

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

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

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

**PRESENT:**

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

**AGENDA FOR TOWN BOARD MEETING DATED MAY 5, 2015**

**2:30 P.M. – TOWN HALL**

Opened: 2:35 P.M. Closed: 4:29 P.M.

(Resolutions #2015-209 to 2015-234)

**HEARINGS:**

**ACTION**

1. Consider authorizing various actions be taken upon certain properties designated as Blighted in accordance with Chapter 156, Article VII, §156-60 (Blighted Property). (SCTM #'S: **0400-212.00-01.00-004.000; 0400-194.00-04.00-024.000; 0400-146.00-03.00-122.000; 0400-258.00-02.00-007.000; 0400-209.00-02.00-012.000**)

(2015-M-14)

*Scheduled as per Resolution 2015-204 at 4-21-2015 Town Board Meeting*

**ACTIONS TAKEN  
AS PER  
RESOLUTION 2015-228**

2. Consider executing an agreement with the Incorporated Village of Northport to furnish Fire Protection Services for the Town of Huntington Fire Protection District No. 1, nunc pro tunc. (Period: 1/1/2015-12/31/2015)

(2015-M-15)

*Scheduled as per Resolution 2015-205 at 4-21-2015 Town Board Meeting*

**ENACTMENT  
RESOLUTION 2015-226**

3. Consider adoption of the Huntington Station Gateway Plan.

(2015-M-16)

*Scheduled as per Resolution 2015-206 at 4-21-2015 Town Board Meeting*

**DECISION RESERVED**

4. Consider adopting Local Law Introductory No. 7-2015, amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article IV, §2-7, Schedule G Re: Daly Road, Commack – Yield Sign. (Local Law Introductory No. 7-2015)

*Scheduled as per Resolution 2015-201 at 4-21-2015 Town Board Meeting*

**DECISION RESERVED**

**HEARINGS (Continued):**

5. Consider adopting Local Law Introductory No. 8-2015, amending the Code of the Town of Huntington by repealing the existing Chapter 29 (Ethics) and replacing it with a new Chapter 29 (Ethics).  
(Local Law Introductory No. 8-2015)

*Scheduled as per Resolution 2015-202 at 4-21-2015 Town Board Meeting*

6. Consider adopting Local Law Introductory No. 9-2015, amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article III (Building Permits).

(Local Law Introductory No. 9-2015)

*Scheduled as per Resolution 2015-203 at 4-21-2015 Town Board Meeting*

**ACTION**

**HEARING REMAINS OPEN  
UNTIL 5/19/15 FOR PUBLIC  
WRITTEN COMMENTS  
TO THE TOWN CLERK**

**ENACTMENT  
RESOLUTION 2015-227**

**AGENDA FOR TOWN BOARD  
MEETING DATED: MAY 5, 2015**

**RESOLUTIONS:**

**OFF. SEC. VOTE**

**ABBREVIATIONS FOR PURPOSE OF AGENDA:**

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

- |                  |   |                                |                                |   |
|------------------|---|--------------------------------|--------------------------------|---|
| <b>2015-209.</b> | <b>AUTHORIZE</b> the Supervisor to execute a license agreement with the Huntington Township Chamber of Commerce for the use of Crab Meadow Beach for its “Luau at Sunset” networking event on July 28, 2015.<br>(Time: 12:00 PM – 11:00 PM)   | <b><u>FP</u></b>               | <b><u>SB</u><br/><u>EC</u></b> | <b><u>5</u></b>   |
| <b>2015-210.</b> | <b>AUTHORIZE</b> the Supervisor to execute a license agreement with the Huntington Manor Fire Department for the use of Peter Nelson Park for its annual Fireman’s Fair.<br>(Date/Time: 7/12/2015 at 9:00 AM until 7/19/2015 at 11:00 PM)   | <b><u>FP</u></b>               | <b><u>EC</u><br/><u>SB</u></b> | <b><u>5</u></b>   |
| <b>2015-211.</b> | <b>AUTHORIZE</b> the Supervisor to execute an agreement with Suffolk County Department of Health Services for the provision of drug treatment and prevention services nunc pro tunc. (Period: 1/1/2015 – 12/31/2017)  | <b><u>MC</u><br/><u>EC</u></b> | <b><u>SB</u></b>               | <b><u>5</u></b>   |
| <b>2015-212.</b> | <b>AUTHORIZE</b> the Supervisor to execute an agreement to amend the collective bargaining agreement between the Town of Huntington and Local 342, Long Island United Marine Division, International Longshoreman’s Association AFL-CIO (Blue Collar Agreement).  | <b><u>TE</u></b>               | <b><u>SB</u></b>               | <b><u>5</u></b>   |
| <b>2015-213.</b> | <b>AUTHORIZE</b> the Supervisor to execute an agreement with Givon Flying Club D/B/A Hobby Quest to provide hands-on enrichment programs for children. (Period: 6/1/2015 – 6/1/2017)  | <b><u>EC</u></b>               | <b><u>TE</u></b>               | <b><u>5</u></b>   |
| <b>2015-214.</b> | <b>AUTHORIZE</b> the Supervisor to execute a requirements contract for general construction with Laser Industries, Inc. (Period: Two years)   | <b><u>MC</u></b>               | <b><u>EC</u></b>               | <b><u>5</u></b>   |
| <b>2015-215.</b> | <b>AUTHORIZE</b> the Supervisor to submit to the New York State Director of the Budget a “Local Government Efficiency Plan” and execute all documents and certifications in connection therewith in accordance with the provisions of the New York State Property Tax Freeze Credit Program.  | <b><u>MC</u></b>               | <b><u>FP</u></b>               | <b><u>5</u></b>   |
| <b>2015-216.</b> | <b>AUTHORIZE</b> the assignment of a requirements contract for refuse removal service two cubic yard, four cubic yard, six cubic yard and eight cubic yard containers from Progressive Waste Solutions of LI, Inc. to Winters Bros. Waste Systems of LI. (Contract period until 12/31/2015)<br>(Re: Refer to prior resolutions 2013-520 and 2014-446) | <b><u>SB</u></b>               | <b><u>EC</u></b>               | <b><u>SB-AYE</u><br/><u>EC-AYE</u><br/><u>FP-AYE</u><br/><u>TE-AYE</u><br/><u>MC-RECUSE</u></b> |

**AGENDA FOR TOWN BOARD  
MEETING DATED: MAY 5, 2015**

| <b>RESOLUTIONS:</b>   | <b>OFF.</b>                          | <b>SEC.</b>                          | <b>VOTE</b>     |
|---|--------------------------------------|--------------------------------------|-----------------|
| <b>2015-217.</b> <b>AUTHORIZE</b> the change of name of EMTEC Consulting Engineers to Emtec Consultants Professional Engineers, PLLC for the electrical upgrades at the John J. Flanagan Center, nunc pro tunc.<br>(Re: Resolution #2015-105)   | <u><b>SB</b></u>                     | <u><b>TE</b></u>                     | <u><b>5</b></u> |
| <b>2015-218.</b> <b>AUTHORIZE</b> the Comptroller to amend the 2015 Operating Budget for the Town of Huntington and its special districts-various departments.  | <u><b>SB</b></u>                     | <u><b>FP</b></u>                     | <u><b>5</b></u> |
| <b>2015-219.</b> <b>AUTHORIZE</b> the Comptroller to amend the 2015 Operating and Capital Budget for the Town of Huntington and its special districts-Dix Hills Water District. (Re: Tank rehabilitation at the Colby Drive facility)           | <u><b>SB</b></u>                     | <u><b>MC</b></u>                     | <u><b>5</b></u> |
| <b>2015-220.</b> <b>AUTHORIZE</b> the Comptroller to amend the 2015 Operating and Capital Budget for the Town of Huntington and its special districts-Highway Department. (Re: Road rehabilitation)   | <u><b>FP</b></u>                     | <u><b>SB</b></u>                     | <u><b>5</b></u> |
| <b>2015-221.</b> <b>ADOPT</b> a Home Rule message urging the New York State Legislature and the Governor to enact legislation (S.2137/A.2318) designating uniformed officers of the Huntington Fire Marshal's office as Peace Officers.         | <u><b>FP</b></u>                     | <u><b>SB</b></u>                     | <u><b>5</b></u> |
| <b>2015-222.</b> <b>WAIVE</b> admission and skate rental fees for two public sessions at the Dix Hills Ice Rink on July 24, 2015 and August 7, 2015 to benefit the Fresh Air Fund Families of Nassau and Suffolk Counties.                      | <u><b>SB</b></u>                     | <u><b>EC</b></u>                     | <u><b>5</b></u> |
| <b>2015-223.</b> <b>ENACTMENT: APPROVE</b> the extension of the South Huntington Water District to serve a portion of Kensington Estates (Kensington Estates Extension).  | <u><b>EC</b></u><br><u><b>SB</b></u> | <u><b>FP</b></u><br><u><b>TE</b></u> | <u><b>5</b></u> |
| <b>2015-224.</b> <b>ENACTMENT: ADOPT</b> Local Law Introductory Number 5-2015 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Hazel Court – Parking Restrictions.                     | <u><b>MC</b></u>                     | <u><b>EC</b></u>                     | <u><b>5</b></u> |
| <b>2015-225.</b> <b>ENACTMENT: APPROVE</b> the granting of a variance under Local Law 7-1989 (Coastal Erosion Management Regulations) Applicant: Michael Grossman Location: 45 Makamah Beach Rd. S.C.T.M. #0400-013.00-01.00-014.000.           | <u><b>MC</b></u>                     | <u><b>EC</b></u>                     | <u><b>5</b></u> |
| <b>2015-226.</b> <b>ENACTMENT: AUTHORIZE</b> the Supervisor to enter into an agreement with the Incorporated Village of Northport to furnish fire protection services for the Town of Huntington Fire Protection District No. 1, nunc pro tunc. | <u><b>FP</b></u>                     | <u><b>EC</b></u><br><u><b>SB</b></u> | <u><b>5</b></u> |
| <b>2015-227.</b> <b>ENACTMENT: ADOPT</b> Local Law Introductory No. 9-2015, amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article III (Building Permits).  | <u><b>MC</b></u>                     | <u><b>TE</b></u>                     | <u><b>5</b></u> |

