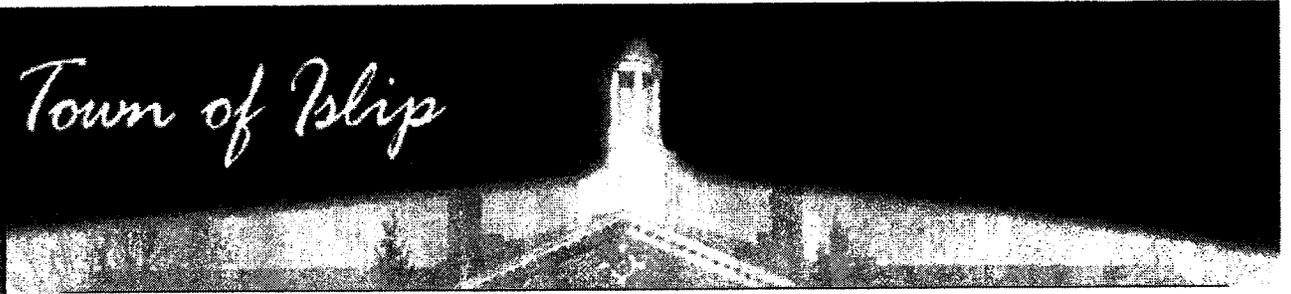




*Town of Islip*



## **TOWN CLERK**

**PUBLIC HEARING**  
Town Hall /Board Room  
655 Main Street

**December 18, 2018**  
**2:00 p.m.**  
Islip, NY 11751

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**1. To amend the Uniform Traffic Code of the Town of Islip as follows:**

**Schedule G Stop and Yield Intersections Amend to Read**  
Commercial Blvd. at Fulton Street (BWD)

**Schedule J Parking, Stopping and Standing Regulations**  
**Amend to Read**  
Irish Lane West (EIS)

**Schedule G Stop and Yield Intersections**  
**Add**  
Alexander Blvd. at Alexander Court (RNK)  
Harding Street at Smithtown Avenue (BHM)  
Marie Lane at Spruce Street (CIS)

**Schedule L Town Parking Lots Amend to Read**  
Islip Railroad Station South Parking Lot (ISL)  
Islip Railroad Station North Parking Lot (ISL)

2. To consider enacting a local law amending Local Law No. 9 of 1974 “Office of the Town Attorney of the Town of Islip” and amending Local Law No. 3-2009 entitled “Department of Public Safety Enforcement”.
3. To consider contracting with the Fire Commissioners of the Bay Shore Fire District for fire protection services to be furnished by the Fire Commissioners to the Bay Shore Fire Protection District.

Anyone wishing to address the Board at the conclusion of these hearings may do so. Please clearly print your full name and address by registering with the Aide in the lobby. Any disabled person who needs a sign language interpreter or special accommodations to attend this meeting, is asked to please contact Constituent Services at 631-224-5380 as early as possible in order for the Town to accommodate.

Dated at Islip, NY  
TOWN OF ISLIP  
December 11, 2018  
Published  
OHM/tb

TOWN BOARD,

By: OLGA H. MURRAY  
TOWN CLERK

## PUBLIC NOTICE

The Islip Town Board held a Town Board Meeting on Tuesday, December 18, 2018 at 2:00pm at Islip Town Hall, 655 Main Street, Islip, NY 11751 to amend the Uniform Traffic Code of the Town of Islip.

NOW THEREFORE on a motion made by Councilperson  
Seconded by Councilperson,  
BE IT, resolved that the Uniform Traffic Code of the Town of Islip has been amended.  
Upon a vote being taken the result was carried

### SCHEDULE G STOP AND YIELD INTERSECTIONS AMEND TO READ

INTERSECTION	SIGN	CONTROLLING TRAFFIC
Commercial Blvd. at Fulton Street (BWD)	Stop	East/West on Commercial Blvd.; <u>North/South on Fulton Street</u>

### SCHEDULE J PARKING, STOPPING AND STANDING REGULATIONS AMEND TO READ

LOCATION	REGULATION	HOURS/DAYS
Irish Lane/West From 460 ft. south of Union Blvd. to 525 ft. south of Union Blvd. (EIS)	No parking	

