

**TABLED AGENDA
TOWN BOARD MEETING
DECEMBER 4, 2019**

722. DESIGNATING THE PREMISES KNOWN AS 84 PACIFIC AVENUE DEER PARK, NEW YORK, SCTM#0100-042.00-03.00-019.000 A PUBLIC NUISANCE, AUTHORIZING THE BOARDING UP OF SAID PREMISES AND AUTHORIZING THE TOWN ATTORNEY TO COMMENCE LITIGATION

**RESOLUTION NO. 722 DECEMBER 4, 2019
DESIGNATING THE PREMISES KNOWN AS 84 PACIFIC AVENUE
DEER PARK, NEW YORK, SCTM#0100-042.00-03.00-019.000 A PUBLIC NUISANCE,
AUTHORIZING THE BOARDING UP OF SAID PREMISES AND AUTHORIZING THE
TOWN ATTORNEY TO COMMENCE LITIGATION**

The following resolution was offered by Council
and seconded by Council

WHEREAS, the property located at 84 Pacific Avenue, Deer Park, New York, bearing SCTM# 0100-042.00-03.00-019.000, is owned by John L. Rosenberg, Josephine A. Rosenberg, & Louis Rosenberg; and

WHEREAS, an arrest of Tyler Rosenberg occurred at said premises on January 24, 2019, for possession of Cocaine and Marijuana, defined under New York State Penal Law Article 220 - Controlled Substance Offenses.

WHEREAS, in accordance with Section 165-7, John L. Rosenberg, Josephine A. Rosenberg, & Louis Rosenberg were served a Nuisance Notice for Tyler Rosenberg's arrest on January 28, 2019, warning was given that a second arrest may result in the board-up of the property;
and

WHEREAS, a second arrest of Tyler Rosenberg occurred at said premises on October 8, 2019, for Criminal Possession of Marijuana in the 3rd Degree, a violation of New York State Penal Law Article 220 - Criminal Possession of Controlled Substance and New York State Penal Law Article 221 - Criminal Possession of Marijuana; and

WHEREAS, in accordance with Section 165-7, John L. Rosenberg, Josephine A. Rosenberg, & Louis Rosenberg were served with a Nuisance Notice on October 8, 2019; and

WHEREAS, a public hearing on the matter was held on November 7, 2019, and the record was closed and reserved; and

WHEREAS, the purpose of Town Code Chapter 165 is to create a standardized procedure for securing legal and equitable remedies and to strengthen existing laws so as to effectively deal with the problem of illegal drugs in the Town of Babylon by preventing buildings, residences, premises and real estate within the Town of Babylon from being used in such a way as to constitute a public nuisance; and

WHEREAS, in determining whether this property constitutes a public nuisance, the Town Board has considered the Commissioner of the Department of Planning and Development's Report dated November 1, 2019, which outlines the nature of the arrests and offenses which occurred at the property, and relevant information as to the history of this property pertaining to the sale and/or consumption of drugs to prevent the premises from being used in such a way as to constitute a public nuisance; and

WHEREAS, the Town Board finds that the dwelling and any structures located at 84 Pacific Avenue, Deer Park, NY 11729, presents a public nuisance and an imminent danger to the safety, health and welfare of the surrounding community residents: and

~~WHEREAS, it appears that, unless said structure is immediately secured and boarded a clear~~
and imminent danger to the life, safety and health of the surrounding residents and the general public will exist: and

WHEREAS, §165-9B of the Town Code provides for the correction of said unsafe structure and the assessment of the costs of said correction against the property.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon hereby declares 84 Pacific Avenue, Deer Park, NY 11729 bearing SCTM. 0100-042.00-03.00-019.00 a public nuisance pursuant to Chapter 165 in accordance with the Recommendations set forth in the Commissioner of the Department of Planning and Development's Report dated November 1, 2019, which is on file in the Department of Planning and Development; and be it further

RESOLVED, that the Town Board of the Town of Babylon does hereby order the emergency securing/board up of the public nuisance structure located on the premises at 84 Pacific Avenue, Deer Park, NY 11729 bearing SCTM. 0100-042.00-03.00-019.00 pursuant to Town Code Section 165-9 to eliminate the public nuisance, in order to rectify the above noted problems and abolish any public nuisance resulting from the illegal activities of said structure, in accordance with the Recommendations set forth in the Commissioner of the Department of Planning and Development's Report dated November 1, 2019, which is on file in the Department of Planning and Development; and be it further

RESOLVED, that the Department of Public Works shall undertake the necessary securing and board up of the structure(s) located at 84 Pacific Avenue, Deer Park, NY 11729 bearing SCTM. 0100-042.00-03.00-019.00; and be it further

RESOLVED, that the costs of securing be assessed against the premises in accordance with Town Code §165-9B.