**AGENDA FOR TOWN BOARD  
MEETING DATED: MAY 5, 2015**

| <b>RESOLUTIONS:</b>   | <b>OFF.</b>      | <b>SEC.</b>      | <b>VOTE</b>     |
|---|------------------|------------------|-----------------|
| <b>2015-228.</b> <b>AUTHORIZE</b> appropriate action(s) in accordance with Huntington Town Code Chapter 156 Property Maintenance; Nuisances, Article VII, Blighted Property, §156-67, action by Town Board for failure to comply or abate violations. (Re: Schedule A & B – Edith Williams, 7 Vose Place, Huntington, SCTM# 0400-212.00-01.00-004.000; Nicholas Petkoff, 40 W. 22 <sup>nd</sup> Street, Huntington Station, SCTM# 0400-194.00-04.00-024.000; Alba Benitez/Jesus Fuentes, 119 East 10 <sup>th</sup> Street, Huntington Station, SCTM# 0400-146.00-03.00-122.000; Christopher Paul Opitz, 204 Old Country Road, Melville, SCTM# 0400-258.00-02.00-007.000; Mohammed/Zohre Alagheband, 684 Old Country Road, Dix Hills, SCTM# 0400-209.00-02.00-012.000) | <u><b>SB</b></u> | <u><b>FP</b></u> | <u><b>5</b></u> |
| <b>2015-229.</b> <b>SCHEDULE A PUBLIC HEARING: JUNE 9, 2015 at 7:00 PM</b><br>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: Linda Fitzpatrick, 1 Forest Drive, E. Npt, SCTM# 0400-083.00-02.00-059.000; Gaetano Rera c/o Catuleo Rera, 37 Kenneth Avenue, Huntington, SCTM #0400-169.00-01.00-058.000; John Castro, 121 Columbia Street, Huntington Station, SCTM# 0400-140.00-02.00-119.000)  | <u><b>SB</b></u> | <u><b>FP</b></u> | <u><b>5</b></u> |
| <b>2015-230.</b> <b>SCHEDULE A PUBLIC HEARING: JUNE 9, 2015 at 7:00 PM</b><br>To consider adopting Local Law Introductory No. 10-2015 amending the Code of the Town of Huntington, Chapter 119 (Graffiti).  | <u><b>SB</b></u> | <u><b>EC</b></u> | <u><b>5</b></u> |
| <b>2015-231.</b> <b>SCHEDULE A PUBLIC HEARING: JUNE 9, 2015 at 7:00 PM</b><br>To consider adopting Local Law Introductory No. 11-2015, amending the Code of the Town of Huntington, Chapter 159 (Recreational Facilities), Article II (Use Regulations and Restrictions).   | <u><b>MC</b></u> | <u><b>SB</b></u> | <u><b>5</b></u> |
| <b>2015-232.</b> <b>SCHEDULE A PUBLIC HEARING: JUNE 9, 2015 at 7:00 PM</b><br>To consider adopting Local Law Introductory No. 12-2015, amending the Code of the Town of Huntington, Chapter 180 (Taxi Cabs and Vehicles for Hire), Article IV (Vehicle Operator Requirements).  | <u><b>TE</b></u> | <u><b>EC</b></u> | <u><b>5</b></u> |
| <b>2015-233.</b> <b>SCHEDULE A PUBLIC HEARING: JUNE 9, 2015 at 7:00 PM</b><br>To consider adopting Local Law Introductory Number 13-2015, considering Zone Change Application #2012-ZM-392, BSL NY Development LLC, to change the Zoning from C-3 Special Business District & R-10 Residence District to R-HS Residential Health Services District for property located on the south corner of East Main Street (NYS 25A) and Washington Drive, and north side of Old Northport Road, Huntington, SCTM# 0400-077-01-015.006 & 015.007.  | <u><b>MC</b></u> | <u><b>EC</b></u> | <u><b>5</b></u> |
| <b>2015-234.</b> <b>SCHEDULE A PUBLIC HEARING: JUNE 9, 2015 at 7:00 PM</b><br>To consider adopting Local Law Introductory Number 14-2015, considering Zone Change Application #2014-ZM-404, Platt's Park Avenue LLC, to change the zoning from R-15 Residence District to C-4 Neighborhood Business District for property located on the east corner of East Main Street and Park Avenue, Huntington, SCTM#0400-073-02-(001, 003.002, 003.003).   | <u><b>FP</b></u> | <u><b>EC</b></u> | <u><b>5</b></u> |

**AGENDA FOR TOWN BOARD  
MEETING DATED: MAY 5, 2015**

**RESOLUTIONS:**

**OFF. SEC. VOTE**

AGENDA FOR BOARD OF TRUSTEES'  
MEETING DATED: MAY 5, 2015

RESOLUTIONS:

OFF. SEC. VOTE

2015-BT

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AGENDA FOR COMMUNITY DEVELOPMENT AGENCY  
MEETING DATED: MAY 5, 2015

RESOLUTIONS:

OFF. SEC. VOTE

2015-CD

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**INFORMATIONAL SHEET FOR:  
TOWN BOARD, BOARD OF TRUSTEES' AND COMMUNITY DEVELOPMENT  
MEETING DATED: MAY 5, 2015**

**COMMUNICATION**

**DISTRIBUTION**

1. Letters received Certified Mail – Applying for Liquor Licenses:  
From: Patrick DeLuca for Roberto Moreira or corp to be formed;  
From: Brian Adams for 688 Fort Salonga Corp name to be determined (688 Fort Salonga Road, Northport); From: Brian Adams for BDGJT Enterprises Inc for name to be determined (688 Fort Salonga Road, Northport)  

Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
Planning & Environment  
cc: Sewage Treatment Facility
  
2. Letters received Certified Mail – Renewal for Liquor Licenses:  

Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Engineering Services  
Planning & Environment  
cc: Sewage Treatment Facility
  
3. Notification received from the New York State Liquor Authority regarding a hearing to be held on May 7, 2015 at 11:00 am at 317 Lenox Avenue, NY, NY . The hearing is regarding an application for a liquor license for TOA Asian Fusion located at 369 New York Avenue, Huntington; there are at least 3 other licensed and operating on premises liquor establishments within a 500 foot radius of the proposed establishment.  

Supervisor  
Town Board  
Town Attorney  
Public Safety  
Fire Inspector  
Sewage Treatment Facility  
Engineering Services  
cc: Planning & Environment
  
4. Letter received from Andrew Amakawa, Research Technician for the Suffolk County Department of Economic Development and Planning, regarding a Public Hearing to be held on April 29, 2015 regarding the inclusion of certain parcels in Huntington for inclusion in an existing certified agricultural district. Copy of the legal notice was attached; meeting to be held on April 29, 2015 at the Graf Cornell Cooperative Extension Building at 7:00 PM.  

Supervisor  
Town Board  
Town Attorney  
cc: Planning & Environment
  
5. Letter received from Daniel Dresch, Jr., Director of Traffic Safety for Suffolk County, addressed to Sergeant Michael Wilcken, Chief of Patrol for the Suffolk County Police Department. Attached was a copy of the revised Suffolk County Street Vendor Law Handbook reflecting a change in the Chapter Code 475 to 826.  

Supervisor  
Town Board  
Town Attorney  
cc: Public Safety
  
6. Email received from Wendi Stranieri regarding “scrutiny of an official’s home”. The writer is posing questions regarding on-going investigations of various individuals.  

Supervisor  
Town Board  
cc: Town Attorney

7. Emails/letters received in opposition of the Benchmark proposal for a zone change. Received from: Barbara Lukacovic, John Gleeson, Susan Worledge, James Ghericich and Carrie Ghericich, Supervisor  
Town Board  
Town Attorney  
cc: Planning & Environment
8. Letter received from John J. Breslin, Jr., regarding a copy of the rental registration he received from an angry client. He is questioning the validity of the legislation that was recently passed and believes it should be overturned. cc: Supervisor
9. Letter received from Michael Kane, Chairman of the Town of Babylon Zoning Board of Appeals, regarding a Public Hearing to be held on 5/14/2015 at 6:30 PM regarding property located at 2099 New Highway in Farmingdale. This property is within 500' of the Town of Huntington border. Applicant is requesting a renewal of a special exception permit for outdoor storage of building materials. A copy of the application and maps were included. Supervisor  
Town Board  
Town Attorney  
cc: Planning & Environment
10. Letter received from Andrew Maziarski, Cultural Resources Manager, for IVI Telecom Services, regarding Section 106 Public Outreach, "LI13201C-Middle Village" Gun Club Road, Northport, NY, IVI Project No: TS50413664. The letter is written on behalf of T-Mobile, to solicit input concerning the aforementioned project. The project entails the collocation of antennas on an existing water tank along with other ancillary equipment. Responses should be received by May 29, 2015. B) Additional Notification received from the Federal Communications Commission regarding the Informational Notice of Section 106 Filings. Supervisor  
Town Board  
Town Attorney  
cc: Planning & Environment
11. Email received from Huntington Calm regarding an earth day award given to a Long Island sixth grade student. His project was researching leaf blowers. Also attached, was a copy of his report and two letters from the CEO of Stony Brook University Hospital and NYS Center of Excellence in Children's Environmental Health at Stony Brook. (Writer copied the Supervisor and Councilpersons) Town Attorney  
cc: Planning & Environment
12. Email forwarded by Supervisor Petrone's office from a resident, Cesar Chaikin regarding a ticket he received for a parking violation. The writer provides a chronological event of the correspondence that transpired between himself and the Town of Huntington Division of Public Safety. (Writer copied the Councilpersons and Public Safety) cc: Town Attorney

2015-209

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH THE HUNTINGTON TOWNSHIP CHAMBER OF COMMERCE FOR THE USE OF CRAB MEADOW BEACH FOR ITS LUAU AT SUNSET NETWORKING EVENT ON JULY 28, 2015

Resolution for Town Board Meeting Dated: May 5, 2015

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, the Huntington Township Chamber of Commerce serves as a progressive and dynamic business organization which nurtures and promotes the Huntington business community; and

