Smithtown Town Board

Regular Night Meeting

~MINUTES ~

Final

Smithtown, NY 11787
www.smithtowninfo.com

Vincent Puleo
(631) 360-7620

Thursday, February 28, 2013 | 7:00 PM | Eugene A. Cannataro Senior Citizen Center

CALL TO ORDER

The regular meeting of the Town Board of the Town of Smithtown was held at the Eugene A. Cannataro Senior Citizen Center, 420 Middle Country Road, Smithtown, New York, on the 28th day of February, 2013 at 7:00 P.M.

Attendee Name	Title	Status	Arrived
Patrick Vecchio	Supervisor	Present	7:00 PM
Thomas McCarthy	Councilman	Present	7:00 PM
Edward Wehrheim	Councilman	Present	7:00 PM
Robert Creighton	Councilman	Present	7:00 PM
Kevin Malloy	Councilman	Present	7:00 PM
John Zollo	Town Attorney	Present	7:00 PM
Vincent Puleo	Town Clerk	Present	7:00 PM
Frank DeRubeis	Planning Director	Present	7:00 PM

PUBLIC HEARINGS

(RES-2013-166)
The Town Clerk presented a public notice advertising that on the 28th day of February, 2013 a public hearing would be held at the Eugene A. Cannataro Senior Citizen Center, 420 Middle Country Road, Smithtown, New York at 7:00 P.M., to consider amending the Zoning Code and/or Map of the Town of Smithtown as petitioned by Tim Yin, Petition #2012-07, for a change of zone from R-10 (10,000 sq. ft., single family, residential) District to NB (Neighborhood Business) District on property located on the southeast corner of Jericho Turnpike and Walter Court, Commack, New York, SCTM #0800-90-3-40.

The Clerk further informed the Board that said public notice was properly advertised and that affidavits of publication and posting were executed and filed.

VINCENT TRIMARCO, ESQ., ATTORNEY FOR THE APPLICANT: Good evening Mr. Supervisor and members of the Board, my name is Vincent Trimarco, I represent the applicant. I've submitted the affidavits of posting and mailing to your Town Clerk. I would just like to show you on this location board where the subject property is and it's at the corner of Walter Court and Jericho Turnpike. (WHEREUPON MR. TRIMARCO REFERS TO A DISPLAY) Across from the subject property you will see going from west to east this is the Dunkin Donuts that was recently built, this is a law office, it used to be an insurance office, both zoned WSI. A Sleepy's mattress sales place zoned WSI, a Starbuck's is WSI and right to the end there, there's Beverage Busters, a retail beer and soda place. On the side of my client on the south side of the road immediately next door to my client's property and to the east is a Jiffy Lube, right next to the Jiffy Lube of course is Mayfair Shopping Center. On the other side of Walter Court, I think we probably did this re-zoning in the early 1980's or mid 1980's and it was residential and we went to PB, Professional Business. Next to that subject property is Gasoline Heaven, a gasoline filling station. One of the interesting things about this property and the subdivision behind it, and I was just talking to Frank DeRubeis about it, is this was really a planned development where they gave property, where the developers gave property for the school, they gave property or set up property for the Mayfair Shopping Center and it was kind of an all inclusive type development which we don't see too much of anymore, probably because we don't have that type of large blocks of land. What we're asking the Board to do is change this subject piece from residential. We initially asked for Neighborhood Business, but after a recommendation from your Planning Board and from the Planning Department, we are requesting now that it be zoned Professional Business just like the one across Walter Court, and that one has been there, as I said, for probably twenty five or thirty years. The PB zoning is the type of zoning which this

Board initially enacted some time in the 80's as a transitional zone. The structure part of the rules are of the ordinance is that it must maintain a likeness to a residential dwelling, it is not, he can't build it like an office building with a flat roof like you see Sleepy's or Starbucks. So, we'll maintain its residential character, it is used as a transitional zone from residential to professional business. My client is a dentist, he will be setting up a new practice there basically in the same area where Doctor Levin practiced dentistry from 1958 to about 1995 or so. So, we ask the Board for its favorable consideration, if the Board has any questions I will be happy to try and answer them. Thank you.

SUPERVISOR VECCHIO: Okay, anyone in the audience wish to be heard on this matter?

NO RESPONSE

SUPERVISOR VECCHIO: Then I'll move to close the hearing.

COUNCILMAN MCCARTHY: Second.
The following resolution was offered by Supervisor Vecchio and was seconded by Councilman McCarthy:

BE IT RESOLVED, that the public hearing held at the Eugene A. Cannataro Senior Citizen Center, 420 Middle Country Road, Smithtown, New York on the 28th day of February, 2013 at 7:00 P.M., to consider amending the Zoning Code and/or Map of the Town of Smithtown as petitioned by Tim Yin, Petition #2012-07, for a change of zone from R-10 (10,000 sq. ft., single family, residential) District to NB (Neighborhood Business) District on property located on the southeast corner of Jericho Turnpike and Walter Court, Commack, New York, SCTM #0800-90-3-40, be and is hereby closed.

DECISION RESERVED

RESULT:	**HEARING CLOSED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

CORRESPONDENCE

1. Parade/Run/Walk - Kings Park Youth Opening Day Parade Second Reading

NO ONE APPEARED IN OPPOSITION.

RESULT:	**SECOND READING**

2. Parade/Run/Walk- Nesconset Athletic Opening Day Parade Second Reading

NO ONE APPEARED IN OPPOSITION.

RESULT:	**SECOND READING**

3. Parade/Run/Walk - Hauppauge Schools 5K Fun Run Second Reading

NO ONE APPEARED IN OPPOSITION.

RESULT:	**SECOND READING**

4. Special Event - Smithtown Chamber of Commerce Smithtown Day Festival Second Reading

NO ONE APPEARED IN OPPOSITION.

RESULT:	**SECOND READING**

5. Parade/Run/Walk - St. James Chamber St. Patrick's Day Parade Second Reading

NO ONE APPEARED IN OPPOSITION.

RESULT:	**SECOND READING**

6. Special Event - St. James Chamber of Commerce St. James Day Second Reading

NO ONE APPEARED IN OPPOSITION.

RESULT:	**SECOND READING**

7. Parade/Run/Walk - St. James Chamber of Commerce, Inc. Halloween Parade First Reading

NO ONE APPEARED IN OPPOSITION.

RESULT:	**FIRST READING**	**Next: 3/5/2013 2:00 PM**

8. Parade/Run/Walk - Sgt. John W. Cooke VFW Post 395 Memorial Day Parade First Reading

NO ONE APPEARED IN OPPOSITION.

RESULT:	**FIRST READING**	**Next: 3/5/2013 2:00 PM**

9. Parade/Run/Walk - St. James/Smithtown Little League Opening Day Parade First Reading

NO ONE APPEARED IN OPPOSITION.

RESULT:	**FIRST READING**	**Next: 3/5/2013 2:00 PM**

10. Parade/Run/Walk - Ronkonkoma Rotary Annual Run Around the Lake First Reading

NO ONE APPEARED IN OPPOSITION.

RESULT:	**FIRST READING**	**Next: 3/5/2013 2:00 PM**

11. Parade/Run/Walk - Knights of Columbus Memorial Day Parade First Reading

NO ONE APPEARED IN OPPOSITION.

RESULT:	**FIRST READING**	**Next: 3/5/2013 2:00 PM**

ADVERTISE FOR PUBLIC HEARING

(RES-2013-167)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Clerk to advertise for a public hearing to be held at the Eugene A. Cannataro Senior Citizen Center, 420 Middle Country Road, Smithtown, New York on the 21st day of March, 2013 at 7:00 P.M., to consider Zoning Petition #2013-01 as submitted by North Fork Management & Maintenance, LLC, for a modification to a previously approved Change of Zone (Petition #86-18 Nassau Suffolk Lumber & Supply Corp.) so as to remove a certain condition of approval on property located on the west

side of Maple Avenue, 486.52 feet south of Main Street, Smithtown, New York, SCTM #0800-104-1-51.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Smithtown, Suffolk County, State of New York will meet at the Eugene A. Cannataro Senior Citizen Center, 420 Middle Country Road, Smithtown, New York on the 21st day of March, 2013 at 7:00 P.M., time then in effect to consider Zoning Petition #2013-01 as submitted by North Fork Management & Maintenance, LLC, for a modification to a previously approved Change of Zone (Petition #86-18 Nassau Suffolk Lumber & Supply Corp.) so as to remove a certain condition of approval on property located on the west side of Maple Avenue, 486.52 feet south of Main Street, Smithtown, New York, SCTM #0800-104-1-51 and being more particularly bounded and described as follows:

ALL that certain plot, piece or parcel of land, with improvements erected thereon situate, lying and being at Smithtown, County of Suffolk and State of New York, being bounded and described as follows:

BEGINNING at a point on the westerly side of Maple Avenue. Said point of beginning being further described as being 486.52 feet southerly, along the westerly side of Maple Avenue, from the intersection of the southerly side of Main Street, N.Y. State Road 25, with the westerly side of Maple Avenue;

THENCE, southerly along the westerly side of Maple Avenue, South 14 degrees, 13 minutes, 00 seconds West, 100.00 feet;

THENCE, westerly, North 68 degrees, 44 minutes 40 seconds West, 399.73 feet;

THENCE, northerly, North 25 degrees, 05 minutes, 40 seconds East, 103.67 feet;

THENCE, easterly, South 68 degrees, 06 minutes, 48 seconds East, 380.56 feet to the point or place of BEGINNING.

