

A Regular Meeting of the Town Board, Town of Babylon, was held at the Town Hall, 200 East Sunrise Highway, Lindenhurst, NY, and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P>, on Wednesday, the 1st day of March, 2023 at 3:00 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.

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

CONSENSUS RESOLUTION AGENDA Wednesday, March 1, 2023 at 3:00 P.M.

RESOLUTION NO. 156 MARCH 1, 2023 ACCEPTING TOWN BOARD MINUTES

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:

February 15, 2023
February 24, 2023

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

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

RESOLUTION NO. 157 MARCH 1, 2023 AMENDING RESOLUTION APPOINTING PERSONNEL TO ADDITIONAL POSITIONS AND SETTING SALARIES

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
Barbara Bacchiano	Assistant Town Archivist	2,000
Bianca Dorner	Wellness Coordinator	10,000
Cathy Sesselman	Scanning Technician	2,500
Cathy Hyde	Assistant to Town Board	9,000
Christiam Gomez	Town Clerk Coordinator	1,500
Dawn Carberry	Subregistrar	3,000
Deborah Smolenski	Beach Lease Transfer Coordinator	2,500
Diana Mallia	Rental Board Coordinator	5,000
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	6,500
Jerry Guarino	Counsel to Sanitation Commission	10,000
Jimmy Russo	Liaison to Nassau/Suffolk towns and County Plumbing Licensing Boards	6,500
John Ripple	Liaison to NYS Real Property Tax Services	8,000
Joseph Olmedo	Drug & Alcohol Financial Coordinator	3,500
Joseph Price	Parks Payroll Liaison	9,000
Joseph Wilson	Sanitation Commission Chairman	8,000
Lori Lynn Hansen	Deputy Registrar	3,650
Marianne Hunt	Part-time Executive Assistant to Assessor	2,000
Melissa Justi	SCAR Coordinator	4,000
Peter Russo	Plumbing Regulation Liaison to NYS	9,500
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
Umeko Healy	Deputy Assistant to Town Board	4,000
Viscel Moore	ARPA Funding Administrator	30,000
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

Mary Sullivan	Tax IDA Coordinator		13,000
Linda Murphy-Puglia	Tax IT Coordinator		2,500
Marybridget Sepulveda	Purchasing Coordinator	(eff. 4/15/22)	3000
Donna Domaratus	Assistant Quality of Life Coordinator		5,000
Noreen Wood	Assistant Tax Warrant		3,000

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 158 MARCH 1, 2023
AMENDING THE ADMINISTRATIVE SALARY PLAN**

BE IT 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;

BE IT RESOLVED, that all amendments to the Salary Plan shall be effective this date.

**SCHEDULE A"
2023 ADMINISTRATIVE SALARY PLAN**

TITLE	LEVEL	STEP
Affirmative Action Officer	I	20
Assessor	J	19a
Assistant Town Attorney	I	4a
Assistant Town Attorney	G	9
Chief Assistant Town Attorney	I	18
Chief Deputy Commissioner of Public Safety	H	18a
Chief of Staff	J	20
Citizens Advocate/Supervisor	J	12
Commissioner of Department of Public Works	J	19
Commissioner of Environmental Control	I	18a
Commissioner of General Services	H	18a
Commissioner of Human Services	H	18a
Commissioner of Planning & Development	J	19a
Commissioner of Parks & Recreation	G	22a
Commissioner of Public Safety	I	18
Community Service Aide/Supervisor	J	1a
Community Service Aide/Supervisor	D	14a
Community Service Aide/Supervisor	G	3
Community Service Aide/Supervisor	D	14a
Community Service Aide/Supervisor	D	14a
Community Service Aide/Supervisor	J	1a
Community Service Aide/Supervisor	E	14
Community Service Aide/Supervisor	H	11a
Community Service Aide/Supervisor	J	10a
Community /Service Aide/Supervisor	G	6
Community Service Aide/Supervisor	F	9a
Community Service Aide/Supervisor	I	12
Community Service Aide/Supervisor	J	1a
Community Service Aide/Supervisor	F	5
Community Service Aide/Supervisor	H	6a
Community Service Aide/Environmental Control	F	9
Deputy Commissioner Environmental Control/Landfill	J	16
Deputy Commissioner General Services	G	22a
Deputy Commissioner Human Services	E	19a
Deputy Commissioner Human Services	J	5a
Deputy Commissioner II of DPW	H	21a
Deputy Commissioner I of DPW	H	18a
Deputy Commissioner of Environmental	I	15
Deputy Commissioner of Planning and Development	G	19
Deputy Commissioner II of Planning and Development	E	20a
Deputy Commissioner I of Parks and Recreation	J	16
Deputy Commissioner II of Parks and Recreation	I	15
Deputy Commissioner of Public Safety	I	12
Deputy Comptroller	I	18
Deputy Receiver of Taxes	J	7
Deputy Town Attorney	G	22a
Deputy Town Clerk	J	7
Deputy Town Personnel Officer	E	21
Director of Bureau of Administrative Adjudication	J	7a
Director of Behavioral Health Services	I	16
Director of Finance	H	22
Director of Resource Recovery	J	14a
Director of Youth Bureau	G	20a
Executive Assistant to Assessor	G	3

Executive Assistant to Human Services	J	5
Executive Assistant to Parks and Recreation	H	13
Executive Assistant to Comm. of General Services	H	17a
Executive Assistant to Comptroller	E	20a
Executive Assistant to Deputy Supervisor	J	5
Executive Assistant to DPW	H	15a
Executive Assistant to Environmental Control	E	21
Executive Assistant to Planning	I	16
Executive Assistant to Public Safety	G	16a
Executive Assistant to Supervisor	J	15a
Executive Assistant to Town Attorney	E	21
Executive Assistant to Town Clerk	A	20a
Executive Assistant to Town Personnel Officer	C	20a
Executive Assistant to Tax Receiver	I	4a
Government Liaison Officer	J	18a
Legislative Aide	H	4a
Legislative Aide	J	1a
Legislative Aide	I	12
Legislative Aide	E	21
Legislative Secretary	J	5a
Legislative Secretary	H	4a
Legislative Secretary	H	4a
Legislative Secretary	E	19a
Neighborhood Aide	I	4a
Public Information Officer/Supervisor	J	15
Secretary to Assessor	I	12
Secretary to Commissioner of DPW	G	6a
Secretary to Commissioner of Environmental Control	I	4a
Secretary to Commissioner of General Services	G	17
Secretary to Commissioner of Planning & Development	I	16
Secretary to Commissioner of Parks & Recreation	G	9a
Secretary to Comptroller	G	9a
Secretary to Deputy Supervisor	D	14a
Secretary to Human Services	H	11a
Secretary to Public Safety	G	6a
Secretary to Supervisor	B	18a
Secretary to Tax Receiver	E	20a
Secretary to Town Attorney	J	1a
Secretary to Town Clerk	F	9
Secretary to Town Personnel Officer	I	10a
Senior Assistant Town Attorney	I	14a
Senior Assistant Town Attorney	E	21
Senior Assistant Town Attorney	I	19a
Senior Citizens Aide	E	7a
Senior Citizen Aide II	J	10a
Town Attorney	J	20
Town Comptroller	I	22
Town Historian	I	6
Town Investigator	E	21
Town Personnel Officer	G	22a
Women's Resources Advisor I	C	20
Women's Resource Advisor II	H	11a

2022 Administration 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	135,087	149,324
19	54,965	60,184	67,115	74,045	82,292	96,135	109,558	122,548	137,789	152,310
a	57,054	62,471	69,665	76,859	85,419	99,788	113,721	128,798	143,025	158,098
20	59,222	64,845	72,312	79,780	88,665	103,580	118,042	133,692	150,465	163,157
a	61,472	67,309	75,060	82,812	92,034	107,516	122,528	138,772	156,484	169,357
21	63,808	69,867	77,912	85,959	95,531	111,602	127,184	144,045	162,430	175,793
a	66,233	72,522	80,873	89,225	99,161	115,843	132,017	149,519	168,602	182,473
22	68,750	75,278	83,946	92,616	102,929	120,245	137,034	156,397	171,980	189,407
a	71,363	78,139	87,136	96,135	106,840	124,814	141,830	162,340	178,515	196,604

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory
 VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 159 MARCH 1, 2023
 GRANTING A ONE (1) YEAR LEAVE OF ABSENCE**

BE IT RESOLVED, by the Town Board of the Town of Babylon that the following employee is hereby granted a One (1) year in total Leave of Absence pursuant to the Collective Bargaining Agreement:

ID # ON FILE	START DATE	END DATE
#16111	03/06/2023	03/05/2024

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 160 MARCH 1, 2023
 AUTHORIZING 2022 BUDGET MODIFICATION**

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Comptroller, that the following 2022 Budget Modification is hereby authorized:

	<u>Increase</u>	<u>Decrease</u>
General Fund		
Tax collector		
Administrative		
A.1330-13	\$ 7,320	
Office Supplies		
A.1330-41		\$ 7,320

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 161 MARCH 1, 2023
 AUTHORIZING 2023 BUDGET MODIFICATION**

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Comptroller, that the following 2023 Budget Modification is hereby authorized:

	<u>Increase</u>	<u>Decrease</u>
General Fund		
Tax Collector		
Program Operations		
A.1330-47	\$ 30,000	
Professional and Technical Services		
A.1330-44		\$ 30,000
Parks and Recreation Administration		
Pat Time Clerical		
A.7020-16	\$ 1,000	
Pat Time Labor		
A.7020-17		\$ 1,000
Highway Fund		
Street Administration		
Program Supplies		
DB.5010-23	\$ 23,000	
Office Supplies		
DB.5010-41	\$ 4,000	
Rent or Lease		
DB.5010-45	\$ 15,000	
Miscellaneous		
DB.5010-49		\$ 42,000

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 162 MARCH 1, 2023
 ACCEPTING THE CONTRACT WITH NV 5 FOR RFP NO. 18G29, REQUEST FOR PROPOSALS FOR ARCHITECTURAL, ENGINEERING, DESIGN, BID PHASE SERVICES, CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES FOR CARLL'S RIVER WATERSHED PROJECT AS COMPLETE AND ACCEPTABLE**

WHEREAS, RFP No.18G29, Request for Proposals for Architectural, Engineering, Design, Bid Phase Services, Construction Administration and Inspection Services for Carll's River Watershed Project was awarded to NV 5 pursuant to Resolution No.412 of May 16, 2018, for a total contract amount of ONE MILLION, NINETY EIGHT THOUSAND, SIX HUNDRED AND FIFTY (\$1,098,650.00) DOLLARS; and

WHEREAS, all procurement guidelines set forth by Governor's Office of Storm Recovery (GOSR) have been complied with; and WHEREAS, the Director of Purchasing, Commissioner of the Department of Public Works and LiRo Program & Construction Management, PE, P.C., have deemed all work performed by NV 5 pursuant to RFP No. 18G29 as acceptable and complete.

NOW, THEREFORE, be it RESOLVED, that based upon the recommendations of the Director of Purchasing, Commissioner of the Department of Public Works and LiRo Program & Construction Management, PE, P.C. the contract with NV 5, pursuant to RFP No. 18G29 be and is hereby accepted as satisfactorily complete at a final contract amount of ONE MILLION, NINETY EIGHT THOUSAND, SIX HUNDRED AND FIFTY (\$1,098,650.00) DOLLARS.

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney
 2/15/2023 Minutes

and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 163 MARCH 1, 2023
AUTHORIZING CHANGE ORDER NO. 3 IN THE CONTRACT WITH LASER INDUSTRIES, INC.
FOR BID NO.21G107 SHORELINE STABILIZATION OF KAY ROAD & BAY BOULEVARD, COPIAGUE**

WHEREAS, Bid No.21G107, Shoreline Stabilization of Kay Road & Bay Boulevard, Copiague, was awarded to Laser Industries, Inc. pursuant to Resolution No.120 of February 2, 2022, for a total contract amount of ONE MILLION, FIFTY THREE THOUSAND, SIX HUNDRED SEVENTY THREE (\$1,053,673.00) DOLLARS; and

WHEREAS, Change Order No.1 was approved pursuant to Resolution No.830 of October 12, 2022, which resulted in no change to the contract amount; and

WHEREAS, Change Order No.2 was approved pursuant to Resolution No.912 of November 10, 2022, which resulted in no change to the contract amount; and

WHEREAS the Change Order Committee convened on February 1, 2023, with the Chief of Staff, Deputy Chief of Staff, Town Attorney, Comptroller, Commissioner of Planning and Development and Commissioner of General Services in attendance to review Change Order No.3:

Remove and Replace Belgium Block Curb, Remove and Reset Driveway Pavers at 15 Kay Blvd.	\$66,228.00
Credit to Contingency	(\$66,228.00)
TOTAL CHANGE ORDER NO. 3	\$0

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Change Order Committee, the Supervisor be and he is hereby authorized to execute Change Order No.3 which has resulted in no change to the contract amount and be it further ONE MILLION, FIFTY THREE THOUSAND, SIX HUNDRED SEVENTY THREE (\$1,053,673.00) DOLLARS.

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 164 MARCH 1, 2023
ACCEPTING THE CONTRACT WITH PIONEER LANDSCAPING & ASPHALT PAVING, INC
FOR BID NO.20G73 - CARLL'S RIVER WATERSHED, LOCATION NO. 1 SUNRISE HIGHWAY AS COMPLETE AND ACCEPTABLE**

WHEREAS, Bid No.20G73, Carll's River Watershed, Location No.1 Sunrise Highway was awarded to Pioneer Landscaping & Asphalt Paving, Inc. for a total contract amount of ONE MILLION SEVEN HUNDRED SEVENTY FIVE THOUSAND (\$1,775,000.00) DOLLARS pursuant to Resolution No.784 of December 23, 2020; and

WHEREAS, this project is part of the Governor's Office of Storm Recovery (GOSR) mitigation projects; and

WHEREAS, Change Order No.1 was approved pursuant to Resolution No.298 of May 12, 2021, which resulted in no change to the contract amount of ONE MILLION SEVEN HUNDRED SEVENTY FIVE THOUSAND (\$1,775,000.00) DOLLARS; and

WHEREAS, Change Order Nos. 2 & 3 were approved pursuant to Resolution No.425 of July 7, 2021, increasing the contract amount to TWO MILLION NINE HUNDRED TWELVE THOUSAND, EIGHT HUNDRED FORTY ONE DOLLARS AND 39/100 (\$2,912,841.39); and

WHEREAS, Change Order Nos. 4 & 5 were approved pursuant to Resolution No.425 of July 2021, increasing the total contract amount to TWO MILLION NINE HUNDRED TWELVE THOUSAND, EIGHT HUNDRED FORTY ONE DOLLARS AND 39/100 (\$2,912,841.39); and

WHEREAS, Change Order No.6 was approved pursuant to Resolution No.970 of December 7, 2022, decreasing the total contract amount to TWO MILLION, EIGHT HUNDRED FIFTY THREE THOUSAND, FIVE HUNDREND TWENTY NINE DOLLARS AND 29/100 (\$2,853,529.29), and

WHEREAS, all procurement guidelines set forth by Governor's Office of Storm Recovery (GOSR) have been complied with; and

WHEREAS, the Director of Purchasing, the Commissioner of the Department of Public Works, NV 5 and LiRo Program & Construction Management, PE, P.C., have deemed all work performed by Pioneer Landscaping & Asphalt Paving, Inc. pursuant to Bid No.20G73 as acceptable and complete.

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations the Director of Purchasing ,the Commissioner of the Department of Public Works, NV 5 and LiRo Program & Construction Management, PE, P.C., have deemed all work performed by Pioneer Landscaping & Asphalt Paving, Inc. be and is hereby accepted as satisfactorily complete at a final contract amount of TWO MILLION, EIGHT HUNDRED FIFTY THREE THOUSAND, FIVE HUNDREND TWENTY NINE DOLLARS AND 29/100 (\$2,853,529.29).

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 165 MARCH 1, 2023
ACCEPTING THE CONTRACT WITH GRACE INDUSTRIES, LLC FOR BID NO.20G74
CARLL'S RIVER WATERSHED, LOCATION NO. 5 LOCUST AVENUE, BABYLON VILLAGE AS COMPLETE AND ACCEPTABLE**

WHEREAS, Bid No.20G74, Carll's River Watershed, Location No.5 Locust Avenue, Babylon Village was awarded to Grace Industries, LLC for a total contract amount of ONE MILLION NINE HUNDRED SEVENTY TWO THOUSAND, SIX HUNDRED TEN (\$1,972,610.00) DOLLARS pursuant to Resolution No.785 of December 23, 2020; and

WHEREAS, this project is part of the Governor's Office of Storm Recovery (GOSR) mitigation projects; and

WHEREAS, Change Order Nos.1 & 2 was approved pursuant to Resolution No.299 of May 12, 2020, which resulted in no change to the contract amount; and

WHEREAS, Change Order No.3 was approved pursuant to Resolution No.697 of November 4, 2021, and amended pursuant to Resolution No.102 of January 19, 2022, increasing the total contract amount of TWO MILLION EIGHT HUNDRED SEVENTY THOUSAND SIX HUNDRED FIFTY NINE AND 54/100 (\$2,870,659.54) DOLLARS; and

WHEREAS, Change Order Nos.4 & 5 were approved pursuant to Resolution No.971 of December 7, 2022, for a total contract amount of TWO MILLION NINE HUNDRED FORTY TWO THOUSAND, SEVEN HUNDRED FIFTY DOLLARS AND 23/100 (\$2,942,750.23); and

WHEREAS, all procurement guidelines set forth by Governor's Office of Storm Recovery (GOSR) have been complied with; and

WHEREAS, the Director of Purchasing, the Commissioner of the Department of Public Works, NV 5 and LiRo Program & Construction Management, PE, P.C., have deemed all work performed by Grace Industries, LLC pursuant to Bid No.20G74 as acceptable and complete.

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations the Director of Purchasing, the Commissioner of the Department of Public Works, NV 5 and LiRo Program & Construction Management, PE, P.C., have deemed all work performed by Grace Industries, LLC be and is hereby accepted as satisfactorily complete at a final contract amount of TWO MILLION NINE HUNDRED FORTY TWO THOUSAND, SEVEN HUNDRED FIFTY DOLLARS AND 23/100 (\$2,942,750.23).

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 166 MARCH 1, 2023
AMENDING CHANGE ORDER NO. 1 AND ACCEPTING THE CONTRACT WITH AUSTIN INTERIORS FOR BID NO. 21G58 - RENOVATIONS TO VFW BUILDING LOCATED AT 30 WILLIAMS STREET, WYANDANCH AS COMPLETE & ACCEPTABLE

WHEREAS, Bid No.21G58 – Renovations to VFW Building locates at 30 William Street, Wyandanch was awarded to Austin Interiors, Inc. pursuant to Resolution No.625 of October 13, 2021, for a total contract amount of TWO HUNDRED NINETY TWO THOUSAND; and

WHEREAS, Change Order No. 1 was approved pursuant to Resolution No.454 of June 8, 2022, increasing the total contract amount to THREE HUNDRED SIXTY TWO THOUSAND, SIX HUNDRED NINETY THREE DOLLARS AND 72/100.(\$362,693.72); and

WHEREAS, due to a scrivener’s error the total amount of Change Order No. should have read SEVENTY THOUSAND, SIX HUNDRED NINETY THREE DOLLARS AND 72/100 (\$70,693.72), increasing the total contract amount to THREE HUNDRED SIXTY TWO THOUSAND, SIX HUNDRED NINETY THREE DOLLARS AND 72/100.(\$362,693.72), and

WHEREAS, the Commissioner of General Services and Nelson + Pope recommend that all work performed by Austin Interiors, Inc. pursuant to Bid No.21G58 be deemed as complete and acceptable.

NOW, THEREFORE, be it

RESOLVED, due to a scrivener’s error, Change Order No. 1 approved pursuant to Resolution 454 of June 8, 2022, be and is hereby amended to read SEVENTY THOUSAND, SIX HUNDRED NINETY THREE DOLLARS AND 72/100 (\$70,693.72), increasing the total contract amount to THREE HUNDRED SIXTY TWO THOUSAND, SIX HUNDRED NINETY THREE DOLLARS AND 72/100.(\$362,693.72), and be it further

RESOLVED, that based upon the recommendations of Commissioner of General Services and Nelson + Pope, that all work performed by Austin Interiors, Inc. pursuant to Bid No.21G58 be and is hereby accepted as satisfactorily complete at a final contract amount of THREE HUNDRED SIXTY TWO THOUSAND, SIX HUNDRED NINETY THREE DOLLARS AND 72/100 (\$362,693.72).

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 _____ YEAS: 5 _____ NAYS: 0 _____

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 167 MARCH 1, 2023
AWARD OF RFP NO. 23G10 REQUESTS FOR PROPOSALS FOR ADMINISTRATION AND IMPLEMENTATION OF AN EMPLOYEE DRUG & ALCOHOL TESTING PROGRAM

WHEREAS, the following proposals for RFP No.23G10 Request for Proposals for Administration and Implementation of an Employee Drug & Alcohol Testing Program were received, opened and publicly read:

PROPOSERS:

Comply, Inc.

Healthcare Consulting Services Inc.
d/b/a Assured Drug Testing Services
DSI Medical Services Inc.

WHEREAS, copies of all proposals received are on file in the Department of General Services; and

WHEREAS, a review committee with the Director of Personnel, Director of Drug and Alcohol, EAP Director and Director of Purchasing was formed to review all of the aforementioned proposals; and

WHEREAS, the Review Committee convened on February 16, 2023, to review the Proposals; and

WHEREAS, after a thorough review of all proposals received, the committee recommends awarding RFP No.23G10 to Comply Inc.; and

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Review Committee, RFP No.23G10 be and is hereby awarded to Comply, Inc. at the rates set forth pursuant to their proposal; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a one (1) year contract with Comply, Inc.; and be it further

RESOLVED, that said contract may be extended for two (2) additional one (1) periods at the discretion of the Commissioner of General Services and that the form and content of said contract shall be subject to the approval of the Town Attorney.

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 _____ YEAS: 5 _____ NAYS: 0 _____

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 168 MARCH 1, 2023
AUTHORIZING PAYMENT TO RENU CONTRACTING RESTORATION

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Comptroller be and is hereby authorized to issue payment Renu Contracting Restoration, Inc. for the balance due after insurance payments for repairs to the Tanner Park Senior Center for fire damage

SERVICES PERFORMED DATE	AMOUNT
Invoice 22176-2210-2 of 10/26/22	\$129,166.20

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 _____ YEAS: 5 _____ NAYS: 0 _____

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 169 MARCH 1, 2023
AUTHORIZING THE SUPERVISOR TO SIGN MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF THE ARMY AND THE TOWN OF BABYLON

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Supervisor be and he hereby is authorized to sign a Memorandum of Agreement with the Department of The Army for additional work during construction of the Fire Island inlet and shores westerly to Jones Inlet Project; and be it further

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

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 _____ YEAS: 5 _____ NAYS: 0 _____

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 170 MARCH 1, 2023
AUTHORIZING THE SUPERVISOR TO EXECUTE A FIREWORKS AGREEMENT WITH SANTORE’S WORLD FAMOUS FIREWORKS, LLC.

BE IT RESOLVED, by the Town Board of the Town of Babylon that the Supervisor be and he hereby is authorized to execute an agreement with Santore’s World Famous Fireworks, LLC, for a fireworks display within the Town of Babylon on August 12, 2023 (alternate date August 13, 2023) for a fee of TWENTY FOUR THOUSAND and 00/100 (\$24,000.00) DOLLARS; and be it further

BE IT RESOLVED, that said agreement is subject to the approval of the Town Attorney as to form and content.

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 _____ YEAS: 5 _____ NAYS: 0 _____

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 171 MARCH 1, 2023
DECLARING EQUIPMENT SURPLUS**

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Commissioner of the Department of Public Works, that the following obsolete equipment be and is hereby declared surplus and be auctioned or discarded:

MAKE/MODEL	SERIAL NO.	TO BE
2004 Sterling Elgin Eagle Sweeper	VIN# 49HAADB24DM34595 Asset # 7-38	Auctioned
2009 Caterpillar D-6 Dozer	VIN# CAT00D6THSKL00632 Asset# 1189	Auctioned
2008 Chevrolet Colorado Pickup	VIN# 1GCDDT33E888218055 Asset # 1145	Auctioned
Delta Belt & Disc Sander Model # 6W32-I3KA	Ser# 24230216 Asset # 6183	Disposed
Rigid 535 Pipe Threading Kit	Ser# 358775 TOB Property Sticker # G00108	Auctioned
2017 Chevrolet Sonic (totaled)	VIN# 1G1JB5SG6H4162945 Asset # 1458	Disposed
2019 Chevrolet Sonic	VIN# 1G1JG6SB2K4141206 Asset # 1534	Auction Blown motor and stripped for parts
Chevrolet Trailblazer 2008	VIN# 1GNDDT13S082233699 Asset # 1175	Auctioned
Tires: Sumitomo ST718, 245/75 R225 recap Toyo M154 245/75R225 recap Goodyear G622 RSD 245/75R225 recap Goodyear G661 HSA 245/75 R22.5 recap (4)Heavy Duty lowboy 7-14.5LT new (4)Heavy Duty lowboy 7-14.5LT used mounted on wheel Maxxis temporary use only T175/90D18 Goodyear Wrangler SRA P235/75R15 New Goodyear Wrangler RT/S P235/75R15 New (4)Goodyear Eagle RS-A P265/60R17 used 16/70-20 Mitas-04 - new 44x18.00-20 Titan Mutitrack C/S - new 400x70R18 IND IT530 Goodyear – new 425/65 R22.5 G178 Goodyear - used (2) 18R19.5 XF Michelin X – new 245/75R22.5 G159 Goodyear – new, mounted on 8 Plug Rim 10R17.5 HC Firestone Transteel Radial – new 10.00 R20 M840 Bridgestone – used, mounted on split rim (2) 11.00 R20 M840 Bridgestone – used, mounted on split rim 11L-16 Firestone Industrial special - new (4) 275/80 R22.5 R227 Bridgestone -new, mounted on 8 lug rim 215/75 R17.5 Bridgestone low profile R184 – new (3) 9R17.5HC V-steel radial Bridgestone – new (2) 26.5 R25 Bridgestone V-Steel M Traction - used	n/a	Auctioned
A/c Deico Wiper motor	46-1089	Auctioned
A/C Delco Cable	19212550	Auctioned
A/C Delco Cable	15922814	Auctioned
Four Season Blower Matar	75-788	Auctioned
Pronto Motor Mount	EM-2909	Auctioned
GM Window Handle	20980650	Auctioned
A/C Delco Rod Cap	1507-5118	Auctioned
A/C Delco Window Regulator	88958371	Auctioned
A/C Delco Directional Stalk	26100985	Auctioned
A/C Delco Door Handle	1572-1571	Auctioned
A/C Delco Fuel Pump	1520-5623	Auctioned
A/C Delco Door Handle	1574-2229	Auctioned
A/C Delco (2) Rear Wiper Pump	192-44683	Auctioned
Pronto Motor Mount	EM-2809	Auctioned
Supreme Sway Bar Link	MS-50820	Auctioned
A/C Delco HVAC	D806A	Auctioned
GM (2) Light	15126553	Auctioned
A/C Delco Diff Brace	23229694	Auctioned
A/C Delco Tensioner	1410-2105	Auctioned
A/C Delco Sensor	1260-3782	Auctioned
Pronto Motor Mount	EM-2909	Auctioned
A/C Delco Motor Mount	15921948	Auctioned
A/C Delco Hood Latch	889-58406	Auctioned
A/C Delco Wiper Motar	20945139	Auctioned
Chevy Knuckle	19177220	Auctioned
Chevy Madule	89019351	Auctioned
Centric Resistor	138.65012	Auctioned
Federal Mogul Slave Cylindel	P74082	Auctioned
A/C Delco Fuel Pump	25314335	Auctioned
A/C Delco Fuel Pump	25351753	Auctioned
A/C Delco Level Sensor	19260762	Auctioned
Dorman Resistor	83341	Auctioned
Motor Craft Window Handle	F6PZ-9H307-CB	Auctioned
Mopar Fuel Pump	1-05014211AA	Auctioned
Mopar. Fuel Pump	1-048917667AF	Auctioned
Federal Fuel Pump	30169	Auctioned
Carter P/S Hose	P800005	Auctioned
Napa Fuel Pump	TS-10771-PB	Auctioned
A/C Delco Brakes	20837131	Auctioned
A/C Delco Wiper Tranny	22741027	Auctioned
A/C Deico Blower Motor	15812088	Auctioned
A/C Delco Wiper Tranny Motor	26100839	Auctioned
A/C Delco Door Handle	15174845	Auctioned
A/C Delco Steering shaft	88965525	Auctioned
Standard Wiper Switch	D\$941	Auctioned

A/c Delco Door Handle	20830534	Auctioned
Chevy Taillight	337139B	Auctioned
ASC Water Pump	WP6517	Auctioned
A/C Delco Over Flow Tank	15808714	Auctioned
Chevy Wiper Motor	88958223	Auctioned
Chevy Mud Flaps	22894865	Auctioned
Chevy Head Lamp	3371365T	Auctioned
Dorman Tranny Lines	624-955	Auctioned
Dorman Tranny Lines	1624-956	Auctioned
VAIP Parking Lamp	CV30069ABL	Auctioned
Gates Water Pump	130-1700	Auctioned
Federal Mogul Fuel Pump	M60514	Auctioned
Chevy Wiper Assembly	15812088	Auctioned
Chevy Wiper Assembly	22128098	Auctioned
Chevy Bumper Bracket	23112265	Auctioned
Chevy Window Track	28980649	Auctioned
TowMotor EGR Valve	40314	Auctioned
Federal Mogul Fuel Pump	P74107	Auctioned
Federal Mogul Fuel Puma	P74002	Auctioned
Federal Mogul Fuel Filters	STS-7	Auctioned
Airtex Fuel Pump	E3902	Auctioned
Chevy Fuel Level Sensors	88966967	Auctioned
Chevy Wiper Stalk	26100986	Auctioned
Dorman Wiper Tranny	602-230	Auctioned

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 172 MARCH 1, 2023
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR KRISTEN STETTNER
OUTER BEACH APPLICATION NO.143618 SCTM #0100-240-1-105**

WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No. 143618 of Kristen Stettner, for the premises located at 21 Bay Walk, W. Gilgo Beach, SCTM #0100-240-1-105 to construct interior alterations, decks and sanitary system; 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. 143618 of Kristen Stettner, for the premises located at 21 Bay Walk, W. Gilgo Beach, SCTM #0100-240-1-105, to construct interior alterations, decks and sanitary system; 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.

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 173 MARCH 1, 2023
PROCLAIMING SATURDAY, MARCH 18, 2023 AS EAGLE SCOUT STEVEN GEORGE DAY**

WHEREAS, the Boy Scouts of America at various times during the year confer its highest award for achievement to one of its deserving members; and

WHEREAS, the rank of Eagle Scout is a rarity in scouting because the tasks needed to accomplish this are difficult, but if accomplished, they go a long way toward the development of leadership, self-reliance, and other qualities of humanity so desirable in young men; and

WHEREAS, an Eagle is many things, noted for its size, strength, graceful figure, keenness of vision and power of flight; and

WHEREAS, the Eagle was also the standard of the Ancient Romans, and is the seal of this great nation, the United States of America; and

WHEREAS, it is fitting that by the successful demonstration of his scouting achievement, Steven George was awarded the rank of Eagle Scout.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby extend to Steven George its congratulations on his successful completion and achievement of the rank of Eagle Scout and proclaims Saturday, March 18, 2023 as Eagle Scout Steven George Day.

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 174 MARCH 1, 2023
PROCLAIMING SUNDAY, MARCH 19, 2023 AS JUDY SKILLEN DAY IN THE TOWN OF BABYLON**

WHEREAS, Judy Driscoll Skillen is known throughout the community as a person who facilitates positive change through volunteerism. As a lifelong resident of Babylon Village, Mrs.

Skillen's involvement in our community has been exemplary. Her service included positions on The Architectural Review Board, Planning Board and Downtown Revitalization Projects, as well as Babylon Beautification Society, Babylon Village Historical Society as a Trustee for 10 years and Vice President for five years and currently President for the past 3 years.; and

WHEREAS, as a current member and former Babylon Pilot club President, Judy Skillen has chaired the Start School Right Program for underprivileged children. Through these organizations, Mrs. Skillen has been instrumental in bringing countless projects to fruition such as the Robert Moses Statue, the restoration of the historical museum, the Annual Argyle County Fair, The Village Fountain Restoration, Bayman Statue and many improvements throughout our village and town; and

WHEREAS, Judy Skillen has served on various community committees including; 20th Anniversary of 9/11 Remembrance. Town of Babylon 150th Anniversary Celebration, Dedication and restoration of the Ralph Scordino Falls and for the past fifteen years she has led the Annual Village of Babylon Tree Lighting and Wassail Bowl.; and

WHEREAS, Mrs. Skillen's recent volunteer efforts include her work as one of the founding members of Neighbors Supporting Neighbors, This organization worked to help our community recover after the devastation of Superstorm Sandy in 2012. She served as a member of the New York Rising Community Reconstruction Committee for Babylon and West Babylon to assist in developing projects focused on recovery and resiliency. She was awarded the President's Volunteer Service Award and proclamations from Town of Babylon Supervisor Rich Schaffer and County Legislator Kevin McCaffrey recognizing her efforts; and

WHEREAS, Mrs. Skillen has served as a Deacon and Elder at the First Presbyterian Church of Babylon. Furthermore, Mrs. Skillen has received The Nathaniel Conklin Award for volunteerism and outstanding community service. In 2008, she was named a New York State Woman of

Distinction by Senator Owen H. Johnson to celebrate her influence as a leader in the community. The Babylon Rotary Club recognized Mrs. Skillen with the Paul Harris Fellow Award for her collaboration with their organization and her service and dedication to our community; and

WHEREAS, Mrs. Skillen is a retired Special Education educator and administrator serving the West Babylon School District for 35 years. She has been honored by the National PTA and inducted into the West Babylon Alumni Foundation Hall of Fame. Mrs. Skillen and her late husband Jerry raised two daughters Michelle Melfi and Kimberly Skillen. She is the proud grandparent to Kristi, Jennifer and Mackenzie. Mrs. Skillen would like to express her gratitude to the Ancient Order of Hibernians, "I am truly humbled and honored to be chosen as the first Grand Marshall of what will become a wonderful tradition for Babylon, the Annual Saint Patrick's Day Parade.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby honors the memory of Judy Skillen, and proclaims Sunday, March 19, 2023 as "Judy Skillen Day" in the Town of Babylon.

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 175 MARCH 1, 2023
AUTHORIZING PERMISSION FOR A PARADE ON APRIL 22, 2023
IN THE TOWN OF BABYLON FOR THE LINDENHURST AMERICAN LITTLE LEAGUE**

WHEREAS, the Lindenhurst American Little League has requested permission to hold a parade on Saturday, April 22, 2023 with a rain date of April 29, 2023 within the Town of Babylon,

INDIVIDUAL: Jason Peckholdt 909 N. Delaware Ave. Lindenhurst, NY 11757 (631) 431-0005	ORGANIZATION: Lindenhurst American Little League 654 N. Wellwood Ave. Lindenhurst, NY 11757 1-855-LINDY-BB
DATES & TIMES: Date(s): 4/22/2023 to: Time: 10:00 a.m. to 12:00 p.m. Rain Date: 4/29/2023	STARTING: Spiegelhagen St. @ King Kullen/Blink Fitness, Lindenhurst (rear parking lot) ENDING: Softball Field @ Town of Babylon, Lindenhurst

ROUTE:

Traveling east on Spiegelhagen St., turning right onto Indiana Ave. and ending at Babylon Town Hall baseball field.

NOW, THEREFORE, be it

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this said resolution to the following Departments within the of the Town of Babylon; Public Safety, Central Alarm, Highway, Parks & Recreation, Fire Prevention, Solid Waste Management and also the Suffolk County Police Department and Suffolk County DPW; and be it further

RESOLVED, that the Town Board of the Town of Babylon does hereby order this resolution as stated and will act as acknowledgement and used as said permit, subject to the rules and regulations of the Commissioner of Parks, Recreation and Cultural Affairs and the Suffolk County Police Department.

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 176 MARCH 1, 2023
PROCLAIMING THE MONTH OF MARCH AS IRISH AMERICAN HERITAGE MONTH IN THE TOWN OF BABYLON**

WHEREAS, In February, 2019, the Suffolk County Legislator and Suffolk County Executive Steve Bellone voted on and approved a resolution to designate March as Irish American Heritage Month in Suffolk County; and

WHEREAS, a request was made to illuminate the north side of the H. Lee Dennison Executive Office Building with Green Glow on March 17th, beginning in 2019 and continuing every year thereafter; and

WHEREAS, in order to increase awareness and educate residents of the Town of Babylon of the importance of Irish American heritage, the Town of Babylon will join the Suffolk County with proclaiming the month of March as Irish American Heritage month; and

WHEREAS, to coincide with Suffolk County, the Town Hall Building will be illuminated with a green glow on March 17th 2023; and

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon does hereby proclaim March as "Irish American Heritage" Month in the Town of Babylon and that the Town Hall Building will be illuminated with a green glow on March 17th 2023.

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 177 MARCH 1, 2023
AUTHORIZING THE CEREMONIOUS CHANGING OF A STREET NAME**

WHEREAS, John Farina and his wife Yolanda lived in Copiague for 66 years. They have three sons, Anthony, John and Vincent, four grandchildren, and three great grandchildren, all residents of the Town of Babylon; and

WHEREAS, John Farina is a veteran of post-World War II Germany Occupation and has been the Commander of the VFW Post 9482 in Copiague for many years. Through his tireless efforts he was able to establish World War I and World War II memorials in his hamlet, and he faithfully assisted in the maintenance of these sites; and

WHEREAS, John Farina served as chairman of the annual Memorial Day parade. He lived his faith as a faithful participant in our Lady of the Assumption Church as an usher at weekly mass, and as a charter member of the Knights of Columbus, Copiague Council; and

WHEREAS; John Farina volunteered his time and talent to the Copiague Youth League; and

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon authorizes the ceremonious changing of the name of Ferndale Court at Hawkins Boulevard, Copiague, to "John Farina Way;" and be it further

RESOLVED, the Town of Babylon Department of Public Works shall install signs above the current street signs stating "John Farina Way"

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 178 MARCH 1, 2023
AUTHORIZING THE CEREMONIOUS CHANGING OF A STREET NAME**

WHEREAS, John Vogt was a great leader who spent all of his time working on making his home community, The American Venice, a better place to live. He was an Executive Board Member and President of the Civic Association; and

WHEREAS, John Vogt volunteered his talents to the Copiague Kiwanis Club as board member and as secretary, he was also a Boy Scout Troop 284 Copiague leader and a member of the Sunnyside Chamber of Commerce - Business Improvement District.; and

WHEREAS; John Vogt lost his fight with Cancer and left behind his wife Candida, daughter Nicole 29, son Robert 27, and daughter Emily 25.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon authorizes the ceremonious changing of the name of West Lido Prom, Lindenhurst, to "John G. Vogt Way;" and be it further

RESOLVED, the Town of Babylon Department of Public Works shall install signs above the current street signs stating "John G. Vogt Way"

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 179 MARCH 1, 2023
AUTHORIZATION FOR THE TOWN BOARD TO SUPPORT THE ASSEMBLY ONE-HOUSE BUDGET PROPOSAL LEGISLATION(A.3370/S.3134) TO AMEND THE TAX LAW TO PROVIDE A TAX CREDIT FOR DIRECT SUPPORT PROFESSIONALS**

WHEREAS, direct support professionals are the backbone of the service delivery system and provide care to over 130,000 individuals with disabilities; and

WHEREAS, in combination with low pay, mandated overtime directly contributes to the inability to recruit and retain members of this critical workforce; and

WHEREAS, the Town Board finds that the service delivery system for individuals with disabilities is in crisis, resulting in group home and day program closures; and

WHEREAS, the Town Board further finds that voluntary provider agencies are estimating a 25% staff vacancy rate and the state operated system estimates a 12% staff vacancy rate; and

WHEREAS, absent necessary staff levels, agencies are mandating overtime for already overworked direct support professionals to ensure a continuum of care for our most vulnerable residents; and

WHEREAS, the Town Board desires to support inclusion in the Assembly One-House Budget Proposal legislation (A.3370/S.3134) to amend the tax law to provide a tax credit for Direct Support Professionals (DSPs); and

WHEREAS, the Town Board finds that this legislation will create a refundable tax credit which would provide a significant pay boost to almost all individuals working in this field and by including this legislation in the FY2023-24 Budget, the hard work of direct support professionals who take on this critical, admirable work and help ensure that New Yorkers with disabilities can continue to receive the high quality care they need and deserve.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Babylon hereby strongly supports inclusion in the Assembly One-House Budget Proposal legislation (A.3370/S.3134) to amend the tax law to provide a tax credit for Direct Support Professionals (DSPs) as advocated by NYS Assemblywoman Kimberly Jean-Pierre, Assemblyman Scott Bendett, Assemblyman Angelo Santabarbara, Assemblymember Jodi Giglio, Assemblyman Steve Stern, Assemblyman David G. McDonough, Assemblyman John K. Mikulin, Assemblywoman Taylor Darling, Assemblyman Joe DeStefano, and more ; and be it further

RESOLVED, that the Town Board of the Town of Babylon authorizes the Supervisor to sign any and all necessary documents, including but not limited to letters of support for the inclusion in the Assembly One-House Budget Proposal legislation (A.3370/S.3134) to amend the tax law to provide a tax credit for Direct Support Professionals (DSPs).

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 180 MARCH 1, 2023
AUTHORIZING RELEASE OF BOND**

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Clerk that the following check(s) / bond(s) for street excavation bond(s) be released:

PERMIT #	DATE OF PERMIT	NAME & ADDRESS	TYPE	AMOUNT
10241	11/21/2017	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$1250.00
10268	6/8/2018	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$1000.00
10303	10/17/2018	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$1387.50
10325	2/8/2019	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$1200.00
10340	5/2/2019	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$1200.00
10366	8/12/2019	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$1200.00
10367	8/12/2019	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$1200.00
10382	9/30/2019	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$1200.00
10394	10/24/2019	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$1200.00
10415	1/27/2020	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$1200.00
10424	2/28/2020	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$1200.00
10432	5/20/2020	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$2500.00
10456	8/21/2020	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$1200.00
10457	8/21/2020	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd.	Check	\$1200.00

		2137 Deer Park Avenue, Suite A, Deer Park, NY 11729		
10477	10/28/2020	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$1200.00
10500	2/3/2021	Budget Estates, Inc. / Dingle Bay Enterprises, Ltd. 2137 Deer Park Avenue, Suite A, Deer Park, NY 11729	Check	\$1200.00
10511	3/19/2021	Sabil Construction Co. Inc. 1314 12 th Street, West Babylon, NY 11704	Bond	\$1,230.00
10512	3/19/2021	JPD United Construction, LLC 1637 Broad Hollow Road, Farmingdale, NY 11735	Bond	\$7,000.00

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

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

**RESOLUTION NO. 181 MARCH 1, 2023
AUTHORIZING REFUND OF PAYMENT**

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
Niza Ashraf	28 Lakeland Ave., N Babylon, NY 11703	Green Homes Benefit Assessment	\$145.94	Overpayment

The above **Consensus Agenda Resolution** was offered by Councilman McSweeney and seconded by Councilman Gregory

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

**RESOLUTION AGENDA
Wednesday, March 1, 2023 at 3:00 P.M.**

**RESOLUTION NO. 182 MARCH 1, 2023
AUTHORIZING CHANGE ORDER NO.4 IN THE CONTRACT WITH H2M FOR RFP NO. 15G92 - REQUEST FOR PROPOSALS
FOR ENGINEERING, DESIGN, BID PREPARATION FOR A POTABLE WATER SYSTEM AT OAK BEACH**

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

WHEREAS, RFP No.15G92, Request for Proposals for Request for Proposals for Engineering, Design, Bid Preparation for A Potable Water System at Oak Beach, was awarded to H2M pursuant to Resolution No.42 of January 6, 2016, for a total contract amount of THREE HUNDRED NINETY-NINE THOUSAND, SEVEN HUNDRED TWENTY-FIVE (\$399,725.00) DOLLARS; and
WHEREAS, Change Order No.1 was approved pursuant to Resolution No.791 of November 10, 2016, increasing the total contract amount to FOUR HUNDRED FOURTEEN THOUSAND, SEVEN HUNDRED TWENTY-FIVE (\$414,725.00) DOLLARS; and
WHEREAS, Change Order No.2 was approved pursuant to Resolution No.770 of October 17, 2018, increasing the total contract amount to FOUR HUNDRED SIXTY-FOUR THOUSAND, SEVEN HUNDRED TWENTY-FIVE (\$464,725.00) DOLLARS; and
WHEREAS, Change Order No.3 was approved pursuant Resolution No.708 of August 31, 2022 increasing the total contract amount to FOUR HUNDRED NINETY-FIVE THOUSAND, TWENTY FIVE (\$495,025.00) DOLLARS;

WHEREAS, the Change Order Review Committee (the "Committee") convened on February 15, 2023, with the Chief of Staff, Deputy Chief of Staff, Town Attorney, Comptroller, Commissioner of General Services and the Commissioner of Planning & Development in attendance to review said Change Order No.4 as follows:

Change Order No. 4 – increase in inspection services due to an increase in the duration of the construction	
TOTAL CHANGE ORDER NO.4	\$24,575.00

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.4 in the contract with H2M for a total amount not to exceed TWENTY FOUR THOUSAND, FIVE HUNDRED SEVENTY FIVE (\$24,575.00) DOLLARS increasing the total contract amount to FIVE HUNDRED NINETEEN THOUSAND, SIX HUNDRED (\$519,600.00) DOLLARS; and be it further

RESOLVED, that said Change Order No. 4 is contingent upon compliance with all requirements and approval of the Environmental Facilities Corp, ("EFC"), the funding agency for the project.

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. 183 MARCH 1, 2023
AUTHORIZING CHANGE ORDER NO.1 AND ACCEPTING THE CONTRACT WITH BENSIN CONTRACTING, INC. FOR BID
NO.20G16 REHABILITATION OF EXISTING UNDERGROUND LEACHATE TANKS, REPLACEMENT OF MANWAYS,
REPLACEMENT OF TANK MONITORING AND LEVELING SYSTEMS AS COMPLETE AND ACCEPTABLE**

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

WHEREAS, Bid No.20G16, Rehabilitation of Existing Underground Leachate Tanks, Replacement of Manways, Replacement of Tank Monitoring and a Leveling Systems was awarded to Bensin Contracting, Inc. pursuant to Resolution No.234 of March 11, 2020, for a total contract amount of FIVE HUNDRED EIGHTY TWO THOUSAND DOLLARS, plus Alternate No.1 in the amount of THREE THOUSAND (\$3,000.00) DOLLARS and Alternate No.2 in the amount of THIRTY ONE THOUSAND, FIVE HUNDRED (\$31,500.00) DOLLARS; and

WHEREAS, the Change Order Review Committee (the "Committee") convened on February 15, 2023, with the Chief of Staff, Deputy Chief of Staff, Town Attorney, Commissioner of General Services and the Commissioner of Planning & Development in attendance to review said Change Order No.1 as follows:

Supply & Install Pea Gravel	\$6,916.00
Excavate, expose and remove (3) 8 x 4 HDPE Pipe from tank sumps to precast pit	\$30,700.00
Remove & Replace existing double wall buried HDPE Pipe at leachate tanks	\$9,360.00
Remove & Replace existing PVC pipe & fittings in valve pit	\$4,410.00

Supply 4 new EPG leachate Pumps	\$24,080.00
Credit Remove Vent Line	(\$2,917.50)
SUB-TOTAL	\$0
Credit to Contingency	(\$72,548.50)
Credit for unused Testing Allowance	(\$19,005.00)
Credit for unused Contingency	(\$27,451.50)
TOTAL CHANGE ORDER NO. 1	(\$46,456.50)

WHEREAS, the Commissioner of General Services, Director of Purchasing, the Commissioner of Environmental Control and Kosuri Engineering & Consulting, P.C. recommend that all work performed by Bensin Contracting, Inc. pursuant to Bid No.20G16 be accepted as satisfactorily complete.

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Committee, Change Order No.1 be and is hereby approved, decreasing the total contract amount to FIVE HUNDRED THIRTY FIVE THOUSAND, FIVE HUNDRED FORTY THREE DOLLARS AND 50/100 (\$535,543.50) and be it further

RESOLVED that based upon the recommendations of the Commissioner of General Services, Director of Purchasing, the Commissioner of Environmental Control and Kosuri Engineering & Consulting, P.C, all work performed by Bensin Contracting, Inc. pursuant to Bid No.20G16 be and is hereby accepted as satisfactorily complete at a final contract price of to FIVE HUNDRED THIRTY FIVE THOUSAND, FIVE HUNDRED FORTY THREE DOLLARS AND 50/100 (\$535,543.50).

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	Yea
Supervisor Schaffer	Voting	Abstain

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 184 MARCH 1, 2023

AUTHORIZING CHANGE ORDER NO. 3 IN THE CONTRACT WITH W.H.M. PLUMBING & HEATING CONTRACTORS, INC. FOR BID NO. 20G22, OAK BEACH WATER, GENERAL CONSTRUCTION

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

WHEREAS, Bid No.20G22, Oak Beach Water System, General Construction was awarded to W.H.M. Plumbing & Heating Contractors, Inc. pursuant to Resolution No. June 21, 2021, for a total contract amount of ONE MILLION, NINE HUNDRED FIFTY TWO THOUSAND, THREE HUNDRED EIGHTY FIVE AND 00/100 (\$1,952,385.00) DOLLARS; and

WHEREAS, Change Order Nos 1 & 2 were approved pursuant Resolution No.709 of August 31, 2022, increasing the total contract amount to TWO MILLION, FIFTY FIVE THOUSAND, THREE HUNDRED SEVENTY FOUR DOLLARS AND 85/100 (\$2,055,374.85); and

WHEREAS, the "Committee" convened on February 15, 2023, with the Chief of Staff, Deputy Chief of Staff, Town Attorney, Comptroller, Commissioner of Planning & Development, and Commissioner of General Services in attendance to review said Change Order No.3 as follows:

Change Order No. 3 Furnish and install concrete landing at east stairway	\$4,271.80
TOTAL CHANGE ORDER NO. 3	\$4,271.80

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.3 in the contract with W.H.M. Plumbing & Heating Contractors, Inc., for a total amount not to exceed FOUR THOUSAND, TWO HUNDRED SEVENTY ONE AND 80/100 DOLLARS (\$4,271.80), increasing the total contract amount to TWO MILLION, FIFTY NINE THOUSAND, SIX HUNDRED FORTY SIX DOLLARS AND 65/100 (\$2,059,646.65); and be it further

RESOLVED, that said Change Order No. 3 is contingent upon compliance with all requirements and approval of the Environmental Facilities Corp, ("EFC"), the funding agency for the project.

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	Abstain

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 185 MARCH 1, 2023

APPROVING THE 2022 SERVICE AWARD LIST FOR THE WYANDANCH WHEATLEY HEIGHTS AMBULANCE DISTRICT

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

BE IT RESOLVED, that based upon the certification and recommendation by the officers of the Wyandanch Wheatley Heights Ambulance District, and the review and recommendation by the Comptroller, the 2022 Service Award List for the Length of Service Award Program (LOSAP) on file in the Office of the Town Comptroller for the Wyandanch Wheatley Heights Ambulance District be and is hereby directed to post said list pursuant to General Municipal Law.

