

A Regular Meeting of the Town Board, Town of Babylon, was held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P>, on Wednesday, the 30th day of March 2022 at 3:30 P.M., Prevailing Time.

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

Supervisor Schaffer: Please remain standing for a moment of silence and I'd ask you keeping your thoughts and prayers the brave servicemen and women serving our country both here and abroad as well as the family of former Town Supervisor Stabile who recently passed away just before his 92nd birthday and of course our beloved District Court Judge Toni A. Bean passed away last week and we buried her on Saturday, she was a true treasure to the town and we will deeply miss her, please keep her and her family, as well as all those others I mentioned in your thoughts and prayers.

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

- PUBLIC HEARING ON AMENDING CHAPTER 213 OF THE BABYLON TOWN CODE (SPRINKLER SYSTEM)**
- PUBLIC HEARING ON AMENDING CHAPTER 85 OF THE BABYLON TOWN CODE (PUBLIC ASSEMBLY PERMITS)**

**RESOLUTION NO. 277 MARCH 30, 2022
ACCEPTING TOWN BOARD MINUTES**

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

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

March 16, 2022

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 278 MARCH 30, 2022
AMENDING RESOLUTION**

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

NOW, THERE BE IT RESOLVED, that the following resolution be amended due to a scrivener's error:

ORIGINAL RESOLUTION	DATE ADOPTED	ORIGINAL TEXT	AMENDED TEXT
538	September 1,2021	execute a contract with Savik & Murray, a div. of DCAK-MSA	Execute a one (1) year contract with Savik & Murray, a div. of DCAK-MSA and be further Resolved, that said contract may be extended for two (2) additional one(1) year periods at the discretion of Commissioner of Planning

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 279 MARCH 30, 2022
AWARDING BID NO. 22G21 FOR NON-SKID RUBBERIZED,
WATER BASED COATING, TUFF COAT OR EQUAL**

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

WHEREAS, the following bids for Bid No.22G21-Non-Skid Rubberized, Water Based Coating, Tuff Coat or Equal was received, opened and publicly read:

- Item 1.** Tuff Coat or Equal CP-10 Water Based Epoxy Primer/Resin per gallon

Sherwin Williams Company	\$48.15
Taub's Carpet & Tile, Inc.	\$125.48
- Item 2.** Tuff Coat or Equal CP-10 Water Based Epoxy Primer/Hardener per gallon

Sherwin Williams Company	\$48.15
JT Masonry & Landscape Inc.	\$125.48
- Item 3.** Tuff Coat or Equal UT-100 Standard Rubberized Coating, Price per gallon

Sherwin Williams Company	\$99.99
JT Masonry & Landscape Inc.	\$94.43
- Item 4.** Tuff Coat or Equal Textured Roller, Price Each

Sherwin Williams Company	\$12.50
JT Masonry & Landscape Inc.	\$16.20

NOW, THEREFORE, be it RESOLVED, that based upon the recommendations of the Commissioner of General Services and upon his finding the aforementioned bids fair and reasonable, Bid No.22G21 be and is hereby awarded to the overall low bidder Sherwin Williams Company; and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 280 MARCH 30, 2022
AWARDING BID NO. 22G22 FOR SCREENED COARSE GRAVEL**

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

WHEREAS, the following bids for Bid No.22G22, Screened, Coarse Gravel was received, opened and publicly read:

- Item 1.** 3/4" Sized Aggregate per 20 tons delivered
Watral Brothers Inc. \$751.40
- Item 2.** 3/4" Sized Aggregate per 40 tons delivered
Watral Brothers Inc. \$1,502.80
- Item 3.** Oversized Aggregate per 40 tons delivered
Watral Brothers Inc. \$751.40

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Commissioner of the Department of Public Works and upon their finding the aforementioned bids fair and reasonable, Bid No.22G22 be and is hereby awarded to the sole bidder Watral Brothers Inc.; and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION 281 MARCH 30, 2022

AUTHORIZING CHANGE ORDER NOS. 4 & 5, IN THE CONTRACT WITH PIONEER LANDSCAPING & ASPHALT PAVING, INC FOR BID NO. 20G73, CARLL'S RIVER WATERSHED, LOCATION NO. 1 SUNRISE HIGHWAY

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

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, the Change Order Committee ("Committee") convened on March 16 with the Town Attorney, Comptroller, Chief of Staff, Deputy Chief of Staff, Commissioner of General Services, and the Commissioner of Planning & Development to review Change Order No. 4 and 5 as follows:

Change Order No. 4 – Credit amount for Change Order No. 2. Less material was disposed of than included in the original change order request.	(\$74,449.00)
Change Order No. 5 Additional dewatering and larger pump system as groundwater water levels are higher than in the original bid.	\$74,449.00
Total Change Order No. 4 & 5	\$0

WHEREAS, Change Order Nos.4 and 5 has been approved by the Committee, NV5, and the Governor's Office of Storm Recovery (GOSR) and all procurement guidelines set forth by GOSR have been complied with; and

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Committee, NV5, and GOSR, the Supervisor be and he is hereby authorized to execute Change Order Nos.4 and 5, which has resulted in no increase to the contract amount of TWO MILLION NINE HUNDRED TWELVE THOUSAND, EIGHT HUNDRED FORTY ONE DOLLARS AND 39/100 (\$2,912,841.39).

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 282 MARCH 30, 2022

AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF BABYLON AND EASTERN SUFFOLK BOCES TO JOIN THE JOINT MUNICIPAL COOPERATIVE BIDDING PROGRAM

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

WHEREAS, the Commissioner of General Services recommends the Town of Babylon to enter into an annual agreement with Eastern Suffolk Boces to participate in their cooperative bidding program for an annual fee of TWO THOUSAND NINE HUNDRED SEVENTY-TWO (\$2,972.00) DOLLARS; and

WHEREAS, various educational and municipal corporations located within the State of New York desire to bid jointly for generally needed services and standardized supply and equipment items; and

WHEREAS, the Town of Babylon, an educational/municipal corporation is desirous of selectively participating with other educational and/or municipal corporations in the State of New York in joint bidding in the areas mentioned above pursuant to General Municipal Law §119-o and Education Law §1950; and

WHEREAS, the Town of Babylon is a municipality within the meaning of General Municipal Law §119-n and is eligible to participate in the Board of Cooperative Educational Services, First Supervisory District of Suffolk County (hereinafter Eastern Suffolk BOCES) Joint Municipal Cooperative Bidding Program (hereinafter the "Program") in the areas mentioned above; and

WHEREAS, the Town of Babylon acknowledges receipt of the Program description inclusive of Eastern Suffolk BOCES' standard bid packet and the general conditions relating to said Program; and

WHEREAS, with respect to all activities conducted by the Program, the Town of Babylon wishes to delegate to Eastern Suffolk BOCES the responsibility for drafting of bid specifications, advertising for bids, accepting and opening bids, tabulating bids, awarding the bids, and reporting the results to the Town of Babylon.