### SCHEDULE L TOWN PARKING LOTS AMEND TO READ

LOCATION	REGULATION	HOURS/DAYS
Islip Railroad Station South Parking Lot (Islip Parking Lot #9) (ISL)	<del>Taxi stand. North side of lot, From 320 feet west of Islip Avenue west for 36 feet.</del> <u>Handicapped Stalls: all designated blue colored stalls with appropriate signing; Speed Limit 15 MPH</u>	
Islip Railroad Station North Parking Lot (Islip Parking Lot #9) (ISL)	<u>Handicapped Parking: South Side of Lot: two first stalls east and west of east train shelter, first stall east and west of west train shelter Speed Limit 15 MPH</u>	

December 18, 2018

WHEREAS, in order to promote greater organizational efficiency, the Town Board wishes to amend Chapter 50 and Chapter 40B of the Islip Town Code by transferring the Division of Code Enforcement to the Department of Public Safety; and

WHEREAS, a public hearing was held therefor on December 18, 2018.

NOW, THEREFORE, on motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_, be it

RESOLVED, that the Town Board hereby enacts Local Law No. \_\_ of 2018 amending Local Law No. 9 of 1974 "Office of the Town Attorney of the Town of Islip" and amending Local Law No.3-2009 entitled "Establishment of a Department of Public Safety Enforcement" as follows:

**SEE ATTACHED**

Additions are indicated by UNDERLINING

DELETIONS are indicated by STRIKEOUTS

Upon a vote being taken, the result was:

## Chapter 40B. Public Safety Enforcement, Department of

[HISTORY: Adopted by the Town Board of the Town of Islip 4-14-2009 by L.L. No. 3-2009. Amendments noted where applicable.]

### § 40B-1. Title.

This chapter shall be known as the "Establishment of a Department of Public Safety Enforcement."

### § 40B-2. Definitions; word usage.

A.

Word usage. Whenever used in this chapter, words used in the singular include the plural and vice versa.

B.

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

**CHIEF DEPUTY COMMISSIONER**

The Chief Deputy Commissioner of the Town of Islip Department of Public Safety Enforcement, who shall act for and in place of the Commissioner.

**COMMISSIONER**

The Commissioner of the Town of Islip Department of Public Safety Enforcement, who shall be the chief executive officer of the Department.

**DEPARTMENT**

The Town of Islip Department of Public Safety Enforcement, which shall perform a major function of Town government.

**DEPUTY COMMISSIONER**

The Deputy Commissioner of the Town of Islip Department of Public Safety Enforcement, who shall act for and in place of the Commissioner.

### § 40B-3. Establishment.

A.

There shall be in the Town of Islip a Department of Public Safety Enforcement. The principal executive officer and administrative head of such Department shall be the Commissioner, who shall be appointed by the Town Board for the term fixed by law, at such salary as may from time to time be fixed by said Town Board. The Commissioner shall be appointed on the basis of his administrative experience and qualification for the duties of such office and such additional standards as may be required by the Town Board. The Commissioner shall be the head of the Department, with the power and authority to appoint and remove officers and employees under his jurisdiction in accordance with the Civil Service Law and other applicable laws.

B.

The Commissioner is empowered herein to appoint a Chief Deputy Commissioner and a Deputy Commissioner who shall generally act for and in his behalf and who shall perform such duties as are vested in and imposed upon that office by the provisions of this chapter, by statute or by other lawful authority. In the absence of the Commissioner, the Chief Deputy Commissioner shall act as the chief executive officer of the Department. In the absence of the Commissioner and Chief Deputy



Commissioner, the Deputy Commissioner shall act as the chief executive officer of the Department. The Commissioner shall be authorized to modify the divisions, assignments and the responsibilities of the Chief Deputy Commissioner and Deputy Commissioner as he shall deem necessary.  
[Amended 2-9-2016 by L.L. No. 1-2016]

C.

The Commissioner is also empowered herein to appoint an executive assistant for such administrative functions as may be assigned and to advise and aid the Commissioner in the planning and coordination of projects and policies of the Department.

D.

The Commissioner is also empowered herein to appoint a secretary who shall perform such duties, functions and assignments as are proper and necessary in executing the administrative and clerical obligations and needs of the Commissioner and the Department.

E.