VOTES:

YEAS:

NAYS:

The resolution was thereupon declared duly adopted.

PUBLIC HEARING A G E N D A

TOWN BOARD MEETING

DECEMBER 4, 2019

1. A PUBLIC HEARING ON AUTHORIZING THE SUPERVISOR TO ENTER INTO FIRE PROTECTION AND AMBULANCE DISTRICT CONTRACTS
 2. A PUBLIC HEARING ON AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR PHILIP TERRIBILE OUTER BEACH APPLICATION NO. 130225/130226 SCTM #0100-243-1-62
 3. A PUBLIC HEARING ON ADOPTING LOCAL LAW NO. ____ OF 2019 AMENDING CHAPTER 86 OF THE BABYLON TOWN CODE (BOATS)
 4. A PUBLIC HEARING ON ADOPTING AMENDMENTS TO CHAPTER 3, ARTICLE II, SECTION 3-4 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES
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**TOWN BOARD MEETING
DECEMBER 4, 2019
AGENDA**

- 758. ACCEPTING TOWN BOARD MINUTES
- 759. AWARDING BID NO. 19G92 PLUMBING & HVAC SUPPLIES
- 760. AWARDING BID NO. 19G93 SUPPLY OF MULCH
- 761. RESCIND AWARDED ITEMS OF BID NO. 18G112 FROM PARTSWAY INC. AND REAWARDING TO NORTHEAST EQUIPMENT INC
- 762. AUTHORIZING CHANGE ORDER NO. 7 IN THE CONTRACT WITH G & M EARTH MOVING, INC. FOR BID NO. 18G62, CARHILL & STORMWATER RECHARGE BASIN RECONSTRUCTION
- 763. AUTHORIZING CHANGE ORDER NO. 3 IN THE CONTRACT WITH LOCKWOOD, KESSLER & BARTLETT, INC. FOR RFP NO. 15G31, FOR APPLICATION PREPARATION, ENGINEERING, DESIGN, BID PREPARATION, ETC. FOR THE CONSTRUCTION OF BRIDGES IN THE AMERICAN VENICE, COPIAGUE
- 764. AUTHORIZING CHANGE ORDER NO. 1 IN THE CONTRACT WITH PAYPRO CORPORATION FOR RFP NO. 17G15, REQUEST FOR PROPOSALS FOR PAYROLL SERVICES FOR THE TOWN OF BABYLON
- 765. AUTHORIZING CHANGE ORDER NO. 1 IN THE CONTRACT WITH RELLE ELECTRIC CORP. FOR BID NO. 18G8E, CONSTRUCTION OF A NEW HISTORIC RESTORATION OF OAK BEACH COMMUNITY CENTER, ELECTRIC CONSTRUCTION
- 766. AUTHORIZING A CONTRACT WITH H2M
- 767. AUTHORIZING A CONTRACT WITH LINCOLN IT
- 768. AWARDING BID NO. 19G87, FURNISH & INSTALL DECORATIVE STREET LIGHTING ON STRAIGHT PATH, WEST BABYLON
- 769. SETTING TOWN BOARD MEETING SCHEDULE FOR THE YEAR 2020
- 770. AUTHORIZING THE TOWN ATTORNEY TO EXECUTE AN AGREEMENT WITH KATTEN MUCHIN ROSENMAN LLP
- 771. AUTHORIZING 2019 BUDGET MODIFICATION
- 772. CONFIRMING MEMBERSHIP TO THE NORTH BABYLON VOLUNTEER FIRE COMPANY, INC.
- 773. AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF BABYLON AND RAPID ARMORED CORPORATION