NOW THEREFORE, be it

RESOLVED that based on the recommendation of the Commissioner of General Services, the Supervisor be and he is hereby authorized to execute an agreement between the Town of Babylon and Eastern Suffolk Boces, at an annual fee of TWO THOUSAND NINE HUNDRED SEVENTY-TWO (\$2,972.00) DOLLARS; and

BE IT FURTHER RESOLVED that said contract will expire on June 30, 2023; and

BE IT FURTHER RESOLVED that the Town of Babylon hereby appoints Eastern Suffolk BOCES to represent it and to act as the lead agent in all matters related to the Program as described above; and

BE IT FURTHER RESOLVED that the Town of Babylon hereby authorizes Eastern Suffolk BOCES to place all legal advertisements for any required cooperative bidding in Newsday, which is designated as the official newspaper for the Program; and

BE IT FURTHER RESOLVED that a Town of Babylon Meeting shall be held annually consisting of a representative from each Program Town of Babylon. Notice of the meeting shall be given to each representative at least five (5) days prior to such meeting; and

BE IT FURTHER RESOLVED that an Advisory Committee will be formed consisting of five to ten representatives of Program Town of Babylon's for a term of three (3) years as authorized by General Municipal Law §119-o.2.j; and

BE IT FURTHER RESOLVED that this Agreement with the Town of Babylon shall be for a term of one (1) year as authorized by General Municipal Law §119-o.2.j; and

BE IT FURTHER RESOLVED that the Town of Babylon agrees to pay Eastern Suffolk BOCES an annual fee as determined annually by Eastern Suffolk BOCES to act as the lead agent for the Program.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 283 MARCH 30, 2022
AUTHORIZING THE SUPERVISOR TO EXECUTE AN ACCESS AGREEMENT BETWEEN
STEPHEN SANTA BARBARA AND THE TOWN OF BABYLON

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Supervisor be and he hereby is authorized to execute an Access Agreement on behalf of the Town of Babylon with Stephen Santa Barbara for placement of native grasses from eastern terminus of Harrison Avenue W, Babylon, to the bulkhead; and be it

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 284 MARCH 30, 2022
AUTHORIZING THE SUPERVISOR TO EXECUTE A LEASE AGREEMENT BETWEEN FAMILY RESIDENCES AND
ESSENTIAL ENTERPRISES, INC. AND THE TOWN OF BABYLON

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Supervisor be and he hereby is authorized to execute a lease agreement on behalf of the Town of Babylon with Family Residences and Essential Enterprises, Inc., for Wyandanch Resource Center 1585 Straight Path, Wyandanch, New York, 11978, to include the trailer located at the property; and be it

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 285 MARCH 30, 2022
AUTHORIZING THE SUPERVISOR TO EXECUTE A "RESIDENTIAL INNOVATIVE AND ALTERNATIVE ON-SITE
WASTEWATER TREATMENT SYSTEM GRANT" AND RELATED DOCUMENTS (MORGAN BERK AND JONATHAN HORAN)

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

WHEREAS, the Town of Babylon is the owner of the parcel identified by SCTM No. 0100-240.00-01.00-85.000, 20 Cottage Walk, Gilgo Beach, NY 11702 (the "Premises"), currently leased to Morgan Berk and Jonathan Horan (the "Tenants" or "Applicants"); and

WHEREAS, the Tenants have applied and been approved to receive a Septic Improvement Program Grant from the County of Suffolk (the "Grant"); and

WHEREAS, pursuant to the terms of the lease agreement between the Town and Tenants, the Applicants, are solely responsible for the provision, cost, and maintenance of on-site wastewater disposal for the Premises; and

WHEREAS, the Tenants have asked the Town to sign the Grant agreement and any other related documents to effectuate the receipt of the Grant as the property owner.

NOW THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon, that the Supervisor be and he hereby is authorized to execute the "Residential Innovative And Alternative On-Site Wastewater Treatment System Grant" and related documents on behalf of the Town of Babylon as the owner of the Premises identified by SCTM No. 0100-240.00-01.00-85.000 currently leased to Morgan Berk and Jonathan Horan; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 286 MARCH 30, 2022
AUTHORIZING A CONTRACT WITH CASHIN ASSOCIATES, P.C.

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

WHEREAS, a proposal solicited proposals from the following firms for construction phase and inspection services for the Shoreline Stabilization of Kay Road & Bay Blvd., Copiague, as follows:

PROPOSER	TOTAL PRICE
Cashin Associates, P.C.	\$72,000.00
L.K. McLean Associates, P.C.	\$85,284.00
Liro Engineers, Inc.	\$95,013.00

WHEREAS, the Professional Consultant Evaluation Committee convened on March 16, 2022, with the Deputy Supervisor, the Chief of Staff, Deputy Chief of Staff, the Town Attorney, the Comptroller, the Commissioner of General Services, the Commissioner of the Department of Public Works, and the Commissioner of Planning & Development in attendance to review the aforementioned proposal; and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of a contract to Cashin Associates, P.C. for a total contract amount not to exceed SEVENTY-TWO THOUSAND (\$72,000.00) DOLLARS.

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a contract with Cashin Associates, P.C. for a total contract not to exceed SEVENTY TWO THOUSAND, (\$72,000.00) DOLLARS and that said contract shall be subject to the approval of the Town Attorney as to form and content.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 287 MARCH 30, 2022
AUTHORIZING A CONTRACT WITH PRINCIPLE SECURITY SOLUTIONS, INC.

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

WHEREAS, a proposal for investigation services for the Town of Babylon was solicited from Principle Security Solutions, Inc.; and

WHEREAS, the Professional Consultant Evaluation Committee convened on March 16, 2022, with the Deputy Supervisor, the Chief of Staff, Deputy Chief of Staff, the Comptroller, the Commissioner of General Services, the Commissioner of the Department of Public Works, and the Commissioner of Planning & Development in attendance to review the aforementioned proposal; and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of a one (1) year contract to Principle Security Solutions, Inc. at an hourly rate of FIFTY-FIVE (\$55.00) DOLLARS for a total contract not to exceed NINETY-NINE THOUSAND (\$99,000.00).

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a ONE (1) year contract with Principle Security Solutions, Inc. at an hourly rate of FIFTY FIVE (\$55.00) DOLLARS for a total contract not to exceed NINETY NINE THOUSAND (\$99,000.00), and that said contract shall be subject to the approval of the Town Attorney as to form and content; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 288 MARCH 30, 2022

AUTHORIZING PAYMENT TO BDK RESTORATION, INC. D/B/A SERVPRO OF BABYLON DEER

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, based upon the recommendations of the Commissioner of General Services, that the Comptroller is hereby authorized to issue payment to BDK Restoration, Inc. d/b/a Servpro of Babylon Deer.

