

A Regular Meeting of the Town Board, Town of Babylon, was held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P>, on Wednesday, the 3rd day of February 2021 at 3:30 P.M., Prevailing Time.

Supervisor Schaffer called the meeting to order with a salute to the flag.

Supervisor Schaffer: Please remain standing for a moment of silence and I'd ask you keeping your thoughts and prayers the brave servicemen and women serving our country both here and abroad as well as those in our town who are helping with the Covid 19 pandemic response first responders hospital personnel and those families who've either lost a loved one or are dealing with a sick loved one as a result of the pandemic.

Thank you, please be seated.

The Town Clerk called the roll:

Councilman Manetta	Present
Councilman Martinez	Present
Councilman McSweeney	Present
Councilman Gregory	Present
Supervisor Schaffer	Present

**1. PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 53 OF THE BABYLON TOWN CODE
(Department of Receiver of Taxes)**

**RESOLUTION NO. 78 FEBRUARY 3, 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:

January 20, 2021

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

**RESOLUTION NO. 79 FEBRUARY 3, 2021
AWARDING BID NO. 21G01 FENCING & FENCING COMPONENTS CATALOG, WEBSITE AND/OR BEST IN-STORE PRICE;
WOOD, VINYL, CHAIN LINK, ETC.**

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

WHEREAS, the following bids for Bid No.21G01 - Fencing & Fencing Components Catalog, Website, and/or Best In-Store Price; Wood, Vinyl, Chain Link, Etc., were received, opened and publicly read:

BIDDER	% OFF CATALOG	% OFF WEBSITE	% IN-STORE
Good Day Distributors, Ltd.	10%	N/A	N/A
Residential Fences Corp.	15%	N/A	N/A

NOW THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Commissioner of D.P.W. and upon their finding the aforementioned bids fair and reasonable, Bid No. 21G01 be and is hereby awarded to Good Day Distributors, Ltd. And Residential Fences Corp.; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a one (1) year contract with Good Day Distributors, Ltd. And Residential Fences Corp., 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. 80 FEBRUARY 3, 2021
AWARDING BID NO. 21G03 DEMOLITION OF PROPERTY LOCATED AT 37 COOLIDGE AVE, AMITYVILLE**

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

WHEREAS, the following bids for Bid No.21G03-Demolition of Property Located at 37 Coolidge Avenue, Amityville were received, opened and publicly read:

BIDDER	TOTAL LUMP SUM BID
Cascella and Sons Construction Corporation	\$26, 875.00
Gorilla Contracting Corp. LLC	\$62,438.00
Stasi General Contracting LLC	\$28,500.00
Gramercy Group, Inc.	\$28,499.00
Suburban Maintenance & Landscaping, Inc.	\$27,356.80
International Asbestos Removal, Inc.	\$37,700.00

NOW THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services and upon his finding the aforementioned bids fair and reasonable, Bid No. 21G03 be and is hereby awarded to the low bidder Cascella and Sons Construction Corporation and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a contract with Cascella and Sons Construction Corporation.

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

**RESOLUTION NO. 81 FEBRUARY 3, 2021
RESCIND AWARD OF BID NO. 20G41 VINYL AND REFLECTIVE ROLL MATERIAL FOR SIGN MAKING 3M OR EQUAL TO
LIGHTLE ENTERPRISES OF OHIO, LLC AND REAWARDING TO 3M COMPANY**

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

WHEREAS, Bid No. 20G41 Vinyl and Reflective Roll Material for Sign Making, 3M or Equal was awarded to Lightle Enterprises of Ohio, LLC. pursuant to Resolution No. 407 of June 10, 2020 and

WHEREAS, Lightle Enterprises of Ohio, LLC. has requested to withdraw due to that they are no longer able to supply the products bid, and;

WHEREAS, the Commissioner of General Services recommends accepting the withdrawal of Lightle Enterprises of Ohio, LLC, without penalty, and;

WHEREAS, the Commissioner of General Services recommends re-awarding to the second overall low bidder 3M Company;
NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services, Bid No. 20G41 be rescinded due to Lightle Enterprises of Ohio, LLC no longer being able to supply the products bid and be it further;

RESOLVED, that based upon the recommendation of the Commissioner of General Services be and the same is hereby awarded to the second overall low bidder, 3M Company; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a the remainder of the one (1) year contract with 3M Company for Bid No. 20G41 and that the form and content of said contract shall be subject to the approval of the Town Attorney.

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. 82 FEBRUARY 3, 2021

AWARDING BID NO. 20G94 SPECIALTY CLEANERS; MAINTENANCE SUPPLIES AND SOLVENTS, ZEP MFG OR EQUAL

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

WHEREAS, the following bids for Bid No. 20G94, Specialty Cleaners; Maintenance Supplies and Solvents, Zep Mfg. or Equal were received, opened and publicly read:

SPREADSHEET ON FILE IN DEPT. OF GENERAL SERVICES,

WHEREAS, the Commissioner of General Services and the Deputy Commissioner of D.P.W. recommend that Knights Marketing Group, Inc. and Amity Vacuum, Inc. be excluded from Item No. 2, only, as the products they are offering do not comply with the specifications set forth in Bid No. 20G94 ; and

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Deputy Commissioner of D.P.W., Knights Marketing Group Inc., and Amity Vacuum, Inc. be and is hereby excluded from Item No. 2, as the products they are offering do not comply with the specifications set forth in Bid No. 20G94, and be it further

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Deputy Commissioner of D.P.W. and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 20G94 be and is hereby awarded to the low bidder per item; Amity Vacuum, Inc. for items No. 1, 5 and 7; Knights Marketing Group, Inc. for items No. 3 and 4; Acuity Specialty Products, Inc. d/b/a Zep Sales and Service for item No. 6 and United Sales USA Corp. for item No. 2 and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a contract with Amity Vacuum, Inc., Knights Marketing Group Inc., Acuity Specialty Products, Inc. d/b/a Zep Sales and Service, and United Sales USA Corp. 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. 83 FEBRUARY 3, 2021