WHEREAS, the Huntington Township Chamber will be hosting its "Luau at Sunset" networking event on Tuesday, July 28, 2015 from 6:00 p.m. until 9:00 p.m. for the purpose of supporting ongoing Chamber programs and providing its membership with a unique networking experience; and

WHEREAS, the Huntington Township Chamber of Commerce has requested permission to utilize the Town of Huntington Crab Meadow Beach on July 28, 2015 from 12:00 p.m. until 11:00 p.m. for such event; and

WHEREAS, such permission to utilize said Town property is contingent upon the execution of a license agreement, which includes provisions requiring the Huntington Township Chamber of Commerce to hold harmless and indemnify the Town of Huntington; the issuance of a valid Special Event Permit by the Town of Huntington Department of Parks and Recreation; the issuance of any and all requisite New York State Liquor Authority Permits; the issuance of any and all requisite Suffolk County Department of Health Services Permits; the submission and approval of appropriate insurance documents in a form satisfactory to the Town Attorney; and the issuance of all required approvals and/or permits from any other Town department and/or other agency having jurisdiction; and

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

NOW, THEREFORE,

THE TOWN BOARD,

HEREBY AUTHORIZES the Supervisor to execute a license agreement with the Huntington Township Chamber of Commerce, 164 Main Street, Huntington, New York 11743, for the use of Crab Meadow Beach for its "Luau at Sunset" networking event on

Tuesday, July 28, 2015 from 12:00 p.m. until 11:00 p.m. Such authorization is subject to: 1) the execution of a license agreement, by an authorized representative of the Huntington Township Chamber of Commerce, which includes provisions requiring the Huntington Township Chamber of Commerce to hold harmless and indemnify the Town of Huntington; 2) the issuance of a valid Special Event Permit by the Town of Huntington Department of Parks and Recreation; 3) the issuance of any and all requisite New York State Liquor Authority Permits; 4) the issuance of any and all requisite Suffolk County Department of Health Services Permits; 5) the submission and approval of appropriate insurance documents in a form satisfactory to the Town Attorney; and 6) the issuance of all required approvals and/or permits from any other Town department and/or other agency having jurisdiction; and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                    AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH THE HUNTINGTON MANOR FIRE DEPARTMENT FOR THE USE OF PETER NELSON PARK FOR ITS ANNUAL FIREMAN'S FAIR

Resolution for Town Board Meeting Dated: May 5, 2015

The following resolution was offered by: Supervisor Petrone

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

WHEREAS, the Huntington Manor Fire Department will be hosting its annual Firemen's Fair from Tuesday, July 14, 2015 through Saturday, July 18, 2015; and

WHEREAS, the Huntington Manor Fire Department has requested permission from the Town of Huntington to utilize the Town of Huntington Peter Nelson Park from 9:00 a.m. on Sunday, July 12, 2015 until 11:00 p.m. on Sunday, July 19, 2015, for said event; and

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

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

NOW, THEREFORE,

THE TOWN BOARD,

HEREBY AUTHORIZES the Supervisor to execute a license agreement with the Huntington Manor Fire Department, 1650 New York Avenue, Huntington Station, New York 11746, to utilize Peter Nelson Park for its annual Firemen's Fair from 9:00 a.m. on Sunday, July 12, 2015 until 11:00 p.m. on Sunday, July 19, 2015. Such authorization is subject to: 1) the execution of a license agreement, by an authorized representative of the Huntington Manor Fire Department, which includes provisions requiring the Huntington Manor Fire Department to hold harmless and indemnify the Town of Huntington; 2) the submission and approval of appropriate insurance documents in a form satisfactory to the Town Attorney; 3) the issuance, by the Huntington Town Clerk, of a permit pursuant to

2015-210

Chapter 91 of the Huntington Town Code (Carnivals, Circuses, Fairs and Amusement Events); 4) the issuance, by the Department of Engineering Services, of a permit pursuant to Chapter 111 of the Huntington Town Code ( Fire Prevention); 5) the issuance of any and all requisite New York State Liquor Authority Permits; 6) the issuance of any and all requisite Suffolk County Department of Health Services Permits; and the issuance of all required approvals and/or permits from any other Town department and/or other agency having jurisdiction and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                    AYES: 5        NOES: 0        ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-211

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES FOR THE PROVISION OF DRUG TREATMENT AND PREVENTION SERVICES NUNC PRO TUNC

Resolution for Town Board Meeting Dated: May 5, 2015

The following Resolution was offered by: **COUNCILMAN CUTHBERTSON,**  
**COUNCILMAN COOK**

and Seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, funding is available from the Suffolk County Department of Health for the provision of Drug Treatment and Prevention Services; and

WHEREAS, these services are already provided by the Town of Huntington Youth Bureau's Licensed Drug and Alcohol Program; and

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with the County of Suffolk Department of Health Services setting forth the terms and conditions for the provision of Drug Treatment and Prevention Services for the period commencing January 1, 2015 and terminating December 31, 2017, nunc pro tunc, in an amount not to exceed the sum of SIX HUNDRED FIFTY-SEVEN THOUSAND THREE HUNDRED FORTY-SEVEN AND NO/100 (\$657,347.00) to be charged to Operating Budget Item A3831 for budget period 2015 and upon such terms and conditions as approved by the Town Attorney.

VOTE:                   AYES: 5                   NOES: 0                   ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

[Type text]

5/5;drugandalcohol;mg

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT TO AMEND THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF HUNTINGTON AND LOCAL 342, LONG ISLAND UNITED MARINE DIVISION, INTERNATIONAL LONGSHOREMAN'S ASSOCIATION AFL-CIO(BLUE COLLAR AGREEMENT)

Resolution for Town Board Meeting Dated: May 5, 2015

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

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington and the Local 342, Long Island United Marine Division, International Longshoreman's Association AFL-CIO, entered into a collective bargaining agreement for the period January 1, 2011 and expiring December 21, 2015; and

WHEREAS, the parties have a collective bargaining relationship and certain differences, disputes and grievances have arisen thereunder; and

WHEREAS, the Parties have had discussions and negotiations regarding the differences disputes and grievances; and

WHEREAS, this agreement is intended to amend the existing agreement; and

WHEREAS, the execution of an agreement to amend a collective bargaining 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 amending the collective bargaining between the Town of Huntington and Local 342, Long Island United Marine Division, International Longshoreman's Association AFL-CIO with the provision set forth in "Attachment A" annexed hereto.

VOTE:                      AYES:    5              NOES:    0              ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-212

**ATTACHMENT A**

**Amendment to the Collective Bargaining Agreement**

The Town of Huntington ("Town") and Local 342, Long Island Public Service Employees, United Marine Division, International Longshoreman's Association, AFL-CIO ("Union"), signatories to a collective bargaining agreement for the Blue Collar Unit covering the period of January 1, 2011 through December 31, 2015, ("collective bargaining agreement") do hereby agree that the terms of the collective bargaining agreement be and are hereby amended as follows:

1. Effective the date of this Amendment, Article 16 Temporary Transfers, Section E of the collective bargaining agreement shall be amended to include the following:  
  
"Employees, below Grade 15, welding in a mechanic shop will be paid one dollar and thirty five cents (\$1.35) per hour above their regular rate of pay for the time they are welding. This provision shall not be subject to Article A or D of this article."
2. This agreement cannot be modified orally and may be modified only in writing and signed by the Parties.
3. This Agreement is intended to modify and clarify the existing Agreement and past practice in effect between the Parties.

Understood and agreed:

TOWN OF HUNTINGTON

LOCAL 342

\_\_\_\_\_  
Frank Petrone, Supervisor

\_\_\_\_\_  
William Hennessey, President

Date:

Date:

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH GIVON FLYING CLUB D/B/A HOBBY QUEST TO PROVIDE HANDS-ON ENRICHMENT PROGRAMS FOR CHILDREN.

Resolution for Town Board Meeting Dated: May 5, 2015

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

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, the Town wishes to offer the children of its residents a series of enrichment programs featuring fashion design, magic, and aviation; and

WHEREAS, Givon Flying Club d/b/a Hobby Quest agrees to organize, coordinate, teach, and supervise the enrichment programs; and

WHEREAS, THE Town will provide the program registration, location and assist with promotion; and

WHEREAS, the Town will receive twenty (20%) of the revenue derived from the program registration; and

WHEREAS, the execution of an agreement is not an action under SEQRA as defined by 6 NYCRR 617.2 (b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement and any documents in connection and related therewith, with Givon Flying Club d/b/a Hobby Quest, 391A Grand Avenue, Englewood, NJ 07631 to conduct enrichment programs for the Town for a two year period commencing on June 1, 2015 and terminating on June 1, 2017 with a one (1) year option to renew at the discretion of the Town, with 20% of the revenue derived from the program registration to be deposited into Revenue Code A2006 and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-214

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A REQUIREMENTS CONTRACT FOR GENERAL CONSTRUCTION WITH LASER INDUSTRIES, INC.