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. 186 MARCH 1, 2023

APPROVING THE 2022 SERVICE AWARD LIST FOR THE NORTH AMITYVILLE, NORTH LINDENHURST, NORTH BABYLON, WYANDANCH AND EAST FARMINGDALE FIRE DEPARTMENTS

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

BE IT RESOLVED, that based upon the certification and recommendation by the officers of the North Amityville, North Lindenhurst, North Babylon, Wyandanch and East Farmingdale Fire Departments, and the review and recommendation by the Comptroller, the 2022 Service Award List for the Length of Service Award Program (LOSAP) on file in the Office of the Town Clerk for the North Amityville, North Lindenhurst, North Babylon, Wyandanch and East Farmingdale Fire Departments be and is hereby approved and each Fire Department is hereby directed to post said list pursuant to General Municipal Law.

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. 187 MARCH 1, 2023
ADOPTING LOCAL LAW 6 OF 2023 AMENDING THE CODE OF THE TOWN OF BABYLON,
CHAPTER 168 (PEDDLERS, SOLICITORS AND CANVASSERS)

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

WHEREAS, the Town Board of the Town of Babylon seeks to adopt a local law amending the Town Code with respect to the licensing and regulation of peddlers; and

WHEREAS, the Town Board of the Town of Babylon duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst NY 11757 and on the 15th day of February, 2023 upon the question of the enactment of Local Law No. 6 of 2023 of the Town of Babylon, Suffolk County, New York, being such a local law; and

WHEREAS, in accordance with Part 617.5(c).(26), State Environmental Quality Review (SEQR), the adoption of this local law is classified a Type II Action and not subject to environmental review under SEQR; and

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Babylon, that Local Law 6 of 2023 of the Town of Babylon, Suffolk County, New York, is hereby enacted as follows and is effective upon its filing with the New York State Department of State:

LOCAL LAW 6 OF 2023
AMENDING THE CODE OF THE TOWN OF BABYLON

AMEND as follows:

CHAPTER 167
PEDDLERS, SOLICITORS AND CANVASSERS

§ 167-1. Definitions.

For the purpose of this chapter, certain words are defined as follows:

CANVASS and CANVASSER

Considered as synonymous with the terms "solicit" and "solicitor."

COMPANY

Any association of individuals, partnerships, firms, corporations or any other organization.

PEDDLE

To go from house to house, from store to store, from place to place or from street to street to sell and make immediate delivery of or offer for sale and delivery any goods, wares, merchandise, food, beverages or provisions in possession of the seller at any place within the Town other than from a fixed place of business. Nothing in this definition shall excuse a peddler from this chapter for failing to go from house to house, from store to store, from place to place or from street to street, and who remains stationary in any place in the Town of Babylon without a certificate of occupancy for a building or structure from which sales of that kind are permitted. [Amended 12-7-2004 by L.L. No. 31-2004]

PEDDLER

Any person or company who peddles, including any person who helps or assists another in the act of peddling. The words "peddler," "hawker" and "huckster" shall be considered synonymous terms. Peddlers shall include, but not be limited to: hotdog and food/beverage trucks, stands or other means or objects from which hotdogs or food/beverages or any other merchandise are sold. [Amended 12-7-2004 by L.L. No. 31-2004]

PERSON

A natural person or an individual over the age of 16 years.

SOLICIT

To go from house to house, street to street, place to place or from store to store to sell or take orders for goods, wares, merchandise, food, beverage or provisions for future delivery or for services to be performed or for information to be obtained or to distribute advertising matter at any place within the Town other than from a fixed place of business. Nothing in this definition shall excuse a solicitor for failing to go from house to house, from store to store, from place to place or from street to street, and who remains stationary in any place in the Town of Babylon without a certificate of occupancy for a building or structure from which sales of that kind are permitted. [Amended 12-7-2004 by L.L. No. 31-2004]

SOLICITOR

Any person or company who solicits as herein defined.

§ 167-2. License required.

It shall be unlawful for any person or company to peddle or solicit within the Town, or to assist another to peddle or solicit in the Town, without having first obtained a valid license ~~therefor~~ to peddle or solicit as provided herein.

§ 167-3. Application for License.

[Amended 6-23-1992; 3-4-1997 by L.L. No. 2-1997]

- A Applicants for a license under this chapter shall file an application with the Town Clerk in the form of a sworn affidavit, in duplicate, on a form to be supplied by the Town Clerk, which application shall furnish the following information:
- (1) The name, address and telephone number of the applicant.
 - (2) The applicant's place of residence for the past five years.
 - (3) The applicant's business or employer for the past five years.
 - (4) The applicant's age, height, weight, color of eyes, color of hair and place of birth.
 - (5) Two full-face photographs of the applicant taken within 30 days of application and measuring 1 1/2 inches by 1 1/2 inches.
 - (6) Whether or not the applicant has ever been convicted of a felony, misdemeanor or violation of any municipal ordinance, except traffic violations, and, if so, the date, court, ordinance and sentence of the court.
 - (7) Whether the applicant has been previously licensed in any occupation and, if so, when, where and for what period and, if such previous license was ever revoked, the date of revocation and the reason therefor.
 - (8) The name and address of the person, firm or corporation the applicant represents or is employed by.
 - (9) The particular business, trade or occupation for which the license is requested.
 - (10) The manner or means of conveyance in which said business or trade or occupation shall be conducted.
 - (11) If the application is for a license to handle food in any form, the applicant shall submit a valid permit issued by the Suffolk County Health Department indicating compliance with the provisions of the Suffolk County Public Health Local Law.
 - (12) If the applicant requires the use of weighing and/or measuring devices, such application shall be accompanied by a certificate from the County Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.

- (13) If the application involves use of a vehicle, proof of a valid New York Motor Vehicle Registration for the vehicle to be used.
- (14) If the application involves the use of a vehicle, proof that the applicant holds a valid New York State driver's license.
- (15) Proof that the applicant holds a New York State sales tax identification number.
- (16) Proof that the applicant has been electronically fingerprinted through a New York State Division of Criminal Justice Services (DCJS) approved Statewide Vendor-Managed Civil Fingerprint Capture System.
- (46) (17) In the event that any other license or permit shall be required by any other governmental agency in connection with the applicant's business, the same shall be produced by the applicant, and the Town Clerk shall duly note the same.
- (47) (18) Charitable solicitations. Any person or any employee of any organization who is required to be registered with the Attorney General of the State of New York under the provisions of Article 7-A of the Executive Law of the State of New York, relating to the solicitation and collection of funds for charitable purposes, shall exhibit evidence of such registration to the Town Clerk.

- B. Any change in circumstances with regard to the information provided in the application or on the license shall be reported to the Town Clerk within 30 days.

§ 167-4. Issuance of license.

[Amended 8-3-2022 by L.L. No. 16-2022]

Upon receipt of the application provided for in § 167-3 and payment of the fee hereinafter provided for, the Town Clerk, if satisfied that the applicant possesses the proper qualifications, shall issue a license to the applicant within 60 days of the completed application, which license shall contain a photograph of the licensee.

§ 167-5. Record of licenses issued.

The Town Clerk shall keep a record of all licenses issued under the provisions of this chapter.

§ 167-6. License fees.

[Amended 9-8-1976; 5-5-1992; 3-4-1997 by L.L. No. 2-1997; 8-3-2022 by L.L. No. 16-2022]

- A. The following fees shall be collected by the Town Clerk at the time applications are presented:
 - 1. For a motor vehicle: \$250.
 - 2. For a pushcart or any other nonmotorized vehicle: \$150.
 - 3. For each and every person selling peddling or assisting a peddler from a vehicle: \$50.
 - 4. For peddling and/or soliciting or assisting a peddler or solicitor from house to house: \$50.
 - 5. For peddling or soliciting or assisting a peddler or solicitor without a vehicle: \$50.
- B. Fees shall not be refunded.
- C. There shall be no reduction in fees for licenses issued for a fractional part of a year.

§ 167-7. License to be carried.

Each person licensed hereunder shall carry on his or her person the license issued by the Town Clerk at all times that he or she is engaged in his business and shall exhibit it to any person upon request.

§ 167-8. Eligibility.

[Added 3-4-1997 by L.L. No. 2-1997]

Only a person who is a resident of the State of New York will be eligible for a peddler's license or vehicle license pursuant to this chapter.

§ 167-9 (Reserved)

§ 167-10. Licensing of veterans.

[Amended 3-4-1997 by L.L. No. 2-1997]

- A. Exemption. Any honorably discharged veteran of the armed services of the United States who has obtained a veteran's license from the Suffolk County Clerk to hawk, peddle, vend or solicit trade in pursuance of law shall be exempt from the provisions of § 167-6 of this chapter.
- B. Issuance of permit. In lieu of a license the Town Clerk, upon approval of the veteran's application, shall issue a permit to said veteran to ply his or her trade within the Town, subject to all other provisions of this chapter. Such permit shall be stamped in ink on the county license.

§ 167-11. Insurance requirements.

[Amended 3-21-1989]

Any itinerant peddler or solicitor offering rides or transportation on any portable conveyance more commonly known as "carousels," "whips," "fire engines" and the like shall be required to furnish public liability insurance in the minimum amounts of \$1,000,000 for injuries, including wrongful death, to any person, \$3,000,000 to cover any accident involving more than one person, and property damage insurance in an amount not less than \$25,000 involving property damage to one person and \$50,000 for any one accident. Certificates of such insurance shall be filed with the Town Clerk at the time of issuance of the permit.

§ 167-12. Nontransferability of license.

[Amended 4-5-1977]

No license, license plate or badge issued under the provisions of this chapter may be transferred from one person to another person or from one vehicle to another vehicle, nor shall the badge so issued be used or worn at any time by any person other than the person to whom it was issued.

§ 167-13. Revocation of license.

- A. Grounds; authority. Licenses issued under the provisions of this chapter may be revoked by the Town Clerk after notice and hearing for any of the following causes:
 - 1. Fraud, misrepresentation or false statement contained in the application for license.
 - 2. Fraud, misrepresentation or false statement made in the course of carrying on business as a peddler or solicitor.
 - 3. Any violation of this chapter.
 - 4. Conviction of any crime or misdemeanor involving moral turpitude.
 - 5. Conducting the business of peddling in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of hearing. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his or her last known address at least five days prior to the date set for hearing.
- C. Conduct of hearing. The hearing shall be a public hearing conducted by the Town Board.

§ 167-14. Appeal of license denial or revocation.

- A. Right of appeal. Any person aggrieved by the action of the Town Clerk in the denial of an application for a license, as provided in § 167-4 of this chapter, or in the decision of the Town Clerk with reference to the revocation of a license, as provided in § 167-13 of this chapter, shall have the right to appeal to the Town Board.
- B. Conduct of appeal. Such appeal shall be taken by filing, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Town Board shall set a time and place for a hearing on such appeal, and notice of such hearing on such appeal shall be mailed to the applicant at his or her last known address at least five days prior to the date set for the hearing.
- C. Decision on appeal. The decision and order of the Town Board on such appeal shall be final and conclusive.

§ 167-15. **Hours of operation.**

[Amended 8-3-2022 by L.L. No. 16-2022]

It shall be unlawful for any person to enter upon private property for the purpose of peddling or soliciting except after 9:00 a.m. of any day until dusk (i.e., 30 minutes before sunset) except upon the invitation of the householder or occupant.

§ 167-16. **Effect of signs.**

It shall be unlawful for any peddler or solicitor in plying his or her trade to ring the bell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to public view any sign containing any or all of the following words: "No Peddlers," "No Solicitors," "No Agents" or other wording, the purpose of which purports to prohibit peddling or soliciting on the premises.

§ 167-17. **Location of sales.**

[Amended 3-21-1989]

- A. No peddler or solicitor shall have any exclusive right to any location in the public streets; nor shall any peddler or solicitor be permitted to sell wares within 200 feet of a school between the hours of 8:00 a.m. and 4:00 p.m. on a school day; nor shall he be permitted to sell his or her wares within 300 feet of a Town-owned park; nor shall he be permitted to stand in one place for more than 30 minutes; nor shall he be permitted to stop within 200 feet of a previous stop; nor shall he be permitted to operate in any congested area where his or her operation might impede or inconvenience the public.
- B. For the purpose of this section, the judgment of any police officer or Ordinance Enforcement Officer of the Town of Babylon, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.
- C. It shall be unlawful for any peddler or solicitor to set up a table, box, stand, bag, container or any other device upon any public sidewalk or roadway for the purpose of peddling or soliciting.
- D. No person shall occupy any part of a state highway for the purpose of peddling. For so long as the same is governed and regulated by state law, violation hereof shall be punishable in accordance with state law (Vehicle and Traffic Law).
- E. It shall be unlawful for any person to peddle within a radius of 1,500 feet of any public market or store engaged in the business of selling the same or similar goods, wares and merchandise offered by said peddler.

§ 167-18. **Peddling excluded from certain highways.**

- A. Enumerated. In the interest of public safety and due to the traffic hazards caused by the stopping of passing automobiles, no peddler shall conduct his or her business on the following highways or in such proximity to said highways as shall cause or shall be designed to cause or shall result in the stopping of automobiles on said highways for the purpose of trade:

- B. Intersecting streets. No person may peddle from a motor vehicle on any street that intersects the streets above set forth unless he is distant more than 100 feet from said intersection.
- C. No peddler shall display merchandise or goods for sale other than on his or her person in or on the vehicle licensed pursuant to this chapter. Displays of merchandise on the ground or on movable structures or stands outside and unattached to the peddler's vehicle are prohibited. Use of tables, seats or any freestanding counter is prohibited.

[Added 3-4-1997 by L.L. No. 2-1997]

- D. Size, placement and removal of vehicles.

[Added 3-4-1997 by L.L. No. 2-1997]

- 1. No vehicle, cart, wagon or trailer or combination thereof which exceeds 30 feet in total length shall be used by any peddler.

§ 167-19. **Exemptions from provisions.**

The provisions of §§ 167-4 through 167-8 and § 167-12 of this chapter shall not apply to the following:

- A. Charitable or religious organizations.
- B. The peddling of meats, fish, fruit and farm produce by farmers and persons who produce such commodities.
- C. Honorably discharged veterans of the armed forces of the United States who have obtained a veteran's license from the Suffolk County Clerk to hawk, peddle or vend pursuant to law.
- D. Persons maintaining a regular delivery route in the Town.
- E. Persons under 18 years of age.
- F. Persons licensed by the state to conduct the specific business or businesses to which the provisions of this chapter would otherwise be applicable.
- G. Commercial salesmen or deliverymen calling exclusively upon retail or wholesale establishments or other business firms within the Town.

§ 167-20. **Enforcement.**

[Amended 3-21-1989; 3-4-1997 by L.L. No. 2-1997]

- A. It shall be the duty of the County Police Department, together with the Town of Babylon Department of Planning and Development, Division of Public Safety, to enforce the provisions of this chapter against any person, company or entity found to be violating the same.
- B. Certificate of disposition of action. It shall be the duty of the Court Clerk of the court having jurisdiction to forward to the Town Clerk a certificate of disposition of any action brought in said court pertaining to this chapter.

§ 167-21 (**Reserved**)

§ 167-22. **Severability.**

[Added 3-21-1989]

The provisions of this chapter are declared to be severable, and if any section, sentence, clause or phrase of this chapter shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the invalidity of any part.

ADDITIONS ARE INDICATED BY UNDERLINE
 DELETIONS ARE INDICATED BY ~~STRIKETHROUGH~~

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 188 MARCH 1, 2023
ADOPTING LOCAL LAW NO. 7 OF 2023 AMENDING THE CODE OF THE TOWN OF BABYLON, CHAPTER 213
(ADMINISTRATION, SUBDIVISION OF LAND UNDER THIS ARTICLE, AMENDMENT OF THIS ARTICLE)

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 NY 11757 on the 15th day of February, 2023 upon the question of enactment of Local Law No.7 of 2023 of the Town of Babylon, Suffolk County, New York, being a Local Law amending Chapter 213 of the Code of the Town of Babylon (Administration, Subdivision Of Land Under This Article, Amendment of This Article); and

WHEREAS, in accordance with Part 617.5(c).(26), State Environmental Quality Review (SEQR), the adoption of this Local Law is classified a Type II Action and not subject to environmental review under SEQR.

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Babylon, that Local Law No. 7 of 2023 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:

LOCAL LAW NO. 7 of 2023
AMENDING CHAPTER 213
ARTICLE XLII - §213-495, §213-496, & §213-497
OF THE CODE OF THE TOWN OF BABYLON

Section 1. Amend as follows:
§213-495 Administration

A. Department of Planning & Development

- (1) Any application for development within the Wyandanch Straight Path Corridor Form Based Code (Wyandanch FBC) shall be processed and reviewed through the Department of Planning & Development. The Division of Downtown Revitalization (Downtown Revitalization), or such Planning Department staff designated to handle Downtown Revitalization matters, shall review and process these applications.
- (2) Purpose and Function of the Planning Department and the Office of Downtown Revitalization
 - a. The purpose of Planning Department staff and the Office of Downtown Revitalization in reviewing Wyandanch FBC applications is to foster walkable, transit-oriented development as per §213-492 and to ensure that all properties within the Wyandanch FBC Zoning District comply with the form based code in this Article XLII. Planning Staff shall also function as the main point of contact for applicants and shall ensure that all departments of the Town with jurisdiction over a project are consulted in a timely fashion to facilitate review of proposed developments.
 - b. Downtown Revitalization and Planning Staff shall advise and provide recommendations to the Commissioner of Planning & Development (Commissioner) and the Chief Building Inspector in administering provisions of the Article XLII, including the interpretation of words and terms herein, review of applications submitted under provisions of this article, and such other duties as may be delegated to Downtown Revitalization and Planning Staff by the Commissioner of Planning & Development.
 - c. Downtown Revitalization and Planning Staff shall review applications and proposals to ensure compliance with both the character and spirit of the Wyandanch FBC and the surrounding community and provide recommendations and guidance to the Commissioner regarding same.
 - d. Downtown Revitalization and Planning Staff shall review all applications, in conjunction with other Town departments, and recommend approval, approval with conditions or modifications, or denial and shall notify the Commissioner of Planning & Development of its recommendations. Additional information may be requested if the application is deemed incomplete or inadequate for sufficient review.

B. Commissioner of Planning & Development

- (1) Final authority and decision making for all applications within the Wyandanch FBC shall lie with the Commissioner of Planning & Development (Commissioner), except for any required Board approvals as outlined in this article.
- (2) The Commissioner shall review all improvements, including alterations and modifications to structures for conformance with this article.
- (3) No Building Permit shall be issued by the Chief Building Inspector within the Wyandanch FBC Zoning District unless the Commissioner has determined that the application is consistent with the regulations and intent of this article.
- (4) The Commissioner shall coordinate with Downtown Revitalization and Planning Staff to ensure that all Town Agencies with jurisdiction over a project are included in the project review as early as practical in the review process.
- (5) A memorandum from the Commissioner shall serve as the authorizing approval for Step II of the three step review process as outlined in subsection D. (1).
- (6) The Commissioner shall have the authority to approve any minor encroachments or dimensional deviation requests, as expressly permitted by this article under §213-495 D. (1). Such minor encroachments shall not be permitted unless explicitly recommended in writing by either Planning Staff or the Form Based Code Architect (FBCA). All minor encroachments or dimensional deviation request must be specifically requested by the applicant in writing and shall provide the planning justification for such request, separate from any plans or drawings. Such requests shall individually be approved by the Commissioner upon determination that such minor encroachment or dimensional deviation request is consistent with the regulations and intent of this article. Approval of construction documents does not constitute approval of a minor encroachment or deviation if the minor encroachment or deviation has not been specifically requested and approved pursuant to this subsection (6).
- (7) Any authority granted to the Commissioner may be designated to the Deputy Commissioner of Planning & Development, the Director of Downtown Revitalization, or any other member of the Planning Department, by the Commissioner.

C. Form Based Code Architect

- (1) The Town of Babylon Department of Planning & Development shall retain an employee or consultant as the Form Based Code Architect (FBCA). The FBCA shall, at a minimum, be a licensed architect. The FBCA shall be appointed by the Town Supervisor in consultation with the Commissioner of Planning & Development.
- (2) In the event that the position of FBCA is vacant or that the FBCA is unavailable to perform the duties required by this article, such duties shall be performed by other staff members or consultants as designated by the Commissioner of Planning & Development.
- (3) Purpose and function of the FBCA
 - a. In addition to the various Town departments with jurisdiction over development applications within the Town of Babylon, the FBCA shall ensure that applications for development within the Wyandanch FBC Zoning District adhere to the Architecture Standards, as set forth in Part 6 of this article, and provide recommendations to the Commissioner regarding same. This includes review of overall building design, architectural style, ornamentation, color scheme, materials, and urban design context, among other elements as outlined within this article. Additionally the FBCA shall ensure that developments foster architectural harmony and comply with the intentions of the form based code as outlined in this article.
 - b. The FBCA shall be referred all applications for a proposed variance in order to provide an opinion and recommendation on a proposed variance's impact on the character of the neighborhood.
 - c. The FBCA may also be requested by the Commissioner to provide specific recommendations in writing regarding encroachments or dimensional deviations from the Form Based Code, as outlined in this article.
 - d. The FBCA shall provide all comments and feedback in writing to the Commissioner to help inform the decision making and review process.

D. Pre-Construction Approval Process and Permits for Buildings and Uses

- (1) Approval Process

- a. All applications for development within the Wyandanch FBC Zoning District, shall undergo a three-step review and approval process as outlined in this article. At the discretion of the Commissioner, following a Step I: Concept Review, a determination shall be made regarding whether or not an application shall warrant completion of the three-step review process or standard review through the Department of Planning & Development.
- b. Step I: Concept Review
 - i. Establishes conceptual conformance with the requirements of the code.
 - ii. Shall determine whether a proposed use or structure is allowed by right, is prohibited, or may be allowed by special exception use permit.
 - iii. Shall consist of a preliminary meeting with the Commissioner, Planning Staff, and the FBCA to review preliminary plans and provide general feedback. Upon the completion of Step I: Concept Review and a determination by the Commissioner that the proposed development is feasible and consistent with the FBC, a Step II: Design Review application checklist will be issued. Once a checklist is received, an applicant may proceed with a formal Step II submission to the Planning Department.
- c. Step II: Design Review
 - i. Confirms compliance of the design details with this chapter and confirms that previous recommendations made by the Commissioner, Planning Staff, and the FBCA have been incorporated.
 - ii. ~~This step is akin to a site plan review.~~ A fully engineered site plan must be submitted and reviewed to ensure compliance with this article, including Part 3: Regulating Plan, Part 4: Development Standards, Part 5: Thoroughfare Standards, as well as other Town of Babylon specifications for development.
 - iii. This step also includes review of architectural elevations and floor plans, building renderings, material schedules, and color palettes, among other details, by the FBCA, to ensure compliance with this article, including Part 6: Architecture Standards.
 - iv. If a special exception use permit is required, as determined during Step I: Concept Review, the Commissioner will refer the application to the Town Board pursuant to Article XXXII. If such is the case, the Commissioner and Planning Staff will ensure that sufficient design information and detail is provided, in order for the Town Board to make an informed decision. A special exception use permit must be approved by the Town Board, prior to the completion of Step II: Design Review.
 - v. Minor encroachment request letters, requests for a dimensional deviation of 15% or less, or other such minor deviations from the code must be submitted during Step II: Design Review. As per §213-495 B. (6) the Commissioner may approve such a request upon determination that such request is consistent with this article and receipt of a favorable written recommendation from either Planning Staff or the FBCA.
 - vi. Variances must be applied for during Step II: Design Review. Upon review of an application by a Building Inspector, if a variance is required a denial will be written. Once a denial is written, it will be referred to the FBCA or Planning Staff, to provide a written opinion or recommendation on the impact of the requested variance on the neighborhood. After issuance of a denial and written comments are issued, the Commissioner may determine that an applicant can proceed with a formal application to the Zoning Board of Appeals.
 - vii. A memorandum from the Commissioner shall serve as a formal approval for Step II: Design Review and acceptance of an approved site plan.
- d. Step III: Construction Document Review
 - i. Confirms that the project will be constructed as approved in Step II: Design Review.
 - ii. Includes the complete review by the Building Inspector and/or Plans Examiner of construction drawings and documents, mechanical plans, and other necessary documents for issuance of a Building Permit.
 - iii. Requires conformance with all necessary conditions of Step II: Design Review approval, as well as any other outside agency approvals.
 - iv. Following construction document review, if determined that the plans are consistent with the previously approved plans and this article, a building permit shall be issued, in compliance with §213-495 E.

(2) Special Exception Use Permit:

- a. Those uses which are specifically authorized in this article to be granted by special exception use permit may be allowed by the Town Board pursuant to Article XXXII. This will occur during Step II: Design Review, as outlined in §213-495 D. (1) (c) (iv).

(3) Variances:

- a. Variances from the provisions of this article may be granted by the Zoning Board of Appeals pursuant to the statutory requirements in Sections 267-a and 267-b of the Town Law of New York State. Variance applications may be referred to the FBCA for an opinion on the effect of a proposed variance on the character of the neighborhood. The FBCA's response to the referral of a variance application shall specifically address whether or not the proposed variance will produce an undesirable change in the character of the neighborhood, including the desired walkable and pedestrian-friendly neighborhood character to be created by this Article XLII. Variance applications shall be made during Step II: Design Review, as outlined in §213-495 D. (1) (c) (vi).

(4) Applications and Submission Items

- a. The required submission items, such as applications, forms, drawings, and documents, shall be determined by the Department of Planning & Development in order to ensure adequate and sufficient details are provided for a thorough and thoughtful review to be completed.

(5) Review Fees

- a. The Town Board shall by resolution establish and from time to time update a schedule of fees for development applications brought pursuant to this article. Such fees shall be designed to cover the reasonable costs of review of applications under this article.

(6) Compliance with the State Environmental Quality Review Act and Chapter 189 of the Town Code

- a. All Wyandanch FBC applications submitted to the Planning Department shall be referred to the Department of Environmental Control for review of environmental and stormwater impacts.
- b. Applications for uses or activities allowed by right by this Part shall be deemed Type II actions under SEQRA and shall not require the submission of additional SEQRA documentation, if the Department of Environmental Control finds that such action fits within the environmental parameters reviewed within the Generic Environmental Impact Statement (GEIS).
- c. Applications for special exception use permits, appeals, and variances shall be subject to the SEQRA requirements for Type I or Unlisted Actions, as required by the SEQRA Regulations and shall be reviewed accordingly by the Department of Environmental Control.
- d. All applications for building or development shall comply with Chapter 189 requirements for stormwater management.

(7) Wastewater Management

- a. The applicant shall apply to the Suffolk County Sewer Agency and Suffolk County Department of Health Services for sanitary wastewater disposal to connect to the Wyandanch Southwest Sewer District. On site wastewater disposal is not permitted. The Town shall be provided with estimated wastewater flow from the development pursuant to Suffolk County requirements.

(8) Groundwater

- a. Because of the high groundwater table in the area, soil borings, at least one per acre, as well as elevations and topography for all proposed developments, shall be submitted with plans and reviewed by the Department of Environmental Control, as part of the Design Review process.

E. Issuance of Building Permits and Certificates of Occupancy

Building Permits and Certificates of Occupancy shall be issued as provided in Chapter 89 of the Town Code, provided that the applicant has fully complied with the provisions of this Article XLII and all other applicable regulations.

F. Required Town Board Approval

As required by the terms of the Generic Environmental Impact Statement, pursuant to Section 503(h) of the General Municipal Law, the Town of Babylon Department of Planning and Development (the Planning Department) shall notify the Town Board upon receipt of any application for a permit for building construction or alteration, or for a certificate of occupancy for a structure within the Wyandanch Urban Renewal Area for a period of three years from the approval of the Final Wyandanch Downtown Revitalization Plan by the Town Board on May 22, 2009 or of any amendments or modifications thereto. During this period, the Planning Department shall not issue a building construction or alteration permit, or a certificate of occupancy for a structure or use within the Urban Renewal Area, without having first obtained the consent of the Town Board, unless the construction, alteration, or use is necessary for the immediate protection of public health and safety. The Town Board shall consent to the issuance of certificates and permits upon the determination that the proposed construction, alteration, or use is not inconsistent with the Plan or any amendments or modifications thereto. The Town Board shall have the power to reject any proposals which are inconsistent with the Plan in order to preserve the integrity of the Plan.

G. Streets, Sidewalks, and Public Improvements

All construction, improvements, and alterations to streets, sidewalks, utilities, parks, and other public facilities shall be reviewed prior to construction by the Department of Public Works and the Commissioner to ensure compliance with this article.

H. Non-Conforming Uses

All regulations governing non-conforming uses contained in the Town of Babylon Code shall apply, including the following:

- (1) The term "legal nonconforming use," as used in this article, shall mean any nonconforming use which, at the time such use was commenced, was maintainable as a matter of right under the statutes, ordinances, and general rules of law then in effect in the Town of Babylon.
- (2) Any legal nonconforming use may be continued; provided, however, that a legal nonconforming use shall not be abandoned or changed unless changed to a conforming use. A legal nonconforming use, if changed to a conforming use, may not be thereafter changed to any nonconforming use.
- (3) A nonconforming use which shall be abandoned and/or discontinued for a period of more than six months shall thereafter be determined to be illegal and in violation of the provisions herein. Upon the expiration of the aforesaid six month period, the said use may not be reinstated.
- (4) No legal nonconforming use may be extended, except as provided in this section. In any building wherein the legal nonconforming use occupies more than 50% of the existing floor area, the legal nonconforming use may be extended to the entire floor area.
- (5) A building arranged, designed or devoted to a nonconforming use at the time of the adoption of this section may not be reconstructed or structurally altered to an extent exceeding in aggregate 25% of the total floor area of the building, unless the use of said building is changed to a conforming use, notwithstanding the provisions of H.(4) of this section.
- (6) A special exception use permit from the Town Board shall be required for the expansion of a nonconforming use not in conformance with the provisions of this article.

§213-496 Subdivision of Land Under This Article

- A. Land may be subdivided into lots and blocks only as permitted by the Regulating Plan or by subdivision approval by the Planning Board if determined by the Commissioner to be consistent with the regulations and intent of this article. The Planning Board shall not require a preliminary plat for any subdivision application which complies with this article.
- B. Town owned parcels may be exempt from Planning Board requirements and can be subdivided by map or deed, as may be required, and if determined to be consistent with the regulations and intent of this article.

§213-497 Amendment of This Article

- A. This article may be amended as provided in Chapter 215 of the Town Code. Prior to adopting an amendment, the Town Board shall refer such proposed amendment to the Commissioner for comment. If the Commissioner does not comment within 30 days of such referral, the Town Board may enact the amendment without receiving such comment.

Section 2. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent, to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 189 MARCH 1, 2023
ADOPTING LOCAL LAW NO. OF 2023 - AMENDING THE CODE OF THE TOWN OF BABYLON,
CHAPTER 213 (REGULATING PLAN TILE 8)**

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

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 NY 11757 on the 15th day of February, 2023 upon the question of enactment of Local Law No. _ of 2023 of the Town of Babylon, Suffolk County, New York, being a Local Law amending Chapter 213 of the Code of the Town of Babylon (Regulating Plan Tile 8); and

WHEREAS, in accordance with Part 617.5(c)(26), State Environmental Quality Review (SEQR), the adoption of this Local Law is classified a Type II Action and not subject to environmental review under SEQR.

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Babylon, that Local Law No. _ of 2023 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:

**LOCAL LAW NO. of 2023
AMENDING CHAPTER 213 (REGULATING PLAN TILE 8)
OF THE CODE OF THE TOWN OF BABYLON**

Section 1. Amend as follows:

Section 213-503 Regulating Plan Tile 8

Tile 8 of Section 213-503: Regulating Plans by Blocks, is hereby amended in connection with the proposed Building N to be located on Block 13 at the northwest corner of the intersection of Commonwealth Drive (ST-74-39) and West Lawn (ST-43-20), as follows:

- A. Build-to-Line. Build-to-line deviations not to exceed 5 feet are permitted along West Lawn (ST-43-20) frontage.
- B. Frontage Occupancy. Frontage Occupancy of 70-80% is permitted along West Lawn (ST-43-20).
- C. Frontage Occupancy. Frontage Occupancy of 58-70% is permitted along Commonwealth Drive (ST-74-39).
- D. Public Frontage (Urban-7 (U-7) frontage required). Urban-7 (U-7) public frontage requirement along Commonwealth Drive (ST-74-39) shall be eliminated.
- E. Private Frontage (Stoop or Porch and Landscaping Required). Stoop or porch and landscaping private frontage requirement for the West Lawn (ST-43-20) frontage shall be eliminated.
- F. Private Frontage (Dooryard-Hedge required). Dooryard and hedge private frontage requirement for the Commonwealth Drive (ST-74-39) frontage shall be eliminated.
- G. The provisions of this amendment shall supersede any contrary provisions set forth in Title 8 of Section 213-503 – Regulating Plan by Blocks and Section 213-504 – Regulating Plan Elements.

Section 2. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent, to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 190 MARCH 1, 2023
AMENDING THE TRAFFIC CODE OF THE TOWN OF BABYLON,
CHAPTER TC-5 (COMMERCIAL VEHICLES; WEIGHT LIMITS) AND
CHAPTER TC-1 (GENERAL PROVISIONS), ARTICLE III (PENALTIES)**

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

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Town Hall, 200 E. Sunrise Hwy., N. Lindenhurst, 11757, on the 1st day of March, 2023 at 3:00 p.m., prevailing time, upon the question amending Chapter TC-5 and TC-1 of the Town of Babylon Traffic Code; and therefore, be it

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

EXHIBIT “A”

**AMENDING THE TRAFFIC CODE OF THE TOWN OF BABYLON
CHAPTER TC-5
COMMERCIAL VEHICLES; WEIGHT LIMITS**

§ TC-5-4. Idling of Heavy Duty Vehicles

- A. For purposes of this chapter, a heavy duty vehicle is a bus, truck or other vehicle that has a gross vehicle weight rating (GVWR) exceeding 8,500 pounds and is designed primarily for transporting persons or properties, whether the motive power for such vehicle is provided by a diesel or non-diesel fueled engine.
- B. No person who owns, operates or leases a heavy duty vehicle or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a heavy duty vehicle on such land, shall allow or permit the engine of such heavy duty vehicle to idle for more than 15 consecutive minutes when the heavy duty vehicle is not in motion, except as otherwise permitted in subsection C below.
- C. The prohibitions set forth in subsection B above shall not apply when:
 - (1) A heavy duty vehicle is forced to remain motionless because of the traffic conditions over which the operator thereof has no control.
 - (2) A bus is idling while picking up or dropping off passengers.
 - (3) Regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature of a bus for passenger comfort. The idling time specified in section 5-4(B) above may be increased, but only to the extent necessary to comply with such regulations.
 - (4) The vehicle’s engine is being used to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming; or when operation of the engine is required for the purpose of maintenance.
 - (5) A fire, police and public utility trucks or other vehicle is performing emergency services.
 - (6) A diesel fueled truck is to remain motionless for a period exceeding two hours, and during which period the ambient temperature is continuously below 25°F.
 - (7) A diesel fueled vehicle is queued for or is undergoing a State authorized periodic or roadside diesel emissions inspection pursuant to New York State law.
 - (8) A vehicles is being used for agricultural purposes on a farm.
 - (9) A hybrid electric vehicle is idling for the purpose of providing energy for battery or other form of energy storage recharging.
 - (10) An electric powered vehicle.

AMEND as follows:

**CHAPTER TC-1
GENERAL PROVISIONS - ARTICLE III - PENALTIES**

§ TC-1-5. Penalties for offenses

Every person convicted of an offense against this Code shall be punished pursuant to the following schedule of fines:

<u>Traffic</u>	<u>Code Section</u>	<u>Penalty</u>

§ TC -5-2	<u>Parking of Commercial Vehicles</u>	\$275
§ TC -5-4	<u>Idling of Heavy Duty Vehicles</u>	\$275

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 191 MARCH 1, 2023

DESIGNATING THE PREMISES KNOWN AS 301 MERRITT AVENUE, WYANDANCH, NY 11798, SCTM#0100-039.00-04.00-054.001, A PUBLIC NUISANCE, AUTHORIZING THE BOARDING UP OF SAID PREMISES AND AUTHORIZING THE TOWN ATTORNEY TO COMMENCE LITIGATION

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

WHEREAS, the property located at 301 Merritt Avenue, Wyandanch, New York 11798, bearing SCTM#0100-039.00-04.00-054.001, is owned by Carliese R. Gordon; and

WHEREAS, one arrest occurred at said premises on February 8, 2022 as follows:

- Yasmin Vasquez, (DOB 8/20/94), was arrested for violation of ABS 065 01 –NYS Alcohol and Beverage Container Law (sale to minor) and violation of PL225.30 01 –NYS Penal Code (permitted use of gambling devices).

WHEREAS, in accordance with Section 165-7, on February 24, 2022 Carliese R. Gordon was served a notice of the arrest on February 8, 2022. Warning was given that a second arrest may result in the board-up of the property; and

WHEREAS, one arrest at said premises occurred on November 10, 2022, as follows:

- Amir Qureshi, (DOB 6/14/83), was arrested for violation of PL225.30 02 NYS Penal Law (permitted use of gambling devices X2)

WHEREAS, one arrest at said premises occurred on January 11, 2023, as follows:

- Haseeb Alnthari, (DOB 1997) was charged with Sale of Restricted E-Cigarettes to a person less than 21 years of age.

WHEREAS, in accordance with Section 165-7, on January 23rd, 2022, Carliese R. Gordon was served with a Nuisance Notice for two arrests on November 10, 2022, and January 11, 2023; and

WHEREAS, a public hearing on the matter was held February 15, 2023, 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, the Town Board finds that the dwelling and any structures located at 301 Merritt Avenue, Wyandanch NY 11798, bearing SCTM#0100-039.00-04.00-054.001, 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 301 Merritt Avenue, Wyandanch NY 11798, bearing SCTM#0100-039.00-04.00-054.001, 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, 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 301 Merritt Avenue, Wyandanch NY 11798, bearing SCTM#0100-039.00-04.00-054.001, 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, 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 301 Merritt Avenue, Wyandanch NY 11798, bearing SCTM#0100-039.00-04.00-054.001; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 192 MARCH 1, 2023

AUTHORIZING THE EMERGENCY DEMOLITION UNSAFE STRUCTURE, LOCATED AT 10 COLUMBUS BLVD., AMITYVILLE, NY 11701 SCTM NO. 0100-172.00-02.00-024.000

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

WHEREAS, a certain structure(s) located at **10 Columbus Blvd., Amityville, New York**, bearing **SCTM# 0100-172.00-02.00-024.000** the structure (garage) has become so deteriorated and/or dilapidated and become so out of repair as to be dangerous and unsafe thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

WHEREAS, the architect/professional engineer's report dated **February 13, 2023** indicates the structure (garage) should be demolished including the removal of the foundation which is the most likely and prudent course of action

WHEREAS, §92-10 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 does hereby order the demolition and removal of the structure (garage) located at **10 Columbus Blvd, Amityville, New York**, bearing **SCTM# 0100-172.00-02.00-024.000** 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 architect/professional engineer's report dated **February 14, 2023** on file in the Department of Code Enforcement, and be it further

RESOLVED, that the Comptroller is hereby authorized to pay the architect/professional engineer the cost of the inspection report in the amount of Three Hundred Dollars (\$300.00) for said promises from the appropriate fund, 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.

