

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

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

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

PRESENT:

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

AGENDA FOR TOWN BOARD MEETING DATED JUNE 4, 2013

7:00 P.M. – TOWN HALL

Opened: 7:06 P.M. Closed: 9:43 P.M.

(Resolutions #2013-267 to 2013-313)

HEARINGS:

ACTION

1. Consider adopting Local Law Introductory No. 16-2013, amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G. Re: Tulane Place, Greenlawn – Yield Signs.

(Local Law Introductory No. 16-2013)

Scheduled per Resolution 2013-259 at 5-7-2013 Town Board Meeting

DECISION RESERVED

2. Consider adopting Local Law Introductory No. 17-2013, amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: New Street, Huntington – Parking Restrictions.

(Local Law Introductory No. 17-2013)

Scheduled per Resolution 2013-260 at 5-7-2013 Town Board Meeting

DECISION RESERVED

3. Consider executing a license agreement with Long Island Rowing Club, Inc., for the use of a Town Beach Facility. (Re: Fleets Cove Beach Parking Lot)

(2013-M-34)

Scheduled per Resolution 2013-182 at 4-9-2013 Town Board Meeting

ENACTMENT
RESOLUTION 2013-293

HEARINGS (Continued):

ACTION

4. Consider granting a franchise agreement to the Huntington YMCA for the provision of an instructional sailing and kayaking program at Centerport Beach. (Period: 6/20-9/30 for calendar years 2013-2015) (2013-M-53)
Scheduled per Resolution 2013-263 at 5-7-2013 Town Board Meeting

DECISION RESERVED

HEARING RESCHEDULED FROM APRIL 9, 2013

5. Consider issuing a Certificate of Approval in an Historic District Re: 598 Park Avenue, Huntington – Old Huntington Green Historic District. (Applicant: Young Israel of Huntington) (SCTM #0400-102.00-01.00-005.003) (2013-ZC-8-Ch. 198)
Rescheduled per Resolution 2013-262 at 5-7-2013 Town Board Meeting

DECISION RESERVED

HEARING RESCHEDULED FROM APRIL 9, 2013

6. Consider exempting the Dix Hills Fire District from Site Plan Review and the Town of Huntington Zoning Code as is necessary to build a fire training building (SCTM #0400-278-02-181.001). (2013-M-10)
Rescheduled per Resolution 2013-181 at 4-9-2013 Town Board Meeting

DECISION RESERVED

7. Consider the Nelson Nygaard Parking Study Recommendation Summary regarding metered parking fines. (2013-M-48)
Scheduled per Resolution 2013-251 at 5-7-2013 Town Board Meeting

DECISION RESERVED

8. Consider adopting Local Law Introductory No. 14-2013, amending Local Law No. 3-2013 so as to extend the moratorium on the issuance of approvals, grants and/or conditional use permits by Town agencies for the construction or installation of wind turbines and related facilities to December 10, 2013. (Local Law Introductory No. 14-2013)
Scheduled per Resolution 2013-256 at 5-7-2013 Town Board Meeting

**ENACTMENT
RESOLUTION 2013-294**

9. Consider the increase and improvement of facilities of the Huntington Sewer District, in the Town of Huntington, in the County of Suffolk, New York, pursuant to Section 202-B of the Town Law, consisting of manhole replacement, at the estimated maximum cost of \$80,000. (2013-M-49)
Scheduled per Resolution 2013-252 at 5-7-2013 Town Board Meeting

**ENACTMENT
RESOLUTION 2013-295**

10. Consider the increase and improvement of facilities of the Dix Hills Water District, in the Town of Huntington, in the County of Suffolk, New York, pursuant to Section 202-B of the Town Law, consisting of improvements to the water storage tank located at Colby Drive. (2013-M-50)
Scheduled per Resolution 2013-253 at 5-7-2013 Town Board Meeting

**ENACTMENT
RESOLUTION 2013-297**

HEARINGS (Continued):

ACTION

11. Consider the increase and improvement of facilities of South Huntington Water District (Phase IIIA), in the Town of Huntington, in the County of Suffolk, New York, pursuant to Section 202-B of the Town Law, consisting of various improvements to the existing water system.

(2013-M-51)

Scheduled per Resolution 2013-254 at 5-7-2013 Town Board Meeting

**ENACTMENT
RESOLUTON 2013-299**

12. Consider the increase and improvement of facilities of the Greenlawn Water District, in the Town of Huntington, in the County of Suffolk, New York, pursuant to Section 202-B of the Town Law, consisting of the construction of various water system improvements.

(2013-M-52)

Scheduled per Resolution 2013-255 at 5-7-2013 Town Board Meeting

**ENACTMENT
RESOLUTION 2013-301**

**AGENDA FOR TOWN BOARD
MEETING DATED: JUNE 4, 2013**

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
Councilman Mark Mayoka	-	MM
ROLL CALL VOTE	-	RC

- | | |
|--|--|
| <p>2013-267. AUTHORIZE the Supervisor to execute a contract with the Huntington YMCA for use of the Dix Hills Park Pool in summer 2013.
(Re: 6/28/2013-8/27/2013; 6:00 am- 8:00 am; Monday – Friday)</p> | <p>SB
<u>MM</u> <u>EC</u> <u>5</u></p> |
| <p>2013-268. AUTHORIZE the Supervisor to execute a contract for the Huntington Station Long Island Rail Road (LIRR) Terminal South Parking Garage standpipe replacement with Boilermatic Welding Industries, Inc.
(Term: 12 months)</p> | <p>EC
MM
SB
<u>FP</u> <u>MC</u> <u>5</u></p> |
| <p>2013-269. AUTHORIZE the Supervisor to execute a contract for the defense of Small Claim Assessment Review (SCAR) proceedings with Michael Haberman Associates, Inc. (Term: 5 years)</p> | <p><u>MM</u> <u>FP</u> <u>5</u></p> |
| <p>2013-270. AUTHORIZE the Supervisor to execute the County of Suffolk/Town of Riverhead Empire Zone Memorandum of Understanding.
(Supersedes Memorandum executed on 1/15/2010)</p> | <p><u>FP</u> <u>MM</u> <u>5</u></p> |
| <p>2013-271. AUTHORIZE the Supervisor to execute an agreement with Gibbons, Esposito and Boyce Engineers P.C. Hirise Engineering, P.C. regarding traffic calming assessment and development of recommendations for multiple locations. (Re: Dix Highway, Carll’s Straight Path and Little Plains/Cuba Hill Road)</p> | <p><u>SB</u> <u>MM</u> <u>5</u></p> |
| <p>2013-272. AUTHORIZE the Supervisor to execute a license agreement with the Huntington Manor Fire Department for the use of Peter Nelson Park for its annual Fireman’s Fair and further authorizing the Supervisor to execute a New York State Liquor Authority Special Event Permit Application.
(Re: 7/15/2013 – 9:00 am until 7/21/2013 – 11:00 pm)</p> | <p>FP
<u>EC</u> <u>SB</u> <u>5</u></p> |
| <p>2013-273. AUTHORIZE the Supervisor to execute New York State Liquor Authority Special Event Permit applications on behalf of various organizations for special events scheduled to be held on Town property.
(Re: Friends of William Spencer, Huntington Anglers Club, Old Chester Hills Civic Association, Melville Lions Club Inc., Sons of Italy-Perry Como Lodge, Huntington Republican Committee, Huntington Arts Council and Friends of Andrew Raia)</p> | <p><u>SB</u> <u>MM</u> <u>5</u></p> |

**AGENDA FOR TOWN BOARD
MEETING DATED: JUNE 4, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
2013-274. AUTHORIZE the execution of an amendment to the contract for the improvements to the secondary digester at the Huntington Sewage Treatment Plant with R.J. Industries, Inc. (Re: Contract HNSD 12-02)	<u>MC</u>	<u>EC</u>	<u>5</u>
2013-275. AUTHORIZE the assignment and assumption of the refuse district contract for contract bid areas 11, 12, 13 & 14 from Island Environmental Group LLC to American Waste and Recycling Services, Inc. and further authorizing the execution of an assignment and assumption agreement with America Waste and Recycling Services, Inc. nunc pro tunc. (Re: Amends Town Board Resolution # 2009-392)	<u>MM</u> <u>MC</u>	<u>FP</u>	<u>5</u>
2013-276. AUTHORIZE execution of contract of sale and appropriating funding necessary for acquisition of Williams Property, Cold Spring Harbor with Suffolk County and North Shore Land Alliance. (SCTM#0400-016-02-013.000) (Re: 6 Shore Road)	<u>FP</u> <u>MC</u> <u>MM</u>	<u>SB</u>	<u>5</u>
2013-277. AUTHORIZE Comptroller to appropriate monies from the Environmental Open Space and Park Improvement Fund and Neighborhood Parks Fund for recommended park improvements (multiple parks). (Re: Department of General Services: Caravan Park, East Northport [ballfield renovation]; Department of Engineering Services: Henry Ingraham Nature Preserve [new parking area], Elwood Park, Elwood [fitness equipment], Geisslers Beach, Fort Salonga [park enhancements])	<u>FP</u> <u>MC</u> <u>SB</u> <u>EC</u>	<u>MM</u>	<u>5</u>
2013-278. AUTHORIZE the Comptroller to amend the 2013 Operating Budget for the Town of Huntington and its Special Districts – various departments.	<u>SB</u>	<u>MC</u> <u>EC</u>	<u>5</u>
2013-279. AUTHORIZE the Comptroller to amend the 2013 Operating and Capital Budget for the Town of Huntington and its Special Districts.	<u>MC</u>	<u>MM</u> <u>FP</u>	<u>5</u>
2013-280. Removed from the Agenda at the Workshop.			
2013-281. AUTHORIZE the correction of Code Violations at various locations pursuant to the Code of the Town of Huntington. (Re: Raymond/Kathleen Battistoni, 28 Lorijeane Lane, East Northport, SCTM#0400-174.00-02.00-015.000, Chapters 87, 156; Annelise Wissmiller(estate of), 87 West 21st Street, Huntington Station, SCTM#0400-194.00-01.00-081.000, Chapters 133, 156; Barbara/Lynn-Marie Nitti, 19 Amherst Court, Huntington, SCTM#0400-018.00-01.00-012.000, Chapters 133, 156; Elke Mariotti, 174 Corey Place, Huntington Station, SCTM#0400-149.00-02.00-063.000, Chapters 133, 156; Tanisha Goodman, 52 Craven Street, Huntington Station, SCTM#0400-136.00-04.00-001.000, Chapters 133, 156; Anthony Callaway, 53 East Deer Park Avenue, Dix Hills, SCTM#0400-214.00-02.00-021.000, Chapters 133, 156, 191; Bruce/Carla Posner, 2 Grey Birch Court, Dix Hills, SCTM#0400-262.00-			

**AGENDA FOR TOWN BOARD
MEETING DATED: JUNE 4, 2013**

RESOLUTIONS:

OFF. SEC. VOTE

	<p>02.00-075.000, Chapters 133, 156; Michael Wasserstein, 20 Homeland Drive, Huntington, SCTM#0400-189.00-03.00-051.000, Chapters 133, 156; Jung Jin Kim, 27 East Lyons Street, Melville, SCTM#0400-234.00-03.00-025.000, Chapters 133, 156; Marie Gaspard, 36 Maryland Street, Dix Hills, SCTM#0400-279.00-01.00-009.000, Chapters 133, 156 (sections 45 & 46), 191; George/Annamma Mathew, 39 Marvin Lane, Commack, SCTM# 0400-225.00-02.00-050.000, Chapters 133, 156; Sohaila Realty Corp., 1600 New York Avenue, Huntington Station, SCTM#0400-145.00-01.00-036.001, Chapters 133, 156; Julie Zale (Rev. Trust)-Trustee, 3 Schaefer Street, Huntington Station, SCTM#0400-199.00-03.00-035.000, Chapters 133, 156; Maritza Yanes, 27 Somerset Street, Huntington Station, SCTM#0400-232.00-03.00-043.000, Chapters 133, 156; Van Deusen Properties, Inc., 3 Springs Drive, Melville, SCTM#0400-273.00-02.00-062.000, Chapters 133, 156, 191; David McKay, 7 Sunset Drive, Huntington, SCTM#0400-098.00-02.00-035.000, Chapters 133, 156; Thomas/Susana Bonsera, 18 Burns Court, Greenlawn, SCTM#0400-165.00-03.00-043.000, Chapter 156; Lilliana Nedic, 18 Carlisle Drive, Northport, SCTM#0400-002.00-01.00-114.000, Chapter 156; Grace Kotsinadelis, 3 Courtney Court, Huntington, SCTM#0400-213.00-01.00-060.003, Chapter 156; Mark/Lisa Frye, 68 East Gate Drive, Huntington, SCTM#0400-132.00-02.00-005.000, Chapter 156; Haka Holding LLC, 311 West Jericho Tpke, Huntington, SCTM#0400-192.00-01.00-044.000, Chapter 156; Dennis/Susan Montes & Bruna Stepic, 15 Kent Place, Dix Hills, SCTM#0400-280.00-01.00-028.000, Chapter 156; Hubert Gerisma/Cliford Beaubrun, 183 Little Plains Road, Huntington, SCTM#0400-166.00-04.00-017.000, Chapter 156, Anne Burns, 33 Woodhull Road, Huntington, SCTM#0400-099.00-01.00-004.000, Chapter 156)</p>	<u>SB</u>	<u>MM</u>	<u>5</u>			
2013-282.	<p>ACCEPT a donation from the Long Island Power Authority of an installed utility pole with a nesting platform at Hobart Beach, Eatons Neck for the purpose of an Osprey nest nunc pro tunc.</p>	<u>MM</u>	<u>SB</u>	<u>MC</u>	<u>5</u>		
2013-283.	<p>ACCEPT and ADOPT a Development Strategy for the Redevelopment and Revitalization of Huntington Station. (Re: Renaissance Downtowns, LLC)</p>	<u>FP</u>	<u>MC</u>	<u>EC</u>	<u>MM</u>	<u>SB</u>	<u>5</u>
2013-284.	<p>Removed from the Agenda at Workshop.</p>						
2013-285.	<p>AMEND Town Board Resolution 2012-504 scheduling regular meetings of the Town Board of the Town of Huntington for the Year 2013. (Re: August 13, 2013 at 7:00 PM)</p>	<u>FP</u>	<u>MM</u>		<u>5</u>		
2013-286.	<p>APPOINT members to the Town of Huntington Beautification Council. (Re: Nancy Schumann and Barbara Wildfier)</p>	<u>SB</u>	<u>MC</u>		<u>5</u>		
2013-287.	<p>APPOINT Volunteer Park Stewards. (Re: Carpenter Farm Park – Joyce Bank, Anne Fischl, Kate Levine, Liz Romanelli, Francine Scarola, Laurie Thomas; Caledonia Park – Enez Boozer; Gateway Park – Betsy Davidson; Centerport Mill Pond – Vida Hettenbach)</p>	<u>SB</u>	<u>MC</u>	<u>FP</u>	<u>MM</u>	<u>EC</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: JUNE 4, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
2013-288. APPOINT and REAPPOINT members to the Town of Huntington Citizens Advisory Committee for Persons with Disabilities. (Re: Martin Mandelker, Marianne Iannaccone and Janis Kaiser)	<u>SB</u>	<u>MM</u>	<u>5</u>
2013-289. URGE the Governor and New York State Legislature to ensure that any plan to reorganize, restructure or replace the Long Island Power Authority address, in a manner favorable to the taxpayers of Huntington, the tax certiorari law suits challenging the valuation and assessment of the utility's power station in Northport, New York.	FP MC EC <u>MM</u>	<u>SB</u>	<u>5</u>
2013-290. AUTHORIZE appropriate action(s) in accordance with Huntington Town Code Chapter 156 Property Maintenance; Nuisances, Article VII, Blighted Property, §156-67, action by Town Board for failure to comply or abate violations. (Re: Pine Brook Realty Corp., Old Bridge Road, Northport, SCTM#0400-060.00-01.00-011.005; Wayne Farrell, 65 Young Hill Road, Huntington, SCTM#0400-133.00-03.00-024.000; Nelson/Helen Chang, 50 West Neck Road, Huntington, SCTM#0400-070.00-05.00-029.000; Huseyin Toozlu, 4 Grange Street, Huntington, SCTM#0400-161.00-02.00-012.000; Huntview Estates, Ltd., Donald/Joyce Rose, 58 East 12th Street, Huntington Station, SCTM#0400-145.00-01.00-085.001; Elias Moragiemos, 43 West 22nd Street, Huntington Station, SCTM#0400-194.00-03.00-052.00)	<u>SB</u>	<u>MM</u>	<u>5</u>
2013-291. ENACTMENT: ADOPT Local Law Introductory Number 11-2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Carver Street, Huntington – Parking Restrictions.	<u>MM</u>	<u>FP</u>	<u>5</u>
2013-292. ENACTMENT: ADOPT Local Law Introductory No. 12-2013 amending the Code of the Town of Huntington, Chapter 159 (Recreational Facilities).	<u>MC</u>	<u>FP</u>	<u>5</u>
2013-293. ENACTMENT: APPROVE a license agreement with the Long Island Rowing Club, Inc. for the use of a portion of a Town beach facility. (Re: Fleets Cove Beach)	FP SB <u>EC</u>	MM <u>MC</u>	<u>5</u>
2013-294. ENACTMENT: ADOPT Local Law Introductory No 14-2013 amending Local Law Number 3-2013 so as to extend the moratorium on the issuance of approvals, grants and/or conditional use permits by Town agencies for the construction or installation of wind turbines and related facilities to December 10, 2013.	<u>MC</u>	<u>FP</u>	<u>5</u>
2013-295. AUTHORIZE the increase and improvement of facilities of the Huntington Sewer District, in the Town of Huntington, in the County of Suffolk, New York, pursuant to Section 202-B of the Town Law, consisting of manhole replacement, at the estimated maximum cost of			RC MM-AYE FP-AYE MC-AYE

**AGENDA FOR TOWN BOARD
MEETING DATED: JUNE 4, 2013**

RESOLUTIONS:

\$80,000.