Resolution for Town Board Meeting Dated: May 5, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town of Huntington has the need to construct and/or reconstruct park projects and other miscellaneous projects which require drainage, asphalt, concrete work, park amenities, fence and other general construction, and

WHEREAS, sealed bids were received on April 23, 2015, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the requirements contract for General Construction, Contract No. ES 2015-02/O-E and the same were opened publicly and read aloud; and

WHEREAS, Laser Industries, Inc., 1775 Route 25, Ridge, New York 11961 is the lowest responsive, responsible bidder; and

WHEREAS, the requirements contract for general construction 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 requirements contract, and any documents in connection and related therewith, with Laser Industries, Inc. for the requirements contract for General Construction. The contract period shall be effective for a two (2) year term commencing upon execution of the contract but not prior to June 29, 2015 and upon mutual agreement of the vendor and the Town, the contract may be extended for two (2) additional one (1) year periods under the same prices, terms and conditions, to be charged those budgets required to implement the work, on an as needed basis and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                    AYES:    5            NOES:    0            ABSTENTIONS:    0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-215

RESOLUTION AUTHORIZING THE SUPERVISOR TO SUBMIT TO THE NEW YORK STATE DIRECTOR OF THE BUDGET A "LOCAL GOVERNMENT EFFICIENCY PLAN" AND EXECUTE ALL DOCUMENTS AND CERTIFICATIONS IN CONNECTION THEREWITH IN ACCORDANCE WITH THE PROVISIONS OF THE NEW YORK STATE PROPERTY TAX FREEZE CREDIT PROGRAM

Resolution for Town Board Meeting Dated: May 5, 2015

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

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, New York State established a Property Tax Freeze Credit program in 2014 that provides eligible taxpayers living in "freeze-compliant" local tax jurisdictions with tax reimbursement checks; and

WHEREAS, the Property Tax Freeze Credit is a two-year program, the first year of which required the Town to stay under the 2% Property Tax Cap levy limit, which Huntington successfully did, entitling eligible homeowners to receive credit checks; and

WHEREAS, in year two of the program, the Town must both comply with the 2% Tax Cap limit and develop a Local Government Efficiency Plan to be freeze-compliant; and

WHEREAS, the Huntington Town Board seek to authorize the development and submittal of an efficiency plan to the NYS Director of the Budget by June 1, 2015, in compliance with the year two terms of NYS Property Tax Freeze Credit program; and

WHEREAS, is a Type II action pursuant to 6 N.Y.C.R.R. §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to submit to the New York State Director of the Budget a "Local Government Efficiency Plan" and execute all documents and certifications in connection therewith in accordance with the provisions of the New York State Property Tax Freeze Credit program, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-216

RESOLUTION AUTHORIZING THE ASSIGNMENT OF A REQUIREMENTS CONTRACT FOR REFUSE REMOVAL SERVICE TWO CUBIC YARD, FOUR CUBIC YARD, SIX CUBIC YARD AND EIGHT CUBIC YARD CONTAINERS FROM PROGRESSIVE WASTE SOLUTIONS OF LI, INC. TO WINTERS BROS. WASTE SYSTEMS OF LI

Resolution for Town Board Meeting Dated: May 5, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, pursuant to Town Board Resolution 2013-520 and 2014-446, the Town of Huntington awarded and extended a contract to Progressive Waste Solutions of LI, Inc. for the refuse and recycling removal service 2 cubic yard, 4 cubic yard, 6 cubic yard and 8 cubic yard containers, Bid No. TOH 13-09R-056; and

WHEREAS, the contract between the Town and Progressive Waste Solutions of LI, Inc prohibits the vendor from assigning its rights, title or interest in the contract without prior written consent from the Town; and

WHEREAS, Progressive Waste Solutions of LI, Inc., 1198 Prospect Avenue, Westbury, New York 11590 has submitted a written request to the Town that its contract for removal service 2 cubic yard, 4 cubic yard, 6 cubic yard and 8 cubic yard containers be assigned to Winters Bros. Waste Systems of LI, 1198 Prospect Avenue, Westbury, New York 11590; and

WHEREAS, the assignment of a contract is routine agency administration and considered 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

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute the assignment of the requirements contract, and any documents in connection and related therewith, from Progressive Waste Solution of LI, Inc. to Winters Bros. Waste Systems of LI for the refuse and recycling removal service 2 cubic yard, 4 cubic yard, 6 cubic yard and 8 cubic yard containers. The contract period shall be effective upon execution for the balance of the contract period ending December 31, 2015 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.



RESOLUTION AUTHORIZING THE CHANGE OF NAME OF EMTEC CONSULTING ENGINEERS TO EMTEC CONSULTANTS PROFESSIONAL ENGINEERS, PLLC FOR THE ELECTRICAL UPGRADES AT THE JOHN J. FLANAGAN CENTER, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: May 5, 2015

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

and seconded by: **COUNCILWOMAN EDWARDS**

WHEREAS, Town Board Resolution 2015-105 of March 10, 2015 to execute a contract for professional engineering services with Emtec Consulting Engineers for electrical upgrades at the John J. Flanagan Center was approved; and

WHEREAS, the vendor's name correction is necessary due to a scrivener's error; and

WHEREAS, the Office of the Town Attorney has prepared the agreement using the vendor's corrected name; and

WHEREAS, the name correction is not an action as defined by 6 NYCRR Part 617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the change of name of Emtec Consulting Engineers to Emtec Consultants Professional Engineers, PLLC, 555 Veterans Memorial Hwy, Suite M, Ronkonkoma NY 11779, for the professional engineering services for electrical upgrades at the John J. Flanagan Center nunc pro tunc and upon such terms and conditions as approved by the Town Attorney.

VOTE:                    AYES:    5                    NOES:    0                    ABSTENTIONS:    0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-218

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2015 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: May 5, 2015

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

and seconded by: **SUPERVISOR PETRONE**

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

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

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendments to the 2015 Operating Budget.

Create the following positions:

|              |              |    |        |
|--------------|--------------|----|--------|
| B-8020-1100  | Planner      | \$ | 38,804 |
| DB-5110-1100 | Laborer      |    | 21,420 |
| DB-5110-1100 | Sign Painter |    | 52,533 |

Abolish the following positions:

|              |                             |    |          |
|--------------|-----------------------------|----|----------|
| B-8020-100   | Planning Aide               | \$ | (32,479) |
| DB-5110-1100 | Heavy Equipment Operator II |    | (48,771) |
| DB-5110-1100 | Maintenance Mechanic III    |    | (50,630) |

Adjust the following appropriations:

|              |             |    |         |
|--------------|-------------|----|---------|
| B-1990-1100  | Contingency | \$ | (6,325) |
| DB-1990-1100 | Contingency |    | 25,448  |

2015-218

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2015 OPERATING AND CAPITAL BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – DIX HILLS WATER DISTRICT

Resolution for Town Board Meeting Dated: May 5, 2015

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

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

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

WHEREAS, the Town Board has approved the tank rehabilitation of Colby Drive facility is in the 2015 Adopted Capital Budget; and

WHEREAS, the funding of tank rehabilitation and amending the Operating and Capital budget 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 Comptroller to amend the 2015 Operating and Capital Budget as follows:

Increase the following revenue:

SW10599-5999R                      Appropriated Fund Balance                      \$230,000

Increase the following appropriations:

EG8397-2102                      Tank Rehabilitation                      \$230,000

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**  
Councilwoman Tracey A. Edwards                      **AYE**

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2015 OPERATING AND CAPITAL BUDGET FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – HIGHWAY DEPARTMENT

Resolution for Town Board Meeting Dated: May 5, 2015

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

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

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

WHEREAS, Suffolk County Water Authority has approved payment to the Town of Huntington, in lieu of paving, after installation a water main; and

WHEREAS, the Town Board has approved use of partial reimbursement from SCWA for Highway road rehabilitation in the 2015 Adopted Capital Budget; and

WHEREAS, the funding of road rehabilitation and amending the Operating and Capital budget 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 Comptroller to amend the 2015 Operating and Capital Budget as follows:

Increase the following revenue:

|               |                             |          |
|---------------|-----------------------------|----------|
| DB-0599-5999R | Appropriated Fund Balance   | \$82,000 |
| DB-1789-1789  | Other Transportation Income | 16,500   |

Increase the following appropriations

|              |                     |          |
|--------------|---------------------|----------|
| HW-5197-2776 | Road Rehabilitation | \$98,500 |
|--------------|---------------------|----------|

2015-220

VOTE:                    AYES: 5                    NOES: 0                    ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-221

RESOLUTION ADOPTING A HOME RULE MESSAGE URGING THE NEW YORK STATE LEGISLATURE AND THE GOVERNOR TO ENACT LEGISLATION (S.2137/A.2318) DESIGNATING UNIFORMED OFFICERS OF THE HUNTINGTON FIRE MARSHAL'S OFFICE AS PEACE OFFICERS

Resolution for Town Board Meeting Dated: May 5, 2015

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, Senator John Flanagan and Assemblyman Chad Lupinacci have introduced enabling legislation (S.2137/A.2318) to extend peace officer status to uniformed officers in the Huntington Fire Marshal's office; and

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

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

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

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

NOW, THEREFORE

THE TOWN BOARD

HEREBY ADOPTS a Home Rule message urging the New York State Legislature and the Governor to enact legislation (S.2137/A.2318) designating uniformed officers of the Huntington Fire Marshal's office as Peace Officers; and

HEREBY DIRECTS the Town Clerk to forward certified copies of this resolution to Governor Andrew Cuomo, Senate Majority Leader Dean G. Skelos, Assembly Speaker Carl E. Heastie and Home Rule Counsels in the Senate and Assembly; and

HEREBY FURTHER DIRECTS the Town Clerk to forward certified copies of this resolution to the bill sponsors, Senator John Flanagan and Assemblyman Chad

2015-221

Lupinacci, and Huntington State Legislative delegation members Senator Carl Marcellino and Assemblyman Andrew Raia.

VOTE:            AYES:    5            NOES:    0            ABSTENTIONS:    0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

WAIVE ADMISSION AND SKATE RENTAL FEES FOR TWO PUBLIC SESSIONS AT THE DIX HILLS ICE RINK ON JULY 24, 2015 AND AUGUST 7, 2015 TO BENEFIT THE FRESH AIR FUND FAMILIES OF NASSAU AND SUFFOLK COUNTIES

Resolution for Town Board Meeting Dated: May 5, 2015

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN COOK**

WHEREAS, The Fresh Air Fund Families of Nassau and Suffolk Counties will once again be opening up their hearts and homes this summer to underprivileged children and the organization would like to hold two ice skating events for children and host families; and

WHEREAS: the Fresh Air Fund is a not-for-profit agency that provides free summer vacations in the country to New York City children from disadvantaged communities and each year, thousands of children visit host families in 13 states from Virginia to Maine to Long Island through the Friendly Town Program; and

WHEREAS, the Fresh Air Fund has requested the waiving of admission and skate rental fees for the children and host families; and

WHEREAS, the waiver of skate and rental fees for one (1) public session on (1) day is not action as defined by 6 N.Y.C.R.R. 617.2(b) and therefore no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the waiving of admission and skate rental fees for two public sessions at the Dix Hills Ice Rink on July 24, 2015 and August 7, 2015 for members of the Fresh Air Fund Families of Nassau and Suffolk counties.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: APPROVE THE EXTENSION OF THE SOUTH HUNTINGTON WATER DISTRICT TO SERVE A PORTION OF KENSINGTON ESTATES (KENSINGTON ESTATES EXTENSION).

