

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 | John J. Leo |

AGENDA FOR TOWN BOARD MEETING DATED OCTOBER 16, 2012

BOARD OF TRUSTEES' MEETING FOLLOWING

Opened: 8:25 P.M. Closed 8:26 P.M.

COMMUNITY DEVELOPMENT AGENCY MEETING FOLLOWING

Opened: 8:03 P.M. Closed: 8:09 P.M.

6:00 P.M. – TOWN HALL

Opened: 6:08 P.M. Recessed: 8:03 P.M. Resumed: 8:09 P.M. Closed: 8:25 P.M.

(Resolutions #2012-449 to 2012-480)

HEARINGS:

ACTION

1. Discussion re: Preliminary Annual Operating Budget for the fiscal year beginning January 1, 2013.
(2012-M-36)

DECISION RESERVED

2. Discussion re: Preliminary Capital Budget for the fiscal year beginning January 1, 2013.
(2012-M-37)

DECISION RESERVED

3. Consider the proposed fare changes for the Huntington Area Rapid Transit (HART) System.
(2012-M-40)

DECISION RESERVED

HEARINGS (Continued):

ACTION

4. Consider adopting Local Law Introductory No. 17-2012, amending the Code of the Town of Huntington, Chapter 117 (Solid Waste Management: Collection, Recycling and Disposal) §117-28 Re: Fees for use of Town Facilities.
(Local Law Introductory No. 17-2012)

DECISION RESERVED

5. Consider adopting Local Law Introductory No. 18-2012, amending the Uniform Traffic Code of the Town of Huntington, Chapter 1 (General Provisions), Chapter 2 (Traffic Regulations), Chapter 3 (Parking Regulations) and Chapter 4 (Parking Fields).
(Local Law Introductory No. 18-2012)

DECISION RESERVED

6. Consider adopting Assessment Roll for the Huntington Sewer District.
(2012-M-38)

DECISION RESERVED

7. Consider adopting Assessment Roll for the Centerport Sewer District.
(2012-M-39)

DECISION RESERVED

8. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G.
Re: Shaftsbury Lane, Melville – Stop Signs.
(2012-TC-12-Ch. 2)

DECISION RESERVED

9. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G.
Re: Hart Place, Dix Hills – Stop Signs.
(2012-TC-13-Ch. 2)

DECISION RESERVED

10. Consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article I, §2-1, Schedule A. Re: Traffic Signal – Park Avenue at Cliftwood Drive, Huntington.
(2012-TC-14-Ch. 2)

DECISION RESERVED

11. Consider issuing a Certificate of Approval in an Historic District.
Re: 209 Main Street, Huntington – Old Town Hall Historic District.
(Applicant: Huntington Historical Society)
(SCTM #0400-072.00-02.00-020.000)
(2012-ZC-5-Ch. 198)

DECISION RESERVED

12. Consider issuing a Certificate of Approval in an Historic District.
Re: 334 Main Street, Cold Spring Harbor – Cold Spring Harbor Historic District.
(Applicant: Cold Spring Harbor Laboratory)
(SCTM #0400.00-066.00-01.00-025.000)
(2012-ZC-6-Ch. 198)

DECISION RESERVED

HEARINGS (Continued):

ACTION

13. Consider authorizing various actions be taken in accordance with Chapter 156, Article VII, §156-60 (Blighted Property).

(Re: SCTM#’S 0400-113.00-03.00-003.000, 0400-099-05-081.000, 0400-114.00-04.00-012.000, 0400-145-03-021.000, 0400-143.00-03.00-024.000, 0400-094-03-033.000)

(2012-M-34)

DECISION RESERVED

COMMUNITY DEVELOPMENT AGENCY HEARING:

1. Obtain the views of citizens, public agencies and other interested parties on the housing and community needs of the Town of Huntington in preparation for applying for the 2013 Community Development Block Grant.

HEARING CONCLUDED

**AGENDA FOR TOWN BOARD
MEETING DATED: OCTOBER 16, 2012**

| RESOLUTIONS: | OFF. | SEC. | VOTE |
|---|-------------------------|------------------|-----------------------------------|
| 2012-457. AUTHORIZE the Supervisor to execute a requirements contract for refuse removal service two cubic yard, four cubic yard, six cubic yard and eight cubic yard containers with Jamaica Ash and Rubbish Removal Co., Inc. (Period: One year but not prior to 1/1/2013) | <u>EC</u> | <u>FP</u> | <u>5</u> |
| 2012-458. AUTHORIZE the Supervisor to execute a requirements contract for recycling removal service two cubic yard, four cubic yard, six cubic yard and eight cubic yard containers with Winters Bros. Recycling Corp. (Period: One year but not prior to 1/1/2013) | <u>FP</u> | <u>MM</u> | <u>4-AYES 1-ABST (MC)</u> |
| 2012-459. AUTHORIZE the Supervisor to intervene in the matter entitled: "The Incorporated Village of Port Jefferson v. National Grid Generation, LLC," presently before the United States Federal Energy Regulatory Commission ("FERC"). | <u>FP MC</u> | <u>MM SB</u> | <u>5</u> |
| 2012- 460. AUTHORIZE the execution of an extension to the requirements contract for wastewater treatment facility instrumentation and control maintenance for the Town of Huntington Sewer District with Hinck Electrical Contractors, Inc. (Period: One year commencing on 1/1/2013) | <u>MM</u> | <u>FP</u> | <u>5</u> |
| 2012-461. AUTHORIZE the Supervisor to extend the agreement with the Commissioner of Transportation of the State of New York and the Town of Huntington for snow and ice removal on state highways within the boundaries of the Town of Huntington. (Extension for the period 7/1/2012-6/30/2013) | <u>MM</u> | <u>EC</u> | <u>5</u> |
| 2012-462. AUTHORIZE the Comptroller to amend the 2012 Operating Budget for the Town of Huntington and its Special Districts. | <u>SB</u> | <u>MM</u> | <u>5</u> |
| 2012-463. AUTHORIZE the correction of code violations at various locations pursuant to the Code of the Town of Huntington. (Re: Triangle Holding & Dev. Corp. of LI, East 19 th Street, Huntington Station, SCTM# 0400-199.00-01.00-060.001, Chapters 133, 156; Florence Seaman (Estate of), 183 West 21 st Street, Huntington Station, SCTM# 0400-193.00-02.00-060.000, Chapters 133, 156; Crafton Ferguson/Michelle Prout, 57 West Pulaski Road, Huntington Station, SCTM# 0400-141.00-03.00-048.000, Chapters 133, 156) | <u>SB</u> | <u>FP</u> | <u>5</u> |
| 2012-464. APPOINT individuals to serve as volunteers in the Handicapped Parking Enforcement Program. (Re: Walter Bruns, Evelyn Connor, Brian Darren, Robert Levy, Barry Mandell, Vanessa Martinez-Cruz, Dennis Patti, Steve Pelliccia, Ivan Pollack, Louis Russo, Angelo Sottile, and Barbara Stillway) | <u>SB MM</u> | <u>FP</u> | <u>5</u> |
| 2012-465. ESTABLISH special holiday public skating sessions at the Dix Hills Ice Rink. (Re: 11/1/2012, 12/19/2012, 12/20/2012 and 3/15/2013) | <u>FP SB MM</u> | <u>MC</u> | <u>4-AYES 1-NO (EC)</u> |

**AGENDA FOR TOWN BOARD
MEETING DATED: OCTOBER 16, 2012**

| RESOLUTIONS: | OFF. | SEC. | VOTE |
|--|------------------------|------------------------|---|
| 2012-466. GRANT permission to the Cold Spring Harbor Main Street Association to sponsor its sixth annual "Howl-Ween" Canine Costume Parade and Contest, Exotic Car Show and Sidewalk Sale Event, October 27, 2012. (Time: 1:00 PM – 5:00 PM) (Raindate: 10/28/2012) | <u>FP</u> | <u>MM</u> | <u>5</u> |
| 2012-467. URGE the New York State Legislature and Governor to enact legislation that mandates all owners/operators of watercraft undertake state approved boating safety training and that owners/operator of mechanically propelled watercraft be licensed or certified in order to operate such craft in New York State waters. (Re: S.6633/A.3550) | <u>MC</u> <u>SB</u> | <u>MM</u> | <u>5</u> |
| 2012-468. URGE the Governor and State Legislature to direct the New York State Department of Taxation and Finance to develop and deploy a portal on the departmental website where businesses can file a protective claim to recover any and all Metropolitan Transportation Authority (MTA) payroll tax payments from the date of inception of the tax and authorizing the Comptroller to file a claim on behalf of the Town of Huntington to obtain a refund of MTA payroll tax payments due to the Town, and to authorize the Town Attorney to take all steps otherwise necessary to protect the Town's claim for recovery of any and all Town MTA payroll tax payments. | <u>MC</u> <u>MM</u> | <u>FP</u> | <u>5</u> |
| 2012-469. 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: Donald/Dian Karcher, 2 Antoine Court, Huntington, SCTM# 0400-206-1-29, Chapter 156 [Schedule A & B]; Manuel Cordero, 71 Tower Street, Huntington Station, SCTM# 0400-140-02-133.000, Chapter 156 [Schedule A & B]; Kevin Enright, 26 Corlett Place, Huntington Station, SCTM# 0400-099-05-081.000, Chapter 156 [Schedule A & B]) | <u>SB</u> | <u>MM</u> | <u>5</u> |
| 2012-470. ENACTMENT: ADOPT Local Law Introductory Number 16-2012 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article III (Residence Districts), Section 198-20.1 (R-HS Residential Health Services District). | <u>SB</u> | <u>FP</u> <u>MM</u> | <u>5</u> |
| 2012-471. SCHEDULE A PUBLIC HEARING: November 7, 2012 at 7:00 PM To consider adopting Local Law Introductory No. 19 - 2012, adding Chapter 156A to the Code of the Town of Huntington (Bamboo). | <u>SB</u> | <u>MM</u> | <u>5</u> |
| 2012-472. SCHEDULE A PUBLIC HEARING: December 18, 2012 at 7:00 PM To consider adopting Local Law Introductory Number 20 - 2012, considering Zone Change Application #2010-ZM-384, Post Time Realty, Inc., to change the Zoning from R-5 Residence District and C-6 General Business District to C-6 General Business District for properties located on the north side of Railroad Street, West of Greenlawn-Broadway, Greenlawn, SCTM #0400-106-01-034 and 035. | <u>FP</u> <u>MM</u> | <u>EC</u> <u>MC</u> | 4-AYES 1-ABST <u>(SB)</u> |