RESOLUTION NO. 193 MARCH 1, 2023

AUTHORIZING THE EMERGENCY BOARD UP AND REMOVAL OF STRUCTURES (CHICKEN COOPS) AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 15 MIDA COURT, WEST BABYLON, NY 11704 SCTM NO. 0100-139.00-01.00-061.000

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

WHEREAS, a certain structure(s) located at **15 Mida Ct., West Babylon, New York 11704** bearing **SCTM# 0100-139.00-01.00-061.000** the windows and doors are wide 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 the unsafe structures (chicken coops) which 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 and the unsafe structures (chicken coops) be removed, 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 and the removal of the unsafe structures (chicken coops) located at **15 Mida Ct. West Babylon, NY** bearing **SCTM # 0100-139.00-01.00-**

061.000 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

February 21, 2023 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.

RESOLUTION NO. 194 MARCH 1, 2023

**AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT
220 3RD STREET, N. LINDENHURST, NY 11757 SCTM NO. 0100-129.00-05.00-118.000**

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

WHEREAS, a certain structure(s) located at **220 3rd Street, N. Lindenhurst, New York 11757**, bearing **SCTM# 0100-129.00-05.00-118.000** has no running water as per communication with the Suffolk County Water Authority, wherein the windows and doors 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 **220 3rd Street, N. Lindenhurst, NY bearing SCTM # 0100-129.00-05.00-118.000** 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 **February 23, 2023** 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.

RESOLUTION NO. 195 MARCH 1, 2023

**AUTHORIZING THE TRANSFER OF AMERICAN RESCUE PLAN MONEY
TO THE TOWN OF BABYLON L.D. CORP. II**

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

WHEREAS, the COVID-19 pandemic continues to cause a significant public health emergency in the Town of Babylon ("Town") affecting the economic vitality of the Town; and

WHEREAS, the United States Congress, recognizing the impact of the pandemic on local government and the communities that those governments serve, passed the American Rescue Plan Act of 2021 ("ARPA") which was signed into law by President Joseph R. Biden, Jr. on March 11, 2021; and

WHEREAS, ARPA delivers eligible localities money to respond to the pandemic and bring back jobs through the Coronavirus State and Local Fiscal Recovery Funds ("SLRF") to provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; and

WHEREAS, pursuant to statute and regulations promulgated by the United States Department of the Treasury the Town of Babylon is a Metropolitan City entitled to \$27,770,292.00 in SLRF to be distributed to the Town in two equal installments in 2021 and 2022; and

WHEREAS, SLRF provides the Town with a substantial infusion of resources to meet pandemic response needs to rebuild a stronger, and more equitable economy as the country recovers, the Town may use SLRF funds to address negative economic impacts caused by the public health emergency; and

WHEREAS; the Town has determined that the Town of Babylon L.D. Corp. II is an economic development arm of the Town who assisted with immediate assistance to businesses during the COVID19 outbreak; and

WHEREAS, the transfer of SLRF funds to this component not for profit unit of the Town is in the public interest and consistent with the objectives of ARPA; and

WHEREAS, the Town will transfer \$250,000.00 to the Town of Babylon L.D. Corp. II consistent with the Act.
NOW, THEREFORE BE IT

RESOLVED, that the Comptroller of the Town be and hereby is authorized to provide grant funds from the SLRF allotment not to exceed \$250,000.00 to the Town of Babylon L.D. Corp. II not in excess of the amounts so established for the purposes applied for and is authorized to transfer such funds from the American Rescue Plan Act bank account to the appropriate Town Fund and associated bank account; and be it further

RESOLVED, that the Comptroller shall make such funds available upon presentation to her, or her designee, all documentation she may deem necessary to confirm the lawful and proper use of the funds, with invoices which sufficiently demonstrate that the funds were used for proper purposes; and be it further

RESOLVED, the applicant accepts the grant, and the applicant agrees that in the event the Federal Government determines that the expenditure of the funds, or any part thereof, was in any manner improper and determines to demand the return of the funds, or any part thereof, the applicant shall be legally responsible for reimbursement of the Town of the amount equal to the amount of funds obligated to be returned, and the applicant shall hold the Town harmless and that the Director of DSP is hereby authorized to execute any and all documents on behalf of the Town; and be it further

RESOLVED, that the Town Board, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(6)(26), and (33) of the Title 6 of the New York Code of Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County council of Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

RESOLVED, that this resolution shall take effect immediately.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 196 MARCH 1, 2023

**AUTHORIZING THE EXPENDITURE OF AMERICAN RESCUE PLAN MONEY
ON THE WYANDANCH HEALTH AND WELLNESS PROJECT**

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

WHEREAS, the COVID-19 pandemic continues to cause a significant public health emergency in the Town of Babylon ("Town") affecting the economic vitality of the Town; and

WHEREAS, the United States Congress, recognizing the impact of the pandemic on local government and the communities that those governments serve, passed the American Rescue Plan Act of 2021 ("ARPA") which was signed into law by President Joseph R. Biden, Jr. on March 11, 2021; and

WHEREAS, ARPA delivers eligible localities money to respond to the pandemic and bring back jobs through the Coronavirus State and Local Fiscal Recovery Funds ("SLRF") to provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; and

WHEREAS, pursuant to statute and regulations promulgated by the United States Department of the Treasury the Town of Babylon is a Metropolitan City entitled to \$27,770,292.00 in SLRF to be distributed to the Town in two equal installments in 2021 and 2022; and

WHEREAS, SLRF provides the Town with a substantial infusion of resources to meet pandemic response needs to rebuild a stronger, and more equitable economy as the country recovers, the Town may use SLRF funds to address negative economic impacts caused by the public health emergency; and

WHEREAS; the Town has determined that the Wyandanch Health and Wellness Project will transform the Town of Babylon and conforms with the Town’s efforts to revitalize; and

WHEREAS, the expenditure of SLRF funds on this Town project is in the public interest and consistent with the objectives of ARPA; and

WHEREAS, the Town is authorized to place \$250,000.00 of funds in escrow held in trust by special counsel for the Town Matthew T. McDonough, Esq., and his law firm in a Interest Only Lawyer’s Trust Account (IOLTA) held at JPMORGAN CHASE, N.A. and the Town Attorney is authorized to enter into a escrow agreement.

NOW, THEREFORE BE IT

RESOLVED, that the Comptroller of the Town be and hereby is authorized to provide grant funds from the SLRF allotment not to exceed \$250,000.00 to the McDonough Attorney and Counselor PLLC IOLTA not in excess of the amounts so established for the purposes applied for and is authorized to transfer such funds from the American Rescue Plan Act bank account to the appropriate Town Fund and associated bank account; and be it further

RESOLVED, that the Town Attorney is authorized to an execute an escrow agreement to that effect; and be it further

RESOLVED, that the Comptroller shall make such funds available upon presentation to her, or her designee, all documentation she may deem necessary to confirm the lawful and proper use of the funds, with invoices which sufficiently demonstrate that the funds were used for proper purposes; and be it further

RESOLVED, that the Town Board, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(6)(26), and (33) of the Title 6 of the New York Code of Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County council of Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

RESOLVED, that this resolution shall take effect immediately.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 197 MARCH 1, 2023
UNENCUMBERING THE GRANT OF AMERICAN RESCUE PLAN MONEY
TO PAY SALARY OF ADMINISTRATOR OF ARPA FUNDS**

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

WHEREAS, the COVID-19 pandemic continues to cause a significant public health emergency in the Town of Babylon (“Town”) affecting the economic vitality of the Town; and

WHEREAS, the United States Congress, recognizing the impact of the pandemic on local government and the communities that those governments serve, passed the American Rescue Plan Act of 2021 (“ARPA”) which was signed into law by President Joseph R. Biden, Jr. on March 11, 2021; and

WHEREAS, ARPA delivers eligible localities money to respond to the pandemic and bring back jobs through the Coronavirus State and Local Fiscal Recovery Funds (“SLRF”) to provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; and

WHEREAS, pursuant to statute and regulations promulgated by the United States Department of the Treasury the Town of Babylon is a Metropolitan City entitled to \$27,770,292.00 in SLRF to be distributed to the Town in two equal installments in 2021 and 2022; and

WHEREAS, SLRF provides the Town with a substantial infusion of resources to meet pandemic response needs to rebuild a stronger, and more equitable economy as the country recovers, the Town may use SLRF funds to address negative economic impacts caused by the public health emergency, including economic harms to small businesses; and

WHEREAS; the Town has determined that salary and other costs related to the administration of such funds is a lawful and proper use of the SLRF, and in the public interest; and

WHEREAS; the Town Board passed Resolution No. 748 on November 17, 2021, authorizing the hiring of Derek Stein at the salary of \$61,000.00 per year to assist with the administration of such funds; and

WHEREAS, the Town unencumbers the remaining \$34,295.82 of the position salary and returns them to the encumbered account and that the position is hereby suspended.

NOW, THEREFORE BE IT

RESOLVED, that the remaining \$34,295.82 authorized by Resolution No. 748 on November 17, 2021 is now unencumbered and that Comptroller of the Town be and hereby is authorized to return the remaining funds to the unencumbered account; and be it further

RESOLVED, that the Town Board, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(6)(26), and (33) of the Title 6 of the New York Code of Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County council of Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

RESOLVED, that this resolution shall take effect immediately.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 198 MARCH 1, 2023
AUTHORIZING THE GRANT OF AMERICAN RESCUE PLAN MONEY
TO QUALIFIED ENTITIES PROVIDING PROGRAMATIC SUPPORT**

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

WHEREAS, the COVID-19 pandemic continues to cause a significant public health emergency in the Town of Babylon (“Town”) affecting the economic vitality of the Town; and

WHEREAS, the United States Congress, recognizing the impact of the pandemic on local government and the communities that those governments serve, passed the American Rescue Plan Act of 2021 (“ARPA”) which was signed into law by President Joseph R. Biden, Jr. on March 11, 2021; and

WHEREAS, ARPA delivers eligible localities money to respond to the pandemic and bring back jobs through the Coronavirus State and Local Fiscal Recovery Funds (“SLRF”) to provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; and

WHEREAS, pursuant to statute and regulations promulgated by the United States Department of the Treasury the Town of Babylon is a Metropolitan City entitled to \$27,770,292.00 in SLRF to be distributed to the Town in two equal installments in 2021 and 2022; and

WHEREAS, SLRF provides the Town with a substantial infusion of resources to meet pandemic response needs to rebuild a stronger, and more equitable economy as the country recovers, the Town may use SLRF funds to address negative economic impacts caused by the public health emergency, including economic harms to small businesses; and

WHEREAS; the Town has determined that assisting entities that provide programs to the Town of Babylon and its resident is in the public good; and

WHEREAS, Viscel C. Moore has been appointed by the Town Board to collect and review applications of such entities; and

WHEREAS, based on those applications Mrs. Moore recommends the corresponding grant award:

Babylon Masonic Lodge No. 793 Free & Accepted Masons	49,500.00
Amityville Sports Hall of Fame	15,000.00

WHEREAS, the Town will require every grant recipient provide a form W-9 and sign a conditional letter and any other necessary documentation and failure by the business to do so will mean the grant money will be withheld, denied or claw-backed in the Town’s discretion.

NOW, THEREFORE BE IT

RESOLVED, that the Comptroller of the Town be and hereby is authorized to provide grant funds from the SLRF allotment to the businesses listed above not in excess of the amounts so established for the purposes applied for and is authorized to transfer such funds from the American Rescue Plan Act bank account to the appropriate Town Fund and associated bank account; and be it further

RESOLVED, that the Comptroller shall make such funds available upon presentation to her, or her designee, all documentation she may deem necessary to confirm the lawful and proper use of the funds, with invoices which sufficiently demonstrate that the funds were used for proper purposes; and be it further

RESOLVED, that such documentation shall include a statement by the applicant accepting the grant, stating that the applicant agrees that in the event the Federal Government determines that the expenditure of the funds, or any part thereof, was in any manner improper and determines to demand the return of the funds, or any part thereof, the applicant shall be legally responsible for reimbursement of the Town of the amount equal to the amount of funds obligated to be returned, and the applicant shall hold the Town harmless and that the Director of DSP is hereby authorized to execute any and all documents on behalf of the Town; and be it further

RESOLVED, that the Town Board, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(6)(26), and (33) of the Title 6 of the New York Code of Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County council of Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution; and be it further

RESOLVED, that this resolution shall take effect immediately.

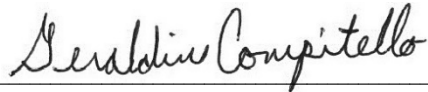
VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

GENERAL PUBLIC COMMENT **Wednesday, March 1, 2023 at 3:00 PM**

No Speakers

Being no further business before the Board, the meeting adjourned at 3:05 pm on the motion of Councilman McSweeney, seconded by Councilman Martinez.



Geraldine Compitello, Town Clerk

/jt