SAID EASEMENT CONTAINS 39,531.78 SQUARE FEET OR 0.91 ACRES

AT THE AFOREMENTIONED TIME AND PLACE, a public hearing will be held and all interested persons shall be given an opportunity to be heard.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-168)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Clerk to advertise for a public hearing to be held at the Eugene A. Cannataro Senior Citizen Center, 420 Middle Country Road, Smithtown, New York on the 21st day of March, 2013 at 7:00 P.M., to consider amending the Zoning Code and/or Map of the Town of Smithtown as petitioned by R & F Management, LLC, Zoning Petition #2010-09, for a change of zone from WSI (Wholesale

Service Industry) District to NB (Neighborhood Business) District, on property located on the north side of Jericho Turnpike, 781 feet west of Plymouth Boulevard, Smithtown, New York, 11787, SCTM #0800-99-1-8.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Smithtown, Suffolk County, State of New York, will meet at the Eugene A. Cannataro Senior Citizen Center, 420 Middle Country Road, Smithtown, New York on the 21st day of March, 2013 at 7:00 P.M., time then in effect to consider amending the Zoning Code and/or Map of the Town of Smithtown as petitioned by R & F Management, LLC, Zoning Petition #2010-09, for a change of zone from WSI (Wholesale Service Industry) District to NB (Neighborhood Business) District, on property located on the north side of Jericho Turnpike, 781 feet west of Plymouth Boulevard, Smithtown, New York, 11787, SCTM #0800-99-1-8 and being more particularly bounded and described as follows:

ALL that certain plot, piece and parcel of land, situate, lying and being at Smithtown, Town of Smithtown, County of Suffolk, State of New York, being bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Northerly line of Jericho Turnpike and the Westerly side of Bridge Branch Road (not open or improved);

RUNNING THENCE, along the Northerly side of Jericho Turnpike, along the arc of a curve having a radius of 1895.50 feet, a length of 102.41 feet;

THENCE, continuing along the Northerly side of Jericho Turnpike, North 68 degrees 37 minutes 40 seconds West, a distance of 66.45 feet;

THENCE, North 05 degrees 50 minutes 00 seconds East, a distance of 520.81 feet;

THENCE, South 33 degrees 37 minutes 08 seconds East, a distance of 217.43 feet;

THENCE, South 02 degrees 05 minutes 53 seconds West, a distance of 394.35 feet to the Northerly side of Jericho Turnpike, the point or place of BEGINNING.

AT THE AFOREMENTIONED TIME AND PLACE, a public hearing will be held and all interested persons shall be given an opportunity to be heard.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-169)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Clerk to advertise for a public hearing to be held at the Eugene A. Cannataro Senior Citizen Center, 420 Middle Country Road, Smithtown, New York on the 21st day of March, 2013 at 7:00 P.M., to consider Special Exception Petition #2013-02 as submitted by Laura Gallagher/Barbara Perrotta, “Whisper Winery”, for a special exception for winery events on property located on the south side of Edgewood Avenue, 64.99 feet east of Glenrich Drive South, St. James, NY, SCTM

#0800-80-3-9.2 & 9.3.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Smithtown, Suffolk County, State of New York will meet at the Eugene A. Cannataro Senior Citizen Center, 420 Middle Country Road, Smithtown, New York on the 21st day of March, 2013 at 7:00 P.M., time then in effect to consider Special Exception Petition #2013-02 as submitted by Laura Gallagher/Barbara Perrotta, "Whisper Winery", for a special exception for winery events on property located on the south side of Edgewood Avenue, 64.99 feet east of Glenrich Drive South, St. James, NY, SCTM #0800-80-3-9.2 & 9.3 and being more particularly bounded and described as follows:

PARCEL ONE

BEGINNING at a point at the southerly side of Edgewood Avenue as widened, from the easterly end of a 25.00 foot radius curve connecting the southerly side of Edgewood Avenue with the easterly side of Glenrich Drive South N.56º39'30" E., a distance of 64.99 feet to said point or place of beginning.

RUNNING THENCE, northerly (N.24º17'00" W., deed), N.24º18'20" W. in actual, a distance of 9.19 feet to the existing southerly side of Edgewood Avenue.

RUNNING THENCE, easterly along the existing southerly side of Edgewood Avenue N.56º40'50" E., a distance of 163.31 feet to a point.

RUNNING THENCE, southerly S.24º17'00" E., a distance of 370.94 feet to a point.

RUNNING THENCE, easterly N.65º43'00" E., a distance of 325.25 feet to a point.

RUNNING THENCE, northerly N.24º17'00" W., a distance of 422.66 feet to the existing southerly side of Edgewood Avenue.

RUNNING THENCE, easterly along the existing southerly side of Edgewood Avenue N.56º40'50" E., a distance of 659.91 feet to a point.

RUNNING THENCE, northerly N.33º19'10" W., a distance of 5.00 feet to a point.

RUNNING THENCE, easterly along the existing southerly side of Edgewood Avenue N.56º40'50" E., a distance of 50.00 feet to a point.

RUNNING THENCE, southerly S.08º21'40" E., a distance of 685.67 feet to the northerly side of the Long Island Railroad.

RUNNING THENCE, westerly along the northerly side of the Long Island Railroad (S.45º44'40" W., deed) S.45º48'10" W. in actual, a distance of (1060.64 feet, deed), 1061.61 feet in actual, to a point.

RUNNING THENCE, northerly (N.24º17'00" W., deed), N.24º18'20" W., in actual, a distance of (818.94 feet, deed), 818.00 feet in actual, to the southerly side of Edgewood Avenue as widened and said point or place of beginning.

SAID PARCEL CONTAINING 15.41 ACRES (654,020 SQUARE FEET)

PARCEL TWO

BEGINNING at a point at the existing southerly side of Edgewood Avenue the following (3) three courses and distances from the easterly end of a 25.00 foot radius curve connecting the southerly side of Edgewood Avenue with the easterly side of Glenrich Drive South

1. Easterly along the southerly side of Edgewood Avenue as widened N.56º39'30" E., a distance of 64.00 feet to a point.

2. Northerly (N.24º17'00" W., deed), N.24º18'20" W., in actual, a distance of 9.19 feet to the existing southerly side of Edgewood Avenue.

3. Easterly along the existing southerly side of Edgewood Avenue N.56º40'50" E., a distance of 163.31 feet to said point or place of beginning.

RUNNING THENCE, easterly along the existing southerly side of Edgewood Avenue N.56º40'50" E., a distance of 329.24 feet to said point or place of beginning.

RUNNING THENCE, southerly S.24º17'00" W., a distance of 422.66 feet to a point.

RUNNING THENCE, westerly S.65º43'00" W., a distance of 325.25 feet to a point.

RUNNING THENCE, northerly N.24º17'00" E., a distance of 370.94 feet to the existing southerly side of Edgewood Avenue and said point or place of beginning.

SAID PARCEL CONTAINING 2.963 ACRES (129,060 SQUARE FEET)

AT THE AFOREMENTIONED TIME AND PLACE, a public hearing will be held and all interested persons shall be given an opportunity to be heard.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

RESOLUTIONS

1. 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, 11:00AM ON DATES INDICATED:

(RES-2013-170)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Clerk to advertise for bids to be returnable April 4, 2013 at the Town Hall, 99 West Main Street, Smithtown, New York, 11787-0646 at 11:00 A.M., for Bid #13-00f Upgrade for Methane Gas Detection Monitoring at Various Town Facilities.

PUBLIC NOTICE
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that sealed proposals for Upgrade for Methane Gas Detection Monitoring at Various Town Facilities will be received at the Office of the Town Clerk, Town

Hall, 99 West Main Street, (Post Office Box 646), Smithtown, New York 11787-0646 until 11:00 A.M., on April 4, 2013 at which time and place they will be publicly opened and read.

Specifications may be obtained on or after March 7, 2013 from the Office of the Town Clerk at the above address Monday through Friday, 9:00 A.M. to 4:00 P.M..

Bidders are responsible for understanding the scope and magnitude of this project prior to submitting quotations. A Pre-bid inspection is scheduled for Monday, March 18th, 2013. Interested vendors should convene at the Municipal Services Facility, 85 Old Northport Road, Kings Park, NY, at 10:00 a.m. on that date.

Bids should be submitted in a sealed envelope designated Bid #13-004 - Methane Gas Detection.

Each bid must be accompanied by either a certified check on a solvent bank or trust company acceptable to the Town, or a bid bond from a surety prepared in such a form as is acceptable by the Town. The certified check or bid bond shall be in the amount of five percent (5%) of the total bid price and be made payable to the Town of Smithtown as assurance that the contract will be executed if awarded to such bidders.

The Town of Smithtown reserves the right to reject any and all bids. All bids must be submitted intact. Do not remove any pages. Non Collusive Bidding Certificate and Disclosure Statements must accompany each bid. The Town of Smithtown encourages minority and women owned businesses to participate in all bids.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-171)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Clerk to advertise for bids to be returnable March 14, 2013 at the Town Hall, 99 West Main Street, Smithtown, New York 11787-0646 at 11:00 A.M., for Bid #13-018 Requirements Contract Picked-up and Delivered Asphaltic Concrete.