OFF.	SEC.	VOTE
		SB-AYE
<u>MM</u>	<u>FP</u>	<u>EC-AYE</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: JUNE 4, 2013**

RESOLUTIONS:

	OFF.	SEC.	VOTE
<p>2013-296. APPROPRIATING \$80,000 for the increase and improvement of facilities of the Huntington Sewer District, consisting of manhole replacement, and authorizing the issuance of serial bonds of said town in the principal amount of not to exceed \$80,000 to finance said appropriation.</p>	<u>MM</u>	<u>FP</u>	<p>RC MM-AYE FP-AYE MC-AYE SB-AYE <u>EC-AYE</u></p>
<p>2013-297. AUTHORIZE the increase and improvement of facilities of the Dix Hills Water District, in the Town of Huntington, in the County of Suffolk, New York, pursuant to Section 202-B of the Town Law, consisting of improvements to the water storage tank located at Colby Drive.</p>	<u>SB</u>	<u>MM</u>	<p>RC SB-AYE MM-AYE FP-AYE MC-AYE <u>EC-AYE</u></p>
<p>2013-298. APPROPRIATING \$2,000,000 for the increase and improvement of facilities of the Dix Hills Water District, and authorizing the issuance of Serial Bonds of said Town in the principal amount of not to exceed \$2,000,000 to finance said appropriation.</p>	<u>SB</u>	<u>MM</u>	<p>RC SB-AYE MM-AYE FP-AYE MC-AYE <u>EC-AYE</u></p>
<p>2013-299. AUTHORIZE the increase and improvement of facilities of South Huntington Water District (Phase IIIA), in the Town of Huntington, in the County of Suffolk, New York, pursuant to Section 202-B of the Town Law, consisting of various improvements to the existing water system.</p>	<u>MC</u> <u>MM</u>	<u>SB</u>	<p>RC MC-AYE MM-AYE SB-AYE FP-AYE <u>EC-AYE</u></p>
<p>2013-300. APPROPRIATING \$4,300,000 for the Increase and Improvement of facilities of the South Huntington Water District, and authorizing the issuance of serial bonds of said Town in the principal amount of not to exceed \$4,300,000 to finance said appropriation.</p>	<u>MM</u> <u>MC</u>	<u>FP</u>	<p>RC MM-AYE MC-AYE FP-AYE SB-AYE <u>EC-AYE</u></p>
<p>2013-301. AUTHORIZE the increase and improvement of facilities of the Greenlawn Water District, in the Town of Huntington, in the County of Suffolk, New York, pursuant to Section 202-B of the Town Law, consisting of the construction of various water system improvements.</p>	<u>MC</u> <u>SB</u>	<u>EC</u> <u>MM</u>	<p>RC MC-AYE SB-AYE EC-AYE MM-AYE <u>FP-AYE</u></p>

**AGENDA FOR TOWN BOARD
MEETING DATED: JUNE 4, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
<p>2013-302. APPROPRIATING \$1,700,000 for the increase and improvement of facilities of the Greenlawn Water District, and authorizing the issuance of Serial Bonds of said Town in the principal amount of not to exceed \$1,700,000 to finance said appropriation.</p>	<p>MC SB <u>MM</u></p>	<p>EC</p>	<p>RC MC-AYE SB-AYE MM-AYE EC-AYE <u>FP-AYE</u></p>
<p>2013-303. SCHEDULE A PUBLIC HEARING: August 13, 2013 at 7:00 PM To consider adopting Local Law Introductory Number 18-2013 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article I (General Provisions) and Article IV (Commercial Districts).</p>	<p><u>MC</u></p>	<p><u>MM</u></p>	<p><u>5</u></p>
<p>2013-304. SCHEDULE A PUBLIC HEARING: July 9, 2013 at 2:00 PM To consider adopting Local Law Introductory No. 19–2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G. Re: Abby Drive, East Northport – Stop Signs.</p>	<p><u>MC</u></p>	<p><u>FP</u></p>	<p><u>5</u></p>
<p>2013-305. SCHEDULE A PUBLIC HEARING: July 9, 2013 at 2:00 PM To consider adopting Local Law Introductory No. 20-2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G. Re: Creek Road, Huntington – Stop Signs.</p>	<p><u>MM</u></p>	<p><u>FP</u></p>	<p><u>5</u></p>
<p>2013-306. SCHEDULE A PUBLIC HEARING: July 9, 2013 at 2:00 PM To consider adopting Local Law Introductory No. 21-2013, amending the Code of the Town of Huntington, Chapter 141 (Noise).</p>	<p>MC <u>MM</u></p>	<p><u>SB</u></p>	<p><u>5</u></p>
<p>2013-307. SCHEDULE A PUBLIC HEARING: July 9, 2013 at 2:00 PM To consider authorizing various actions be taken upon certain properties designated as blighted in accordance with Chapter 156, Article VII, §156-60 (Blighted Property). (Re: Eun Hee/Soon Ja Choi, 35 Vanderbilt Parkway, Dix Hills, SCTM#0400-245.00-03.00-052.000; Alrose Larkfield LLC , 336 Larkfield Road, East Northport, SCTM#0400-118.00-01.00-006.000)</p>	<p><u>SB</u></p>	<p><u>MM</u></p>	<p><u>5</u></p>
<p>2013-308. SCHEDULE A PUBLIC HEARING: July 9, 2013 at 2:00 PM To consider authorizing the Supervisor to execute a license agreement for the use of a portion of a Town recharge basin identified by SCTM No.: 0400-143.00-02.00-(011.001 and 011.002) and establishing covenants and restrictions on property identified by SCTM No. 0400-143.00-02.00-010.000. (Re: Roger and Carol McNair)</p>	<p><u>MM</u></p>	<p><u>FP</u></p>	<p><u>5</u></p>
<p>2013-309. SCHEDULE A PUBLIC HEARING: July 9, 2013 at 2:00 PM</p>			

**AGENDA FOR TOWN BOARD
MEETING DATED: JUNE 4, 2013**

RESOLUTIONS:

OFF. SEC. VOTE

To consider issuing a Certificate of Approval for an individually designated
Historic Site Re: 12 Prospect Street, Huntington – St. John’s Episcopal Church.
(SCTM#0400-069.00-04.00-067.000)

SB EC 5

**AGENDA FOR TOWN BOARD
MEETING DATED: JUNE 4, 2013**

RESOLUTIONS:	OFF.	SEC.	VOTE
2013-310. SCHEDULE A PUBLIC HEARING: July 9, 2013 at 2:00 PM To consider issuing a Certificate of Approval in an Historic District Re: 79 Goose Hill Road, Cold Spring Harbor – Cold Spring Harbor Historic District. (Applicant: David Ngai) (SCTM#0400-016.00-04.00-009.000)	<u>MM</u>	<u>SB</u>	<u>5</u>
2013-311. SCHEDULE A PUBLIC HEARING: July 9, 2013 at 2:00 PM To consider issuing a Certificate of Approval in an Historic District Re: 559 Park Avenue, Huntington – Old Huntington Green Historic District. (Applicant: Vandy Morris) (SCTM#0400-097.00-02.00-102.004)	<u>MC</u> <u>SB</u>	<u>MM</u>	<u>5</u>
2013-312. ADOPT a Home Rule message urging the New York State Legislature and the Governor to enact legislation (S.4545/A.7080) designating uniformed officers of the Huntington Fire Marshal’s office as Peace Officers.	<u>FP</u> <u>MM</u> <u>SB</u>	<u>EC</u>	<u>5</u>
2013-313. AMEND the Town of Huntington Policy and Procedure Manual.	<u>FP</u> <u>MC</u> <u>MM</u>	<u>SB</u>	<u>5</u>

AGENDA FOR BOARD OF TRUSTEES'
MEETING DATED: JUNE 4, 2013

RESOLUTIONS:

OFF. SEC. VOTE

2013-BT

AGENDA FOR COMMUNITY DEVELOPMENT AGENCY
MEETING DATED: JUNE 4, 2013

RESOLUTIONS:

OFF. SEC. VOTE

2013-CD

**INFORMATIONAL SHEET FOR TOWN BOARD MEETING
DATED: JUNE 4, 2013**

COMMUNICATION

ACTION

1. Letters received Certified Mail – Applying for Liquor Licenses:
From: Philip Cataldo for Viajos Pizza & Pasta (1277 East Jericho Tpke, Huntington); From: Alexandros Stathatos for Aegean Grill (354 Larkfield Road, East Northport;

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

2. Letters received Certified Mail – Renewal for Liquor Licenses:
From: Benedict Gullo, Jr. for Golden Dolphin Restaurant Corp. (this is for a alteration-taking over the store next to them formerly Optical Eye Business);
From: Watcharee Escalera for Sri Thai; From: Michael Savino for Blue Bell Beer Distributors, Inc.; From: Hidejiro Uehara for Uehara Japanese Restaurant;

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

3. Notice of Special Election for the Cold Spring Harbor Fire District received from Elizabeth Beach, Fire District Secretary. Special Election to be held on June 11, 2013 at 2 Main Street, Cold Spring Harbor, from 6:00 PM until 9:00 PM. Proposition is to purchase certain ambulance/rescue equipment not over \$100,000.00.

Supervisor
Town Board
cc: Town Attorney

4. Letter received from Sarah Lansdale, Director of Suffolk County Department of Economic Development and Planning, regarding an Informational Meeting to discuss past, present and future activities associated with the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay. Copy of the Public Notice was attached. The meeting will be held on June 6, 2013 from 4:00 – 6:00 PM at the Cornell Cooperative Extension in Riverhead.

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

5. Notification received from Kerri O'Brien, Deputy Commissioner of the New York State Liquor Authority, regarding a Public Hearing to be held on May 30, 2013 at 11:00 AM, at 317 Lenox Avenue, New York, N.Y. regarding the application of Julian James LLC, d/b/a Swallow located at 366 New York Avenue, Huntington. The hearing is being held because the premises is located within a 500 foot radius of at least three other licensed and operating on-premises liquor establishments.

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

6. Letter received from Kristi Cartolano, Secretary for the Eaton's Neck Fire District, regarding a Treasurer's Bond. Enclosed was an acceptance letter, certificate of insurance and policy crime declarations page.

cc: FILE

7. Letter received from Judith Hammond, District Clerk for the South Huntington Union Free School District, advising that Laura Carey and Nicholas Ciappetta were elected to the South Huntington Board of Education for a three year term.

Supervisor
Town Board
cc: Town Attorney

8. Letter received from Beth Nystrom, District Clerk for the Northport-East Northport Union Free School District, included were the results of the Annual Budget and Election Votes. The budget passed. Lori McCue, Andrew Rapiejko and Julia Binger were elected to three year terms beginning July 1, 2013. Supervisor
Town Board
Town Attorney
cc: Comptroller
9. Email was forwarded from Councilman Cook's office, from the Richichi family Brad Dubler, Michael Kahn and Caroline Potter in support of dog walking in designated Town parks. Supervisor
Town Board
Town Attorney
cc: Parks & Recreation
10. Email from Bob Vergis, was forwarded by Councilman Cook's office, regarding the Huntington Station Development vote. The writer indicates there are two problems with the project - parking and traffic. Supervisor
Town Board
Town Attorney
Traffic & Transportation
cc: Planning & Environment
11. Letter received from Andrew Freleng, Chief Planner for Suffolk County, regarding the Town of Huntington extension of the moratorium on wind turbines and related facilities. The Suffolk County Planning Commission will be deliberating this matter at the regular meeting on June 5, 2013 at 2:00 PM at the Rose Caracappa Auditorium at 725 Veterans Memorial Highway, Hauppauge. They are requesting a member of the Town speak at the meeting on this subject. Supervisor
Town Board
Town Attorney
cc: Planning & Environment
12. Public Notice received from Incorporated Village of Laurel Hollow that a Public Hearing will be held on 6/19/2013 at 7:30 PM at Village Hall to consider an application on behalf of Cold Spring Harbor Laboratory for a special use permit and to disturb a slope. Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
13. Letter received from Diane Wilhelm, Town Clerk of Riverhead. Enclosed was a copy of Riverhead Town Board Resolution #424, which was adopted at the May 22, 2013 meeting, "Authorizing the Supervisor to execute a memorandum of understanding regarding County of Suffolk/Town of Riverhead Empire Zone." Supervisor
Town Board
Town Attorney
cc: Planning & Environment

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT WITH THE HUNTINGTON YMCA FOR USE OF THE DIX HILLS PARK POOL IN SUMMER 2013

Resolution for Town Board Meeting Dated: June 4, 2013

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

WHEREAS, the Town of Huntington wishes to make the Dix Hills Park Pool available to the Huntington YMCA swim team from June 28 through August 27, 2013 between the hours of 6:00 a.m. and 8:00 a.m. Monday through Friday; 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 additionally insured certificate holder; and

WHEREAS, the YMCA will pay the Town of Huntington \$20.00 per hour for the use of the pool; and

WHEREAS, an agreement with the Huntington YMCA for use of Dix Hills Park Pool is not an action as defined by to 6 N.Y.C.R.R. §617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract with the Huntington YMCA, 60 Main Street, Huntington NY 11743 for use of the Dix Hills Park Pool from June 28, 2013 to August 27, 2013 between the hours of 6:00 a.m. and 8:00 a.m., Monday through Friday, at a fee of \$20.00 per hour, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE HUNTINGTON STATION LONG ISLAND RAIL ROAD (LIRR) TERMINAL SOUTH PARKING GARAGE STANDPIPE REPLACEMENT WITH BOILERMATIC WELDING INDUSTRIES, INC.

Resolution for Town Board Meeting Dated: June 4, 2013

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, the successful bidder will be required to remove and replace existing dry standpipe system services on all floors of the South Parking Garage; and

WHEREAS, sealed bids were received on May 23, 2013, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the Huntington Station LIRR Terminal South Parking Garage standpipe replacement, Contract No. ES 2013-03/O-E and the same were opened publicly and read aloud; and

WHEREAS, Boilermatic Welding Industries, Inc., 17 Peconic Avenue, Medford, New York 11763 is the lowest responsive, responsible bidder; and

WHEREAS, the Huntington Station LIRR Terminal South Parking Garage standpipe replacement is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(2), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Boilermatic Welding Industries, Inc. for the Huntington Station LIRR Terminal South Parking Garage standpipe replacement. The contract period shall be effective upon the execution of the contract for twelve (12) months, for an amount not to exceed the sum of ONE HUNDRED THIRTY SIX THOUSAND FOUR HUNDRED NINETY NINE AND NO/100 (\$136,499.00) DOLLARS, to be charged to EG5997-2104-12311, and authorizes the Director of Engineering Services to execute change orders up to 5% of the bid amount 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
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-269

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE DEFENSE OF SMALL CLAIM ASSESSMENT REVIEW (SCAR) PROCEEDINGS WITH MICHAEL HABERMAN ASSOCIATES, INC.

Resolution for Town Board Meeting Dated: June 4, 2013

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS; the Town of Huntington proposes to engage the successful proposer in assisting the Assessor's Office in defending Small Claim Assessment Review (SCAR) proceedings initiated in the Supreme Court, Suffolk County by (a) performing an informal market analysis of the value of the Petitioning Properties and (b) negotiating settlements with petitioner's representatives. The Town expects the successful proposer to perform the aforementioned services on approximately 4,000 - 6,000 SCAR cases pending for the 2012/13 tax year between the date of execution of the contract and December 31, 2013, and for each succeeding tax year thereafter, for an additional four (4) year period, through December 2017; and

WHEREAS, sealed proposals were received on May 31, 2013, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for defense of small claim assessment review (SCAR) proceedings, RFP No. 2013-05-005 and the same were opened and read aloud; and

WHEREAS, Michael Haberman Associates, Inc., 125 Front Street, Mineola, New York 11501 is the successful responsible and responsive proposer; and

WHEREAS, the defense of small claim assessment review (SCAR) proceedings is not an action as defined by §617.2(b), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Michael Haberman Associates, Inc. for the defense of small claim assessment review (SCAR) proceeding. The contract period shall be effective for a five (5) year term commencing upon the execution of the contract, to be charged to FUND A1355-4550 Outside-Professional and upon such other terms and conditions as may be acceptable to the Town Attorney and authorizes the Comptroller to amend the 2013 Operating Budget as follows:

Increase the following appropriations::

A1355	Outside Professional	\$200,000
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Decrease the following appropriations:

A9060-8070	Health Insurance	\$100,000
A9060-8071	Retiree Health Insurance	\$100,000

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VOTE: AYES: 5 NOES: 0

ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE THE COUNTY OF SUFFOLK/TOWN OF RIVERHEAD EMPIRE ZONE MEMORANDUM OF UNDERSTANDING

Resolution for Town Board Meeting dated: June 4, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, pursuant to §961 of the General Municipal Law, the approving authorities within the County of Suffolk and the Town of Riverhead authorized application by the County for designation of certain areas as an Empire Zone within the meaning of said statute; and

WHEREAS, on September 16, 1997 the Suffolk County Legislature adopted Resolution No.: 803-1997 establishing the boundaries of the Suffolk County/Town of Riverhead Empire Zone and authorized the Suffolk County Executive to submit an application for Economic Zone designation; and

WHEREAS, said boundaries were later modified through the New York State Legislature so as to establish seven distinct and separate contiguous areas including twenty (20) acres in Melville within the Town of Huntington to encourage economic growth and development; and

WHEREAS, the Town Board by Resolution No.: 2009-525 supported the re-designation of boundaries; authorized the Supervisor to execute a Memorandum of Understanding with the County of Suffolk and Towns of Southampton, Riverhead, and Babylon for the purpose of funding and administrating the proposed new Empire Zone; and further designated Councilman Mark A. Cuthbertson to participate as a member of the Zone Administrative Board to represent the Town of Huntington; and

WHEREAS, on June 30, 2010 the New York State Legislature allowed the legislation establishing the Empire Zone Program to expire without an extension or renewal thereof, and the parties wish to clarify their respective rights and obligations with respect thereto; and

WHEREAS, the County of Suffolk has requested an amendment to the Memorandum of Understanding dated January 15, 2010 so as to authorize the Town of Riverhead to continue to administer the fund balance remaining in the Empire Zone Accounts until such time there is no longer any certified businesses within the Zone Program, all with no further contribution by the Town of Huntington; and

WHEREAS, pursuant to the SEQRA regulations, an amendment to the Memorandum of Understanding for administrating the Empire Zone is not an action as defined in 6 NYCRR Part 617.2, so no SEQRA review is required;

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RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH GIBBONS, ESPOSITO & BOYCE ENGINEERS P.C HIRISE ENGINEERING, P.C. REGARDING TRAFFIC CALMING ASSESSMENT AND DEVELOPMENT OF RECOMMENDATIONS FOR MULTIPLE LOCATIONS

Resolution for Town Board Meeting Dated: June 4, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Traffic Safety Division conducted traffic studies on various roads at the request of residents concerned with frequent accidents and high vehicle speeds; and

WHEREAS, the Traffic Safety Division determined the intersections studied did not meet the minimum warrants for the installation of stop signs; and

WHEREAS, the Director of Transportation and Traffic Safety has determined that it is necessary for the Town to utilize a professional traffic engineering consultant to perform traffic calming assessments on segments of Dix Highway, Carl's Straight Path and Little Plains/Cuba Hill Road, make recommendations for improvements, prepare conceptual plans and preliminary cost estimates for discussion; and

WHEREAS, The Town of Huntington Department of Transportation and Traffic Safety requested Proposals from qualified firms for Professional Traffic Engineering services; and

WHEREAS, The Director of Transportation and Traffic Safety evaluated the proposals and determined that Gibbons, Esposito & Boyce Engineers P.C. HiRise Engineering, P.C. submitted the lowest responsive, responsible proposal and is qualified to perform the services; and

WHEREAS, this contract for a traffic calming assessment and recommendation is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(18) and (c)(21), and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with Gibbons, Esposito & Boyce Engineers P.C. HiRise Engineering, P.C. located at 50 Charles Lindbergh, Suite 503, Uniondale, N.Y. 11553 to provide traffic calming assessments on segments of three Town roadways, make recommendations for improvements, prepare conceptual plans and preliminary cost estimates for discussion as set forth in the Scope of Services, in an amount not to exceed FOURTEEN THOUSAND FOUR HUNDRED

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SEVENTY-FOUR DOLLARS AND 32/100 (\$14,474.32) DOLLARS, and authorizes the Director of Transportation and Traffic Safety to execute change orders with an aggregate value up to 5% of the design services costs to be charged to the Operating Budget Item No. B3310-4550, and upon such other terms and conditions as may be acceptable to the Office of the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH THE HUNTINGTON MANOR FIRE DEPARTMENT FOR THE USE OF PETER NELSON PARK FOR ITS ANNUAL FIREMAN'S FAIR AND FURTHER AUTHORIZING THE SUPERVISOR TO EXECUTE A NEW YORK STATE LIQUOR AUTHORITY SPECIAL EVENT PERMIT APPLICATION

Resolution for Town Board Meeting Dated: June 4, 2013

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Huntington Manor Fire Department will be hosting its annual Firemen's Fair from July 16, 2013 through July 20, 2013; and

WHEREAS, the Huntington Manor Fire Department has requested permission from the Town of Huntington to utilize the Town of Huntington Peter Nelson Park from 9:00 a.m. on Monday, July 15, 2013 until 11:00 p.m. on Sunday, July 21, 2013, for said event; and

WHEREAS, such permission to utilize said property is contingent upon the execution of a license agreement, which includes provisions requiring the Huntington Manor Fire Department to hold harmless and indemnify the Town of Huntington; the issuance, by the Town Clerk, of a permit pursuant to Chapter 91 of the Huntington Town Code (Carnivals, Circuses, Fairs and Amusement Events); the issuance, by the Department of Engineering Services, of a permit pursuant to Chapter 111 of the Huntington Town Code (Fire Prevention); the issuance of any and all requisite New York State Liquor Authority Permits; and the issuance of all required approvals and/or permits from any other Town department and/or other agency having jurisdiction; and

WHEREAS, as licensor and owner of the property to be utilized for said event, it is necessary for the Supervisor to sign the New York State Liquor Authority Special Event Permit Application (Temporary Beer and Wine Permit) for the applicant, Huntington Manor Fire Department; and

WHEREAS, the execution of a license agreement for this purpose and the execution of a New York State Liquor Authority Special Event Permit application constitutes a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c)(15), (20), (27) and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD,

HEREBY AUTHORIZES the Supervisor to execute a license agreement with the Huntington Manor Fire Department, 1650 New York Avenue, Huntington Station, New York 11746, to utilize Peter Nelson Park for its annual Firemen's Fair from 9:00 a.m. on

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Monday, July 15, 2013 until 11:00 p.m. on Sunday, July 21, 2013. Such authorization is subject to: 1) the execution of a license agreement which includes provisions requiring the Huntington Manor Fire Department to hold harmless and indemnify the Town of Huntington and signed by an authorized representative of the Huntington Manor Fire Department; 2) appropriate insurance documents in a form satisfactory to the Town Attorney; 3) the issuance, by the Huntington Town Clerk, of a permit pursuant to Chapter 91 of the Huntington Town Code (Carnivals, Circuses, Fairs and Amusement Events); 4) the issuance, by the Department of Engineering Services, of a permit pursuant to Chapter 111 of the Huntington Town Code (Fire Prevention); 5) the issuance of any and all requisite New York State Liquor Authority Permits; 6) 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; and

FURTHER AUTHORIZES the Supervisor to execute a New York State Liquor Authority Special Event Permit Application (Temporary Beer and Wine Permit) for the applicant, Huntington Manor Fire Department.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE NEW YORK STATE LIQUOR AUTHORITY SPECIAL EVENT PERMIT APPLICATIONS ON BEHALF OF VARIOUS ORGANIZATIONS FOR SPECIAL EVENTS SCHEDULED TO BE HELD ON TOWN PROPERTY

Resolution for Town Board Meeting Dated: June 4, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington regularly considers applications and issues permits for Special Events to be held on Town property; and

WHEREAS, organizations submitting applications for such Special Events and who would like to serve/sell wine or beer at such events are required to submit a Special Event Permit Application to the New York State Liquor Authority for a Temporary Beer and Wine Permit; and

WHEREAS, as owner of the property to be utilized for said event, it is necessary for the Supervisor to sign the New York State Liquor Authority Special Event Permit Application (Temporary Beer and Wine Permit) for the applicant/organization; 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 New York State Liquor Authority Special Event Permit Applications (Temporary Beer and Wine Permits) for the applicants/organizations enumerated in Schedule "A", attached hereto, on the condition that all such other requirements for the events will be satisfied, and on such other terms and conditions as may be acceptable to the Town Attorney.

