

**TOWN BOARD AGENDA
CALL TO ORDER
ROLL CALL**

**TOWN BOARD MEETING
TOWN OF SMITHTOWN
AUGUST 12, 2008**

BOARD OF WATER COMMISSIONERS

1. The Board of Water Commissioners to authorize the following:
 - a. Transfer of \$2,121.11 from T-13.33 Escrow ID #04032600, title SJWD Hamlet Estates to SJWD and Increase Revenue Code SW2-2775 (Release of Trust & Agency Funds) and Expenditure Code SW2.8341.253 (T & A Waterline Improvement) by the same amount. (St. James)
 - b. Increase SW2.0000.9999 (Surplus) by \$30,000.00 and SW2.8341.450 (Maintenance and Repairs) by the same amount. (St. James)

TOWN BOARD AGENDA

APPOINTMENTS BY THE SUPERVISOR

1. Supervisor Patrick R. Vecchio hereby appoints Gregory Brodie to the Youth Advisory Board, term of office from August 13, 2008 through December 31, 2010.

CORRESPONDENCE

1. Special Event – Homecoming Parade – Commack High School Student Council – 2nd reading.
2. Special Event – Homecoming Parade – Hauppauge High School – 1st reading.
3. Special Event – Harvest Festival – Borellas Farm Stand – 1st reading.
4. Special Event – Sons of Italy Italian Feast – Order Sons of Italy in America Grand Lodge of New York – 1st reading.
5. Special Event – Veteran’s Day Parade – VFW Post 395 – 1st reading.
6. Building Department Report for July 2008.

PUBLIC HEARINGS

1. The Town Board to consider proposed amendments to Chapter 322 of the Code of the Town of Smithtown entitled Zoning, as it relates to Hospital: Nursing Home, Convalescent Home; Rest Home.
2. The Town Board to consider proposed amendments to Chapter 322 of the Code of the Town of Smithtown entitled Zoning, as it relates to Underground Parking.

ADVERTISE FOR PUBLIC HEARING

1. The Town Board to authorize the Town Clerk to advertise for a public hearing to be held on September 25, 2008 at 7:00 p.m. at the Eugene A. Cannataro Senior Citizens Center, 420 Middle Country Road, Smithtown,

NY for Zone Change Petition of Salvatore DiCarlo, #2008-02, for Change of Zone from R-10 to R-6 per memorandum of Frank DeRubeis, Director of Planning, dated July 18, 2008.

2. The Town Board to authorize the Town Clerk to advertise for a public hearing to be held on September 9, 2008 at 2:00 p.m. at Town Hall, 99 West Main Street, Smithtown, NY to consider amending Chapter 322 (Zoning Ordinance) of the Town Code re: retractable awnings in the R-6 Zoning District.
3. The Town Board to authorize the Town Clerk to advertise for a public hearing to be held on September 9, 2008 at 2:00 p.m. at Town Hall, 99 West Main Street, Smithtown, NY to consider renewing a gas franchise with KeySpan Gas East Corporation in the Town of Smithtown, pursuant to the provisions of Town Law and Public Service Law, on a form approved by the Town Attorney.

RESOLUTIONS

4. The Town Board to authorize the Town Clerk to advertise for the following bids to be returned to Town Hall, 99 West Main Street, P.O. Box 646, Smithtown, New York 11787, 11:00 a.m., on the dates indicated:
 - a. BID #08-076: Dispatch Console Furniture, August 28, 2008
 - b. BID #08-077: Portland Cement, August 28, 2008
 - c. BID #08-078: Exterior Renovations of the Blydenburgh House, August 28, 2008
 - d. BID #08-079: Flat Bed Truck – CNG Powered, September 4, 2008
 - e. BID #08-080: Handicapped Accessibility Curb Cuts and Ramps, September 4, 2008
 - f. BID #08-086: Sale of Surplus Marine Equipment, August 28, 2008
5. The Town Board to award the following bids and to authorize the purchase of associated goods/services:
 - a. BID #08-073 for Installation of Fence at Pinecone Park to Huntington Fence, per bid opening of August 5, 2008.
6. The Town Board to approve the following:
 - a. Supervisor Vecchio's appointment of Gregory Brodie to the Youth Advisory Board, term of office from August 13, 2008 through December 31, 2010.
 - b. Proposed Local Law #3-2008 entitled Chapter 112 Building Construction, Article I, Building Code, as it relates to Energy Star Program, per public hearing held on May 22, 2008.
 - c. Supervisor to execute a deed to Lawrence G. Flynn and Maryann Flynn, transferring certain real property unneeded for Town purposes, designated as SCTM #0800-015.00-04.00p/o003.004, being adjacent to Heather Drive, Kings Park, Town of Smithtown, NY, in exchange for property of comparable value, designated as SCTM #0800-015.00-04.00p/o004.002, also being adjacent to Heather Drive, Kings Park, Town of Smithtown, NY, subject to permissive referendum.

