

# Smithtown Town Board

## Regular Meeting

~ Agenda ~

Smithtown, NY 11787  
[www.smithtownny.gov](http://www.smithtownny.gov)

Vincent Puleo  
(631) 360-7620

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Tuesday, January 8, 2019

2:00 PM

Victor T. Liss Board Room

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### CALL TO ORDER

#### I. PUBLIC HEARINGS

I. The Town Board to consider the Community Development Program Year 2019, and to have disseminated such public notice to interested community groups.

#### II. APPOINTMENTS BY THE SUPERVISOR

1. Supervisor Edward R. Wehrheim hereby appoints Donald Musgnug as Budget Officer for fiscal year 2019.
2. Supervisor Edward R. Wehrheim hereby appoints Kaila McNally to the Youth Advisory Board, term of office from January 9, 2019 through December 31, 2020.
3. Supervisor Edward R. Wehrheim hereby appoints William Alptekin to the Youth Advisory Board, term of office from January 9, 2019 through December 31, 2020.
4. Supervisor Edward R. Wehrheim to designate Councilman Thomas W. Lohmann as part time Executive Assistant to the Supervisor, effective January 9, 2019.

#### III. CORRESPONDENCE

1. Parade/Run/Walk - Elwood/Commack VFW Post 9263 Memorial Day Parade, Monday, May 27, 2019 from 10:00 A.M. until approximately 11:30 A.M. Second Reading
2. Building Department Report - November, 2018
3. Parade/Run/Walk - St. James/Smithtown Opening Day Parade, Saturday, April 13, 2019 from 12:00 P.M. until approximately 4:00 P.M., with a rain date of Sunday, April 14, 2019. First Reading
4. Parade/Run/Walk - Nesconset Athletic Association Opening Day Parade, Saturday, April 13, 2019 from 10:00 A.M. until approximately 12:00 P.M. First Reading
5. Parade/Run/Walk - Donald C. Munro American Legion Post 944 Memorial Day Parade, Monday, May 27, 2019 from 9:00 A.M. until approximately 11:30 A.M. Third Reading
6. Parade/Run/Walk - Sgt. John W. Cooke VFW Post 395 Memorial Day Parade, Monday, May 27, 2019 from 10:00 A.M. until approximately 1:00 P.M. Third Reading
7. Parade/Run/Walk - Kings Park Youth Opening Day Parade, Saturday, April 13, 2019 from 8:30 A.M. until approximately 9:30 A.M., with a rain date of Sunday, April 14, 2019. Third Reading
8. Parade/Run/Walk - Lawzie Marigold Foundation 2nd annual "Running for Our Angels" 5K Run, April 7, 2019 Third Reading

#### IV. ADVERTISE FOR PUBLIC HEARING

1. The Town Board to authorize the Town Clerk to advertise for a public hearing to be held at the Victor T. Liss Board Room, Town Hall, 99 West Main Street, Smithtown, New York on Tuesday, February 5, 2019 at 2:00 p.m. to consider a proposed amendment to Chapter 112 of Town Code, entitled "Building Construction."

2. The Town Board to authorize the Town Clerk to advertise for a public hearing to be held at the Victor T. Liss Board Room, Town Hall, 99 West Main Street, Smithtown, New York on Tuesday, February 5, 2019 at 2:00 p.m. to consider a proposed amendment to Chapter 312 of Town Code, entitled "Water Districts," as it relates to deposits, fees, rates and minimum charges.
3. The Town Board to authorize the Town Clerk to advertise for a public hearing to be held at 2:00 p.m., on February 5, 2019, at the Town of Smithtown Town Hall, Patrick R. Vecchio Building, 99 West Main Street, Smithtown, New York 11787, to consider the Town's entry onto certain real property located at 425 Landing Avenue, Smithtown, New York 11787 (SCTM# 0800-051.000-0001-013.000), reputedly owned by Adrienne Crane, for the purpose of remediating and/or removing the structures thereat which has been designated as unsafe in accordance with Chapter 112 of the Smithtown Town Code, as per the recommendation of the Director of the Building Department and the Town Attorney.

## **V. RESOLUTIONS**

### **A. The Town Board to authorize the Town Clerk to advertise for the following bids to be returned to Town Hall, 99 West Main Street, Smithtown, New York 11787, 11:00am on dates indicated:**

1. Bid # 19-006: Outboard Motors, Parts and Services, January 24, 2019.
2. Bid # 19-008: Cesspool Cleaning Services, January 24, 2019.

### **B. The Town Board to authorize the Town Clerk to issue the following permits:**

1. Parade/Run/Walk permit to Lawzie Marigold Foundation for their 2nd annual "Running for Our Angels" 5K Run; and to notify the proper authorities. The Run will take place on Sunday, April 7, 2019 from 7:00 A.M. until approximately 11:30 A.M.
2. Parade/Run/Walk permit to Kings Park Youth for their annual Opening Day Parade; and to notify the proper authorities. The Parade will be held on Saturday, April 13, 2019 from 8:30 A.M. until approximately 9:30 A.M., with a rain date of Sunday, April 14, 2019 from 8:30 A.M. until approximately 9:30 A.M.
3. Parade/Run/Walk permit to Donald C. Munro American Legion Post 944 for their annual Memorial Day Parade; and to notify the proper authorities. The Parade will be held on Monday, May 27, 2019 from 9:00 A.M. until approximately 11:30 A.M.
4. Parade/Run/Walk permit to Sgt. John W. Cooke VFW Post 395 for their annual Memorial Day Parade; and to notify the proper authorities. The Parade will be held on Monday, May 27, 2019 from 10:00 A.M. until approximately 1:00 P.M.