Resolution for Town Board Meeting Dated: May 5, 2015

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

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

WHEREAS, a petition has been filed with the Town Board of the Town of Huntington to expand the boundaries of the South Huntington Water District to serve the portion of the proposed development known as Kensington Estates that is located in the Town of Huntington, and this extension shall be known as the Kensington Estates Extension; and

WHEREAS, the boundaries of the extension are listed in the attached Schedule "A"; and

WHEREAS, the Jericho Water District will serve the portion of Kensington Estates located within the Town of Oyster Bay; and

WHEREAS, the Town of Huntington portion of Kensington Estates was previously unserved by a water district, and the Suffolk County Water Authority has indicated no objection to the extension request, as they have no water mains in the neighborhood; and

WHEREAS, H2M architects + engineers, as consultants for the South Huntington Water District, have prepared an engineering report detailing the necessary improvements needed to extend water service to Kensington Estates, for which costs shall be born entirely by the developer; and

WHEREAS, the engineering report finds that the South Huntington Water District has the ability to provide water service to the development should be the required improvements be completed; and

WHEREAS, the extension of water mains to service an approved development is a Type II action in accordance with SEQRA, 6 NYCRR Part 617.5(c)(11), and therefore no further review is required;

NOW, THEREFORE,

THE TOWN BOARD, having held a public hearing on the 21<sup>st</sup> day of April, 2015, to consider the extension of the South Huntington Water District to serve a portion of the Kensington Estates development, and due deliberation having been had;

HEREBY APPROVES the extension of the South Huntington Water District to serve a portion of the Kensington Estates development, to be known as the Kensington Estates



## Schedule "A"

Legal Description of the Proposed Kensington Estates Extension  
Of the South Huntington Water District

BEGINNING at a point formed by the intersection of the centerline of Jericho Turnpike (NYS Route 25) and the boundary line between Suffolk County and Nassau County;

RUNNING THENCE easterly from said POINT OF BEGINNING along the centerline of Jericho Turnpike, approximately 525 feet, to the projected westerly property line of parcel SCTM# 0400-226.00-05.00-032.000;

RUNNING THENCE southerly along the projected westerly property line of parcel SCTM# 0400-226.00-05.00-032.000 to the northwest corner of said parcel, on the southerly side of Jericho Turnpike;

RUNNING THENCE South 00 degrees 25 minutes 50 seconds East, 93.17 feet;

RUNNING THENCE South 00 degrees 21 minutes 10 seconds East, 450.40 feet;

RUNNING THENCE South 03 degrees 17 minutes 30 seconds East, 226.72 feet;

RUNNING THENCE South 00 degrees 52 minutes 50 seconds West, 376.77 feet;

RUNNING THENCE North 87 degrees 45 minutes 00 seconds West, 568.47 feet;

RUNNING THENCE northerly along the boundary line between Suffolk County and Nassau County, North 01 degree 43 minutes 13 seconds East, 522.88 feet;

RUNNING THENCE North 88 degrees 03 minutes 50 seconds East, 124.32 feet;

RUNNING THENCE North 01 degree 56 minutes 10 seconds West, 232.47 feet;

RUNNING THENCE South 88 degrees 03 minutes 50 seconds West, 109.46 feet;

RUNNING THENCE northerly along the boundary line between Suffolk County and Nassau County, North 01 degree 43 minutes 13 seconds East, 351.29 feet to the southerly side of Jericho Turnpike;

RUNNING THENCE northerly along the boundary line between Suffolk County and Nassau County to the POINT OF BEGINNING.

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ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 5-2015  
AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON,  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.  
RE: HAZEL COURT – PARKING RESTRICTIONS

Resolution for Town Board Meeting dated: May 5, 2015

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

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD having held a public hearing on the 21<sup>th</sup> day of April, 2015 at 7:00 p.m. to consider adopting Local Law Introductory No. 5-2015 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J., and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 5-2015 amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, ARTICLE II, §3-3, SCHEDULE J.; as follows:

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

LOCAL LAW NO. 21 - 2015  
AMENDING THE TRAFFIC CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 3, ARTICLE II, §3-3, SCHEDULE J.

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

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

|      | <u>NAME OF STREET/SIDE<br/>LOCATION</u>   | <u>REGULATION</u> | <u>HOURS/DAYS</u> |
|------|---|-------------------|-------------------|
| ADD: | Hazel Court/North<br>From Walt Whitman Rd. (Rt. 110)<br>west for 90 feet. (MVL)                                 | No Stopping       | -----             |
|      | Hazel Court/South<br>From 90 feet west of Walt Whitman<br>Rd. (Rt. 110) to Walt Whitman Rd.<br>(Rt. 110). (MVL) | No Stopping       | -----             |

Section 2. Severability.

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

Section 3. Effective Date.

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

VOTE:            AYES: 5        NOES: 0        ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

# 2015-225

ENACTMENT: APPROVE THE GRANTING OF A VARIANCE UNDER LOCAL LAW 7-1989 (COASTAL EROSION MANAGEMENT REGULATIONS)  
APPLICANT: MICHAEL GROSSMAN  
LOCATION: 45 MAKAMAH BEACH RD.  
S.C.T.M. #: 0400-013.00-01.00-014.000

Resolution for Town Board Meeting Dated: May 5, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, pursuant to Local Law 7-1989, Coastal Erosion Management Regulations of the Town of Huntington, an application has been submitted by:

Michael Grossman  
45 Makamah Beach Rd.  
Northport, N.Y. 11768

for a building permit and coastal erosion management permit to consider the granting of a variance to Mr. Michael Grossman for the repair of the existing deck at grade, the repair of the existing balcony deck, the removal of a circular staircase and the installation of a new straight front stair, the addition of a 4.2' x 4.8' first floor foyer, the replacement of the existing front deck with a roofed – over porch and the addition of an open porch with a pergola and new stairs for a single family dwelling at 45 Makamah Beach Road, Northport, N.Y. S.C.T.M. # 0400-013.00-01.00-014.000; and

WHEREAS, said property is located within a Coastal Erosion Hazard area and, therefore, subject to the provisions of Local Law 7-1989 (Coastal Erosion Management Regulations); and

WHEREAS, the subject application for a Coastal Erosion Management Permit has been denied by the Department of Engineering Services due to the fact that it involves regulated activities that are not authorized by Local Law 7 of 1989; and

WHEREAS, the regulated activities that are prohibited by Section 2.6 (d) of Local Law 7 of 1989 are the repair of the existing deck at grade, the repair of the existing balcony deck, the removal of a circular staircase and the installation of a new straight front stair, the addition of a 4.2' x 4.8' first floor foyer, the replacement of the existing front deck with a roofed – over porch and the addition of an open porch with a pergola and new stairs for a single family dwelling; and

WHEREAS, the applicant has filed a request for a variance in accordance with the provisions of Section 4 of Local 7 of 1989; and

WHEREAS, the Town Board has been designated as the Coastal Erosion Hazard Board of Review for the purpose of hearing, approving, approving with modification, or

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denying requests for variances or other forms of relief from the requirements of Local Law 7 of 1989; and

WHEREAS, the location of the proposed construction is landward of a structure and metal seawall previously approved by a Coastal Erosion Management variance; and

WHEREAS, the proposed area of construction is a "beach area" only because it is less than 100 feet landward of the "place where there is a marked change in material or physiographic form"; and

WHEREAS, the standard for granting a variance under Local Law 7 of 1989 is whether the strict application of the law may cause "practical difficulty or unnecessary hardship;"

WHEREAS, the instant application meets the criteria for a variance because: (i) no reasonable, prudent alternative site is available; (ii) All responsible means and measures to mitigate adverse impacts on natural systems and their functions and values have been incorporated into the activity's design at the property owner's expense; (iii) the development will result in the proposed use of the site being safer from flood and erosion damage; (iv) the variance requested is the minimum necessary to overcome the problem of providing shelter and protection for an additional vehicle; and (v) if non-town public funds are used, the public benefit clearly outweighs the long-term adverse effects; and

WHEREAS, the subject of this variance of a Type II action pursuant to 6 N.Y.C.R.R. Section 617.5(c)(10) and therefore no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

Having held a public hearing on April 21, 2015, at 7:00 p.m. to consider the granting of a variance to Michael Grossman for the repair of the existing deck at grade, the repair of the existing balcony deck, the removal of a circular staircase and the installation of a new straight front stair, the addition of a 4.2' x 4.8' first floor foyer, the replacement of the existing front deck with a roofed – over porch and the addition of an open porch with a pergola and new stairs for a single family dwelling at 45 Makamah Beach Road, Northport, N.Y. S.C.T.M. # 0400-013.00-01.00-014.000; and

HEREBY APPROVES, the granting of a variance from the requirements of the Coastal Erosion Management Regulations for the repair of the existing deck at grade, the repair of the existing balcony deck, the removal of a circular staircase and the installation of a new straight front stair, the addition of a 4.2' x 4.8' first floor foyer, the replacement of the existing front deck with a roofed – over porch and the addition of an open porch with a pergola and new stairs for a single family dwelling at 45 Makamah Beach Road., Northport, N.Y. S.C.T.M. # 0400-013.00-01.00-014.000, provided that:

- (a) All construction material be contained on the property
- (b) No construction material or debris may be stored on the South side of Makamah Beach Road

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(c) Upon completion of the proposal, all remaining materials and debris must be properly disposed of.