Before entering upon the duties of his office, the Commissioner shall execute and file with the Town Clerk an official undertaking, if the same is required by the Town Board, in such form as approved by the Town Attorney.

## § 40B-4. Organization.

[Amended 2-8-2011 by L.L. No. 2-2011]

A.

The Commissioner shall have such powers as shall be necessary for the proper administration of the Department consistent with applicable provisions of law.

B.

Until such time as the same may be either amended or modified, the Department shall be divided into the following five divisions:

[Amended 2-9-2016 by L.L. No. 1-2016]

(1)

Division of Public Safety.

(2)

Division of Harbor and Marine Safety.

(3)

Parking Violations Bureau.

(4)

Division of Emergency Management.

(5)

Division of Fire Prevention.

(6)

Division of Code Enforcement.

## § 40B-5. Powers and duties.

A.

The powers and duties of such divisions therein shall be under the administration, direction and control of the Commissioner, and each division shall be supervised by a person designated by the Commissioner in conformance with the Civil Service Law.

B.

The Commissioner may, with the approval of the Town Board, establish, consolidate or abolish any divisions or subdivisions not existing or hereafter created in the Department.

C.

Powers and duties of individual divisions.

[Amended 2-9-2016 by L.L. No. 1-2016]

(1)

Division of Public Safety. Its powers and duties are to provide for the protection of Town property and of the health, safety and welfare of citizens using Town property maintained for public use, by the enforcement of the following provisions of the Code of the Town of Islip: Chapter 4, Chapter 4A, Chapter 12, §§ 12-2 through 12-4, Chapter 32, Chapter 35, Chapter 35A, Chapter 36, Chapter 37, Chapter 39, Chapter 44, Chapter 49, Chapter 51, Chapter 57, Chapter 58, Chapter 59, Chapter 60, Chapter 60A and Chapter 68, § 68-30C.

(2)

Division of Harbor and Marine Safety. Its powers and duties are the enforcement of the provisions of Chapter 37 of the Code of the Town of Islip and jurisdiction over navigation on all navigable waters within or bordering the Town of Islip.

(3)

Parking Violations Bureau. Its powers and duties are set forth in Chapter 59 of the Code of the Town of Islip, entitled "Uniform Traffic Code," Chapter TC7, Parking Violations Bureau.

(4)

Division of Fire Prevention. Its powers and duties are set forth in Chapter 19 of the Code of the Town of Islip.

(5)

Division of Code Enforcement. Its powers and duties are to investigate all alleged violations of the Code of the Town of Islip or, to such end, applicable state codes, laws, rules and regulations. The Commissioner may employ such investigators, zoning inspectors, ordinance inspectors, sign inspectors, fire marshals or any other personnel as may be required to effectuate the same, within budgetary limits set by the Town Board. The Division shall be responsible for the enforcement of all violations of the aforesaid codes, laws, rules and regulations and/or obtaining compliance with the same. Persons in said Division designated by the Commissioner in conformance with the Civil Service Law may issue notices of violation, appearance tickets, summonses or any other notices as permissible by law. Nothing herein shall be construed to limit any other power of the Commissioner as provided by the Code of the Town of Islip or any other applicable law, rule or regulation.

D.

In cooperation with the Town Attorney, the Department shall assist in preparation, investigation, trial and enforcement of all litigation instituted by or against the Town in all courts as well as the prosecution of violations of applicable state codes, Town codes and local laws and the enforcement of any and all civil or criminal judgments.

## § 40B-6. Costs and expenses.

All costs and expenses incurred by the Department, or its officers or employees, on behalf of a special improvement district or special Town project shall be charged against each district or project and paid for from the funds fully apportioned for the purpose of such district or project.

## § 40B-7. Effect on powers of Town Supervisor.

Nothing herein contained shall be construed to delegate or transfer any power of the Town Supervisor contained in §§ 29, 52 and 125 of the Town Law of the State of New York or any other powers which may be lawfully exercised by said Supervisor.

## § 40B-8. Fees.

The Commissioner may establish a schedule of fees to be collected by him for any service rendered in connection with the work of this Department and for which he deems it necessary to charge and collect a fee therefor.

## § 40B-9. Severability.

If any section, provision or part hereof in this chapter shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of the chapter as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

## § 40B-10. When effective.

This chapter shall be effective when the appropriate certified copies are filed with the Secretary of State of the State of New York.