- d. Implementation and 100% of the initial funding of the New York State Development Assistance Program of a state aid project known as The Replacement and Restoration of Various Town Sidewalks and appropriating funds therefore.
 - e. Implementation and 100% of the initial funding of the New York State Development Assistance Program of a state aid project known as The Reconstruction of Nichols Rd. and appropriating funds therefore.
 - f. Guide Dog Foundation to utilize the Senior Citizens Center parking lot on September 14, 2008 for an upcoming event; certificate of liability insurance provided.
 - g. Supervisor to execute an extension until July 31, 2009 with the New York State Department of State for the 2005 grant awarded to the Town of Smithtown for "Variable Message Trailer with Radar Driver Feedback Sign with Additional Portable Radar Driver Feedback Sign" in an amount of \$21,000.00 (contract No. M050870).
 - h. Rescission of resolution #623 of the Town Board meeting held October 19, 2007 awarding bid #07-074 for improvements at the St. James Long Island Rail Road Parking Lot to Adjo Contracting and to reject all bids received in connection with this solicitation.
 - i. Rescission of resolution #624 of the Town Board meeting held October 19, 2007 awarding bid #07-075 for improvements at the Smithtown Long Island Rail Road Parking Lot to Kings Park Industries and to reject all bids received in connection with this solicitation.
 - j. Continued services of Devitt Spellman Barrett LLP to represent the Town of Smithtown in the matter of Corine Vargas et al. v. Town of Smithtown and to authorize an additional \$25,000.00 in fees for a total fee not to exceed \$50,000.00 without further authorization, per the recommendation of the Town Attorney.
 - k. Amendment to the 2008 Highway Road Program to include Northrop Court, Commack.
 - l. Office of the Town Clerk, Department of Environment and Waterways and School Age Child Care Department to lease copiers from Toshiba Business Solutions and to authorize the Supervisor to sign agreements on forms approved by the Town Attorney.
 - m. Appendix X for 2 Grant Extensions with the New York State Governor's Traffic Safety Committee for the 2007 grant awarded to the Town of Smithtown, "Traffic Study and Design for Roadway and Traffic Signal Improvements", Grant No. RS-5257011, Contract No. C-001574.
 - n. Architectural/Engineering Consultant Agreement with Sidney B. Bowne & Son, LLP for Engineering Services for the 2006 grant awarded to the Town of Smithtown for "Nichols Road PE (Preliminary Engineering) for Highway Reconstruction (Phases 1-6)", PIN 0758.77.321, in the amount of \$200,000.00.
7. The Town Board, after due study and deliberation of the subject record, to issue a SEQRA, **Negative Declaration**, determination of non-significance, (an EIS is not necessary), in the matter of the application for special

exception petition #TC 2008-05 (Pit Partners, LLC) by PIT Partners, LLC for the reasons stated in a memorandum from Russell K. Barnett, Environmental Protection Director, dated July 22, 2008.