PUBLIC NOTICE
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that sealed proposals for Requirements Contract Picked-up and Delivered Asphaltic Concrete will be received at the Office of the Town Clerk, Town Hall, 99 West Main Street, (Post Office Box 646), Smithtown, New York 11787-0646 until 11:00 A.M., on March 14, 2013 at which time and place they will be publicly opened and read.

Specifications may be obtained on or after March 7, 2013 from the Office of the Town Clerk at the above address Monday through Friday, 9:00 A.M. to 4:00 P.M..

Bids should be submitted in a sealed envelope designated Bid #13-018 - Asphalt Picked Up and Delivered.

Each bid must be accompanied by either a certified check on a solvent bank or trust company

acceptable to the Town, or a bid bond from a surety prepared in such a form as is acceptable by the Town. The certified check or bid bond shall be in the amount of Ten Thousand Dollars ($10,000.00) and be made payable to the Town of Smithtown as assurance that the contract will be executed if awarded to such bidders.

The Town of Smithtown reserves the right to reject any and all bids. All bids must be submitted intact. Do not remove any pages. Non Collusive Bidding Certificate and Disclosure Statements must accompany each bid. The Town of Smithtown encourages minority and women owned businesses to participate in all bids.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-172)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Clerk to advertise for bids to be returnable March 14, 2013 at the Town Hall, 99 West Main Street, Smithtown, New York 11787-0646 at 11:00 A.M., for Bid #13-022 Requirements Contract for Microsurfacing on Various Town Roads.

PUBLIC NOTICE
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that sealed proposals for Requirements Contract for Microsurfacing on Various Town Roads will be received at the Office of the Town Clerk, Town Hall, 99 West Main Street, (Post Office Box 646), Smithtown, New York 11787-0646 until 11:00 A.M., on March 14, 2013 at which time and place they will be publicly opened and read.

Specifications may be obtained on or after March 7, 2013 from the Office of the Town Clerk at the above address Monday through Friday, 9:00 A.M. to 4:00 P.M..

Bids should be submitted in a sealed envelope designated Bid #13-022 - Microsurfacing.

Each bid must be accompanied by either a certified check on a solvent bank or trust company acceptable to the Town, or a bid bond from a surety prepared in such a form as is acceptable by the Town. The certified check or bid bond shall be in the amount of five percent (5%) of the total bid price and be made payable to the Town of Smithtown as assurance that the contract will be executed if awarded to such bidders.

The Town of Smithtown reserves the right to reject any and all bids. All bids must be submitted intact. Do not remove any pages. Non Collusive Bidding Certificate and Disclosure Statements must accompany each bid. The Town of Smithtown encourages minority and women owned businesses to participate in all bids.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

2. THE TOWN BOARD TO AUTHORIZE THE TOWN CLERK TO ADVERTISE FOR THE FOLLOWING REQUEST FOR PROPOSALS TO BE RETURNED TO TOWN OF SMITHTOWN PURCHASING DEPARTMENT, 65 MAPLE AVENUE, SMITHTOWN, NEW YORK 11787 UNTIL 4:00 P.M. ON THE DATES INDICATED:

(RES-2013-173)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Clerk to advertise for Request For Proposals to be returnable April 4, 2013 at the Town of Smithtown Purchasing Department, 65 Maple Avenue, Smithtown, New York 11787-0646 until 4:00 P.M., for RFP #13-020 Professional Architectural and Engineering Services.

PUBLIC NOTICE
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Smithtown is seeking sealed proposals from qualified bidders to provide Professional Architectural and Engineering Services.

Proposals will be received at the Town of Smithtown Purchasing Department, 65 Maple Avenue, Smithtown, New York 11787-0646 until 4:00 P.M., on April 4, 2013.

Specifications may be obtained on or after March 7, 2013 from the above address, Monday through Friday 8:00 A.M. to 4:00 P.M. except holidays (631) 360-7631.

One original and three (3) copies of the proposals must be submitted in a sealed envelope designated "PIN #13-020 - "Professional Architectural and Engineering Services".

The Town of Smithtown reserves the right to reject any and all bids. Non-Collusive Bidding Certificates and Disclosure Statements must accompany each bid. The Town of Smithtown encourages minority and woman owned businesses to participate in all bids.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-174)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Clerk to advertise for Request For Proposals to be returnable March 28, 2013, at the Town of Smithtown Purchasing Department, 65 Maple Avenue, Smithtown, New York 11787-0646 until 4:00 P.M., for RFP #13-019 Catering Services for the Senior Citizens Food Program.

PUBLIC NOTICE

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Smithtown is seeking sealed proposals from qualified bidders to provide Catering Services for the Senior Citizens Food Program.

Proposals will be received at the Town of Smithtown Purchasing Department, 65 Maple Avenue, Smithtown, New York 11787-0646 until 4:00 P.M., on March 28, 2013.

Specifications may be obtained on or after March 7, 2013 from the above address, Monday through Friday 8:00 A.M. to 4:00 P.M. except holidays (631) 360-7631.

One original and three (3) copies of the proposals must be submitted in a sealed envelope designated "PIN #13-019 - "Senior Citizens Food Service".

The Town of Smithtown reserves the right to reject any and all bids. Non-Collusive Bidding Certificates and Disclosure Statements must accompany each bid. The Town of Smithtown encourages minority and woman owned businesses to participate in all bids.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

3. THE TOWN BOARD TO APPROVE THE FOLLOWING:

A. MINUTES APPROVAL

1. Thursday, January 24, 2013

The following motion was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves for filing, the Minutes of January 24, 2013.

Dated: February 28, 2013

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-175)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Clerk to issue a Parade/Run/Walk permit to the Nesconset Athletic Association for their annual Opening Day Parade to be held on Saturday, April 6th, 2013 at 9:30 A.M., and to notify the proper authorities.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-176)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Clerk to issue a Parade/Run/Walk permit to the St. James Chamber of Commerce for their annual St. Patrick's Day Parade to be held on Saturday, March 16th, 3013 at 1:00 P.M., with a rain date of Saturday, March 23rd, 2013 at 1:00 P.M., and to notify the proper authorities.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-177)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Clerk to issue a Parade/Run/Walk permit to Hauppauge Schools for their annual 5K Fun Run to be held on Saturday, April 27th, 2013 at 8:30 A.M., and to notify the proper authorities.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-178)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Clerk to issue a Parade/Run/Walk permit to the Kings Park Youth Group for their annual Opening Day Parade to be held on Saturday, April 13th, 2013 at 9:00 A.M., and to notify the proper authorities.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-179)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Clerk to issue a Special Event permit to the St. James Chamber of Commerce for their annual St. James Day

Festival to be held on Sunday, October 6th, 2013 from 12:00 P.M. to 6:00 P.M., and to notify the proper authorities.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-180)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Clerk to issue a Special Event permit to the Smithtown Chamber of Commerce for their annual Smithtown Day Festival to be held on Sunday, June 2nd, 2013 from 7:30 A.M. to 5:00 P.M., and to notify the proper authorities.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-181)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves an extension of the professional services agreement between the Town of Smithtown and R & C Formation, Ltd., for preparation and submission of quarterly and annual reports of data generated from the Municipal Services Facility, Phase I, Cells 1-5, Phase II, Cell 6.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-182)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves the purchase of an undeveloped 9,034 square feet parcel of land known as SCTM #0800-114-3-30, zoned R-10, adjacent to a Town recharge basin, for access and drainage purposes.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-183)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Attorney, or appropriate official, to enter into a stipulation of settlement or agreement and consent to the entry of an Order with regard to the following tax certiorari matters, for the various tax years as indicated, pursuant to the recommendation of the Sole Assessor and Special Counsel:

A. Schneider Optics, Inc. v. the Assessor of the Town of Smithtown. SCTM #0800-182-1-30.7, for the tax years 2005/2006 through 2012/2013.

B. Stewart Rosensky v. the Assessor of the Town of Smithtown. SCTM #0800-24-1-48, for the tax years 2011/2012 and 2012/2013.

C. 154 Terry Road, LLC v. the Assessor of the Town of Smithtown. SCTM #0800-134-2-41, for the tax years 2011/2012 and 2012/2013.

D. Lake Avenue Associates v. the Assessor of the Town of Smithtown. SCTM #0800-55-1-52, for the tax years 2006/2007 through 2012/2013.

E. Island Federal Credit Union v. the Assessor of the Town of Smithtown. SCTM #0800-181-2-1.5, for the tax years 2005/2006 through 2012/2013.

F. REP D-2007, LLC v. the Assessor of the Town of Smithtown. SCTM #0800-185-1-50.2, for the tax years 2007/2008 through 2012/2013.

G. Coastal Plastics Corp. v. the Assessor of the Town of Smithtown. SCTM #0800-182-1-30.1, for the tax years 2005/2006 through 2011/2012.

H. Bally Realty v. the Assessor of the Town of Smithtown. SCTM #0800-181-2-1.3, for the tax years 2007/2008 through 2012/2013.

I. YYY Realty Corp. v. the Assessor of the Town of Smithtown. SCTM #0800-180-1-40, for the tax years 2011/2012 and 2012/2013.