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: AUTHORIZE THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE INCORPORATED VILLAGE OF NORTHPORT TO FURNISH FIRE PROTECTION SERVICES FOR THE TOWN OF HUNTINGTON FIRE PROTECTION DISTRICT NO. 1, NUNC PRO TUNC

Resolution for Town Board Meeting Dated: May 5, 2015

The following resolution was offered by: Supervisor Petrone

And seconded by: COUNCILMAN COOK, COUNCILWOMAN BERLAND

WHEREAS, it is beneficial to the health, safety and welfare of the residents of the Town of Huntington as well as to those residents of Huntington Fire Protection District No. 1 to have the Fire Department of the Incorporated Village of Northport provide fire protection services for said District; and

WHEREAS, the parties are desirous of entering into an agreement with the Incorporated Village of Northport for a term of one (1) year commencing January 1, 2015 through December 31, 2015 in an amount not to exceed the sum of ONE MILLION FOUR HUNDRED THIRTY SIX THOUSAND NINE HUNDRED THIRTY ONE AND 00/100 (\$1,436,931.00) DOLLARS, and on such other terms and conditions as may be acceptable to the Town Attorney; and

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

NOW, THEREFORE

THE TOWN BOARD having held a public hearing on the 5th day of May, 2015, to consider said agreement, and due deliberation having been had,

HEREBY APPROVES entering into an agreement with the Incorporated Village of Northport for the provision of fire protection services to the Huntington Fire Protection District No. 1 commencing January 1, 2015 and terminating on December 31, 2015, and on such other terms and conditions as may be acceptable to the Town Attorney, nunc pro tunc.

FURTHER BE IT RESOLVED the Town Board authorizes the Comptroller to amend the 2015 Operating Budget as follows:

Increase the following revenue:

SF10599-0599R                      Appropriated Fund Balance                      \$ 22,072

Increase the following appropriation:

SF13410-4420                      Subcontract Cost                      \$ 22,072

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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 9- 2015, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 87 (BUILDING CONSTRUCTION), ARTICLE III (BUILDING PERMITS)

Resolution for Town Board Meeting Dated: May 5, 2015

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILWOMAN EDWARDS**

THE TOWN BOARD having held a public hearing on the 5<sup>th</sup> day of May, 2015 at 2:30 p.m. to consider adopting Local Law No. 9-2015 amending the code of the Town of Huntington Chapter 87 (Building Construction), Article III (Building Permits) and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 9-2015 amending the code of the Town of Huntington Chapter 87 (Building Construction), Article III (Building Permits); as follows:

LOCAL LAW NO. 22-2015  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 87 (BUILDING CONSTRUCTION),  
ARTICLE III (BUILDING PERMITS)

Section 1. Chapter 87 (Building Construction), Article III (Building Permits) is hereby amended to read as follows:

CHAPTER 87  
BUILDING CONSTRUCTION

\* \* \*

ARTICLE III  
BUILDING PERMITS

\* \* \*

§87-14 Permit Required; exemptions.

\* \* \*

C. Repaving of Commercial Parking Lot. A permit shall not be required for work consisting of only re-paving an existing commercial parking lot or re-striping existing park stall lines. A permit shall be required for paving, or repaving, of a commercial parking lot when: (1) the paving contains new striping where there previously was no

striping or a change in striping; or (2) the paving involves new curbing; or (3) the paving involves drainage. Such issuance of a permit will be in accordance with any and all local, state, and federal laws, regulations, and standards. It shall be a violation of this Chapter to conduct such paving, repaving, construction, or modification of a commercial parking lot without such permit.

D. Exemptions. An exemption from the requirement of a permit shall not be deemed authorization for work to be performed in violation of the Code of the Town of Huntington or the New York State Uniform Fire Prevention and Building Code. Unless otherwise provided in this chapter, the following categories of work shall not require a building permit.

\* \* \*

Section 2. Severability.

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

Section 3. Effective Date.

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

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

VOTE:                      AYES: 5                      NOES: 0                      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-228

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: May 5, 2015

The following resolution was offered by: Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, on April 21, 2015 the Town Board designated certain properties as "blighted" and scheduled a public hearing to consider further action to remedy the conditions of blight; and

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

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

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

NOW THEREFORE,

THE TOWN BOARD

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

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

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

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

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FURTHER DIRECTS the Town Attorney to notify the property owners of properties listed on Schedule "B" to this Resolution that structure(s) upon their properties are being evaluated for further action to mitigate blight up to and including consideration for possible demolition at a hearing before an Administrative Hearing Officer; and

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

VOTE:                    AYES: 5      NOES: 0      ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

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

2015-228

| PREVIOUS EXHIBITS-SCHEDULE A | PROPERTY IN VIOLATION                    | TAX ID #                  | PROPERTY OWNER/ MAILING ADDRESS   | NOTIFICATION DATE | ANNUAL REGISTRATION FEE |
|------------------------------|--|---------------------------|---|-------------------|-------------------------|
| 164                          | 7 Vose Place<br>Huntington               | 0400-212.00-01.00-004.000 | Edith Williams<br>246 E. 49th Street<br>Brooklyn, NY 11203-2223                             | 3/20/2015         | \$2,500.00              |
| 163                          | 40 W. 22nd Street<br>Huntington Station  | 0400-194.00-04.00-024.000 | Nicolas Peikoff<br>40 W. 22nd Street<br>Huntington Sta., NY 11746-3103                      | 3/19/2015         | \$2,500.00              |
| 161                          | 119 E. 10th Street<br>Huntington Station | 0400-146.00-03.00-122.000 | Alba M. Benitez<br>Jesus Fuentes<br>119 E. 10th Street<br>Huntington Station, NY 11746-1847 | 2/19/2015         | \$2,500.00              |
| 162                          | 204 Old Country Road<br>Melville         | 0400-258.00-02.00-007.000 | Christopher Paul Opitz<br>204 Old Country Road<br>Melville, NY 11747-2715                   | 3/18/2015         | \$2,500.00              |
| 160                          | 684 Old Country Road<br>Dix Hills        | 0400-209.00-02.00-012.000 | Mohammed Alagheband<br>Zohre Alagheband<br>24 Hilltop Drive E.<br>Great Neck, NY 11021-1139 | 2/20/2015         | \$2,500.00              |

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

2015-228

| PREVIOUS EXHIBITS-SCHEDULE A | PROPERTY IN VIOLATION                    | TAX ID #                  | PROPERTY OWNER/ MAILING ADDRESS  | NOTIFICATION DATE | DATE PUBLIC HEARING HELD |
|------------------------------|--|---------------------------|--|-------------------|--------------------------|
| 164                          | 7 Vose Place<br>Huntington               | 0400-212.00-01.00-004.000 | Edith Williams<br>246 E. 49th Street<br>Brooklyn, NY 11203-2223                                | 3/20/2015         | 4/21/2015                |
| 163                          | 40 W. 22nd Street<br>Huntington Station  | 0400-194.00-04.00-024.000 | Nicolas Petkoff<br>40 W. 22nd Street<br>Huntington Sta., NY 11746-3103                         | 3/19/2015         | 4/21/2015                |
| 161                          | 119 E. 10th Street<br>Huntington Station | 0400-146.00-03.00-122.000 | Alba M. Benitez<br>Jesus Fuentes<br>119 E. 10th Street<br>Huntington Station, NY<br>11746-1847 | 2/19/2015         | 4/21/2015                |
| 162                          | 204 Old Country Road<br>Melville         | 0400-258.00-02.00-007.000 | Christopher Paul Opitz<br>204 Old Country Road<br>Melville, NY 11747-2715                      | 3/18/2015         | 4/21/2015                |
| 160                          | 684 Old Country Road<br>Dix Hills        | 0400-209.00-02.00-012.000 | Mohammed Alagheband<br>Zohre Alagheband<br>24 Hilltop Drive E.<br>Great Neck, NY 11021-1139    | 2/20/2015         | 4/21/2015                |

**-SCHEDULE B-**

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

2015-228

| PREVIOUS EXHIBITS- SCHEDULE A | PROPERTY IN VIOLATION                   | TAX ID #                  | PROPERTY OWNER/ MAILING ADDRESS   | NOTIFICATION DATE | DATE PUBLIC HEARING HELD |
|-------------------------------|---|---------------------------|---|-------------------|--------------------------|
| 124                           | 5 Somerset Street<br>Huntington Station | 0400-232.00-04.00-037.000 | Angelo Bermudez<br>Marie Bermudez<br>2 Ridge Drive<br>Melville, NY 11747-1012 | 5/14/2014         | 7/15/2014                |
| 155                           | 30 Cousins Street<br>Northport          | 0400-014.00-06.00-003.001 | Indian Head Bluff, LLC<br>1C Makamah Beach Road<br>Northport, NY 11768-1338   | 1/12/2015         | 4/21/2015                |

**-SCHEDULE C-  
IN COMPLIANCE**

2015-229

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: May 5, 2015

The following resolution was offered by: Councilwoman Berland

and seconded by: **SUPERVISOR PETRONE**

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

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

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

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

NOW, THEREFORE, THE TOWN BOARD

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

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

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

HEREBY SCHEDULES a public hearing to be held on the ~~9th~~ day of JUNE , 2015 at 7:00 p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider authorizing various actions be taken with regard to blighted properties to bring about compliance with Article VII, Chapter 156 of the Code of the Town of Huntington.

2015-229

VOTE:            AYES: 5        NOES: 0        ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

**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**

2015-229

| PROPERTY IN VIOLATION                     | TAX ID #                  | PROPERTY OWNER/<br>MAILING ADDRESS   | NOTIFICATION<br>DATE | ANNUAL<br>REGISTRATION FEE |
|---|---------------------------|--|----------------------|----------------------------|
| 1 Forest Drive<br>E. Northport            | 0400-083.00-02.00-059.000 | Linda J. Fitzpatrick<br>1 Forest Drive<br>E. Northport, NY 11731                 | 3/23/2015            | \$2,500.00                 |
| 37 Kenneth Avenue<br>Huntington           | 0400-169.00-01.00-058.000 | Gaetano Rera c/o<br>Catuleo A. Rera<br>400 Lynn Avenue<br>E. Northport, NY 11731 | 3/27/2015            | \$2,500.00                 |
| 121 Columbia Street<br>Huntington Station | 0400-140.00-02.00-119.000 | John R. Castro<br>121 Columbia Street<br>Huntington Station, NY<br>11746-1219    | 3/23/2015            | \$2,500.00                 |

**SCHEDULE A**  
**Schedule Public Hearing**

2015-230

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING  
LOCAL LAW INTRODUCTORY NO. 10 -2015 AMENDING THE CODE OF THE  
TOWN OF HUNTINGTON, CHAPTER 119 (GRAFFITI)

Resolution for Town Board Meeting Dated: May 5, 2015

The following resolution was offered by: Councilwoman Berland

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town Board desires to improve the quality of life of the residents of the  
Town of Huntington; and

WHEREAS the presence of graffiti on fences, buildings, and other structures throughout  
the Town of Huntington is an affront to the senses and erodes the property values of  
nearby property owners; and

WHEREAS, the Town Board seeks to streamline and expedite the procedure to eradicate  
the presence of graffiti on structures within the Town of Huntington; and

WHEREAS, pursuant to Sections 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 connection  
with any Type II action" and therefore this proposal, a Type II action, requires no further  
action pursuant to SEQRA.