**AGENDA FOR TOWN BOARD
MEETING DATED: OCTOBER 16, 2012**

| RESOLUTIONS: | OFF. | SEC. | VOTE |
|---|------------------|--------------------------------------|-----------------|
| <p>2012-473. SCHEDULE A PUBLIC HEARING: November 7, 2012 at 7:00 PM To consider authorizing various actions be taken upon certain properties designated as Blighted in accordance with Chapter 156, Article VII, §156-60 (Blighted Property). (Re: LPS Fields Services, Inc., 33 Keeler Street, Huntington Station, SCTM# 0400-206-03-071.000, Schedule A; Fred Lanier, 111 8th Avenue, Huntington Station, SCTM# 0400-143-01-066.002, Schedule A; OCWEN Loan Servicing, 5 Gerri Road, East Northport, SCTM# 0400-126.00-02.00-016.000, Schedule A; OCWEN Loan Servicing, 273 Lenox Road, Huntington Station, SCTM# 0400-150-1-23, Schedule A; Henry/Jean Cleeves, 49 Prospect Road, Centerport, SCTM# 0400-45-1-21, Schedule A; Stephen/Fredrica Silverberg, 24 Danville Drive, Greenlawn, SCTM# 0400-168.00-02.00-013.000, Schedule A)</p> | <u>SB</u> | <u>MM</u> | <u>5</u> |
| <p>2012-474. SCHEDULE A PUBLIC HEARING: November 7, 2012 at 7:00 PM To consider the issuance of a Special Use Permit pursuant to the Marine Conservation Law, Town Code Chapter 137 Applicant: Land Use Ecological Services on behalf of Thomas Wolf Location: 7 Woodland Dr., Huntington, N.Y. 11743 S.C.T.M. #0402-002.00-01.00-039.000.</p> | <u>MM</u> | <u>FP</u> | <u>5</u> |
| <p>2012-475. SCHEDULE A PUBLIC HEARING: November 7, 2012 at 7:00 PM To consider the issuance of a Special Use Permit pursuant to the Marine Conservation Law, Town Code Chapter 137 Applicant: Jeff A. Zahn-R.A. on behalf of James Halfpenny Location: 156 West Waterview St., Northport, N.Y. 11768 S.C.T.M. #0400-008.00-01.00-009.000.</p> | <u>MM</u> | <u>EC</u> | <u>5</u> |
| <p>2012-476. SCHEDULE A PUBLIC HEARING: November 7, 2012 at 7:00 PM To consider issuing a Certificate of Approval in an Historic District Re: 108 Old Country Road, Melville-Sweet Hollow Historic District. (Applicant: Kazuko Santinelli) (SCTM# 0400-256.00-02.00-004.000)</p> | <u>SB</u> | <u>MM</u> | <u>5</u> |
| <p>2012-477. SCHEDULE A PUBLIC HEARING: November 7, 2012 at 7:00 PM To consider issuing a Certificate of Approval in an Historic District Re: 269 Park Avenue, Huntington-Old Huntington Green Historic District. (Applicant: Rita Lee) (SCTM# 0400-071.00-03.00-029.000)</p> | <u>SB</u> | <u>MM</u> | <u>5</u> |
| <p>2012-478. SCHEDULE A PUBLIC HEARING: November 7, 2012 at 7:00 PM To consider exempting the Eaton's Neck Fire District from site plan review and the Town of Huntington Zoning Code as is necessary to expand District Facilities (Suffolk County Tax Map No. 0400-002-02-030.001).</p> | <u>FP</u> | <u>EC</u> <u>SB</u> | <u>5</u> |
| <p>2012-479. AUTHORIZE the Supervisor to forward a "Letter of Intent" for the Town of Huntington to participate in the update and renewal of the Suffolk County Multi-Jurisdictional Hazard Mitigation Plan (HMP) to Suffolk County Fire Rescue and Emergency Services (FRES).</p> | <u>FP</u> | <u>SB</u> <u>MM</u> | <u>5</u> |

**AGENDA FOR TOWN BOARD
MEETING DATED: OCTOBER 16, 2012**

RESOLUTIONS:

| | OFF. | SEC. | VOTE |
|---|------------------|-------------------------------------|-----------------|
| Motion to add Resolution # 2012-480 to the agenda | <u>FP</u> | <u>SB</u> | <u>5</u> |
| 2012-480. DEDICATE AND DESIGNATE the Huntington Station Armory as the “James D. Conte Memorial” Armory Building in memory of the late assemblyman. | | EC MM SB | |
| | <u>FP</u> | <u>MC</u> | <u>5</u> |

**AGENDA FOR BOARD OF TRUSTEES'
MEETING DATED: OCTOBER 16, 2012**

RESOLUTIONS:

2012-BT24. RENAME Cold Spring Harbor Papermill Park as Cold Spring Harbor
Firemen's Memorial Park.

| OFF. | SEC. | VOTE |
|------------------|------------------|-----------------|
| MC | | |
| SB | FP | |
| <u>MM</u> | <u>EC</u> | <u>5</u> |

**INFORMATIONAL SHEET FOR TOWN BOARD MEETING
DATED: OCTOBER 16, 2012**

COMMUNICATION

ACTION

1. Letters received Certified Mail – Applying for Liquor Licenses:
From: Max Fuentes for Fuentes Corp. d/b/a to be determined (2083 New York Avenue, Huntington Station); From: Jessica Susanto for to be determined (3018 East Jericho Tpke, East Northport)(formerly Wild Ginger); From: Alan Gardner for to be determined (95 New York Avenue, Huntington); From: Jose Varegas for Four Brothers Restaurant Inc. d/b/a to be determined (137 Broadway, Huntington Station); From: Bradford Honigfeld for Zinburger Wine and Burger Bar (160 Walt Whitman Road, Huntington Station);

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: Edward Doherty for Applebee’s Neighborhood Bar & Grill;

Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
3. Letter received from Vincent Puleo, Town Clerk for the Town of Smithtown, regarding amendments made Chapter 322 Zoning – as it relates to penalties for offenses; other remedies.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
4. Letter received from Andrew Freleng, Chief Planner for Suffolk County, regarding the Town of Huntington Resolution # 2012-422. The Planning Commission has determined that this is a matter for local determination. This is not to be construed as either an approval or disapproval.

Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
5. Hand delivered letters, copy of proposed 2013 budget and notices of Public Hearing received from Todd Cohen, District Secretary for the Dix Hills Fire Department. The hearing will be held on October 16, 2012 at 7:00 PM at the main firehouse located at 115 East Deer Park Road, Dix Hills.

Supervisor
Town Board
Town Attorney
Comptroller
cc: Fire Prevention
6. Hand delivered letter, copy of proposed 2013 budget and notice of public hearing received from Nancy McFadzen, Secretary for the Commack Fire District. The hearing will be held on October 16, 2012 at 7:00 PM at the main firehouse located at 6309 Jericho Turnpike, Commack.

Supervisor
Town Board
Town Attorney
Comptroller
cc: Fire Prevention
7. Email received from Susan Racine, Secretary/Treasurer of the East Northport Fire District. Included was a copy of the 2013 proposed budget.
B) Notice of Public Hearing to be held October 16, 2012 at 7:00 PM at One Ninth Avenue, East Northport.

Supervisor
Town Board
Town Attorney
Comptroller
cc: Fire Prevention
8. Email received from Leigh Varese, Secretary/Treasurer for the Centerport Fire District, included was a copy of the notice of public hearing and a date listing for various steps of the budget. The hearing will be held on October 16, 2012 at 7:00 PM at the main firehouse located at 9 Park Circle, Centerport. B) Received notification of proposed budget for 2013.

Supervisor
Town Board
Town Attorney
Comptroller
cc: Fire Prevention

9. Hand delivered letter received from Kristi Cartolano, Fire District Secretary, for the Eaton's Neck Fire District, included was a copy of the notice of public hearing and the proposed 2013 budget. The hearing will be held on October 16, 2012 at 7:00 PM at the firehouse located at 55 Eatons Neck Road, Northport.
- Supervisor
Town Board
Town Attorney
Comptroller
cc: Fire Prevention
10. Letter received from Gayle Snyder, Chairperson of the Cold Spring Hills Civic Association, with copies of "The View" the monthly publication for distribution to various Town personnel.
- Supervisor
Town Board
cc: Town Attorney
11. Letter received from Joyce Logan, Deputy Treasurer of the Huntington Fire District, included were: Certification of Public Record, notice of public hearing and a 2013 budget summary. Hearing to be held on October 16, 2012 at 8:00 PM at 1 Leverich Place, Huntington. B) Received a second notice correcting time to 7:00 PM
- Supervisor
Town Board
Town Attorney
Comptroller
cc: Fire Prevention
12. Email received from Greenlawn Fire District with a copy of the 2013 proposed budget and a copy of the notice of public hearing. The hearing will be held on October 16, 2012 at 7:00 PM at 23 Boulevard Avenue, Greenlawn.
- Supervisor
Town Board
Town Attorney
Comptroller
cc: Fire Prevention
13. Email received from Halesite Fire District with a copy of the 2013 proposed budget and a copy of the notice of public hearing. The hearing will be held on October 16, 2012 at 7:00 PM at 1 New York Avenue, Halesite.
- Supervisor
Town Board
Town Attorney
Comptroller
cc: Fire Prevention
14. Notice of public hearing for the proposed 2013 received from the Melville Fire District. The hearing will be held on October 16, 2012 at 7:00 PM at 531 Sweet Hollow Road, Melville.
- Supervisor
Town Board
Town Attorney
Comptroller
cc: Fire Prevention
15. Notice of public hearing for the proposed 2013 budget received from the Cold Spring Harbor Fire District. The hearing will be held on October 16, 2012 at 7:30 PM at 2 Main Street, Cold Spring Harbor. B) Copy of proposed budget for 2013 received.
- Supervisor
Town Board
Town Attorney
Comptroller
cc: Fire Prevention
16. Notice of public hearing for the proposed 2013 budget received from the Huntington Manor Fire District. The hearing will be held on October 16, 2012 at 7:00 PM at 1650 New York Avenue, Huntington Station. B) Notice of proposed budget for 2013 received.
- Supervisor
Town Board
Town Attorney
Comptroller
cc: Fire Prevention
17. Email received directly from writer, Carl Peyser, a copy of this letter was also forwarded by Matt Harris. The writer was writing in response to the Newsday article, "Huntington Mulls Layoffs" and his original email was addressed to Deborah Morris. The email was in opposition of the proposed increases for the Huntington commuter parking permits.
- Supervisor
Town Board
cc: Town Attorney
18. Email received from Catherine Franznick, regarding continuing flood and safety hazard on Central Street.
- Supervisor
Town Board
Town Attorney
cc: Highway

19. Memorandum received from Mark Lowen, Senior Transportation Planner for Huntington Area Rapid Transit regarding written comments related to TBR 2012-446 (HART fares). Attached was a letter from Nancy Arocho indicating her opposition to fare increases for the transit system. B) Letter received from James Galligan opposing increase in fares for buses. C) Letter received from Marion Kerst opposing increases in fares for the Hart system.
- Supervisor
Town Board
Town Attorney
cc: Transportation & Traffic Safety
20. Email received from John Papa requesting that the budget include monies for the repair/replacement of the tennis courts at Terry Farrell/Wolf Hill Park.
- Supervisor
Town Board
Town Attorney
cc: Parks & Recreation
21. Notification received from the New York State Liquor Authority, Division of Alcoholic Beverage Control, advising of a Public Hearing to be held on October 18, 2012 at 11:00 AM at 317 Lenox Avenue, New York, NY on the 4th Floor regarding the premises known as La Notte located at 15 New Street, Huntington. The hearing is being held because there are at least three other facilities located within a 500 foot radius of this establishment that have on-premises liquor licenses.
- Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
22. Letter received from Vincent Puleo, Town Clerk of Smithtown, regarding amendments to Chapter 322 (Zoning) that were adopted at the October 2, 2012 meeting. Copy of the Legal Notice was attached.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
23. Letter received from Leslie Surprenant, Director of the Office of Invasive Species Coordination, in response to Jo-Ann Raia' letter to them regarding the regulation of bamboo. (Ms. Raia was instructed by Resolution # 2012-437 adopted at the September 24, 2012 to contact various offices regarding this issue).
- Supervisor
Town Board
Town Attorney
Public Safety
cc: Planning & Environment
24. Two letters received from Heinz Rosen regarding bamboo. The writer indicates that he has bamboo on his property, which he never planted, and states it would cost him a lot of money (received an estimate for \$40,000) to have it removed. He requests that legislation not be passed that would require him to have the bamboo removed.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
25. Letter sent to Jo-Ann Raia, from a resident, Astrid Marini-Perez, praising the Town of Huntington. Included was a copy of an article and a poem she wrote about Huntington.
- Supervisor
Town Board
Town Attorney
Human Services
General Services
Parks & Recreation
Engineering Services
Public Safety/Historian
Planning & Environment
cc: Environmental Waste Mgmt.