8. The Town Board to approve the Special Exception Petition #2008-05 of PIT Partners, LLC by PIT Partners, LLC, for a commercial public recreation use for a proposed children's recreational play facility, subject to the conditions stated in the memorandum of Frank DeRubeis, Director of Planning, dated August 4, 2008, per public hearing held on June 26, 2008.
9. The Town Board to authorize the acceptance of the following:
 - a. Donations from Mr. and Mrs. Goldberg (\$40.00) and Mr. and Mrs. DeSando (\$50.00).
 - b. Performance Bond in the amount of \$156,755.00 (#FI101077, ORISKA Insurance Company) and cash deposit in the amount of \$2,000.00 (Planning Receipt #035120) posted by James Fox for the subdivision known as Berg Estates, #1053. Certificate of Insurance: Gemini Insurance Co., Expiration: October 20, 2009.
 - c. Irrevocable Letter of Credit in lieu of a Performance Bond in the amount of \$54,055.00 (#100401, Bank of Smithtown) and cash deposit in the amount of \$1,500.00 (Planning Receipt #035156) posted by Tide Way Homes Inc. for the subdivision known as Tide Way Homes, #1102. Certificate of Insurance: Essex Ins. Co. Expiration: July 11, 2009.
10. The Town Board to authorize the Comptroller to execute the following:
 - a. Increase Revenue Code A2708 (Animal Shelter Gifts & Donations) in the amount of \$90.00 and Increase Expenditure Code A3510.0498 (Operating Expense) by the same amount. (Animal Shelter)
 - b. Create and Increase Revenue Code H05.0000.3589.00000060 (CP08 State Grant Variable Message Sign) in the amount of \$21,000.00 and Create and Increase Expenditure Code H05.3310.0355.00000060 (CP08 State Grant Variable Message Sign) by the same amount. (Traffic)
 - c. Increase Revenue Code H06.0000.5031 (Transfer In) in the amount of \$4,000.00 and Increase Expenditure Code H06.7110.0309 (CP03 911 Memorial Park) by the same amount. (Planning)
 - d. Transfer of \$35.00 from A1410.0453 (Maintenance Contracts) to A1410.0472 (Dues & Conferences). (Town Clerk)
 - e. Transfer of \$10,000.00 from A1355.0110 (Personnel Salaries) and \$5,000.00 from A1355.0150 (Accruals) to A1355.0120 (Part-time Salaries). (Assessors)
 - f. Transfer of \$18,500.00 from A7110.0110 (Personnel Salaries) to A7110.0415 (Marine Supplies). (Parks)
 - g. Transfer of \$15,000.00 from A1420.0461 (Litigation & Council) to A1420.0110 (Personnel Salaries). (Town Attorney)
 - h. Transfer of \$895.00 from A1425.130 (Traffic Violations Overtime Salaries) to A1421.130 (Overtime Salaries). (Public Safety)

- i. Transfer of \$1,000.00 from B8021.110 (Plan Payroll) to B8021.120 (Plan Part-time). (Planning)
 - j. Transfer of \$1,000.00 from A1220.0210 (Office Equipment) and \$1,000.00 from A1990.900 (Contingency) to A1220.0290 (Computers). (Supervisors)
11. The Town Board to approve settlement in the following per recommendation of the Town Attorney:
- a. King O'Rourke Auto Group v. Town of Smithtown in the total amount of \$400.00.
 - b. Brittany Watts v. Town of Smithtown in the total amount of \$1,669.95.
12. The Town Board to authorize the Supervisor to execute the following on a form approved by the Town Attorney:
- a. Professional Services Agreement with Vroom Networks, Inc. for emergency/on call technical support regarding the Town's data communications network in an amount up to but not to exceed \$11,500.00.
 - b. Suffolk County Living Wage Certification/Declaration and Affidavit of Compliance for the Chemical Dependency Services and Alternatives for Youth Services Programs.
 - c. Extension of agreement with Smithtown fire districts (per the attached list) and the Village of Nissequogue to August 13, 2009, for the use of the Edward Mankuski Fire Training Center.
 - d. Amendment to the Smithtown Administrators Guild Collective Bargaining Agreement for the position of Assistant Environmental Protection Director.
 - e. Amendment to the Smithtown Administrators Guild Collective Bargaining Agreement for the position of Solid Waste Coordinator.
 - f. Agreement with Town employees permitting transfer of vacation and/or sick time to Randall Amato of the Department of Parks, Buildings and Grounds.
 - g. Lease agreement with Mary Lou Buser and Kathleen Loughlin on behalf of the Sisters of St. Joseph for the Twins Cottage Annex to the main house at Sweetbriar Farm at a monthly rent of \$836.00 per month for the period of September 1, 2008 through August 31, 2009.
 - h. Agreement with Dvirka & Bartilucci, Consulting Engineers, regarding professional services for preparation of the 2007 and 2008 Annual Financial Assurance Report Updates for the Municipal Services Phase II – Cell No. 6 landfill area, at a cost not to exceed \$15,800.00.
 - i. Contract with the County of Suffolk for county assistance for the project entitled 'Maintenance of Recharge Basins on Old Nichols Road' in the amount of \$140,000.00.
13. The Town Board to authorize the release of the following:

- a. Check #22016 (Bank of Smithtown) in the amount of \$600.00 (Town Receipt #36966, ID #08060900) posted to guarantee driveway apron for Permit #122582, SCTM #131-4-12.8 posted for the site known as Yellow Top Farms #1043, Section 2, Lot #27. Principal: Yellow Top Builders, LLC, 720 Smithtown By-Pass, Suite A, Smithtown, NY 11787.
- b. Cashier's check #09-015356 (State Bank of Long Island) in the amount of \$1,000.00 (Town Receipt #25303, ID #06050101) posted in lieu of Growth & Life Bond together with a \$1,000.00 cash deposit, cashier's check #09-015354, (Town receipt #25303, ID #06050101) posted for the subdivision known as Nora Estates #904. Principal: Frank Kiridly, Prestige Properties of Long Island, Inc., 95 Smithtown Blvd., Smithtown, NY 11787.
- c. Certified check #1396 (Prestige Properties of Long Island, Inc.) in the amount of \$1,375.00 in lieu of Growth & Life Bond (Town Receipt #69425, ID #02022004) and certified check #1395 (Prestige Properties of Long Island, Inc.) in the amount of \$1,000.00 in lieu of cash deposit (Town receipt #69425, ID #02022004). Principal: Prestige Properties of Long Island, Inc., 95 Smithtown Blvd., Smithtown, NY 11787.
- d. Cashier's check #09-015358 (State Bank of Long Island) in the amount of \$625.00 in lieu of Growth & Life Bond (Town receipt #25304, ID #06050102) for the subdivision known as Cedar Hills of Nesconset #973. Principal: Frank Kiridly, Prestige Properties of Long Island, Inc., 95 Smithtown Blvd., Smithtown, NY 11787.
- e. Bank check #116363994 (Chase Bank) in the amount of \$21,000.00 which incorporates \$20,000.00 Growth & Life Bond and \$1,000.00 cash deposit for the 280A application known as PJ Venture II-Arthur Street (Town receipt #30075, ID #07052400) Principal: PJ Venture II, LLC 15 Wyandanch Blvd., Smithtown, NY 11787.
- f. Passbook #10600880 (Bank of Smithtown) in lieu of Performance Bond in the amount of \$21,741.50 together with a \$1,000.00 cash deposit (Planning receipt #0317484) posted for the subdivision known as Kalinsky Plat #1088. Principal: Michael Gavigan, 140 Rumford Road, Kings Park, NY 11754.

PERSONNEL

14. The Town Board to approve the following Personnel matters:
 - a. Salary change for Dean Emma, Rec. Leader, Department of Recreation, from a contract rate of \$1,500.00 to a contract rate of \$2,100.00, not to exceed the contract amount, effective August 13, 2008.
 - b. Reappointment of Vincent Ianuzzi to the position of Senior Guard in the Department of Public Safety, at a rate of pay of \$13.75 per hour, not to exceed half the normal work week, effective August 13, 2008.
 - c. Reappointment of Gary Benson to the position of Park Ranger II in the Department of Public Safety, at a rate of pay of \$17.75 per hour, not to exceed half the normal work week, effective August 13, 2008.