NOW, THEREFORE, THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **9<sup>th</sup>** of **JUNE**, 2015 at **7:00** p.m. at  
Town Hall, 100 Main Street, Huntington, New York to consider adopting Local Law  
Introductory No. **10** -2015, amending the Code of the Town of Huntington Chapter 119  
(Graffiti); as follows:

LOCAL LAW INTRODUCTORY NO. 10 -2015  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 119 (GRAFFITI)

Section 1 Amendment to the Code of the Town of Huntington, Chapter 119 (Graffiti);  
as follows:

CHAPTER 119  
GRAFFITI

§ 119-1 Definitions

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

**BROAD-TIPPED INDELIBLE MARKER**

Any felt tip marker or similar implement containing a fluid or coloring matter that is not water soluble and which has a flat or angled writing surface of one-half (1/2) inch or greater.

**DEFACE**

To mar the face or surface of, disfigure, injure or spoil the appearance of.

**GRAFFITI**

An inscription, figure, mark, symbol, word or design which is written, scratched, painted or drawn on a structure, wall, building, monument, statute, rock or any other surface or real or personal property, which has not been authorized by the property owner.

**GRAFFITI-BLIGHT PROPERTY**

Residential or commercial property which contains graffiti.

**GRAFFITI-BLIGHT PROPERTY INVENTORY LIST**

A list containing properties within the Town that failed to remove graffiti in the time period set forth in §119-5 of this chapter two or more times within a calendar year.

**REGISTRATION FEES**

An annual fee imposed upon properties which are listed on the Graffiti-Blight Property Inventory List.

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§ 119-3 Prohibited Acts.

- A. No person shall write, paint or draw any word, inscription, design, figure or mark of any type or otherwise mar or deface any property, real or personal, without the express written permission and consent of the owner or proprietor thereof or, in the case of public property, of the person having the charge, custody or control any graffiti upon:
  - (1) Any property, public or private, building, church, synagogue, statue, monument, office, passenger or commercial vehicle, public passenger vehicle, bridge, mass transit equipment or facility, dwelling or structure of any kind, including those in the course of erection or construction.
  - (2) The doors, windows, steps, railing, fencing, balconies, stairs, balustrades, porches, halls, walls, sides or any enclosure thereof or any movable property.
  
- B. No person shall disfigure, cut, cover or rub with or otherwise place filth or excrement of any kind on any property stated in Subsection A(1) or (2) without the express written permission and consent of the owner or proprietor thereof or, in the case of public property, of the person having the charge, custody or control thereof.

[C] [No person under the age of 18 shall carry an aerosol spray paint can or broad-tipped indelible marker into any public building or other public facility without adult supervision.]

C. No person shall write, paint, or draw any word, picture, inscription, design, figure, phrase, statement, symbol, or mark of any type which indicates bias or hatred of a person's race, color, religion, disability, sexual orientation, gender, national origin or ancestry.

- (1) Rebuttable presumption. The use of a word, picture, phrase, statement or symbol that is recognized as hateful, derogatory or inflammatory towards race, color, religion, disability, sexual orientation, gender, national origin or ancestry in graffiti shall create a rebuttable presumption that such words, pictures, phrase, statements or symbols were depicted intentionally to show bias or hatred of the persons selected due to the victim's race, color, religion, disability, sexual orientation, gender, national origin or ancestry.

\* \* \*

§ 119-5. Property owner's responsibility

- A. It shall be unlawful for any person or business entity owning property to allow any form of graffiti to remain on any building, structure, accessory structure, wall or fence on the property
- B. All graffiti on property shall be removed and the surface finish restored by the property owner within (10) days of issuance of a notice of violation by the town.
- C. All graffiti on any property of the kind described in §119-3 (C) of this chapter shall be removed and the surface finish restored by the property owner within three (3) days of issuance of a notice of violation by the town as described in §119-11 of this chapter.

\* \* \*

§ 119-11. Enforcement; action by the Town.

- A. Notice to remove. In addition to issuing a notice of violation and/or a summons, the Director of Public Safety, or his/her designee, is authorized to notify the property owner, or his agent, or person-in-charge of the property, in writing, [or orally] to remove, remedy or abate the [condition or nuisance] graffiti within ten (10) days of receipt of such written notice [or verbal directive] or three (3) days if the graffiti is of the kind described in §119-3 (C) of this chapter. [If such] Such notice [is in writing, it] 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 roll on file in the Office of the Town Assessor, or to the owner's agent or person-in-charge at the last known address. The notice shall contain a statement of the dates(s) upon which an inspection was conducted on the property to determine the presence of graffiti, the address of the affected property, and the specific nature of the graffiti, as well as a dated photograph of the graffiti. The notice shall notify the owner, agent, or person-in-charge of the property that upon their failure to remedy the graffiti within the specified time, the Town, through its contractors or otherwise, shall remove, remedy or abate the graffiti and all costs of such work, together with an administrative fee of two hundred fifty (\$250.00) dollars

shall be borne by the property owner, and if unpaid, shall be reported to the Receiver of Taxes and become a lien and charge on the premises on which it is levied. Said notice shall further notify the owner of the property's placement on the Graffiti-Blight Property Inventory List, if applicable. Unless said owner offers reasonable proof that that prior graffiti on the property was abated within the time prescribed by §119-5 of this chapter, an annual registration fee shall be added to the property tax bill for the premises after thirty (30) days of receipt of said notice.

- (1) Registration Fees. After thirty (30) days from the date of notice, if unpaid and absent proof to the contrary, the following registration fees shall be imposed:
- a. A registration fee of five thousand (\$5,000.00) dollars shall be added to the tax bill for any commercial building or property;
  - b. A registration fee of two thousand five hundred (\$2,500.00) dollars shall be added to the tax bill for any residential building or property;
  - c. Any surplus administrative, mitigation or registration costs imposed by the Town shall be allocated to the existing blight beautification fund as outlined in Chapter 158, Article II, with the intent of financing the Town's revitalization and anti-blight/anti-graffiti efforts.
- B. Action upon noncompliance. Upon the failure, neglect or refusal of such owner, his agent or person-in-charge of the property to remove, remedy or abate the graffiti [condition or 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 direct the [refer the matter to the Town Board] Department of General Services or other appropriate party [for further action.] to remedy or abate the graffiti.
- C. Action of the Town. [Board. The Town Board, by resolution after a public hearing on notice to the property owner, may direct such owner to remove, remedy or abate the condition or nuisance within five (5) days of receipt of a copy of the resolution, and upon] Upon the failure, neglect or refusal of such owner to comply with the notice, [the Town Board may authorize] Town personnel, or other authorized agent may upon reasonable written notice, [to] enter the premises for the purpose of removing, remedying or abating the [condition] graffiti by whatever means deemed necessary or proper by the Town, at the expense of the property owner. [A copy of the resolution shall be mailed by the Town Attorney's office by certified or registered mail, return receipt requested, and addressed to the property owner at the last address shown on the most current assessment roll on file in the office of the Town Assessor].
- [D]. [Removal of the hazard or nuisance. Upon the failure, neglect or refusal of the owner, his agent or person-in-charge of the property to remove, remedy or abate such condition or nuisance within the period provided by the Town Board; 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 condition or nuisance at the expense of the property owner as set forth in this article].
- [E] D. 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 abatement shall be in violation of this article and shall be subject to the fines and penalties provided herein.

[D]E. Liability for the costs of remediation or abatement. The property owner shall be liable for the direct and indirect costs of abating the [condition or nuisance] graffiti and all expenses incidental thereto, including but not limited to an administrative fee equal to two hundred fifty (\$250.00) dollars [twenty-five (25%) percent of the total cost of said remediation or abatement]. Said administrative fee is intended to reimburse the Town for the monies and time expended [by its employees] in abating the [condition or nuisance] graffiti and collecting the sums due, including but not limited to notifying the appropriate parties, certifying the amounts due to the Town, and charging same against the property.

[E] F. The costs incurred by the Town [as set forth in § 119-11(F)] shall be certified by the director of each town department providing services and the Department of Public Safety [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 roll on file in the Office of the Town Assessor. Said notice shall further state that the failure of the property owner to pay such sums within [ten] thirty ([10] 30) 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.

[F] G. Recovery of costs; tax lien. In the event the property owner refuses and/or neglects to pay the monies due and owing to the Town within said [ten] thirty ([10]30) 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 by the Department of Public Safety 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.

H. Waiver of Fees for Crime Victims. In the event a property owner claims the graffiti was the result of a crime and can produce a police report attesting to this, there shall be no administrative fee and/or registration fee, if applicable, in connection with the graffiti removal. The property owner will, however, be assessed the cost of removal, remediation or abatement of the graffiti by the Town. The Town will assist the property owner in recouping fees associated with removal, remediation or abatement by providing a bill for the cost of removal, remediation or abatement to the Suffolk County District Attorney's Office to help the property owner recover the cost of removal, remediation or abatement of the graffiti by the Town through restitution and/or if the property owner initiates civil litigation to recoup the costs of graffiti removal, remediation or abatement by the Town from the offender.

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### Section 2. Severability.