## Chapter 50. Town Attorney, Department of

[HISTORY: Adopted by the Town Board of the Town of Islip 7-17-1974 by L.L. No. 9-1974.  
Amendments noted where applicable.]

### § 50-1. Title.

This local law shall be known as the "Office of the Town Attorney of the Town of Islip."

### § 50-2. Definitions and word usage.

A.

Word usage. Whenever used in this local law, words in the singular include the plural and vice versa.

B.

Definitions. As used in this local law, the following terms shall have the meanings indicated:

**ASSISTANT TOWN ATTORNEY**

The "Assistant Town Attorneys" of the Department, who shall act generally for and in place of the Town Attorney.

**DEPARTMENT**

The Town of Islip Department of the Office of the Town Attorney.

**DEPUTY TOWN ATTORNEY**

The deputy head of the Department, who shall act generally for and in place of the Town Attorney.

**TOWN ATTORNEY**

The head of the Department.

### § 50-3. Department established.

[Amended 6-17-1980 by L.L. No. 9-1980]

A.

There shall be established herewith as a department of the Town of Islip a department to be known as the "Town of Islip Department of the Office of the Town Attorney." The principal executive officer and administrative head of such Department shall be the Town Attorney, who shall be appointed by the Town Board for the term fixed by law at such salary as may from time to time be fixed by said Town Board. The Town Attorney shall be appointed on the basis of his administrative experience and qualifications for the duties of such office. He shall be the attorney for the Town Board and all of the Town officers in their official capacity and shall be the legal counsel and representative of the Town Board in all proceedings, undertakings or activities which the Town Board of the Town of Islip is concerned with or involved therein. The Town Attorney shall be the head of the Department with power and authority to appoint or remove officers and employees under his jurisdiction in accordance with the Civil Service Law and other applicable laws.

B.

The Town Attorney is empowered herein to appoint deputies and assistants who shall generally act for and in his behalf and who shall perform such duties as are vested in and imposed upon that office by the provisions of this local law, by statute or by other lawful authority.

C.

The Town Attorney shall have powers as shall be necessary for the proper administration of the Department, consistent with applicable provisions of law, and at his sole discretion and judgment he may amend or modify the allocation of responsibilities of his Department.

## § 50-4. General powers and duties.

[Amended 6-17-1980 by L.L. No. 9-1980]

A.

General services. The powers and duties are to:

(1)

Render legal advice to all Town departments, agencies and offices, as well as to special boards established by the Town Board.

(2)

Prepare and process the execution of all leases and land acquisitions on behalf of the Town and special districts, whether the same are acquired by condemnation, purchase or gift. He shall be responsible for all of the proceedings regarding condemnation.

(3)

Approve, prepare and process the execution of all contracts entered into by the Town, its agencies and departments or special districts of the Town, including the approval of the notice to bidders, specifications, contract documents, insurance and bonds, where required. He shall supervise the execution and review of contracts and the preparation of related resolutions and any and all change orders, processing notice of liens, attending all necessary conferences involving departments, consultants, contractors and the rendering of legal advice and assistance during the term of the contract.

(4)

Prepare and process the execution of all special agreements entered into by and on behalf of the Town, such as consultant agreements and park concession agreements.

B.

Law. The powers and duties are to:

(1)

Prepare, review and recommend all Town ordinances and local laws, and amendments thereto, and related public notices and resolutions.

(2)

Review all proposed legislation introduced before the New York State Legislature which affects or concerns Town government and, where appropriate, advise the Town Board and affected departments or agencies, concerning proposed legislation. He shall prepare and submit approving or opposing memoranda to the State Legislature or Governor, when appropriate, and advise the Town Board and appropriate Town officials and departments when bills are enacted into law.

(3)

Render formal legal opinions.

(4)

Perform such legal research and assist or prepare legal opinions.

(5)

Review all petitions and exhibits for changes of zone, special use permits, including preparation of public notices and related resolutions.

(6)

Review all applications and petitions in relation to special and commissioner district improvements or extensions, including preparation of related public notices, resolutions, orders and other required documents.

(7)

Process and undertake all disciplinary proceedings.

(8)

Represent the Town Board in collective bargaining and personnel issues.

C.