AMENDING RESOLUTION NO. 381 OF MAY 18, 2020 AND ACCEPTING CONTRACT WITH L.E.B. ELECTRIC LTD FOR BID NO. 19G87, FURNISH & INSTALL DECORATIVE STREET LIGHTS ON STRAIGHT PATH AS COMPLETE AND ACCEPTABLE

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

WHEREAS, Bid No. 19G87, Installation of New HVAC System at Town Hall, Mechanical (HVAC) Construction was awarded to L.E.B. Electric Ltd. pursuant to Resolution No. 768 OF December 4, 2019 for a total contract amount of TWO HUNDRED FORTY-EIGHT THOUSAND, FIVE HUNDRED TWENTY-TWO DOLLARS AND 21/100 (\$248,522.21) and,

WHEREAS, Change Order No. 1 was approved in the amount of THIRTEEN THOUSAND, NINE HUNDRED EIGHT DOLLARS AND 30/100 pursuant to Resolution No. 381 of May 17, 2020, and

WHEREAS, the amount of Change Order No. 1 shall be amended as the actual quantities of material used was lower than the estimated,

Provide all labor and equipment to install Town supplied light fixtures, includes additional mobilization, surveying, foundations, wiring	\$27,403.35
Credit to Contingency	(\$15,000.00)
TOTAL AMENDED CHANGE ORDER NO. 1	\$12,403.35

WHEREAS, the Commissioner of General Services, the Commissioner of the Department of Public Works and Nelson + Pope have deemed all work performed by L.E.B. Electric, Ltd. pursuant to Bid No. 19G87 as complete and acceptable,

NOW, THEREFORE, be it

RESOLVED, that Change Order No. 1 be and is hereby amended for a total amount of TWELVE THOUSAND, FOUR HUNDRED THREE DOLLARS AND 35/100, making the new the total contract amount TWO HUNDRED SIXTY THOUSAND, NINE HUNDRED TWENTY-FIVE DOLLARS AND 56/100 (\$260,925.56) and be it further

RESOLVED, that based upon the recommendations the Commissioner of General Services, the Commissioner of the Department of Public Works and Nelson + Pope all work performed by L.E.B. Electric, Ltd. be and is hereby accepted satisfactorily completed at a final contract amount of TWO HUNDRED SIXTY THOUSAND, NINE HUNDRED TWENTY FIVE DOLLARS AND 56/100 (\$260,925.56).

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 84 FEBRUARY 3, 2021

ACCEPTING 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, COPIAGUE AS SATISFACTORILY COMPLETE

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, and

WHEREAS, Change Order No. 2 was approved pursuant to Resolution No. 718 of November 28, 2020 which resulted in no change the contract amount, and

WHEREAS, the following credit is due from L.E.B, Electric, Ltd.:

Credit for unused Contingency	(\$4,143.62)
TOTAL CREDIT	(\$4,143.62)

WHEREAS, the Commissioner of General Services and the Commissioner of the Department of Public Works have deemed all work performed by L.E.B. Electric, Ltd. pursuant to Bid No. 20G32 as complete and acceptable,

NOW, THEREFORE, be it

RESOLVED, the credit due from L.E.B. Electric, Ltd. be and is hereby accepted in the amount of FOUR THOUSAND ONE HUNDRED FORTY THREE DOLLARS AND 62/100 reducing the total contract amount to FIFTY FIVE THOUSAND THREE HUNDRED NINETY SEVEN DOLLARS AND 38/100 (\$55,397.38), and be it further

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Commissioner of the Department of Public Works, all work performed by L.E.B. Electric Ltd. pursuant to Bid No. 20G32, be and is hereby accepted as satisfactorily complete at a final contract amount of FIFTY FIVE THOUSAND THREE HUNDRED NINETY SEVEN DOLLARS AND 38/100 (\$55,397.38)

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 85 FEBRUARY 3, 2021

AWARDING BID NO. 21G05 REPLASTERING OF SAWYER AVENUE MAIN POOL & WADING POOL

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

WHEREAS, the following bids for Bid No. 21G05, Replastering of Sawyer Avenue Main Pool & Wading Pool were received, opened and publicly read:

<u>BIDDER</u>	<u>TOTAL BID PRICE</u>
Item No. 1 Main Pool	
Norberto Construction, Inc.	\$411,000.00
All State Technology Corp.	\$444,000.00
Aquatic Dynamics	\$639,787.00
Item No. 2 Wading Pool	
Norberto Construction, Inc.	\$122,000.00
All State Technology Corp.	\$97,000.00
Aquatic Dynamics	\$159,000.00
Total Item Nos. 1 & 2	
Norberto Construction, Inc.	\$533,000.00
All State Technology Corp.	\$541,000.00
Aquatic Dynamics	\$798,787.00

NOW, THEREFORE, be it RESOLVED, that based upon the recommendations of the Commissioner of General Services, the Commissioner of the Department of Public Works, the Deputy Commissioner of the Department of Public Works and Luigi Pascarella, P.C. and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 21G05 be and is hereby awarded to the overall low bidder, Norberto Construction, Inc. and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a contract Norberto Construction, Inc. for a total contract amount FIVE HUNDRED THIRTY-THREE THOUSAND, (\$533,000.00) DOLLARS 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. 86 FEBRUARY 3, 2021

AUTHORIZING A CONTRACT WITH INFINITY SYSTEMS SOFTWARE

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

WHEREAS, a proposal was solicited from Infinity Systems Software to provide VSE Remote System Support consulting services, and WHEREAS, the Professional Consultant Evaluation Committee convened on January 27, 2021 with the Deputy Supervisor, Chief of Staff, Town Attorney, the Comptroller, the Commissioner of General Services, Commissioner of Planning & Development and the Commissioner of the Department of Public Works in attendance to review the aforementioned proposal; and

