

**TOWN BOARD MEETING
MARCH 24, 2021**

AGENDA

184. ACCEPTING TOWN BOARD MINUTES
185. AWARDED BID NO. 21G25 SOLIVIA POWERSPORTS D/B/A/ ISLAND POWERSPORTS
186. AUTHORIZING THE PURCHASE OF VEHICLES FROM CONWAY BEAM MACK
187. AUTHORIZING THE PURCHASE OF VEHICLES FROM SMITHTOWN CHEVROLET
188. AUTHORIZING THE SUPERVISOR TO SIGN AND SUBMIT THE FISCAL YEAR 2020 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT
189. AUTHORIZING ADOPTION AND THE FILING OF THE COMMUNITY DEVELOPMENT PROGRAM 2021 ANNUAL ACTION PLAN, WHICH INCLUDES THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP, PROGRAMS LISTING OF PROPOSED PROJECTS FOR FISCAL YEAR 2021
190. ADOPTING AMENDMENTS CHAPTER 3, ARTICLE II, SECTION 3-4 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES
191. ADOPTING RESOLUTION TO LIFT TOWN BOARD COVENANT AND RESTRICTIONS FOR PLANNING JOB# 20-07ADIN
192. SCHEDULING A PUBLIC HEARING REGARDING WATER SYSTEM IMPROVEMENTS FOR THE OAK BEACH COMMUNITY WATER SYSTEM PURSUANT TO TOWN LAW ARTICLE 12-C

**RESOLUTION NO. 184 MARCH 24, 2021
ACCEPTING TOWN BOARD MINUTES**

The following resolution was offered by Councilman Manetta
and seconded by Councilman Martinez

BE IT RESOLVED, by the Town Board of the Town of Babylon that the minutes of the
following Town Board Meeting be and the same are hereby accepted:

March 17, 2021

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 185 MARCH 24, 2021
AWARDING BID NO. 21G25
SOLIVIA POWERSPORTS D/B/A/ ISLAND POWERSPORTS

The following resolution was offered by Councilman Martinez
and seconded by Councilman Manetta

WHEREAS, the following bids for Bid No. 21G25 Solivia Powersports d/b/a Island Powersports received, opened and publicly read:

Item No. 1. Sea Doo Fish Pro or Equal Personal Watercraft

<u>BIDDER</u>	<u>UNIT PRICE</u>
Solivia Powersports d/b/a Island Powersports	\$18,700

Item No. 2. Watercraft LT Series or equal Trailer

Solivia Powersports d/b/a Island Powersports	\$1,700.00
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NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services, the Commissioner of Department of Public Works and the Director of Fleet Maintenance upon their finding the aforementioned bids to be fair and reasonable, Bid No. 21G25 be and is hereby awarded to the sole bidder, Solivia Powersports d/b/a Island Powersports and be it further

RESOLVED, that the Supervisor be and he is hereby authorize a one (1) year contract with Solivia Powersports d/b/a Island Powersports, and that the form and content of said contract shall be subject to the approval of the Town Attorney.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 186 MARCH 25, 2021
AUTHORIZING THE PURCHASE OF VEHICLES FROM
CONWAY BEAM MACK**

The following resolution was offered by Councilman Manetta and seconded by Councilman Martinez

WHEREAS, the County of Onondaga, through competitive bidding and procurement, awarded Contract No.8996 to Conway Beam Mack for the trucks (heavy duty class 8) Cab Chassis Type w/Dump Bodies, Snow Plows & Associated and

WHEREAS, pursuant to General Municipal Law 103 (16), a political subdivision is authorized to contract for services through the use of contracts let by any other political subdivision therein, and

WHEREAS, the Town of Babylon is desirous to purchase the following equipment from Conway Beam Mack pursuant to County of Onondaga for the trucks (heavy duty class 8) Cab Chassis Type w/Dump Bodies, Snow Plows & Associate

