

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 21st day of September, 2022 at 7:00 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

1. **PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 213, ARTICLE XII (E BUSINESS DISTRICT)**
2. **PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 195 (TAXATION)**
3. **PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 2, ARTICLE II, SECTION 2-3 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES**
4. **PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-8 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES**
5. **PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 3, ARTICLE II, SECTION 3-4 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES**
6. **PUBLIC HEARING IN REFERENCE TO THE COASTAL EROSION HAZARD AREA VARIANCE OF SALVATORE GERVASI, 21 THE FAIRWAY, OAK BEACH, SCTM NO. 0100-243.00-01.00-150.000**
7. **PUBLIC HEARING IN REFERENCE TO CHANGING THE ZONING MAP TO CORRECT A CLERICAL ERROR WITH RESPECT TO THE PARCEL OF LAND AT SCTM #0100-017-01-074 LOCATED AT THE NORTHEAST CORNER OF STRAIGHT PATH AND OLD COUNTRY ROAD**



VI. CONSENSUS RESOLUTION AGENDA Wednesday, September 21, 2022 at 7:00 P.M.

No Consensus Agenda Speakers

RESOLUTION NO. 750 SEPTEMBER 21, 2022 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:

August 31, 2022
September 7, 2022

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

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

RESOLUTION NO. 751 SEPTEMBER 21, 2022 RESCINDING RESOLUTION 633 OF AUGUST 3, 2022 AUTHORIZING A PURCHASE OF VEHICLES FROM CHEVROLET OF SMITHTOWN

WHEREAS, Resolution 633 of August 3rd, 2022 authorized the purchase of Vehicles from Chevrolet of Smithtown
WHEREAS, the Commissioner of DPW and the Commissioner of General Services recommends that the Resolution 633 of August 3rd, 2022 be rescinded as the vehicles authorized to purchase are not available for purchase at this time.

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of DPW and the Commissioner of General Services, Resolution 633 of August 3rd, 2022 be and is hereby rescinded in its entirety, without penalty.

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

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

RESOLUTION NO. 752 SEPTEMBER 21, 2022 RESCINDING RESOLUTION NO. 657 OF AUGUST 3, 2022 AWARDING RFP 22G32 TO LIRO ENGINEERS

BE IT RESOLVED, by the Town Board of the Town of Babylon, that Resolution No. 657 of August 3, 2022, awarding RFP 22G32 to Liro Engineers be and is hereby rescinded.

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

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

**RESOLUTION NO. 753 SEPTEMBER 21, 2022
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>General Fund</u>	<u>Increase</u>	<u>Decrease</u>
Narcotics Addiction Control			
Administrative			
A.4220-13	\$ 51,250		
Office Supplies			
A.4220-41	\$ 1,500		
Professional and Technical Services			
A.4220-44	\$ 57,750		
Full Time Clerical			
A.4220-14			\$ 80,000
Part Time Clerical			
A.4220-16			\$ 30,500
Central Garage			
Program Operations			
A.1640-47	\$ 40,000		
Parks			
Program Supplies			
A.7110-23	\$ 25,000		
Repairs and Maintenance			
A.7110-46	\$ 25,000		
Part Time Labor			
A.7110-17			\$ 90,000
Part Town Fund			
Code Enforcement			
Administrative			
B.3989-13	\$ 8,500		
Professional and Technical Services			
B.3989-44			\$ 8,500
Garbage Improvement Area			
Refuse and Garbage			
Program Operations			
CL.8160-47	\$ 53,600		
Uniforms			
CL.8160-48	\$ 3,000		
Professional and Technical Services			
CL.8160-44			\$ 56,600
Highway Fund			
Machinery			
Repairs and Maintenance			
DB.5130-46	\$ 40,000		
Maintenance of Streets			
Part Time Labor			
DB.5110-17			\$ 40,000

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 754 SEPTEMBER 21, 2022
AUTHORIZING PAYMENT TO EMILY SALENTINO
D/B/A COUNTY TOILET RENTAL, LLC**

BE IT RESOLVED, by the Town Board of the Town of Babylon, based upon the recommendation of the Commissioner of General Services, that the Comptroller is hereby authorized to issue payment to for services rendered for the following Invoices:

INVOICE NO. /DATE	AMOUNT
9914 8/28/22	\$860.00

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 755 SEPTEMBER 21, 2022
AUTHORIZING PAYMENT TO GLOBAL COMPLIANCE NETWORK, INC.**

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Comptroller be and is hereby authorized to issue payment to Global Compliance Network, Inc. for services rendered for the following invoices:

INVOICE/DATE	AMOUNT
#12313 of 5/12/22	\$1,400.00

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 756 SEPTEMBER 21, 2022
AUTHORIZING PAYMENT TO WILLIAM HIRD & CO., INC.**

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Comptroller be and is hereby authorized to issue payment to William Hird & Co, Inc. for services rendered for the following invoices:

INVOICE/DATE	AMOUNT
#5686 of May 11, 2022	\$3,500.00

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 757 SEPTEMBER 21, 2022
AUTHORIZING PAYMENT TO VALDE ICE CREAM CORP.**

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Comptroller be and is hereby authorized to issue payment to Valde Ice Cream Corp. for services rendered for the following invoices:

INVOICE/DATE	AMOUNT
#108287 of 6/30/22	\$368.00
#111725 of 7/1/22	\$200.00
#108333 of 7/6/22	\$268.00

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 758 SEPTEMBER 21, 2022
AUTHORIZING PAYMENT TO VERIZON**

BE IT RESOLVED, by the Town Board of the Town of Babylon that the Comptroller be is hereby authorized to issue payment to Verizon to reroute overhead equipment to underground at Long Island Avenue, Straight Path to 18th Street in connection with Wyandanch Rising Phase II in the amount ONE HUNDRED TWO THOUSAND, FOUR HUNDRED SIXTY THREE DOLLARS AND 62/100 (\$102,463.62).

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 759 SEPTEMBER 21, 2022
AUTHORIZING PAYMENT TO CLEAR FLO TECHNOLOGIES**

BE IT RESOLVED, by the Town Board of the Town of Babylon, based upon the recommendation of the Commissioner of Environment Control that the Comptroller be and is hereby authorized to issue payment to Clear Flo Technologies Limited for services rendered for the following invoices:

INVOICE NUMBER	SERVICES PERFORMED DATE	AMOUNT
190341147	11/03/2021	\$936.00
190341155	11/16/2021	\$468.00
190341160	11/23/2021	\$468.00
190341163	11/29/2021	\$468.00
190341169	12/06/2021	\$936.00
190341297	03/24/2022	\$1,404.00
190341464	06/22/2022	\$468.00
	TOTAL	\$5,148.00

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 760 SEPTEMBER 21, 2022
AUTHORIZING EMPLOYEE REIMBURSEMENT**

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Comptroller is hereby authorized to issue reimbursement to the following employee(s):

EMPLOYEE	AMOUNT
Daniel McKeon	\$64.97 Parks supplies

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 761 SEPTEMBER 21, 2022
AUTHORIZING REFUND OF FEES
DEPARTMENT OF PARKS, RECREATION & CULTURAL AFFAIRS**

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Parks, Recreation and Cultural Affairs Department, that the following fees be refunded:

Name	Address	Fee	Activity	Receipt Number
Alicia Lascase	49 Hughes Lane North Babylon, NY 11703	\$45.00	2022 Beach Permit Refund	210999

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 762 SEPTEMBER 21, 2022
AUTHORIZING THE RELEASE OF ENCUMBRANCES FOR VARIOUS CONTRACTS**

WHEREAS, the Town Board has awarded certain contracts for various projects throughout the Town of Babylon; and
WHEREAS, said work and/or services were never performed or services have been completed and the funding for said projects remains encumbered; and
WHEREAS, the Commissioner of General Services and the Comptroller recommend that certain contracts be deemed null and void and/or complete and any remaining funding be unencumbered.

NOW, THEREFORE, be it

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

<u>CONTRACTOR NAME</u>	<u>RESOLUTION NO.</u>	<u>AMOUNT</u>
Luigi Pascarella, P.E. PLLC	931 of 2/6/2017	\$1,200.00
Austin Drywall Corp.	54 of 1/16/2019	\$1,934.25
Austin Drywall Corp.	520 of 7/29/2020	\$1,120.00

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 763 SEPTEMBER 21, 2022
AUTHORIZING RELEASE OF CHECK/BONDS**

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Clerk that the following CHECKS/BONDS for a street excavation be released:

<u>PERMIT</u>	<u>DATE</u>	<u>NAME & ADDRESS</u>	<u>TYPE</u>	<u>AMOUNT</u>
10435	6/8/2020	Bayshore Avenue Plaza, LLC 27 Ocean Avenue Massapequa, NY 11758 646-705-2885 Attn: Julie and Chi Yim	CHECK	\$9,850.00
10460	9/3/2022	And 1 Masonry Inc. 218 West Hoffman Avenue Lindenhurst, NY 11757 631-789-5883	BOND	\$1,200.00
10464	9/9/2022	And 1 Masonry Inc. 218 West Hoffman Avenue Lindenhurst, NY 11757 631-789-5883	BOND	\$1,200.00
10468	9/30/2020	AJR Construction Corp. P.O. Box 534 South Hampton, NY 11969 Attention: Anthony Rovatsos	CHECK	\$1,200.00

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 764 SEPTEMBER 21, 2022
AUTHORIZING THE PURCHASE OF VEHICLES FROM CHEVROLET OF SMITHTOWN**

WHEREAS, the Town of Babylon entered into an agreement with Nassau County BOCES to participate in their cooperative bidding program for Bid No. 19/20-045, Passenger Cars, Vans & Trucks pursuant to Resolution No. 640 of October 13, 2021; and

WHEREAS, pursuant to General Municipal Law 103 (16), a political subdivision is authorized to contract for services through the use of contracts let by any other political subdivision therein; and

WHEREAS, the Town of Babylon is desirous to purchase the following equipment from Chevrolet of Smithtown, pursuant to Nassau County BOCES Bid No. 19/20-045, Passenger Cars, Vans & Trucks:

<u>EQUIPMENT DESCRIPTION/DEPARTMENT</u>	<u>COST</u>
(1) 2023 Chevrolet Silverado 2500HD 4WD Regular Cab, 8' Bed White, includes RW upfits for DPW	\$57,994.00
(1) 2022 Chevrolet Silverado 3500 HD 4WD Regular Cab, White includes RW upfits for DPW	\$55,994.00

WHEREAS, the Commissioner of General Services recommends issuing a Purchase Order for Chevrolet of Smithtown for the above equipment.

NOW THEREFORE be it

RESOLVED, the Town Board of the Town of Babylon authorizes the Commissioner of General Services to issue Purchase Orders to Chevrolet of Smithtown for the aforementioned equipment.

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 765 SEPTEMBER 21, 2022
AUTHORIZING THE PURCHASE OF EQUIPMENT FROM ALL ISLAND EQUIPMENT CORPORATION**

WHEREAS, pursuant to General Municipal Law 103 (16), a political subdivision is authorized to contract for services through the use of contracts let by any other political subdivision therein; and

WHEREAS, the Town of Babylon is desirous to purchase the following equipment from All Island Equipment Corporation pursuant to New York State Award No. PC69513:

<u>EQUIPMENT DESCRIPTION/DEPARTMENT</u>	<u>COST</u>
New 2022 Hyundai HL955A Model Wheel Pay Loader SN L00000279	\$214,401.90
Less Trade In Hyundai HL960-9A SN 4JE0000244	(\$35,000.00)
TOTAL COST	\$179,104.90

WHEREAS, the Commissioner of General Services recommends issuing a Purchase Order to All Island Equipment Corporation for the above equipment.

NOW THEREFORE, be it

RESOLVED, the Town Board of the Town of Babylon authorizes the Commissioner of General Services to issue a Purchase Order to All Island Equipment Corporation for the aforementioned equipment.

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 766 SEPTEMBER 21, 2022
AWARDING RFP NO. 22G32 - REQUEST FOR PROPOSALS FOR ENGINEERING,
ENGINEERING, DESIGN, BID PHASE AND CONSTRUCTION PHASE SERVICES FOR AN ELEVATOR AT TOWN HALL**

WHEREAS, RFP No. 22G32 for Engineering, Design, Bid Phase And Construction Phase Services for an Elevator at Town was received and opened; and

SPREADSHEET ON FILE IN THE DEPARTMENT OF GENERAL SERVICES

WHEREAS, a committee was formed with the Chief of Staff, Deputy Chief of Staff, Commissioner of General Services, the Administrative Assistant of General Services, the Commissioner of Dept. of Public Works and the Deputy Commissioner of Environmental Control, as its members; and

WHEREAS, a point system was included in the Request for Proposals to rate each proposal submitted; and

WHEREAS, the Committee convened on June 1, 2022 to review all proposals received; and

WHEREAS, on June 6, 2022, the Committee interviewed Liro Engineers and requested their best and final offer; and

WHEREAS, after a thorough review of all proposals and interview the Committee recommend an award to Liro Engineers, the firm with the highest amount of points; and

WHEREAS, the project may be funded in part from funds from the American Rescue Plan Act.

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Committee, the Supervisor be and he is hereby authorized to execute a contract with Liro Engineers for a total contract amount not to exceed TWO HUNDRED TWENTY NINE THOUSAND, FIVE HUDNRED (\$229,500.00) DOLLARS, for the engineering, design, permitting and bid phase services only, subject to the Town Attorney as to form and content. The above **Consensus Agenda Resolution** was offered by Councilman Gregory and seconded by Councilman Manetta

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

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 767 SEPTEMBER 21, 2022
AWARDING RFP NO. 22G56 - REQUEST FOR PROPOSALS FOR CONSTRUCTION OBSERVATION & RELATED SERVICES FOR
WEST LIDO PROMENADE ROADWAY & DRAINAGE IMPROVEMENTS PHASE I**

WHEREAS, RFP No. 22G56, Request For Proposals Construction Observation & Related Services for West Lido Promenade Roadway & Drainage Improvements Phase I was received and opened; and

PROPOSER	TOTAL FEE
L.K. McLean Associates, P.C.	\$131,600.00
M & J Engineering, P.C.	\$133,200.00
Cashin Associates, P.C.	\$179,622.40
Nelson + Pope	\$184,119.00
H2M	\$187,674.50
Hayduk Engineering, LLC	\$204,336.00
Lockwood, Kessler & Bartlett, Inc.	\$373,456.00

WHEREAS, a committee was formed with the Chief of Staff, Deputy Chief of Staff, Commissioner of the Administrative Assistant of General Services, the Commissioner of Dept. of Public Works, and Pavement Services, Inc. as its members; and

WHEREAS, a point system was included in the Request for Proposals to rate each proposal submitted; and

WHEREAS, the Committee convened on August 12, 2022 to review all proposals received; and

WHEREAS, the Committee, requested L.K. McLean Associates, P.C. to submit a best and final offer; and

WHEREAS, L.K. McLean submitted a best and final offer of ONE HUNDRED THIRTY ONE THOUSAND, SIX HUNDRED (\$131,600.00) DOLLARS; and

WHEREAS, after a thorough review of all proposals received, the Committee recommends an award L.K. Mclean Associates, the firm with the highest number of points at the best and final proposal amount.

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Committee, the Supervisor be and he is hereby authorized to execute a contract with L.K McLean Associates, P.C. for a total contract amount not to exceed ONE HUNDRED THIRTY ONE THOUSAND, SIX HUNDRED (\$131,600.00) DOLLARS, subject to the Town Attorney as to form and content.

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

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

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 768 SEPTEMBER 21, 2022
AWARDING RFP NO. 22G65 REQUESTS FOR PROPOSALS FOR AN INDEPENDENT FINACIAL ADVISOR**

WHEREAS, the following proposals for RFP No. 22G65, Request for Proposals for an Independent Financial Advisor was received, and opened:

PROPOSER
Munistat Services, Inc.,
PFM Financial Advisors, LLC
Fiscal Advisors & Marketing, Inc.
Capital Markets Advisors, LLC

WHEREAS, pursuant to RFP 22G65 a Review Committee (the Committee) was formed with the Commissioner of General Services or his/her designee, Comptroller and Deputy Comptroller as the members; and

WHEREAS, the Committee convened on August 25, 2022 to review all proposals received; and

WHEREAS, the Committee recommends awarding RFP 22G65 to Munistat Services, Inc., at the fees attached as Schedule A.

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Committee and upon their finding the aforementioned proposals to be fair and reasonable, RFP No. 22G65 be and is hereby awarded to Munistat Services, Inc., at the fees attached as Schedule A; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a one (1) year contract with Munistat Services, 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 four (4) additional one (1) year periods at the discretion of the Commissioner of General Services or his/her designee.

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

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

The above resolution was thereupon declared duly adopted.

**SCHEDULE A
MUNISTAT SERVICES, INC. RFP 22G65 FEE SCHEDULE**

- A Bond with Official Statement \$8,500 and \$.50 per \$1,000.00
- A Refunding Bond with Official Statement \$10,500 plus \$1.25 per \$1,000
- An Installment Lease Purchase (up to \$3,000,000.00) \$6,500.00
- An Installment Lease Purchase (over \$3,000,000.00) \$.50 per \$1,000.00
- Tax Anticipation Notes \$4,500.00
- Bond Anticipation Notes: \$4,500.00 plus \$.35 per \$1,000.00
- Continuing Disclosure filing \$2,500.00
- Material Event Notices No Charge
- General Consulting \$125.00

RESOLUTION NO. 769 SEPTEMBER 21, 2022
AWARDING BID NO. 22G72 - SAFETY EQUIPMENT, VESTS, JACKETS,
GOGGLES, BOOTS ETC. CATALOG AND OR WEBSITE

WHEREAS, the following bids for Bid No. 22G72- Safety Equipment, Vests, Jackets, Goggles, Boots Etc. Catalog and or Website was received opened and publicly read:

SPREADSHEET ON FILE IN DEPT. OF GENERAL SERVICES

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Commissioner of D.P.W., and upon their finding the aforementioned bids fair and reasonable, Bid No. 22G72 be and is hereby awarded to Sid Tool Inc. d/b/a MSC Industrial Supply Co. for Item(s) No. 2-4 and Fremont Industrial Corporation for Item(s) 1-4; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute one (1) year contracts with Sid Tool Inc. d/b/a MSC Industrial Supply Co. and Fremont Industrial Corporation and that the form and content of said contract shall be subject to the approval of the Town Attorney; and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 770 SEPTEMBER 21, 2022
AWARDING BID NO. 22G73 - VENDING MACHINES

WHEREAS, the following bids for Bid No. 22G73-Vending Machines, were received, opened and publicly read:

NOW, THEREFORE, be it

SPREADSHEET ON FILE IN DEPT. OF GENERAL SERVICES

RESOLVED, that based upon the recommendation of the Commissioner of General Services and upon his finding the aforementioned bids to be fair and reasonable, Bid No. 22G73 be and is hereby awarded to Dover Gourmet Corporation; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a contract with Dover Gourmet Corporation; and that the form and content of said contracts shall be subject to the approval of the Town Attorney; and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 771 SEPTEMBER 21, 2022
ACCEPTING A CREDIT AND ACCEPTING THE CONTRACT WITH AUSTIN INTERIORS, INC. FOR BID NO. 21G26G -
INSTALLATION OF NEW HVAC SYSTEM AT TOWN HALL PHASE III & IV, GENERAL CONSTRUCTION AS COMPLETE AND
ACCEPTABLE

WHEREAS, Bid No. 21G26G, Installation of a new HVAC System at Town Hall, Phase II & IV, General Construction was awarded Austin Interiors, Inc. pursuant to Resolution No.417 of July 7, 2021 for a total contract amount of ONE MILLION, TWENTY EIGHT THOUSAND, (\$1,028,000.00) DOLLARS; and

WHEREAS, the Change Order Nos 1 and 2 were approved pursuant to Resolution No.633 of October 13, 2021, increasing the total contract amount to ONE MILLION, SIXTY EIGHT THOUSAND, THREE HUNDRED EIGHTY ONE DOLLARS AND 35/100 (\$1,068,381.35) and

WHEREAS, a credit for materials not used in the amount of FIFTY EIGHT THOUSAND, FIVE HUNDRED (\$58,500.00) DOLLARS, is due from Austin Interiors, Inc.; and

WHEREAS, the Commissioner of General Services, the Commissioner of Department of Public Works and Nelson + Pope, have deemed all work performed by Austin Interiors, Inc. as complete and acceptable.

NOW, THEREFORE, be it

RESOLVED, that the credit due from Austin Interiors, Inc. be and is hereby accepted in the amount of FIFTY EIGHT THOUSAND, FIVE HUNDRED (\$58,500.00) decreasing the total contract amount to ONE MILLION NINE THOUSAND, EIGHT HUNDRED EIGHTY ONE DOLLARS AND 35/100 (\$1,009,881.35); and be it further

RESOLVED, that based upon the recommendations of the Commissioner of General Services, Commissioner of Department of Public Works and Nelson + Pope, the contract with Austin Interiors, Inc. be and is hereby accepted as satisfactorily complete at a final contract amount of ONE MILLION NINE THOUSAND, EIGHT HUNDRED EIGHTY ONE DOLLARS AND 35/100 (\$1,009,881.35).

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 772 SEPTEMBER 21, 2022
ACCEPTING A CREDIT AND ACCEPTING THE CONTRACT WITH EAST END MATERIALS D/B/A EAST END GROUP. FOR
BID NO. 21G49 - CONSTRUCTION A NEW SALT SHED AS COMPLETE AND ACCEPTABLE

WHEREAS, Bid No. 21G49, Construction of a New Salt Shed was awarded East End Materials d/b/a East End Group pursuant to Resolution No.489 of August 4, 2021, for a total contract amount of NINE HUNDRED NINETY SEVEN THOUSAND, FOUR HUNDRED FORTY FIVE (\$997,445.00) DOLLARS; and

WHEREAS, Change Order No.1 was approved pursuant to Resolution No.777 of December 1, 2021; and

WHEREAS, Change Order No.2 was approved pursuant to Resolution No.570 of July 13, 2022, which resulted in change to the contract amount; and

WHEREAS, a credit for unused contingency in the amount of NINETEEN THOUSAND, THREE HUNDRED NINETY THREE DOLLARS AND 90/100 (\$19,393.90) is due from East End Materials d/b/a East End Group; and

WHEREAS, the Commissioner of General Services, the Commissioner of Department of Public Works and P.W. Grosser, have deemed all work performed by East End Materials d/b/a East End Group as complete and acceptable.

NOW, THEREFORE, be it

RESOLVED, that the credit due from East End Materials d/b/a East End Group, be and is hereby accepted in the amount of NINETEEN THOUSAND, THREE HUNDRED NINETY THREE DOLLARS AND 90/100 (\$19,393.90), decreasing the total contract amount to NINE HUNDRED SEVENTY EIGHT THOUSAND, FIFTY ONE DOLLARS AND 10/100 (\$978,051.10); and be it further

RESOLVED, that based upon the recommendations of the Commissioner of General Services, Commissioner of Department of Public Works and P.W. Grosser, the contract with East End Materials d/b/a East End Group be and is hereby accepted as satisfactorily complete at a final contract amount of NINE HUNDRED SEVENTY EIGHT THOUSAND, FIFTY ONE DOLLARS AND 10/100 (\$978,051.10).

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 773 SEPTEMBER 21, 2022
ACCEPTING THE CONTRACT WITH ROLAND'S ELECTRIC, INC. FOR BID NO. 19G31FA - INSTALLATION OF NEW HVAC SYSTEM AT TOWN HALL, FIRE ALARM CONSTRUCTION AS COMPLETE AND ACCEPTABLE

WHEREAS, Bid No. 19G31FA, Installation of New HVAC System at Town Hall, Fire Alarm Construction was awarded to Roland's Electric, Inc. pursuant to Resolution No. 49 of January 2, 2020, for a total contract amount of SEVENTY SIX THOUSAND (\$76,000.00) DOLLARS; and

WHEREAS, Change Order No.1 was approved pursuant to Resolution No.605 of September 23, 2020, which resulted in no change to the contract amount; and

WHEREAS, Change Order No.2 was approved pursuant to Resolution No.237 of April 14, 2021, which resulted in no change to the contract amount; and

WHEREAS, Change Order No.3 was approved pursuant to Resolution No.295 of May 12, 2021, increasing the contract amount to SEVENTY SIX THOUSAND, NINE HUNDRED THIRTY THREE DOLLARS AND 35/100 (\$76,933.35); and

WHEREAS, Change Order No.4 was approved pursuant to Resolution No.351 of June 9, 2021, and amended pursuant to Resolution No.486 of August 4, 2021, increasing the total contract amount to EIGHTY FIVE THOUSAND, FIFTY SEVEN DOLLARS AND 67/100 (\$85,057.67); and

WHEREAS, Change Order Nos.5 and 6 was approved pursuant to Resolution No.486 of August 3, 2021, increasing the contract to ONE HUNDRED FIFTEEN THOUSAND, EIGHT HUNDRED NINETY THREE DOLLARS AND 65/100 (\$115,893.65); and

WHEREAS, the Commissioner of General Services, the Commissioner of the Dept. of Public Works and Cashin Associates, P.C. have deemed all work performed by Roland's Electric, Inc. pursuant to Bid No. 19G31FA complete and acceptable.

NOW THEREFORE BE IT

RESOLVED, that based upon the recommendations of the Commissioner of General Services, the Commissioner of the Dept. of Public Works and Cashin Associates, P.C., the Town Board of the Town of Babylon be and hereby accepts all work performed by Roland's Electric, Inc. be and is hereby accepted as satisfactorily complete at a final contract price of ONE HUNDRED FIFTEEN THOUSAND, EIGHT HUNDRED NINETY THREE DOLLARS AND 65/100 (\$115,893.65).

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 774 SEPTEMBER 21, 2022
AMENDING THE CONTRACT WITH TEN ELEVEN GROUP, INC.

WHEREAS, a contract was awarded to Ten Eleven Group, Inc. pursuant to Resolution No.841 of December 3, 2013, for the Implementation of Clinical Record Suite; and

WHEREAS, the contract was amended pursuant to Resolution No.109 of January 21, 2014, to include E-Prescribing; and

WHEREAS, the contract was amended pursuant to Resolution No.160 of February 24, 2016, to include additional prescribers for E- Prescribing; and

WHEREAS, the contract was amended pursuant to Resolution No.641 of August 9, 2017; and

WHEREAS, the contract was amended pursuant to Resolution No.776 October 5, 2017; and

WHEREAS, the contract was amended pursuant to Resolution No.169 of February 27, 2019 to include additional prescribers; and

WHEREAS, the contract was amended pursuant to Resolution No.802 of December 15, 2021; and

WHEREAS the Change Order Review Committee convened on September 14, 2022, with the Deputy Supervisor, Chief of Staff, Deputy Chief of Staff, Town Attorney, the Comptroller, the Commissioner of Department of Public Works, Commissioner of General Services and Commissioner of Planning & Development in attendance to review the following amendments:

Additional E- Prescribing Gold One time set up fee for (1) Prescriber \$1,402.50

Monthly Support Services \$96.00

WHEREAS, after a thorough review of the proposals, the Change Order Review Committee recommends amending the contract with Ten Eleven at the aforementioned fees.

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 amend the contract with Ten Eleven Group, Inc. to add the following fees, commencing on October 1, 2022

Additional E- Prescribing Gold One time set up fee for (1) Prescriber \$1,402.50

Monthly Support Services \$96.00

Be it RESOLVED, that said amendments to the contract shall be subject to the approval of the Town Attorney as to form.

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 775 SEPTEMBER 21, 2022
AMENDING THE CONTRACT WITH GOV OS

WHEREAS, a contract was awarded to GOV OS pursuant to Resolution No.88 of February 3, 2021, and amended by Resolution No.499 of August 4, 2021; and

WHEREAS, the contract with GOV OS needs to be amended to include two (2) additional limited licensed users; and

WHEREAS, the Professional Consultant Evaluation Committee convened on September 14, 2022, with the Deputy Supervisor, Chief of Staff, Deputy Chief of Staff, Town Attorney, Comptroller, the Commissioner of General Services, Commissioner of Department of Public Work and Commissioner of Planning & Development in attendance to review the aforementioned proposal; and

WHEREAS, the Commissioner of Planning & Development has abstained from voting on this proposal; and

WHEREAS, after a thorough review of the proposal, the Committee recommends awarding a six (6) month contract to GOV OS for two (2) limited user licenses for a total contract amount not to exceed TWO HUNDRED NINETY ONE DOLLARS AND 67/100 (\$291.67).

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 a six (6) month contract to GOV OS for two (2) limited user licenses for a total contract amount not to exceed TWO HUNDRED NINETY ONE DOLLARS AND 67/100 (\$291.67).and that said contract shall be subject to the approval of the Town Attorney as to form and content.

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 776 SEPTEMBER 21, 2022
AUTHORIZING A CONTRACT WITH GILBARCO INCORPORATED
D/B/A GILBARCO VEEDER-ROOT

WHEREAS, a proposal for software for the Department of Public Works' fuel stations was solicited; and
WHEREAS, the Professional Consultant Evaluation Committee convened on September 14, 2022, with the Deputy Supervisor, Chief of Staff, Deputy Chief of Staff, Town Attorney, Comptroller, the Commissioner of General Services, Commissioner of Department of Public Works and Commissioner of Planning & Development in attendance to review the aforementioned proposal; and
WHEREAS, after a thorough review of the proposal, the Committee recommends awarding a contract to Gilbarco Incorporated d/b/a Gilbarco Veeder-Root in the amount not to exceed FOUR THOUSAND THREE HUNDRED THIRTY EIGHT (\$4,338.00) DOLLARS PER ANNUM.

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 Gilbarco Incorporated d/b/a Gilbarco Veeder-Root in the amount not to exceed FOUR THOUSAND THREE HUNDRED THIRTY EIGHT (\$4,338.00) DOLLARS PER ANNUM, 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.

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

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

RESOLUTION NO. 777 SEPTEMBER 21, 2022
AUTHORIZING A CONTRACT WITH RLT ENGINEERING, GEOLOGY,
AND LAND SURVEYNG, P.C. D/B/A LIRO LAND SURVEY COMPANY

WHEREAS, a proposal for land survey services for 1 North Plaza, Amity Harbor was solicited from RLT Engineering, Geology and Land Surveying, P.C. d/b/a Liro Land Survey Company; and
WHEREAS, the Professional Consultant Evaluation Committee convened on September 14, 2022, with the Deputy Supervisor, Chief of Staff, Deputy Chief of Staff, Town Attorney, Comptroller, the Commissioner of General Services, Commissioner of Department of Public Work and Commissioner of Planning & Development in attendance to review the aforementioned proposal; and
WHEREAS, after a thorough review of the proposal, the Committee recommends awarding a contract to RLT Engineering, Geology and Land Surveying, P.C. d/b/a Liro Land Survey Company for a total contract amount not to exceed THREE THOUSAND (\$3,000.00) 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 RLT Engineering, Geology and Land Surveying, P.C. d/b/a Liro Land Survey Company for a total contract amount not to exceed THREE THOUSAND (\$3,000.00) DOLLARS and that said contract shall be subject to the approval of the Town Attorney as to form and content.