WHEREAS, the Commissioner of Planning & Development has recused herself from casting a vote, and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of a contract to Infinity Systems Software for a total contract amount not to exceed TWO THOUSAND, EIGHT HUNDRED (\$2,800.00) 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 with Infinity Systems Software at the aforementioned fees, and that said contract shall be subject to the approval of the Town Attorney as to form and content, and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 87 FEBRUARY 3, 2021

AUTHORIZING A CONTRACT LISA MCQUILKIN LAND SURVEYING

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

WHEREAS, a proposal was solicited from Lisa McQuilkin Land Surveying to provide an elevation certificate as required by FEMA for the Oak Beach Community Center, and

WHEREAS, the Professional Consultant Evaluation Committee convened on January 27, 2021 with the Deputy Supervisor, Chief of Staff, Town Attorney, the Comptroller, the Commissioner of General Services, Commissioner of Planning & Development and the 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 Lisa McQuilkin Land Surveying for a total contract amount not to exceed SEVEN HUNDRED FIFTY (\$750.00) 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 with Lisa McQuilkin Land Surveying for a total contract amount not to exceed SEVEN HUNDRED FIFTY (\$750.00) DOLLARS, and that said contract shall be 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. 88 FEBRUARY 3, 2021

AUTHORIZING A CONTRACT WITH SEAMLESS DOCS

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

WHEREAS, a proposal was solicited Seamless Docs to provide a software system for online submission of planning and building department applications and payments and

WHEREAS, the Professional Consultant Evaluation Committee convened on January 27, 2021 with the Deputy Supervisor, Chief of Staff, Town Attorney, the Comptroller, the Commissioner of General Services, Commissioner of Planning & Development and the Commissioner of the Department of Public Works in attendance to review the aforementioned proposal; and

WHEREAS, the Commissioner of Planning & Development has recused herself from casting a vote, and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of a contract to Seamless Docs at the following fees:

Software – 5 forms/3 user licenses	\$6,500.00/Annual
Payment Integration	\$2,500.00/Annual
Additional Limited Users	\$1,500.00/Annual
Onboarding Package	\$1,595.00/One Time Fee

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 with Seamless Docs at the aforementioned fees, and that said contract shall be subject to the approval of the Town Attorney as to form and content, and be it further

RESOLVED, that said contract may be extended for one (1) additional one (1) year periods, at the discretion of the Commissioner of Planning & Development.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 89 FEBRUARY 3, 2021

AUTHORIZING THE SUPERVISOR TO ENTER INTO FIRE PROTECTION AND AMBULANCE DISTRICT CONTRACTS

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

WHEREAS, it has been previously determined that the Town Board of the Town of Babylon desires to enter into fire protection contracts for fire protection and ambulance service and/or an ambulance district contract to be furnished to Venetian Shores Fire Protection District #1, North Amityville Fire Protection Districts #5 and #6, East Farmingdale Fire Protection District #12, Wyandanch Fire Protection District #13, North Babylon Fire Protection District #15, North Lindenhurst Fire Protection District #16, West Amityville Fire Protection District #23, West Beach Fire Protection District #53, East Beach Fire Protection District #54 and Wyandanch-Wheatley Heights Ambulance District; and

WHEREAS, pursuant to the provisions of law, notice of Public Hearing on such proposed contracts was duly published; and

WHEREAS, said Public Hearing was duly held by the Town Board on December 2, 2020 at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York and at such time and place said Town Board duly considered the proposed contracts and heard all persons interested therein.

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Babylon deems it to be in the best interest of the Town to enter into fire protection and ambulance service and/or ambulance district contracts on behalf of Venetian Shores Fire Protection District #1, North Amityville Fire Protection Districts #5 and #6, East Farmingdale Fire Protection District #12, Wyandanch Fire Protection District #13, North Babylon Fire Protection District #15, North Lindenhurst Fire Protection District #16, West Amityville Fire Protection District #23, West Beach Fire Protection District #53, East Beach Fire Protection District #54 and Wyandanch-Wheatley Heights Ambulance District, said districts being situated in the Town of Babylon, County of Suffolk and State of New York, and said contracts being upon the following terms and conditions:

1. Venetian Shores Fire Protection District #1:
A contract for a period of one year with the Village of Lindenhurst, said contract having an amount not to exceed \$386,705.00 for the year 2021.
2. North Amityville Fire Protection District #5:
A contract for a period of one year with the North Amityville Fire Company, Inc., said contract having an amount not to exceed \$1,277,610.00 for the year 2021.
3. North Amityville Fire Protection District #6:
A contract for a period of one year with the North Amityville Fire Company Inc., said contract having an amount not to exceed \$1,838,511.00 for the year 2021.
4. East Farmingdale Fire Protection District #12:
A contract for a period of one year with the East Farmingdale Volunteer Fire Company, Inc., said contract having an amount not to exceed \$4,700,100.00 for the year 2021.
5. Wyandanch Fire Protection District #13:
A contract for a period of one year with the Wyandanch Volunteer Fire Company, Inc., said contract having a revised amount not to exceed \$1,469,632.00 for the year 2021.
6. North Babylon Fire Protection District #15:
A contract for a period of one year with the North Babylon Volunteer Fire Company, Inc., said contract having an amount not to exceed \$3,609,164.00 for the year 2021.
7. North Lindenhurst Fire Protection District #16:
A contract for a period of one year with the North Lindenhurst Volunteer Fire Department, Inc., said contract having an amount not to exceed \$2,070,829.00 for the year 2021.
8. West Amityville Fire Protection District #23:
A contract for a period of one year with the Village of Amityville, said contract having an amount not to exceed \$8,000.00 for the year 2021.
9. West Beach Fire Protection District #53:
A contract for a period of three years with the Village of Babylon, said contract having an amount not to exceed \$45,472.00 per year for the years 2021 and 2022.
10. East Beach Fire Protection District #54:
A contract for a period of three years with the Village of Babylon, said contract having an amount not to exceed \$90,670.00 per year for the years 2021 and 2022.
11. Wyandanch-Wheatley Heights Ambulance District:
A contract for a period of one year with the Wyandanch-Wheatley Heights Ambulance District, said contract having an amount not to exceed \$1,896,444.00 for the year 2021.

