, Huntington, New York to consider awarding a franchise agreement for conducting science camp and programs to Sciensational Workshops for Kids, Inc.. The Town will receive 20% of the total revenue generated which will be recorded into Operating Budget Item A2006. The contract period shall be effective for a two (2) year term commencing upon the execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for two (2) additional one (1) year periods under the same prices, terms and conditions, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2017-44

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 1-2017 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

RE: PARK DRIVE - MELVILLE - PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: January 10, 2017

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

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

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to change parking regulations to further avoid potential obstruction on a roadway; and

WHEREAS, pursuant to 6 N.Y.C.R.R. 617.5(c)(20) and (27) of SEQRA, regulations amending the Uniform Traffic Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 7<sup>th</sup> day of February, 2017 at 2:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 1-2017 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

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

LOCAL LAW INTRODUCTORY NO. 1-2017  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

2017-44

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

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD:	Park Drive/North From 60 ft. east of the terminus For 30 feet (MVL)	No Parking	-----
ADD:	Park Drive/North From 345 ft. east of the terminus For 30 feet (MVL)	No Parking	-----
ADD:	Park Drive/North From 405 ft. east of the terminus For 30 feet (MVL)	No Parking	-----

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.

2017-44

VOTE:        AYES: 5        NOES: 0        ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2017-45

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 2 -2017 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

RE: RAILROAD AVENUE – EAST NORTHPORT - PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: January 10, 2017

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

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

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to change parking regulations to further avoid potential obstruction on a roadway; and

WHEREAS, pursuant to 6 N.Y.C.R.R. 617.5(c)(20) and (27) of SEQRA, regulations amending the Uniform Traffic Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 7th day of February, 2017 at 2:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 2 -2017 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

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

LOCAL LAW INTRODUCTORY NO. 2 -2017  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

2017-45

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

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
DELETE: Railroad Avenue/South From Monmouth Court east For 520 feet (ENP)	No Parking	-----
ADD: Railroad Avenue/South From Monmouth Court east For 75 feet (ENP)	No Parking	-----

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.



2017-45

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2017 - 46

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 3 -2017 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE I (GENERAL PROVISIONS) AND ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

Resolution for Town Board Meeting dated: January 10, 2017

The following resolution was offered by: Supervisor Petrone  
Councilman Cook

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, it is the intent of the Town Board to promote and protect the safety, morals, and general welfare of Town residents in their person and property, protect the character of residential neighborhoods, and maintain the peace and good order by balancing the interests and authorizing the establishment of residential facilities for persons with disabilities within residential neighborhoods, subject to the requirements of this legislation, and to increase the availability of housing options and access to valuable services for those with disabilities without altering the essential character of the neighborhood in which these types of facilities are to be permitted; and

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

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 7th day of FEBRUARY, 2017, at 2:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending Chapter 198, (Zoning), Article I (General Provisions) and Article XI (Conditional Uses; Supplementary Regulations) as follows

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

LOCAL LAW INTRODUCTORY NO. **3** - 2017  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 198 (ZONING), ARTICLE I (GENERAL PROVISIONS) AND  
ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

Section 1. Chapter 198, (Zoning), Article I (General Provisions) and Article XI (Conditional Uses; Supplementary Regulations) is hereby amended to read as follows:

CHAPTER 198 (ZONING)  
ARTICLE I (GENERAL PROVISIONS)

\* \* \*

§ 198-2. Definitions and word usage.

B. Definitions. For the purpose of this chapter, the following terms and phrases shall have the meanings indicated:

\* \* \*

CONGREGATE CARE FACILITY - A facility providing living accommodations and household services for persons 62 years of age or older or for persons with an Individual Service Plan (ISP) approved by the New York State Office for People With Developmental Disabilities (NYS OPWDD) regardless of age[that provides meals, transportation, and housekeeping services].

\* \* \*

ARTICLE XI (CONDITIONAL USES; SUPPLEMENTARY REGULATIONS)

\* \* \*

§ 198-68.2. Uses Permitted by Town Board.

A. Congregate care facilities. A special use permit for a congregate care facility may be approved by the Town Board subject to the following requirements:

(1) Zoning Standards.