J. Donald Saslow v. the Assessor of the Town of Smithtown. SCTM #0800-114-1-7, for the tax years 2005/2006 through 2012/2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-184)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that pursuant to the recommendation of the Purchasing Director, the Town Board be and hereby rejects all bids received in conjunction with Bid #12-106 for Trucking Services, for which bids were received and opened on January 3, 2013, inasmuch as bid pricing was higher than anticipated.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-185)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that pursuant to Section 108-39 of the Code of the Town of Smithtown, the Town Board be and hereby authorizes the Comptroller to execute a refund in the amount of $687.05 to Mr. Albert Krauth.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-186)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that pursuant to the recommendation of the Purchasing Director, the Town Board be and hereby rejects all bids received in conjunction with Bid #12-080 for Kings Park Hike & Bike Trail Extension, for which bids were received and opened on January 24, 2013, inasmuch as bid pricing was higher than anticipated.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-187)
This Resolution was amended by Resolution #2013-251 of the Town Board Meeting dated March 5th, 2013
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby designates Mark Riley as Acting Town Engineer for the Town of Smithtown, on a temporary basis, for a period of thirty (30) days, effective March 1, 2013 through March 30, 2013, at his current salary of $60.05 per hour.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-188)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby schedules a Work Session to be held at the Victor T. Liss Board Room, Town Hall, 99 West Main Street, Smithtown, New York on the 5th day of March, 2013, at 10:00 A.M.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-189)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby authorizes the Town Attorney to commence an action in New York State Supreme Court, Suffolk County, seeking to permanently enjoin and restrain KPE II, LLC and other related individuals and/or entities located at 110 Old Northport Road, Kings Park, from engaging in any unlawful activities and/or operating in violation of the Town Code.

Dated: February 28, 2013

RESULT:	**ADOPTED [4 TO 0]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Patrick Vecchio, Thomas McCarthy, Edward Wehrheim, Kevin Malloy
ABSTAIN:	Robert Creighton

4. 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 FOLLOWING MATTERS FOR REASONS STATED IN A MEMORANDUM ON THE DATES INDICATED:

(RES-2013-190)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board, after due study and deliberation of the subject record, be and hereby issues a SEQRA Negative Declaration, Determination of Non-significance (AN EIS IS NOT NECESSARY), in the matter of the application for site plan approval by Thomas Rubio for Performance Auto Body (#12-23), for the reasons as stated in a memorandum from Howard Barton, 3rd, Assistant Environmental Protection Director, dated February 5, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-191)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board, after due study and deliberation of the subject record, be and hereby issues a SEQRA Negative Declaration, Determination of Non-significance (AN EIS IS NOT NECESSARY), in the matter of the application for site plan approval by Edward Clark for 294 Petro Realty (#12-20), for the reasons as stated in a memorandum from Howard Barton, 3rd, Assistant Environmental Protection Director, dated February 13, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

5. LWRP

(RES-2013-192)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby issues a written consistency determination, pursuant to Chapter 151 of the Town Code, that Application #2013-01, Frank & Julie Matthes, is consistent with the LWRP, subject to conditions as stated in a memorandum from Frank DeRubeis, Planning Director, dated February 14, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

6. THE TOWN BOARD TO AUTHORIZE THE ACCEPTANCE OF THE FOLLOWING:

(RES-2013-193)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby accepts the following donations, in the amounts indicated, on behalf of the Animal Shelter: $5.00 from Frances Chiorando; $50.00 from Allan and Pamela Makely; $200.00 from Edwin and Donna Thompson; $150.00 from Stacey Eve; $100.00 from James Riepe and James Stewart; and $50.00 from Andrey Tsukanov and Liudmila Viazmitivova.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-194)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby accepts the following donations, in the amounts indicated, on behalf of the Senior Citizens Department: $52.00 and $56.00 from Club Moriches; $20.00 and $25.00 from Ft. Salonga Club; $100.00 from Doris Gormely Living Trust; and $33.30 from Vera Conrad.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

7. THE TOWN BOARD TO AUTHORIZE THE COMPTROLLER TO EXECUTE THE FOLLOWING:

(RES-2013-195)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer $5,880.00 from Account Code A.1620.0280 (Building Improvement) into Account Code A.1620.0481 (S/W Collection-Disposal) in the amount of $5,880.00. Transfer necessary for solid waster disposal fees for 2012 in the Department of Parks, Buildings and Grounds.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-196)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer $35,448.14 from Account Code B.1990.0900 (Contingency) and transfer the amounts indicated to the following accounts: transfer $2,841.84 into Account Code B.3310.0110 (Personnel Salaries); transfer $3,505.86 into Account Code B.3310.0130 (Overtime Salary); transfer $16,584.66 into Account Code B.3311.0130 (Overtime Salary); transfer $9,286.78 into Account Code B.3620.0110 (Personnel Salaries) and transfer $3,229.00 into Account Code B.8731.0110 (Personnel Salaries). Transactions necessary to cover over budget accounts for various departments in Outside Village for 2012.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-197)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer $17,168.35 from Account Code DS.1990.0900 (Contingency) into Account Code DS.5142.0130 (Overtime Salary) in the amount of $17,168.35. Transfer necessary to cover snow overtime for December 29th, 30th, and 31st, 2012 in the Highway Department.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-198)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer $15,302.17 from Account Code SL2.5183.0423 (Electric Service) and transfer to the following accounts in the amounts indicated: transfer $14,426.26 into Account Code SL2.5183.0130 (Overtime Salary); transfer $270.00 into Account Code SL2.9010.0810 (NYS Employee Retirement System); transfer $549.88 into Account Code SL2.9030.0820 (Social Security) and transfer $56.03 into Account Code SL2.9030.0822 (Town's Share of Medicare). Transactions necessary to cover 2012 over budget accounts in the Traffic Safety Department.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-199)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer $11,459.20 from Account Code SL1.5182.0423 (Electric Service) and transfer to the following accounts in the amounts indicated: transfer $37.40 into Account Code SL1.1980.0404 (MTA Payroll Tax); transfer $337.91 into Account Code SL1.5182.0110 (Personnel Salaries); transfer $9,705.66 into Account Code SL1.5182.0130 (Overtime Salary); transfer $386.60 into Account Code SL1.5182.0412 (Road Supplies); transfer $823.26 into Account Code SL1.9030.0820 (Social Security) and transfer $168.37 into Account Code SL1.9030.0822 (Town's Share of Medicare). Transactions necessary to cover 2012 over budget accounts in the Traffic Safety Department.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-200)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer $8,728.02 from Account Code SP.1423.0120 (Part Time Salaries) and transfer to the following accounts in the amounts indicated: transfer $1,290.96 into Account Code SP.1423.0110 (Personnel Salaries); transfer $7,287.52 into Account Code SP.1423.0130 (Overtime Salary); transfer $149.54 into Account Code SP.1423.0180 (Uniform Allowance) and transfer $921.93 from Account Code SP.9710.0700 (Interest) into Account Code SP.7180.0424 (Water) in the amount of $921.93. Transactions necessary to cover 2012 over budget accounts for various departments in Country Club Fund.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-201)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer $93,026.57 from Account Code A.1990.0902 (Accruals) and transfer to the following accounts in the amounts indicated: transfer $722.48 into Account Code A.1010.0110 (Personnel Salaries); transfer $357.25 into Account Code A.1010.0120 (Part Time Salaries); transfer $1,287.39 into Account Code A.1220.0110; transfer $1,058.65 into Account Code A.1220.0120 (Part Time Salaries); transfer $2,361.17 into Account Code A.1316.0110 (Personnel Salaries); transfer $1,508.56 into Account Code A.1316.0130 (Overtime Salary); transfer $6,000.00 into Account Code A.1340.0110 (Personnel Salaries); transfer $1,408.46 into Account Code A.1345.0110 (Personnel Salaries); transfer $37,801.54 into Account Code A.1420.0110 (Personnel Salaries); transfer $13,802.22 into Account Code A.1980.0404 (MTA Payroll Tax); transfer $199.89 into Account Code A.3510.0135 (Night Differential); transfer $1,892.62 into Account Code A.5010.0110 (Personnel Salaries); transfer $921.66 into Account Code A.5010.0130 (Overtime Salary); transfer $1,791.34 into Account Code A.7140.0110 (Personnel Salaries); transfer $17,333.27 into Account Code A.7315.0150 (Accruals); transfer $3,123.02 into Account Code A.8165.0110 (Personnel Salaries); transfer $220.76 into Account Code A.8165.0120 (Part Time Salaries) and transfer $1,236.29 into Account Code A.3510.0110 (Personnel Salaries). Transactions necessary to cover 2012 over budget accounts for various departments in the General Fund.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-202)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer $57,604.39 from Account Code A.1990.0900 (Contingency) and transfer to the following accounts in the amounts indicated: transfer $1,014.72 into Account Code A.1421.0110 (Personnel Salaries); transfer $52,559.43 into Account Code A.1421.0130 (Overtime Salary); transfer $285.22 into Account Code A.1421.0180 (Uniform Allowance); transfer $194.48 into Account Code A.1422.0110 (Personnel Salaries); transfer $639.36 into Account Code A.1422.0130 (Overtime Salary) and transfer $2,534.23 into Account Code A.5710.0130 (Overtime Salary). Transactions necessary to cover over budget accounts for 2012 in the Department of Public Safety.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-203)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer $119,218.73 from Account Code A.1990.0900 (Contingency) and transfer to the following accounts in the amounts indicated: transfer $836.16 into Account Code A.1620.0110 (Personnel Salaries); transfer $117,883.13 into Account Code A.1620.0130 (Overtime Salary) and transfer $499.44 into Account Code A.7521.0110 (Personnel Salaries). Transactions necessary to cover 2012 over budget accounts in the Department of Parks, Buildings and Grounds.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-204)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer $105,907.27 from Account Code A.1990.0900 (Contingency) and transfer to the following accounts in the amounts indicated: transfer $2,595.71 into Account Code A.8160.0120 (Part Time Salaries); transfer $17,598.98 into Account Code A.8160.0130 (Overtime Salary); transfer $417.83 into Account Code A.8160.0135 (Night Differential) transfer $71,794.05 into Account Code A.8162.0130 (Overtime Salary); transfer $1,513.82 into Account Code A.8163.0110 (Personnel Salaries) and transfer $11,986.88 into Account Code A.8163.0130 (Overtime Salary). Transactions necessary to cover 2012 over budget accounts in the Municipal Services Facility.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-205)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer $500.00 from Account Code A.1315.0290 (Computer Equipment) into Account Code A.1315.0411 (Office Supplies) in the amount of $500.00. Transfer necessary to cover 2012 subscription charges.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-206)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer $1,000.00 from Account Code A.4230.0498 (Operating Expenses) into Account Code A.4230.0472 (Dues/Conferences/Education) in the amount of $1,000.00. Transfer necessary to fund attendance of counselors at various conferences and educational training seminars for the Horizons Counseling and Education Center.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-207)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer $3,000.00 from Account Code A.7520.0450 (Maintenance/Repairs) into Account Code A.7520.0426 (Heat) in the amount of $3,000.00. Transfer necessary to establish a heat account for the Mills Pond House for the Department of Parks, Buildings and Grounds.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Edward Wehrheim
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-208)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Comptroller be and is hereby authorized to transfer $12,000.00 from Account Code A.1410.0495 (Records Restoration) into Account Code A.1410.0453 (Maintenance Contracts) in the amount of $12,000.00. Transfer necessary for service contract for IQM2 for 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

8. THE TOWN BOARD TO AUTHORIZE THE SUPERVISOR TO EXECUTE THE FOLLOWING ON A FORM APPROVED BY THE TOWN ATTORNEY:

(RES-2013-209)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Supervisor be and is hereby authorized to execute an agreement of Adjustment and Release and related documents between the Town of Smithtown and the People of the State of New York for acquisition of property identified as Hauppauge-Port Jefferson, Maps 1186FEE, 1187TE, Parcels 1221; 1222; 1223, located south of Route 347, near Sequoia Drive, to facilitate the NYS Department of Transportation's reconstruction of Route 347 from Route 111 to Mount Pleasant Road. Said agreement is to be on a form approved by the Town Attorney.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-210)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Supervisor be and is hereby authorized to execute an agreement with Suffolk County regarding the work experience programs of the Suffolk Works Employment Program (SWEP), and the youth program funded by the Workforce Investment Act (WIA) for the period commencing July 1, 2013 through June 30, 2017. Said agreement is to be on a form approved by the Town Attorney.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-211)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Supervisor be and is hereby authorized to execute an agreement between the Town of Smithtown and the American Medical Alert Corporation, to provide emergency response units for its senior citizens residents to be funded by a grant to the Town of Smithtown Community Development Department. Said agreement is to be on a form approved by the Town Attorney.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

9. THE TOWN BOARD TO APPROVE SETTLEMENT IN THE FOLLOWING MATTERS PER RECOMMENDATION OF THE TOWN ATTORNEY

(RES-2013-212)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves a settlement in the matter of Chris Pantozzi v. the Town of Smithtown, in the total dollar amount of $73.70, pursuant to the recommendation of the Town Attorney.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-213)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves a settlement in the matter of the Town of Smithtown v. Appol Trucking LLC and Flavio M. Alarcon. The Town of Smithtown is to receive a settlement payment in the amount of $6,943.99 from Appol Trucking and Flavio M. Alarcon, pursuant to the recommendation of the Town Attorney.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-214)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves a settlement in the matter of Frank Monastero v. the Town of Smithtown, in the total dollar amount of $2,298.67, pursuant to the recommendation of the Town Attorney.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-215)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves a settlement in the matter of Harold Schiffman v. the Town of Smithtown, in the total dollar amount of $75.00, pursuant to the recommendation of the Town Attorney.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

PERSONNEL

10. THE TOWN BOARD TO APPROVE THE FOLLOWING PERSONNEL MATTERS:

(RES-2013-216)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves a change in title and rate of pay for James Garcia to the position of Applicant and Complaint Investigator in the Department of Public Safety, at a rate of pay of $21.44 per hour, not to exceed ½ the normal work week, effective March 4, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-217)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves the provisional full-time appointment of Laura Simicic to the position of Drug & Alcohol Community Coordinator II in the Horizon's Counseling and Education Center, (with funds budgeted in the full time salary line previously held by Steven Cantrell, EAP Coordinator who has retired) at a rate of pay of $23.58 per hour, subject to results of pre-employment medical exam and drug screen, effective March 4, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-218)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves the provisional full-time appointment of Daniel Karkotsky to the position of Traffic Engineer I in the Traffic Safety Department, at a rate of pay of $30.36 per hour, effective March 4, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-219)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves an extension to the Medical Leave of Absence for Daniel Donovan, Laborer C+ in the Municipal Services Facility, not to exceed 3 months, effective February 19, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-220)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves the seasonal appointment of Paige Dowling to the position of Park Attendant II in the Department of Public Safety, at a rate of pay of $9.35 per hour, not to exceed $5,000.00 per year, effective May 13, 2013 through November 1, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-221)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby accepts the volunteer services of Kate LaPolla in the Senior Citizens Department, effective March 4, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-222)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby accepts the volunteer services of Danielle Seigal in the Planning and Community Development Department, effective March 4, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-223)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby accepts the volunteer services of RoseMarie Capozzoli in the Senior Citizens Department, effective March 4, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-224)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves the part time appointment of Diane Zirimis to the position of Assistant Recreation Leader in the School Age Child Care Department, at a rate of pay of $10.00 per hour, salary is one hundred percent reimbursed through fees collected, not to exceed ½ the normal work week, effective March 1, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-225)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby accepts the volunteer services of Giovanni Signoretti in the Department of Public Safety, effective March 4, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-226)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby accepts the volunteer services of Patricia Fischer to work the Town of Smithtown Employees Blood Drive on March 27, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-227)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves the Return from Medical Leave of Absence for Laura Feitner, Assistant Civil Engineer in the Engineering Department, effective March 7, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

TRAFFIC

11. THE TOWN BOARD TO AUTHORIZE THE FOLLOWING AMENDMENT(S) TO THE UNIFORM TRAFFIC CODE AND AUTHORIZE THE TRAFFIC SAFETY DEPARTMENT TO INSTALL AND MAINTAIN THE NECESSARY SIGNS:

(RES-2013-228)
The following resolution was offered by the Town Board en masse:

BE IT RESOLVED, that the Town Board be and hereby approves the following amendment(s) to Schedule J of the Uniform Traffic Code of the Town of Smithtown; and

BE IT FURTHER RESOLVED, that the Traffic Safety Department be and is hereby authorized to install and maintain and/or remove the necessary signs.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Smithtown, Suffolk County, State of New York met at the Eugene A. Cannataro Senior Citizen Center, 420 Middle Country Road, Smithtown, New York on the 28th day of February, 2013 at 7:00 P.M., time then in effect and duly amended Schedule J of the Uniform Traffic Code of the Town of Smithtown as follows:

SCHEDULE J - PARKING, STANDING & STOPPING

Change	Name of Street/Side/Location	Regulation	Hours/Days
ADD:	Hilden Street/South from 540 feet East of Kohr Road east for 75 Feet (KPK)	No Parking	ALL

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

12. READ-ONS:

1. Special Event - Sts. Philip and James Carnival First Reading

NO ONE APPEARED IN OPPOSITION.

RESULT:	**FIRST READING**	**Next: 3/5/2013 2:00 PM**

2. Special Event - Friends & Farmers Kings Park Farmers Market First Reading

NO ONE APPEARED IN OPPOSITION.

RESULT:	**FIRST READING**	**Next: 3/5/2013 2:00 PM**

(RES-2013-229)
The following resolution was offered by Supervisor Vecchio and was seconded by Councilman McCarthy:

BE IT RESOLVED, that the Town Board be and hereby approves the change in title and salary of Charles Malloy to the part time position of Senior Bay Constable in the Department of Public Safety, at a rate of pay of $19.54 per hour, not to exceed ½ the normal work week, effective March 4, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-230)
The following resolution was offered by Supervisor Vecchio and was seconded by Councilman McCarthy:

BE IT RESOLVED, that the Town Board be and hereby approves the part time appointment of Jennifer Wetzler to the position of Mini Bus Driver in the Office of Handicapped Services, at a rate of pay of $14.75 per hour, not to exceed ½ the normal work week, effective March 4, 2013.

Dated: February 28, 2013

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

(RES-2013-163)
The following resolution was offered by Supervisor Vecchio and was seconded by Councilman McCarthy:

WHEREAS, the Town Board conducted a public hearing on January 8, 2013, to consider the Town's entry upon certain real property located at 77 Main Street, Kings Park, New York 11754 (SCTM #0800-012.00-0002-017.00, said property also known as 75 Fort Salonga Road, Kings Park, New York) and 81 Main Street, Kings Park, new York 11754 (SCTM #0800-012.00-0002-018.000, said property also known as 75 Fort Salonga Road, Kings Park, New York), both properties reputedly owned by Frederic Powell, for the purpose of remediating and/or removing the unsafe conditions thereat which have been designated as unsafe in accordance with the unsafe buildings standard as set forth in Chapter 112-25(A) of the Smithtown Town Code, entitled "Article II, Building Construction Administration";

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the recommendation of the Building Department Director, the Public Safety Director and the Town Attorney, the Town Board be and hereby declares said site in violation of Chapter 112-25(A) of the Smithtown Town Code; and

BE IT FURTHER RESOLVED, that the Town Board further determines that the reputed owner of the property, Frederic Powell, has failed to remediate said unsafe conditions at the site after notice of same; and it is further

RESOLVED, that the Town Board be and hereby authorizes the Town to enter upon said property for the purpose of removing and/or remediating said unsafe conditions in violation of Chapter 112-25(A) of the Smithtown Town Code.

Dated: February 28, 2013

RESULT:	**ADOPTED [3 TO 2]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Patrick Vecchio, Thomas McCarthy, Kevin Malloy
NAYS:	Edward Wehrheim, Robert Creighton

TO BE HEARD

SUPERVISOR VECCHIO: Okay, wishing to be heard, Jerry Jiritano? Come up to the microphone please. Okay, you decline. Mary Zopf?

MARY ZOPF, LEAGUE OF WOMEN VOTERS OF SMITHTOWN, 21 GREENE DRIVE, COMMACK: Did you want my address? I've come to speak for League of Women Voters of Smithtown which is a non partisan organization which encourages people to vote and inform the voters and I'm talking about the Grand Jury Report and the unlawful demolition of the lumber yard opposite the Town Hall. That was in 2009, in 2011 we had the Grand Jury Report, the Grand Jury was convened and in 2012 we had the Grand Jury Report and there were seventeen

recommendations to amend the Code and make administrative and executive decisions. One year later we've only had two changes out of the seventeen, as far as I know, alright. And there's a lot of good recommendations on this, like to amend the fine schedule for at least double the site plan application to make it at least double the money. Or, notifying neighbors adjacent to a property when you have a site plan review, or amending the Code of Ethics so any public servant that sees a violation of the Town Code must report it and he's protected by the whistle blower. Now, we had the intern from Toro Law School Sara Gitmar (sic) she made up a report giving the present Town law compared to the Grand Jury recommendations. As I said, only two out of the seventeen have been changed and I respectively ask the Town Board to consider these recommendations and change some more of them. Thank you.

SUPERVISOR VECCHIO: Thank you. Michelle Garry? Is Michelle Garry here?

MICHELLE GARRY, 32 OLD NORTHPORT ROAD, KINGS PARK: Michelle Garry, 32 Old Northport Road, Kings Park. Thank you Town Board members for allowing me the opportunity to address you today, I'll be brief and to the point. There's a lot of residents that are upset in the last month or so that have been coming to Town meetings and the reason is, is because we no longer enjoy living in our community, so that's why we're here at these meetings. I know personally, I don't like coming here but I feel like I have to I feel like I actually have to come here and speak up. You're here because we elected you to be our voice, to safeguard our town and to ensure compliance with all the laws. And, the owners of properties that we're, you know, trying to get squared away, they're here because they want to make money, okay. I took the time to do a little number crunching this week and my graph over there (WHEREUPON MS. GARRY REFERS TO A DISPLAY) represents just a random sampling of streets that surround the Old Northport Road and Lawrence Road area. I summarized it by saying that the residents that live in that area and this is not all the residents it's just most of the major streets that are close by, the residents pay over four million dollars a year in property taxes and these three businesses, if you will, that are operating illegally out of their zone, which are KPE II, Thomas Jesuale, I'm not sure which company he is, Jezco or the State County recycling and I guess his brother John Jesuale. So, those three properties which compromise the huge chunk of land over there, only pay eighty six thousand dollars a year in taxes. So, compared to the residents and what the residents are paying, it's pretty easy math to see that if the Town Board looks at the numbers, they certainly would want to please and make life better for residents who are paying more than the lion's share of property taxes. I just heard my bell go off, so I'm going to go real quick with my next couple of things. I have some suggestions on what can be done and they're pretty simple, they don't even involve really a lot of man power. There's noise complaints, there's dumpster regulations in the Town Code, there's a section on junkyards, there's excavation and regarding codes, there's deposits on streets, highways and sidewalks, there's commercial vehicle traffic codes, and every one of those categories that I just mentioned, there are numerous violations every single day, this is a chronic problem that it would not take a lot of man power to address it. Go down there and write summonses, it's very simple, if someone gets a summons everyday for the same thing, chances are they're going to start cleaning up their act. The amount of laws and codes that are on the book in Smithtown is mind boggling, I can't even see that somebody took the time to write all these things. So, we wrote them, lets enforce them and lets let life get better for the people that live in this area, it's just wrong. Thank you.

APPLAUSE

SUPERVISOR VECCHIO: Ms. Garry?

MICHELLE GARRY: Yes?

SUPERVISOR VECCHIO: On the agenda tonight if you go back and look at it, P of number three is we're seeking to enjoin, at minimal, we're seeking to enjoin KPE II from continuing. We're going to attempt to get an injunction there. And, I will also tell you that our Public Safety Department does, for lack of a better way, patrol that area and they're very good at what we do. So, unless specific violations you're observing, I can tell you on the odor complaints when they do go there and they don't detect it. So, I don't know when they go…

MICHELLE GARRY: You need people with better sniffers then.

SUPERVISOR VECCHIO: Okay, but, I do want, the point is we are attempting to remediate

that.

MICHELLE GARRY: Okay, but you know paper is a very power thing and if somebody gets a summons in their hand as opposed to seeing a car driving around it makes a big impact. You know, it's just simple, I mean, if you got, if somebody got a stop sign ticket everyday when they rode down their block and they blew through the stop sign, chances are eventually they would stop doing that. So, what I'm saying is there's so many, there's hundreds of code violations that tickets that could be written to these offending businesses every single day. It is a pain in the neck? Yes, I'm sure it is.

SUPERVISOR VECCHIO: No it isn't, it isn't, but certainly our Public Safety Department will review this tape tomorrow and review the comments you made about particular violations, okay?

MICHELLE GARRY: Thank you.

SUPERVISOR VECCHIO: Thank you.

APPLAUSE

SUPERVISOR VECCHIO: Anthony Inzerillo?

ANTHONY INZERILLO, 8 TERRI DRIVE, KINGS PARK: Good evening Supervisor Vecchio, Councilman Malloy, McCarthy, Creighton and Wehrheim, my name is Anthony Inzerillo and I live at 8 Terri Drive with my wife and three wonderful children. I want to press upon you the importance of enforcing the zoning regulations at the properties located as the previous speaker just spoke about along Lawrence Road and Old Northport Road. I know that Supervisor Vecchio, you had mentioned that you have had, there have been people going out just to check some of the odor complaints, the noise complaints and some of the other complaints that the residents, including myself have been experiencing, but it appears that they're going and checking at times during the course of the day when we're experiencing some of these issues at 4:30 in the morning, five o'clock in the morning, ten o'clock at night and during other times of the night and it would be great if we could send people out during those times when we're experiencing some of these "nuisances", it would be ideal if they can be there during that time. And, I'm hoping that in addition to not only just the zoning regulations that they're violating, but there are trucks that are driving down Old Northport Road from Indian Head Road that are over two and a half tons that shouldn't be there. So, I'd like to ask what's being done about that? I know that Councilman Creighton is a former Police Commissioner of Suffolk County, has anyone contacted the Suffolk Police to be stationed there, put a patrol car there to monitor the trucks that are driving by that don't belong there, they have no business to be there. Have we? Has anyone contacted the police department? Have violations been issued to the drivers that are driving down there?

COUNCILMAN CREIGHTON: I will tell you, they have been asked.

ANTHONY INZERILLO: I drive down every morning when I leave on my way to work and I also drive there when I come home and almost on a daily basis I see those trucks there and it boggles my mind that if I did something illegally, if I was breaking a law the expectation would be that someone would be enforcing that law. So, I'm not quite sure why that law is not being…

SUPERVISOR VECCHIO: Mr. Inzerillo, I think I tried to explain this to you the other day. My own past knowledge of the law as having worked in law enforcement. A truck seems to be violating a truck exclusion and the police officer will stop that truck and look at his bill of laden or certificate of entry and he's going to a destination on that street then he is not in violation of that truck exclusion. I am not a lawyer, I can't get into it.

ANTHONY INZERILLO: But that's like me opening up a motorcycle shop in my house and having, you know, items delivered when I'm operating a business or I'm operating an establishment that I should not be operating.

SUPERVISOR VECCHIO: Agreed.