and be it further;

RESOLVED, that the aforesaid contracts shall contain such other terms and conditions as shall be necessary and shall be approved by the Town Attorney; and be it further

RESOLVED, that the Supervisor of the Town of Babylon be and he is hereby authorized on behalf of the Town of Babylon and the aforesaid fire protection districts and ambulance district to enter into fire protection and ambulance service and/or ambulance district contracts as aforesaid.

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	Abstain
Councilman Gregory	Voting	Yea
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 90 FEBRUARY 3, 2021

AUTHORIZING THE FILING OF AN APPLICATION AND EXECUTION OF A CONTRACT FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE STATE ASSISTANCE PROGRAM

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

WHEREAS, New York State provides financial aid for household hazardous waste programs; and

WHEREAS, the Town of Babylon has examined and duly considered the applicable laws of the State of New York and deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, a contract by and between the People of the State of New York and the Town of Babylon is required to be executed for such state aid,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understandings and assurances contained in said application is hereby authorized; and be it further

RESOLVED, that the Supervisor is directed and authorized to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State; and be it further

RESOLVED, that the Town of Babylon agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs; and be it further

RESOLVED, that two (2) certified copies of this resolution be prepared and sent to the NYSDEC together with a complete application.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 91 FEBRUARY 3, 2021

AUTHORIZING THE TRANSFER OF RESIDUAL EQUITY FROM A CAPITAL PROJECT TO APPROPRIATED RESERVES

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

WHEREAS, The Town of Babylon has bonded for a capital project namely, Oak Beach Community Center (the "Project") approved by Town Board Resolution No. 879 of December 18, 2012 as well as Town Board Resolution No. 257 of March 28, 2018; and

WHEREAS, the Project has unused funding allocated totaling \$98,681.67 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 \$98,681.67 from the Oak Beach Community Center 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. 92 FEBRUARY 3, 2021

AUTHORIZING ACCEPTANCE OF PERFORMANCE BOND

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 Commissioner of Planning and Development, that the following incomplete site work performance bond be accepted:

PAYEE	PROPERTY LOCATION	APPLICATION/PERMIT #	BOND AMOUNT
MLT Farmingdale, LLC 59-28 70 th Street Maspeth, New York 11378	20 Smith Street, Farmingdale SCTM No. 0100-2-1-22.001	Application No. 131078 PB Job # 19-17AF	\$6,625.00
Massapequa Imports 2100 Broadhollow Road Melville, New York 11735	2100 Broadhollow Rd., Farmingdale SCTM No. 0100-32-1-8.001	Application No. 125832 PB Job # 18-14A	\$19,575.00

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 93 FEBRUARY 3, 2020

AUTHORIZING REFUND OF FEES

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 Commissioner of Planning and Development, that the following fee be refunded:

NAME and ADDRESS	TYPE	AMOUNT
Lina Cavalli 830 12 th Street West Babylon, New York 11704	Ace Hardware - Refund	\$13.67

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 94 FEBRUARY 6, 2020

AUTHORIZING REFUND OF PAYMENT

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 Commissioner of Environmental Control that the following payments be refunded as an overpayment:

REFUND OF PAYMENT:

PAYEE	ACCOUNT	TYPE	AMOUNT	REASON
1240 Deer Park Ave 206 Terminal Drive Plainview, NY 11803	Account #018272 1240 Deer Park Ave LLC 1240 Deer Park Avenue North Babylon, NY 11703	Commercial Waste District	\$89.75	Overpayment

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 95 FEBRUARY 3, 2021

ACCEPTING A DONATION

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 the following donations are accepted with gratitude:

DONATOR	ITEM AND VALUE	RECOMMENDED BY	USE
Monroe Energy, LLC	9/11 Hometown Memorial Donation of \$1,500.00	Councilman Terence McSweeney	For 9/11 Hometown Memorial

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 96 FEBRUARY 3, 2021
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>
General Fund		
Narcotics Addiction Control		
Full Time Clerical		
A.4220-14	\$ 3,280	
Part Time Clerical		
A.4220.16		\$ 3,280
Other Health		
Professional and Technical Services		
A.4989.44	\$ 3,730	
Supervisor		
Program Operations		
A.1220.47		\$ 3,730

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 97 FEBRUARY 6, 2021
ADOPTING THE ADMINISTRATIVE SALARY PLAN**

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

RESOLVED, that the amendments to the Salary Levels and Steps in the Administrative Salary Plan is hereby adopted in accordance with Schedule "A" annexed hereto; and be it further

RESOLVED, that all amendments to the Salary Plan shall be effective this date except the amendments for DPW positions titled Commissioner of DPW, Deputy Commissioner I of DPW, and Deputy Commissioner II of DPW, which shall be effective on January 1, 2021.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**“SCHEDULE A”
2021 ADMINISTRATIVE SALARY PLAN**

TITLE	LEVEL	STEP
Accountant Trainee	C	14
Affirmative Action Officer	G	10
Animal Shelter Supervisor	B	17a
Assessor	J	18
Assistant Community Development Project Supervisor	C	13a
Assistant to the Town Board	I	12
Assistant Town Attorney I	F	9a
Assistant Town Attorney II	G	10
Assistant Town Attorney III	G	12
Assistant Town Attorney	F	12
Bureau Administrator	C	14
Chief Assistant Town Attorney	I	16a
Citizens Advocate/Supervisor	H	10a
Comprehensive Planning and Downtown Revitalization Coord	H	17a
Commissioner of DPW	J	18
Commissioner of Environmental Control	I	16a
Commissioner of General Services	J	15a
Commissioner of Human Services	I	16a
Commissioner of Planning	J	16a
Commissioner of Recreation	J	15a
Community Development Project Supervisor	J	15
Confidential Community Service Aide	H	8a
Confidential Community Service Aide/Supervisor	J	1a
Confidential Community Service Aide/Supervisor	G	6a
Confidential Community Service Aide/Supervisor	D	14a
Confidential Community Service Aide/Supervisor	D	14a
Confidential Community Service Aide/Supervisor	I	5a
Confidential Community Service Aide/Supervisor	J	1a
Confidential Community Service Aide/Supervisor	D	14a
Confidential Community Service Aide/Supervisor	D	15

Confidential Community Service Aide/Supervisor	G	11a
Confidential Community Service Aide/Supervisor	H	14a
Confidential Community Service Aide/Supervisor	I	10
Confidential Community Service Aide/Env Control	E	3
Confidential Secretary to Town Council	D	15
Deputy Commissioner Environmental Control/Landfill	J	15
Deputy Commissioner General Services	J	16a
Deputy Commissioner Human Services	I	12
Deputy Commissioner Human Services	J	3a
Deputy Commissioner II of DPW	H	16
Deputy Commissioner I of DPW	J	18
Deputy Commissioner of Environmental	G	17a
Deputy Commissioner of Planning	I	12a
Deputy Commissioner of Planning and Development	J	13a
Deputy Commissioner Parks and Recreation	J	11a
Second Deputy Commissioner of Parks and Recreation	I	16a
Deputy Comptroller	J	15a
Deputy Director of Finance	I	10
Deputy Personnel Officer	J	5
Deputy Receiver of Taxes	J	1a
Deputy Town Attorney	I	17a
Deputy Town Clerk	J	1a
Director of Drug & Alcohol Counseling Services	I	11
Director of Finance	H	10a
Director of Handicapped Services	F	11
Director of Information Technology	J	16a
Director of Public Safety	F	16a
Director of Youth Bureau	J	8a
Executive Assistant to Assessor	G	3
Executive Assistant to Human Services	H	9a
Executive Assistant to Parks and Recreation	J	5
Executive Assistant to Comm of General Services	J	13a
Executive Assistant to Comptroller	J	15a
Executive Assistant to Deputy Supervisor	J	1a
Executive Assistant to Deputy Supervisor (second)	B	12a
Executive Assistant to DPW	I	7
Executive Assistant to Environmental Control	G	16a
Executive Assistant to Planning	H	17a
Executive Assistant to Supervisor	J	18
Executive Assistant to Town Attorney	D	14a
Executive Assistant to Town Clerk	J	5
Inter-Governmental Relations Coordinator	G	17a
Legislative Aide to Supervisor	D	15
Legislative Aide to Supervisor	E	9a
Legislative Aide to Supervisor	F	15
Legislative Aide to Supervisor	I	2a
Legislative Aide to Supervisor	J	1a
Legislative Aide to Supervisor	E	7a
Legislative Aide to Supervisor	I	17
Legislative Aide to Supervisor	G	17a
Nutrition Center Supervisor	F	12
Personnel Officer	J	15a
Principal Accountant	I	13
Public Information Officer/Supervisor	I	14a
Secretary to Assessor	I	12
Secretary to Commissioner of DPW	J	10a

Secretary to Commissioner of Environmental Control	E	14
Secretary to Commissioner of General Services	J	1a
Secretary to Commissioner of Planning & Development	I	6a
Secretary to Commissioner of Parks & Recreation	I	5a
Secretary to Comptroller	G	9a
Secretary to Deputy Supervisor	D	14a
Secretary to Human Services	G	11a
Secretary to Supervisor	J	15
Secretary to Town Attorney	F	4a
Secretary to Town Clerk	D	14a
Secretary to Zoning Board of Appeals	G	10a
Senior Assistant Town Attorney I	I	7
Senior Assistant Town Attorney II	I	12
Senior Assistant Town Attorney III	J	13
Senior Citizens Aide	E	7a
Senior Citizen Aide II	J	1a
Special Assistant to Supervisor	I	10
Town Attorney	J	18
Town Comptroller	J	18
Town Engineer	H	15
Town Historian	I	4a
Women's Resources Advisor I	G	11a