Litigation. The powers and duties are to:

(1)

Prepare and try all litigation matters instituted by or against the Town in all courts.

(2)

Prosecute all violations of Town ordinances and local laws.

(3)

Institute or defend tort claims involving the Town which are not covered by insurance or where the Town seeks direct reimbursement.

(4)

Prepare, process and file all necessary pleadings, briefs, memoranda of law, etc., and investigate, examine, evaluate and process all evidentiary matters and witnesses in related legal proceedings.

D.

The Town Attorney shall be empowered to perform such other duties and functions which are prescribed to be performed by him in any law, ordinance or resolution of the Town Board, or lawful directive of the Supervisor. However, the Town Attorney may delegate any of his powers to or direct any of his duties to be performed to any Assistant Town Attorney.

E.

Furthermore, the Town Attorney is hereby authorized and empowered, subject to the prior approval of the Town Board, except that such prior approval will not be required in cases of emergency, to retain and employ private consultants, experts and other parties which the Town Attorney deems proper and appropriate in promulgating the responsibilities and obligations of his office.

F.

~~The Division of Code Enforcement. Its powers and duties are to investigate all alleged violations of the Code of the Town of Islip or, to such end, applicable state codes, laws, rules and regulations. The Town Attorney may employ such investigators, zoning inspectors, ordinance inspectors, sign inspectors, or any other personnel as may be required to effectuate the same, within budgetary limits set by the Town Board. The Division shall be responsible for the enforcement of all violations of the aforesaid codes, laws, rules and regulations and/or obtaining compliance with the same. Persons in said Division designated by the Town Attorney in conformance with the Civil Service Law may issue notices of violation, appearance tickets, summonses or any other notices as permissible by law. Nothing herein shall be construed to limit any other power of the Town Attorney as provided by the Code of the Town of Islip or any other applicable law, rule or regulation.~~

[Added 2-9-2016 by L.L. No. 1-2016]

[1]

*Editor's Note: Former Subsection F, Division of Code Enforcement, added 3-28-2006 by L.L. No. 2-2006, was repealed 4-14-2009 by L.L. No. 3-2009.*

## § 50-5. Powers of Town Supervisor.

[Amended 6-17-1980 by L.L. No. 9-1980]

Nothing herein contained shall be construed to delegate or transfer any power of the Town Supervisor contained in §§ 29, 52 and 125 of the Town Law of the State of New York or any other powers which may be exercised lawfully by said Supervisor.

## § 50-6. Severability.

[Amended 6-17-1980 by L.L. No. 9-1980]

If any section, provision or part thereof in this local law shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of the local law as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

## § 50-7. Legislative authority; when effective.

[Amended 6-17-1980 by L.L. No. 9-1980]

This local law is enacted under the provisions of Article 9 of the New York State Constitution, of the Town Law and of the Municipal Home Rule Law of the State of New York. This local law shall take effect when the appropriate certified copies hereof are filed with the Secretary of State and the Comptroller of the State of New York, pursuant to the Municipal Home Rule Law.

December 18, 2018

WHEREAS, the Bay Shore Fire District has been providing fire protection to the Bay Shore Fire Protection District pursuant to a contract which will expire on December 31, 2018; and

WHEREAS, the Bay Shore Fire Protection District is desirous of obtaining similar protection for the year 2019; and

WHEREAS, the Town Board of the Town of Islip has held a public hearing on December 18th, 2018 to consider a similar contract for the year 2019 at a cost of \$1,814,840.00, plus the cost of insurance required under the Volunteer Firemen's Benefit Law Subsection 30 estimated at \$145,209.00, at which time all interested parties had an opportunity to be heard; and

WHEREAS, it has been determined to be in the public interest to enter into such one year contract,

NOW, THEREFORE, on motion of Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_, be it

RESOLVED, that the Supervisor is authorized to enter into a contract on behalf of the Bay Shore Fire Protection District whereby the Bay Shore Fire District will provide fire protection to the Bay Shore Fire Protection District for the year 2019 at a cost of \$1,814,840.00 plus the cost of insurance required under the Volunteer Firemen's Benefit Law Subsection 30, estimated at \$145,209.00, which cost will be assessed to the property owners within the Bay Shore Fire Protection District.

Upon a vote being taken, the result was: