

**TABLED AGENDA
TOWN BOARD MEETING
NOVEMBER 18, 2020**

446-2019 TOWN BOARD ENVIRONMENTAL DETERMINATION ON THE PLANNING BOARD JOB #17-04E OF GUSTAVE J. WADE, CAROL E. WADE, GUSTAVE J. WADE FAMILY 2012 IRREVOCABLE TRUST AND COLONIAL SPRINGS FARMS, LLC PREMISES AT SCTM NOS.: 0100-13-02-39.20 TO 39.49 AND PART OF 0100-13-02-51 AND 0100-13-02-39.1 TO 39.19, 0100-11-01-6.1 TO 6.7 (REMAINDER OF EXISTING SUBDIVISION) AND ADOPTION OF ENVIRONMENTAL FINDINGS

447-2019. GRANTING THE REZONING APPLICATION OF GUSTAVE J. WADE, CAROL E. WADE, GUSTAVE J. WADE FAMILY 2012 IRREVOCABLE TRUST AND COLONIAL SPRINGS FARMS, LLC FOR THE PREMISES LOCATED AT SCTM NOS. 0100-013.000-02.00-039.020 TO 039.049 AND PART OF LOT 039.051, PLANNING BOARD JOB #17-04ADE

**RESOLUTION NO. 446-2019 NOVEMBER 18, 2020
TOWN BOARD ENVIRONMENTAL DETERMINATION ON THE PLANNING BOARD
JOB #17-04E OF GUSTAVE J. WADE, CAROL E. WADE, GUSTAVE J. WADE FAMILY
2012 IRREVOCABLE TRUST AND COLONIAL SPRINGS FARMS, LLC PREMISES AT
SCTM NOS.: 0100-13-02-39.20 TO 39.49 AND PART OF 0100-13-02-51 AND
0100-13-02-39.1 TO 39.19, 0100-11-01-6.1 TO 6.7 (REMAINDER OF EXISTING
SUBDIVISION) AND ADOPTION OF ENVIRONMENTAL FINDINGS**

The following resolution was **WITHDRAWN** by Supervisor Schaffer and seconded by Councilman Gregory

WHEREAS, Gustave J. Wade, Carol E. Wade, Gustave J. Wade Family 2012 Irrevocable Trust and Colonial Springs Farms, LLC. (the “Petitioner”) has heretofore petitioned the Town Board of the Town of Babylon for a change of zone of certain property which is located on the n/e/c/o Colonial Springs Rd. & N. 28th St., Wheatley Heights; and

WHEREAS, the proposal involves a change of zone from A Residence District to Multiple Residence District (MR) and construction of 264 multiple residence rental units and a 6,475 square foot community building upon a 16.09-acre portion of the site. In addition, relief of certain covenants and restrictions imposed on the subject site proposed for development will be necessary. The northerly portion of the premises (i.e. the remaining 15.87 acres) may be developed with single family homes pursuant to a previously approved and filed subdivision map known as Willoughby Commons. A connection to the Wyandanch Sewer Infrastructure utilizing a pump station and force main is proposed for wastewater disposal. The proposal may also include a future subdivision or road abandonment; and

WHEREAS, the Town Board of the Town of Babylon has classified the proposal as a Type I Action and a full coordinated review was conducted that included all Involved Agencies, Interested Agencies and Interested Organizations in accordance with Section 114-6B.2(a) and (3) the Town of Babylon Environmental Quality Review Act (TOBEQRA); and

WHEREAS, the Town Board of the Town of Babylon declared itself Lead Agency for the proposal by Petitioners in accordance with the TOBEQRA 114-6B.2(a) and (3); and adopted a Positive Declaration to require a Draft Supplemental Environmental Impact Statement (DSEIS) on April 26, 2017; and

WHEREAS, the Town Board of the Town of Babylon accepted the DSEIS on May 17, 2017 by Town Board Resolution No. 411 and conducted a SEQRA Public Hearing on the subject application on June 14, 2017 at 6:00 PM at the Babylon Town Hall Board Room, 200 E. Sunrise Highway, Lindenhurst, NY; and

WHEREAS, the Town Board of the Town of Babylon accepted verbal and written comments at the June 14, 2017 SEQRA Public Hearing and written comments were accepted by the Lead Agency until June 26, 2017; and

WHEREAS, the Town Board of the Town of Babylon accepted the Final Supplemental Environmental Impact Statement (FSEIS) for public review on November 14, 2018 and circulated the FSEIS to all Involved and Interested Agencies and Interested Organizations to consider the document; and

WHEREAS, the proposed action was the subject of a comprehensive, exhaustive SEQRA review; and

WHEREAS, the Town Board of the Town of Babylon, as Lead Agency for the proposal, has adequately addressed and considered all of the relevant public and agency comments raised on the DSEIS and FSEIS in accordance with SEQRA; and

WHEREAS, the Town Board of the Town of Babylon, as Lead Agency, has determined that the environmental analysis prepared through the DSEIS and FSEIS will provide sufficient information to make a reasoned decision on the project that is consistent with the requirements of Section 617.11 State Environmental Quality Review (SEQR); and

WHEREAS, potential adverse environmental impacts are minimized or avoided by the proposed Action to the greatest extent practicable as determined by the Lead Agency, the Town Board of the Town of Babylon; and

WHEREAS, the Town Board of the Town of Babylon, as Lead Agency, has carefully considered the proposed action analyzed in the relevant DSEIS and FSEIS review in accordance with the requirements of SEQRA and TOBEQRA and determined the following: See Findings Exhibit “A”, Gustave J. Wade, Carol E. Wade, Gustave J. Wade Family 2012 Irrevocable Trust and Colonial Springs Farms, LLC. Environmental Findings; and

WHEREAS, the Town Board of the Town of Babylon has considered the relevant environmental impacts, facts and conclusions disclosed in the DSEIS, FSEIS for the proposal; and

WHEREAS, the Town Board of the Town of Babylon has weighed and balanced relevant environmental impacts with social, economic and other considerations; and

WHEREAS, Exhibit A has further identified the rationale for the Town Board of the Town of Babylon’s decision; and

WHEREAS, the Town Board of the Town of Babylon hereby certifies that the requirements of Chapter 114 of the Code of the Town of Babylon have been met;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon hereby certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action by Gustave J. Wade, Carol E. Wade, Gustave J. Wade Family 2012 Irrevocable Trust and Colonial Springs Farms, LLC.is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable as required by the SEQRA AND TOBEQRA.

The resolution was thereupon declared duly **WITHDRAWN**.

RESOLUTION NO. 447 NOVEMBER 18, 2020
GRANTING THE REZONING APPLICATION OF GUSTAVE J. WADE, CAROL E. WADE, GUSTAVE J. WADE FAMILY 2012 IRREVOCABLE TRUST AND COLONIAL SPRINGS FARMS, LLC FOR THE PREMISES LOCATED AT SCTM NOS. 0100-013.000-02.00-039.020 TO 039.049 AND PART OF LOT 039.051, PLANNING BOARD JOB #17-04ADE;

The following resolution was **WITHDRAWN** by Supervisor Schaffer and seconded by Councilman Gregory

WHEREAS, GUSTAVE J. WADE, CAROL E. WADE, GUSTAVE J. WADE FAMILY 2012 IRREVOCABLE TRUST AND COLONIAL SPRINGS FARMS, LLC, (collectively the "Petitioner") has heretofore petitioned this Board for a change of zone of the properties identified by SCTM Nos. 0100-013.000-02.00-039.020 TO 039.049 AND PART OF LOT 039.051, further described on Schedule A attached hereto, located in the SC016 School District, from A Residence District to MR Multiple Residence District, in order to construct 264 rental units of which 228 will contain one (1) bedroom and 36 will contain two (2) bedrooms, a 6,475 sq. ft. community building, a 228 sq. ft. pump station, two 750 sq. ft. entrance booths and an outdoor recreation area with a 25 x 45 pool along with associated site improvements; and

WHEREAS, a public hearing was held on said petition on June 14th, 2017; and

WHEREAS, the Town Board of the Town of Babylon has classified the proposal as a Type I Action and a full coordinated review was conducted that included all Involved Agencies, Interested Agencies and Interested Organizations in accordance with Section 114-6B.2(a) and (3) the Town of Babylon Environmental Quality Review Act (TOBEQRA), a full environmental impact statement review was conducted pursuant to SEQRA and in accordance with that review the Town Board of the Town of Babylon has made a determination that the requirements of Chapter 114 of the Code of the Town of Babylon Town of Babylon Environmental Quality Review Act have been met and that the proposed project is consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects disclosed in the relevant environmental impact statement. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable pursuant to the adopted Environmental Findings in Resolution No. 446 of June 15, 2019; and

WHEREAS, this proposed change of zone conforms to the Town of Babylon Comprehensive Plan,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the application of the "Petitioner" for a change of zone of a certain property which is located at SCTM No. 0100-013.000-02.00-039.020 TO 039.049 AND PART OF LOT 039.051, further described on Schedule A attached hereto, located in the SC016 School District, from A Residence District to MR Multiple Residence District be and the same hereby is granted, and further that the Zone Map of the Town

of Babylon be and the same hereby shall be amended to reflect the zone change subject to the following conditions:

1. Subject to final site plan approval from the Planning Board.
2. Subject to Zoning Board of Appeals approval for associated variances.
3. Subject to providing a plan for the sewer connection to the Wyandanch Sewer infrastructure. Provide the following details:
 - a. Description of type of system including location of pump station, force main diameter and design flow.
 - b. Service area, i.e. any other developments to be connected.
 - c. Route of system and proposed connection point at Wyandanch Sewer infrastructure.
4. Owner/applicant shall comply with the Town of Babylon Stormwater Code (Chapter 189).
5. Mitigation measures required in connection with the site development are as follows:
 - a. Fugitive dust generation shall be controlled by appropriate means such as watering.
 - b. Erosion control shall be utilized during construction.
 - c. A rodent control plan will be implemented prior to construction in order to remove rodent populations from the site. Additionally, the adjacent landowners will be notified prior to the commencement of construction.
 - d. Construction will be conducted between the hours of 7am and 8pm on weekdays and between the hours of 9am and 4pm on Saturdays. No exterior construction will be permitted on Sundays, only interior construction 9am and 4pm. Construction activities on the site shall be in strict conformance with Chapter 156-9D of the Noise Code of the Town of Babylon.
 - e. During construction, owner/applicant is responsible to sweep access streets and keep the roadways free of dirt and mud.
6. Applicant/owner must obtain Energy Star Certification for each unit, as per Town Code Chapter 89, Article VI, §89-79.
7. Sewer district and water-saving plumbing fixtures must be utilized.
8. Fire and smoke detection systems and carbon monoxide detectors should be installed in accordance with NFPA 72.
9. Audio/visual notifications for all alarms to be installed in all units.
10. Address number, building number or approved building identification to be placed in a position visible from the street.
11. Subject to Highway and Engineering requirements.
12. Owner to contribute to the fund for the installation and maintenance of emergency vehicle optical pre-emption equipment on traffic signals in the area. Estimated cost to be \$1,500.00.
13. All on site signage shall conform to the Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD) specifications for both highway and on-site traffic controls and must conform to the federal MUTCD and the NYS Supplement to the manual of Uniform Traffic Control Devices. All signs must be fabricated using high-intensity retro-reflective sheeting.
14. The applicant shall be required to pay a fee of \$2,245.00 for the ordinance, fabrication and installation of three (3) stop signs, two (2) "One Way, Do Not Enter" signs assemblies and four (4) "No Left Turn" symbol signs.
15. The location of all HVAC, air handlers' transformers and RPZ shall be approved by the Town of Babylon Planning Department prior to installation.
16. Subject to the proposed development connecting to the Southwest Sewer District.

17. Subject to SWPPP approval.
18. As a minimum measure to reduce noise levels, applicant/owner to install sound insulation panels around all air-conditioning units, chillers, refrigeration units and sound insulation blankets around all air-handling units if required by the Town.
19. During construction, owner/applicant is responsible to sweep access streets and keep the roadways free of dirt and mud.
20. The location of new transformers and water service devices shall be approved by the Town of Babylon Planning Department prior to installation and shall not be located adjacent to any roadways.
21. Subject to the requirements of Highway, Engineering, and the Fire Marshall.
22. Subject to the applicant providing funding in the amount of \$20,000 for local community benefits/improvements to be disbursed as follows: \$5,000 to the Wyandanch Fire Department; \$5,000 to the Wheatley Heights Ambulance Corps; \$5,000 to the Wheatley Heights Taxpayers Civic Association (to provide \$1,000 scholarships to 5 individuals); and \$5,000 to the Wheatley Heights Football League "The Chiefs." In the event any one or more of the groups described above no longer exist, that share of the funding amount shall be distributed evenly among the remaining groups.
23. Subject to the applicant installing lighting on the south side of Colonial Springs Road from Conklin Street to North 27th Street.
24. Subject to the applicant installing sidewalk on the south side of Colonial Springs Road from Conklin Street to North 27th Street.
25. Subject to the dedication of 10 feet of land along the east side of 28th Street and the north side of Colonial Spring Road for a distance of 40 feet in the northerly and easterly direction from the corner of North 28th Street and Colonial Springs Road.
26. Subject to the applicant, installing two Radar Driver Feedback signs and any associated thermal striping along Colonial Springs Road at locations to be determined by the Town of Babylon Planning Department, subject to approval of the Town of Babylon Division of Traffic Safety.
27. Subject to the applicant constructing a bypass lane on the project site at the southwest guard booth.
28. Subject to the applicant installing four inverted "U" bicycle racks on the project site at locations to be determined by the Town of Babylon Planning Department.
29. Subject to the applicant's submittal of and the Suffolk County Department of Health Services acceptance of a Soil Management Plan (SMP).
30. Subject to any New York State Department of Environmental Conservation permits as may be required.
31. Subject to Suffolk County Department of Health Services requirements (including those applicable for deep recharge zones) for any regulated materials storage.

RESOLVED, that the aforementioned change of zone shall not be effective until there has been filed with the County Clerk of Suffolk County the following Covenants and Restrictions to run with the land, subject to the approval of the Town Attorney:

1. No further development of the site without Planning Board approval.
2. The development shall comply with all federal, state and local fair housing and ADA requirements.
3. Twenty percent (53) units shall be designated as work force/affordable housing. Units to be scattered equally throughout the site. Affordable/workforce units shall be equally distributed throughout the site. Affordable/workforce units shall be targeted to qualified households making 80% or less than the Suffolk County HUD income limits, which are updated annually. A recognized affordable housing provider shall be

- engaged by the owner/applicant to oversee the affordable component. Proof of such engagement shall be provided to the Planning Department.
4. The applicant/owner shall maintain the Town of Babylon recharge basin as per the approved site plan.
 5. Owner/applicant shall comply with all NYS regulations for handicapped accessibility including but not limited to handicapped ramps and handicapped parking spaces.
 6. The buildings shall have a fully automatic fire sprinkler system installed pursuant to NFPA 13 and Section 213-235 of the Town Zoning Code and as required by the Fire Marshal.
 7. All site lighting to be contained on site and must conform to dark-sky lighting regulations.
 8. The owner/developer is responsible for maintaining all site development improvements including, but not limited to the following: fire and smoke detection system, automatic fire sprinkler system, building, drainage, curbs, sidewalks, fencing, asphalt, landscaping, etc.
 9. All buildings, structures, signs, fences and landscaping shall be maintained in accordance with all applicable codes and ordinances of the Town of Babylon, and violations thereof may be prosecuted and enforced in the same manner as provided therein.
 10. All units to have central air conditioning or through the wall air-conditioning units, no window units to be permitted.
 11. The use of inorganic fertilizers, pesticides and herbicides shall be minimized as standard operating procedure for the landscape maintenance of the site.
 12. SWPPP maintenance access in accordance with Section 189-8 of the Code of the Town of Babylon. The Town of Babylon shall be provided with access to the stormwater infrastructure at reasonable times for periodic inspection by the Town of Babylon and its officers to ensure that the infrastructure is maintained in proper working condition to meet design standards and any other provisions established by Chapter 189. This agreement shall be binding on all subsequent landowners.
 13. SWPPP maintenance after construction in accordance with Section 189-8 of the Code of the Town of Babylon. Stormwater management practices installed in accordance with Chapter 189 shall be operated and maintained to ensure that the goals of Chapter 189 are fully achieved. Proper operation and maintenance includes, at minimum, the following:
 - a. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of Chapter 189. A written record of stormwater management system maintenance activities shall be established and maintained on site and be available for review by the Town of Babylon upon request.
 - b. Written procedures for operation and maintenance and training new maintenance personnel shall be prepared and maintained on site and will be available for review by the Town of Babylon upon request.
 - c. Discharges from the SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with § 189-8B of the Code of the Town of Babylon.
 14. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator. Routine maintenance of the storm water infrastructure on the site will include the following:

- a. Monitoring of the drainage inlets (catch basins) will be completed routinely, particularly after large storm events and must be kept free from obstruction by leaves trash and other debris.
 - b. Drainage grates must be kept free from obstruction by leaves, trash and other debris.
 - c. Drainage structures shall be inspected annually to determine if sediment removal is necessary to ensure that the drainage structures are properly functioning and that they permit adequate conveyance throughout the system. If applicable, the manufacturer's specifications for maintenance procedures and frequency must be strictly followed.
 - d. The drainage structures must be routinely monitored for the removal of surface sediment and trash.
 - e. Street sweeping of the parking areas shall be conducted at least four times annually to remove sediment that may impact the drainage infrastructure and additionally, as necessary due to storm events.
 - f. The grounds and parking area shall be inspected for litter monthly and any litter shall be removed as necessary
15. The proposed project would include 54 affordable units, or 20.5 percent of the total 264 units. In addition, the proposed project would set aside 10 of the 54 affordable units for post 9-11 combat veterans, subject to compliance with applicable fair housing regulations and specific program terms. The selection criteria for the 10 veterans' units shall be determined by a Town of Babylon-designated agency or individual.

BE IT FURTHER RESOLVED, that in case of any violation or attempted violation of any of the covenants by the owners or their lessees and failure of the owners to remedy any such violation within thirty (30) days after written notice by the Town, the Town shall have the right, on its own motion and after notice, to rescind said change of zone and the subject premises shall revert from MR Multiple Residence District to A Residence District, and be it further

RESOLVED, that if the owners hereto, or any of them, their lessees, their heirs, successors, or assignees shall violate or attempt to violate any of the covenants or conditions required by the granting of this permit, it shall be lawful for the Town of Babylon to prosecute any proceedings at law or in equity, including but not limited to enforcement by way of injunctive relief; any remedies chosen by the Town Board to enforce any covenant, restriction or condition herein shall be cumulative and at the discretion of the Town Board as to how best to enforce such covenant, restriction or condition; the election of one method of enforcement shall not constitute a bar to electing any other method of enforcement permitted by law; and be it further,

RESOLVED, that the Town Clerk of the Town of Babylon be and hereby is authorized to publish a notice of said change of zone in one of the official newspapers of the Town of Babylon.

The resolution was thereupon declared duly **WITHDRAWN**.

SCHEDULE A

All that certain, piece or parcel of land situate, lying, and being at Wheatley Heights, in the Town of Babylon, County of Suffolk, and State of New York, being more particularly bound and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Colonial Springs Rd and the easterly side of North 28th Street, and from said point or place of Beginning;

Running thence northerly along the easterly side of North 28th Street North 7° 58' 00" West 279.08 feet to the land now or formerly of the Federation of Jewish Philanthropies,

Running thence northeasterly, along said Federation of Jewish Philanthropies land North 34° 25' 37" East 538.19 feet to the land now or formerly of the Town of Babylon,

Running thence along land now or formerly of the Town of Babylon, northeasterly, easterly, northerly and easterly the following four courses and distances,

1. North 48° 59' 37" East 264.64 feet to a point,
2. North 82° 02' 00" East 385.23 feet to a point,
3. North 7° 58' 00" West 40.00 feet to a point,
4. North 82° 02' 00" East 71.48 feet to point,

Running thence southerly South 7° 58' 00" East 13.05 feet to a point,

Running thence easterly the following four courses and distances,

1. North 82° 02' 00" East 127.14 feet to a point,
2. Along the arc of a curve, bearing to the left, having a radius of 38.00 feet, a distance of 24.92 feet
3. Along the arc of a curve, bearing to the right, having a radius of 42.00 feet, a distance of 8.12 feet
4. North 82° 02' 00" East 21.39 feet to the westerly side of North 23rd Street Running thence southerly along the westerly side of North 23rd Street, South 07° 58' 00" East 549.28 feet to a point,

Running thence westerly South 82° 02' 00" West 450.00 feet to a point,

Running thence southerly South 7° 58' 00" East 226.78 feet to a point

Running thence westerly, South 82° 02' 00" West 520.00 feet to the point,

Running thence southerly South 7° 58' 00" East 208.47 feet to the northerly side of Colonial Springs Road,

Running thence westerly along the northerly side of Colonial Springs Road North 71 ° 30'

48" West 279.24 feet to the easterly side of North 28th Street, to the point or place of BEGINNING.

Containing therein 700,969.35 Sq. Ft or 16.092 Acres

**TOWN BOARD MEETING
NOVEMBER 18, 2020
AGENDA**

- 716. ACCEPTING TOWN BOARD MINUTES
- 717. ACCEPTING THE CONTRACT WITH POLARIS ELECTRICAL CONSTRUCTION CORP. FOR BID NO. 19G4E, RENOVATIONS TO TOWN HALL ANNEX, PHASE D & E, ELECTRIC CONSTRUCTION AS COMPLETE & ACCEPTABLE
- 718. AUTHORIZING CHANGE ORDER NO. 2 IN THE CONTRACT WITH L.E.B. ELECTRIC, LTD FOR BID NO.20G32, FURNISH & INSTALL TOWER CLOCK, VERDIN OR EQUAL AT GREAT NECK ROAD & OAK STREET, COPIAUGE
- 719. AUTHORIZING A CREDIT, ACCEPTING THE CONTRACT WITH BID NO. 20G44, FURNISH & INSTALL SPORTS LIGHTING AT VENETIAN SHORES BASEBALL FIELD AS COMPLETE & ACCEPTABLE
- 720. AWARDING BID NO. 20G83 PAINT & PAINT SUPPLIES
- 721. AWARDING BID NO. 20G88 PRINTING & MAILING OF TAX BILLS, LETTERS & ENVELOPES
- 722. AWARDING BID NO. 20G90 POOL PUMP & ELECTRIC MOTOR REPAIR
- 723. AWARDING BID NO. 20G91 HYDRAULIC REPAIRS & SERVICE
- 724. AWARDING BID NO. 20G92 ALKYD THERMOPLASTIC PAVEMENT MARKINGS THERMODROP™ OR EQUAL
- 725. AUTHORIZING A CONTRACT WITH NELSON + POPE
- 726. AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF BABYLON AND RAPID ARMORED CORPORATION
- 727. AUTHORIZING THE RELEASE OF ENCUMBRANCES FOR VARIOUS CONTRACTS
- 728. AUTHORIZING THE TRANSFER OF RESIDUAL EQUITY FROM A CAPITAL PROJECT TO APPROPRIATED RESERVES
- 729. AUTHORIZING THE TOWN OF BABYLON TO ACCEPT THE FILING OF A REAL PROPERTY TAX EXEMPTION APPLICATION
- 730. AUTHORIZING THE LEVYING OF UNPAID COMMERCIAL AND RESIDENTIAL GARBAGE CHARGES, GREEN HOMES CHARGES AND EAST FARMINGDALE WATER DISTRICT CHARGES
- 731. AUTHORIZING REFUND OF PAYMENT
- 732. AUTHORIZING REFUND OF PAYMENT

733. AUTHORIZING RELEASE OF BOND
734. AUTHORIZING EMPLOYEE REIMBURSEMENT
735. AUTHORIZING 2020 BUDGET MODIFICATION
736. AUTHORIZING 2020 OPERATING TRANSFER
737. AUTHORIZING A 2ND SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2019 ANNUAL ACTION PLAN AND 2015-2019 CON PLAN; ADOPTING AND THE FILING OF THE COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS (CDBG-CV3) GRANT
738. ADOPTING A LOCAL LAW OF 2020 – TAX CAP OVERRIDE
739. ADOPTING ANNUAL BUDGET FOR THE TOWN OF BABYLON
740. SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 133 OF THE BABYLON TOWN CODE
741. SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 3, ARTICLE II, SECTION 3-4 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES
742. SCHEDULING A PUBLIC HEARING ON THE REZONING APPLICATION OF MR PROPERTY BUILDERS, LLC FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-173-02-006 LOCATED ON THE W/S/O ALBANY AVENUE, 318' S/O SCHLEIGEL BLVD, AMITYVILLE
743. AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR PATRICK HACKETT & TERESA SIMONE OUTER BEACH APPLICATION NO. 135888 SCTM #0100-243-1-211
744. AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR CARL A. CURCIO OUTER BEACH APPLICATION NO. 135695 SCTM #0100-243-1-93

**RESOLUTION NO. 716 NOVEMBER 18, 2020
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:

November 5, 2020

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 717 NOVEMBER 18, 2020
ACCEPTING THE CONTRACT WITH
POLARIS ELECTRICAL CONSTRUCTION CORP. FOR BID NO. 19G4E,
RENOVATIONS TO TOWN HALL ANNEX, PHASE D & E,
ELECTRIC CONSTRUCTION AS COMPLETE & ACCEPTABLE

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

WHEREAS, Bid No. 19G4E, Renovations to Town Hall Annex, Phase D & E, Electrical Construction, was awarded to Polaris Electrical Construction Corp. pursuant to Resolution No. 211 of March 13, 2019, for a total contract amount of THREE HUNDRED TWENTY-ONE THOUSAND, NINE HUNDRED NINETY-NINE DOLLARS (\$321,999.00) and,

WHEREAS, Change Order Nos.1 & 2 were approved pursuant to Resolution No. 511 of August 7, 2019, which resulted in no change to the contract amount, and

WHEREAS, Change Order No. 3 was approved pursuant to Resolution No.125 of January 29, 2020 increasing the contract to THREE HUNDRED TWENTY EIGHT THOUSAND, ONE HUNDRED ELEVEN DOLLARS AND 50/100 (\$328, 111.50), and

WHEREAS, the Commissioner of General Services, the Deputy Commissioner of Department of Public Works and BBS Architect has deemed all work performed by Polaris Electrical Construction Corp. pursuant to Bid No. 19G4E as satisfactorily complete

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services, the Deputy Commissioner of the Department of Public Works and BBS Architects, all work performed by Polaris Electrical Construction Corp. pursuant to Bid No. 19G4E be and is hereby accepted as complete at a final contract price of THREE HUNDRED TWENTY EIGHT THOUSAND, ONE HUNDRED ELEVEN DOLLARS AND 50/100 (\$328, 111.50).

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 718 NOVEMBER 18, 2020
 AUTHORIZING CHANGE ORDER NO. 2 IN THE CONTRACT WITH
 L.E.B. ELECTRIC, LTD FOR
 BID NO.20G32, FURNISH & INSTALL TOWER CLOCK, VERDIN OR EQUAL AT
 GREAT NECK ROAD & OAK STREET, COPIAUGE**

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

WHEREAS, Bid No. 20G32, Furnish & Install Tower Clock, Verdin or Equal was awarded to L.E.B Electric, Ltd., pursuant to Resolution No. 413 of June 10, 2020 for a total contract amount of FIFTY-NINE THOUSAND, FIVE HUNDRED FORTY-ONE DOLLARS (\$59,541.00) and,

WHEREAS, Change Order No. 1 was approved pursuant to Resolution No. 521 of July 29, 2020 which resulted in no change to the contract amount

WHEREAS, the Change Order Committee convened on September 17, 2020 with the Chief of Staff, Town Attorney, the Commissioner of Planning & Development and the Commissioner of General Services in attendance to review Change Order No. 2, and

WHEREAS, the Change Order Review Committee recommend the approval of Change Order No.1 as follows:

Change Order No. 2 to retain the services of an artist to redraw the logo for the clock in a usable format	\$250.00
Credit to Contingency	(\$250.00)
TOTAL CHANGE ORDER NO.2	\$0

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Change Order Review Committee, the Supervisor be and he is hereby authorized to execute Change Order No.2 which has resulted in no change to the contract amount of FIFTY NINE THOUSAND, FIVE HUNDRED FORTY ONE DOLLARS (\$59,541.00).

VOTES: 5 YEAS: 5 NAYS: 0
 The resolution was thereupon declared duly adopted.

RESOLUTION NO. 719 NOVEMBER 18, 2020
AUTHORIZING A CREDIT
ACCEPTING THE CONTRACT WITH BID NO. 20G44, FURNISH & INSTALL SPORTS
LIGHTING AT VENETIAN SHORES BASEBALL FIELD
AS COMPLETE & ACCEPTABLE

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

WHEREAS, Bid No. 20G44, Furnish & Install Sports Lighting at Venetian Shores
Baseball Field, was awarded to Haughland Energy Group, LLC. pursuant to Resolution No. 409 of
June 10, 2020, for a total contract amount of THREE HUNDRED FIFTY-THREE THOUSAND,
SEVEN HUNDRED DOLLARS (\$353,700.00) and,

WHEREAS, a credit from Haughland Energy Group, LLC is due for unused contingency in the
amount TWENTY-FIVE THOUSAND DOLLARS (-\$25,000.00), and

WHEREAS, the Commissioner of General Services, the Commissioner of the
Department of Public Works and Nelson + Pope Architects have deemed all work performed
Haughland Energy Group, LLC pursuant to Bid No. 20G44 as satisfactorily complete

NOW, THEREFORE, be it

RESOLVED, that the credit from Haughland Energy Group, LLC be and is hereby
accepted in the amount of TWENTY-FIVE THOUSAND DOLLARS (-\$25,000.00), and be it
further

RESOLVED, that based upon the recommendations of the Commissioner of General
Services, the Commissioner of the Department of Public Works and Nelson + Pope Architects,
all work performed by Haughland Energy Group, LLC pursuant to Bid No. 20G44 be and is
hereby accepted as complete at a final contract price of THREE HUNDRED TWENTY EIGHT
THOUSAND, SEVEN HUNDRED DOLLARS (\$328,700.00)

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 720 NOVEMBER 18, 2020
AWARDING BID NO. 20G83
PAINT & PAINT SUPPLIES

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

WHEREAS, the following bids for Bid No. 20G83, Paint & Paint Supplies were received, opened and publicly read:

SPREADSHEET ON FILE IN DEPT. OF GENERAL SERVICES,

WHEREAS, the Commissioner of General Services and the Commissioner of the Department of Public Works recommend that Mercury Paint Corporation d/b/a Pollack Paint and Field be excluded from Bid No. 20G83 in its entirety as they have failed to comply with the requirements pursuant to Bid No. 20G83;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Commissioner of the Department of Public Works, that the bid submitted by Mercury Paint Corporation d/b/a Pollack Paint and Field be and is hereby excluded in its entirety as they have failed to comply with the requirements pursuant to Bid No. 20G83; and be it further

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Commissioner of the Department of Public Works and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 20G83 be and is hereby awarded to the overall low bidder, The Sherwin-Williams Company and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a contract with The Sherwin-Williams Company and that the form and content of said contract shall be subject to the approval of the Town Attorney, and be it further

RESOLVED, that said contracts may be extended for two (2) additional one (1) year periods at the discretion of the Commissioner of General Services

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 721 NOVEMBER 18, 2020
AWARDING BID NO. 20G88
PRINTING & MAILING OF TAX BILLS, LETTERS & ENVELOPES

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

WHEREAS, the following bids for Bid No. 20G88, Printing & Mailing of Tax Bills, letters and
Envelopes were received, opened and publicly read:

<u>BIDDER</u>	<u>BID PRICE</u>
Item No.1 Printing and Mailing of Tax Bills, letters & Envelopes for 2020/2021 Tax Season, Lump Sum	
Phoenix Business Products	\$11,092.00
Century Direct	\$14,975.00
Item No.2 Printing and Mailing of Tax Bills, letters & Envelopes for 2021/2022 and 2022/2023 Tax Seasons, Lump Sum	
Phoenix Business Products	\$17,822.00
Century Direct	\$23,150.00
Item No. 3 Printing of Brown Kraft Envelopes, Price per 25,000	
Phoenix Business Products	\$1,150.00
Century Direct	\$1,775.00
Item No. 4 Printing of Letterhead Window Envelopes, Price per 25,000	
Phoenix Business Products	\$1,080.00
Century Direct	\$1,950.00
Item No. 5 Printing of Letterhead Envelopes, Price per 25,000	
Phoenix Business Products	\$700.00
Century Direct	\$1,100.00

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services and
the Receiver of Taxes and upon their finding the aforementioned bids to be fair and reasonable, Bid No.
20G88 be and is hereby awarded to the low bidder, Phoenix Business Products and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a contract with
Phoenix Business Products and that the form and content of said contract shall be subject to the approval
of the Town Attorney, and be it further

RESOLVED, that said contract may be extended for two (2) additional one (1) year periods at the
discretion of the Commissioner of General Services.

VOTES: 5 YEAS: 5 NAYS: 0
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 722 NOVEMBER 18, 2020
AWARDING BID NO. 20G90
POOL PUMP & ELECTRIC MOTOR REPAIR

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

WHEREAS, the following bids for Bid No. 20G90 Pool Pump & Electric Motor Repair were received, opened and publicly read:

<u>VENDOR</u>	<u>ITEM</u>	<u>PRICE</u>
A & M Pump and Motor Repair Inc.		
Hourly Rate:		
Mechanic:	1. On-site	\$65.00
	2. Off-site	\$45.00
Overtime Hourly Rate (Saturdays, Sundays & Holidays)		
Mechanic:		
	3. On-site	\$96.00
	4. Off-site	\$65.00

PARTS 20% OVER COST

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Commissioner of DPW, and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 20G90 be and is hereby awarded to the sole bidder, A & M Pump and Motor Repair, Inc.; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute one (1) year contract with A & M Pump and Motor Repair, Inc. and that the form and content of said contract shall be subject to the approval of the Town Attorney; and be it further

RESOLVED, that said contract may be extended for two (2) additional one (1) year periods at the discretion of the Commissioner of General Services and the Commissioner of DPW.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 723 NOVEMBER 18, 2020
AWARDING BID NO. 20G91
HYDRAULIC REPAIRS & SERVICE

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

WHEREAS, the following bids for Bid No. 20G91, Hydraulic Repairs & Service was received, opened and publicly read:

<u>ITEM</u>	<u>Deer Park Hydraulic</u>
1. Shop labor: Regular hourly rate	\$25.00
2. Shop labor: ¼ hour regular rate	\$6.25
3. Shop labor: Overtime hourly rate	\$37.50
4. Shop labor: ¼ hour overtime rate	\$9.38
5. Road Repair labor: Regular hourly rate	\$25.00
6. Road Repair: ¼ hour regular rate	\$6.25
7. Road Repair: Overtime hourly rate	\$37.50
8. Road Repair: ¼ hour regular rate	\$6.25
9. Perform Bucket Truck Dielectric Test	\$150.00
Parts discount off price list	-55%
Parts mark-up over contractors cost	+10%

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Deputy Commissioner of Department of Public Works upon their finding the aforementioned bids fair and reasonable, Bid No. 20G91 be and is hereby awarded to the sole bidder, Deer Park Hydraulic; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a one (1) year contracts with Deer Park Hydraulic and that the form and content of said contract shall be subject to the approval of the Town Attorney; and be it further

RESOLVED, that said contracts may be extended for two (2) additional one (1) year periods at the discretion of the Commissioner of General Services.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 724 OF NOVEMBER 18, 2020
AWARDING BID NO. 20G92
ALKYD THERMOPLASTIC PAVEMENT MARKINGS
THERMODROP™ OR EQUAL

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

WHEREAS, the following bids for Bid No. 20G92 Alkyd Thermoplastic Pavement Markings Thermodrop™ or Equal was received, opened and publicly read:

<u>BIDDER</u>	<u>BID PRICES</u>
Ennis-Flint Inc.	
1. Alkyd thermoplastic pavement marking-Yellow	\$1,450.00 per ton
2. Alkyd thermoplastic pavement marking-White	\$1,450.00 per ton

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Commissioner of the Department of Public Works and upon their finding the aforementioned bids fair and reasonable, Bid No. 20G92 be and is hereby awarded to the sole bidder Ennis-Flint, Inc.

RESOLVED, that the Supervisor be and he is hereby authorized to execute a one (1) year contract with Ennis-Flint, Inc. and that the form and content of said contract shall be subject to the approval of the Town Attorney; and be it further

RESOLVED, that said contract may be extended for two (2) additional one (1) year periods at the discretion of the Commissioner of General Services.

VOTES: 5 YEAS: 5 NAYS: 0
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 725 NOVEMBER 18, 2020
AUTHORIZING A CONTRACT WITH
NELSON + POPE

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

WHEREAS, proposals for Topographic Survey & Mapping services at the Town Hall Annex in were solicited from the following firms:

Nelson + Pope	\$14,500.00
RLT Engineering, Geology & Land Surveying, P.C.	\$16,500.00

November 16, 2020 with the Chief of Staff, the Town Attorney, the Comptroller, the Commissioner of General Services and Commissioner of the Department of Public Works in attendance to review the aforementioned proposal; and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of a contract to Nelson & Pope for a total contract amount not to exceed FOURTEEN THOUSAND, FIVE HUNDRED (\$14,500.00) DOLLARS

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a contract to Nelson + Pope for a total contract amount not to exceed FOURTEEN THOUSAND, FIVE HUNDRED (\$14,500.00) DOLLARS subject to the approval of Town Attorney as to form and content.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 726 NOVEMBER 18, 2020
AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE
TOWN OF BABYLON AND RAPID ARMORED CORPORATION

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 Supervisor be and is hereby authorized, but not mandated, to execute an Agreement between the Town of Babylon and Rapid Armored Corporation for armed courier service; and be it further

RESOLVED, that said agreement 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. 727 NOVEMBER 18, 2020
AUTHORIZING THE RELEASE OF ENCUMBRANCES FOR VARIOUS CONTRACTS

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

WHEREAS, the Town Board has awarded certain contracts for various projects throughout
the Town of Babylon, and

WHEREAS, said work and/or services were never performed or services have been
completed and the funding for said projects remains encumbered, and

WHEREAS, the Commissioner of General Services and the Comptroller recommend that
certain contracts be deemed null and void and/or complete and any remaining funding be
unencumbered

NOW, THEREFORE, be it

RESOLVED, that the contracts listed below be deemed as null and void and/or complete
and all funding be released and reallocated:

<u>CONTRACTOR NAME</u>	<u>RESOLUTION NO.</u>	<u>AMOUNT</u>
Cameron Engineering & Assocs. LLP	363 of 4/12/17	\$13,812.50

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.

RESOLUTION NO. 728 NOVEMBER 18, 2020
AUTHORIZING THE TRANSFER OF RESIDUAL EQUITY FROM A CAPITAL
PROJECT TO APPROPRIATED RESERVES

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

WHEREAS, The Town of Babylon has bonded for a capital project namely, Abatement and Flooring at the Old Town Hall Complex (the “Project”) approved by Town Board Resolution No.116 of January 15, 2020; and

WHEREAS, the Project has unused funding allocated totaling \$67,289.34 against which no contract or encumbrance exists; and

WHEREAS, the Comptroller recommends to the Town Board that the unused portion be transferred to the General Fund for the retirement of debt.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon, upon the recommendation of the Comptroller, does hereby order the transfer of funding in the amount of \$67,289.34 from the Flooring at the Old Town Hall Complex project to the General Fund.

RESOLVED, that the Office of the Town Comptroller is authorized to make all necessary accounting entries and cash movements to ensure this transfer, and shall have authority to sign documents necessary to complete this transaction for the above noted amount.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 729 NOVEMBER 18, 2020
AUTHORIZING THE TOWN OF BABYLON TO ACCEPT THE
FILING OF A REAL PROPERTY TAX EXEMPTION APPLICATION

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, pursuant to authority granted by the New York State Legislature authorizing certain real property tax exemptions, the following organizations are authorized to file real property tax exemption applications, pursuant to Real Property Tax Law §420-a:

<u>ORGANIZATION AND SCTM#</u>	<u>TAX YEARS</u>
Church of God of Prophecy of NY holding Corp. SCTM#100-216-4-25&26	2017/2018
Ahmadiyya Movement in Islam, Inc. SCTM #101-5-3-19	2018/2019

and be it further

RESOLVED, that the Assessor is also authorized to grant exemption from all taxation and conveyed taxes, fines, penalties and interest remaining unpaid.

VOTES: 5 YEAS: 5 NAYS: 0
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 730 NOVEMBER 18, 2020
AUTHORIZING THE LEVYING OF UNPAID COMMERCIAL AND RESIDENTIAL
GARBAGE CHARGES, GREEN HOMES CHARGES AND EAST FARMINGDALE
WATER DISTRICT CHARGES

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

WHEREAS, there has been transmitted by the Town Clerk to the Babylon Town Board the statement required by Town Law Sections 198(9)(c) and (d) and 198(3), showing unpaid refuse and garbage charges and unpaid water charges as set forth in Schedule "A" on file with the Town Clerk's Office;

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the Supervisor be and he is hereby authorized to transmit such statement to the Legislature of the County of Suffolk which shall levy such sums against the property liable, and shall state the amount of the tax in a separate column in the annual tax rolls of such Town under the name "refuse and garbage charges" for all unpaid refuse and garbage charges and under the name "water rents" for all unpaid water charges.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 731 NOVEMBER 18, 2020
AUTHORIZING REFUND OF PAYMENT

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Commissioner of Environmental Control that the following payments be refunded as an overpayment:

REFUND OF PAYMENT:

PAYEE	ACCOUNT	TYPE	AMOUNT	REASON
Concha Manuel	Account #18038 Concha Manuel	Commercial Waste District	\$660.04	Overpayment

VOTES: 5 YEAS: 5 NAYS: 0
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 732 NOVEMBER 18, 2020
AUTHORIZING REFUND OF PAYMENT

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, upon the recommendation
of Long Island Green Homes that the following payment be refunded as an overpayment:

REFUND OF PAYMENT:

PAYEE	ADDRESS	TYPE	AMOUNT	REASON
Joanne and Nicholas Beechko	7 Winchester Dr., Lindenhurst, NY 11757	Green Homes Benefit Assessment	\$380.67	Overpayment
Neasa Roussell	25 Venedia Dr., Wheatley Heights, NY 11798	Green Homes Benefit Assessment	\$15.00	Overpayment
Ceceline Spence	6 S Ronald Dr., Amityville NY 11701	Green Homes Benefit Assessment	\$155.16	Overpayment

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 733 NOVEMBER 18, 2020
AUTHORIZING RELEASE OF BOND

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation
of the Commissioner of Planning and Development, that the following Demolition bond be released
from Town Trust:

PAYEE	PROPERTY LOCATION	APPLICATION/PERMIT #	AMOUNT DUE
Joseph F. Gazza P.O. Box 969 Quogue, NY 11959	226 Route 109 E. Farmingdale, NY 11735	Building Permit #'s: 2020-0134	\$200.00

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 734 NOVEMBER 18, 2020
AUTHORIZING EMPLOYEE REIMBURSEMENT

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 Comptroller is
hereby authorized to issue reimbursement to the following employee(s):

EMPLOYEE	AMOUNT
Monica Prino	\$61.96 reimbursement for supplies
Joseph Olmedo	\$200.00 reimbursement for Limited Service Lab Registration reapplication
Reginald Elton	\$66.48 reimbursement for supplies

VOTES: 5 YEAS: 5 NAYS: 0
The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 735 NOVEMBER 18, 2020
AUTHORIZING 2020 BUDGET MODIFICATION**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the
recommendation of the Town Comptroller, that the following 2020 Budget Modification is
hereby authorized:

	<u>Increase</u>	<u>Decrease</u>
<u>General Fund</u>		
Central Data Processing		
Equipment		
A.1680.20	\$ 20,000	
Professional and Technical Services		
A.1680.44		\$ 20,000
Retirement		
Employee Benefits		
A.9010.80	\$ 101,789	
Unallocated Insurance		
Insurance		
A.1910.43		\$ 101,789
<u>Garbage Improvement Area</u>		
Landfill Closure/Post Closure		
Repairs and Maintenance		
CL.8161.46	\$ 5,000	
Refuse and Garbage		
Professional and Technical Services		
CL.8160.44		\$ 5,000

VOTES: 5 YEAS: 5 NAYS: 0
The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 736 NOVEMBER 18, 2020
AUTHORIZING 2020 OPERATING TRANSFER**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation
of the Town Comptroller that the following 2020 Operating Transfer is hereby authorized:

Capital Project Fund

	<u>Increase</u>	<u>Decrease</u>
H70 – Road Program		
Interfund Transfer		
H70.0000.5031	\$ 143,540.20	
Construction Services		
H70.5197.26	\$ 143,540.20	

Special Revenue Fund

	<u>Increase</u>	<u>Decrease</u>
H01- Copiague Downtown Center		
Interfund Transfer		
H01.9950.90	\$ 143,540.20	
Permanent Improvements		
Program Operations		
H01.5197.26		\$ 143,540.20

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 737 NOVEMBER 18, 2020
AUTHORIZING A 2ND SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2019 ANNUAL
ACTION PLAN AND 2015-2019 CON PLAN; ADOPTING AND THE FILING OF THE
COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS (CDBG-CV3) GRANT

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

WHEREAS, the Town of Babylon is an entitlement community under the Community Development Block Grant (“CDBG”) Program and received a second grant allocation of One Million Six Hundred Forty Seven Thousand and Thirty Seven Dollars (\$1,647,037) to prevent, prepare for, and respond to coronavirus (CDBG-CV3 grant) from the U.S. Department of Housing and Urban Development (“HUD”); and

WHEREAS, the Town of Babylon authorized the 1st substantial amendment by Resolution No. 368 on May 13th, 2020; and

WHEREAS, HUD requires the Town, to submit a substantial amendment to its Annual Action Plan for Fiscal Year 2019; and

WHEREAS, a virtual public hearing was held on November 9, 2020 to inform the citizens of the Town of Babylon of the CDBG-CV3 grant and to receive comments on the amendment; and

WHEREAS, a draft of the 2nd amendment to the Annual Action Plan for Fiscal Year 2019, including a list of proposed uses of Fiscal Year 2019 CDBG-CV3 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 Six Hundred Forty-Seven Thousand and Thirty-Seven Dollars (\$1,647,037.00) to prevent, prepare for, and respond to coronavirus; and

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and he is hereby authorized to sign and submit the 2nd substantial amendment to the Fiscal Year 2019 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 Amendment to the 2019 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 2nd amendment to the 2019 Annual Action Plan CDBG-CV3 grant; 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. 738 NOVEMBER 18, 2020
ADOPTING LOCAL LAW NO. 13 OF 2020 – TAX CAP OVERRIDE

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

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 5th day of November 2020, to consider the adoption of a local law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c;

WHEREAS, all persons were given an opportunity to speak for or against this local law;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Town Board of the Town of Babylon that Local Law No. 13 of 2020, Tax Cap Override as set forth in the annexed Exhibit “A” of the Town of Babylon, Suffolk County, New York, is hereby enacted as follows and effective upon its filing with the New York State Department of State:

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	Yea
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

EXHIBIT “A” - TAX CAP OVERRIDE

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Babylon to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General municipal Law Section 3-c which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Babylon, County of Suffolk, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO. 739 NOVEMBER 18, 2020
ADOPTING ANNUAL BUDGET FOR THE TOWN OF BABYLON

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

BE IT RESOLVED, by the Town Board of the Town of Babylon that the Preliminary Budget of the Town of Babylon for the year 2021 be and the same is hereby adopted as the Annual Budget of 2021.

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	Yea
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 740 NOVEMBER 18, 2020
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 133
OF THE BABYLON TOWN CODE

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing be held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 2nd day of December, 2020 at 3:30 p.m., prevailing time, to consider amending Chapter 133 of the Babylon Town Code as set forth in Exhibit “A” herein below; and be it further

RESOLVED, that the Town Clerk of the Town of Babylon is directed to publish notice of said public hearing in one of the official newspapers of the Town.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

EXHIBIT “A”

AMEND

Chapter 133 Solid Waste Management

§133-25 Outdoor Deposits of Storage Waste

A.

(2) At property line.

- (a) No person who is the owner, occupant or lessee of any premises abutting on any street, road, highway or parkway shall place, keep, permit or suffer to be placed or kept at or around the vicinity of the property line of his premises any goods, wares, merchandise, boxes, barrels, debris, high grass, or material things of any kind or description, but nothing contained in this section shall prevent persons from:

RESOLUTION NO. 741 NOVEMBER 18, 2020
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING
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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing be held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 2nd day of December, 2020 at 3:30 p.m., prevailing time, to consider amending Chapter 3, Article II, Section 3-4 of the Town of Babylon Uniform Code of Traffic Ordinances as set forth in the annexed Exhibit “A”; and be it further

RESOLVED, that the Town Clerk of the Town of Babylon is directed to publish notice of said public hearing in one of the official newspapers of the Town.

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**]

ADD to Schedule K:

<u>Name of Street/Side</u> <u>Location</u>	<u>Hamlet</u>	<u>Regulation</u>	<u>Hours/ Days</u>
Great Neck Road/ West side From Bennett Court South for 50 feet +/-	CO	No Standing	ALL
Great Neck Road/ West side From 50 feet +/- south of Bennett Court south For 32 feet +/-	CO	No Parking	ALL
Great Neck Road/ West side From Bennett Court North for 42 feet +/-	CO	No Standing	ALL

Great Neck Road/ West side From 42 feet +/- north of Bennett Court north For 35 feet +/-	CO	No Parking	ALL
Great Neck Road/ West side From Croydon Road South for 40 feet +/-	CO	No Standing	ALL
Great Neck Road/ West side From 40 feet +/- south of Croydon Road south For 21 feet +/-	CO	No Parking	ALL
Great Neck Road/ West side From Croydon Road North for 54 feet +/-	CO	No Standing	ALL
Great Neck Road/ West side From 54 feet +/- north of Croydon Road north For 39 feet +/-	CO	No Parking	ALL
Dante Avenue /Northside From 30 feet +/- West of Columbo Avenue West for a total distance of 82 feet +/-	CO	No Parking	ALL

RESOLUTION NO. 742 NOVEMBER 18, 2020
SCHEDULING A PUBLIC HEARING ON THE REZONING APPLICATION OF MR
PROPERTY BUILDERS, LLC FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-173-
02-006 LOCATED ON THE W/S/O ALBANY AVENUE, 318' S/O SCHLEIGEL BLVD,
AMITYVILLE

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing be held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 23rd day of December, 2020, at 3:30 p.m., prevailing time, on the application for a change of zone of the property at SCTM No#: #: 0100-173-02-006, further described on Schedule A attached hereto. The applicant proposes a change of zone from B-Residence District to MR-Multiple Residence District. This proposal involves a change of zone in order to construct six (6) buildings; 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 any interested person will be given the opportunity to be heard at the public hearing, and be it further

RESOLVED, that the Town Clerk of the Town of Babylon is directed to publish notice of said public hearing in one of the official newspapers of the Town.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

SCHEDULE A

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN AMITYVILLE, IN THE TOWN OF BABYLON, COUNTY OF SUFFOLK AND STATE OF NEW YORK, BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING at a point on the westerly side of Albany Avenue distant 340 feet southerly from the intersection of the westerly side of Albany Avenue with the centerline of Schleigel Boulevard (Convent Avenue);

RUNNING THENCE along the westerly side of Albany Avenue South 37 degrees 45 minutes 30 seconds West, 150.00 feet;

THENCE North 56 degrees 29 minutes 40 seconds West, 686.75 feet;

THENCE North 38 degrees 25 minutes 20 seconds East, 150.15 feet;

THENCE South 56 degrees 29 minutes 40 seconds East, 685.00 feet to the westerly side f Albany Avenue and THE POINT OR PLACE OF BEGINNING.

RESOLUTION NO. 743 NOVEMBER 18, 2020
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR
PATRICK HACKETT & TERESA SIMONE
OUTER BEACH APPLICATION NO. 135888
SCTM #0100-243-1-211

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

WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No. 135888 of Patrick Hackett & Teresa Simone, for the premises located at SCTM #0100-243-1-211 (72 Circle Drive, Oak Beach) to construct kitchen and bathroom renovations; and

WHEREAS, the application is a Type II action under the Town of Babylon Environmental Quality Review Act and as such no determination of significance is required; and

WHEREAS, the Department of Environmental Control has reviewed the drawings and has determined that this project will not result in significant environmental impacts,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that upon the recommendation of the Commissioner of Planning and Development, Outer Beach Application No. 135888 of Patrick Hackett & Teresa Simone, for the premises located at SCTM #0100-243-1-211 (72 Circle Drive, Oak Beach), to construct kitchen and bathroom renovations; and be it further

RESOLVED, that the issuance of the Building Permit, in accordance with the plans and the application presently on file, be and the same is hereby approved, subject to the terms and conditions of New York State Department of Environmental Conservation's, Suffolk County Board of Health and/or the United States Army Corps of Engineers' approval, where applicable.

VOTES: 5 YEAS: 5 NAYS: 0
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 744 NOVEMBER 18, 2020
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR CARL A. CURCIO
OUTER BEACH APPLICATION NO. 135695
SCTM #0100-243-1-93

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

WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No. 135695 of Carl A. Curcio, for the premises located at SCTM #0100-243-1-93 (91 Savannah Walk, Oak Beach), to construct interior and exterior alterations;

WHEREAS, the application is a Type II action under the Town of Babylon Environmental Quality Review Act and as such no determination of significance is required; and

WHEREAS, the Department of Environmental Control has reviewed the drawings and has determined that this project will not result in significant environmental impacts,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that upon the recommendation of the Commissioner of Planning and Development, Outer Beach Application No. 135695 of Carl A Curcio, for the premises located at SCTM #0100243-1-93 (91 Savannah Walk, Oak Beach), to construct interior and exterior alterations; and be it further

RESOLVED, that the issuance of the Building Permit, in accordance with the plans and the application presently on file, be and the same is hereby approved, subject to the terms and conditions of New York State Department of Environmental Conservation's, Suffolk County Board of Health and/or the United States Army Corps of Engineers' approval, where applicable.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.