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

### Section 3. Effective Date.

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

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

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-231

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 11 -2015, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 159 (RECREATIONAL FACILITIES), ARTICLE II (USE REGULATIONS AND RESTRICTIONS)

Resolution for Town Board Meeting Dated: May 5, 2015

The following resolution was offered by: Councilman Cuthbertson

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town Board desires to protect the health of all Town residents; and

WHEREAS, the Code of the Town of Huntington currently prohibits smoking in Town playgrounds and beaches; and

WHEREAS, the Town Board wants to expand the applicability of prohibited tobacco products to include electronic cigarettes; and

WHEREAS, pursuant to Sections 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 connection with any Type II action" and therefore this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY SCHEDULES a public hearing for the **9<sup>th</sup>** of **JUNE**, 2015 at **7:00**pm at Town Hall, 100 Main Street, Huntington, New York to consider adopting Local Law Introductory No. 11 - 2015, amending the code of the Town of Huntington Chapter 159 (Recreational Facilities), Article II (Use Regulations and Restrictions) as follows:

LOCAL LAW INTRODUCTORY NO. 11 -2015  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 159 (RECREATIONAL FACILITIES),  
ARTICLE II (USE REGULATIONS AND RESTRICTIONS)

Section 1. Chapter 159 (Recreational Facilities), Article II (Use Regulations and Restrictions) is hereby amended to read as follows:

CHAPTER 159  
RECREATIONAL FACILITIES

\* \* \*

Article II. USE REGULATIONS AND RESTRICTIONS

\* \* \*

Section 159-20. Behavior and Conduct.

\* \* \*

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

\* \* \*

Section 2 Severability.

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

Section 3 Effective Date.

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

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

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-232

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NO. 12 -2015, AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 180 (TAXI CABS AND VEHICLES FOR HIRE), ARTICLE IV (VEHICLE OPERATOR REQUIREMENTS)

Resolution for Town Board Meeting dated: May 5, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town Board believes that it is in the best interest of the public health, safety and welfare to amend the Huntington Town Code in order to set forth standard drug testing requirements as part of the permit (Operator's Permit: Transportation For Hire) application to operate a taxi cab or vehicle for hire in the Town of Huntington; and

WHEREAS, this amendment to the code 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 SCHEDULES a public hearing to be held on the **9th** day of **JUNE**, 2015 **7:00**p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 12-2015 amending the Code of the Town of Huntington, Chapter 180 (Taxi Cabs and Vehicles for Hire), as follows:

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

LOCAL LAW INTRODUCTORY NO. 12 -2015  
AMENDING THE CODE OF  
THE TOWN OF HUNTINGTON  
CHAPTER 180 (Taxi Cabs and Vehicles for Hire)  
Article IV (Vehicle Operator Requirements)

Section 1 Amendment to the Code of the Town of Huntington, Chapter 180 (Taxi Cabs and Vehicles for Hire), Article IV (Vehicle Operator Requirements); as follows:

CHAPTER 180  
(Taxi Cabs and Vehicles for Hire)

Article IV. Vehicle Operator Requirements

\* \* \*

§180-16. Permit application; qualifications; examination.

\* \* \*

(g) A notarized statement from a doctor licensed to practice medicine in the State of New York stating that said doctor has thoroughly examined the applicant within 30 days of the application, that said applicant demonstrates no affliction of any physical or mental disease or infirmity which might make him or her an unsafe or unsatisfactory permit holder. Said notarized statement shall further provide proof of [and] no drug and/or alcohol dependency or use other than by prescription, [together with the results of blood testing.] as well as the results of a standardized drug screening test, the requirements of which are set forth in the permit application.

\* \* \*

Section 2. Severability.

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

Section 3. Effective Date.

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

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

VOTE:            AYES: 5            NOES: 0            ABSTENTIONS: 0

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

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2015-233

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 13 -2015, CONSIDERING ZONE CHANGE APPLICATION #2012-ZM-392, BSL NY DEVELOPMENT LLC, TO CHANGE THE ZONING FROM C-3 SPECIAL BUSINESS DISTRICT & R-10 RESIDENCE DISTRICT TO R-HS RESIDENTIAL HEALTH SERVICES DISTRICT FOR PROPERTY LOCATED ON THE SOUTH CORNER OF EAST MAIN STREET (NYS 25A) AND WASHINGTON DRIVE, AND NORTH SIDE OF OLD NORTHPORT ROAD, HUNTINGTON, SCTM# 0400-077-01-015.006 & 015.007.

Resolution for Town Board Meeting Dated: May 5, 2015

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

and seconded by: **COUNCILMAN COOK**

WHEREAS, BSL NY DEVELOPMENT LLC, 40 Williams St., Suite 350, Wellesley, MA 02481, contract vendee, submitted application #2012-ZM-392 for a change of zone from C-3 Special Business District & R-10 Residence District to R-HS Residential Health Services District for property located on the south corner of East Main Street (NYS 25A) and Washington Drive, and north side of Old Northport Road, Huntington, designated as 0400-077-01-015.006 & 015.007 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 9th day of JUNE, 2015, at 7:00 PM to consider adopting Local Law Introductory No. 13 -2015 amending the "Amended Zoning Map of the Town of

Huntington”, as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), §198-7 of the Huntington Town Code, thereby rezoning from C-3 Special Business District & R-10 Residence District to R-HS Residential Health Services District the properties designated on the Suffolk County Tax Map as 0400-077-01-015.006 & 015.007, as follows:

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

LOCAL LAW INTRODUCTORY NO. 13 - 2015  
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 south corner of East Main Street (NYS 25A) and Washington Drive, and north side of Old Northport Road, Huntington, designated on the Suffolk County Tax Map as 0400-077-01-015.006 & 015.007, to be rezoned from C-3 Special Business District and R-10 Residence District to R-HS Residential Health Services District, more particularly described as:

Parcel 015.006:

BEGINNING at a POINT at the southeastern corner of the parcel, North 5 degrees 29 minutes 30 seconds West, 247.89 feet from the northerly side of Old Northport Road along the eastern property line of the property now or formerly of Hyde (SCTM# 0400-077-01-017),

THENCE from said POINT OF BEGINNING South 75 degrees 16 minutes 20 seconds West, 205.32 feet,

THENCE North 12 degrees 37 minutes 30 seconds West, 146.26 feet,

THENCE North 85 degrees 01 minute 50 seconds East, 215.12 feet,

THENCE North 81 degrees 20 minutes 50 seconds East, 5.13 feet,

THENCE South 05 degrees 47 minutes 40 seconds East, 110.50 feet to the POINT OF BEGINNING.

Parcel 015.007:

BEGINNING at a POINT on the eastern corner of the parcel on Old Northport Road, 258.29 feet west of the intersection with East Main Street,

THENCE from said POINT OF BEGINNING South 56 degrees 49 minutes 30 seconds West, 625.53 feet,

THENCE South 66 degrees 49 minutes 20 seconds West, 167.09 feet,

THENCE North 05 degrees 47 minute 40 seconds West, 175.00 feet,

THENCE South 81 degrees 20 minutes 50 seconds West, 115.91 feet,

THENCE North 03 degrees 05 minutes 46 seconds West, 125.60 feet,

THENCE North 81 degrees 20 minutes 50 seconds East 110.00 feet,

THENCE North 05 degrees 47 minutes 40 seconds West, 198.00 feet,

THENCE North 81 degrees 20 minutes 50 seconds East, 264.48 feet,

THENCE North 81 degrees 14 minutes 50 seconds East, 76.31 feet,

THENCE South 86 degrees 58 minutes 00 seconds East, 234.56 feet,

THENCE North 89 degrees 00 minutes 18 seconds East, 44.45 feet,

THENCE South 41 degrees 18 minutes 30 seconds East, 169.51 feet to the POINT OF BEGINNING.

\* \* \*

## Section 2. Severability

If any clause, sentence paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this



RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 14 -2015, CONSIDERING ZONE CHANGE APPLICATION #2014-ZM-404, PLATT'S PARK AVENUE LLC, TO CHANGE THE ZONING FROM R-15 RESIDENCE DISTRICT TO C-4 NEIGHBORHOOD BUSINESS DISTRICT FOR PROPERTY LOCATED ON THE EAST CORNER OF EAST MAIN STREET AND PARK AVENUE, HUNTINGTON, SCTM# 0400-073-02-(001, 003.002, 003.003).

Resolution for Town Board Meeting Dated: May 5, 2015

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN COOK**

WHEREAS, PLATT'S PARK AVENUE LLC, 71 North 1st St., Deer Park, NY 11729, owner/contract vendee, submitted application #2014-ZM-404 for a change of zone from R-15 Residence District to C-6 General Business District for property located on the east corner of East Main Street (NYS 25A) and Park Avenue (CR 35), Huntington, designated as 0400-073-02-(001, 003.002, 003.003) on the Suffolk County Tax Map; and

WHEREAS, this application was later amended to change the commercial zoning category under consideration to C-4 Neighborhood Business District; 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 is a Type I action in accordance with SEQRA, 6 NYCRR Part 617.4(b)(9), as it involves property in the Old Town Green National Historic District; 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 9<sup>th</sup> day of JUNE, 2015, at 7:00 PM to consider adopting Local Law Introductory No. 14 -2015 amending the "Amended Zoning Map of the Town of

2015-234

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-15 Residence District to C-4 Neighborhood Business District the property designated on the Suffolk County Tax Map as 0400-073-02-(001, 003.002, 003.003), as follows:

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

LOCAL LAW INTRODUCTORY NO. 14 - 2015  
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 east corner of East Main Street (NYS 25A) and Park Avenue (CR 35), Huntington, designated on the Suffolk County Tax Map as 0400-073-02-(001, 003.002, 003.003), to be rezoned from R-15 Residence District to C-4 Neighborhood Business District, more particularly described as:

BEGINNING at a POINT being the corner formed by the intersection of the southeasterly side of East Main Street (NYS 25A) with the northeasterly side of Park Avenue (CR 35),

THENCE from said POINT OF BEGINNING North 56 degrees 02 minutes 40 seconds East, 225.00 feet,

THENCE South 33 degrees 57 minutes 20 seconds East, 100.00 feet,

THENCE South 56 degrees 02 minutes 40 seconds West, 15.25 feet,

THENCE South 33 degrees 57 minutes 20 seconds East 132.45 feet,