INVOICE NO. /DATE	AMOUNT
4854103 of 2/28/22	\$500.00

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 289 MARCH 30, 2022

AUTHORIZING PAYMENT TO PROFESSIONAL LAUNDRY SERVICES

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, based upon the recommendations of the Animal Shelter, that the Comptroller is hereby authorized to issue payment to Professional Laundry Services for services provided on Continental Girbau Washers.

INVOICE NO. /DATE	AMOUNT
1314676 of March 30 th , 2022	\$309.00

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 290 MARCH 30, 2022

AUTHORIZING REFUND OF PAYMENT FOR GREEN HOMES BENEFIT ASSESSMENT

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of Long Island Green Homes that the following payment be refunded as an overpayment:

REFUND OF PAYMENT:

PAYEE	ADDRESS	TYPE	AMOUNT	REASON
Cecil Nixon	28 Lodge Place West Babylon, New York 11704	Green Homes Benefit Assessment	\$108.66	Overpayment
Weldon Smith	24 Cortland St., North Babylon, NY 11703	Green Homes Benefit Assessment	\$960.84	Overpayment

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 291 MARCH 30, 2022

AUTHORIZING REFUND OF PAYMENT FOR COMMERCIAL WASTE DISTRICT

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following payments be refunded as an overpayment:

REFUND OF PAYMENT:

PAYEE	ACCOUNT	TYPE	AMOUNT	REASON	RECOMMENDED BY
Rolling Hills at 75 Central Avenue LLC., 5 Aerial Way Suite 100, Syosset, NY 11791	Account #000808 Pickering Controls 175 Central Avenue, Ext 105 Farmingdale, NY 11735	Commercial Waste District	\$398.20	Overpayment	Commissioner of Environmental Control

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 292 MARCH 30, 2022

AUTHORIZING THE WAIVING OF FIRE MARSHALL FEES FOR THE WYANDANCH FAMILY & RECOGNITION DAY, INC.

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Commissioner of Public Safety that all Fire Marshall tent fees used for Wyandanch Day for the Wyandanch Family & Recognition Day Inc. be waived.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 293 MARCH 30, 2022

AUTHORIZING A SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2021 ANNUAL ACTION PLAN, ADOPTING AND THE FILING OF THE COMMUNITY DEVELOPMENT BLOCK GRANT SECTION 108 LOAN GUARANTEE PROGRAM

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

WHEREAS, the Town of Babylon is an entitlement community under the Community Development Block Grant ("CDBG") Program and is applying for a Section 108 Loan Guarantee Program grant allocation of TWO MILLION NINE HUNDRED SIXTY-THREE THOUSAND (\$2,963,000.00) DOLLARS from the U.S. Department of Housing and Urban Development ("HUD"); and

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

WHEREAS, a public hearing was held on February 22, 2022 to inform the citizens of the Town of Babylon application for a Section 108 Loan Guarantee grant and to receive comments on the amendments; and

WHEREAS, a draft of the amendment to the Annual Action Plan for Fiscal Year 2021, including a list of proposed uses of Fiscal Year 2021 Section 108 Loan Guarantee Program funds, was made available for citizen comments; and

WHEREAS, the Town Board deems it is in the best interest of the Town of Babylon to submit for federal funding in the amount of TWO MILLION NINE HUNDRED SIXTY-THREE THOUSAND (\$2,963,000.00) DOLLARS to complete public facility improvements at Geiger Memorial Park.

NOW, THEREFORE, BE IT

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

RESOLVED, that upon approval of said Amendment to the 2021 Annual Action Plan, the Supervisor be and he is authorized to enter into and execute a funding approval/ grant agreement with the U.S. Department of Housing and Urban Development for such financial assistance to the Town of Babylon; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 294 MARCH 30, 2022
HOME RULE MESSAGE REQUESTING THE STATE OF NEW YORK ESTABLISHES THE "20 STATION DRIVE, WYANDANCH DESIGN-BUILD ACT"; AND PROVIDES FOR THE REPEAL OF SUCH PROVISIONS UPON EXPIRATION THEREOF (SENATE BILL S.8531 AND ASSEMBLY BILL A.9756)

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

WHEREAS, the Town of Babylon has undertaken multiple actions regarding the redevelopment of downtown Wyandanch including the designation of an Urban Renewal Area in downtown Wyandanch, the adoption of a blighted study, which was prepared by AKRF and is entitled "Blighted Study of the Wyandanch Area" dated May 7, 2007, and the adoption of a Nomination under the State of New York's Brownfield Opportunity Area Program due to severe blighted conditions of downtown Wyandanch. The Town by Resolution of the Town Board No. 424 dated June 25, 2008 (i) adopted the Blighted Study, (ii) designated an urban renewal area (the "Downtown Wyandanch Renewal Area") in downtown Wyandanch as appropriate for urban renewal and (iii) authorized the Town Department of Planning and Economic Development and/or its agents to prepare or cause to be prepared an urban renewal plan. The Town by Resolution of the Town Board, dated May 22, 2009, adopted an Urban Renewal Plan for Downtown Wyandanch Urban Renewal Area (the "Plan"); and

WHEREAS, the Town now seeks to undertake and construct a large scale combined public health facility and recreational facility in the Downtown Wyandanch Renewal Area for use by the residents the Hamlet of Wyandanch and the Town; and

WHEREAS, such combined public health facility and recreational facility will be undertaken with the assistance of Sun River Health and the YMCA of Long Island; and

WHEREAS, Senate Bill S.8531 and Assembly Bill A.9756 seeks to establish the "20 Station Drive, Wyandanch Design-Build Act" which will help the Town manage the public bidding complexities of the combined health facility and recreational facility and will permit the Town to create certain efficiencies with respect to undertaking the project which will significantly reduce project costs and Senate Bill S.8531 and Assembly Bill A.9756 is similar to comparable legislation approved for projects in the City of New York.

NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby supports Senate Bill S.8531 and Assembly Bill A.9756; and be it further

RESOLVED, that the Town Clerk of the Town of Babylon is hereby directed to forward copies of this Resolution to all appropriate parties; and be it further

RESOLVED that the Town Supervisor and Town Clerk of the Town of Babylon are hereby directed and authorized to execute the Home Rule Request; 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

RESOLVED, that this resolution shall take effect immediately.