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

SCHEDULE "A"

FRIENDS OF WILLIAM SPENCER

c/o Linda Guido

9 Duncan Land Huntington, NY 11743

Event Date: June 9, 2013

Event Location: Crab Meadow Beach

HUNTINGTON ANGLERS CLUB

c/o Anthony Vernola

91 Van Buren Drive, Centerport, NY 11721

Event Date: July 11, 2013

Event Location: Centerport Beach

Event Date: July 29, 2013

Event Location: Crab Meadow Beach

OLD CHESTER HILLS CIVIC ASSOCIATION

c/o John Martini

5 Morning View Court

Huntington, NY 11743

Event Date: July 20, 2013

Event Location: Crab Meadow Beach

MELVILLE LIONS CLUB INC.

c/o Jeffrey Jerome

241 Norwood Avenue

Northport, NY 11768

Event Date: July 28, 2013

Event Location: Elwood Park

SONS OF ITALY-PERRY COMO LODGE

c/o Janet Serrao

15 Wilhow Court

Northport, NY 11768

Event Date: August 4, 2013

Event Location: Elwood Park

HUNTINGTON REPUBLICAN COMMITTEE

c/o Loraine Santoianni

50 Crestwood Drive

Huntington Station, NY 11746

Event Date: August 14, 2013

Event Location: Crab Meadow Beach

Event Rain Date: August 15, 2013

Event Location: Crab Meadow Beach

HUNTINGTON ARTS COUNCIL

213 Main Street

Huntington, NY 11743

Event Date: June 29, 2013

Event Location: Heckscher Park

Friends of Andrew Raia

P.O. Box 1483

East Northport, NY 11731

Event Date: July 11, 2013

Event Location: Centerport Beach

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE CONTRACT FOR THE IMPROVEMENTS TO THE SECONDARY DIGESTER AT THE HUNTINGTON SEWAGE TREATMENT PLANT WITH R.J. INDUSTRIES, INC.

Resolution for Town Board Meeting Dated: June 4, 2013

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, sealed bids were received on October 25, 2012, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the improvements to the secondary digester, Contract No. HNSD 12-02 and the same were opened publicly and read aloud; and

WHEREAS, R.J. Industries, Inc., 75 East Bethpage Road, PO Box 349, Plainview, New York 11803 was the lowest, responsible bidder and awarded the contract pursuant to Town Board Resolution 2012-484; and

WHEREAS, the project consists of cleaning and maintenance of the secondary digester at the Huntington Sewage Treatment Plant with a scope of work that includes the removal of the floating digester cover, disposal of tank contents, inspection of tank valves and piping and repairs to same; and

WHEREAS, after the floating cover was removed the tank contents were found to be greater than originally estimated and it was determined that that the methane collection system piping was damaged as well; and

WHEREAS, the additional cost for disposal of the tank contents and the costs associated with the repair of the methane collection system piping were not included in the original award of the contract; and

WHEREAS, due to the extra work needed to remove the tank contents and repair the methane piping the date of completion of the contract needs to be extended beyond its original date of completion, June 6, 2013; and

WHEREAS, these actions have been classified as Type II pursuant 6 NYCRR 617.5 (c)(1) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

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HEREBY AUTHORIZES the execution of an amendment to Contract No. HNSD 12-02 for the improvements to the secondary digester for an amount not to exceed the sum of SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS to be charged to Capital Budget Item No. WM8197-2780-SM001 and to extend the completion date of the agreement from June 6, 2013 to August 30, 2013 and upon such terms and conditions as approved 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
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-275

RESOLUTION AUTHORIZING THE ASSIGNMENT AND ASSUMPTION OF THE REFUSE DISTRICT CONTRACT FOR CONTRACT BID AREAS 11, 12, 13 & 14 FROM ISLAND ENVIRONMENTAL GROUP LLC TO AMERICAN WASTE & RECYCLING SERVICES, INC. AND FURTHER AUTHORIZING THE EXECUTION OF AN ASSIGNMENT AND ASSUMPTION AGREEMENT WITH AMERICA WASTE & RECYCLING SERVICES, INC., NUNC PRO TUNC

Resolution for Town Board Meeting Dated: June 4, 2013

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, pursuant to Town Board Resolution 2009-392, the Town of Huntington awarded contracts for the collection, transportation and disposal of residential waste, yardwaste and recyclables in the Town of Huntington for the Town of Huntington Refuse District for refuse, recycling and yardwaste collection for Contract Bid Areas 1-16; and

WHEREAS, Island Environmental Group LLC was awarded a contract for Bid Areas #11, 12, 13 & 14; and

WHEREAS, the contract between the Town and Island Environmental Group LLC prohibits Island Environmental Group LLC from assigning its right, title, interest and any monies receivable without prior written consent from the Town; and

WHEREAS, Island Environmental Group LLC has filed for bankruptcy and after a court ordered bidding process the U.S. Bankruptcy Court has ordered the assignment and assumption of Island Environmental Group LLC municipal contract with the Town of Huntington to American Waste & Recycling Services, Inc.; and

WHEREAS, the Town of Huntington had no objection to this court ordered assignment and assumption; and

WHEREAS, the proposed action is a type II action under SEQRA pursuant to 6 NYCRR §617.5(c)(20), therefore no further SEQRA review is required.

NOW THEREFORE, BE IT

RESOLVED, THAT THE TOWN BOARD HEREBY AUTHORIZES the assignment and assumption and the execution of an assignment and assumption agreement of the refuse district contract for Contract Bid Areas 11, 12, 13, & 14 from Island Environmental Group LLC, 135 Pine Aire Drive, Bay Shore, NY 11706 to American Waste & Recycling Services, Inc., 39 Buckingham Drive, Dix Hills, NY 11746 upon such terms and conditions as are acceptable to the Town Attorney.

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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING EXECUTION OF CONTRACT OF SALE AND APPROPRIATING FUNDING NECESSARY FOR ACQUISITION OF WILLIAMS PROPERTY, COLD SPRING HARBOR WITH SUFFOLK COUNTY AND NORTH SHORE LAND ALLIANCE

Resolution for Town Board Meeting Dated: June 4, 2013

The following resolution was offered by: Supervisor Petrone

COUNCILMAN CUTHBERTSON, COUNCILMAN MAYOKA

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the acquisition of approximately 27.18 acres of the Williams Property located at 6 Shore Road in Cold Spring Harbor, identified as part of SCTM 0400-016-02-013.000, was recommended by the EOSPA Committee 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 Williams Property as a shared acquisition with Suffolk County and the North Shore land Alliance (NSLA), and authorized the Supervisor, Town Attorney, Special EOSPA Counsel and Comptroller to take the necessary actions to secure the land in shared Town, County and NSLA ownership; however, specific costs and contract requirements must be met, including, but not limited to: surveys, title insurance, environmental site assessment, 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 November 9, 2011 pursuant to General Municipal Law §247 regarding shared acquisition of the subject property; and the Town, County and North Shore land Alliance will acquire an undivided interest; and

WHEREAS, prior to completing the acquisition and/or direct funding of the individual project, the Town Board has determined that the action to acquire the property is classified as Type I pursuant to SEQRA as it involves acquisition of 25 or more acres of land considered designated open space as it is mapped on the Town Open Space Index; and

WHEREAS, the Suffolk County Legislature included the Williams property on its Master List I, which identified potential future acquisition projects for preservation of open space and on which a Negative Declaration was issued by resolution 1083-2007 on November 20, 2007; and

WHEREAS, the Planning Board is considering a preservation subdivision plan for DeForest-Williams Estates that will establish the parcel to be acquired as a shared acquisition, and subsequently issued a Negative Declaration and granted preliminary approval on May 22, 2013 based on a full Environmental Assessment Form prepared by the Department of Planning and Environment; and

WHEREAS, the Town Board is the only agency "involved" in approving a direct action to appropriate Town funds toward the acquisition of the subject property, and therefore, has

been established as lead agency, and has reviewed the preservation subdivision plan SEQRA review prepared for the Planning Board that was issued a Negative Declaration;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board accepts the review prepared for the Planning Board as its own, and finds, on review of the full Environmental Assessment Form, there shall be no significant adverse impacts associated with shared public acquisition of the Williams Property for passive 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 Williams Property with Suffolk County and the North Shore Land Alliance as identified above for passive park purposes for the benefit of Huntington residents for an amount not to exceed the sum of SIX MILLION 00/100 DOLLARS (\$6,000,000) and subject to survey verification, plus closing costs, including but not limited to survey, appraisal, environmental audit, title insurance, tax adjustment, and taxes prior to exemption, which are hereby authorized to be split 25% by the Town, 25% by the North Shore Land Alliance, and 50% by the County the same as the purchase cost; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds in an amount not to exceed 25% of the purchase price or ONE MILLION FIVE HUNDRED 00/100 (\$1,500,000) DOLLARS subject to survey verification, excluding customary closing expenses, to cover costs related to the Town, County, AND North Shore Land Alliance 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/estate of the Williams Property and authorizes the Supervisor and/or his designee to execute all documents related to securing such land in public ownership as a joint tenancy, upon which it is to be identified 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	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

Resolution for Town Board Meeting Dated: June 4, 2013

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

WHEREAS, the EOSPA Committee reviewed and voted to support a nomination from the Director of General Services at its meeting of May 14, 2013 for funding from the EOSPA Park Improvements Fund to install ballfield improvements (backstop, fencing, dugouts) at Caravan Park and such action may be classified Type II pursuant to SEQRA 6 NYCRR 617.5(c)(1 and 2), and

WHEREAS, the EOSPA Committee reviewed and voted to support a nomination from the Directors of Engineering and General Services at its meeting of May 14, 2013 for additional funding from the EOSPA Park Improvements Fund to construct a gravel parking area to access the Henry Ingraham Nature Preserve trailhead and such action has been issued a Negative Declaration by the Town Board on May 8, 2012 and a freshwater wetland permit was approved by the NYSDEC therefor March 7, 2012, and

WHEREAS, the EOSPA Committee reviewed and voted to support a nomination from the Directors of Engineering and General Services at its meeting of May 14, 2013 for funding to be split between the EOSPA Park Improvements Fund and Neighborhood Parks Fund to purchase and install fitness equipment at Elwood and such action may be classified Type II pursuant to SEQRA 6 NYCRR 617.5(c)(1 and 2), and

WHEREAS, the EOSPA Committee reviewed and voted to support a park improvement proposal from the Directors of Maritime and General Services at its meeting of May 14, 2013 to retreat improvements further south from Long Island Sound by reconfiguring parking, reducing pavement area, creating greater green space buffer, and adding landscaping appropriate to the coastal environment, a proposal developed with the input of Fort Salonga Association representatives, and the Department of Maritime Services has prepared a short Environmental Assessment Form (EAF) for such action that indicates no significant adverse environmental impacts are anticipated with the project that is actually a mitigating action to the existing site condition;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board finds, on review of the Geisslers Beach EAF, there shall be no significant adverse impacts associated with the parking and green space reconfiguration and hereby issues a Negative Declaration pursuant to SEQRA, and

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds on an as-needed basis to be transferred from A-0870 Open Space Land and Park

Improvements Reserve Fund and from Neighborhood Parks TA-0037-A9301, in addition to funding that may have already been authorized for these projects, and charged to the appropriate capital budget account for the park improvement recommended by the EOSPA Committee as listed below for implementation by the identified department/entity:

DEPARTMENT OF GENERAL SERVICES

Ballfield renovation at Caravan Park, East Northport, not to exceed \$35,000

Install new backstop, wing fencing, and dugout enclosures with funding from the EOSPA Park Improvement Program.

DEPARTMENT OF ENGINEERING SERVICES

New parking area at Henry Ingraham Nature Preserve, Northport, not to exceed \$27,500

Grade and construct new pervious parking area to access trail and install buffer/stabilization plantings consistent with NYSDEC wetlands permit, with input of Directors of General Services and Maritime Services, with additional funding from the EOSPA Park Improvement Program.

Fitness equipment at Elwood Park, Elwood, not to exceed \$45,000

Purchase and install six pieces of outdoor adult exercise equipment at an appropriate location in the park, with input of Directors of General Services and Parks and Recreation, with additional funding from the EOSPA Park Improvement Program and Neighborhood Parks Program.

Park enhancements at Geisslers Beach, Fort Salonga, not to exceed \$89,000

Retreat/reconfigure parking, extend green space, install landscaping appropriate to the coastal environment fencing, picnic tables, and minor appurtenances, with input of Directors of General Services and Maritime Services with funding from the EOSPA Park Improvement Program.

AND BE IT FURTHER

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2013 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: June 4, 2013

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

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

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 2013 Operating Budget as follows:

Reinstate the following position:

A-1410-1100	Senior Deputy Town Clerk	\$41,059
A-1410-1100	Second Deputy Town Clerk	45,040
B-4020-1100	Deputy Registrar of Vital Statistics	3,424

Adjust the following Appropriations:

A-1411-1150	Permanent Part Time	(\$5,415)
A-1990-1100	Contingency	(80,684)
B-1990-1100	Contingency	(3,424)

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2013 OPERATING & CAPITAL BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS

Resolution for Town Board Meeting Dated: June 4, 2013

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

and seconded by **COUNCILMAN MAYOKA, SUPERVISOR PETRONE**

WHEREAS, the Town Board would like to amend the 2013 Operating Budget to accept an insurance recovery for damage to a Town vehicle and;

WHEREAS, the Town Board would like to appropriate funds for the preservation of historic Town documents maintained in the Records Center and;

WHEREAS, the Town Board would like to appropriate funds for the replacement of the refuse truck bodies. and ;

WHEREAS, the Town Board would like to appropriate fund balance for the purchase of sewage disposal truck to replace the 40 year old truck;

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

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

WHEREAS, the funding of these capital projects in lieu of bonding and amending the operating budget is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(2), (c)(20) and (c)(25) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to amend the 2013 Operating and Capital Budget as follows:

Increase the following revenue account:

A2770-2770	Insurance Recoveries	\$ 4,600
SR0599-0599R	Appropriated Fund Balance	\$ 140,000
SS30599-0599R	Appropriated Fund Balance	\$ 170,000

2013-281

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: June 4, 2013

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

And seconded by: **COUNCILMAN MAYOKA**

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

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

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

NOW, THEREFORE, THE TOWN BOARD

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

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule A

Chapter 87, Section 81 of the Code of the Town of Huntington
Authorizing the Securing of a Pool Fence

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
28 Lorijeau Ln. East Northport, NY 11731	0400-174.00-02.00-015.000	Raymond Battistoni Kathleen Battistoni	05/16/2013	N/A

Chapter 133, Section 2 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>
87 West 21 st St. Huntington Sta., NY 11746	0400-194.00-01.00-081.000	Annelise Wissmiller (Estate of)	05/23/2013	N/A
19 Amherst Ct. Huntington, NY 11743	0400-018.00-01.00-012.000	Barbara A. Nitti Lynn-Marie Nitti	05/17/2013	93 Church Ln. Huntington, NY 11743-2425
174 Corey Pl. Huntington Sta., NY 11746	0400-149.00-02.00-063.000	Elke B. Mariotti	05/24/2013	N/A
52 Craven St. Huntington Sta., NY 11746	0400-136.00-04.00-001.000	Tanisha Goodman	05/09/2013	N/A
53 E. Deer Park Ave. Dix Hills, NY 11746	0400-214.00-02.00-021.000	Anthony Callaway	05/24/2013	N/A

2013-281

Chapter 133, Section 2 of the Code of the Town of Huntington
Authorizing the Removal of Litter and Debris (Continued)

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
2 Grey Birch Ct. Dix Hills, NY 11746	0400-262.00-02.00-075.000	Bruce M. Posner Carla D. Posner	05/23/2013	N/A
20 Homeland Dr. Huntington, NY 11743	0400-189.00-03.00-051.000	Michael Wasserstein	05/23/2013	N/A
27 E. Lyons St. Melville, NY 11747	0400-234.00-03.00-025.000	Jung Jin Kim	05/23/2013	N/A
36 Maryland St. Dix Hills, NY 11746	0400-279.00-01.00-009.000	Marie Gaspard	05/24/2013	N/A
39 Marvin Ln. Commack, NY 11725	0400-225.00-02.00-050.000	George Mathew Annamma Mathew	05/28/2013	N/A
1600 New York Ave. Huntington Sta., NY 11746	0400-145.00-01.00-036.001	Sohaila Realty Corp.	04/22/2013	40-04 Bowne St., Apt. 5J Flushing, NY 11354
3 Schaefer St. Huntington Sta., NY 11746	0400-199.00-03.00-035.000	Julie Zale (Rev. Trust) Julie Zale – Trustee	04/30/2013	N/A
27 Somerset St. Huntington Sta., NY 11746	0400-232.00-03.00-043.000	Maritza Yanes	04/30/2013	N/A
3 Springs Dr. Melville, NY 11747	0400-273.00-02.00-062.000	Van Deusen Properties, Inc.	05/24/2013	N/A
7 Sunset Dr. Huntington, NY 11743	0400-098.00-02.00-035.000	David McKay	05/17/2013	69 West 11 th St. Huntington Sta., NY 11746

2013-281

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
36 Maryland St. Dix Hills, NY 11746	0400-279.00-01.00-009.000	Marie Gaspard	05/24/2013	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
87 West 21st St. Huntington Sta., NY 11746	0400-194.00-01.00-081.000	Annelise Wissmiller (Estate of)	05/23/2013	N/A
19 Amherst Ct. Huntington, NY 11743	0400-018.00-01.00-012.000	Barbara A. Nitti Lynn-Marie Nitti	05/17/2013	93 Church Ln. Huntington, NY 11743-2425
18 Burns Ct. Greenlawn, NY 11740	0400-165.00-03.00-043.000	Thomas F. Bonsera Susana M. Bonsera	05/24/2013	N/A
18 Carlisle Dr. Northport, NY 11768	0400-002.00-01.00-114.000	Lilliana Nedic	05/28/2013	2520 23 rd Ave. Long Island City, NY 11105
174 Corey Pl. Huntington Sta., NY 11746	0400-149.00-02.00-063.000	Elke B. Mariotti	05/24/2013	N/A
3 Courtney Ct. Huntington, NY 11743	0400-213.00-01.00-060.003	Grace Kotsinadelis	05/16/2013	N/A
52 Craven St. Huntington Sta., NY 11746	0400-136.00-04.00-001.000	Tanisha Goodman	05/09/2013	N/A