26. Memoranda received from Lynn Pincomb, Village Administrator for Huntington Bay, regarding a Public Hearing to be held on October 18, 2012 at 7:30 PM at 244 Vineyard Road regarding: A) 25 Sydney Road – in Waterfront Preservation District C1- pending final sub-division approval to construct additions and alterations to existing garage and chauffeur’s cottage on lot 1 and various variances. B) 175 Bay Avenue – District C – to construct additions and alterations-variance required - compliance of driveways C) 10 Locust Lane – construct additions/alterations - variance-compliance of driveway.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
27. Letters received from Michael Kane, Chairman of the Zoning Board of Appeals for the Town of Babylon, regarding Public Hearings to be held on 11-1-2012 at 6:15 PM and 6:30 PM for the following properties located within 500’ of the Town of Huntington property line: A) 28 Arcadia Drive, Dix Hills to increase total building area from 20% maximum allowed to 28.9%. B) 5 Bruno Lane, Deer Park, increase garage area from 2 bays to 5 bays [increase square footage from 500 sq. ft. to 3823 sq. ft.] increase garage door height from 7’ maximum to 4 doors at 9’4” and one at 10’9”.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
28. The following emails opposing rate increases for commuter parking permits were forwarded by Councilman Cook’s office from: Patrick Conway, Carl Esposito, Lori Seidman, Geoffrey Crowley, Matthew DePace, Brian Gucciardo, Chris Reisert, Martin Fries, Richard Southard, Vasilios Vasiliou, Dan Fucci, Michael Ruder, George Caton, Howie Danielson, Diane Montpelier, Grace Thornton, Tom Thornton, Anna Marie Matteo, Mark Oliva, Terry, Jenifer Van Deinse, Robert Woerner, Marianne Millnamow, John Hnath, Megan Lyons, Michelle Goldberg-Cahn, Michael Huang, Randy Novick, Robert Brandt, Robert Elia and Harry Brindley.
- Supervisor
Town Board
Town Attorney
cc: Traffic & Transportation
29. Email received from Donna Wanser, James Feeney, Michelle A. and Paul Kutasovic opposing the rate increases for commuter parking permits.
- Supervisor
Town Board
Town Attorney
cc: Traffic & Transportation
30. Email forwarded by Councilman Mayoka’s office from Annemarie Cacciato regarding her opposition to the increase in fees for the commuter parking permits.
- Supervisor
Town Board
Town Attorney
cc: Traffic & Transportation
31. Notification for an “All Night Permit” Liquor Permit for New Year’s Eve was submitted by Angel Sorto, President, of Southside Restaurant Inc. d/b/a La Hacienda Del Rio Restaurant located at 1624 New York Avenue, Huntington Station.
- Supervisor
Town Board
Town Attorney
Engineering Services
Planning & Environment
Fire Inspector/Public Safety
cc: Sewage Treatment Facility
32. Email forwarded by Supervisor Petrone’s Office from Harry Brindley expressing his opposition to the increase costs for commuter parking permits.
- Supervisor
Town Board
Town Attorney
cc: Traffic & Transportation

33. Letter received from William Nimmo, Assistant Superintendent for Business for the Harborfields Central School District. Included was a copy of the Financial Plan for the school year 2012-13 and a copy of the tax levy form.

Supervisor
Town Board
Town Attorney
cc: Comptroller

34. Hand delivered letter received from Constance Beatty regarding the proposed HART fare changes. Her comment is that no route or schedule changes should be made.

Supervisor
Town Board
Town Attorney
cc: Traffic & Transportation

35. Email received from Richard Ward opposing the Oak Tree Dairy Down Zoning and the unintended consequences.

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

36. Email received from Steven Spucces, President of the Greater Huntington Civic Group, Inc. regarding their support of the proposed sale and development of the Burger Haven restaurant property located on Pulaski Road. The group is supporting Ralph Colamussi's plan for this property.

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

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH OUR LADY OF CONSOLATION, A LONG TERM HOME HEALTH CARE PROGRAM (LTHHCP) AND THE TOWN OF HUNTINGTON FOR THE PROVISION OF ADULT DAY CARE SERVICES

Resolution for Town Board Meeting dated: October 16, 2012

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

WHEREAS, the Town of Huntington operates an Adult Day Care Program that provides social model day care services such as educational, craft, recreational and group activities and a hot lunch for the frail elderly; and

WHEREAS, Our Lady of Consolation, has become a long term home health care program providing managed care services, which allows appropriate individuals to remain in their homes while receiving nursing home level care, such as, health rehabilitation, medical support services and personal care, including respite care, social day care, and transportation; and

WHEREAS, Our Lady of Consolation, a Long Term Home Health Care Program desires to provide eligible senior citizens with social day care services through the Huntington Adult Day Care Program; and

WHEREAS, Our Lady of Consolation, a Long Term Home Health Care Program will pay the Town of Huntington the sum of FORTY AND NO/100 (\$40.00) DOLLARS a day, per person for a day's attendance; and

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

NOW, THEREFORE THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with Our Lady of Consolation, a long term home health care program, for placement of their clients in the Town of Huntington's Adult Day Care for a sum of FORTY AND NO/100 (\$40.00) DOLLARS a day, per person for a period of one year, and to execute any documents in connection or related therewith upon such other terms and conditions as are acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THERE UPON DECLARED DULY ADOPTED

2012-450

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE FREEZER AND COOLER REPLACEMENTS AT THE JOHN J. FLANAGAN CENTER AND THE VIEW RESTAURANT AT THE CRAB MEADOW GOLF COURSE WITH SAM TELL AND SON, INC.

Resolution for Town Board Meeting Dated: October 16, 2012

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the cooler and freezer equipment at the John J. Flanagan Center on Park Avenue in Huntington, and the View Restaurant located at the Crab Meadow Golf Course on Seaside Court in Northport have reached the end of their life cycle and replacements are needed. This contract involves the removal of two (2) food storage units, and the furnishing and installation of three (3) food storage units (one freezer, one cooler, and one combination freezer/cooler unit); and

WHEREAS, sealed bids were received on September 27, 2012, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the freezer and cooler replacements at the John J. Flanagan Center and The View Restaurant at the Crab Meadow Golf Course, Contract No. GS 2012-06/O-E and the same were opened publicly and read aloud; and

WHEREAS, Sam Tell and Son, Inc., 300 Smith Street, Farmingdale, New York 11735 is the lowest responsive, responsible bidder; and

WHEREAS, the freezer and cooler replacements at the John J. Flanagan Center and The View Restaurant at the Crab Meadow Golf Course 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 Sam Tell and Son, Inc. for the freezer and cooler replacements at the John J. Flanagan Center and The View Restaurant at the Crab Meadow Golf Course. The contract period shall be effective upon the execution of the contract for a period of one (1) year, for an amount not to exceed the sum of FIFTY-SEVEN THOUSAND SEVEN HUNDRED TEN DOLLARS AND 32/100 (\$57,710.32) DOLLARS, to be charged to GS1997-2102-11105 and GS 7197-2600-RS913, and upon such other terms and conditions as may be acceptable to the Town Attorney.

2012-450

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 A CONTRACT FOR THE PROCESSING, RECYCLING AND MARKETING OF COMMINGLED AND DISCRETE POST CONSUMER PAPER PRODUCTS WITH OMNI RECYCLING OF WESTBURY, INC.

Resolution for Town Board Meeting Dated: October 16, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington will either collect or make available on a regular basis, commingled and discrete post-consumer paper products that are to be recycled rather than be disposed of by landfilling or incineration; and

WHEREAS, sealed proposals were received on October 5, 2012, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the processing, recycling and marketing of commingled and discrete post-consumer paper products, RFP No. 2012-10-009 and the same were opened and read aloud; and

WHEREAS, Omni Recycling of Westbury, Inc., 7 Portland Ave., Westbury, New York 11590 is the successful responsive, responsible proposer; and

WHEREAS, the processing, recycling and marketing of commingled and discrete post-consumer paper products is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(20) and (c)(27) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a contract, and any documents in connection and related therewith, with Omni Recycling of Westbury, Inc. for the processing, recycling and marketing of commingled and discrete post-consumer paper products. The revenue is to be deposited into Account No. SR 2651. The contract period shall be effective for a one (1) year term commencing upon execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for three (3) additional one (1) year periods under the same prices, terms and conditions and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

| | |
|--------------------------------|------------|
| Supervisor Frank P. Petrone | 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.

2012-452

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A CONTRACT FOR THE OPERATION AND MAINTENANCE SERVICE CONTRACT INCLUDING EMERGENCY SERVICE FOR MECHANICAL EQUIPMENT AT HUNTINGTON TOWN HALL, THE JOHN J. FLANAGAN CENTER AND THE DIX HILLS ICE RINK WITH MICHAEL JAMES INDUSTRIES, INC.

Resolution for Town Board Meeting Dated: October 16, 2012

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington is desirous of contracting with a qualified Mechanical Maintenance Contractor to provide an Operation & Preventative Maintenance Service Contract, including Emergency Service, for mechanical equipment at Huntington Town Hall, the John J. Flannigan Center and the Dix Hills Ice Rink; and

WHEREAS, sealed proposals were received on September 28, 2012, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the operation and maintenance service contract including emergency service for mechanical equipment at Huntington Town Hall, the John J. Flanagan Center and Dix Hills Ice Rink, RFP No. 2012-09-008 and the same were opened and read aloud; and

WHEREAS, Michael James Industries, Inc., 11 Drew Court, Ronkonkoma, New York 11779 is the successful proposer; and

WHEREAS, the operation and maintenance service contract including emergency service for mechanical equipment at Huntington Town Hall, the John J. Flanagan Center and Dix Hills Ice Rink, 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 Michael James Industries, Inc. for the operation and maintenance service contract including emergency service for mechanical equipment at Huntington Town Hall, the John J. Flanagan Center and Dix Hills Ice Rink. The contract period shall be effective for a three (3) year term commencing upon execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for two (2) additional three (3) year periods under the same terms and conditions, for a three (3) year amount in the sum of FOUR HUNDRED TWENTY TWO THOUSAND FOUR HUNDRED TWENTY EIGHT AND 50/100 (\$422,428.50) DOLLARS, additional emergency repair services will be utilized on an as needed basis in accordance with the contract pricing to be charged to A1621-4420, and upon such other terms and conditions as may be acceptable to the Town Attorney.

*Mechanical maintenance
PURCH/LF/
10/4/2012, 3:14 PM*

2012-452

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.

2012-453

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR COMMUNICATION EQUIPMENT REPAIR WITH TELECOM COMMUNICATIONS, INC.