774. AUTHORIZING THE TOWN SUPERVISOR TO SIGN GOVERNMENT BANKING SUPPLEMENTAL COLLATERAL AGREEMENT WITH VALLEY BANK
775. AUTHORIZING REFUND OF PAYMENT
776. AUTHORIZING REFUND OF FEES ANIMAL SHELTER
777. AUTHORIZING RELEASE OF BOND
778. ACCEPTING A DONATION
779. AUTHORIZING EMPLOYEE REIMBURSEMENT
780. ADOPTING THE TOWN OF BABYLON DEBT RETIREMENT POLICY
781. AUTHORIZING PERMISSION FOR A PARADE ON DECEMBER 7, 2019 IN THE TOWN OF BABYLON FOR THE WEST BABYLON FIRE DEPARTMENT
782. PROCLAIMING FRIDAY, JANUARY 17, 2020 AS EAGLE SCOUT NICHOLAS LANTERI DAY
783. PROCLAIMING SATURDAY, JANUARY 18, 2020 AS EAGLE SCOUT SAM CANONICA DAY
784. PROCLAIMING SUNDAY, JANUARY 19, 2020 AS EAGLE SCOUT ZACHARY VILA DAY
785. TOWN BOARD ENVIRONMENTAL DETERMINATION (SEQRA) AUTHORIZING THE SUPERVISOR TO ENTER INTO A GRANT AGREEMENT WITH SUFFOLK COUNTY AND CONSTRUCT TOWN OF BABYLON PHASE II HIGHWAY YARD MS4 UPGRADES AND STORMWATER AND WASTEWATER POLLUTION PREVENTION PROJECT AT LINDENHURST, TOWN OF BABYLON, NEW YORK
786. TOWN BOARD ENVIRONMENTAL DETERMINATION AUTHORIZING THE SUPERVISOR TO ENTER INTO A GRANT AGREEMENT WITH SUFFOLK COUNTY FOR THE TOWN OF BABYLON PHASE II HIGHWAY YARD MS4 UPGRADES AND STORMWATER AND WASTEWATER POLLUTION PREVENTION PROJECT AT LINDENHURST, TOWN OF BABYLON, NEW YORK
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787. REVERTING THE CONVEYANCE OF A PARCEL FROM SUFFOLK COUNTY TO THE TOWN OF BABYLON, COMMUNITY DEVELOPMENT PROGRAM
788. REQUESTING THE CONVEYANCE OF A PARCEL FROM SUFFOLK COUNTY TO THE TOWN OF BABYLON, COMMUNITY DEVELOPMENT PROGRAM FOR AFFORDABLE HOUSING AND AUTHORIZING THE CONVEYANCE OF SAID PARCEL TO THE WYANDANCH COMMUNITY DEVELOPMENT CORPORATION PURSUANT SECTION 72-h, GENERAL MUNICIPAL LAW

789. ACCEPTANCE OF DEED OF STREET DEDICATION FOR PORTION OF SUBURBAN AVENUE, DEER PARK, ADJACENT TO SCTM NO.0100-092.00-03.00-051.000 & 037.001 FROM MARS REALTY LLC AND PR 500 BROOK AVE LLC. TO TOWN OF BABYLON
790. AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR PHILIP TERRIBLE OUTER BEACH APPLICATION NO. 130225/130226 SCTM #0100-243-1-62
791. SCHEDULING A PUBLIC HEARING ON THE REZONING APPLICATION OF BUNT DEVELOPMENT CORP. FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-169-01-030, 014, 013, 009, 010 & PART OF 061 LOCATED ON THE E/S/O ALBANY AVE., 170' N/O STEELE PL., N. AMITYVILLE
792. AUTHORIZING THE SUPERVISOR TO ENTER INTO FIRE PROTECTION AND AMBULANCE DISTRICT CONTRACTS
793. ADOPTING LOCAL LAW NO. ____ OF 2019 AMENDING CHAPTER 86 OF THE BABYLON TOWN CODE (BOATS)
794. ADOPTING AMENDMENTS TO CHAPTER 3, ARTICLE II, SECTION 3-4 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES
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