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
53 E. Deer Park Ave. Dix Hills, NY 11746	0400-214.00-02.00-021.000	Anthony Callaway	05/24/2013	N/A
68 E. Gate Dr. Huntington, NY 11743	0400-132.00-02.00-005.000	Mark Frye Lisa Frye	05/23/2013	N/A
2 Grey Birch Ct. Dix Hills, NY 11746	0400-262.00-02.00-075.000	Bruce M. Posner Carla D. Posner	05/23/2013	N/A
20 Homeland Dr. Huntington, NY 11743	0400-189.00-03.00-051.000	Michael Wasserstein	05/23/2013	N/A
311 W. Jericho Tpke. Huntington, NY 11743	0400-192.00-01.00-044.000	Haka Holding LLC	05/10/2013	N/A
15 Kent Pl. Dix Hills, NY 11746	0400-280.00-01.00-028.000	Dennis Montes Susan Montes & Bruna Stepic	05/24/2013	N/A
183 Little Plains Rd. Huntington, NY 11743	0400-166.00-04.00-017.000	Hubert Gerisma Cliford Beaubrun	05/21/2013	N/A
28 Lorijean Ln. East Northport, NY 11731	0400-174.00-02.00-015.000	Raymond Battistoni Kathleen Battistoni	05/16/2013	N/A
27 E. Lyons St. Melville, NY 11747	0400-234.00-03.00-025.000	Jung Jin Kim	05/23/2013	N/A

2013-281

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

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
36 Maryland St. Dix Hills, NY 11746	0400-279.00-01.00-009.000	Marie Gaspard	05/24/2013	N/A
39 Marvin Ln. Commack, NY 11725	0400-225.00-02.00-050.000	George Mathew Annamma Mathew	05/28/2013	N/A
1600 New York Ave. Huntington Sta., NY 11746	0400-145.00-01.00-036.001	Sohaila Realty Corp.	04/22/2013	40-04 Bowne St., Apt. 5J Flushing, NY 11354
3 Schaefer St. Huntington Sta., NY 11746	0400-199.00-03.00-035.000	Julie Zale (Rev. Trust) Julie Zale – Trustee	04/30/2013	N/A
27 Somerset St. Huntington Sta., NY 11746	0400-232.00-03.00-043.000	Maritza Yanes	04/30/2013	N/A
3 Springs Dr. Melville, NY 11747	0400-273.00-02.00-062.000	Van Deusen Properties, Inc.	05/24/2013	N/A
7 Sunset Dr. Huntington, NY 11743	0400-098.00-02.00-035.000	David McKay	05/17/2013	69 West 11th St. Huntington Sta., NY 11746
33 Woodhull Rd. Huntington, NY 11743	0400-099.00-01.00-004.000	Anne Burns	05/16/2013	N/A

2013-281

Chapter 191, Section 3A 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>
53 E. Deer Park Ave. Dix Hills, NY 11746	0400-214.00-02.00-021.000	Anthony Callaway	05/24/2013	N/A
36 Maryland St. Dix Hills, NY 11746	0400-279.00-01.00-009.000	Marie Gaspard	05/24/2013	N/A
3 Springs Dr. Melville, NY 11747	0400-273.00-02.00-062.000	Van Deusen Properties, Inc.	05/24/2013	N/A

2013- 282

RESOLUTION ACCEPTING A DONATION FROM THE LONG ISLAND POWER AUTHORITY OF AN INSTALLED UTILITY POLE WITH A NESTING PLATFORM AT HOBART BEACH, EATONS NECK FOR THE PURPOSE OF AN OSPREY NEST NUNC PRO TUNC.

Resolution for Town Board Meeting Dated: June 4, 2013

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

WHEREAS, osprey poles have been erected on Town properties in the past on such sites as the Jerome Ambro Memorial Wetlands Preserve and Hobart Beach; and

WHEREAS, the Long Island Power Authority has the requisite equipment, and knowledge to install a utility pole with an attached nesting platform at Hobart Beach, Eatons Neck; and

WHEREAS, due to the migratory nature and nesting habits of the osprey, this pole and platform need to be installed forthwith; and

WHEREAS, the location to install the donated utility pole and nesting platform was determined under the direction of Maritime Services and in cooperation with the US Fish & Wildlife and no tidal wetland permit will be required by the NYSDEC; and

WHEREAS, the proposed action may be classified Type II pursuant to SEQRA 6 NYCRR 617.5(c)(7), as it involves construction of an accessory non-residential structure involving less than 4,000 square feet of gross floor area;

NOW, THEREFORE

BE IT RESOLVED

The TOWN BOARD HEREBY ACCEPTS the donation of an installed utility pole and an osprey nesting platform from the Long Island Power Authority at Hobart Beach, Eatons Neck.

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 Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION TO ACCEPT AND ADOPT A DEVELOPMENT STRATEGY FOR
THE REDEVELOPMENT AND REVITALIZATION OF HUNTINGTON STATION.

Resolution for Town Board Meeting Dated: June 4, 2013

The following Resolution was offered by: Supervisor Petrone

Councilman Cuthbertson **COUNCILMAN MAYOKA**

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

WHEREAS, in furtherance of its objectives of community revitalization, the Town of Huntington (the "Town") during July, 2008, adopted a Comprehensive Plan Update entitled Horizons 2020 (the "Comprehensive Plan") which identified certain areas within the Town, including the Huntington Station area ("Huntington Station"), for the purpose of guiding and facilitating the fulfillment of reconstruction and rehabilitation opportunities within these areas; and

WHEREAS, in connection with the creation and adoption of the Comprehensive Plan, the Town, pursuant to the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations at 6 NYCRR Part 617, completed a Draft Generic Environmental Impact Statement dated August, 2008, a Final Generic Environmental Impact Statement dated October, 2008 and, by Resolution #2008-697 dated December 9, 2008, adopted (i) the SEQRA findings required as a condition precedent to the adoption of the Comprehensive Plan pursuant to 6 NYCRR §617 .11 and (ii) the Comprehensive Plan itself; and

WHEREAS, in furtherance of the Comprehensive Plan, the Town, in cooperation with The Town of Huntington Economic Development Corporation ("EDC") and the Huntington Community Development Agency ("HCDA"), following an extensive Request for Qualifications ("RFQ") process selected Renaissance Downtowns , LLC ("RD") as master developer to implement and develop a mixed-use project within Huntington Station (a "Master Developer"), said project to be consistent with the Comprehensive Plan and located in an area more specifically discussed below; and

WHEREAS, by Resolution 2011-330 dated July 12, 2011 (the "Resolution"), the Town Supervisor was authorized to execute an agreement with RD as Master Developer in connection with the next phase of the revitalization of Huntington Station and such execution was determined to be a Type II action under SEQRA; and

WHEREAS, the Resolution specifically contemplated the development of a conceptual Phase II revitalization plan for Huntington Station and further contemplated the development of a "Phase II Action Plan" that will complement, strengthen and build upon redevelopments previously accomplished in Huntington Station; and

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

advance economic development within an area bordered on the north by New York Avenue/Woodbury Road/Lewis Court/Crooked Hill Road and Park Avenue, on the east by Park Avenue, on the west by Oakwood Road and on the south by Jericho Turnpike/Dix Hills Road (the "Project Area"); and

WHEREAS, as specified in the RD's response to the RFQ and as required in the MDA, RDHS has funded and conducted planning, feasibility and other studies for determining the viability of development and redevelopment within the Project Area in a socially, environmentally and economically responsible manner, which was intended to lead to the formulation of a Development Strategy (as hereinafter defined) that may include project elements such as commercial, retail, residential, office, hospitality and other potentially appropriate uses (the "Project Elements") in and in the vicinity of the Project Area; and

WHEREAS, the Project Area includes properties owned by the Town and the EDC, as well as (a) properties in private and/or non-governmental ownership, (b) non-Town and non-EDC owned properties used for transportation related purposes, and (c) properties owned by other governmental entities (the foregoing Project Area properties are hereinafter collectively referred to as "PAPs"); and

WHEREAS, RDHS has worked collaboratively with the owners of PAPs located within the Project Area utilizing RD's Unified Development Approach which has enabled multiple ownership interests to participate in a shared visioning effort that fosters a cooperative framework to align disparate interests in a holistic and comprehensive redevelopment strategy that provides development and redevelopment opportunities and other benefits for participating PAPs and other community stakeholders; and

WHEREAS, RDHS has furthermore utilized the services of Crowdsourced Placemakers LLC , an entity retained by RDHS, to implement a grassroots, public outreach campaign utilizing social media and in-person group meet-ups that are open to the public at large, along with web based forums and an online voting application which allow community members to put forth ideas and concepts that are socially, environmentally and economically responsible, to assure a sustainable development outcome that will facilitate the ability of community members and stakeholders to provide input and ideas into the planning and development process while demonstrating market demand for uses and amenities that may be included within the Project Area; and

WHEREAS, RDHS, as part of a working group established pursuant to the MDA and working with the Town, the EDC and community stakeholders has produced a Development Strategy which constitutes the Phase II revitalization plan referenced in the Resolution (the "Development Strategy" or the "DS"); and

WHEREAS, throughout the development of the DS, RDHS has met with members of the Town Board, and community groups and other community stakeholders to receive input, feedback and comments to drafts of the DS; and

WHEREAS, the final version of the DS was distributed to the Town and the community on April 26, 2013 and formally presented at a Town Board meeting on May 7, 2013; and

WHEREAS, the DS describes ideas and means by which to promote and accomplish the redevelopment and revitalization of Huntington Station in accordance with the Project Elements and consistent with the Comprehensive Plan, and, therefore, in keeping with the purpose for and requirements of the MDA; and

WHEREAS, fulfillment of the contractual requirements under the MDA remains a Type II action pursuant to SEQRA 6 NYCRR 617.5(c)(20,21,28) in that it is preliminary planning and that any site specific development or zoning modifications that may be considered for such development and/or redevelopment would be subject to satisfactory completion of environmental review and procedures required by SEQRA.

NOW, THEREFORE, THE TOWN BOARD

HEREBY ADOPTS, in its entirety, the above-described Development Strategy for Phase II of the revitalization of Huntington Station prepared pursuant to the Master Developer Agreement.

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AMENDING TOWN BOARD RESOLUTION 2012-504
SCHEDULING REGULAR MEETINGS OF THE TOWN BOARD OF THE TOWN OF
HUNTINGTON FOR THE YEAR 2013

Resolution for Town Board Meeting Dated: June 4, 2013

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN MAYOKA**

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AMENDS Town Board Resolution 2012-504 scheduling regular meetings of the Town Board of the Town of Huntington, at Town Hall, 100 Main Street, Huntington, New York, for the year 2013, as follows:

7:00 PM

AUGUST

[6th] 13th

* * * INDICATES TO CHANGE TO PRESENT TEXT
DELETIONS ARE INDICATED BY [BRACKETS].
ADDITIONS ARE INDICATED BY UNDERLINE.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-286

RESOLUTION APPOINTING MEMBERS TO THE TOWN OF HUNTINGTON
BEAUTIFICATION COUNCIL

Resolution for Town Board Meeting Dated: June 4, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the reappointment and appointment of members to the Town of Huntington Beautification Council 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 upon the request of the Beautification Council,

HEREBY APPOINTS the following individual to the Town of Huntington Beautification Council to fill a vacancy for a term to expire December 31, 2014:

Nancy Schumann
5 Barbara Court, Greenlawn, New York 11740

And

HEREBY APPOINTS the following individual to the Town of Huntington Beautification Council to fill a vacancy for a term to expire December 31, 2017:

Barbara Wildfier
15 Cheshire Street, Huntington Station, New York 11746

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION APPOINTING VOLUNTEER PARK STEWARDS

Resolution for Town Board Meeting Dated: June 4, 2013

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

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

WHEREAS, the Park Stewardship Program, initiated in 1990 and coordinated through the Huntington Conservation Board and the Departments of Parks and Recreation and Planning and Environment, serves a vital purpose of providing surveillance and maintenance support on Town-owned park properties, and

WHEREAS, Town Board-appointed Volunteer Park Stewards file periodic monitoring reports, notify the Town of actual or potential hazards or abuse to the ecological integrity of the park(s), and serve for four years pursuant to Town Code §159-66, and

WHEREAS, the appointment of park stewards is not an action as defined by SEQRA in 6 NYCRR 617.2(b); therefore, no SEQRA review is required;

NOW, THEREFORE, THE TOWN BOARD

HEREBY APPOINTS Volunteer Park Stewards for specific parks as follows:

Joyce Bank	20 Connelly Rd., Huntington, NY 11743	Carpenter Farm Pk.
Enez Boozer	25 Windham Dr., Huntington Sta., NY 11746	Caledonia Park
Betsy Davidson	76 Wyman Ave., Huntington Sta., NY 11746	Gateway Park
Anne Fischl	7 Brinkman Court, Huntington, NY 11743	Carpenter Farm Pk.
Vida Hettenbach	144 Harrison Dr. Centerport, NY 11721	Centerport Mill Pond
Kate Levine	67 Smith Street, Greenlawn, NY 11790	Carpenter Farm Pk.
Liz Romanelli	73 Old Field Road, Huntington, NY 11743	Carpenter Farm Pk.
Francine Scarola	1 Brinkman Court, Huntington, NY 11743	Carpenter Farm Pk.
Laurie Thomas	5 Renwick Avenue, Huntington, NY 11743	Carpenter Farm Pk.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013- 288

RESOLUTION TO APPOINT AND REAPPOINT MEMBERS TO THE TOWN OF HUNTINGTON CITIZENS ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES

Resolution for Town Board Meeting Dated: June 4, 2013

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the appointment of individuals to an advisory board is not an action as defined by 6 NYCRR of 617.2(b) and therefore no SEQRA review is required; and

WHEREAS, the Town Board, upon the recommendation of the Citizens Advisory Committee for Persons with Disabilities,

NOW, HEREBY APPOINTS the following individual to a vacancy on the Town of Huntington Citizens Advisory Committee for Persons with Disabilities for a term to expire as indicated:

Martin Mandelker	<u>Term Expires:</u>
40 Curtis Path	06/04/17
East Northport, NY 11731	

AND, HEREBY REAPPOINTS the following individuals to the Town of Huntington Citizens Advisory Committee for Persons with Disabilities for a term to expire as indicated:

	<u>Term Expires:</u>
Marianne Iannaccone	08/31/2016
61 Pine Hill Lane	
Dix Hills, New York 11746	

Janis Kaiser	08/31/2016
100 La Rue Drive	
Huntington, New York 11743	

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
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-289

RESOLUTION URGING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO ENSURE THAT ANY PLAN TO REORGANIZE, RESTRUCTURE OR REPLACE THE LONG ISLAND POWER AUTHORITY ADDRESS, IN A MANNER FAVORABLE TO THE TAXPAYERS OF HUNTINGTON, THE TAX CERTIORARI LAW SUITS CHALLENGING THE VALUATION AND ASSESSMENT OF THE UTILITY'S POWER STATION IN NORTHPORT, NEW YORK

Resolution for Town Board Meeting Dated: June 4, 2103

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Long Island Power Authority (LIPA) has initiated tax certiorari actions against the Town of Huntington alleging that the assessment of the Power Station in Northport is improper and excessive; and

WHEREAS, Huntington has honored its commitment to freeze LIPA's assessment and LIPA's own records indicate that, of the increases in state and local taxes it pays, a significant portion is a result of New York State assessments; and

WHEREAS, a court ordered reassessment on the magnitude that the tax certiorari lawsuits demand would have devastating consequences on the residential and business property owners of the Town of Huntington; and

WHEREAS, LIPA is a creature and creation of the State Legislature and the current proposals to reorganize, restructure or replace LIPA, presents the opportunity for the State to also resolve tangential legal issues such as the aforementioned law suits; and

WHEREAS, Huntington's legal advisors have recommended that the State Legislature consider including in its draft legislation a subdivision devoted explicitly to the settlement of LIPA's tax certiorari actions against the Town of Huntington; and

WHEREAS, a request by the Town Board that the Governor and State Legislature use its law making powers to resolve the matter of tax assessment challenges 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 URGES the Governor and New York State Legislature to ensure that any plan to reorganize, restructure or replace the Long Island Power Authority address, in a manner favorable to the taxpayers of Huntington, the tax certiorari law suits challenging the valuation and assessment of the utility's power station in Northport, New York; and

HEREBY DIRECTS the Town Clerk, Jo-Ann Raia, to forward certified copies of this resolution to Governor Andrew Cuomo, Senate Majority Leader Dean G. Skelos, Speaker of the Assembly Sheldon Silver; and to the members of Huntington's New York State

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Legislative delegation: Senator Carl Marcellino, Senator John Flanagan, Assemblyman Andrew Raia and Assemblyman Chad Lupinacci.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013- 290

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: June 4, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, on April 9, 2013 by Town Board Resolution 2013-180 the Town Board designated certain properties as "blighted" and scheduled a public hearing to consider further action to remedy the conditions of blight thereon; and

WHEREAS, those properties whose owners have failed to enter into a Restoration Agreement with the Town or to take steps to remedy the conditions of blight upon their properties have been evaluated and considered for further action(s) to be taken at a public hearing held on May 7, 2013; and

WHEREAS, pursuant to its authority under §64 and §130 of New York State Town Law 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 nuisance and blight exists to remedy such nuisance and blight and to charge the cost or expense of such remediation against the property tax bill as a lien ; and

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

HEREBY DIRECTS the Director of General Services 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 Attorney for determination as to the amounts to be assessed against the properties listed on Schedule A to this Resolution; and

**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**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
Exhibit 81	Old Bridge Road Northport, NY 11768	0400-060.00-01.00-011.005	Pine Brook Realty Corp. 152 Asharoken Avenue Northport, NY 11768	21-Mar-13	\$2,500.00
Exhibit 82	65 Young Hill Road Hunt., NY 11743	0400-133.00-03.00-024.000	Wayne Farrell P.O. Box 2452 Atlantic Beach, NY 28512-2452	21-Mar-13	\$2,500.00
Exhibit 83	50 West Neck Road Hunt., NY 11743	0400-070.00-05.00-029.000	Nelson F. Chang and Helen H. Chang 3 Sunset Crest Dix Hills, NY 11746	5-Mar-13	\$2,500.00
Exhibit 84	4 Grange Street Huntington, NY 11743	0400-161.00-02.00-012.000	Huseyin Toozlu 77 S. Merrick Road Massapequa, NY 11758- 6719	14-Mar-13	\$2,500.00

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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

	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
PREVIOUS EXHIBITS- SCHEDULE A					
Exhibit 78	58 East 12th Street Huntington Sta., NY 11746	0400-145.00-01.00-085.001	Huntview Estates, Ltd. Donald & Joyce Rose P.O. Box 2311 Halesite, NY 11743	4-Dec-12	\$2,500.00
Exhibit 79	43 West 22nd Street Huntington Sta., NY 11746	0400-194.00-03.00-052.000	Elias Moraglemos 43 West 22nd Street Huntington Sta., NY 11746	11-Dec-12	\$2,500.00

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 11-2013
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON,
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.
RE: CARVER STREET, HUNTINGTON – PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: June 4, 2013

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

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 7th day of May, 2013 at 2:00 p.m. to consider adopting Local Law Introductory No. 11-2013 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. 11-2013 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. 11 - 2013
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: Carver Street/North From the Municipal Parking Lot Exit to Myrtle Ave. (HUN)	Limited Parking; 1 hour	8:00 a.m. to 6:00 p.m., except Sun. and holidays

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	Carver Street/North From Myrtle Ave. west for 100 ft. (HUN)	No Parking	-----
	Carver Street/South From the Municipal Parking Lot Exit to Myrtle Ave. (HUN)	Limited Parking; 1 hour	8:00 a.m. to 6:00 p.m., except Sun. and holidays
ADD:	Carver Street/North From 350 ft. east of New York Ave. (Rt. 110) to 30 ft. west of Myrtle Ave. (HUN)	Limited Parking 1 hour	8:00 a.m. to 6:00 p.m., except Sun. and holidays
	Carver Street/North From 30 ft. west of Myrtle Ave. to Myrtle Ave. (HUN)	No Parking	-----
	Carver Street/South From 350 ft. east of New York Ave. (Rt. 110) to Myrtle Ave. (HUN)	Limited Parking 1 hour	8:00 a.m. to 6:00 p.m., except Sun. and holidays

Section 2. Severability.