Resolution for Town Board Meeting Dated: October 16, 2012

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Department of Public Safety, Environmental Waste Management, General Services, and the Highway Department utilize communication equipment in order to expedite prompt responses to various townwide service requests, and such equipment needs to be maintained and kept in good working order. This contract provides for the repair and installation of two-way communication equipment for all Town of Huntington mobile, hand-held or base station radios, repeaters and antennas; and

WHEREAS, Town Board Resolution 2011-455 authorized the execution of a contract with Telecom Communications, Inc. for communication equipment repair, Bid No. TOH 11-09R-073; and

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

WHEREAS, Telecom Communications, Inc., 234 Newtown Road, Plainview, New York 11803 has requested the one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Telecom Communications, Inc. for communication equipment repair. The extension period shall be effective for one (1) year commencing on January 1, 2013 to be charged to the various operating budgets of the Town, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

| | |
|--------------------------------|-----|
| Supervisor Frank P. Petrone | 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 AN EXTENSION TO THE CONTRACT FOR THE DELIVERY OF PROCESSIBLE WASTE TO THE HUNTINGTON RESOURCE RECOVERY FACILITY WITH JAMAICA ASH & RUBBISH REMOVAL CO., INCORPORATED.

Resolution for Town Board Meeting Dated: October 16, 2012

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington issued a Request for Proposal to contract available processing capacity at the Huntington Resource Facility; and

WHEREAS, Town Board Resolution 2011-461 authorized the execution of a contract with Jamaica Ash & Rubbish Removal Co., Incorporated for the delivery of processible waste to the Huntington Resource Recovery Facility, RFP 2011-09-010; and

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

WHEREAS, Jamaica Ash & Rubbish Removal Co., Incorporated, 172 School Street, Westbury, New York 11590 has requested the one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the contract, and any documents in connection and related therewith, with Jamaica Ash & Rubbish Removal Co., Incorporated for the delivery of processible waste to the Huntington Resource Recovery Facility. The revenue is to be deposited into A2130. The extension period shall be effective for one (1) year commencing on November 1, 2012, 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.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE CONTRACT FOR THE DELIVERY OF PROCESSIBLE WASTE TO THE HUNTINGTON RESOURCE RECOVERY FACILITY WITH JET SANITATION SERVICE CORPORATION.

Resolution for Town Board Meeting Dated: October 16, 2012

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington issued a Request for Proposal to contract available processing capacity at the Huntington Resource Facility; and

WHEREAS, Town Board Resolution 2011-460 authorized the execution of a contract with Jet Sanitation Service Corporation the delivery of processible waste to the Huntington Resource Recovery Facility, RFP 2011-09-010; and

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

WHEREAS, Jet Sanitation Service Corporation, 228 Blydenburgh Road, Islandia, New York 11749 has requested the one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the contract, and any documents in connection and related therewith, with Jet Sanitation Service Corporation for the delivery of processible waste to the Huntington Resource Recovery Facility. The revenue is to be deposited into A2130. The extension period shall be effective for one (1) year commencing on November 1, 2012, 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.

2012-456

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE CONTRACT FOR THE DELIVERY OF PROCESSIBLE WASTE TO THE HUNTINGTON RESOURCE RECOVERY FACILITY WITH EASTERN RESOURCE RECYCLING, INCORPORATED.

Resolution for Town Board Meeting Dated: October 16, 2012

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington issued a Request for Proposal to contract available processing capacity at the Huntington Resource Facility; and

WHEREAS, Town Board Resolution 2011-459 authorized the execution of a contract with Eastern Resource Recycling, Incorporated for the delivery of processible waste to the Huntington Resource Recovery Facility, RFP 2011-09-010; and

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

WHEREAS, Eastern Resource Recycling, Incorporated, 88 Old Dock Road, Yaphank, New York 11980 has requested the one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the contract, and any documents in connection and related therewith, with Eastern Resource Recycling, Incorporated for the delivery of processible waste to the Huntington Resource Recovery Facility. The revenue is to be deposited into A2130. The extension period shall be effective for one (1) year commencing on November 1, 2012, 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.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A REQUIREMENTS CONTRACT FOR REFUSE REMOVAL SERVICE TWO CUBIC YARD, FOUR CUBIC YARD, SIX CUBIC YARD AND EIGHT CUBIC YARD CONTAINERS WITH JAMAICA ASH & RUBBISH REMOVAL CO., INC.

Resolution for Town Board Meeting Dated: October 16, 2012

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, various departments throughout the Town require 2 cubic yard, 4 cubic yard, 6 cubic yard, or 8 cubic yard refuse removal, in order to consolidate and remove rubbish generated from various Town facilities. The collected refuse is then transported and disposed of at the Town of Huntington's Resource Recovery Facility. The facilities that utilize these containers include but are not limited to Town Parks, Beaches, Marinas, Streetlighting, HART Bus and the Dix Hills Water District; and

WHEREAS, sealed bids were received on September 20, 2012, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the refuse and recycling removal service 2 cubic yard, 4 cubic yard, 6 cubic yard and 8 cubic yard containers, Bid No. TOH 12-09R-059 and the same were opened publicly and read aloud; and

WHEREAS, Jamaica Ash & Rubbish Removal Co., Inc., 172 School Street, Westbury, New York 11590 is the lowest responsive, responsible bidder for refuse removal service 2 cubic yard, 4 cubic yard, 6 cubic yard and 8 cubic yard containers; and

WHEREAS, refuse removal service 2 cubic yard, 4 cubic yard, 6 cubic yard and 8 cubic yard containers is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(20)and(c)(27), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a requirements contract, and any documents in connection and related therewith, with Jamaica Ash & Rubbish Removal Co., Inc. for refuse removal service 2 cubic yard, 4 cubic yard, 6 cubic yard and 8 cubic yard containers. The contract period shall be effective for a one year term commencing upon execution of the contract but not prior to January 1, 2013 and upon mutual agreement of the vendor and the Town, the contract may be extended for one (1) additional one (1) year period under the same prices, terms and conditions, to be charged to various operating budgets of various departments, 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.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A REQUIREMENTS CONTRACT FOR RECYCLING REMOVAL SERVICE TWO CUBIC YARD, FOUR CUBIC YARD, SIX CUBIC YARD AND EIGHT CUBIC YARD CONTAINERS WITH WINTERS BROS. RECYCLING CORP.

Resolution for Town Board Meeting Dated: October 16, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, various departments throughout the Town require 2 cubic yard, 4 cubic yard, 6 cubic yard, or 8 cubic yard recycling containers, in order to consolidate and remove recyclables generated from various Town facilities. The collected recyclables will be processed through the vendor's own facility and established recycling commodities markets. The facilities that utilize these containers include but are not limited to Town Parks, Beaches, Marinas, Streetlighting, HART Bus and the Dix Hills Water District; and

WHEREAS, sealed bids were received on September 20, 2012, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the refuse and recycling removal service 2 cubic yard, 4 cubic yard, 6 cubic yard and 8 cubic yard containers, Bid No. TOH 12-09R-059 and the same were opened publicly and read aloud; and

WHEREAS, Winters Bros. Recycling Corp., 1198 Prospect Avenue, Westbury, New York 11590 is the lowest responsive, responsible bidder for recycling removal service 2 cubic yard, 4 cubic yard, 6 cubic yard and 8 cubic yard containers; and

WHEREAS, Recycling removal service 2 cubic yard, 4 cubic yard, 6 cubic yard and 8 cubic yard containers is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(20)and(c)(27), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute a requirements contract, and any documents in connection and related therewith, with Winters Bros. Recycling Corp. for recycling removal service 2 cubic yard, 4 cubic yard, 6 cubic yard and 8 cubic yard containers. The contract period shall be effective for a one year term commencing upon execution of the contract but not prior to January 1, 2013 and upon mutual agreement of the vendor and the Town, the contract may be extended for one (1) additional one (1) year period under the same prices, terms and conditions, to be charged to various operating budgets of various departments, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 4 NOES: 0 ABSTENTIONS: 1

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO INTERVENE IN THE MATTER ENTITLED: "THE INCORPORATED VILLAGE OF PORT JEFFERSON V. NATIONAL GRID GENERATION LLC," PRESENTLY BEFORE THE UNITED STATES FEDERAL ENERGY REGULATORY COMMISSION ("FERC")

Resolution for the Town Board Meeting Dated: October 16, 2012

The following resolution was offered by: Supervisor Petrone
Councilman Cuthbertson

And seconded by: **COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND**

WHEREAS, on July 30, 2012, The Incorporated Village of Port Jefferson commenced and action before the United States Energy Regulatory Commission ("FERC") seeking a Commission investigation and hearing into alleged fraudulent practices and illegal exercise of market power being perpetrated by National Grid Generation LLC and its affiliates (collectively, "National Grid"); and

WHEREAS, the complaint seeks orders requiring National Grid to divest itself of the ownership of its existing generating facilities in the Long Island Control Area (LICA), including those located in Port Jefferson, and to cease its illegal exercise of market power and to engage in corrective measures to relieve the underlying conditions that continue to make the exercise of such market power possible; and

WHEREAS, the Town of Huntington is located within the energy market area served by National Grid, LLC ("National Grid") and includes within its taxing authority the 1500 MW generating facility, Northport Power Station ("Northport") that may be directly affected by the outcome of this proceeding but will not be adequately represented by any other party in the proceeding; and

WHEREAS, of specific concern to the Town of Huntington is the allegation that the actions of National Grid were designed to force the Long Island Power Authority ("LIPA") into a long-term extension of its existing power supply agreement and otherwise curtail opportunities to re-power Long Island's existing generation facilities and manipulate the market; and

WHEREAS, the Town of Huntington has submitted a response to Request for Information (RFI) by the New York State Energy Highway outlining a proposal for repowering the Northport Power Station that would result in increased MW generation, energy efficiency and lower costs, but National Grid has not reacted to either the RFI or the Town's proposal, despite being an active participant in delivering the region's energy needs; and

WHEREAS, National Grid, in conjunction with the Long Island Power Authority has brought on proceedings against the Town seeking massive refunds of real property taxes for the years 2010, 2011 and 2012 and the resolution of the proceedings before FERC may have a bearing on the outcome of those proceedings;

NOW THEREFORE BE IT

RESOLVED that the Supervisor is hereby authorized to submit a Motion to Intervene before the Federal Energy Regulatory Commission in the matter entitled: "The Incorporated Village of Port Jefferson v. National Grid Generation LLC," to execute any and all documents in relationship thereto, and to take any other action required before FERC.

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 |

THIS RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-460

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

Resolution for Town Board Meeting Dated: October 16, 2012

The following resolution was offered by: **COUNCILMAN MAYOKA**
and seconded by: **SUPERVISOR PETRONE**

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

WHEREAS, Town Board Resolution 2009-552 authorized the execution of a contract with Hinck Electrical Contractors, Inc. for wastewater treatment facility instrumentation and control maintenance for the Town of Huntington Sewer District, Bid No. 09-10R-074; and

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

WHEREAS, Hinck Electrical Contractors, Inc., 75 Orville Drive, Suite 1, Bohemia, NY 11716 has requested the final one (1) year extension; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Hinck Electrical Contractors, Inc. for wastewater treatment facility instrumentation and control maintenance for the Town of Huntington Sewer District. The final extension period shall be effective for one (1) year commencing on January 1, 2013 to be charged to Operating Funds SS1-8131-4650, SS2-8132-4650 and SS3-8133-4650, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-461

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXTEND THE AGREEMENT WITH THE COMMISSIONER OF TRANSPORTATION OF THE STATE OF NEW YORK AND THE TOWN OF HUNTINGTON FOR SNOW AND ICE REMOVAL ON STATE HIGHWAYS WITHIN THE BOUNDARIES OF THE TOWN OF HUNTINGTON

Resolution for Town Board Meeting Dated: October 16, 2012

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, various business district areas in the Town of Huntington along New York State highways require the removal of plowed snow after snow storms; and

WHEREAS, this removal alleviates road congestion which, if left undone, would interfere with the use of the roadway by vehicles, pedestrians and the adjacent business establishments,

WHEREAS, this action is considered routine or continuing agency administration and management therefore this action is a Type II action pursuant to 6 N.Y.C.R.R.§617.5 (c)(20), therefore no further SEQRA review is required.