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. 295 MARCH 30, 2022
ACCEPTING A DONATION

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following donation is accepted with gratitude:

DONATOR	DONATION	TO BE USED FOR	RECOMMENDED BY
Railex	\$100.00	Food pantry at Town of Babylon Senior Citizen Services	Commissioner Department of Human Services
The Marcus Organization	\$500.00	Food pantry at Town of Babylon Senior Citizen Services	Commissioner Department of Human Services
National Computer Liquidators	\$1,000.00	Food pantry at Town of Babylon Senior Citizen Services	Commissioner Department of Human Services
Thomas & Kelly Dolan	\$50.00	Food pantry at Town of Babylon Senior Citizen Services	Commissioner Department of Human Services
John & Kathleen Batkiewicz	\$25.00	Food pantry at Town of Babylon Senior Citizen Services	Commissioner Department of Human Services
Debra & Frank Dolan	\$50.00	Food pantry at Town of Babylon Senior Citizen Services	Commissioner Department of Human Services
Susan Scheideler	\$50.00	Food pantry at Town of Babylon Senior Citizen Services	Commissioner Department of Human Services
Jordan Wilson	\$25.00	Food pantry at Town of Babylon Senior Citizen Services	Commissioner Department of Human Services
William Lindsay	\$100.00	Food pantry at Town of Babylon Senior Citizen Services	Commissioner Department of Human Services
William Wexler	\$25.00	Food pantry at Town of Babylon Senior Citizen Services	Commissioner Department of Human Services
McDonough Attorney	\$25.00	Food pantry at Town of Babylon Senior Citizen Services	Commissioner Department of Human Services
Rechler Equity I LLC	\$500.00	Food pantry at Town of Babylon Senior Citizen Services	Commissioner Department of Human Services
Engel Burman at Deer Park, LLC	\$2,500.00	Food pantry at Town of Babylon Senior Citizen Services	Commissioner Department of Human Services
Kelly Anne Sullivan 10 Earl Rd, Melville, NY 11747	Piano – Estimated value \$500.00	Town of Babylon Parks Department - Music education programs	Town Supervisor

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 296 MARCH 30, 2022
AUTHORIZING 2021 BUDGET MODIFICATION**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Comptroller, that the following 2021 Budget Modification is hereby authorized:

	<u>Increase</u>	<u>Decrease</u>
<u>General Fund</u>		
Legislative board		
Council member		
A.1010-11	\$ 915	
Administrative		
A.1010-13	\$ 6,031	
Part time clerical		
A.1010-16		\$ 6,946
Traffic violations bureau		
Full time clerical		
A.1130-14	\$ 21,400	
Office Supplies		
A.1130-41		\$ 3,000
Professional and technical services		
A.1130-44		\$ 18,400
Purchasing		
Administrative		
A.1345-13	\$ 14,514	
Professional and technical services		
A.1345-44	\$ 5,000	
Miscellaneous		
A.1345-49	\$ 84	
Assessment		
Administrative		
A.1355-13	\$ 570	
Full time clerical		
A.1355-14		\$ 3,670
Part time clerical		
A.1355-16	\$ 3,100	
Law		
Administrative		
A.1420-13		\$ 32,000
Full time clerical		
A.1420-14	\$ 16,000	
Part time clerical		
A.1420-16	\$ 8,500	
Professional and technical services		
A.1420-44	\$ 6,000	
Program operations		
A.1420-47	\$ 1,500	
Personnel		
Miscellaneous		
A.1430-49	\$ 100	
Full time clerical		
A.1430-14		\$ 100
Public works administration		
Administrative		
A.1490-13	\$ 18,572	
Buildings		
Full time clerical		
A.1620-14	\$ 1,010	
Part time clerical		
A.1620-16	\$ 1,091	
Professional and technical		
A.1620-44		\$ 5,000
Central Garage		
Full time labor		
A.1640-15	\$ 7,666	
Repairs and maintenance		
A.1640-46		\$ 26,238
Central printing & mailing		
Full time clerical		
A.1670-14	\$ 3,315	
Program operations		
A.1670-47		\$ 31,150
Central data processing		
Administrative		
A.1680-13	\$ 8,248	
Full time clerical		
A.1680-14	\$ 2,888	
Control of animals		
Administrative		
A.3510-13	\$ 192	
Full time clerical		
A.3510-14	\$ 4,419	
Full time labor		
A.3510-15	\$ 6	
Overtime		
A.3510-19	\$ 38,631	
Professional and technical services		
A.3510-44		\$ 9,306
Program operations		
A.3510-47		\$ 33,942
Human services Administration		
Administrative		
A.4189-13	\$ 10,848	
Full time clerical		
A.4189-14	\$ 968	

Nutrition program		
Administrative		
A.4526-13	\$ 1,698	
Full time clerical		
A.4526-14		\$ 20,994
Full time labor		
A.4526-15	\$ 24,454	
Part time clerical		
A.4526-16	\$ 8,984	
Program operations		
A.4526-47		\$ 31,347
Miscellaneous		
A.4526-49	\$ 300	
Adult recreation		
Administrative		
A.7620-13	\$ 243	
Full time clerical		
A.7620-14	\$ 946	
Part time clerical		
A.7620-16	\$ 3,306	
Part time labor		
A.7620-17	\$ 54,316	
Professional and technical services		
A.7620-44		\$ 20,800
Program operations		
A.7620-47		\$ 33,322
Miscellaneous		
A.7620-49	\$ 400	
Environmental Control		
Administrative		
A.8090-13	\$ 6,242	
Full time clerical		
A.8090-14	\$ 71	
Full time labor		
A.8090-15	\$ 22,569	
Equipment		
A.8090-20	\$ 360	
Professional and technical services		
A.8090-44	\$ 71,325	
Repairs and maintenance		
A.8090-46		\$ 100,567
Revenues		
Federal aid, other		
A.0000-4089	\$ 3,915,937	
Other economic opportunity program		
Grants		
A.6326-30	\$ 3,909,513	
Interfund transfer		
Interfund transfer		
A.9901-90	\$ 4,720	
Supervisor		
Elected officials		
A.1220-10	\$ 429	
Council member		
A.1220-11	\$ 192	
Administrative		
A.1220-13	\$ 1,704	
Comptroller		
Miscellaneous		
A.1315-49	\$ 335	
Clerk		
Elected officials		
A.1410-10	\$ 414	
Full time clerical		
A.1410-14	\$ 3,648	
Overtime		
A.1410-19	\$ 1	
Professional and technical services		
A.1410-44	\$ 30,986	
Records management		
Full time clerical		
A.1460-14	\$ 449	
Unallocated insurance		
Insurance		
A.1910-43		\$ 408,000
Contingent account		
Miscellaneous		
A.1990-49		\$ 82,362
Examining boards		
Member of a board		
A.3610-12	\$ 209	
Civil defense		
Part time labor		
A.3640-17	\$ 39	
Therapeutic recreation program		
Administrative		
A.4525-13	\$ 963	
Youth Programs		
Part time clerical		
A.7310-16	\$ 1,680	
Program operations		
A.7310-47	\$ 13,474	
Disposition of real property		
Miscellaneous		
A.8674-49	\$ 632,198	
State retirement		
Employee benefits		
A.9010-80	\$ 14,389	