### **C. The Town Board to approve the following:**

1. Town Board - Regular Meeting - Dec 11, 2018 2:00 PM
2. Adoption of the Community Development Program Year 2019 as proposed in memorandum from the Town Planning Director dated November 21, 2018 and to authorize the Supervisor to sign all forms and agreements, on forms to be approved by the Town Attorney, as shall be necessary for requesting or accepting said program funds, establishing said projects, or otherwise implementing said program. Public Hearing: January 8, 2019
3. Amendments to Chapter 76 of the Town Code, entitled "Town Board", to establish procedures for Consent Agenda items.
4. Offer health insurance coverage in the New York State Health Insurance Plan (NYSHIP) to members of the Planning Board and the Board of Zoning Appeals; cost of said coverage to be fully paid by those board members electing coverage.

5. Town Board to Approve 9 Employees from the Town of Smithtown Animal Shelter and Adoption Center to Attend a Kennel Safety and Management Seminar at Hounds Town USA, Ronkonkoma on February 3, 2019 from 11:00am - 2:30pm at a cost of \$1,350.00
6. 2019 Procurement Policy.
7. Professional Services Consultants as per the attached list.
8. Attached List of Authorized Work Shoe Providers for Eligible Town Employees.
9. To modify the schedule of fees under Town Code Chapter 151, entitled "Environmental and Coastal Quality Review," as it relates to fees for consistency review.
10. 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 various tax certiorari matters (per the attached list) for various tax years, per recommendation of the Sole Assessor and Town Attorney.
11. Ratification of declinations of Terrorism Insurance coverage in connection with Town insurance program.
12. Adoption of the Town's Investment Policy
13. Extension of Bid 18-005 for Emergency Board up Services with Provide Restoration, Inc.
14. Termination of Paul Sabatino, Esq. as counsel to the Planning Board.
15. The Town Board to appoint Anthony Tanzi as a member of the Board of Zoning Appeals, term of office from January 1, 2019 through December 31, 2023.
16. The Town Board to appoint Desmond M. Ryan to Planning Board, term of office from January 1, 2019 through December 31, 2023.
17. Part time appointment of Hon. John J. Toomey, Jr. to the position of Assistant Town Attorney to the Town of Smithtown Planning Board, at the annual pay of \$20,000.00 effective January 8, 2019.
18. Appointment of Vincent Puleo, Town Clerk as the delegate for The Association of Towns and Susan DeHaven, Deputy Town Clerk as the alternate.
19. Supervisor Edward R. Wehrheim's appointment of Kaila McNally to the Youth Advisory Board, term of office from January 9, 2019 through December 31, 2020.
20. Supervisor Edward R. Wehrheim's appointment of William Alptekin to the Youth Advisory Board, term of office from January 9, 2019 through December 31, 2020.
21. Agreement with the following banks as official depositories for the fiscal year 2019 for the Office of the Comptroller: JP Morgan Chase, Capital One Bank, First National Bank of Long Island, BNB Bank (Formerly Bridgehampton National Bank) and Empire National Bank
22. The Conservation Board to utilize the services of Alliance Reporting Services, Inc. Court Reporter on an as needed basis to produce verbatim transcripts of Conservation Board meetings at a fee not to exceed \$3,000.00 for the year of 2019.
23. Town Board to approve the sale of auctioned vehicles/equipment.
24. The Highway Department to rent a Wheel Loader from Edward Ehrbar, Inc.
25. The Town Board to authorize the Town Attorney to enter into a stipulation of settlement and consent to the entry of an Order with regard to the following Article 78 Proceeding: 805 Middle Country Road v. Assessor of the Town of Smithtown.

26. The Town Board to authorize the Town Attorney to enter into a stipulation of settlement and consent to the entry of an Order with regard to the following Article 78 Proceeding: Oser 165, LLC v. Town of Smithtown.

27. To Amend Auction # 15666 Accepted Results (Highway)

**D. The Town Board to authorize the acceptance of the following:**

1. Accept escrow in the amount of \$2,000.00 (Planning Receipt #044462 ID #18123100) from 347 Building Company, LLC, 200 Robbins Lane, Suite D1, Jericho, NY 11753 posted to guarantee on-site improvements as per Board of Site Plan Review approval (Temporary Certificate of Occupancy) Re: Country Pointe Woods @ Smithtown, NW/c Smithtown By-Pass & NYS Route 111, Hauppauge, NY 11788 Zoning District: R-6 SCTM# 157-2-13, 46.1, 46.2, 47, 51, 53, & 58.