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

Section 3. Effective Date.

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 12-2013 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 159 (RECREATIONAL FACILITIES)

Resolution for Town Board Meeting Dated: June 4, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **SUPERVISOR PETRONE**

THE TOWN BOARD having held a public hearing on the 7th day of May, 2013 at 2:00 p.m. to consider adopting Local law Introductory No. 12-2102 amending the Code of the Town of Huntington, Chapter 159 (Recreational Facilities), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 12-2013 amending the Code of the Town of Huntington, Chapter 159 (Recreational Facilities); as follows:

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

LOCAL LAW NO. 12 - 2013
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 159 (RECREATIONAL FACILITIES)

Section 1. Chapter 159 (Recreational Facilities) of the Huntington Town Code is hereby amended, as follows:

CHAPTER 159
RECREATIONAL FACILITIES

* * *

ARTICLE II
USE REGULATIONS AND RESTRICTIONS

* * *

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

* * *

- D. Except as provided in §78-3(C) and §78-4 of the Code of the Town of Huntington and instances where the Town Board has approved on-leash walking of dogs on trails, it shall be prohibited to bring a dog or other domestic animal into areas other than automobile parking concourses and paved walks immediately adjacent thereto. All dogs and domestic animals in those areas where such animals are

permitted shall be restrained at all times on adequate leashes not greater than four (4) feet in length and shall not run at large. Dog waste must be immediately collected and removed by the owner or person in charge of the dog.

* * *

ARTICLE IV
HUNTINGTON GREENWAY TRAIL

* * *

§159-47. Huntington Trails Committee.

- A. Purpose. The Town Board intends to advance recreational trails and use of its park resources by establishing a Huntington Trails Committee to review the Town's park inventory, identify existing trails and recommend new connections and specific trail uses; organize periodic hikes to open the outdoors to Huntington residents; convey trails information to the public; report on the condition of trails as necessary and to assist maintenance thereof; and provide comments to the Town's review boards on applications for land use that have potential to affect existing trails and/or potentially important future interconnections.

* * *

§159-48. Huntington Greenway Trail; multi-use trails in town parks.

- A. On recommendation of the Huntington Trails Committee, with input from the Director of Parks and Recreation and the Director of Planning and Environment, the Town Board may designate and develop or cause to be developed trails or pathway systems for specific or multiple purposes in town parkland consistent with the needs and recommendations established in the Huntington Comprehensive Plan to be networked and collectively known as the "Huntington Greenway Trail." Recommendations from other town departments and/or other Town Board-appointed advisory committees may be made to the Huntington Trails Committee for consideration.

* * *

- C. To the fullest extent practicable, the Huntington Greenway Trail shall:
 - (1) Utilize existing trails, rights-of-way, fire lanes, bridle paths and dirt roads and make connections with other trails, including trails marked by outside agencies, thereby minimizing impacts to natural resources and terrain;
 - (2) Be located with direct access to a roadway;
 - (3) Have segments that can be restricted to [particular] a non-motorized use[s] or combinations of non-motorized uses, such as hiking, jogging, cross-country skiing, horse-back riding, bicycling, wheelchair or stroller use or on-leash dog walking;

* * *

- E. A community member or organization may nominate a new trail use to the Huntington Greenway Trails Committee or the Huntington Greenway Trails Committee may nominate a new trail use directly. Prior to designation of a trail in Town parkland for a specified non-motorized recreational purpose, other than hiking, cross country skiing and jogging, the Town Board shall consider a report from the Trails Committee that examines the following factors:
- (1) Environmental conditions at the park and existing trail(s);
 - (2) Types and volume of existing trail and park uses;
 - (3) Sufficiency of trail access and parking;
 - (4) Compatibility of proposal with existing park uses;
 - (5) Proximity to neighbors and potential impact thereto;
 - (6) Input from the Directors of Public Safety, General Services, and Parks and Recreation; and
 - (7) Recommendation of the Trails Committee on the proposed use and anticipated enhancements (e.g., signage, gates).

§159-49. through §159- 55. (Reserved).

* * *

Section 2. Severability.

If any clause, 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 effect, 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 part 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.

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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ENACTMENT: APPROVE A LICENSE AGREEMENT WITH THE LONG ISLAND ROWING CLUB, INC. FOR THE USE OF A PORTION OF A TOWN BEACH FACILITY

Resolution for Town Board Meeting Dated: June 4, 2013

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

And seconded by: COUNCILMAN MAYOKA, COUNCILMAN CUTHBERTSON

WHEREAS, the Town Board has considered the execution of a license agreement with the Long Island Rowing Club, Inc., PO Box 2786, Huntington Station, New York 11746 to use a portion of the parking lot at Fleets Cove Beach for the operation of their rowing program for a period of two years; and

WHEREAS, the Town of Huntington is desirous of making such space available to Long Island Rowing Club, Inc. so that they may continue to train current and future high school student in rowing and sculling; 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

Having held a public hearing on the 4th day of June, 2013 at 7:00 PM Huntington Town Hall, 100 Main Street, Huntington, New York 11743, to consider entering into a license agreement with the Long Island Rowing Club, Inc. PO Box 2786, Huntington Station, New York 11746 for the use of a portion of the parking lot at Fleets Cove Beach for the storage of boats and related equipment for a period of two years commencing upon the date of execution, at the rate of FIVE HUNDRED (\$500.00) DOLLARS AND 00/100 per month, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 14-2013 AMENDING LOCAL LAW NUMBER 3 - 2013 SO AS TO EXTEND THE MORATORIUM ON THE ISSUANCE OF APPROVALS, GRANTS AND/OR CONDITIONAL USE PERMITS BY TOWN AGENCIES FOR THE CONSTRUCTION OR INSTALLATION OF WIND TURBINES AND RELATED FACILITIES TO DECEMBER 10, 2013

Resolution for Town Board Meeting dated: June 4, 2013

The following resolution was offered by: Councilman Cuthbertson

And seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Huntington Town Board has previously stated that the wind turbine industry is characterized by the rapid development of new technologies that in many instances may result in community impacts as they are installed at various locations throughout the Town; and

WHEREAS, it is the desire of the Board to allow sufficient time in which to develop meaningful legislation that will balance the benefit to the public against the need to maintain aesthetic resources and the quality of life of affected surrounding properties and the community at-large; and

WHEREAS, there is currently a 128 day moratorium on the issuance of approvals for the construction and/or installation of wind energy facilities which is due to expire on June 11, 2013, and there is a need to extend the moratorium in order to adequately explore a variety of options and the resulting impacts of any proposed legislation; and

THE TOWN BOARD, having held a public hearing on the 4th day of June, 2013 at 7:00 p.m. to consider amending Local Law No.: 3 -2013 by extending the moratorium on the processing of applications, holding of public hearings, issuance of approvals, grants, permits and conditional use permits by any Town agency, department and/or Board for the construction or installation of wind turbines and related facilities up to and including December 10, 2013; and due deliberation having been had,

NOW THEREFORE, THE TOWN BOARD

HEREBY ADOPTS Local Law Introductory No. 14-2013; as follows:

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

LOCAL LAW NUMBER 13 - 2013
AMENDING LOCAL LAW NO.: 3 - 2013

SO AS TO EXTEND THE MORATORIUM ON THE PROCESSING OF APPLICATIONS, HOLDING OF PUBLIC HEARINGS, ISSUANCE OF APPROVALS, GRANTS, PERMITS AND CONDITIONAL USE PERMITS BY TOWN AGENCIES, DEPARTMENTS AND/OR BOARDS TO DECEMBER 10, 2013

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

Section 1. Amendment to [the Code of the Town of Huntington] Local Law Number 3-2013 for the purpose of [declaring a one hundred and twenty-eight (128) day] extending the moratorium on the processing of applications, holding of public hearings, issuance of approvals, grants, permits and conditional use permits by Town agencies, departments and/or Boards for wind turbines and related facilities to December 10, 2013.

Section 2. Legislative Intent, Purpose and Findings:

- (1) The Code of the Town of Huntington does not currently contain specific regulations of the location, size, impacts and dimensions of wind turbines and related facilities.
- (2) It has become necessary to update the zoning code of the Town of Huntington to include specific regulations of wind turbines and related facilities due to the desire to locate such facilities within the areas subject to the zoning power of the Town; there is a need to regulate the location, size, dimensions and impacts of such facilities to balance the benefit to the property owner with the burdens upon affected area properties.

Section 3. Declaration of Moratorium. A [one hundred and twenty-eight (128) day] moratorium on the processing of applications, holding of public hearings, issuance of approvals, grants, permits and conditional use permits for wind turbines and related facilities in order to provide the Town sufficient time to review the existing Code and implement new regulations is hereby declared up to and including December 10, 2013. This declaration does not apply to properties owned, leased or otherwise controlled by the Town of Huntington or any subdivision thereof, provided that said uses are subject to a license or lease issued by the Town Board.

Section 4. Hardship Exemption. Any property owner can apply to the Town Board for an exemption from this moratorium due to hardship. To qualify for such exemption, an application with supporting documentation shall be submitted to the Town Board by filing with the Town Clerk. Such application and supporting proof shall demonstrate (a) that substantial economic loss will occur by reason of the delay in the application caused by this moratorium; and (b) that negative impacts to affected properties can be effectively mitigated by the design, location and other features of the proposed wind turbine and related facilities. The Town Board may designate the Town Attorney, Director of the Department of Planning and the Environment and/or the Director of the Department of Engineering Services or their representatives to review the hardship application, request additional materials if needed and to report to the Town Board.

Section 5. 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

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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 6. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

ADDITIONS ARE INDICATED BY UNDERLINE.

DELETIONS ARE INDICATED BY [BRACKETS].

* * * INDICATES NO CHANGE TO PRESENT TEXT.

VOTE: AYES: 5 NOES: 0 ABSENCES: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

At a regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, held at the Town Hall, 100 Main Street, Huntington, New York, on the 4th day of June, 2013.

PRESENT:

Hon. Frank P. Petrone, Supervisor
Susan A. Berland, Councilperson
Eugene Cook, Councilperson
Mark A. Cuthbertson, Councilperson
Mark Mayoka, Councilperson

In the Matter

of the

Increase and Improvement of Facilities of the
Huntington Sewer District, in the Town of Huntington,
in the County of Suffolk, New York, pursuant to
Section 202-b of the Town Law

Offered by: COUNCILMAN MAYOKA

Seconded by: SUPERVISOR PETRONE

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Huntington (herein called the "Town"), in the County of Suffolk, New York, has determined that it is in the best interest of the Huntington Sewer District (the "District") to improve the facilities of the District, consisting of the replacement of manhole covers in the District, at the estimated cost of \$80,000; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of facilities, specifying the estimated cost thereof, and

stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on June 4, 2013 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 100 Main Street, Huntington, New York, in the Town; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 4th day of June, 2013 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 100 Main Street, Huntington, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project constitutes a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5(c)(1) and (2), and therefore no further environmental review is required;

Now, therefore, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$80,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Town shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney or the attorney for the District, shall prepare a proposed contract for such increase and

improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$80,000 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Suffolk County within ten (10) days after adoption thereof.

DATED: June 4, 2013

(SEAL)

TOWN BOARD OF THE TOWN OF HUNTINGTON

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Frank P. Petrone	voting	<u>AYE</u>
Councilperson Susan A. Berland	voting	<u>AYE</u>
Councilperson Eugene Cook	voting	<u>AYE</u>
Councilperson Mark A. Cuthbertson	voting	<u>AYE</u>
Councilperson Mark Mayoka	voting	<u>AYE</u>

The Resolution and Order was declared adopted.

CERTIFICATE

I, JO-ANN RAIA, Town Clerk of the Town of Huntington, in the County of Suffolk, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Huntington duly called and held on June 4, 2013, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Huntington this _____ day of _____, 2013.

(SEAL)

Jo-Ann Raia, Town Clerk
Town of Huntington

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED JUNE 4, 2013, APPROPRIATING
\$80,000 FOR THE INCREASE AND IMPROVEMENT OF
FACILITIES OF THE HUNTINGTON SEWER DISTRICT,
CONSISTING OF MANHOLE REPLACEMENT, AND
AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF
SAID TOWN IN THE PRINCIPAL AMOUNT OF NOT TO
EXCEED \$80,000 TO FINANCE SAID APPROPRIATION

Offered by: COUNCILMAN MAYOKA

Seconded By: SUPERVISOR PETRONE

Recital

WHEREAS, following preparation of a report and an estimate of cost for the increase and improvement of facilities of the Huntington Sewer District (herein called the "District"), in the Town of Huntington (herein called the "Town"), in the County of Suffolk, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN
THE COUNTY OF SUFFOLK, NEW YORK (by the favorable vote of not less than two-thirds
of all the members of said Board) AS FOLLOWS:

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Section 1. The Town Board hereby appropriates the amount of \$80,000 for the increase and improvement of facilities of the District, consisting of the replacement of manholes, including furnishings or apparatus, and any ancillary or related work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$80,000. The plan of financing includes the issuance of \$80,000 bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of not to exceed \$80,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of \$80,000 of the serial bonds authorized by this resolution will not exceed five (5) years.

(d) The Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project constitutes a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5(c)(1) and (2), and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or

declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in "*The Observer*," and "*The Long Islander*," two newspapers having general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The adoption of the foregoing Resolution was duly put to a vote on roll call,
which resulted as follows:

Supervisor Frank P. Petrone	voting <u>AYE</u>
Councilperson Susan A. Berland	voting <u>AYE</u>
Councilperson Eugene Cook	voting <u>AYE</u>
Councilperson Mark A. Cuthbertson	voting <u>AYE</u>
Councilperson Mark Mayoka	voting <u>AYE</u>

The Resolution was declared adopted.

CERTIFICATE

I, JO-ANN RAIJA, Town Clerk of the Town of Huntington, in the County of Suffolk, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on June 4, 2013 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this _____ day of _____, 2013.

(SEAL)

Jo-Ann Raia, Town Clerk
Town of Huntington

(NOTICE AND SUMMARY OF BOND RESOLUTION FOR PUBLICATION)

NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 4th day of June, 2013, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Huntington, in the County of Suffolk, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HUNTINGTON

Dated: June 4, 2013
Huntington, New York

JO-ANN RAIJA
Town Clerk

BOND RESOLUTION OF THE TOWN OF HUNTINGTON, NEW YORK, ADOPTED JUNE 4, 2013, APPROPRIATING \$80,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE HUNTINGTON SEWER DISTRICT, CONSISTING OF MANHOLE REPLACEMENT, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$80,000 TO FINANCE SAID APPROPRIATION

The object or purpose for which the bonds are authorized to be issued is the increase and improvement of facilities of the Huntington Sewer District, consisting of the replacement of manholes, at the estimated maximum cost of \$80,000.

The amount of obligations to be issued is not to exceed \$80,000.

The period of probable usefulness of the bonds is five (5) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, 100 Main Street, Huntington, New York.

The bond resolution was adopted on June 4, 2013.

OPEN MEETINGS LAW CERTIFICATE

I, JO-ANN RAI, the undersigned Town Clerk of the Town of Huntington, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed Order and Resolutions adopted at the meeting of the Town Board of the Town of Huntington, New York held on June 4, 2013 with the originals thereof on file in my office, and that the same are true and correct copies thereof and of the whole of said originals so far as the same relate to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Town Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law (Open Meeting Law), said meeting was open to the general public.

I FURTHER CERTIFY that, prior to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspaper and/or other news media as follows:

<u>Newspapers and/or Other Media</u>	<u>Date Given</u>
_____	_____
_____	_____
_____	_____

I FURTHER CERTIFY that prior to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated location(s) on the following dates:

<u>Designated Location(s) of Posted Notice</u>	<u>Date of Posting</u>
_____	_____
_____	_____
_____	_____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this _____, day of _____, 2013

Jo-Ann Raia, Town Clerk

ESTOPPEL CERTIFICATE

I, JO-ANN RAIA, Town Clerk of the Town of Huntington, in the County of Suffolk, New York (the "Town"), HEREBY CERTIFY as follows:

That a resolution of the Town Board of said Town entitled:

"BOND RESOLUTION OF THE TOWN OF HUNTINGTON, NEW YORK, ADOPTED JUNE 4, 2013, APPROPRIATING \$80,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE HUNTINGTON SEWER DISTRICT, CONSISTING OF MANHOLE REPLACEMENT, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$80,000 TO FINANCE SAID APPROPRIATION,"

was adopted on June 4, 2013, and such resolution contained an estoppel clause as permitted by Section 80.00 of the Local Finance Law and a notice setting forth substantially the statements referred to in Section 81.00 of the Local Finance Law, together with a summary of such resolution, was duly published as referred to in said Section 81.00 of the Local Finance Law; and

That to the best of my knowledge, no action, suit or proceeding contesting the validity of the obligations authorized by such resolution was commenced within twenty days from the date of publication of such notice.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this ____ day of _____, 2013.

Jo-Ann Raia
Town Clerk

At a regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, held at the Town Hall, 100 Main Street, Huntington, New York, on the 4th day of June, 2013.

PRESENT:

Hon. Frank P. Petrone, Supervisor
Susan A. Berland, Councilwoman
Eugene Cook, Councilman
Mark A. Cuthbertson, Councilman
Mark Mayoka, Councilman

In the Matter

of the

Increase and Improvement of Facilities of the
Dix Hills Water District, in the Town of Huntington,
in the County of Suffolk, New York, pursuant to
Section 202-b of the Town Law

Offered by: COUNCILWOMAN BERLAND

Seconded by: COUNCILMAN MAYOKA

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Huntington (herein called the "Town Board" and the "Town", respectively), in the County of Suffolk, New York, and the Dix Hills Water District (herein called the "District"), in the Town, have reviewed a preliminary map, plan and report prepared by Holzmacher, McLendon & Murrell, P.C., an engineer duly licensed by the State of New York (the "Engineer") for the increase and improvement of facilities of the District, consisting of the construction of improvements to the water storage tank located at Colby Drive in the District, as further described in the report entitled H2M Project No.

DHWD 12-70, dated December 2012, prepared by the Engineer, including any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith; and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the cost thereof to be \$2,000,000; and

WHEREAS, the proposed plan of financing includes the issuance of not to exceed \$2,000,000 serial bonds to finance the cost of said increase and improvements of facilities of the District; and it is further proposed that such bonds shall be issued in two consecutive years in the principal amounts of \$1,000,000 in the year 2013 and \$1,000,000, in the year 2014; provided, however, that such proposed bond issuance schedule may be changed at the discretion of the Town Board; and

WHEREAS, the Town Board adopted an order describing in general terms the proposed increase and improvement of facilities, specifying the estimated cost thereof, and stating the Town Board shall meet to hear all persons interested in said increase and improvement of facilities on June 4, 2013 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 100 Main Street, Huntington, New York, in the Town; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law and was mailed by first class mail to each owner of taxable real property in the District; and

WHEREAS, such public hearing was duly held by the Town Board on the 4th day of June, 2013 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 100 Main Street, Huntington, New York, with considerable discussion on the matter having been had and all

persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project constitutes a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5(c)(1) and (2), and therefore no further environmental review is required;

Now, therefore, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$2,000,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney or the attorney for the District, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the increase and improvement of facilities shall be financed by the issuance of not to exceed \$2,000,000 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges; provided, however, that no monies shall be expended for the project

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described herein unless the Town continues with its compliance with the provisions of the Town Board's February 11, 2002 Resolution governing the requirement of contractors and subcontractors on construction contracts to have approved apprenticeship agreements; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Suffolk County within ten (10) days after adoption thereof.