ANTHONY INZERILLO: It's not like JC Penny's driving their truck and delivering a stove or

refrigerator to my home, these are huge tractor trailer trucks that are driving there that have no business, legal business, excuse me, to be there.

SUPERVISOR VECCHIO: Okay.

COUNCILMAN CREIGHTON: In answer to your first question, we have notified the police, the police have responded, the police have issued summonses, but as you know, that is not an on-going process. We keep calling, they send a truck or car, they write summonses but they're not there all the time.

ANTHONY INZERILLO: I can promise you this, if you go there and pass there anywhere between 5:15 and 5:30 a.m. every morning, I see them every morning.

COUNCILMAN CREIGHTON: I'm not saying you don't, what I'm saying is that I have called the police and they have responded. I can't tell you how often they respond, they respond, they issue summonses, not just when one truck is going by, they go up there with that specific purpose. Now, I would urge you, I have called and asked and they have responded, I would urge you to contact the Fourth Precinct and demand the same kind of action.

ANTHONY INZERILLO: And lastly, Councilman Creighton, the last time I spoke at the last meeting I had mentioned the concerns that we had along with those properties there and you never mentioned anything about any of your family members that work for the attorney that represents KPE II and I'm not sure why that was never brought and why that was never mentioned?

COUNCILMAN CREIGHTON: Could you just restate that, I had a family member what?

ANTHONY INZERILLO: At the previous Town Hall meeting I had indicated that I had some concerns regarding some of the businesses that were conducting illegal activity along the property on Lawrence Road and Old Northport Road and you never mentioned any kind of conflict that you might have had…

COUNCILMAN CREIGHTON: Because I don't have a conflict.

ANTHONY INZERILLO: You never mentioned that you had a family member that represented the attorney's.

COUNCILMAN CREIGHTON: I have a son who is an attorney, he practices law in Nassau, Suffolk and New York City.

ANTHONY INZERILLO: You don't think it might have been important to mention that?

COUNCILMAN CREIGHTON: No, I don't, I don't, frankly I don't! You see how I voted tonight? And frankly, if I voted I would have voted to go to the Supreme Court but I abstained, that's important.

ANTHONY INZERILLO: But that concerns me, how someone can abstain when these are serious issues, serious concerns regarding…

COUNCILMAN CREIGHTON: Do you suggest that I not abstain?

ANTHONY INZERILLO: No, I, I would suggest that maybe at the last Town Hall, the last Town Board meeting you would have said that there was some conflict that you had but there was never any mention of a conflict, in fact, I was shocked when I read about it in the newspaper.

COUNCILMAN CREIGHTON: You know about it now, I have a son who works for Farrell Fritz, he's a very good lawyer and he's a very good kid…

ANTHONY INZERILLO: I'm sure he is, I'm sure you're very proud of him, I don't question that.

COUNCILMAN CREIGHTON: And I don't feel that I have any conflict whatsoever.

ANTHONY INZERILLO: I just question why, at the last meeting when I brought that up and other residents brought that up, it was never even mentioned that you might have a potential conflict.

COUNCILMAN CREIGHTON: I don't think I had potential conflict and I resolved it tonight when I voted.

ANTHONY INZERILLO: I think just as a resident, it would have been nice to know that there was a conflict. Thank you.

SUPERVISOR VECCHIO: Okay, we'll move on, Lisa Inzerillo?

LISA INZERILLO, 8 TERRI DRIVE, KINGS PARK: Good evening everyone, my name is Lisa Inzerillo and I live in Kings Park. What I find very upsetting is that KPE II lawyers have given money to two board members, Councilman Wehrheim and Councilman Creighton. The money that Councilman Creighton's son donated with his own name is absolutely fine, I don't see anything wrong with those donations. However, it is unconscionable for Councilman Creighton to willingly accept funds from the political action Committee Farrell Fritz, that happens to be the law firm of KPE II for the past two years. The political action committee that they are, contributed money to both Wehrheim and Creighton campaigns. When did Councilman Creighton and Councilman Wehrheim discover that there was a conflict of interest? Was it when Carl MacGowan from Newsday called them for a statement? Did Carl MacGowan from Newsday make the councilmen aware for the first time that Farrell Fritz was donating to their campaigns? If contributions were not given out to the press, was Councilman Creighton ever going to acknowledge this? There have been past donations, small ones that I've seen that Mr. Creighton has returned because there was a conflict of interest. It has been a totally conscience choice to keep these large donations from Farrell Fritz coming in with a tremendous conflict of interest. And Farrell Fritz has not only contributed funds to Councilman Creighton and Councilman Wehrheims' campaigns, but they have been the hired firm to represent KPE II which just happens to be a company that we have been back and forth here at the meeting, in e'mails, in phone calls with the Board to have them shut down for multiple illegal activities. I request the companies working outside of the law, Jezco Containers, LLC a/k/a Town Country and State at 1 Lawrence Road, and KPE II be permanently shut down, they are at 110 Old Northport Road. In closing, I have in possession petitions from the local residents that deal day in and day out and all night long with the health and safety issues that these companies bring to our serene community. After a full collection of these petitions we will be submitting them to the Board and to higher authorities. Thank you to those Board members, Public Safety and the Town Attorneys that have gone that extra mile and that are fighting to close these companies down that operate illegally.

APPLAUSE

JOHN ZOLLO, TOWN ATTORNEY: Mrs. Inzerillo, can I just ask a question?

SUPERVISOR VECCHIO: John, would you address the Chair first before you speak?

JOHN ZOLLO, TOWN ATTORNEY: Mr. Supervisor, I just want to ask a question about the petitions.

SUPERVISOR VECCHIO: Okay.

JOHN ZOLLO, TOWN ATTORNEY: Are those the petitions that are "Petitions.org"? Is that the one, I don't know if this microphone's on or not.

VINCENT PULEO, TOWN CLERK: Yes, it is.

JOHN ZOLLO, TOWN ATTORNEY: Are the petitions that you're talking about, are those the petitions from "Petitions.org" that have been…

LISA INZERILLO: We have paper and we have electronic.

JOHN ZOLLO, TOWN ATTORNEY: Are the electronic ones from "Petitions.org"?

LISA INZERILLO: We, yes, it's Change.org.

JOHN ZOLLO, TOWN ATTORNEY: Okay, because I've been getting, I've been getting about ten to fifteen of those a day from people, some in Kings Park, but the majority are from, you know, Wantagh, Commack, Colorado, Buffalo. So, I think if you have the petitions that you are going to submit, if you have petitions just from people in the surrounding area, I think that would be more reasonable and fair to the Town Board and put that in perspective. So, I just want, okay, I want them to be aware of that.

LISA INZERILLO: Oh I will totally put that in perspective, I will totally put that in perspective because a lot of these families have families outside of State that care about their families here, so but there's only a very minor amount that are from out of State.

JOHN ZOLLO, TOWN ATTORNEY: Because some of the petitions and most of them that came in that we want people to comply with zoning and stop engaging in criminal activities. So, I just want to make certain that what you're presenting is actually people kind of in the surrounding area, that makes sense, I think that's fair.

LISA INZERILLO: Right, right, I don't want to say the number that we have right now, we still have a couple of weeks of petitioning but I am aware of that, we have more paper petitions from this town than we do the electronic ones and we are aware of taking out the ones out of State.

JOHN ZOLLO, TOWN ATTORNEY: And as you know tonight, we voted on KPE, we'll be going to Court tomorrow seeking an injunction.

LISA INZERILLO: I am very excited about that.

JOHN ZOLLO, TOWN ATTORNEY: And prior to today, there was never anything, there was nothing ever before this Board regarding KPE, so I just wanted, tonight's the first night anything on that came up here.

LISA INZERILLO: I understand.

JOHN ZOLLO, TOWN ATTORNEY: Okay, thanks.

SUPERVISOR VECCHIO: Larry Shaw?

LARRY SHAW, 24 ENCHANTED FOREST ROAD, KINGS PARK: Thank you, Mr. Supervisor. You know, In thinking about what I wanted to say tonight, what I can't figure out is why there's any reluctance on anybody's part of any of the five of you to shut these businesses down. I can't imagine what you possibly could think that any of them add to the community at all. Councilman Creighton, I understand that you don't think you have a conflict but you had a duty to disclose and I don't understand in follow up to what Mr. Inzerillo said, why you did not disclose it. Last year, when there was a consultant hired, wasting taxpayers dollars, when you knew full well that your son worked for a firm that represented KPE II, why you didn't even say anything, I don't understand it. You don't think you have a conflict, maybe you don't, I just don't understand why you didn't disclose it, I don't understand why you didn't disclose it a month ago when you should have. Now, having said all that, I understand that you abstained tonight. I actually think what you should have done is I think you should have recused yourself, I don't think abstention was appropriate, but putting that aside, you've gone on record and you said that had you voted, you would have voted to allow the Town Attorney to seek the injunction and that's great. I don't understand why anybody would vote in any other fashion and if I heard correctly, I think I heard Councilman Wehrheim vote no.

COUNCILMAN WEHRHEIM: No, I voted yes.

LARRY SHAW: Did anybody vote no?

COUNCILMAN WEHRHEIM: No.

COUNCILMAN MALLOY: No.

COUNCILMAN MCCARTHY: No.

SUPERVISOR VECCHIO: No.