EQUIPMENT DESCRIPTION/DEPARTMENT	COST
2022 Mack Granite 64F Allison 4500 RDS with ARM 14' Stainless Steel Dump Body with ARM 11'x42" plow & 13' Tarco Stainless Steel Spreader for Highway 10-wheeler	\$248,905.50
(2) 2022 Mack Granite 42F Allison 3000 RDS with ARM 11' Stainless Steel Body with ARM 11'x42" plow & 10'Tarco Stainless Steel Spreader for Highway 10-wheeler	\$435,93.80 (\$217,951.90)
2022 Mack Granite 64F Allison 4500 RDS with ARM 14' Stainless Steel Dump Body with ARM 11'x42" plow & 13' Tarco Stainless Steel Spreader for Highway 10-wheeler with optional swing tail gate	\$248,905.50 plus \$1,500 for swing tail gate

WHEREAS, the Commissioner of General Services recommends issuing Purchase Orders for Conway Beam Mack for the above equipment,

NOW THEREFORE be it

RESOLVED, the Town Board of the Town of Babylon authorizes the Commissioner of General Services to issue Purchase Orders to Conway Beam Mack for the aforementioned equipment.

VOTES: 5 **YEAS:** 5 **NAYS:** 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 187 MARCH 25, 2021
AUTHORIZING THE PURCHASE OF VEHICLES FROM
SMITHTOWN CHEVROLET

The following resolution was offered by Councilman Martinez and seconded by Councilman Manetta

WHEREAS, the Town of Babylon entered into an agreement with Nassau County BOCES to participate in their cooperative bidding program for Bid No. 19/20-045, Passenger Cars, Vans & Trucks pursuant to Resolution 616 of September 23, 2020, and

WHEREAS, pursuant to General Municipal Law 103 (16), a political subdivision is authorized to contract for services through the use of contracts let by any other political subdivision therein, and

WHEREAS, the Town of Babylon is desirous to purchase the following equipment from Chevrolet of Smithtown, pursuant to Nassau County BOCES Bid No. 19/20-045, Passenger Cars, Vans & Trucks

EQUIPMENT DESCRIPTION/DEPARTMENT	COST
2021 Chevrolet Special Service Tahoe, Inc. Proliner Equipment for Fire Marshall	\$47,494.00
2021 Chevrolet 3500 Model CK31043 Dual Wheel Crew Cab, w/boss plow, R & W body suspension for B & G Mason and Plow	\$41,994.00
2021 Chevrolet 3500 Crew Cab Chassis with plow for B & G Mason and Plow	\$41,994.00
2021 Chevrolet 3500 Regular Cab Chassis & Body, Inc. drop sides, pintle hook, plates & d rings, 7 way trailer plug, tarp & roller, strobes, stop tail, reverse, strobe light in body, snow deflector, front grill and rear body strobe lights, fabricate rake & shovel holder for B & G Mason & Plow	\$56,584.00
2021 Chevrolet Model CK20903 Regular Cab includes R & W equipment, 8' boss plow & light Pkg. used for Foreman	\$44,294.00
2021 Chevrolet Model CK20953 Double Cab includes R & W equipment, 8' boss plow & light Pkg. used for Highway	\$44,244.00
(2) 2021 Chevrolet Model CK20943 Regular Cab includes R & W equipment, 8' boss plow & light Pkg. used for B & G	\$91,988.00(\$45,994.00 each)
(2) 2021 Chevrolet 2500 Model CG23405 6-cylinder van for Gen Svc & B & G	\$49,998.00 (\$24,994.00 each)

WHEREAS, the Commissioner of General Services recommends issuing Purchase Orders for Chevrolet of Smithtown for the above equipment,

NOW THEREFORE be it

RESOLVED, the Town Board of the Town of Babylon authorizes the Commissioner of General Services to issue Purchase Orders to Chevrolet of Smithtown for the aforementioned equipment.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 188 MARCH 24, 2020
AUTHORIZING THE SUPERVISOR TO SIGN AND SUBMIT THE FISCAL YEAR
2020 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT

The following resolution was offered by Councilman Manetta
and seconded by Councilman Martinez

WHEREAS, the Town of Babylon has prepared a draft of the Fiscal Year 2020 Housing and Community Development Plan (HCD Plan) Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the draft document has been made readily available for all interested members of the public to review and provide comment; and