- d. Salary change for Alyssa Venezia, Lifeguard, Department of Recreation, to \$10.00 per hour, not to exceed \$5,000.00 per year, effective June 26, 2008.
- e. Salary change for Bradley Johnson, Rec Aide II, Department of Recreation, to \$8.15 per hour, not to exceed \$5,000.00 per year, effective June 30, 2008.
- f. Salary change for Scott Reduto, Rec Aide, Department of Recreation, to \$7.65 per hour, not to exceed \$5,000.00 per year, effective July 7, 2007.
- g. Part-time appointment of Diane Nichols to the position of Homemaker in the Senior Citizens Department, at a rate of pay of \$12.50 per hour, not to exceed half the normal work week, effective August 13, 2008.
- h. Part-time appointment of Patricia Tria to the position of Homemaker in the Senior Citizens Department, at a rate of pay of \$12.50 per hour, not to exceed half the normal work week effective August 13, 2008.
- i. Seasonal appointments to various positions at various rates of pay as indicated on the attached list and resolutions, not to exceed \$5,000.00 per year.
- j. Seasonal promotion of Michael Russo from Laborer to Landscape Laborer in the Department of Parks, Buildings and Grounds, at a rate of pay of \$8.50 per hour, not to exceed \$5,000.00 per year, effective August 13, 2008.
- k. Seasonal promotion of Jocelyn Russo from Landscape Laborer to Park Attendant 3 at Hoyt Farm in the Department of Parks, Buildings and Grounds, at a rate of pay of \$9.50 per hour, not to exceed \$5,000.00 per year, effective August 13, 2008.
- l. Part-time appointment of Jessica G. Schubert Nogara to the position of Assistant Town Attorney in the Office of the Town Attorney, at a rate of pay of \$32.97 per hour, not to exceed half the normal work week, effective September 2, 2008.
- m. Provisional full-time appointment of Howard Barton to the position of Assistant Environmental Protection Director in the Department of Environment and Waterways, at a rate of pay of \$49.28 per hour, effective August 13, 2008.
- n. Full-time appointment of Michael P. Engelmann to the position of Solid Waste Coordinator in the Department of Environment and Waterways, at a rate of pay of \$49.07 per hour, subject to a twenty-six week probationary period, effective August 13, 2008.
- o. Extension of medical leave of absence for Cameron Drab, M.M.I., Highway Department, through August 22, 2008.
- p. Volunteer appointment of Toni D'Agostino to assist in the Nutrition Program and Recreation Program in the Senior Citizens Department, effective August 13, 2008.
- q. Part-time appointment of Sherman Foster to the position of Labor Aide in the Animal Shelter, no cost to the Town, effective August 13, 2008.

- r. Part-time appointment of Philip Castellano to the position of Labor Aide in the Animal Shelter, no cost to the Town, effective August 13, 2008.

TRAFFIC

- 15. The Town Board to authorize the following amendment to the Uniform Traffic Code and authorize the Traffic Safety Department to install and maintain the necessary signs:

- a. Schedule G: Stop and Yield Intersections

<u>Intersection</u>	<u>Sign</u>	<u>Controlling Traffic</u>
<u>ADD:</u>		
Sheryl Crescent at Winslow La. (Southern Intersection) (SMT)	Stop	East/West on Sheryl Crescent
<u>ADD:</u>		
Winslow Lane at Sheryl Crescent (Southern Intersection) (SMT)	Stop	South on Winslow Lane

- b. Schedule J: Parking, Stopping & Standing

<u>Change Name of Street/Side/Location</u>	<u>Regulation</u>	<u>Hours/Days</u>
<u>DELETE:</u>		
Burr Avenue/East From 50 feet south Of Main Street (SR25A) to Main Street (KPK)	No Parking	All
<u>ADD:</u>		
Burr Avenue/West From 125 feet south Of Main Street (SR25A) to Main Street (KPK)	No Parking	All

- c. Schedule F: Lane Use Designations

<u>Street</u>	<u>Controlling Traffic</u>	<u>Regulation</u>	<u>Hours/Days</u>
<u>Delete:</u>			
Edgewood Ave at Landing Ave. (SMT)	West on Edgewood Ave	Left lane must turn left	All
<u>Add:</u>			
Edgewood Ave at Landing Ave (SMT)	West on Edgewood Ave	Right lane must turn right	All

TO BE HEARD

ADJOURNED