Unemployment insurance		
Employee benefits		
A.9050-80		\$ 150,000
Hospital and medical insurance		
Employee benefits		
A.9060-80		\$ 74,198
Union welfare benefits		
Employee benefits		
A.9070-80	\$ 15,153	
Serial Bonds		
Debt interest		
A.9710-70	\$ 1	
	Part Town Fund	
Engineer		
Utilities		
B.1440-42	\$ 131	
Public safety administration		
Administrative		
B.3010-13	\$ 50,000	
Full time labor		
B.3010-15		\$ 50,000
Part time clerical		
B.3010-16		\$ 8,700
Overtime		
B.3010-19	\$ 8,700	
Fire protection		
Full time clerical		
B.3410-14	\$ 2,500	
Full time labor		
B.3410-15		\$ 5,097
Part time labor		
B.3410-17		\$ 15,800
Overtime		
B.3410-19	\$ 15,800	
Utilities		
B.3410-42	\$ 5,097	
Professional and technical services		
B.3410-44		\$ 2,500
Safety inspection		
Overtime		
B.3620-19	\$ 1,184	
Utilities		
B.3620-42	\$ 1,360	
Professional and technical services		
B.3620-44		\$ 2,544
Miscellaneous		
B.3620-49	\$ 350	
Code enforcement		
Full time clerical		
B.3989-14		\$ 4,099
Full time labor		
B.3989-15	\$ 9,961	
Overtime		
B.3989-19		\$ 1,068
Office Supplies		
B.3989-41		\$ 792
Utilities		
B.3989-42		\$ 30
Professional and technical services		
B.3989-44		\$ 3,722
Miscellaneous		
B.3989-49		\$ 250
Zoning		
Member of a board		
B.8010-12	\$ 7,189	
Planning		
Administration		
B.8020-13	\$ 6,742	
Full time clerical		
B.8020-14		\$ 2,707
Full time labor		
B.8020-15		\$ 6,742
Overtime		
B.8020-19	\$ 2,045	
Utilities		
B.8020-42		\$ 131
Professional and technical services		
B.8020-44		\$ 12,056
Miscellaneous		
B.8020-49		\$ 350
Planning Board		
Member of a board		
B.8025-12	\$ 2,822	
Other home and community services		
Member of a board		
B.8989-12	\$ 2,707	
Registrar of vital statistics		
Part time clerical		
B.4020-16	\$ 22	
Dental insurance		
Employee benefits		
B.9065-80	\$ 199	
Vision insurance		
Employee benefits		
B.9075-80	\$ 6	
Unallocated insurance		
Insurance		
B.1910-43		\$ 227

Highway Fund

Street administration

Administrative			
DB.5010-13	\$	14,118	
Part time clerical			
DB.5010-16			\$ 24,266
Professional and technical services			
DB.5010-44	\$	10,148	

Maintenance of streets

Full time labor			
DB.5110-15			\$ 20,166
Overtime			
DB.5110-19	\$	20,166	

Brush and weeds

Full time labor			
DB.5140-15			\$ 7,652
Rent or lease			
DB.5140-45			\$ 25,000

Repairs and maintenance

DB.5140-46	\$	32,652	
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Unallocated insurance

Insurance			
DB.5910-43	\$	2,427	

State retirement

Employee benefits			
DB.9010-80			\$ 2,427

Special Lighting Fund

Street lighting

Full time clerical			
SL.5182-14	\$	36,511	
Overtime			
SL.5182-19	\$	4,941	
Utilities			
SL.5182-42			\$ 51,313
Professional and technical services			
SL.5182-44	\$	9,861	

Social security

Employee benefits			
SL.9030-80	\$	307	

Retirement

Employee benefits			
SL.9010-80	\$	5,359	

Union welfare benefits

Employee benefits			
SL.9070-80	\$	976	

Other debt

Debt interest			
SL.9789-70	\$	8,999	

Serial bonds

Debt principal			
SL.9710-60			\$ 15,641

Special District Fund

Fire protection

Professional and technical services			
SF.3410-44	\$	133	
North Amityville #5			
SF.3410-81			\$ 21
North Amityville #6			
SF.3410-82			\$ 32
East Farmingdale #12			
SF.3410-83	\$	146	
Wyandanch #13			
SF.3410-84	\$	126	
North Babylon #15			
SF.3410-85	\$	390	
North Lindenhurst #16			
SF.3410-86	\$	136	

Ambulance district

Wyandanch/Wheatley Heights ambulance			
SF.4540-87			\$ 878

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

**RESOLUTION NO. 297 MARCH 30, 2022
AUTHORIZING 2022 BUDGET MODIFICATION**

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

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

	<u>Increase</u>	<u>Decrease</u>
General Fund		
Parks & Recreation Administration		
Miscellaneous		
A.7020-49	\$ 54,000	
Law		
Professional and Technical Services		
A.1420-44		\$ 54,000
Clerk		
Part Time Clerical		
A.1410-16	\$ 20,000	
Parks		
Part Time Labor		
A.7110-17		\$ 20,000
Traffic Violations Bureau		
Professional and Technical Services		
A.1130-44	\$ 55,000	
Full Time Clerical		
A.1130-14		\$ 55,000
Other Health		
Uniforms		
A.4989-48	\$ 1,000	
Equipment		
A.4989-20		\$ 1,000

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

**RESOLUTION NO. 298 MARCH 30, 2022
AMENDING BOARD MEMBERS AND SETTING SALARIES OF ZONING BOARD OF APPEALS**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following appointments/reappointments effective January 1st, 2022 are made to certain Municipal Board positions and administrative personnel who serve at the pleasure of Town Board; and be it further

RESOLVED, that the salaries are hereby set January 1st, 2022 for the below listed administrative personnel and Municipal Board Members who serve at the pleasure of the Town Board, and Municipal Board Members who have been appointed for specific terms as set forth herein below:

ZONING BOARD OF APPEALS			
NAME	TITLE	TERM EXP.	SALARY
Michael Kane	Chairperson	12/31/2027	19,000/ann.
John Carecia	Vice Chair	12/31/2024	16,000/ann.
Steven Dellavechia	Member	12/31/2023	15,000/ann.
John Shepard	Member	12/31/2028	15,000/ann.
Nicholas Rigney	Member	12/31/2022	15,000/ann.
Marco Parodi	Member	12/31/2022	15,000/ann.
Charniece McCullogh	Member	12/31/2024	15,000/ann.
Christine Korkidis	1 st Alternate		316/mtg (eff. 3/30/22)
David Bishop	2 nd Alternate		316/mtg (eff. 3/30/22)
Doreen Cannizaro- Snyder	Secretary		350/mtg.
Carolyn Bivona	Alternate Secretary		350/mtg.

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

**RESOLUTION NO. 299 MARCH 30, 2022
CONFIRMING MEMBERSHIP TO THE NORTH LINDENHURST FIRE DEPARTMENT, INC.**

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

BE IT RESOLVED, that pursuant to Section 1402 of the Not-For-Profit Law of the State of New York, the following residents are duly elected in conformity with the By-Laws of the North Lindenhurst Fire Department, Inc., 1630 Straight Path, North Lindenhurst, New York:

Matthew Chandrekha	250 48 th Street Lindenhurst, NY 11757
Carson J. Roche	122 Forythe Avenue Lindenhurst, NY 11757

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

**RESOLUTION NO. 300 MARCH 30, 2022
PROCLAIMING WEDNESDAY, APRIL 6, 2022 AS NATIONAL LIVING KIDNEY DONATION DAY IN THE TOWN OF BABYLON**

The following resolution was offered by Councilman Manetta and seconded by Councilman Martinez
 WHEREAS, the National Kidney Donation Organization (NKDO) provides education and information to prospective living kidney donors; and
 and
 WHEREAS, the organization also helps those in need of a kidney transplant; and
 WHEREAS, the NKDO has over 1,300 members nationwide and over 50 living kidney donor mentors who support those interested in donation; and
 WHEREAS, The NKDO is devoted to helping end the kidney crisis in this country.
 NOW, THEREFORE, be it
 RESOLVED, that the Town Board hereby proclaims, Wednesday, April 6, 2022 as "National Living Kidney Donation Day" in the Town of Babylon.

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

**RESOLUTION NO. 301 MARCH 30, 2022
PROCLAIMING FRIDAY, APRIL 29, 2022 AS ARBOR DAY IN THE TOWN OF BABYLON**

The following resolution was offered by Councilman Martinez and seconded by Councilman McSweeney
 WHEREAS, the Town Board of the Town of Babylon is vitally concerned with the conservation, preservation and continued maintenance of the tree population located within the boundaries of the Town of Babylon; and
 WHEREAS, trees can reduce the erosion of topsoil, cut heating and cooling costs, clean the air, produce oxygen and provide habitat for wildlife; and
 WHEREAS, trees in our Town increase property values, enhance the economic vitality of business areas, and beautify our community; and
 WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and
 WHEREAS, Arbor Day is now observed throughout the nation and the world; and
 WHEREAS, the State of New York recognizes the last Friday in April for the observance of Arbor Day; and
 WHEREAS, the Town of Babylon has been recognized as a Tree City USA by the National Arbor Day Foundation for thirty (30) years and desires to continue its tree-planting practices.
 NOW, THEREFORE, be it
 RESOLVED, that the Town Board of the Town of Babylon does hereby proclaim Friday, April 29, 2022 as 'Arbor Day' in the Town of Babylon.

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

**RESOLUTION NO. 302 MARCH 30, 2022
AUTHORIZING PERMISSION FOR A PARADE ON APRIL 9, 2022
IN THE TOWN OF BABYLON FOR THE WEST BABYLON LITTLE LEAGUE**

The following resolution was offered by Councilman McSweeney and seconded by Councilman Gregory
 WHEREAS, the West Babylon Little League has requested permission to hold a parade on Saturday, April 9, 2022 within the Town of Babylon, as follows:

INDIVIDUAL: Edward Buturla 1526 1 st Street West Babylon, NY 11704 (631) 553-9280	ORGANIZATION: West Babylon Little League 129 Sawyer Avenue West Babylon, NY 11704 (631) 553-9280
DATES & TIMES: Date(s): 4/9/2022 to: Time: 12:00 p.m. to 1:00 p.m. Rain Date: n/a	STARTING: Pape Field, 220-234 Old Farmingdale Road, West Babylon ENDING: 129 Sawyer Avenue, West Babylon

ROUTE:
 Leaving the football fields at Pape Field, turn right and travel east onto Old Farmingdale Road toward Little E. Neck Road, make a right and proceed south onto Berkshire Road to Sawyer Avenue, make a right and proceed west onto Sawyer Avenue and make a right onto the ball fields.

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.

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

**RESOLUTION NO. 303 MARCH 30, 2022
AUTHORIZING PERMISSION FOR A PARADE ON APRIL 9, 2022
IN THE TOWN OF BABYLON FOR DEER PARK LITTLE LEAGUE**

The following resolution was offered by Councilman Gregory and seconded by Councilman Manetta
 WHEREAS, the Deer Park Little League has requested permission to hold a parade on Saturday, April 9, 2022 with a rain date of Sunday, April 10, 2022 within the Town of Babylon,

INDIVIDUAL: Joe Geosits 19 Mohawk Ave. Deer Park, NY 11729 (631) 404-2735	ORGANIZATION: Deer Park Little League 28 W. 9 th St. Deer Park, NY 11729 (631) 488-7344
DATES & TIMES: Date(s): 4/9/2022 to: Time: 10:00 a.m. to 11:00 a.m. Rain Date: 4/10/2022	STARTING: John F. Kennedy Intermediate School, 101 Lake Avenue, Deer Park (parking lot) ENDING: Pine Acres Park, 196 Pine Acres Blvd., Deer Park

ROUTE:
Leaving the JFK School, proceed west on Lake Ave. to Deer Park Ave.; proceed north on Deer Park Ave. to Old Country Rd.; proceed east on Old Country Rd. and turn right into Pine Acres Park.

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.

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.

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

**RESOLUTION NO. 304 MARCH 30, 2022
AUTHORIZING PERMISSION FOR A PARADE ON APRIL 23, 2022
IN THE TOWN OF BABYLON FOR THE LINDENHURST AMERICAN LITTLE LEAGUE**

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

WHEREAS, the Lindenhurst American Little League has requested permission to hold a parade on Saturday, April 23, 2022 with a rain date of April 24, 2022 within the Town of Babylon, as follows:

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): 4/23/2022 to: Time: 10:00 a.m. to 12:00 p.m. Rain Date: 4/24/2022	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.

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.

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

**RESOLUTION NO. 305 MARCH 30, 2022
ADOPTING THE TOWN OF BABYLON TECHNOLOGY USAGE POLICIES**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Comptroller, that the Technology Usage Policies, available for review at the Office of the Town Clerk as Schedule "A", is hereby adopted.

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

**RESOLUTION NO. 306 MARCH 30, 2022
ADOPTING LOCAL LAW NO. 5 OF 2022 AMENDING CHAPTER 213
OF THE BABYLON TOWN CODE (SPRINKLER SYSTEM)**

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 via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P> as provided by Governor Hochul who extended Executive Order 202.1 regarding the "Open Meetings Law", authorizing public meetings to be held remotely by conference call or similar service (If you wish to address the board at the public hearing, visit townofbabylon.com and click on the "How Do I..." link, and then "Participate in a Public Hearing" to order to participate), on the 30th day of March, 2022 at 3:30 p.m., prevailing time, upon the question of enactment of Local Law No. 5 of 2022 of the Town of Babylon, Suffolk County, New York, being a Local Law amending the Code of the Town of Babylon, Chapter 213 (Sprinkler Systems); 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. 5 of 2022, 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. 5 of 2022
AMENDING THE CODE OF THE TOWN OF BABYLON
CHAPTER 133 (SPRINKLER SYSTEMS)**

Section 1. **AMEND as follows:**



§213-235 of the Code of the Town of Babylon shall be amended to read as follows (additions/changes to the Code are underlined):

§ 213-235 Sprinkler systems.

- A. All buildings constructed, or which incur 40% or more reconstruction, alteration, or change in use after the effective date of this section and located in either the MR Multiple Residence District, E Business District, EA Business District, EB Business District, MH Planned Motel-Hotel District, G Light Industrial District, GA Light Industrial District, GB Light Industrial District, H Industrial District, PIP Planned Industrial Park District, DC Downtown Copiague District, or WFBC Wyandanch and Straight Path Corridor Form Based Code District shall have such sprinkler system or systems fully installed in accordance with the National Fire Protection Association 13 (NFPA13) Standards for the Installation of Sprinkler Systems (as amended from time to time and adopted by the State of New York).

- B. In the event the provisions of NFPA 13 conflict with the International Fire Code (IFC), the more restrictive provision shall apply.

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 judgement 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. 307 MARCH 30, 2022
ADOPTING LOCAL LAW NO. 6 OF 2022 AMENDING CHAPTER 85
OF THE BABYLON TOWN CODE (PUBLIC ASSEMBLY PERMITS)**

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 via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P> as provided by Governor Hochul who extended Executive Order 202.1 regarding the "Open Meetings Law", authorizing public meetings to be held remotely by conference call or similar service (If you wish to address the board at the public hearing, visit townofbabylon.com and click on the "How Do I..." link, and then "Participate in a Public Hearing" to order to participate), on the 30th day of March, 2022 at 3:30 p.m., prevailing time, upon the question of enactment of Local Law No. 6 of 2022 of the Town of Babylon, Suffolk County, New York, being a Local Law amending the Code of the Town of Babylon, Chapter 85 (Public Assembly Permits); 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. 6 of 2022, 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. 6 of 2022
AMENDING THE CODE OF THE TOWN OF BABYLON CHAPTER 85 (PUBLIC ASSEMBLY PERMITS)**

Section 1. **AMEND as follows:**

§ 85-4 Public assembly permits.

Provided that a request meets the criteria set forth in this section, the Town Board hereby delegates to the Town Clerk the authority to issue public assembly permits.

- A. The request must be made at least two weeks before the proposed date.
- B. The request must be made by an individual resident of the Town and include that resident's address and both a home telephone number and a telephone number where the individual can be reached during regular business hours.
- C. The request will list the club or organization requesting the permit, if any, and the purpose for the requested public assembly permit. The Town Clerk may not issue permits for commercial purposes.
- D. The request shall include the date and rain date.
- E. The request shall state the hours of operation, but in no event shall a permit be granted for the conduct of a public assembly commencing before 10:00 a.m. or terminating after 8:00 p.m.
- F. The request shall include the location or area where the public assembly will be held and whether any streets, highways or roadways will be blocked by the public assembly. No request may be granted by the Town Clerk which requires the blocking of any state or county roads or other major thoroughfares in the Town which, in the opinion of the Town Clerk, would be severely disruptive of traffic in or about the proposed sites.
- G. The request shall include a sketch of the area involved showing the various intersections.

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 judgement 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. 308 MARCH 30, 2022
ADOPTING RESOLUTION TO LIFT TOWN BOARD COVENANT AND RESTRICTIONS FOR
PLANNING BOARD JOB #21-35AI; MCDONALDS CORPORATION**

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

WHEREAS, McDonald's Corporation (the "Petitioner") has heretofore petitioned this Board to lift a restrictive covenant as per Town of Babylon Code §213-39, in connection with renovations to an existing McDonald's restaurant, including interior alterations to reduce the total number of seats from 93 to 52, a 128sf front addition to the building for an additional drive-thru service window, and to add a second drive-thru lane/order board; and

WHEREAS, more specifically, said covenant prohibits the erection of any structures or improvements, besides parking, in the 65' front yard setback from NYS Rte. 231 (Deer Park Ave), as recorded in Liber 3498, Pages 553-555; and

WHEREAS, the subject site is located on the e/s/o NYS Rte. 231, 120' s/o Weeks Road, North Babylon, New York, and is further identified by SCTM No. 0100-116-04-002.007; and

WHEREAS, a public hearing was held on said petition on the 16th day of March, 2022; and

WHEREAS, in accordance with Section 617.5(c)(9) State Environmental Quality Review (SEQR), this proposal involves renovations to an existing McDonald's restaurant and it has been determined the proposed action is a Type II Action.

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the application of McDonalds Corporation (PB JOB #21-35AI) be approved and that the restrictive covenant imposed by the Town Board, entitled "FIRST," as recorded in Liber 3498, Page 553-55 is hereby lifted, subject to the recording by the petitioner of an instrument effectuating the release and lifting of the covenants and restrictions as authorized by this resolution, subject to the approval of the Town Attorney, and subject to the following conditions:

Conditions:

- 1. Subject to final site plan approval from the Planning Board.
- 2. Subject to ZBA approval for any associated variances.

3. Subject to SCPC referral.
4. Subject to the requirements of Highway Engineering, Engineering Division, and the Fire Marshal.
5. Filtering and/or odor control equipment is to be installed, maintained, and used which will include, but not be limited to, electrostatic precipitators or similar system on all discharge stacks, or equivalent methods and equipment approved by the Town, to remove cooking odors and smoke emanating from the restaurant, if required by the Town.