WHEREAS, submission of the Fiscal Year 2020 HCD Plan Consolidated Annual Performance Evaluation Report requires that the authorized official representative of the Town, the Supervisor, sign the document,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon, that the Supervisor be and he hereby is authorized to execute the CAPER signature requirements, subject to public comments, ending on March 30, 2021, and submit the Fiscal Year 2020 HCD Plan Consolidated Annual Performance Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development; and be it further

RESOLVED, that the CAPER is subject to the review of the Town Attorney as to form and content.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 189 MARCH 24, 2021
AUTHORIZING ADOPTION AND THE FILING OF THE COMMUNITY
DEVELOPMENT PROGRAM 2021 ANNUAL ACTION PLAN, WHICH INCLUDES
THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT
PARTNERSHIP, PROGRAMS LISTING OF PROPOSED PROJECTS FOR FISCAL
YEAR 2021

The following resolution was offered by Councilman McSweeney and seconded by Councilman Gregory

WHEREAS, the Town of Babylon is an entitlement community under the Community Development Block Grant (“CDBG”) Program and will receive a grant allocation of One Million One Hundred Thousand Five Hundred Sixty-Eight Dollars and 00/100 (\$1,100,568.00) from the U.S. Department of Housing and Urban Development (“HUD”) for Fiscal Year 2021; and

WHEREAS, the Town of Babylon is an entitlement community under the HOME Investment Partnership Program and will receive a grant allocation of Four Hundred Thirty-One Thousand Two Hundred Thirty-Three Dollars and 00/100 (\$431,233.00) from the U.S. Department of Housing and Urban Development (“HUD”) for Fiscal Year 2021; and

WHEREAS, HUD requires the Town, to submit its Annual Action Plan for Fiscal Year 2021; and

WHEREAS, public hearings were held on November 17, 2020 and March 16, 2021 to gather input for the plan and on activities to be carried out under the CDBG and HOME Programs and general housing and community development needs in the Town; and

WHEREAS, a draft of the Action Plan for Fiscal Year 2021, including a list of proposed uses of Fiscal Year 2021 CDBG and HOME funds was made available for citizen comments; and

WHEREAS, the Town Board deems it is in the best interest of the Town of Babylon to submit for federal funding in the amount of One Million One Hundred Thousand Five Hundred Sixty-Eight Dollars and 00/100 (\$1,100,568.00) for the CDBG program for 2021, and in the amount of Four Hundred Thirty-One Thousand Two Hundred Thirty-Three Dollars and 00/100 (\$431,233.00) for the HOME program for 2021; and

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and he is hereby authorized to sign and submit the Fiscal Year 2021 Annual Action Plan for Housing and Community Development and amendments thereto and all understandings and assurances contained therein, including grantee certifications to the U.S. Department of Housing and Urban Development, after review as to content and form by the Town Attorney; and

RESOLVED, that upon approval of said Annual Action Plan, the Supervisor be and he is authorized to enter into and execute a funding approval/ grant agreement with the U.S. Department of Housing and Urban Development for such financial assistance to the Town of Babylon; and

RESOLVED, that the Town Board adopt the Town of Babylon 2021 Annual Action Plan; and

RESOLVED, that the aforementioned grant agreement application is subject to the approval of the Town Attorney as to form and content.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 190 MARCH 24, 2021
ADOPTING AMENDMENTS CHAPTER 3, ARTICLE II, SECTION 3-4 OF THE TOWN
OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES

The following resolution was offered by Councilman Gregory
and seconded by Councilman McSweeney

WHEREAS, the Town Board of the Town of Babylon having duly called and held a
Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on
the 17th day of March, 2020 at 3:30 p.m. prevailing time, upon the question amending Chapter 3,
Article II, Section 3-4 of the Town of Babylon Uniform Code of Traffic Ordinances

RESOLVED AND ORDAINED that the amendments to the Uniform Code of Traffic
Ordinances, as set forth herein as Exhibit “A”, be and the same are hereby adopted effective
immediately; and be it further

RESOLVED AND ORDAINED that the Director of Traffic Safety be authorized and
directed to install, erect, remove or replace such signs or other traffic safety devices as may be
required by these amendments or by the New York State Vehicle and Traffic Law.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

EXHIBIT “A”
Chapter 3, Article II, Section 3-4
[Parking, Standing, and Stopping Restrictions Designated]

Delete from Schedule K:

<u>Name of Street/Side</u> <u>Location</u>	<u>Hamlet</u>	<u>Regulation</u>	<u>Hours/</u> <u>Days</u>
Parliament Place/West Side From a point 112 feet +/- North of Mohawk Drive North for 53 feet +/- (To School Property)	NB	No Stopping	8:00 a.m. to 9:00 a.m. 2:30p.m.to 3:30 p.m. / School Days
Parliament Place/East Side In front of house number 89 For the property frontage of 62 feet +/- (Next to School Property)	NB	No Stopping	8:00 a.m. to 9:00 a.m. 2:30p.m.to 3:30 p.m. / School Days

ADD to Schedule K:

<u>Name of Street/Side Location</u>	<u>Hamlet</u>	<u>Regulation</u>	<u>Hours/ Days</u>
Parliament Place/West Side From a point 112 feet +/- North of Mohawk Drive North for 53 feet +/- (To School Property)	NB	No Stopping	8:00 a.m. to 9:30 a.m. 2:30p.m.to 4:00 p.m. / School Days
Parliament Place/East Side In front of house number 89 For the property frontage of 62 feet +/- (Next to School Property)	NB	No Stopping	8:00 a.m. to 9:30 a.m. 2:30p.m.to 4:00 p.m. / School Days

**RESOLUTION NO. 191 MARCH 24, 2021
ADOPTING RESOLUTION TO LIFT TOWN BOARD COVENANT AND
RESTRICTIONS FOR PLANNING JOB# 20-07ADIN**

The following resolution was offered by Councilman McSweeney
and seconded by Councilman Manetta

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing was held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 17th day of March, 2021 at 3:30 p.m., prevailing time, on lifting covenants and restrictions imposed by the Town Board by resolution No.308 of 1992 and amended by resolution No.584 of 1996 for the property at SCTM No#: 0100-165-01-32, further described on Schedule A attached hereto. The applicant requested relief of these imposed covenants and restrictions in connection with the redevelopment of the property for a new gas station and convenience store. And be it;

RESOLVED, that a more detailed diagram of the property which is affected by the petition is on file in the office of the Department of Planning and Development and may be examined during regular office hours by any interested person, and be it further

RESOLVED, that covenants and restrictions imposed by the Town Board by resolution No.308 of 1992 and amended by resolution No.584 of 1996 for the property at SCTM No#: 0100-165-01-32, further described on Schedule A, for planning job# 20-07ADIN are hereby lifted.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Manetta	Voting	Yea
Councilman Martinez	Voting	Yea
Councilman McSweeney	Voting	Yea
Councilman Gregory	Voting	Abstain
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

SCHEDULE A

ALL THAT A CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ELECTED, SITUATE, LYING AND BEING IN NORTH AMITYVILLE, TOWN OF BABYLON, COUNTY OF SUFFOLK, STATE OF NEW YORK, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF BENTLEY ROAD (50' WIDE) AT THE SOUTHERLY END OF AN ARC CONNECTING SAID NORTHERLY SIDE OF BENTLEY ROAD WITH THE WESTERLY SIDE OF BROADWAY (VARIABLE WIDTH ROW) AND FROM SAID BEGINNING POINT RUNNING, THENCE:

1. ALONG SAID NORTHERLY SIDE OF BENTLEY RD., NORTH 70° – 07 MINUTES-102 WEST, A DISTANCE OF 103.24 FEET TO THE POINT OF CURVATURE, THENCE;
2. NORTH WESTERLY AND STILL ALONGSIDE NORTHERLY SIDE OF BENTLEY ROAD, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 242.85 FEET, IN ARC DISTANCE OF 46.76 FEET TO A POINT, THENCE;
3. NORTH 08 DEGREES -06 MINUTES AND 16 SECONDS EAST, A DISTANCE OF 179.03 FEET TO A POINT ON THE SOUTHERLY SIDE OF LANDS N/F THE STATE OF NEW YORK, THENCE;
4. ALONG SAID LANDS, SOUTH 72 DEGREES -05 MINUTES – 20 SECONDS EAST, A DISTANCE OF 127.77 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY SIDE OF BROADWAY, THENCE;
5. ALONG SAID WESTERLY SIDE OF BROADWAY, SOUTH 06 DEGREES – 20 MINUTES-2 SECONDS EAST, A DISTANCE OF 173.12 FEET TO A POINT OF CURVATURE ON THE NORTHERLY SIDE OF THE AFOREMENTIONED ARC, THENCE;
6. ALONG SET ARC IN A SOUTHWESTERLY DIRECTION, ALONG THE CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, AN ARC DISTANCE OF 40.57 FEET TO THE POINT AND PLACE OF BEGINNING.

RESOLUTION NO. 192 MARCH 24, 2021
SCHEDULING A PUBLIC HEARING REGARDING WATER SYSTEM
IMPROVEMENTS FOR THE OAK BEACH COMMUNITY WATER SYSTEM
PURSUANT TO TOWN LAW ARTICLE 12-C

The following resolution was offered by Councilman Gregory

and seconded by Councilman McSweeney

WHEREAS, a plan, report and map has been duly prepared in such manner and in such detail as heretofore has been determined by the Town Board of the Town of Babylon, New York (the "Town"), relating to the creation and construction, pursuant to Town Law Article 12-C of water system improvements to be known and identified as the Oak Beach Community Water System Improvement (the "Improvement"), to provide such water improvement including extensions, to the present Town water improvement, such water system improvement to be constructed and owned by the Town, and

WHEREAS, said map identifies parcels to be included within the Oak Beach Water System denoted Dougherty System, McCarren system and McCrodden system and parcels which are not included within the Oak Beach system but are eligible to be added to the Oak Beach Water System at the lease owners request due to their proximate location to the infrastructure comprising the Oak Beach Water system denoted Eligible Parcels; and

WHEREAS, said plan and report have been prepared by H2M Architects + Engineers a competent engineering firm duly licensed by the State of New York and have been filed as a permanent record in the vault of the Town Clerk where they are available for public inspection; and

WHEREAS, said map has been prepared by the Town of Babylon, and stamped by David Bligh, PE, a competent engineer duly licensed by the State of New York and have been filed as a permanent record in the vault of the Town Clerk where they are available for public inspection; and

WHEREAS, the proposed Improvement consists of the water improvements set forth

below, and in the areas of the Town as set forth below, and as more particularly shown and described in said map, plan and report presently on file as a permanent record in the vault of the Town Clerk:

WHEREAS, construction of a new well, distribution system and a new centralized treatment and water storage building approximately +/- 2000 square feet from where treated water would be conveyed via a new distribution system comprised of approximately 6500 linear feet of 4 inch blue water main terminating at a water meter for each home in the assessment area; and

WHEREAS, the maximum proposed to be expended by the Town for the aforesaid improvement is \$8,800,000. The proposed method of financing to be employed by said Town consists of expenditure of current revenues of the Town and the issuance of general obligation bonds of the Town and the apportionment of costs of said improvements partly through a levy of taxes upon all of the property in the benefited area and partly through a levy of taxes upon the area of the Town outside of villages in each case without limit of rate or amount.

WHEREAS, the Town Board desires to call a public hearing for the purpose of considering said plan, report and map and the providing of the Improvement, and to hear all persons interested in the subject thereof, all in accordance with the provisions of [Town Law § 209-q](#);

NOW, THEREFORE, IT IS HEREBY ORDERED, by the Town Board as follows:

Section 1. A public hearing will be held on the 14th day of April, 2021 at 3:30 p.m., prevailing time, at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, or held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P> provided Governor Cuomo extends Executive Order 202.1 regarding the “Open Meetings Law”, authorizing public meetings to be held remotely by conference call or

similar service (If you wish to address the board at the public hearing, visit townofbabylon.com and click on the “How Do I...” link, and then “Participate in a Public Hearing” to order to participate), to consider the aforesaid plan, report and map and the question of providing of the Improvement and to hear all persons interested in the subject thereof and concerning the same and to take such action thereon as is required by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in an official newspaper of the Town, and also to post a copy thereof on the Town signboard maintained by the Clerk, not less than ten nor more than twenty days before the day designated for the hearing as aforesaid, all in accordance with the provisions of [Town Law § 209-q](#).

Section 3. This order shall take effect immediately.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.