NOW THEREFORE,

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to extend the agreement with the Commissioner of Transportation of the State of New York agreement commencing July 1, 1987 for the 2012/2013 season for the performance by the Town of Huntington of removing snow and ice, if ordered by the State, from State highways within the boundaries of the Town of Huntington for the period July 1, 2012 through June 30, 2013.

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 2012 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS

Resolution for Town Board Meeting Dated: October 16, 2012

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town Board would like to increase the street lighting expense for the purchase of new energy efficient street lights that will reduce our energy costs; 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 funding of these capital projects in lieu of bonding is a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(1), (c)(25) and (c)(4) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to amend the 2012 Operating Budget as follows:

Increase the following appropriations:

| | | |
|-------------|---------------|-----------|
| SL5182-2785 | Street Lights | \$ 50,000 |
|-------------|---------------|-----------|

Decrease the following appropriations:

| | | |
|-------------|-----------------|-----------|
| SL5182-4220 | Electric (LIPA) | \$ 50,000 |
|-------------|-----------------|-----------|

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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

Resolution for Town Board Meeting Dated: October 16, 2012

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

And seconded by: **SUPERVISOR PETRONE**

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

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

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

NOW, THEREFORE, THE TOWN BOARD

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

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

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

| | |
|--------------------------------|------------|
| Supervisor Frank P. Petrone | 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 133, Section 2A of the Code of the Town of Huntington
Authorizing the Removal of Litter and Debris

| <u>PROPERTY ADDRESS</u> | <u>SCTM#</u> | <u>OWNER</u> | <u>NOV</u> | <u>MAILING ADDRESS</u> |
|--|---------------------------|--|------------|---|
| E. 19 th St. Huntington Sta., NY 11746 | 0400-199.00-01.00-060.001 | Triangle Holding & Dev. Corp. of LI | 10/01/2012 | 20 Bartlett Pl. Huntington, NY 11743 |
| 183 W. 21 st St. Huntington Sta., NY 11746 | 0400-193.00-02.00-060.000 | Florence V. Seaman (Estate of) | 10/03/2012 | N/A |
| 57 W. Pulaski Rd. Huntington Sta., NY 11746 | 0400-141.00-03.00-048.000 | Crafton Ferguson Michelle Prout | 10/01/2012 | N/A |

Chapter 156, Section 46A 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> |
|--|---------------------------|--|------------|---|
| E. 19 th St. Huntington Sta., NY 11746 | 0400-199.00-01.00-060.001 | Triangle Holding & Dev. Corp. of LI | 10/01/2012 | 20 Bartlett Pl. Huntington, NY 11743 |
| 183 W. 21 st St. Huntington Sta., NY 11746 | 0400-193.00-02.00-060.000 | Florence V. Seaman (Estate of) | 10/03/2012 | N/A |
| 57 W. Pulaski Rd. Huntington Sta., NY 11746 | 0400-141.00-03.00-048.000 | Crafton Ferguson Michelle Prout | 10/01/2012 | N/A |

RESOLUTION APPOINTING INDIVIDUALS TO SERVE AS VOLUNTEERS IN THE HANDICAPPED PARKING ENFORCEMENT PROGRAM

Resolution for Town Board Meeting Dated: October 16, 2012

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

And seconded by: SUPERVISOR PETRONE

WHEREAS, the Town of Huntington's Handicapped Parking Enforcement Program discourages the abuse of parking spaces designated for the handicapped; and

WHEREAS, pursuant to the Uniform Traffic Code of the Town of Huntington, there exists a Handicapped Parking Enforcement Program comprised of volunteers appointed by the Town Board to assist the Town in the enforcement of handicapped parking violations; and

WHEREAS, the appointment of volunteers to the Handicapped Parking Enforcement Program is not an action as defined by 6 NYCRR §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, upon the recommendation of the Director of Public Safety,

THE TOWN BOARD

HEREBY APPOINTS the following individuals to serve as volunteers in the Handicapped Parking Enforcement Program:

Walter Bruns
5 Croton St.
Melville, NY 11747

Evelyn Conner
270 Lowndes Ave., #115
Huntington Sta., NY 11746

Brian Darren
1905 Paumanack Village Dr.
Greenlawn, NY 11740

Robert Levy
318 Fourth St.
E. Northport, NY 11731

Barry Mandell
208 Cedar Rd.
E. Northport, NY 11731

Vanessa Martinez-Cruz
40 Roosevelt Ave.
E. Northport, NY 11731

Dennis Patti
11 Dorchester St.
Huntington Sta., NY 11746

Steve Pelliccia
26 Earl Road
Melville, NY 11747

Ivan Pollack
17 Richwood Pl.
Huntington Sta., NY 11746

Louis Russo
5 Midville Ct.
E. Northport, NY 11731

Angelo Sottile
69 E. Deer Park Rd.
Dix Hills, NY 11746

Barbara Stillway
17 Elberta Dr.
E. Northport, NY 11731

2012-464

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 TO ESTABLISH SPECIAL HOLIDAY PUBLIC SKATING SESSIONS AT THE DIX HILLS ICE RINK

Resolution for Town Board Meeting Dated: October 16, 2012

The following resolution was offered by: Supervisor Petrone

COUNCILWOMAN BERLAND, COUNCILMAN MAYOKA

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, in an effort to promote the joy and health benefits of ice skating, the Department of Parks and Recreation would like to establish special holiday sessions on November 1, 2012; December 19, 2012; December 20, 2012; and March 15, 2013; and

WHEREAS, the events will be held during regularly scheduled public skating times in conjunction with four holidays and will include specific themes, giveaways and other activities aimed at promoting skating at the Dix Hills facility;

WHEREAS, the use of Dix Hills Ice Skating Rink for this purpose is a Type II action, pursuant to 6 N.Y.C.R.R. Section 617.2 (b) and therefore no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the town to establish special holiday public skating sessions and waive the admission and skate rental fees for one public session at the Dix Hills Ice Rink on November 1, 2012; December 19, 2012; December 20, 2012; and March 15, 2013.

VOTE: AYES: 4 NOES: 1 ABSTENTIONS: 0

| | |
|--------------------------------|------------|
| Supervisor Frank P. Petrone | AYE |
| Councilwoman Susan A. Berland | AYE |
| Councilman Eugene Cook | NO |
| Councilman Mark A. Cuthbertson | AYE |
| Councilwoman Mark Mayoka | AYE |

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-466

RESOLUTION GRANTING PERMISSION TO THE COLD SPRING HARBOR MAIN STREET ASSOCIATION TO SPONSOR ITS SIXTH ANNUAL "HOWL-WEEN" CANINE COSTUME PARADE & CONTEST, EXOTIC CAR SHOW AND SIDEWALK SALE EVENT, OCTOBER 27, 2012

Resolution for Town Board Meeting Dated: October 16, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Cold Spring Harbor Main Street Association is sponsoring its sixth annual "Howl-ween" Canine Costume Parade & Contest and Sidewalk Sale event on Saturday, October 27, 2012 from 1:00 p.m until 5:00 p.m. (Raindate: Sunday, October 28); and

WHEREAS, the annual "Howl-ween" Canine Costume Parade & Contest and Sidewalk Sale event is organized to promote enjoyment of the historic Cold Spring Harbor downtown area and its boutique shops and restaurants; and

WHEREAS, permission is requested for outdoor display of merchandise for the sidewalk sale, amplified music, dogs on leash in the Cold Spring Harbor Park together with an exotic car show; and

WHEREAS, for the event's canine costume parade, organizers shall secure a permit from New York State Department of Transportation for a brief road closure (from 1:00 p.m. to 1:15 p.m.) of 25A/Main Street between Spring Road and Cold Spring Harbor Park, and

WHEREAS, granting permission for this event is a Type II action pursuant to 6 NYCRR §617.5 (c) (15), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY GRANTS permission to the Cold Spring Harbor Main Street Association to sponsor its sixth annual "Howl-ween" Canine Costume Parade, Exotic Car Show & Sidewalk Sale event on Saturday, October 27, 2012 from 1:00 p.m until 5:00 p.m. (Raindate: Sunday, October 28).

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 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.

RESOLUTION URGING THE NEW YORK STATE LEGISLATURE AND GOVERNOR TO ENACT LEGISLATION THAT MANDATES ALL OWNERS/OPERATORS OF WATERCRAFT UNDERTAKE STATE APPROVED BOATING SAFETY TRAINING AND THAT OWNERS/OPERATOR OF MECHANICALLY PROPELLED WATERCRAFT BE LICENSED OR CERTIFIED IN ORDER TO OPERATE SUCH CRAFT IN NEW YORK STATE WATERS

Resolution for Town Board Meeting Dated: October 16, 2012

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

WHEREAS, this Town Board believes that establishment of uniform State boating safety training, operating and licensing standards is an appropriate step to the ensure safety and wellbeing of those both operating and sailing aboard watercraft in increasingly crowded waters; and

WHEREAS, State Boater Safety Act legislation has been introduced by Senator David Carlucci and Assemblywoman Sandy Galef (S.6633/A.3550) that addresses the issue of safe operation of watercraft in public waters; and

WHEREAS, in addition the pending legislation, Town Board believes that the safe operation of mechanized craft on public lands or waters are equal matter of State concern and that the certification and licensure of boat operations should be linked to the existing records of New York State Department of Motor Vehicles in a manner that could , if the State deemed it appropriate, provide for dual licensing but at a minimum would offer a joint record of operation on both the State's roads and waterways; and

WHEREAS, requesting the State of New York to consider and act on these recommendations is 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 New York State Legislature and Governor to enact legislation that mandates all owners/operators of watercraft undertake state approved boating safety training and that owners/operator of mechanically propelled watercraft be licensed or certified in order to operate such craft in New York State waters; and

HEREBY DIRECTS the Town Clerk, Jo-Ann Raia, to forward certified copies of this resolution to Governor Andrew Cuomo, Dean G. Skelos, Senate Majority Leader, Assemblyman Sheldon Silver, Speaker of the Assembly; and to the members of Huntington's State Legislative delegation, Senator Carl Marcellino, Senator John Flanagan, Assemblyman James Conte and Assemblyman Andrew Raia.

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.