DATED: June 4, 2013

(SEAL)

TOWN BOARD OF THE TOWN OF HUNTINGTON

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Frank P. Petrone	voting <u> AYE </u>
Councilwoman Susan A. Berland	voting <u> AYE </u>
Councilman Eugene Cook	voting <u> AYE </u>
Councilman Mark A. Cuthbertson	voting <u> AYE </u>
Councilwoman Mark Mayoka	voting <u> AYE </u>

The Resolution and Order were declared adopted.

CERTIFICATE

I, JO-ANN RAIA, Town Clerk of the Town of Huntington, in the County of Suffolk, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on June 4, 2013 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the

corporate seal of said Town this _____ day of _____, 2013.

(SEAL)

Jo-Ann Raia, Town Clerk
Town of Huntington

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED JUNE 4, 2013, APPROPRIATING
\$2,000,000 FOR THE INCREASE AND IMPROVEMENT OF
FACILITIES OF THE DIX HILLS WATER DISTRICT, AND
AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF
SAID TOWN IN THE PRINCIPAL AMOUNT OF NOT TO
EXCEED \$2,000,000 TO FINANCE SAID APPROPRIATION

Offered By: COUNCILWOMAN BERLAND

Seconded By: COUNCILMAN MAYOKA

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of the Dix Hills Water District (herein called the "District"), in the Town of Huntington (herein called the "Town"), in the County of Suffolk, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY OF SUFFOLK, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$2,000,000 for the increase and improvement of facilities of the District, consisting of the construction of

improvements to the water storage tank located at Colby Drive in the District, as further described in the report entitled H2M Project No. DHWD 12-70, dated December 2012, prepared by Holzmacher, McLendon & Murrell, P.C., an engineer duly licensed by the State of New York (the "Engineer"), including any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith. The estimated maximum cost of the project, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,000,000. The plan of financing includes the issuance of not to exceed \$2,000,000 serial bonds to finance the cost of said appropriation, and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges. It is further proposed that said \$2,000,000 bonds shall be issued in two consecutive years in the principal amounts of \$1,000,000 in the year 2013 and \$1,000,000, in the year 2014; provided, however, that such proposed bond issuance schedule may be changed at the discretion of the Town Board.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of not to exceed \$2,000,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made

after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

(d) The Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project constitutes a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5(c)(1) and (2), and therefore no further environmental review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the

authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in "THE OBSERVER," and "THE LONG ISLANDER," two newspapers each having a general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The adoption of the foregoing Resolution was duly put to a vote on roll call,
which resulted as follows:

Supervisor Frank P. Petrone	voting AYE _____
Councilwoman Susan A. Berland	voting AYE _____
Councilman Eugene Cook	voting AYE _____
Councilman Mark A. Cuthbertson	voting AYE _____
Councilwoman Mark Mayoka	voting AYE _____

The Resolution was declared adopted.

CERTIFICATE

I, JO-ANN RAIA, Town Clerk of the Town of Huntington, in the County of Suffolk, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on June 4, 2013 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the

corporate seal of said Town this _____ day of
_____, 2013.

(SEAL)

Jo-Ann Raia, Town Clerk
Town of Huntington

NOTICE TO BE ATTACHED TO AND **TO BE PUBLISHED** WITH BOND
RESOLUTION AFTER ADOPTION)

NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 4th day of June, 2013, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF HUNTINGTON, in the County of Suffolk, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HUNTINGTON

Dated: June 4, 2013
Huntington, New York

Jo-Ann Raia
Town Clerk

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED JUNE 4, 2013, APPROPRIATING
\$2,000,000 FOR THE INCREASE AND IMPROVEMENT OF
FACILITIES OF THE DIX HILLS WATER DISTRICT, AND
AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF
SAID TOWN IN THE PRINCIPAL AMOUNT OF NOT TO
EXCEED \$2,000,000 TO FINANCE SAID APPROPRIATION

The object or purpose for which the bonds are authorized is the increase and improvement of facilities of the Dix Hills Water District, consisting of the construction of improvements to the water storage tank located at Colby Drive in the District, as further described in the report entitled H2M Project No. DHWD 12-70, dated December 2012, prepared by Holzmacher, McLendon & Murrell, P.C., an engineer duly licensed by the State of New York, including any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith. The estimated maximum cost of the project, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,000,000.

The amount of obligations to be issued is not to exceed \$2,000,000. It is proposed that said \$2,000,000 bonds shall be issued in two consecutive years in the principal amounts of \$1,000,000 in the year 2013 and \$1,000,000, in the year 2014; provided, however, that such proposed bond issuance schedule may be changed at the discretion of the Town Board.

The period of probable usefulness is forty (40) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, 100 Main Street, Huntington, New York.

The Bond Resolution was adopted on June 4, 2013.

OPEN MEETINGS LAW CERTIFICATE

I, JO-ANN RAI, the undersigned Town Clerk of the Town of Huntington, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed Extract of the Minutes of the meeting of the Town Board of the Town of Huntington, New York, held on June 4, 2013, including the Minutes, Order and Resolutions contained therein, with the original thereof on file in my office, and that the same is a true and correct copy thereof and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Town Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law (Open Meeting Law), said meeting was open to the general public.

I FURTHER CERTIFY that, prior to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspaper and/or other news media as follows:

<u>Newspapers and/or Other Media</u>	<u>Date Given</u>
_____	_____
_____	_____
_____	_____

I FURTHER CERTIFY that prior to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated location(s) on the following dates:

<u>Designated Location(s) of Posted Notice</u>	<u>Date of Posting</u>
_____	_____
_____	_____
_____	_____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this _____, day of _____, 2013

Jo-Ann Raia, Town Clerk

ESTOPPEL CERTIFICATE

I, JO-ANN RAIA, Town Clerk of the Town of Huntington, in the County of Suffolk, New York (the "Town"), HEREBY CERTIFY as follows:

That a resolution of the Town Board of said Town entitled:

"BOND RESOLUTION OF THE TOWN OF HUNTINGTON, NEW YORK, ADOPTED JUNE 4, 2013, APPROPRIATING \$2,000,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE DIX HILLS WATER DISTRICT, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,000,000 TO FINANCE SAID APPROPRIATION,"

was adopted on June 4, 2013, and such resolution contained an estoppel clause as permitted by Section 80.00 of the Local Finance Law and a notice setting forth substantially the statements referred to in Section 81.00 of the Local Finance Law, together with a summary of such resolution, was duly published as referred to in said Section 81.00 of the Local Finance Law; and

That to the best of my knowledge, no action, suit or proceeding contesting the validity of the obligations authorized by such resolution was commenced within twenty days from the date of publication of such notice.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this ____ day of _____, 2013.

Jo-Ann Raia
Town Clerk

At a regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, held at the Town Hall, 100 Main Street, Huntington, New York, on the 4th day of June, 2013.

PRESENT:

Hon. Frank P. Petrone, Supervisor
 Susan A. Berland, Councilwoman
 Eugene Cook, Councilman
 Mark A. Cuthbertson, Councilman
 Mark Mayoka, Councilman

In the Matter

of the

Increase and Improvement of Facilities of the South Huntington Water District, in the Town of Huntington, in the County of Suffolk, New York, pursuant to Section 202-b of the Town Law

Offered by: COUNCILMAN CUTHBERTSON, COUNCILMAN MAYOKA

Seconded by: COUNCILWOMAN BERLAND

RESOLUTION AND
 ORDER AFTER PUBLIC
 HEARING

WHEREAS, the Town Board of the Town of Huntington (herein called the "Town Board" and "Town", respectively), in the County of Suffolk, New York, on behalf of the South Huntington Water District (herein called the "District"), in the Town, has caused to be prepared by Holzmacher, McLendon & Murrell, P.C., an engineer duly licensed by the State of New York (the "Engineer"), a plan for the increase and improvement of facilities (Phase IIIA) of the District, as more further described in the report entitled H2M Project No. SHWD 13-50, dated January

2013 (revised February 2013), prepared by the Engineer, all of said improvements to include any ancillary or related work required in connection with such projects; and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the cost thereof to be \$4,300,000; and

WHEREAS, the proposed plan of financing includes the issuance of not to exceed \$4,300,000 serial bonds to finance such cost; and

WHEREAS, the Town Board adopted an order describing in general terms the proposed increase and improvement of facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on June 4, 2013 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 100 Main Street, Huntington, New York, in the Town; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law and was mailed by first class mail to each owner of taxable real property in the District; and

WHEREAS, such public hearing was duly held by the Town Board on the 4th day of June, 2013 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 100 Main Street, Huntington, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, the District, as lead agency, has given due consideration to the impact that the projects referred to herein may have on the environment pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental

Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617; the District and the Engineer have determined that the projects referred to herein, comprising the Phase IIIA projects in the Engineer's map, plan and report entitled H2M Project No. SHWD 13-50, dated January 2013 (revised February 2013), constitute an Unlisted action for purposes of SEQRA; the District has reviewed the Short Environmental Assessment Form prepared by the Engineer for the District and determined that the Phase IIIA projects will not result in any significant adverse environmental impacts, and the District has issued a Negative Declaration for the Phase IIIA projects;

Now, therefore, on the basis of the information given at such hearing, it is hereby

DETERMINED, the Town Board, as lead agency, has given due consideration to the impact that the projects referred to herein may have on the environment pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617; the Town Board has determined that the projects referred to herein, comprising the Phase IIIA projects in the Engineer's map, plan and report entitled H2M Project No. SHWD 13-50, dated January 2013 (revised February 2013), constitute an Unlisted action for purposes of SEQRA; the Town Board has reviewed the Short Environmental Assessment Form prepared by the Engineer for the District and determined that the Phase IIIA projects will not result in any significant adverse environmental impacts, and the Town Board has issued a Negative Declaration for the Phase IIIA projects; and it is hereby

FURTHER DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$4,300,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the

expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney or the attorney for the District, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED that the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges; provided, however, that no monies shall be expended for the project described herein unless the District continues with its compliance with the provisions of the District's March 16, 2004 Resolution governing the requirement of contractors and subcontractors on construction contracts to have approved apprenticeship agreements; and it is hereby

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FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Suffolk County within ten (10) days after adoption thereof.

DATED: June 4, 2013

(SEAL)

TOWN BOARD OF THE TOWN OF HUNTINGTON

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Frank P. Petrone	voting <u> AYE </u>
Councilwoman Susan A. Berland	voting <u> AYE </u>
Councilman Eugene Cook	voting <u> AYE </u>
Councilman Mark A. Cuthbertson	voting <u> AYE </u>
Councilwoman Mark Mayoka	voting <u> AYE </u>

The Resolution and Order were declared adopted.

CERTIFICATE

I, JO-ANN RAI, Town Clerk of the Town of Huntington, in the County of Suffolk, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Huntington duly called and held on June 4, 2013, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Huntington this ____ day of _____, 2013.

(SEAL)

Jo-Ann Raia, Town Clerk
Town of Huntington

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED JUNE 4, 2013, APPROPRIATING
\$4,300,000 FOR THE INCREASE AND IMPROVEMENT OF
FACILITIES OF THE SOUTH HUNTINGTON WATER
DISTRICT, AND AUTHORIZING THE ISSUANCE OF SERIAL
BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF
NOT TO EXCEED \$4,300,000 TO FINANCE SAID
APPROPRIATION

Offered by: COUNCILMAN MAYOKA, COUNCILMAN CUTHBERTSON

Seconded By: SUPERVISOR PETRONE

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of the South Huntington Water District (herein called the "District"), in the Town of Huntington (herein called the "Town"), in the County of Suffolk, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN
THE COUNTY OF SUFFOLK, NEW YORK (by the favorable vote of not less than two-thirds of
all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$4,300,000 for the increase and improvement of facilities of the District, (Phase IIIA), as more further described in the report entitled H2M Project No. SHWD 13-50, dated January 2013 (revised February 2013), prepared for the District by Holzmacher, McLendon & Murrell, P.C., an engineer duly licensed by the State of New York (the "Engineer"), all of said improvements to include any ancillary or related work required in connection with such projects. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,300,000. The plan of financing includes the issuance of not to exceed \$4,300,000 serial bonds to finance said appropriation. The plan of financing also includes the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of not to exceed \$4,300,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said \$4,300,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

(d) The District, as lead agency, has given due consideration to the impact that the projects described herein may have on the environment pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617; and the District and the Engineer have determined that each of the projects described herein, comprising the Phase II projects in the engineer's map, plan and report dated April 2013, are Type II projects for purposes of SEQRA and no further review is required.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation

notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish this bond resolution, in summary, in "THE OBSERVER" and "THE LONG ISLANDER," two newspapers each having a general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Frank P. Petrone	voting <u> AYE </u>
Councilwoman Susan A. Berland	voting <u> AYE </u>
Councilman Eugene Cook	voting <u> AYE </u>
Councilman Mark A. Cuthbertson	voting <u> AYE </u>
Councilman Mark Mayoka	voting <u> AYE </u>

The Resolution was declared adopted.

CERTIFICATE

I, JO-ANN RAI, Town Clerk of the Town of Huntington, in the County of Suffolk, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on June 4, 2013 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this _____ day of _____, 2013.

(SEAL)

Jo-Ann Raia, Town Clerk
Town of Huntington

(NOTICE AND SUMMARY OF BOND RESOLUTION FOR PUBLICATION)
NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 4th day of June, 2013, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Huntington, in the County of Suffolk, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HUNTINGTON

Dated: June 4, 2013
Huntington, New York

JO-ANN RAIK
Town Clerk

BOND RESOLUTION OF THE TOWN OF HUNTINGTON, NEW YORK, ADOPTED JUNE 4, 2013, APPROPRIATING \$4,300,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE SOUTH HUNTINGTON WATER DISTRICT, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,300,000 TO FINANCE SAID APPROPRIATION

The object or purpose for which the bonds are authorized to be issued is the increase and improvement of facilities (Phase IIIA) of the District, as more further described in the report entitled H2M Project No. SHWD 13-50, dated January 2013 (revised February 2013), prepared for the District by Holzmacher, McLendon & Murrell, P.C., an engineer duly licensed by the State of New York, all of said improvements to include any ancillary or related work required in connection with such projects. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,300,000.

The amount of obligations to be issued is not to exceed \$4,300,000.

The period of probable usefulness is forty (40) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, 100 Main Street, Huntington, New York.

The bond resolution was adopted on June 4, 2013.

OPEN MEETINGS LAW CERTIFICATE

I, JO-ANN RAI, the undersigned Town Clerk of the Town of Huntington, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed Order and Resolutions adopted at the meeting of the Town Board of the Town of Huntington, New York, held on June 4, 2013, with the originals thereof on file in my office, and that the same is a true and correct copy thereof and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Town Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law (Open Meeting Law), said meeting was open to the general public.

I FURTHER CERTIFY that, prior to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspaper and/or other news media as follows:

<u>Newspapers and/or Other Media</u>	<u>Date Given</u>
_____	_____
_____	_____
_____	_____

I FURTHER CERTIFY that prior to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated location(s) on the following dates:

<u>Designated Location(s) of Posted Notice</u>	<u>Date of Posting</u>
_____	_____
_____	_____
_____	_____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this _____ day of _____, 2013.

Jo-Ann Raia, Town Clerk

ESTOPPEL CERTIFICATE

I, JO-ANN RAI, Town Clerk of the Town of Huntington, in the County of Suffolk, New York (the "Town"), HEREBY CERTIFY as follows:

That a resolution of the Town Board of said Town entitled:

"BOND RESOLUTION OF THE TOWN OF HUNTINGTON, NEW YORK, ADOPTED JUNE 4, 2013, APPROPRIATING \$4,300,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE SOUTH HUNTINGTON WATER DISTRICT, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,300,000 TO FINANCE SAID APPROPRIATION,"

was adopted on June 4, 2013, and such resolution contained an estoppel clause as permitted by Section 80.00 of the Local Finance Law and a notice setting forth substantially the statements referred to in Section 81.00 of the Local Finance Law, together with a summary of such resolution, was duly published as referred to in said Section 81.00 of the Local Finance Law; and

That to the best of my knowledge, no action, suit or proceeding contesting the validity of the obligations authorized by such resolution was commenced within twenty days from the date of publication of such notice.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this ____ day of _____, 2013.

Jo-Ann Raia
Town Clerk

At a regular meeting of the Town Board of the Town of Huntington, in the County of Suffolk, New York, held at the Town Hall, 100 Main Street, Huntington, New York, on the 4th day of June, 2013.

PRESENT:

Hon. Frank P. Petrone, Supervisor
Susan A. Berland, Councilwoman
Eugene Cook, Councilman
Mark A. Cuthbertson, Councilman
Mark Mayoka, Councilman

In the Matter

of the

Increase and Improvement of Facilities of the
Greenlawn Water District, in the Town of Huntington,
in the County of Suffolk, New York, pursuant to
Section 202-b of the Town Law

Offered by: COUNCILMAN CUTHBERTSON, COUNCILWOMAN BERLAND

Seconded by: COUNCILMAN COOK, COUNCILMAN MAYOKA

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Huntington (herein called the "Town Board" and the "Town", respectively), in the County of Suffolk, New York, and the Greenlawn Water District (herein called the "District"), in the Town, have reviewed a preliminary map, plan and report prepared by Holzmacher, McLendon & Murrell, P.C., an engineer duly licensed by the State of New York (the "Engineer"), for the increase and improvement of facilities of the District, consisting of the construction of various water system improvements as further described in the report entitled H2M Project No. GLWD 12-08, dated

January 2013, of the Engineer, such improvements include but are not limited to the construction of a new Well No. 18 and new well house for such well, the foregoing to include any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith; and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the cost thereof to be \$1,700,000; and

WHEREAS, the Town Board adopted an order describing in general terms the proposed increase and improvement of facilities, specifying the estimated cost thereof, and stating the Town Board shall meet to hear all persons interested in said increase and improvement of facilities on June 4, 2013 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 100 Main Street, Huntington, New York, in the Town; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law and was mailed by first class mail to each owner of taxable real property in the District; and

WHEREAS, such public hearing was duly held by the Town Board on the 4th day of June, 2013 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 100 Main Street, Huntington, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact such project may have on the environment and has determined that such project constitutes an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R.,

Regulations Part 617; the Town Board has reviewed a Full Environmental Assessment Form prepared by the Engineer for such project and determined that the project will not result in any significant adverse environmental impacts, and the Town Board has adopted a negative declaration for such project;

Now, therefore, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$1,700,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney or the attorney for the District, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the increase and improvement of facilities shall be financed by the issuance of not to exceed \$1,700,000 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges; provided, however, that no monies shall be expended for the project described herein unless the District continues with its compliance with the provisions of the District Board's September 9, 2002 Resolution governing the requirement of contractors and

subcontractors on construction contracts to have approved apprenticeship agreements; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Suffolk County within ten (10) days after adoption thereof.

DATED: June 4, 2013

(SEAL)

TOWN BOARD OF THE TOWN OF HUNTINGTON

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Frank P. Petrone	voting_____	AYE
Councilwoman Susan A. Berland	voting_____	AYE
Councilman Eugene Cook	voting_____	AYE
Councilman Mark A. Cuthbertson	voting_____	AYE
Councilwoman Mark Mayoka	voting_____	AYE

The Resolution and Order were declared adopted.

CERTIFICATE

I, JO-ANN RAIA, Town Clerk of the Town of Huntington, in the County of Suffolk, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on June 4, 2013 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the

corporate seal of said Town this _____ day of
_____, 2013.