2020	Administrati on Plan:									
	A	B	C	D	E	F	G	H	I	J
1	18,941	23,399	26,073	29,194	31,181	36,772	43,901	47,913	54,601	58,295
a	19,841	24,511	27,313	30,581	32,660	38,516	45,985	50,190	57,193	60,045
2	20,740	25,620	28,549	31,969	34,138	40,258	48,073	52,464	59,786	61,795
a	21,212	26,202	29,198	32,691	34,927	41,174	49,161	53,665	61,526	63,647
3	21,681	26,785	29,845	33,413	35,711	42,087	50,251	54,847	63,264	65,501
a	22,321	27,228	30,353	33,924	36,349	42,855	51,082	55,673	63,774	66,820
4	22,958	27,672	30,863	34,435	36,985	43,619	51,910	56,502	64,320	68,138
a	23,597	27,892	31,374	34,947	37,623	44,385	52,742	57,333	65,176	69,088
5	24,234	28,108	31,884	35,457	38,262	45,152	53,571	58,161	66,069	70,033
a	25,253	28,341	32,459	36,349	39,029	44,207	54,400	58,863	67,295	71,332
6	26,270	28,570	33,035	37,240	39,797	46,091	55,227	59,563	68,520	72,632
a	26,557	29,398	33,609	38,102	40,560	46,209	56,057	60,615	69,463	73,633
7	26,844	29,348	34,181	38,965	41,326	46,936	56,885	61,664	70,409	74,631
a	27,005	30,802	34,629	38,983	42,153	47,765	57,521	62,400	71,174	75,444
8	27,162	31,373	35,074	39,029	42,981	48,594	58,159	63,135	71,939	76,256
a	27,613	31,756	35,519	39,410	43,813	49,423	58,797	64,222	72,702	77,064
9	28,061	32,140	35,965	39,792	44,639	50,251	59,434	65,309	73,468	77,877
a	29,396	32,524	36,349	40,557	45,213	51,018	60,136	66,009	74,808	79,296
10	28,952	32,906	36,732	41,325	45,790	51,783	60,837	66,708	76,147	80,715
a	30,292	33,290	37,116	41,708	46,364	52,549	61,540	67,412	77,486	82,134
11	29,845	33,674	37,499	42,087	46,936	53,313	62,245	68,113	78,825	83,553
a	30,229	34,120	38,008	42,471	47,318	54,145	63,073	69,139	79,730	84,516
12	30,611	34,564	38,518	42,856	47,702	54,969	63,899	70,167	80,641	85,477
a	30,993	35,010	39,028	43,237	48,085	55,800	64,731	71,177	82,413	87,356
13	31,373	35,457	39,537	43,619	48,469	56,630	65,561	72,191	84,183	89,234

a	32,865	37,140	41,416	45,689	50,772	59,320	68,675	75,620	87,555	92,143
14	34,353	38,821	43,294	47,762	53,073	62,010	71,789	79,051	90,927	96,107
a	36,589	40,667	45,350	50,031	55,593	64,957	75,444	82,806	95,933	101,688
15	38,821	42,512	47,406	52,298	58,114	67,903	78,609	86,560	100,935	105,078
a	40,667	44,532	49,660	54,785	60,874	71,127	82,340	90,669	104,738	110,199
16	42,512	46,550	51,913	57,269	63,663	74,352	86,075	93,336	110,940	125,478
a	44,532	48,761	54,376	59,989	66,663	77,886	90,164	98,409	113,408	132,605
17	46,550	50,970	56,842	62,706	69,694	81,417	94,255	104,191	117,154	138,000
a	48,877	53,519	59,682	65,844	73,178	85,488	97,424	108,975	124,183	142,000
18	51,321	56,195	62,666	69,136	76,837	89,762	102,295	114,424	130,393	147,900
a	53,887	59,004	65,799	72,593	80,679	94,250	107,409	120,145	136,912	149,324

**RESOLUTION NO. 98 FEBRUARY 3, 2021
APPOINTING PERSONNEL TO ADDITIONAL POSITIONS AND SETTING SALARIES**

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 following employees are appointed to the additional positions listed below at the annual salaries indicated herein and that the same are hereby effective as of this date:

NAME	TITLE	SALARY
Anthony Borrero	p/t Stock Clerk	5,000
Cathy Sesselman	Scanning Technician	2,500
Cathy Hyde	Assistant to Town Board	9,000
Celeste Kusmierski	Events Planning Chairperson	9,000
Dawn Carberry	Sub registrar	2,500
Denise Graziano	p/t Clerk	32,500
Donna Somma	Diversity Officer	4,500
Geraldine Compitello	Clerk Advisory Chairperson	10,000
Gilbert Hanse	Emergency Preparedness Coordinator	10,000
Jennifer Montiglio	Tax Warrant Coordinator	10,000
Jen Taus	Secretary to Town Board	6,000
Joseph Olmedo	Drug & Alcohol Coordinator	3,500
Joseph Wilson	Sanitation Commission Chairman	2,000
Katherine Lynch	p/t Purchasing Technician	32,500
Lori Lynn Hansen	Deputy Registrar	3,150
Madeline Quintyne-McConney	Special Events Coordinator	5,000
Marianne Hunt	Part-time Executive Assistant to Assessor	2,000
Patrick Farrell	Task Force Director	5,000
Peter Russo	Plumbing Regulation Liaison to NYS	9,500
Rachel Scelfo	Workforce Housing Coordinator	8,500
Ronald Kluesener	Solid Waste Administrator	8,500
Stephen Greenwald	Traffic Safety Coordinator/Secretary	5,200
Stephen Greenwald	Grant Writer	5,000
Susanne Boltz	HUD Coordinator	7,000
Thomas Stay	Drainage Coordinator	2,000
Umeko Healy	Deputy Assistant to Town Board	4,000
Stephanie Brennan	Part Time Citizens Advocate	3,000
Victoria Marotta	Director of Community Development	4,000
Thomas Vetri	Assistant Solid Waste Coordinator	6,000
Edward Buturla	Solid Waste Billing Coordinator	4,500
Noreen Wood	Tax Receiver Transition Coordinator	1,500
Mary Sullivan	Tax IDA Coordinator	2,500
Linda Murphy-Puglia	Tax IT Coordinator	2,500
Kevin Bonner	COVID-19 Response Coordinator	15,000
Kelly Medwig	Demolition Coordinator	5,000

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 99 FEBRUARY 3, 2021
APPOINTING DEPUTY TOWN HISTORIAN**

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 Kelly Filippone be and she hereby is appointed as the Deputy Town Historian effective February 3, 2021.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 100 FEBRUARY 6, 2021
CONFIRMING MEMBERSHIP TO THE EAST FARMINGDALE VOLUNTEER FIRE COMPANY, INC.**

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

BE IT RESOLVED, that pursuant to Chapter 110 of the Membership Corporation Law of the State of New York, the following residents are duly elected in conformity with the By-Laws of the East Farmingdale Volunteer Fire Company, Inc., 930 Conklin Street, East Farmingdale, New York:

Roxana Alfaro-Amaya	159 11 th Street West Babylon, NY 11704
Christian Hrubes	5 Larkin Street East Farmingdale, NY 11704

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 101 FEBRUARY 3, 2021
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR ANDREW ARNOLD
OUTER BEACH APPLICATION NO. 134103 SCTM #0100-243-1-199

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. 134103 of Andrew Arnold, for the premises located at SCTM #0100-243-1-199 (61 The Narrows, Oak Beach) to remove and replace 100 lin. ft. of bulkhead; 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. 134103 of Andrew Arnold, for the premises located at SCTM #0100-243-1-199 (61 The Narrows, Oak Beach), to remove and replace 100 lin. ft. of bulkhead; 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. 102 FEBRUARY 3, 2021
AMENDING RESOLUTION NO. 470 OF AUGUST 5, 2020 ENTITLED GRANTING REZONING APPLICATION OF FARMINGDALE HOSPITALITY PARTNERS, LLC. FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-048-02-014.001 LOCATED ON THE W/S/O NYS ROUTE 110, 919' N/O MICHAEL DR., EAST FARMINGDALE

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

WHEREAS, Farmingdale Hospitality Partners, LLC., (the "Petitioner") has heretofore petitioned this Board for a change of zone of certain property which is located on the w/s/o NYS Route 110, 919' n/o Michael Dr., East Farmingdale, New York, SCTM No. 0100-048-02-014.001, and further described on the annexed Schedule A, from G-Industrial District to M/H-Planned Motel-Hotel District; and

WHEREAS, a public hearing was held on said petition on the 25th day of March, 2020; and

WHEREAS, in accordance with Section 617.5(c)(9) State Environmental Quality Review (SEQR), this proposal involves the construction of 4-story, 101 room hotel and the Board has adopted a Negative Declaration and no further action is required pursuant to SEQR; 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 Farmingdale Hospitality Partners, LLC., for Job No. 19-36AGE for the construction of a 4-story, 43ft high [56 feet to the top of the parapet] 101 room hotel on the 2.2 acre subject site and for a change of zone from G-Industrial District to MH-Planned Motel-Hotel District for the premises described in the attached Schedule A, 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 ZBA approval for any associated variances.
3. Subject to SCPC referral.
4. Subject to SWPPP approval.
5. Subject to NYSDOT approval for any work conducted in the NYS ROW.
6. Subject to SCDHS approval.
7. Subject to FAA Determination of "No Hazard to Air Navigation".
8. Owner/applicant shall comply with the Town of Babylon Stormwater Code (Chapter 189).
 - a. An Industrial Agreement must be signed.
 - b. Stormwater application fee must be submitted.
 - c. Contain all stormwater runoff on-site to Engineering requirements.
9. 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.
10. Fugitive dust generation shall be controlled by appropriate means such as watering.
11. Fire and smoke detection systems and carbon monoxide detectors should be installed in accordance with NFPA 72.
12. Address number, building number, or approved building identification to be placed in a position visible from the street.
13. 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.
14. During construction, owner/applicant is responsible to sweep access streets and keep the roadways free of dirt and mud.
15. 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.
16. Sewer district and water saving plumbing fixtures to be utilized.
17. All regulatory warning signs are to adhere to the Manual of Uniform Traffic Control Devices for Streets and Highways Specifications. All signs must also be fabricated using high-intensity retro reflective sheeting.
18. 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 \$2,500.00.
19. 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. Construction activities on site shall be in strict conformance with Chapter 156-9D of the Noise Code of the Town of Babylon.
20. Subject to the requirements of Highway, Engineering, and the Fire Marshall.
21. Any site signage proposed must be located so as to not adversely impact site plan functionality and is subject to further review by the Town of Babylon Planning Department.
22. Subject to the recorded Reciprocal Easement Agreement for Shared Vehicular Access as per Liber 12928, page 433.
23. Cigarette disposal receptacles near the hotel entrances should be provided and maintained.

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 exterior-mounted steel security gates or shutters permitted. Only interior-mounted mesh type security gates permitted.
2. All site lighting to be contained on site and must conform to dark-sky lighting regulations.
3. The owner/developer is responsible for maintaining all applicable 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.
4. Owner/applicant shall comply with all NYS regulations for handicapped accessibility including, but not limited to, handicapped ramps and handicapped parking spaces.
5. All noise generating equipment on-site including, but not limited to, heating ventilation and air conditioning (HVAC), chillers, refrigeration units, and compressors shall operate in conformance with Chapter 156 Town of Babylon Noise Code. In the event that any such equipment exceeds Chapter 156 standards immediate steps shall be taken to mitigate those noise levels.
6. 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.
7. No further development of the site without Planning Board approval.
8. All refuse shall be contained within the perimeter and height of the refuse enclosure as approved by the site plan.
9. Maintenance access shall be in accordance with Section 189-9 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.

10. Maintenance after construction shall be in accordance Section 189-9 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 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.
11. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator. Routine maintenance of stormwater infrastructure on the site will include the following:
 - a. Monitoring of drainage inlets (catch basins) will be completed routinely, particularly after larger 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.
12. The entire building is to 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.
13. The Town of Babylon is not responsible for any damage to the curbs or light poles on site in connection with solid waste pick up.