2012-468

RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO DIRECT THE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE TO DEVELOP AND DEPLOY A PORTAL ON THE DEPARTMENTAL WEBSITE WHERE BUSINESSES CAN FILE A PROTECTIVE CLAIM TO RECOVER ANY AND ALL METROPOLITAN TRANSPORTATION AUTHORITY (MTA) PAYROLL TAX PAYMENTS FROM THE DATE OF INCEPTION OF THE TAX AND AUTHORIZING THE COMPTROLLER TO FILE A CLAIM ON BEHALF OF THE TOWN OF HUNTINGTON TO OBTAIN A REFUND OF MTA PAYROLL TAX PAYMENTS DUE TO THE TOWN, AND TO AUTHORIZE THE TOWN ATTORNEY TO TAKE ALL STEPS OTHERWISE NECESSARY TO PROTECT THE TOWN'S CLAIM FOR RECOVERY OF ANY AND ALL TOWN MTA PAYROLL TAX PAYMENTS

Resolution for Town Board Meeting Dated: October 16, 2012

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, in 2009, the State of New York imposed an MTA Payroll Tax of 34¢ on every \$100 of payroll paid by employers in the twelve counties that make up the Metropolitan Commuter Transportation District, including those in Suffolk County who remit an estimated \$3-million annually; and

WHEREAS, the New York State Supreme Court ruled in August that the State acted unconstitutionally in adopting MTA payroll tax; and

WHEREAS, under New York State laws claims for tax refunds are subject to a three (3) year statute of limitations, which will expire on initial employer 2009 MTA Payroll Tax payments on November 2, 2012; and

WHEREAS, the Supreme Court ruling is currently on appeal and this Town Board believes it is the responsibility of the State to fully protect the rights and claims of those who will be entitled to a refund pending a final determination by the State's appellate courts; and

WHEREAS, enactment of this resolution 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 State Legislature to direct the New York State Department of Taxation and Finance to develop and deploy a portal on the departmental website where businesses can file a protective claim to recover any and all Metropolitan Transportation Authority (MTA) payroll tax payments to the state from the date of inception of the tax; and

HEREBY DIRECTS Town Clerk Jo-Ann Raia to forward certified copies of this resolution to Governor Andrew Cuomo and the Commissioner of the New York State

2012-468

Department of Taxation and Finance, Thomas H. Mattox; and to Dean G. Skelos, Senate Majority Leader; Assemblyman Sheldon Silver, Speaker of the Assembly; and to the members of Huntington's State Legislative delegation, Senator Carl Marcellino, Senator John Flanagan, Assemblyman James Conte and Assemblyman Andrew Raia; and

HEREBY AUTHORIZES the Comptroller to file a claim on behalf of the Town of Huntington to obtain a refund of MTA payroll tax payments due to the Town, and to authorize the Town Attorney to take all steps otherwise necessary to protect the Town's claim for recovery of any and all Town MTA payroll tax payments due to the Town and any other related actions.

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 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: October 16, 2012

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, on August 14, 2012 by Town Board Resolution 2012-391 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 September 12, 2012 ; 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 59 | 5 Antoine Court Huntington, NY 11743 | 0400-206-1-29 | Donald & Dian Karcher 5 Antoine Court Huntington, NY 11743 | 28-Jun-12 | \$2,500.00 |
| Exhibit 60 | 71 Tower Street Hunt. Station NY 11746 | 0400-140-02-133.000 | Manuel Cordero 71 Tower Street Hunt. Station NY 11746 | 9-Jul-12 | \$2,500.00 |
| Exhibit 62 | 26 Corlett Place Station NY 11746 | 0400-099-05-081.000 | Kevin M. Enright 26 Corlett Place Hunt. Station NY 11746 | 9-Jul-12 | \$2,500.00 |

SCHEDULE A

**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 59 | 5 Antoine Court Huntington, NY 11743 | 0400-206-1-29 | Donald & Dian Karcher 5 Antoine Court Huntington, NY 11743 | 28-Jun-12 | \$2,500.00 |
| Exhibit 60 | 71 Tower Street Hunt. Station NY 11746 | 0400-140-02-133.000 | Manuel Cordero 71 Tower Street Hunt. Station NY 11746 | 9-Jul-12 | \$2,500.00 |
| Exhibit 62 | 26 Corlett Place Station NY 11746 | 0400-099-05-081.000 | Kevin M. Enright 26 Corlett Place Hunt. Station NY 11746 | 9-Jul-12 | \$2,500.00 |

PROPERTIES PREVIOUSLY CITED FOR BLIGHT; CURRENTLY IN COMPLIANCE OR PARTY TO RESTORATION AGREEMENT

| PREVIOUS EXHIBITS- SCHEDULE A | PROPERTY IN VIOLATION | TAX ID # | PROPERTY OWNER/ MAILING ADDRESS | NOTIFICATION DATE |
|-------------------------------|--|---------------------------|---|-------------------|
| Exhibit 16 | 117 East 11th Street Station NY 11746 | 0400-146-02-074 000 | LOIUS AVINO, JR JEANNE AVINO 117 East 11th Street Hunt, Station, NY 11746 | 18-Nov-11 |
| Exhibit 24 | 35 Vanderbuilt Pkwy Dix Hills, NY 11746 | 0400-245-03-052 | EUN HEE CHOI & SOON JA CHOI 35 Vanderbuilt Parkway Dix Hills, NY 11746 | 26-Jan-11 |
| Exhibit 50 | 35 Wildwood Drive Dix Hills NY 11746 | 0400-277 00-01 00-021 000 | Robert & Mindy Bass 66 Willimgton Drive Melville, NY 11747 | 1-Jun-12 |

SCHEDULE C

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 16-2012 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE III (RESIDENCE DISTRICTS), SECTION 198-20.1 (R-HS RESIDENTIAL HEALTH SERVICES DISTRICT)

Resolution for Town Board Meeting dated: October 16, 2012

The following resolution was offered by: Councilwoman Berland

and seconded by: SUPERVISOR PETRONE, COUNCILMAN MAYOKA

THE TOWN BOARD having held a public hearing on the 24th day of September, 2012 at 7:00 p.m. to consider adopting Local Law Introductory No. 16, 2012, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article III (Residence Districts), §198-20.1 (R-HS Residential Health Services District); and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 16-2012 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article III (Residence Districts), §198-20.1 (R-HS Residential Health Services District; as follows:

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

LOCAL LAW NO. 16 -2012
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING), ARTICLE III (RESIDENCE DISTRICTS), SECTION 198-20.1 (R-HS RESIDENTIAL HEALTH SERVICES DISTRICT)

Section 1. Amendment to Chapter 198 (Zoning), Article III (Residence Districts), §198-20.1 (R-HS Residential Health Services District); as follows:

CHAPTER 198 (ZONING)
ARTICLE III (RESIDENCE DISTRICTS)

* * *
§198-20.1. R-HS Residential Health Services District.

* * *
G. Existing Uses. Nursing homes, assisted living facilities, and congregate care facilities lawfully existing as of June 11, 2008 pursuant to a valid special use permit granted by the Zoning Board of Appeals under any prior code provision are subject to the continuing jurisdiction of the Zoning Board of Appeals as provided for in §198-109(I) regarding applications to expand, alter or modify such uses and facilities therefor.

including accessory uses. The Zoning Board of Appeals shall apply the use and area variance standards contained in §198-20.1 as well as the general standards set forth in §198-66 when deciding such applications.

* * *

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 State 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 |
| Councilman Mark A. Cuthbertson | AYE |
| Councilwoman Susan A. Berland | AYE |
| Councilman Mark Mayoka | AYE |
| Councilman Eugene Cook | AYE |

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-471

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 19 - 2012, ADDING CHAPTER 156A TO THE CODE OF THE TOWN OF HUNTINGTON (BAMBOO)

Resolution for Town Board Meeting Dated: October 16, 2012

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town Board of the Town of Huntington has determined that it is in the public interest to regulate running bamboo, which if planted in close proximity to a property line, can migrate from the owners' property to adjacent property; and

WHEREAS, when invasive forms of bamboo migrate over a property line to adjoining property it can cause thousands of dollars of damage to the landscape design or natural habitat being maintained on adjacent properties; and

WHEREAS, it is in the public interest of the community to prevent highly invasive plants from migrating over property lines so as to prevent such plants from becoming a nuisance to adjoining property owners; and

WHEREAS, pursuant to § 617.5 (c) 20 and 27 of SEQRA, regulation amending the Town Code 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 connections with any Type II action", and therefore this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 7th day of November, 2012, at 7:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider adding to the Code of the Town of Huntington, Chapter 156A (Bamboo); as follows:

LOCAL LAW INTRODUCTORY NO. 19 2012
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
BY ADDING CHAPTER 156A (BAMBOO)

CHAPTER 156A (BAMBOO)

Section 1. Amendment to the Code of the Town of Huntington by adding a new Chapter 156A (BAMBOO) as follows:

CHAPTER 156A

BAMBOO

§156A-1. Purpose and Intent

The purpose of this Chapter is to preserve and protect private and public property from the damaging spread of certain running bamboo grasses, protect indigenous plant

materials from the invasive spread of running bamboo and maintain the general welfare of the residents of the Town of Huntington.

§156A-2. Definitions:

(A) Bamboo:

(1). "Running bamboo" hereinafter defined as any tropical or semi-tropical grasses with monopodial (leptomorph) rhizome (root) systems which typically send off rhizomes far away from the plant including, but not limited to, the following plant genera Arrow Bamboo, Arundinaria, Bambusa, Chimonobambusa, Common Bamboo, Golden Bamboo, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria.

(2). "Clumping bamboo" hereinafter defined as any tropical or semi-tropical or sympodial (pachymorph) grasses which typically send off rhizomes near the base of the plant, including, but not limited to, Bambusa, Chusquea, Dendrocalamus, Drepanostachyum, Fargesia, Himalayacalamus, Otatea, Thamnocalamus, Thyrostachys and Yushania.

(B). "Bamboo Owner". Any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on the property, or who permits Bamboo to grow or remain on the property even if the Bamboo has spread from an adjoining property. Any property owner or resident at whose property Bamboo is found will be considered a Bamboo Owner, except any property owner or resident who:

- (1) Did not plant or grow or cause Bamboo to be planted or grown on his property, and
- (2) Has provided satisfactory proof to the Town of Huntington that, within a reasonable period of time after discovering the encroachment of Bamboo onto the property from an adjoining or neighboring property, advised the owner of such property of an objection to the encroachment of the Bamboo, and
- (3) Has initiated steps for the removal of the Bamboo from the property, including remedies at law.

§156A-3. Presumption. In the event Bamboo is found to have encroached, spread, invaded or intruded upon any other property or right of way, said species shall be presumed to be classified as "running bamboo." This presumption shall be rebuttable.

§156A-4. Applicability. For the purposes of this Section, Bamboo found growing upon a property shall constitute presumptive evidence that the Bamboo was planted and/or grown by and/or with the consent of the Bamboo Owner.

§156A-5. Prohibition. Upon the effective date of this provision the planting of "running bamboo" shall be prohibited within the Town of Huntington. Any person who thereafter plants or causes to be planted any such "running bamboo" within the Town of Huntington shall be deemed to be in violation of this Section and shall be subject to such penalties as are set forth hereunder.

§156A-6. Duty to confine bamboo. In the event any species of Bamboo is located upon any property within the Town of Huntington, the owner or occupant of said property shall

confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other property or right of way.

§156A-7. Regulation. Any Bamboo that has been planted or otherwise permitted to grow on any property within the Town of Huntington prior to the effective date of this Section may remain on such property subject to compliance with this Section.

(A). Bamboo shall not be planted, maintained or otherwise be permitted to exist within 10 feet of the edge of the pavement or traveled portion of any public roadway in the Town of Huntington, and

(B). Any Bamboo Owner whose property contains Bamboo shall remove and abate the growth of the Bamboo within 10 feet of the edge of the pavement or traveled portion of a public road in the Town of Huntington, and

(C). Each Bamboo Owner shall be responsible to ensure that the Bamboo planted or growing on the property prior to the effective date of this Section does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and Town of Huntington right-of-ways, and

(D). Each Bamboo Owner shall be required to take such measures as are reasonably expected to prevent such Bamboo from invading or growing onto adjoining or neighboring properties. Such measures shall include, but not be limited to, installation of sheathing impenetrable by Bamboo at a sufficient depth within the property line or lines where the running bamboo is planted or is growing to prevent the growth or encroachment upon adjoining or neighboring property by the Bamboo, and

(E). The Town Board may from time to time prescribe such rules and regulations as may be necessary to give effect to this Section.

§156A-8. Removal from Town Property.

(A). Notice. In the event that Bamboo growing on a Bamboo Owner's property invades or grows on an adjoining or neighboring property that is owned or held on behalf of the Town of Huntington or its Trustees, the Director of Public Safety on behalf of the Town of Huntington or its Trustees shall notify the Bamboo Owner in writing that the Bamboo has invaded the Town of Huntington property and that the Bamboo Owner is responsible for the removal of such bamboo from the Town of Huntington property within 30 days. Such period may be extended for good cause shown, as long as it can be demonstrated that remedial measures have been started and the delay is not under the control of or due to the actions of the person to whom the notice has been issued. The Bamboo Owner shall be liable and responsible to the Town of Huntington for all costs incurred in removing the bamboo from the Town of Huntington property. Such costs may be assessed against the property of the Bamboo Owner.

(B). Service of the notice. The notice shall be served either personally in accordance with the CPLR or by registered or certified mail, return receipt requested, and addressed to the property owner at the last address shown on the most current assessment roll of the Town Assessor and/or Receiver of Taxes, or to the owner's agent at the last known

address, or to the occupant of the property, or person having a vested or contingent interest in the property as shown on the most current assessment roll of the Town Assessor and/or Receiver of Taxes. A copy of the notice shall also be posted at the Bamboo Owner's property.

(C). Action upon noncompliance. Upon the failure, neglect or refusal of such owner, agent, or person or business entity occupying the premises to remove, remedy or abate the bamboo nuisance within the specified period of time; or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed, the Director of Public Safety may refer the matter to the Administrative Hearing Officer appointed by the Town Board for further action. The Administrative Hearing Officer shall conduct a hearing concerning the premises within fifteen (15) days of receipt of a referral from the Director of the Department of Public Safety.

(D). Administrative Hearing. Upon referral to the Administrative Hearing Officer, the Public Safety Department code enforcement officer shall present a report on the status of the property where the bamboo nuisance is alleged to exist; the owner and/or agent of the owner of the affected property shall have the opportunity to present relevant evidence to the Administrative Hearing Officer, with or without legal counsel. A record shall be kept of such hearing including without limitation all documentary evidence presented together with a record of the testimony offered by any witnesses, who shall be duly sworn by the Administrative Hearing Officer prior to offering testimony. The decision of the Administrative Hearing Officer shall be issued within fifteen (15) days of the last day of the hearing conducted, thereon, and, it shall be filed with the Office of the Huntington Town Clerk and mailed to the person(s) to whom the original notice was served by regular mail and by registered or certified mail, return receipt requested, within five (5) days of the date of the decision.

(E). Action of the Administrative Hearing Officer. The Administrative Hearing Officer appointed by the Town Board, may direct the Bamboo Owner whose property has caused the bamboo nuisance to remove, remedy or abate the bamboo nuisance within thirty (30) days of receipt of a copy of the decision of the Administrative Hearing Officer, and upon the failure, neglect or refusal of such person or business entity to comply with the decision of the Administrative Hearing Officer, the Director of Public Safety may direct Town personnel, to remove, remedy or abate the nuisance, by whatever means deemed necessary or proper by the Town, at the expense of the property owner, or his agent and/or the occupier of land. A copy of the Public Safety Director's directive to Town personnel to proceed shall be mailed by certified or registered mail, return receipt requested, and addressed to the property owner at the last address shown on the most current assessment role on file in the Office of the Town Assessor and/or the Receiver of Taxes, or to the owner's agent at the last known address, and/or to the person or business entity occupying the land at the location of the property.

(F). Removal of the nuisance. Upon the failure, neglect or refusal of the owner, his agent, or person, or business entity occupying the premises to remove, remedy or abate such nuisance within the period provided by the decision of the Administrative Hearing Officer, or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed, Town personnel

may enter the property, upon reasonable notice, and take all necessary action to remove or abate the nuisance at the expense of the property owner, his agent, or occupier of the land as set forth in this article.

(G). Any person or business entity who resists, obstructs or impedes the agents, servants, officers and/or employees of the Town of Huntington in the remediation or removal process shall be in violation of this article and shall be subject to the fines and penalties provided herein.

(H). Liability for the costs of removal and/or abatement. The property owner, or his agent, and/or person or business entity who occupies the land shall be liable for the direct and indirect costs of abating the nuisance and all expenses incidental thereto, including but not limited to, an administrative fee equal to twenty-five (25%) percent of the total cost of said removal, remediation and/or disposal process. Said administrative fee is intended to reimburse the Town for the monies and time expended by its employees in abating the nuisance and collecting the sums due, including but not limited to, notifying the appropriate party, certifying the amounts due to the Town, and/or charging same against the property.

(I). The costs incurred by the Town as set forth herein shall be certified by the Director of each Town department providing services and the Town Attorney shall mail written notice of such costs by certified or registered mail, return receipt requested, to the owner of the premises at the last address shown on the most current assessment role on file in the Office of the Town Assessor, or to the owner's agent at the last known address, and/or to the occupier of the premises at the location of the property. Said notice shall further state that upon the failure of the property owner, his agent, and/or occupier to pay such sums within ten (10) days of receipt of such written notice by cash, certified or bank check, or money order, shall be sufficient cause to add the amount due to the tax bill without further notice.

(J). Recovery of costs and tax lien. In the event the property owner, his agent and/or the occupier of the land fails, refuses and/or neglects to pay the monies due and owing to the Town within said ten-day period, or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed, such certification of costs shall be provided to the Town of Huntington Tax Receiver who shall cause the costs as shown thereon to be charged against such lands without further notice. The amount so charged shall forthwith become a lien against such lands and shall be added to and become part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

§156A-9. Replanting Prohibited. Any Bamboo either planted or caused to be planted or existing on a property prior to the effective date of this Chapter may not be replanted or replaced in kind once such running bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

§156A-10. Penalties for offenses.

2012-472

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 20-2012, CONSIDERING ZONE CHANGE APPLICATION #2010-ZM-384, POST TIME REALTY, INC., TO CHANGE THE ZONING FROM R-5 RESIDENCE DISTRICT AND C-6 GENERAL BUSINESS DISTRICT TO C-6 GENERAL BUSINESS DISTRICT FOR PROPERTIES LOCATED ON THE NORTH SIDE OF RAILROAD STREET, WEST OF GREENLAWN-BROADWAY, GREENLAWN, SCTM# 0400-106-01-034 & 035.

Resolution for Town Board Meeting Dated: October 16, 2012

The following resolution was offered by: **SUPERVISOR PETRONE, COUNCILMAN MAYOKA**

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

WHEREAS, POST TIME REALTY, INC., and 11 RAILROAD ST. REALTY LLC, both at 86 Woodhull Place, Northport, NY 11768, property owners, submitted application #2010-ZM-384 for a change of zone from R-5 Residence District and C-6 General Business District to C-6 General Business District for properties located on the north side of Railroad Street, west of Greenlawn-Broadway (CR 86), Greenlawn, designated as 0400-106-01-034 & 035 on the Suffolk County Tax Map; and

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

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

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

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

NOW THEREFORE BE IT

RESOLVED, the Town Board hereby schedules a public hearing for the 18th day of December, 2012, at 7:00 PM to consider adopting Local Law Introductory No. 20-2012 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map;

General Regulations), §198-7 of the Huntington Town Code, thereby rezoning from R-5 Residence District and C-6 General Business District to C-6 General Business District the properties designated on the Suffolk County Tax Map as 0400-106-01-034 & 035, as follows:

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

LOCAL LAW INTRODUCTORY NO. 20 - 2012
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)
SECTION 7 (ZONING MAP)

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

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

* * *

§ 198-7 Zoning Map

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

The premises located on the north side of Railroad Street, west of Greenlawn-Broadway, Greenlawn, designated on the Suffolk County Tax Map as 0400-106-01-034 & 035, to be rezoned from R-5 Residence District and C-6 General Business District to C-6 General Business District, more particularly described as:

BEGINNING at a POINT on the north side of Railroad Street, 132.20 feet west from the intersection of the north side of Railroad Street with the west side of Greenlawn-Broadway,

THENCE from said POINT OF BEGINNING South 75 degrees 24 minutes 00 seconds West, 137.00 feet,

THENCE North 08 degrees 05 minutes 05 seconds West, 176.60 feet,

THENCE North 76 degrees 07 minutes 00 seconds East, 126.85 feet,

THENCE South 05 degrees 34 minutes 00 seconds East, 50.00 feet,

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: October 16, 2012

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 7th day of ~~November~~ 2012 at 7:00p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider authorizing various actions be taken with regard to blighted properties to bring about compliance with Article VII, Chapter 156 of the Code of the Town of Huntington.

2012-473

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.

**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 66 | 33 Keeler Street Hunt. Station NY 11746 | 0400-206-03-071.000 | LPS Fields Services, Inc. Client Services Dept. 601 Riberside Avenue Jacksonville FL 32204 | 30-Aug-12 | \$2,500.00 |
| Exhibit 67 | 111 8th Avenue Hunt. Station, NY 11746 | 0400-143-01-066.002 | Fred J. Lanier P. O. BOX 5 Hunt. Station, NY 11746 | 30-Aug-12 | \$2,500.00 |
| Exhibit 68 | 5 Gerri Road E. Northport NY 11731 | 0400-126.00-02.00-016.000 | OCWEN Loan Servicing c/o CORELOGIC PO BOX 961250 FT. Worth TX 761691-9887 | 31-Aug-12 | \$2,500.00 |
| Exhibit 69 | 273 Lenox Road Hunt. Station, NY 11746 | 0400-150-1-23 | OCWEN Loan Servicing c/o CORELOGIC PO BOX 961250 FT > Worth TX 761691-9887 | 9/6/2012 | \$2,500.00 |

SCHEDULE A

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

| | | | | | |
|------------|--|---------------------------|--|-----------|------------|
| Exhibit 70 | 49 Prospect Road Centerport, NY 11721 | 0400-45-1-21 | Henry & Jean Cleaves 614 Coddington Rd Ithaca, NY 14850 or Atty: Mazza & Mazza 307 North Tioga Street Ithaca, NY 14850 | 9/11/2012 | \$2,500.00 |
| Exhibit 71 | 24 Danville Drive Greenlawn, NY 11740 | 0400-168.00-02.00-013.000 | Stephen & Fredrica Silverberg 24 Danville Dr. Greenlawn, NY 11740 or Mtg. Co: Bank of America 47 Broadway Greenlawn Greenlawn, NY 11740 | 8/31/2012 | \$2,500.00 |