(SEAL)

Jo-Ann Raia, Town Clerk
Town of Huntington

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED JUNE 4, 2013, APPROPRIATING
\$1,700,000 FOR THE INCREASE AND IMPROVEMENT OF
FACILITIES OF THE GREENLAWN WATER DISTRICT, AND
AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF
SAID TOWN IN THE PRINCIPAL AMOUNT OF NOT TO
EXCEED \$1,700,000 TO FINANCE SAID APPROPRIATION

Offered By: COUNCILMAN CUTHBERTSON, COUNCILWOMAN BERLAND, COUNCILMAN MAYOKA

Seconded By: COUNCILMAN COOK

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of the Greenlawn Water District (herein called the "District"), in the Town of Huntington (herein called the "Town"), in the County of Suffolk, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, IN THE COUNTY OF SUFFOLK, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$1,700,000 for the increase and improvement of facilities of the District, consisting of the construction of various

water system improvements as further described in the report entitled H2M Project No. GLWD 12-08, dated January 2013, of Holzmacher, McLendon & Murrell, P.C., an engineer duly licensed by the State of New York (the "Engineer"), such improvements include but are not limited to the construction of a new Well No. 18 and new well house for such well, the foregoing to include any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith. The estimated maximum cost of the project, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,700,000. The plan of financing includes the issuance of not to exceed \$1,700,000 bonds of the Town to finance said appropriation, and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of not to exceed \$1,700,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized.

The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

(d) The Town Board, as lead agency, has given due consideration to the impact such project may have on the environment and has determined that such project constitutes an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617; the Town Board has reviewed a Full Environmental Assessment Form prepared by the Engineer for such project and determined that the project will not result in any significant adverse environmental impacts, and the Town Board has adopted a negative declaration for such project.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds

with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in "THE OBSERVER," and "THE LONG ISLANDER," two newspapers each having a general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The adoption of the foregoing Resolution was duly put to a vote on roll call,
which resulted as follows:

Supervisor Frank P. Petrone	voting <u> AYE </u>
Councilwoman Susan A. Berland	voting <u> AYE </u>
Councilman Eugene Cook	voting <u> AYE </u>
Councilman Mark A. Cuthbertson	voting <u> AYE </u>
Councilwoman Mark Mayoka	voting <u> AYE </u>

The Resolution was declared adopted.

CERTIFICATE

I, JO-ANN RAIA, Town Clerk of the Town of Huntington, in the County of Suffolk, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on June 4, 2013 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this _____ day of _____, 2013.

(SEAL)

Jo-Ann Raia, Town Clerk
Town of Huntington

NOTICE TO BE ATTACHED TO AND **TO BE PUBLISHED** WITH BOND
RESOLUTION AFTER ADOPTION)

NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 4th day of June, 2013, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF HUNTINGTON, in the County of Suffolk, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HUNTINGTON

Dated: June 4, 2013
Huntington, New York

Jo-Ann Raia
Town Clerk

BOND RESOLUTION OF THE TOWN OF HUNTINGTON,
NEW YORK, ADOPTED JUNE 4, 2013, APPROPRIATING
\$1,700,000 FOR THE INCREASE AND IMPROVEMENT OF
FACILITIES OF THE GREENLAWN WATER DISTRICT, AND
AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF
SAID TOWN IN THE PRINCIPAL AMOUNT OF NOT TO
EXCEED \$1,700,000 TO FINANCE SAID APPROPRIATION

The object or purpose for which the bonds are authorized is the increase and improvement of facilities of the District, consisting of the construction of various water system improvements as further described in the report entitled H2M Project No. GLWD 12-08, dated January 2013, of Holzmacher, McLendon & Murrell, P.C., an engineer duly licensed by the State of New York, such improvements include but are not limited to the construction of a new Well No. 18 and new well house for such well, the foregoing to include any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith. The estimated maximum cost of the project, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,700,000.

The amount of obligations to be issued is not to exceed \$1,700,000.

The period of probable usefulness is forty (40) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, 100 Main Street, Huntington, New York.

The Bond Resolution was adopted on June 4, 2013.

OPEN MEETINGS LAW CERTIFICATE

I, JO-ANN RAIA, the undersigned Town Clerk of the Town of Huntington, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed Extract of the Minutes of the meeting of the Town Board of the Town of Huntington, New York, held on June 4, 2013, including the Minutes, Order and Resolutions contained therein, with the original thereof on file in my office, and that the same is a true and correct copy thereof and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Town Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law (Open Meeting Law), said meeting was open to the general public.

I FURTHER CERTIFY that, prior to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspaper and/or other news media as follows:

<u>Newspapers and/or Other Media</u>	<u>Date Given</u>
_____	_____
_____	_____
_____	_____

I FURTHER CERTIFY that prior to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated location(s) on the following dates:

<u>Designated Location(s) of Posted Notice</u>	<u>Date of Posting</u>
_____	_____
_____	_____
_____	_____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this _____, day of _____, 2013

Jo-Ann Raia, Town Clerk

ESTOPPEL CERTIFICATE

I, JO-ANN RAIA, Town Clerk of the Town of Huntington, in the County of Suffolk, New York (the "Town"), HEREBY CERTIFY as follows:

That a resolution of the Town Board of said Town entitled:

"BOND RESOLUTION OF THE TOWN OF HUNTINGTON, NEW YORK, ADOPTED JUNE 4, 2013, APPROPRIATING \$1,700,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE GREENLAWN WATER DISTRICT, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,700,000 TO FINANCE SAID APPROPRIATION,"

was adopted on June 4, 2013, and such resolution contained an estoppel clause as permitted by Section 80.00 of the Local Finance Law and a notice setting forth substantially the statements referred to in Section 81.00 of the Local Finance Law, together with a summary of such resolution, was duly published as referred to in said Section 81.00 of the Local Finance Law; and

That to the best of my knowledge, no action, suit or proceeding contesting the validity of the obligations authorized by such resolution was commenced within twenty days from the date of publication of such notice.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this ____ day of _____, 2013.

Jo-Ann Raia
Town Clerk

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 18 - 2013 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE I (GENERAL PROVISIONS) AND ARTICLE IV (COMMERCIAL DISTRICTS).

Resolution for Town Board Meeting dated: June 4, 2013

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, an analysis of Convenience Markets prepared by the Town's Planning Department in April 2011 revealed that such uses require properties of sufficient area to provide appropriate parking, off-street loading areas for delivery trucks and tractor trailers that do not conflict with the customer vehicular and pedestrian circulation on a particular site and appropriate buffers to neighboring residences; and

WHEREAS, in June 2011 the Town Board amended the Zoning Code to include a definition of Convenience Markets and require that freestanding Convenience Markets obtain a special use permit and meet specific area and site provisions to locate in various commercial zones based on the need for such uses to have additional land area to provide necessary parking, loading areas, and buffers from adjacent residential areas relative to general retail uses permitted in the subject commercial zones; and

WHEREAS, the subject Town Planning Department Study found that many Convenience Markets in the Town of Huntington have been found to lack adequate off-street loading areas for delivery trucks, which are increasingly in the form of 18-wheel tractor trailers, resulting in nearby residential streets being utilized for off-street loading areas, thereby detracting from the residential quality of life in adjacent neighborhoods, and

WHEREAS, the Town Board did not included Convenience Markets in shopping centers in the June 2011 Zoning Code amendments since they were generally located within larger sites that offered appropriate areas for setbacks and the Zoning Code already included a requirement that shopping centers with 10,000 square feet of building square footage or more are required to have loading areas; and

WHEREAS, upon further review and consideration, it has been concluded that it is necessary to address the site planning and loading issues for Convenience Markets in shopping centers under 10,000 square feet of retail and restaurant square feet that were not addressed in the prior Zoning Code amendments; and

WHEREAS, this action is classified Type I pursuant to SEQRA 617.4(b)(2) as it involves the adoption of changes in the allowable uses within commercial zoning districts, affecting 25 or more acres of the district;

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 13th day of August, 2013 at 7:00 pm at Town Hall, 100 Main Street Huntington, New York, to consider adopting Local Law Introductory Number 18 - 2013 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article IV (Commercial Districts), as follows:

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

LOCAL LAW INTRODUCTORY NO. 18 -2013
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE I (GENERAL PROVISIONS) AND
ARTICLE IV (COMMERCIAL DISTRICTS)

Section 1. Amendment to Chapter 198 (Zoning), Article IV (Commercial Districts) of the Code of the Town of Huntington.

CHAPTER 198 (ZONING)
ARTICLE IV (COMMERCIAL DISTRICTS)

* * *

§ 198-25. C-4 Neighborhood Business District.

The regulations set forth in this section or set forth elsewhere and referring to this section are intended to provide for convenience-type retail and service outlets designed principally for residential neighborhood service.

A. Use regulations. In the C-4 Neighborhood Business District, a building or premises shall be used only for the following purposes:

- * * *
- (11) Convenience Markets in shopping centers with at least 10,000 square feet or more of retail or restaurant gross floor area, and in hamlet centers where no parking is provided on site.

* * *

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

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

- F. Off-street loading regulations. There are no off-street loading requirements for the C-6 General Business District, except for shopping centers with at least 10,000 square feet or more of retail or restaurant gross floor area that include a Convenience Market as a tenant.

* * *

§ 198-27.1. C-6 Huntington Station Overlay District.

Purpose. The purpose of adopting this overlay zone is to create a business district that will accommodate neighborhood shopping, encourage job creation, allow for a community where people can easily walk to acquire the day to day needs, and yield ratables commensurate with the uses permitted.

- A. Use regulations. Unless otherwise specifically prohibited, the as-of-right uses provided in the C-6 General Business District shall be permitted in the C-6 Huntington Station Overlay District, subject to any restrictions and limitations contained in this section. In the event the provisions of § 198-27 conflict with the provisions of this section, this section shall be controlling. In addition to such permitted uses, a building, structure or premises in the C-6 Huntington Station Overlay District may be used for the following purposes:

* * *

- (18) Convenience Markets in shopping centers with at least 10,000 square feet or more of retail or restaurant gross floor area, and in hamlet centers where no parking is provided on site.

* * *

- C. Conditional uses. Unless otherwise specifically prohibited, the conditionally permitted uses provided in the C-6 General Business District shall be conditionally permitted in the C-6 Huntington Station Overlay District, subject to any restrictions or limitations contained in this section. In the event the provisions of § 198-27 conflict with the provisions of this section, this section shall be controlling. In addition to such conditional uses, the following conditionally permitted uses shall be permitted subject to the issuance of a special use permit. In no event shall a special use permit be issued or approved if any one of the conditions for the stated use is not met.

* * *

- (7) Freestanding Convenience Markets and convenience markets in shopping centers with less than 10,000 square feet of retail and restaurant space, provided that:

- (a) A Convenience Market use in a freestanding building or shopping center with less than 10,000 square feet of retail and restaurant space shall have a minimum lot area of twenty-five thousand (25,000) square feet.

2013-304

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 19-2013 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

RE: ABBY DRIVE, EAST NORTHPORT – STOP SIGNS

Resolution for Town Board Meeting dated: June 4, 2013

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to comply with the applicable traffic regulations published by the Federal Highway Administration in order to establish intersection control and right-of-way compliance;

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 9th day of July, 2013 at 2:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 19-2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G.; as follows:

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

LOCAL LAW INTRODUCTORY NO. 19-2013
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

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

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

2013-304

	<u>SIGN ON</u>	<u>SIGN</u>	<u>DIRECTION</u>	<u>AT</u>
ADD:	Abby Drive	STOP	<u>OF TRAVEL</u>	<u>INTERSECTION OF:</u>
	(ENP)		WEST	Elmbark Lane

Section 2. Severability.

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

Section 3. Effective Date.

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

2013-305

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 20 -2013 AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

RE: CREEK ROAD, HUNTINGTON – STOP SIGNS

Resolution for Town Board Meeting dated: June 4, 2013

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town Board wishes to amend the Uniform Traffic Code in order to comply with the applicable traffic regulations published by the Federal Highway Administration which has been necessitated by the recent installation of a roundabout abutting the affected roadway;

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 9th day of July, 2013 at 2:00 p.m., Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 20 -2013 amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, ARTICLE IV, §2-7, SCHEDULE G.; as follows:

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

LOCAL LAW INTRODUCTORY NO. 20 -2013
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON
CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

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

UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON

CHAPTER 2, ARTICLE IV, §2-7, SCHEDULE G.

	<u>SIGN ON</u>	<u>SIGN</u>	<u>DIRECTION</u>	<u>AT</u>
DELETE:	Creek Road	STOP	<u>OF TRAVEL</u>	<u>INTERSECTION OF:</u>
	(GLN)		EAST	Park Avenue

Section 2. Severability.

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

Section 3. Effective Date.

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 21 -2013, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 141 (NOISE)

Resolution for Town Board Meeting Dated: June 4, 2013

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

WHEREAS, the Town Board wishes to update its noise ordinance to remove ambiguities as to the issuance of sound permits and to enhance the ability of town officers to enforce the provisions of the chapter to the fullest extent possible in order to maintain the peace and good order, and to enhance the use and enjoyment of properties in the near vicinity of those using sound devices; and

WHEREAS, the revisions to existing noise regulations established in Chapter 141 of the Town Code are a Type II Actions in accordance with 6 NYCRR Part 617.5(c)(20 & 27) of the SEQRA regulations; and therefore, no further environmental review is required; and

NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby schedules a public hearing for the 9th day of July, 2013 at 2:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 21 -2013, amending the Code of the Town of Huntington, Chapter 141 (Noise); as follows:

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

LOCAL LAW INTRODUCTORY NO. 21 - 2013
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 141 (NOISE)

Section 1. Chapter 141 (Noise) of the Huntington Town Code is hereby amended as follows:

CHAPTER 141 (NOISE)

ARTICLE I
GENERAL PROVISIONS

§141-1. [Findings.] Legislative intent.

The Town Board of the Town of Huntington in the exercise of its enforcement powers, hereby declares its intent to minimize to the fullest extent possible unreasonably loud and disturbing noises that are prolonged, unusual, or unnatural in their time, place, and operation. Unreasonable noise is detrimental to the life, health, safety and welfare of Town residents; interferes with the quiet use and enjoyment of land; and disturbs the peace, comfort, and good order of neighboring areas and the community-at-large [It is found and declared that the making and creation of a noise disturbance within the limits of the Town of Huntington is a condition which has existed for some time, and the extent and volume of such noises is increasing. The making, creation or maintenance of such noise disturbances which are prolonged, unusual or unnatural in their time, place and use affect and are a detriment to the peace, welfare, comfort, safety, convenience, good order and prosperity of the residents of the Town of Huntington, and the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, peace, good order, safety, welfare and prosperity of the Town of Huntington and its inhabitants.]

§141-2. [Prohibition: NOISE DISTURBANCE PROHIBITED.] Noise disturbance prohibited. No person or business entity shall make, continue, allow, permit, [or] cause or maintain [to be made or cause to be continued to be made] any noise disturbance by any means within the Town of Huntington.

§141-3. [§141-2.1.] Definitions. For the purposes of this chapter, the following terms shall have the meanings indicated:

NOISE DISTURBANCE

A. Any noise, which endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property.

B. The noise from any prohibited act that disturbs two (2) or more residents who are in general agreement as to the times and durations of the noise and who reside in separate residences, including apartments and condominiums, located across a property line (boundary) from the property on which the source of noise is generated, shall be [proof] prima facie evidence of the existence of a noise disturbance.

SOUND DEVICE OR APPARATUS -- Any electronic, acoustic, digital or electrical device, apparatus or equipment, whether fixed or mobile, used for the production, transmission, amplification, intensification or reproduction of the human voice, music or other sounds.

ARTICLE II
NOISE DISTURBANCE

§141-4. [§141-3.] Noise disturbances enumerated. The following acts, among others, are declared to be noise disturbances in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

A. Radios, [phonographs and television sets] stereos, musical instruments, MP3 players, television sets and other similar devices. [The using, operating or permitting to be played, used or operated of any television or radio receiving set, musical instrument, phonograph or] It shall be unlawful to operate, use, or play, or to cause, allow or permit another to operate or use any radio, stereo, television set, musical instrument, MP3 player or other [machine or] device for producing, [or] reproducing, or transmitting [of] sound in such manner as to disturb the peace, quiet and comfort of the [neighboring inhabitants] surrounding community; the use and enjoyment of surrounding properties; or, at any time, of louder volume than is necessary or is unreasonably loud for the convenient hearing [of the person or persons who are] of those in the room, vehicle, chamber or area in which such [machine or] device is operated [and who are voluntary listeners thereto]. The operation of any such set, instrument, [phonograph, machine] apparatus or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, vehicle or area [in which it is located] where such device is located shall be prima facie evidence of a violation of this section.

* * *

L. Drums and other instruments. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise [to] at any performance, show or [sale] event.

* * *

O. Loudspeakers. The operation of any loudspeakers or speaker systems or any device for the production, amplification, intensification or reproduction of sound, in a manner that creates [public] annoyance, alarm, [or] inconvenience or noise disturbance.

§141- 5. Presumptive evidence. Unless otherwise stated in this chapter, the use of any sound device, machinery, equipment, or engine so as to cause the sound produced thereby

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to be audible outside the building or beyond the property lines of where it originates between the hours of 11:00 p.m. and 7:00 a.m. the following day shall be prima facie evidence of a violation of this chapter.

§141- 6. through §141- 8. (Reserved)

ARTICLE III
AMPLIFIERS, LOUDSPEAKERS
AND PUBLIC ADDRESS SYSTEMS

[§141-4.] [Regulation of amplifiers, loudspeakers and public-address systems.]

[A.] [Findings. It is found and declared that the use or operation of any device or apparatus for the amplification of sounds from any radio, phonograph or other sound-producing device, or any device or apparatus for the reproduction or amplification of the human voice or other sounds, on any public street or outside of any building, place or premises or near any building or on any place adjacent to a public street, park or place or in or upon any vehicle being operated or standing on a public street, park or place where the sounds therefrom may be heard upon any public street, park or place from any stand, platform or other structure, is detrimental to the health, welfare and safety of the inhabitants of the town, and, further, that such use or operation disturbs the public peace and comfort and the peaceful enjoyment by the people of the Town of their rights to use the public streets, parks and places for streets, parks and other public purposes and disturbs the peace, quiet and comfort of neighboring inhabitants.]

[B.] [As used in this section, the following terms shall have the meanings indicated:
SOUND DEVICE OR APPARATUS -- Any radio device or apparatus or any device or apparatus for the amplification of any sound from any radio, phonograph or other sound-making or sound-producing device, or any device or apparatus for the reproduction of or amplification of the human voice or other sounds.]

[C.] [Use of sound devices for advertising. It shall be unlawful for any person to use or operate any sound device or apparatus in, on, near or adjacent to any public building, park or place for commercial, business and political advertising purposes. It shall be further prohibited and unlawful for any person to use or operate any sound device or apparatus upon any vehicle, whether being operated, moving or standing on a public street, park or place, where the sounds therefrom may be heard upon any public street, park or place within the Town of Huntington.]

§141-9 [D.] Permit required for use of sound devices other than for advertising purposes. It shall be unlawful for any [person] property owner or person in possession or in-charge of the property, their designated agents, and any disc jockey, band, entertainer or person performing, appearing or providing services at the event to use or operate, or to cause or allow the use or operation of any sound device or apparatus in, on, near or adjacent to any [public] street, park or place unless [he shall have first obtained] a sound permit for such use or operation has been [, to be] issued by the Town Clerk in the manner hereinafter prescribed[, and unless he shall comply with the provisions of this section and the terms and conditions described in such permit].

§141-10. Exemptions. No sound permit shall be required in the following circumstances:

(A) Any sound device used in a public parade, in the Thimble Theatre and the Harry Chapin Rainbow Theater, or at any event solely sponsored by the Town of Huntington.

(B) Any sound device or apparatus used by religious institutions on or within its own premises in conjunction with religious services as long as such devices are not unreasonably loud or disturbing or of such character, intensity or duration as to be detrimental to the peaceful and tranquil enjoyment of surrounding properties and the community-at-large.

(C) Sound devices used solely for the purpose of warning, protecting or alerting the public or some segment thereof of the existence of an emergency or danger, including but not limited to the sirens of emergency response vehicles.

(D) Sound devices, whether fixed or mobile, to be used to direct holiday music outside of buildings and into the streets of the Town of Huntington as approved by the Town Board from the Thanksgiving Holiday up to and including December 31 each year between the hours of 9:00 am and 9:00 pm.

(E) Sound devices used by Federal, State and local governmental agencies in furtherance of their governmental duties.