2. Donations - Senior Citizens Department - from the Needlecrafters at Senior Citizens Department, \$25.00 Cash donation; from Kate Garay in memory of Eileen Maloney, check #2711 in the amount of \$250.00.

**E. The Town Board to authorize the Comptroller to execute the following:**

1. Tuition Reimbursement at 100% for Karen Aldrich in the amount of \$3630.00 for taking the course "Developmental Psychology" at Adelphi University in which an A was received as per tuition reimbursement guidelines. (Youth Bureau)

2. Tuition Reimbursement at % for Patsy Castillo in the amount of \$1471.50 for taking the course "Clinical Skills: Motivational Interviewing and Cognitive Behavioral Therapy in Integrated Health" at SUNY at Stony Brook in which a B was received as per tuition reimbursement guidelines. (Horizons)

3. Transfer from account A.7317.0290 (Computer Equipment) in the amount of \$3,500.00; and Transfer to account A.7317.0495 (Other-Food & Other Supplies) in the amount of \$3,500.00 (from the SACC 2018 Operating Budget).

4. Transfer from account A.1650.0450 (Maintenance/Repairs) in the amount of \$1,000.00; and Transfer to account A.1421.0444 (Professional Services) in the amount of \$1,000.00 (Public Safety).

5. Transfer from account A.8166.0442 (Contractual Services) in the amount of \$8,804.45; and Transfer to account A.1620.0450 (Maintenance/Repairs) in the amount of \$8,804.45(DEW).

6. Increase account A.0000.1030 (Special Assessment-Other Basis) in the amount of \$40,122.00; and increase account A.3989.0496 (Othr Pub Safty/Refuse Remediation ) in the amount of \$40,122.00(Town Attorney).

7. Transfer to account SM1.8167.0495 (Residential C & D) in the amount of \$6,000.00; and transfer from account SM1.8167.0442 (Contractual Services) in the amount of \$6,000.00 (DEW).

**F. The Town Board to authorize the Supervisor to execute the following on a form approved by the Town Attorney:**

1. Agreement with Larimore Associates, Inc. for Public Safety Dispatch Software and Related Services, and to further authorize the purchase of these goods and services from SHI Government Solutions.

2. 2019 Budget Allocation Agreement with Smithtown Historical Society for \$50,000.00.

3. 2019 Budget Allocation Agreement with Smithtown Township Arts Council for \$50,000.00.

4. 2019 Budget Allocation Agreement with Smithtown Performing Arts Council for \$65,000.00.
5. Agreement on behalf of the Hauppauge Ambulance District with the Central Islip-Hauppauge Volunteer Ambulance Corps., Inc., effective January 1, 2019 through December 31, 2019.
6. Agreement with Suffolk County Youth Bureau for a single disbursement in the amount of \$17,790.00 for operating expenses January 1, 2019 through December 31, 2019.
7. Town Board to authorize the Department of Environment and Waterways to prepare and file on application with the New York State Department of Environmental Conservation for State Assistance grant funding) from the Household Hazardous Waste and Supplemental Electronic Waste (HHW and E-waste) State Assistance Program for the period January 1, 2018 thru December 31, 2018 HHW and E-Waste collection conducted at the Municipal Services Facility.
8. Agreement with NPA Computers Inc. to provide Annual Break/Fix Service Coverage for the Assessor's Office for a one year period beginning January 10, 2019 on a from approved by the Town Attorney.
9. Third-Party Custody Agreement with Sterling National Bank (bank) and The Bank of New York Mellon (custodian).
10. Third-Party Custody Agreement with Gold Coast Bank (bank) and Manufacturers and Traders Trust Company (custodian).

## **VI. PERSONNEL**

### **A. The Town Board to approve the following Personnel matters:**

1. Appointment of Liam Trotta to the position of Environmental Planner in the Planning Department, at a rate of pay of \$29.65 per hour, subject to a 26 week probationary period, effective January 9, 2019.
2. Full time appointment of Nancy Farrell to the position of Account Clerk Typist in the Department of Public Safety, at a rate of pay of \$18.13 per hour, subject to a 26 week probationary period, effective January 14, 2019.
3. Full time appointment of Timothy Murphy to the position of Fire Marshal I in the Department of Public Safety, at a rate of pay of \$23.17 per hour, subject to a 26 week probationary period, effective January 14, 2019.
4. Return from Medical Leave of Absence for Employee ID #5821, in the Animal Shelter, effective January 16, 2019.
5. Accept the volunteer services of Dianna Acevedo-Schmitt as an unpaid student intern in the Horizons Dept. Effective January 9, 2019.
6. Part time appointment of Paul Pullara to the position of Assistant Recreation Leader in the School Age Child Care Department, at a rate of pay of \$12.00 per hour, not to exceed 1/2 the normal work week, effective January 9, 2019.
7. Seasonal appointments of Margo Gordon and Dominic Pizzulli to the position of Student Intern II in the Office of the Supervisor at a rate of pay of \$10.00 per hour, not to exceed \$5,000 per year, effective date retroactive to December 26, 2018.

## **TO BE HEARD**

## **ADJOURNED**