SCHEDULE A

2012- 474

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER THE ISSUANCE OF A SPECIAL USE PERMIT PURSUANT TO THE MARINE CONSERVATION LAW, TOWN CODE CHAPTER 137

APPLICANT: LAND USE ECOLOGICAL SERVICES ON BEHALF OF THOMAS WOLF

LOCATION: 7 WOODLAND DR., HUNTINGTON, N.Y. 11743

S.C.T.M. #: 0402-002.00-01.00-039.000

Resolution for Town Board Meeting Dated: October 16, 2012

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

and seconded by: **SUPERVISOR PETRONE**

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

Land Use Ecological Services
On behalf of
Thomas Wolf
7 Woodland Dr.
Huntington, N.Y. 11743

to reconstruct and replace existing timber bulkhead with a total of 115 linear ft of interlocking vinyl bulkhead. The project work site is to be accessed via the applicants own property. The proposed bulkhead is to be constructed entirely on the subject property at 7 Woodland Dr., Huntington, N.Y. 11743, S.C.T.M. # 0402-002.00-01.00-039.000; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 7th day of November, 2012, at 7:00 pm at Town Hall, 100 Main Street, Huntington, New York 11743, to consider the issuance of a special use permit to Thomas Wolf to reconstruct and replace existing timber bulkhead with a total of 115 linear ft of interlocking vinyl bulkhead. The entire proposed bulkhead is to be constructed entirely on the subject property at 7 Woodland Dr., Huntington, N.Y. 11743, S.C.T.M. # 0402-002.00-01.00-039.000

2012-474

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 THE ISSUANCE OF A SPECIAL USE PERMIT PURSUANT TO THE MARINE CONSERVATION LAW, TOWN CODE CHAPTER 137

APPLICANT: JEFF A. ZAHN-R.A. ON BEHALF OF JAMES HALFPENNY

LOCATION: 156 WEST WATERVIEW ST., NORTHPORT, N.Y. 11768

S.C.T.M. #: 0400-008.00-01.00-009.000

Resolution for Town Board Meeting Dated: October 16, 2012

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

and seconded by: **COUNCILMAN COOK**

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

Jeff A. Zahn-R.A.
On behalf of
James Halfpenny
156 West Waterview St.
Northport, N.Y. 11768

to construct 90 linear ft. of timber-style bulkhead to replace a dilapidated/failing bulkhead. Bulkhead intended to stabilize bluff area and act as erosion control. The project work site is to be accessed via the applicants own property. The proposed bulkhead is to be constructed entirely on the subject property at 156 West Waterview St., Northport, N.Y., S.C.T.M. # 0400-008.00-01.00-009.000; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the 7th day of November, 2012, at 7:00 pm at Town Hall, 100 Main Street, Huntington, New York 11743, to consider the issuance of a special use permit to James Halfpenny to construct 90 linear ft. of timber-style bulkhead to replace a dilapidated/failing bulkhead. Bulkhead intended to stabilize bluff area and act as erosion control. The project work site is to be accessed via the applicants own property. The proposed bulkhead is to be constructed entirely on the subject property at 156 West Waterview St., Northport, N.Y., S.C.T.M. # 0400-008.00-01.00-009.000

2012-475

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.

2012-476

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT
RE: 108 OLD COUNTRY ROAD, MELVILLE—SWEET HOLLOW HISTORIC
DISTRICT

Resolution for Town Board Meeting Dated: October 16, 2012

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by Kazuko Santinelli, 108 Old Country Road, Melville, NY 11747, for a Certificate of Approval to legalize 1) an above ground 12' x 24' vinyl pool, 2) 150 linear foot retaining wall over 4' high located in the side and rear yard, and 3) a 1,000 square foot deck attached to the rear of the dwelling located at 108 Old Country Road, Melville, NY 11747, 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 Sweet Hollow Historic District and bears Suffolk County Tax Map #0400-256.00-02.00-004.000, 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 **7th** day of **November**, 2012, at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of Kazuko Santinelli.

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.

2012-477

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ISSUING A
CERTIFICATE OF APPROVAL IN AN HISTORIC DISTRICT
RE: 269 PARK AVENUE, HUNTINGTON—OLD HUNTINGTON GREEN
HISTORIC DISTRICT

Resolution for Town Board Meeting Dated: October 16, 2012

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

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, an application was submitted to the Town Board of the Town of Huntington by Rita Lee, 269 Park Avenue, Huntington, NY 11743, for a Certificate of Approval to 1) erect a 286 square foot screened porch to the rear of the existing historic dwelling, 2) construct a detached 537.5 square foot one story garage with storage cellar, and 3) replace an existing timber retaining wall with fence on the property line with a new Versa-Lok retaining wall and new fence in accordance with plans dated September 17, 2012 at the property located at 269 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 #0400-071.00-03.00-029.000, 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 **7th** day of **November**, 2012, at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, NY, to consider issuing a Certificate of Approval for the aforesaid application of Rita Lee.

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.

2012 - 478

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER EXEMPTING THE EATON'S NECK FIRE DISTRICT FROM SITE PLAN REVIEW AND THE TOWN OF HUNTINGTON ZONING CODE AS IS NECESSARY TO EXPAND DISTRICT FACILITIES (SUFFOLK COUNTY TAX MAP NO.: 0400-002-02-030.001)

Resolution for Town Board Meeting dated: October 16, 2012

The following Resolution was offered by: Supervisor Petrone

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

WHEREAS, the Eaton's Neck Fire District located at 55 Eaton's Neck Road, Northport, New York desires to construct an eight (8) foot by fifty-seven and one-half (57½) foot (or 460 square foot) one-story southerly building addition, a two (2) foot by ten (10) foot (or 20 square foot) one-story westerly building addition, and an approximate 385 square foot canopy addition to the northerly side of the existing 9,791 gross square foot firehouse building containing no basement or cellar space that will yield a 10,271 gross square foot building with no proposed basement or cellar space to include site parking and landscape modifications on the 40,008 square foot (or approximate 0.91-acre) lot bearing Suffolk County Tax Map Number 0400-002-02-030.001; and

WHEREAS, the Fire District has requested an exemption from the provisions of §198-109(I) of the Huntington Town Code requiring Zoning Board action for expansions, alterations, and modifications to properties where special use permits have previously been issued; §198-68(A)(7) of the Town Code requiring a special use permit to legalize an existing large propane tank located within a fenced enclosure on the lot; §198-110(C)(4) to legalize the existence of an 8' by 20' metal storage container located within the rear yard of the subject parcel and extending to the rear yard setback and beyond the property lines into adjoining property to the east; §198-48(D) requiring a variance in order to maintain one parking stall within five (5) feet of a lot line and also to maintain an area having an all-weather surface located within five (5) feet of the easterly lot line of the property, such paved area requires an additional variance from §198-48(E) as it has the potential of being used as a parking lot; §198-48(F) so as to permit parking in the front yard of the premises; §198-48(E) to establish two (2) parallel substandard dimensioned parking stalls shown on the proposed site plan of FPM Group, Ltd. last revised October 28, 2011 along the south side of the main building, together with all nineteen (19) substandard dimensioned parking stalls shown along the southerly and easterly property lines and the corresponding reduction in aisle width to less than the plan indicated 18.8 foot size for one-way traffic flow around the subject building where a minimum of eighteen (18) feet is required for the plan depicted 60 degree angled parking stalls and a minimum of twenty-four (24) feet is required for the plan depicted perpendicular parking stalls; §198-47 so as to permit only twenty-three (23) off-street parking spaces, twenty-one of which will be substandard in dimension, instead of the twenty-six (26) Town Code dimensioned and required number of off-street parking stalls; §198-77(A) and (B) in order to exempt the applicant from establishing the appropriate vegetative screen buffers and landscaping along the easterly side of the property; §198-

2012 - 478

92(I)(2)(c) so as to permit two (2) instead of one (1) freestanding identification sign per lot; and

WHEREAS, scheduling a public hearing to consider exempting the Eaton's Neck Fire District from the aforesaid sections of the Huntington Town Code and waiving site plan approval is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and therefore no further SEQRA review for this action is required.

NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby schedules a public hearing to be held on the 7th day of November, 2012 at 7:00 p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider exempting the Eaton's Neck Fire District from site plan review by the Planning Board and further exempting the District from compliance with certain provisions of the Huntington Town Code pertaining to parking, fencing, buffers, screening and setbacks in connection with the property bearing Suffolk County Tax Map Number 0400-002-02-030.001, at which time all persons interested in the subject thereof may be heard.

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.

2012-480

RESOLUTION DEDICATING AND DESIGNATING THE HUNTINGTON STATION ARMORY AS THE "JAMES D. CONTE MEMORIAL" ARMORY BUILDING IN MEMORY OF THE LATE ASSEMBLYMAN

Resolution for Town Board Meeting Dated: October 16, 2012

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, Assemblyman James D. Conte fought for years to transfer ownership of the New York State Armory located at 100 East 5th Street in Huntington Station to the Town of Huntington upon its abandonment by the State; and

WHEREAS, in one of his last official acts before his death Assemblyman Conte successfully sponsored the bill signed by the Governor as Chapter 243 of the Laws of 2012 directing the State to transfer and convey the Armory to Town ownership; and

WHEREAS, this Town Board believes that it is right and fitting that upon completion of the transfer that Assemblyman James D. Conte be honored by affixing his name to the building he worked so hard to secure for the use and enjoyment of the people he represented; and

WHEREAS, the dedication and designation authorized hereby 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 DEDICATES AND DESIGNATES the Huntington Station Armory as the "James D. Conte Memorial" Armory building in memory of the late Assemblyman

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 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.

2012 –BT24

RESOLUTION RENAMING COLD SPRING HARBOR PAPERMILL PARK AS COLD SPRING HARBOR FIREMEN'S MEMORIAL PARK.

Resolution for Board of Trustees Meeting Dated: October 16, 2012

The following resolution was offered by: Trustee Cuthbertson
TRUSTEE BERLAND, TRUSTEE MAYOKA
and seconded by: **PRESIDENT PETRONE, TRUSTEE COOK**

WHEREAS, the Board of Trustees is desirous of honoring the service of the members of the Cold Spring Harbor Fire Department by renaming Cold Spring Harbor Papermill Park, located on Main Street, Cold Spring Harbor to The Cold Spring Harbor Firemen's Memorial Park.

WHEREAS, the Town of Huntington Board of Trustees recognizes that the Cold Spring Harbor Fire Department organized in 1852, has served the residents of Cold Spring Harbor, Cold Spring Hills and portions of the Incorporated Village of Lloyd Harbor in both fire service and rescue; and

WHEREAS, for over 150 years the dedicated volunteers who are the Cold Spring Harbor Fire Department have protected their fellow residents; and

WHEREAS, through their volunteer service, the sixty-five active members of the Cold Spring Harbor Fire Department have continued to protect the residents of the Town of Huntington responding to over 550 fire and rescue calls in the most recent calendar year; and

WHEREAS, the renaming of a park 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 BOARD OF TRUSTEES

HEREBY RENAMES Cold Spring Harbor Papermill Park to be known as as the Cold Spring Harbor Firemen's Memorial Park.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

| | |
|-----------------------------|------------|
| President Frank P. Petrone | AYE |
| Trustee Susan A. Berland | AYE |
| Trustee Eugene Cook | AYE |
| Trustee Mark A. Cuthbertson | AYE |
| Trustee Mark Mayoka | AYE |

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.