BE IT FURTHER RESOLVED,

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 MH-Planned Motel-Hotel District to G-Industrial District, and be it further

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,

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.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

SCHEDULE A

BEGINNING AT A POINT ON THE WESTERLY SIDE OF BROAD HOLLOW ROAD, SAID POINT BEING IN THE SOUTHERLY LINE OF TAX LOT 12, BLOCK 2, SECTION 48, SAID POINT ALSO BEING DISTANT THE FOLLOWING TWO COURSES FROM A POINT ON THE NORTHERLY END OF A CURVE HAVING A RADIUS OF 50.00 FEET CONNECTING SAID WESTERLY SIDE OF BROAD HOLLOW ROAD WITH THE NORTHERLY SIDE OF MICHAEL DRIVE:

- A) NORTH 02 DEGREES – 23 MINUTES – 23 SECONDS EAST, A DISTANCE OF 1,134.00 FEET TO A POINT, THENCE;
 - B) NORTH 02 DEGREES – 21 MINUTES – 00 SECONDS EAST, A DISTANCE OF 12.09 FEET TO THE POINT AND PLACE OF BEGINNING AND SAID BEGINNING POINT RUNNING THENCE.
1. ALONG THE AFORMENTIONED WESTERLY SIDE OF BROAD HOLLOW ROAD, SOUTH 02 DEGREES – 21 MINUTES – 00 SECONDS WEST, A DISTANCE OF 12.09 FEET TO A POINT;
 2. ALONG THE WESTERLY SIDE OF BROAD HOLLOW ROAD AS PER MAP NO. 332, PARCEL NO. 332, SOUTH 03 DEGREES – 25 MINUTES – 24 SECONDS WEST, A DISTANCE OF 182.01 FEET TO A POINT THENCE;
 3. ALONG A LINE DIVIDING LOT 14.001 AND LOT 14.002, BLOCK 2, SECTION 48, NORTH 86 DEGREES – 34 MINUTES – 36 SECONDS WEST, A DISTANCE OF 459.53 FEET TO A POINT, THENCE;
 4. ALONG A LINE DIVIDING LOT 14.001 AND LOT 13.1, BLOCK 2, SECTION 48, NORTH 30 DEGREES – 57 MINUTES – 04 SECONDS EAST, A DISTANCE OF 307.52 FEET TO A POINT, THENCE;
 5. ALONG A LINE DIVIDING LOT 14.001 AND SAID LOT 12, BLOCK 2, SECTION 48, SOUTH 72 DEGREES – 39 MINUTES – 30 SECONDS EAST, A DISTANCE OF 326.77 FEET TO THE POINT AND PLACE OF BEGINNING.

**RESOLUTION NO. 103 FEBRUARY 3, 2021
 APPROVING VARIANCE REQUEST FOR COASTAL EROSION HAZARD AREA
 APPLICATION NO. 2021-01, PHIL TERRIBLE, 26 FIELD WALK, OAK BEACH
 SCTM NO. 0100-243.00-01.00-062.000**

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

WHEREAS, pursuant to the Code of the Town of Babylon, Chapter 99, a permit for construction in the Coastal Erosion Zone was submitted to the Department of Environmental Control on November 15, 2019; and

WHEREAS, said proposed site development, more specifically, demolish an existing dwelling and construct a new single-family residence located at 26 Field Walk in the community of Oak Beach, and is identified by Suffolk County Tax Map No. 0100-243.00-01.00-062.000; and

WHEREAS, said improvements, new construction, is prohibited under Chapter 99 – Coastal Erosion Hazard Areas; and

WHEREAS, the applicant is requesting a variance from the Code of the Town of Babylon, Chapter 99, Section 12(B)(3) to construct a new dwelling with a reduced building footprint 3,159.84 sq. ft. to 2,584.86 sq. ft.

WHEREAS, the Department of Environmental Control has reviewed the site plan prepared by Michael K. Dunn, Registered Architect, License No. 029817, dated January 30, 2019, and has determined that the granting of the variance will not result in significant environmental impacts; and

WHEREAS, the granting of an area variance is a Type II Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board of the Town of Babylon has been designated as the Coastal Erosion Hazard Board of Review and has the authority to hear, approve, approve with modifications, or deny requests for variances or other forms of relief from the requirements of the Code of the Town of Babylon, Chapter 99.

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon, that upon the recommendation of the Commissioner of Environmental Control, the variance request for Coastal Erosion Hazard Area Application No. 2021-01 of Phil Terrible to construct a new dwelling on property located at 26 Field Walk, Oak Beach, SCTM #0100-243.00-01.00-062.000, be and the same is hereby approved; and be it further

RESOLVED, that the granting of relief to Section 99-12(B)(3), in accordance with the plans and application presently on file, be and the same is hereby approved.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 104 FEBRUARY 3, 2021
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 50 GREAT EAST NECK RD., WEST BABYLON, NY SCTM NO. 0100-222.00-02.00-054.000

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

WHEREAS, a certain structure(s) located at **50 Great East Neck Road, West Babylon, New York**, bearing SCTM# **0100-222.00-02.00-054.000** the doors and windows are open and accessible, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

WHEREAS, said property is improperly secured and constitutes an attractive nuisance to children as well as other residents of the community; 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, §92-10 of the Town Code provides for the emergency 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 does hereby order the emergency securing and board up of the premises located at **50 Great East Neck Road, West Babylon, New York**, bearing SCTM# **0100-222.00-02.00-054.000** to eliminate safety hazard, in order to rectify the above noted problems and abolish any public nuisance resulting from the unsafe condition of said structure, in accordance with the Conclusions and Recommendations set forth in the inspector's report dated January 28, 2021 located in the Code Enforcement Department; and be it further

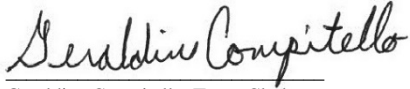
RESOLVED, that the Department of Public Works shall undertake the necessary securing, removal and cleanup; and be it further

RESOLVED, that the costs of securing be assessed against the premises in accordance with Town Code §92-9.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

Being no further business before the Board, the meeting adjourned at 3:38 pm on the motion of Councilman Gregory, seconded by Councilman McSweeney.



Geraldine Compitello, Town Clerk

/jt