(F) Sound devices used during organized sporting events by leagues, clubs, and private or public schools.

(G) Residential property owners or lessees who use a sound device for personal purposes at their residences and not in connection with a special event at the site, as long as such devices are not unreasonably loud or disturbing or of such character, intensity or duration as to be detrimental to the peaceful and tranquil enjoyment of surrounding properties and the community-at-large.

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§141-11. [E.] Application for permit.

(A) The property owner, a lessee of property or their designated agent [Each applicant for a permit] shall file a written application with the Town Clerk together with a non-refundable application fee of twenty-five (\$25) dollars no less than three (3) business days before the event. Upon good cause shown, the Town Clerk or the Director of Public Safety, or their designees, may accept an application beyond the period specified.

(B) If the agent is the applicant, then the application shall be consented to and acknowledged in writing by the owner or lessee of the property, and same shall be bound by the statements in the application; the terms, conditions and restrictions of the permit; and the provisions of this chapter in the same manner as the agent.

(C) Such application shall contain the name, address and contact numbers of the property owner and the person in possession or in-charge of the property, their designated agents, and the name, address and contact numbers of the disc jockey, band, entertainer or person appearing or providing services at the event, if applicable; shall describe the event; the specific location where the sound device or apparatus is proposed to be used; the date and hours of day during which it will be used or operated; [the volume of sound which is proposed to be used, measured by decibels or by any other efficient method of measuring sound] the nature and type of sound apparatus to be used; and such other pertinent information as the Town Clerk may deem necessary to carry out the provisions of this [section] chapter.

§141-12. Action on applications.

(A) The Town Clerk may approve an application for a permit in whole or in part subject to such conditions and restrictions deemed necessary by the Town Clerk upon the recommendation of the Director of Public Safety or otherwise, and subject further to compliance with all applicable laws, rules and/or regulations.

(B) If an application is denied by the Town Clerk, the reason for such denial shall be provided in writing and mailed to the applicant by regular mail to the address shown on the application.

§141-13. [F.] Issuance of permit. Each permit issued shall describe the event, the specific location where such sound device may be used or operated, the date and exact period of time [for which] such apparatus or device may be operated [in such] at the location, [the maximum volume of sound which may be employed in such use or operation,] and such [other] terms, [and] conditions, and restrictions as may be deemed necessary by the Town

Clerk, [for the purpose of securing the health, safety, comfort, convenience and peaceful enjoyment by the people of their right to use the public streets, parks or places for] in order to safeguard and protect the use and enjoyment of neighboring properties, streets, parks [or] and other public [purposes] places; [, protecting] and the health, welfare and safety of [the inhabitants of the Town and securing the peace, quiet and comfort of the neighboring inhabitants] the community-at-large.

§141-14. [G.] [Special restrictions. The Town Clerk shall not issue any permit for the use of the sound device or apparatus:] Denial of permit.

(A) No permit shall be issued under the following circumstances:

(1) In any location within five hundred (500) feet of a school, courthouse or church, during the hours of school, court or worship, respectively, or within five hundred (500) feet of any hospital or similar institutions.

(2) In any location where the Town Clerk, upon investigation, shall determine that the condition of vehicular or pedestrian traffic, or both, is such that the use of such a device or apparatus will constitute a threat to the safety of pedestrian or vehicular operators.

(3) In any location where the Town Clerk, upon investigation by the Director of Public Safety or otherwise, [shall] determines that [conditions of] because of overcrowding, or [of] the existence of road or street repairs or other physical conditions [are such that] the use of a sound device or apparatus will [deprive the public of the right to the] be hazardous to human health or safety, or detrimental to the safe, comfortable, convenient and peaceful enjoyment of any public street, park or place [for street, park or other public purpose, or will constitute a threat to the safety of pedestrians or other vehicle operators] .

* * *

(5) For events occurring between [Between] the hours of [10:00 p.m. and 9:a.m.] 11:00 p.m. and 9:00 a.m.

(B) The Town Clerk may deny a permit under the following circumstances:

(1) In the discretion of the Town Clerk prior violations by the same applicant or homeowner of (1) the terms or conditions of a prior sound permit, (2) the lawful order of the Director of Public Safety or his designee, or (3) the provisions

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of this Chapter or any rule or regulation promulgated pursuant to this Chapter, may be cause for denial of future permits.

(2) The Town Clerk may, in his or her judgment, deny an application for a permit if for any reason the issuance of a permit would be detrimental to the health, welfare and/or safety of the public or neighboring properties, or would create a hazard.

[H.] [Fees. Each applicant for a permit issued under the provisions of this section shall pay a fee of TWENTY FIVE AND NO/100 (\$25.00) DOLLARS for the use of such sound device or apparatus for each event; provided, however, that permits for the use of said sound devices or apparatus shall be issued to any bureau, commission, board or department of the United States Government, the State of New York or the Town of Huntington without fee.]

[I.] [Exceptions. The provisions of this section shall not apply to the use or operation of any sound device or apparatus by any church or synagogue on or within its own premises in connection with the religious rights or ceremonies of such church or synagogue.]

§141-15. Acceptance of permit. The acceptance of a permit shall constitute an agreement by the property owner and permit holder that they will comply in all respects with the terms and conditions of the permit, obey the lawful order of the Director of Public Safety, and all applicable laws and rules. A property owner and/or permit holder who fails to post a permit as required by this section shall be in violation of this article.

§141-16. Display of permit. The permit shall be properly posted in a conspicuous place at the premises for which it was issued. The permit shall be posted at all times during the event and shall not be removed until the event is concluded. A property owner and/or permit holder who fails to post a permit as required by this section shall be in violation of this article.

§141-17. Non-transferability of permit. It shall be unlawful to allow or cause a permit to be posted at a premises other than the premises for which the permit was issued. The property owner and/or permit holder and the owner of the property on whose property the permit is unlawfully posted shall be strictly liable for a violation of this article.

§141-18. Alteration of permit. It shall be unlawful to alter, obscure, deface, change or otherwise tamper with any portion of a permit issued by the Town of Huntington. The property owner and/or permit holder shall be strictly liable for a violation of this section.

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§141-19. Assignment of permit. It shall be unlawful to assign or transfer a permit issued pursuant to this Chapter without the expressed consent of the Town Clerk. Any permit transferred without such approval shall be null and void.

§141-20. Revocation of permit. The Town Clerk may revoke a permit, in the reasonable exercise of his/her discretion and pursuant to the recommendation of the Director of Public Safety or otherwise, under the following circumstances. In the event a permit is revoked, the fees for such permit shall be forfeited and shall not be refunded.

(A) Where there has been a false statement, misrepresentation or incorrect information on the application or in other information provided by the applicant.

(B) Where it is found that the permit was issued in error and should not have been issued in accordance with the applicable law.

(C) Where the Town Clerk finds that the property owner, person in possession or in charge of the property, their agent and/or permit holder is not in compliance with the terms and conditions of the permit, or with the lawful order of the Director of Public Safety or his designee, or with the provisions of this chapter or other applicable law or rule.

§141-21. through §141-22. (Reserved)

ARTICLE IV ADMINISTRATIVE REMEDIES AND ENFORCEMENT

§141-23. [§141-5] Penalties for offenses.

Any person, firm or corporation who violates any section of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be punished by a fine or penalty not less than [fifty dollars (\$50.)] one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250.) for a first violation, by a fine not less than two hundred fifty dollars (\$250.) but no more than one thousand dollars (\$1,000.) for a second violation of an offense which results in a conviction and occurs within thirty (30) days of the first violation resulting in conviction thereon, and by a fine of not less than one thousand dollars (\$1,000.) nor more than five thousand dollars (\$5,000.) for a third or succeeding violation occurring within two (2) years of the date of the first violation which resulted in a conviction.

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: June 4, 2013

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN MAYOKA**

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 **9th** day of **July, 2013 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.

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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-307

**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**

PREVIOUS EXHIBITS- SCHEDULE A	PROPERTY IN VIOLATION	TAX ID #	PROPERTY OWNER/ MAILING ADDRESS	NOTIFICATION DATE	ANNUAL REGISTRATION FEE
Exhibit 85	35 Vanderbilt Parkway, Dix Hills, NY 11746	0400-245.00-03.00-052.000	Eun Hee-Choi Soon Ja Choi Dix Hills, NY 11746	7-May-13	\$2,500.00
Exhibit 86	336 Larkfield Road E. Npt., NY 11731	0400-118.00-01.00-006.000	Alrose Larkfield LLC 1 Station Plaza Woodmere, NY 11598-2163	23-May-13	\$2,500.00

SCHEDULE A

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT FOR THE USE OF A PORTION OF A TOWN RECHARGE BASIN IDENTIFIED BY SCTM NO.: 0400-143.00-02.00-(011.001 and 011.002) AND ESTABLISHING COVENANTS AND RESTRICTIONS ON PROPERTY IDENTIFIED BY SCTM NO.: 0400-143.00-02.00-010.000

Resolution for Town Board Meeting Dated: June 4, 2013

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington is the owner of land located along 8th Avenue in Huntington Station, identified by SCTM No.: 0400-143.00-02.00-(011.001 and 011.002) which is currently being used as a recharge basin by the Highway Superintendent; and

WHEREAS, Roger and Carol McNair are the owners of adjoining property located at 100 8th Avenue, Huntington Station, New York and bearing SCTM No.: 0400-143.00-02.00-010.000; and

WHEREAS, it has come to the attention of the Huntington Town Board that the adjoining property owners, and/or their predecessors-in-interest, have installed and maintained a portion of a 4.75 feet by 5.5 feet concrete slab; an exterior electrical outlet box and associated wiring/equipment; and a portion of the concrete patio surrounding an inground swimming pool at a location that is beyond the easterly boundary line of their own property and intrudes into land owned by the Town of Huntington; and

WHEREAS, that said encroachments were accomplished without the knowledge and consent of the Huntington Town Board; and

WHEREAS, the Superintendent of Highways has indicated that the existence of these encroachments upon land used as a recharge basin does not, at the present time, create an obstruction or impedes the ability of the Superintendent to adequately operate and maintain the recharge basin; and

WHEREAS, resolving a property line dispute regarding the location of residential accessory structures and improvements is a Type II Action in accordance with SEQRA, 6 NYCRR Part 617.5 (c)(10, 17, 20 & 27), requiring no review; and

NOW, THEREFORE, THE HUNTINGTON TOWN BOARD

2013-309

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A
CERTIFICATE OF APPROVAL FOR AN INDIVIDUALLY DESIGNATED
HISTORIC SITE

RE: 12 PROSPECT STREET, HUNTINGTON—ST. JOHN'S EPISCOPAL CHURCH

Resolution for Town Board Meeting Dated: June 4, 2013

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by St. John's Episcopal Church of Huntington, 12 Prospect Street, Huntington, NY 11743, for a Certificate of Approval to install solar panels on the roof of the Great Hall building and solar panels on the roof of the education building at the premises located at 12 Prospect Street, Huntington, NY 11743 pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is an individually designated historic site and bears Suffolk County Tax Map #0400-069.00-04.00-067.000, and

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

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

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **9th** day of **July**, 2013, at **2:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of St. John's Episcopal Church.

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT
RE: 79 GOOSE HILL ROAD, COLD SPRING HARBOR—COLD SPRING HARBOR
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: June 4, 2013

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by David Ngai, 79 Goose Hill Road, Cold Spring Harbor, NY 11724, for a Certificate of Approval to legalize a 10-foot high fence (310 linear feet) surrounding a sports court in the rear yard of the one family dwelling located at 79 Goose Hill Road, Cold Spring Harbor, NY 11724 pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is located in the Cold Spring Harbor Historic District and bears Suffolk County Tax Map #0400-016.00-04.00-009.000, and

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

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

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **9th** day of **July**, 2013, at **2:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of David Ngai.

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT
RE: 559 PARK AVENUE, HUNTINGTON—OLD HUNTINGTON GREEN
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: June 4, 2013

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

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by Vandy Morris, 2 Shelly Lane, Mt. Sinai, NY 11766, for a Certificate of Approval to demolish a dilapidated barn in the rear yard of the premises located at 559 Park Avenue, Huntington, NY 11743 pursuant to regulations for historic districts, buildings and landmarks, Chapter 198, Article VI of the Code of the Town of Huntington, and

WHEREAS, said premises is located in the Old Huntington Green Historic District and bears Suffolk County Tax Map #0400-097.00-02.00-102.004, and

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

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

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **9th** day of **July**, 2013, at **2:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of Vandy Morris.

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

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2013-3/2

RESOLUTION ADOPTING A HOME RULE MESSAGE URGING THE NEW YORK STATE LEGISLATURE AND THE GOVERNOR TO ENACT LEGISLATION (S.4545/A.7080) DESIGNATING UNIFORMED OFFICERS OF THE HUNTINGTON FIRE MARSHAL'S OFFICE AS PEACE OFFICERS

Resolution for Town Board Meeting Dated: June 4, 2013

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

WHEREAS, Senator John Flanagan and Assemblyman Chad Lupinacci have introduced enabling legislation (S.4545/A.7080) to extend peace officer status to uniformed officers in the Huntington Fire Marshal's office and have requested the Town of Huntington re-introduce a Home Rule resolution in support of this; and

WHEREAS, this legislation extends to Huntington fire marshals powers and responsibilities currently exercised by their counterparts in Southampton and Riverhead, and would expand the number of unarmed, uniformed-service officers available to respond to and organize the scene of an emergency, accident, natural or man-made disaster; and

WHEREAS, the State Legislature has established a rigorous mandatory training, registration and oversight procedure to ensure that newly designated peace officers will be completely prepared to assume their new duties; and

WHEREAS, the designation of Peace Officers is a Home Rule determination, requiring the Town Board to affirmatively state its position that Peace Officer status for uniformed fire marshals is appropriate and necessary for the protection of public safety and welfare; and

WHEREAS, the adoption of this home rule message is not an action pursuant to 6 NYCRR §617.2(b) and therefore no SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY ADOPTS a Home Rule message urging the New York State Legislature and the Governor to enact legislation (S.4545/A.7080) designating uniformed officers of the Huntington Fire Marshal's office as Peace Officers; and

HEREBY DIRECTS the Town Clerk to forward certified copies of this resolution to Governor Andrew Cuomo, Senate Republican Conference Leader Dean G. Skelos, Senate Independent Democrat Conference Leader Jeffrey A. Klein, Assembly Speaker Sheldon Silver, and the Home Rule Counsels to the Senate and Assembly; and

RESOLUTION AMENDING THE TOWN OF HUNTINGTON POLICY AND PROCEDURE MANUAL

Resolution for Town Board Meeting Dated: June 4, 2013

The following resolution was offered by: Supervisor Petrone
Councilman Cuthbertson
COUNCILMAN MAYOKA

and seconded by COUNCILWOMAN BERLAND

WHEREAS, by Resolution 2011-193 the Huntington Town Board adopted a Policy and Procedure Manual to improve government efficiency and effectiveness; and

WHEREAS, the Huntington Town Board, after careful consideration, wishes to amend procedures involving the presentation of proposed bonding resolutions and the retainer of outside professional legal consultants; and

WHEREAS, amending the Town's Policies and Procedures is not an action pursuant to 6 N.Y.C.R.R. §617.5(c)(20), and therefore, no further review is required pursuant to SEQRA.

NOW, THEREFORE, THE TOWN BOARD

HEREBY AMENDS the Town of Huntington Policy and Procedure Manual; as follows:

TOWN OF HUNTINGTON POLICY AND PROCEDURE MANUAL

* * *

DEBT MANAGEMENT POLICY

* * *

II. Policy.

Debt will be issued to finance significant capital construction and renovation projects, land and building acquisitions and equipment purchases that can be capitalized when pay-as-you-go options such as capital grants, contributions from other governments or reserve and fund balances are not available or sufficient. Debt issuance will not be used to finance current operations or normal maintenance.

The Town of Huntington will manage its debt and sustain its financial position in order to seek and maintain the highest credit ratings possible for all categories of short-and long-term General Obligation debt that can be achieved without compromising delivery of basic Town services and achievement of Town policy objectives.

In addition to long term debt obligations, short term obligations (such as bond anticipation notes) may be issued to finance projects or portions of projects or to provide

interim financing for projects for which the Town may ultimately intend to issue long term debt.

* * *

B. Bond Resolutions, Use of Bonds and Note Proceeds.

(1) The Director of Audit and Control will, to the extent possible, provide the Town Board with a draft of any bonding resolution seven (7) days prior to a vote by the Board.

(2) Bond and note proceeds shall be used only for the purpose for which the bonds were authorized by the Town Board, pursuant to the applicable bond resolution. All bond-financed projects will be reviewed continuously for compliance with applicable laws regarding use of proceeds, including provisions of the Internal Revenue Code of 1986, as amended, and the Regulations promulgated thereunder (the "Code") relating to the private use of bond-financed facilities.

* * *

III. Procedure.

A. [D] Debt Issuance Approval.

* * *

B. [E] Debt Issuance.

* * *

PURCHASING POLICY.

* * *

II. Policy.

The Purchasing Division shall make ALL purchases and issue contracts for supplies, materials, and equipment for the Town and for any Town official, Department, board or agency for which the Town may be liable, and for any special district other than a district having a separate board of commissioners.

The Purchasing Division shall have sole discretionary authority to initiate the formal bidding process, whether or not a state or county bid exists. The purchase of any item or commodity which the Purchasing Division reasonably estimates will, in aggregate, exceed the statutory limit on a townwide basis during the fiscal year, must be awarded to the lowest responsible bidder after publicly advertising for sealed bids as prescribed by §103 General Municipal Law.

The Purchasing Division shall prepare the notices to bidders, arrange for publication in the official newspaper of the Town, and assure that the affidavit of publication is filed with the Town Clerk's Office.

The Purchasing Division will conduct periodic reviews of the quantities of goods and services purchased by both commodity, as generally defined by National Institute of Government Purchasing Code, and by vendor to determine if the volume of activity will likely exceed the limits beyond which formal competitive bidding must be conducted.

The Town Board will award purchasing contracts to the lowest, responsible bidder recommended by the Director of Purchasing for contracted public work projects, contracted professional services and contracted services.

A. [D] Materials, Equipment, Supplies and Services.

* * *

B. [E] Public Works.

* * *

C. [F] Professional Services.

* * *

D. [G] Requests for Proposals Process.

* * *

E. Request for Proposals (RFP) for Legal Services. When the Town Attorney determines that outside professional legal services are required, he or she shall issue a Request for Proposal for such services. The use of the RFP process demonstrates the Town's intent to rely on a competitive process to "assure the prudential and economic use of public monies in the best interest of the taxpayers" and to assure that the Town of Huntington and its taxpayers receive qualified, competent and effective legal representation.

F. [H] Government Contracts.

* * *

G. [I] Preferred Sources.

* * *

H. [J] Recycled Materials.

* * *

I. [K] Sole Source Procurement.

* * *

J. [L] Conflict of Interest.

* * *

III. Procedures.

These procedures are intended to comply with all applicable Federal, State and Local laws, rules and regulations. To the extent that a provision in this policy may inadvertently, or by virtue of future amendments, conflict with an applicable Federal, State and Local law, rule or regulation, the applicable law, rule or regulation shall prevail.

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<u>A.</u> [M] Definitions.	*	*	*
<u>B.</u> [N] Requisitions.	*	*	*
<u>C.</u> [O] Request for Quotation.	*	*	*
<u>D.</u> [P] Request for Proposal.	*	*	*
<u>E.</u> [Q] Emergency Orders.	*	*	*
<u>F.</u> [R] Submitting a Formal Bid Request.	*	*	*
<u>G.</u> [S] Procurement Specifications.	*	*	*
<u>H.</u> [T] Public Works Bid Request.	*	*	*
<u>I.</u> [U] Bid Opening and Award.	*	*	*
<u>J.</u> [V] Purchase Orders/Blanket Purchase Orders.	*	*	*
<u>K.</u> [W] Cancellation of a Purchase Order.	*	*	*
<u>L.</u> [X] Goods Receipts.	*	*	*
<u>M.</u> [Y] Direct Claim Vouchers.	*	*	*
<u>N.</u> [Z] Payment of Invoices and Claims.	*	*	*

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.