LARRY SHAW: So, it was unanimous, perfect. So are you all on record as saying that you will vote in the future to shut all these businesses down, all the ones that are acting outside the scope of their zoning, are you all willing to say that?

SUPERVISOR VECCHIO: No, I think what you're saying is that you wish us to proceed legally, we just can't go and put locks on peoples doors.

LARRY SHAW: I understand that, Mr. Supervisor, and I'm not suggesting that you should.

SUPERVISOR VECCHIO: Okay, but when you say shut them down, that's why we go a legal matter which one of the ways is to enjoin them, at least on KPE II.

LARRY SHAW: I'm aware of that…

SUPERVISOR VECCHIO: If there's a route to do on the others, we will pursue that route.

LARRY SHAW: I'm aware of that and I testified and Assistant Town Attorney Martin Simon has done a great job in front of Judge Hackling and I'm more than happy to get involved in any way I can. I want to give you one last thing, I want to read to you an e'mail that I got from Marc Underberg, the Principal of KPE II. He sent me an e'mail during a flurry of e'mail exchanges between me and the attorney from Farrell Fritz, who is handling this case, Mr. Armentano. This is what he wrote and this is the kind of thing we're dealing with, the people who live especially close to KPE II are dealing with. He wrote to me, he actually was writing to Mr. Armentano and cc'd me: "Don't let him get to you, he's just doing his thing." Meaning me. "Maybe he should have not bought a house next to a garbage dump." This is what the Principal of KPE II wrote to me and this is the kind of guy who is running a business affecting these people and me, waking us up at 5:30 in the morning on a regular basis. Now, as far as Jezco is concerned, I want to take fifteen seconds. I spoke to John Jesuale on many occasions, John Jesuale would be happy if you could find another place for him to go. He testified at that proceeding before Judge Hackling in District Court, he acknowledged that his trucks come out at three thirty in the morning and wake me up on a regular basis, he testified under oath to that affect. Either find him a place to go or the other alternative is to do exactly what you are doing to KPE II and that's to seek an injunction.

SUPERVISOR VECCHIO: Thank you.

LARRY SHAW: Thank you.

APPLAUSE

SUPERVISOR VECCHIO: Veronica, and I don't know if I can pronounce the name?

VERONICA UNVERZAGT, 31 SPRINGBRIAR LANE, KINGS PARK: "Unverzagt"

SUPERVISOR VECCHIO: Unverzagt.

VERONICA UNVERZAGT: Good evening, I'm sorry, I'm nervous. I live on 31 Springbriar Lane, east of KPE II. Just a couple of things, as far as the phone calls go, we have called the police, we do call the DEC, the EPA, we call them all and they don't seem to come when we call them. I called them at six o'clock, seven o'clock in the morning and they don't show up until twelve o'clock when the noise and odor stops until later on in the evening. Like someone else was saying, this goes on at ten o'clock at night, two thirty, three thirty in the morning, my husband works shift work so he hears it when he comes home and we smell it. Our kids don't get a break, they smell it when they go on the school bus and they're covering their noses, they smell it on the fields when they're playing at the high school, they smell it at school, so my kids

are breathing this in all day, there's just no break. And, I didn't want to really bring this up, first you abstaining yourself from not voting, if you were going to vote with us why, if you don't have, if there's no, I'm sorry I'm so nervous, if you're working for us, why aren't you voting with us? I don't understand why you abstained, is it because you're trying to run for Town Supervisor, that's what making….

COUNCILMAN CREIGHTON: I would never have abstained, frankly, except the issue was raised that there was something inappropriate. If there is the appearance of inappropriate behavior then I'm abstaining. I don't believe there is an appearance, but I abstained.

VERONICA UNVERZAGT: We have pictures and video and I saw the police today and, I mean, the noise, everything, its, my thing is obviously something's not being done because they're not being stopped and shut down. And it's like somebody else just said, if I get a ticket and I don't pay it, I get a warrant for my arrest, I, you know, if you don't pay your taxes on your house they take your house away. They just continue to do business and nothing is affecting them and I think we're at the point where we just don't know what to do anymore, and my thing is it's not only the noise, it's what we're breathing in. There's people that are throwing up in their driveways, the kids are covering their noses, this is no way to live. I pay fifteen to sixteen thousand dollars a year in taxes and I shouldn't have to smell this or deal with trucks, it's disgusting, it's just disgusting and that's all I have to say.

SUPERVISOR VECCHIO: What, do you not hear from the DEC?

VERONICA UNVERZAGT: The DEC and this is my opinion, my husband works Covanta Energy so he knows what's going on and he knows the ins and outs of everything. The DEC basically came to my house and I had a couple of neighbors there and told us that he didn't smell anything. They also told me that when my landscaper was there, well where do you think your leaves are going to go, they have to go somewhere. So, he was just basically giving us the run-around. We've called the DEC, but it's been almost a year and a half now that we've been calling them, it's just now lately that everybody has come together and we'll just constantly calling them but they've done nothing for us. The only time I think they started to is when we started calling the EPA and the police, Fourth Precinct.

SUPERVISOR VECCHIO: Well, I would just suggest because the air is really, the quality of the air there is monitored by the DEC and to keep up that pressure on the DEC. And, we'll do our enforcement part to the best of our ability, okay?

VERONICA UNVERZAGT: Okay.

SUPERVISOR VECCHIO: Thank you. Marjorie Aronson?

MARJORIE ARONSON, 21 KIM PLACE, KINGS PARK: Hi, I live at 21 Kim Place and I've been here about two and a half years. Last month I spoke about I had lived on Terri Lane which is right behind Townline Road and the trucks are going up and down that road which will now probably be divert it to Indian Head Road and I understand we're talking about a hundred and twenty six acres, is I think that what you said last month and you're putting them in the half acre businesses and, we figure if there are two trucks per business, we're talking about two hundred and fifty two trucks. If you're talking about four employees per business, you're talking over two thousand extra vehicles coming on those two roads alone. And, just this afternoon coming home down Commack Road, I was behind two huge tractor trailer trucks, eighteen wheelers, filled with debris. I followed them all the way down Jericho Turnpike, down Indian Head Road and they, one made the right on Lawrence and Old Northport and one made a left on Old Northport, and it's just that, you know, the amount of traffic on two one-lane roads is going to be quadruple to what it is now.

SUPERVISOR VECCHIO: May I ask you a question?

MARJORIE ARONSON: Sure.

SUPERVISOR VECCHIO: You have said that what's going on half acre zoning?

MARJORIE ARONSON: Well, last month they mentioned there were about a hundred twenty

six acres that we're talking about and the poor, you know, small businesses were looking at half acre, you know.

SUPERVISOR VECCHIO: No, there was a report done and that may have been discussed here. Of course and I don't know the amount of acres is zoned one half acre on that property, and I think every Board member here is certainly in favor of keeping that as half acre.

MARJORIE ARONSON: So, how much of that one twenty six acres is going to be for small businesses that have no place to go?

SUPERVISOR VECCHIO: I don't know anything about that.

JOHN ZOLLO, TOWN ATTORNEY: No, I think you're…

SUPERVISOR VECCHIO: John, I'll talk to the Planning attorney!

COUNCILMAN WEHRHEIM: Excuse me, I think you're referring to a zone change application that we heard last month.

MARJORIE ARONSON: But, if the do the zone change application which is still on the table and this, what is the zoning going to be? I know we're going to increase the availability of allowing larger vehicles to come in but we, last month they had talked about half acre zoning for these, for small businesses. My biggest concern is living on the other side of Townline Road which now all those trucks are coming down Indian Head Road, it's like they're following me and it's going to be quadruple the traffic.

SUPERVISOR VECCHIO: No, there will be not a change of zoning on half acre, I don't know…

MARJORIE ARONSON: No, no, no, I'm not even talking about that, I once this whole thing, I know there was a whole discussion on KPE…

SUPERVISOR VECCHIO: The discussion last month was changing a Light Industrial zone to Wholesale Service Industry which would allow for outside storage on that property. It has nothing to do with trucking.

MARJORIE ARONSON: Well, outside storage you have to bring your materials in to get to these outside storages, they're not going to be coming in small vehicles. Also, you know, we're talking about violations, what about that house on Kings Park, I don't know if they're hoarders or not, the families have been evicted because the neighbors complained about all the debris around and we can't get a large facility here to coincide with the laws but we can get this hoarders out.

APPLAUSE

SUPERVISOR VECCHIO: Thank you. Okay, that concludes the meeting so I will move to close it.

COUNCILMAN MCCARTHY: Second.

ADJOURNED

V. Motion To: ADJOURN

The following motion was offered by Supervisor Vecchio and was seconded by Councilman McCarthy:

BE IT RESOLVED, that the Regular Night Meeting of the Town Board of the Town of Smithtown, held at the Eugene A. Cannataro Senior Citizen Center, 420 Middle Country Road, Smithtown, NY on the 28th day of February, 2013 at 7:00 PM, be and is hereby adjourned.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patrick Vecchio, Supervisor
SECONDER:	Thomas McCarthy, Councilman
AYES:	Vecchio, McCarthy, Wehrheim, Creighton, Malloy

TIME: 7:50 PM

FILED: _____ _____

VINCENT PULEO - TOWN CLERK
TOWN OF SMITHTOWN