- (a) Minimum lot area of two (2) acres in any zoning district.
- (b) Building setbacks shall match the R-80 Residence zone.
- (c) Building coverage shall not exceed fifteen percent (15%) of lot area.
- (d) Minimum lot area per dwelling unit or bedroom of 10,000 sq. ft.
- (e) Notwithstanding the provisions of §198-47, the special use permit shall require one (1) parking space per bedroom.

(2) Design Standards.

- (a) Congregate care facilities approved under this section shall be designed to present a single-family residential appearance.
- (b) Buildings and parking areas shall be set back as far as possible in the opinion of the Town Board from residential neighbors.

(3) Procedure.

- (a) The application shall consist of a Letter of Intent describing the proposed project and property; Part I of a Short Environmental Assessment Form; copies of any covenants and restrictions filed

- against the property; property deed; any leases or contracts of sale; Town disclosure forms for all involved parties; and a nonreturnable application fee of seven hundred and fifty (\$750) dollars which shall be filed with the Huntington Town Clerk. An original and three (3) copies of all paperwork shall be submitted. An original and eight (8) copies of a site plan shall also be submitted to show how the property is proposed for development.
- (b) The Town Clerk shall forward the application to the Planning Board for review. The Planning Board shall conduct the SEQRA review on behalf of the Town Board. The Planning Board shall review the application and shall forward a written recommendation on the merits of the application and a declaration of significance pursuant to SEQRA to the Town Board.
- (c) After receiving the recommendation of the Planning Board, if the Town Board decides to consider the application further a public hearing shall be scheduled and shall be advertised in a newspaper of general circulation at least fifteen (15) days before the hearing. Notice of the public hearing shall be served by the applicant to the owners of property located within a radius of five hundred (500) feet of the subject property at least twenty (20) days before the hearing by regular mail. The applicant shall file an affidavit of mailing, listing all of the names and addresses of the landowners that were notified, with the Town Clerk at least four (4) days before the hearing.
- (d) The Town Board shall consider the special use permit guidelines as listed in §198-66 of the Town Code in its review of the application, and may consider such other factors as it deems just and proper.
- (e) The Town Board may approve or deny the application. Any approval may be subject to such terms and conditions as it deems reasonable or necessary under the circumstances. If the Town Board approves the application, the project shall require site plan approval by the Planning Board.

\* \* \*

### 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 its filing in the Office of the Secretary of State of the State of New York.

2017-46

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2017-47

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 4 -2017 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

RE: FLORAL AVENUE - HUNTINGTON - PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: January 10, 2017

The following resolution was offered by: Councilwoman Edwards

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to change parking regulations to avoid potential obstruction on a roadway; and

WHEREAS, pursuant to 6 N.Y.C.R.R. 617.5(c)(20) and (27) of SEQRA, regulations amending the Uniform Traffic Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 7<sup>th</sup> day of February, 2017 at 2:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 4 -2017 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

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

LOCAL LAW INTRODUCTORY NO. 4 -2017  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

2017-47

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

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD:	Floral Avenue/West From Jericho Tpke. (Rt. 25) to Deer Park Rd. (HUN)	No Standing	8:00 a.m. to 6:00 p.m.
	Floral Avenue/East From Deer Park Rd to Jericho Tpke. (Rt. 25) (HUN)	No Standing	8:00 a.m. to 6:00 p.m.

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.

2017-47

VOTE:        AYES: 5        NOES: 0        ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.



2017-48

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 5-2017 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

RE: NASH PLACE - HUNTINGTON - PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: January 10, 2017

The following resolution was offered by: Councilwoman Edwards

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to change parking regulations to avoid potential obstruction on a roadway; and

WHEREAS, pursuant to 6 N.Y.C.R.R. 617.5(c)(20) and (27) of SEQRA, regulations amending the Uniform Traffic Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE THE TOWN BOARD

HEREBY SCHEDULES a public hearing to be held on the 7<sup>th</sup> day of February, 2017 at 2:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 5-2017 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

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

LOCAL LAW INTRODUCTORY NO. 5-2017  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

2017-48

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

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD:	Nash Place/North From Manor Rd. to Juanita Ave. (HUN)	No Standing	8:00 a.m. to 6:00 p.m.
	Nash Place/South From Juanita Ave to Manor Rd. (HUN)	No Standing	8:00 a.m. to 6:00 p.m.

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.

2017- 48.

VOTE:           AYES: 5           NOES: 0           ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.