BE IT FURTHER,

RESOLVED, that if the owners hereto, or any owner, its lessees, heirs, successors, or assignees shall violate or attempt to violate any of the terms of this Resolution it shall be lawful for the Town of Babylon to prosecute any proceedings at law or in equity, including but not limited to enforcement by way of injunctive relief; any remedies chosen by the Town Board to enforce any condition, covenant, or restriction herein shall be cumulative and at the discretion of the Town Board as to how best to enforce such condition, covenant, or restriction; the pursuit of one method of enforcement shall not constitute a bar to pursuing any other method of enforcement permitted by 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	Abstain
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. 309 MARCH 30, 2022

SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-8 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing be held at the Babylon Town Hall, 200 East Sunrise Highway, NY 11757, or held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P> provided Governor Hochul extends Executive Order 202.1 regarding the "Open Meetings Law", authorizing public meetings to be held remotely by conference call or similar service (If you wish to address the board at the public hearing, visit townofbabylon.com and click on the "How Do I..." link, and then "Participate in a Public Hearing" to order to participate), on the 13th day of April, 2022 at 3:30 p.m., prevailing time, to consider amending Chapter 2, Article IV, Section 2-8 of the Town of Babylon Uniform Code of Traffic Ordinances as set forth in the annexed Exhibit "A"; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

EXHIBIT "A"

Chapter 2, Article IV, Section 2-8

[Traffic Regulations; Stop and Yield Intersections Designated]

ADD to Schedule H:

<u>Intersection</u>	<u>Hamlet</u>	<u>Sign</u>	<u>Controlling Traffic</u>
Lenox Road at Manhattan Avenue	WB	Stop	North on Lenox Road
Dutchess Street at Governor Avenue	WB	Stop	West on Dutchess Street
Cortland Street at Governor Avenue	WB	Stop	West on Cortland Street
St. Ann's Avenue at Cedar Court	CO	Stop	North/South on St. Ann's Avenue
Governor Avenue at Zack Street	WB	Stop	North/South on Governor Avenue
Zack Street at Governor Avenue	WB	Stop	West on Zack Street
Broome Street at Governor Avenue	DP	Stop	West on Broome Street
Verona Parkway at Elm Street	WB	Stop	North/South on Verona Parkway
North 27 th Street at Washington Avenue	WY	Stop	North/South on North 27 th Street

RESOLUTION NO. 310 MARCH 30, 2022

AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR RICHARD & DIANE CAIN OUTER BEACH APPLICATION NO. 139554 SCTM #0100-240-1-166

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

WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No.139554 of Richard & Diane Cain, for the premises located at SCTM #0100-240-1-166 (20 Ocean Walk, W. Gilgo Beach, NY) to construct interior and exterior alterations; 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.139554 of Richard & Diane Cain, for the premises located at SCTM #0100-240-1-166 (20 Ocean Walk, W. Gilgo Beach, NY) to construct interior and exterior alterations; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 311 MARCH 30, 2022
AUTHORIZING THE SALE OF TOWN OWNED PROPERTY LOCATED AT
SCTM NO. 0100-045.00-01.00-009.000

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

WHEREAS, the Town of Babylon has declared certain town-owned property located at SCTM No. 0100-045.00-01.00-009.000, further described on the attached Schedule "A" and identified as the "Premises", to be surplus because same is no longer needed for any town purpose; and

WHEREAS, Ralph Macchio and Rosalie Macchio have made an offer to the Town, based on an appraisal, for the purchase of the Premises to be used in conjunction with his adjoining multiple residence project located adjacent to the Premises.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon convey to the aforementioned Ralph Macchio and Rosalie Macchio, the Premises described in the attached Schedule "A" for a total consideration of One Dollar; and be it further

RESOLVED, that the Supervisor be and is hereby authorized to execute a quitclaim deed and other related documents for the aforementioned transfer; and be it further

RESOLVED, that this resolution is subject to a permissive referendum and the Town Clerk is hereby directed to publish notice of the adoption of this resolution in an official newspaper of the town.

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.

SCHEDULE "A"

ALL that a certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Deer Park, Town of Babylon, County of Suffolk and State of New York, and more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of Nicolls Road distant 136.57' east to the easterly side of Old Commack Road; RUNNING THENCE North 2° 49'10" East 51.38' to the northerly side of Nicolls Road; RUNNING THENCE North 77°48'50" East 396.54' to a point; RUNNING THENCE South 2°50'10" West 51.26' to a point on the southerly side of Nicolls Road; RUNNING THENCE along the southerly side of Nicolls Road South 77°48'05" West 396.52' to the point or place of beginning.

RESOLUTION NO. 312 APRIL 30, 2022
ACCEPTANCE OF DEED OF STREET DEDICATION FOR PORTION OF MANHATTAN AVENUE, WEST BABYLON
ADJACENT TO SCTM NO. 0100-140.00-04.00- P/O 14 & 015, 016 FROM G&R BUILDONG CORP. TO TOWN OF BABYLON

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Department of Public Works, Division of Highway Engineering, that the deeds of dedication for the street dedications set forth on the attached Schedule "A", be and is hereby accepted,

AND BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute any documents necessary to effectuate the dedication subject to the approval of the Town Attorney as to form.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

SCHEDULE "A"

Metes & Bounds Description

PARCEL A

ALL that a certain plot of land, situate, lying and being in the Town of Babylon, County of Suffolk and State of New York, which is known as and by lot Numbers 11, 12, and 13 in Block Number 50 and on Map Number 183, filed in Office of the Clerk of Suffolk County at Riverhead, Long Island New York, and entitled, "Map of Belmont Terrace, Section A, Town of Babylon, Suffolk County, New York" being more particularly bounded and described according to said map as follows:

BEGINNING at a point 111.96 feet East of the corner formed by the intersection of the easterly side of Belmont Avenue with the Southerly side of Manhattan Avenue;

RUNNING THENCE South 81 degrees 40 minutes 00 seconds East, 60 Feet to a point;

RUNNING THENCE South 08 degrees 20 minutes 00 seconds West, 5 feet to a point;

RUNNING THENCE North 81 degrees 40 minutes 00 seconds West; 60 feet to a point;

RUNNING THENCE North 08 degrees 20 minutes 00 seconds East, 5 feet to the point or place of BEGINNING.

PARCEL B

ALL that a certain plot piece or parcel of land, situate, lying and being in the Town of Babylon, County of Suffolk, Long Island and State of New York, which is known as and by Lot Numbers 14, 15, and 16 in the Block Number 50 and on the Map Number 183, filed in the Office of the Clerk of Suffolk County, Riverhead, Long Island New York, and entitled, "Map of Belmont Terrace, Section A, Town of Babylon, Suffolk County, New York; being more particularly bounded and described according to said map as follows:

BEGINNING at a point 171.96 feet East of the corner formed by the intersection of the easterly side of Belmont Avenue with the Southerly side of Manhattan Avenue;

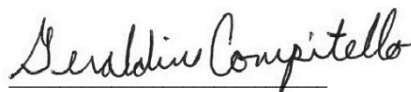
RUNNING THENCE South 81 degrees 40 minutes 00 seconds East, 60 feet to a point;

RUNNING THENCE South 08 degrees 20 minutes 00 seconds West, 5 feet to a point;

RUNNING THENCE North 81 degrees 40 minutes 00 seconds West; 60 feet to a point;

RUNNING THENCE North 08 degrees 20 minutes 00 seconds East, 5 feet to the point or place of BEGINNING.

Being no further business before the Board, the meeting adjourned at 3:41 pm on the motion of Councilman Manetta, seconded by Councilman Gregory.



Geraldine Compitello, Town Clerk

/jt