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

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

RESOLUTION NO. 778 SEPTEMBER 21, 2022
AUTHORIZING A CONTRACT WITH METAMORPHOSIS, LMSW PC

WHEREAS, a proposal self-care workshops was solicited from Metamorphosis, LMSW PC; and
WHEREAS, the Professional Consultant Evaluation Committee convened on September 14, 2022, with the Deputy Supervisor, Chief of Staff, Deputy Chief of Staff, Town Attorney, Comptroller, the Commissioner of General Services, Commissioner of Department of Public Work and Commissioner of Planning & Development in attendance to review the aforementioned proposal; and
WHEREAS, after a thorough review of the proposal, the Committee recommends awarding a contract to Metamorphosis, LMSW PC at a rate of FIVE HUNDRED (\$500.0) DOLLARS per workshop.

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 Metamorphosis, LMSW PC at a rate of FIVE HUNDRED (\$500.00) DOLLARS per workshop, 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.

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

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

RESOLUTION NO. 779 SEPTEMBER 21, 2022
AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT BETWEEN WIRELESS TOWERS, LLC.
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 execute an Agreement on behalf of the Town of Babylon with Wireless Towers, LLC. for a portion of the parcel of land designated as District 0100, Section 092, Block 3, Lot 26.001, for the construction, support and operation of a wireless communications facility and the funds generated from the Agreement shall be held in the Deer Park Community Benefits Fund; and be it further

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 Gregory and seconded by Councilman Manetta

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

RESOLUTION NO. 780 SEPTEMBER 21, 2022
RETAINING THE LAH LAW FIRM

WHEREAS, the Town desires to retain LAH Law Firm to represent the Town in general legal matters, and that all costs and disbursements are in addition to their fees and is an expense which the Town of Babylon will cover; and
WHEREAS, costs and disbursements shall include, but not be limited to, court costs, filing fees, delivery charges, and other expenses paid to third-parties to provide legal services to the Town of Babylon.

NOW, THEREFORE, be it
RESOLVED, by the Town Board of the Town of Babylon, that the Town Attorney be and he hereby is authorized to execute an agreement between the Town of Babylon and LAH Law Firm; and be it further

RESOLVED, that the Town hereby retains LAH Law Firm to represent the Town in general legal matters, and that all costs and disbursements are in addition to their fees and is an expense which the Town of Babylon will cover; and be it further
RESOLVED, costs and disbursements shall include, but not be limited to, court costs, filing fees, delivery charges, and other expenses paid to third-parties to provide legal services to the Town of Babylon.

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

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

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 781 SEPTEMBER 21, 2022
RETAINING THE FIRM OF HARRIS BEACH PLLC**

WHEREAS, the Town desires to retain the firm of Harris Beach PLLC to represent the Town in general legal matters, and that all costs and disbursements are in addition to their fees and is an expense which the Town of Babylon will cover; and

WHEREAS, costs and disbursements shall include, but not be limited to, court costs, filing fees, delivery charges, and other expenses paid to third-parties to provide legal services to the Town of Babylon.

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon, that the Town Attorney be and he hereby is authorized to execute an agreement between the Town of Babylon and Harris Beach PLLC; and be it further

RESOLVED, that the Town hereby retains the firm of Harris Beach PLLC to represent the Town in general legal matters, and that all costs and disbursements are in addition to their fees and is an expense which the Town of Babylon will cover; and be it further

RESOLVED, costs and disbursements shall include, but not be limited to, court costs, filing fees, delivery charges, and other expenses paid to third-parties to provide legal services to the Town of Babylon.

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 782 SEPTEMBER 21, 2022
ADOPTING THE RATE SCHEDULE FOR THE EAST FARMINGDALE WATER DISTRICT**

WHEREAS, the East Farmingdale Water District ("District") has been duly formed pursuant to the applicable provisions of the Town Law of the State of New York and is the owner of facilities used in the sale and distribution of water to consumers in the District as shown on the plans and maps, copies of which are on file in the Town Clerk's office; and

WHEREAS, the District and the Suffolk County Water Authority ("SCWA") entered into a 40-year Management Lease Agreement for Operation of East Farmingdale Water District in October, 2010, (the "Management Lease"); and

WHEREAS, the Management Lease provides that SCWA shall operate, maintain and repair, at its own cost and expense, the entire operating plant, existing wells, hydrants, storage and distribution system of the District; and

WHEREAS, upon execution of the Management Lease, the SCWA paid the District the sum of THREE MILLION DOLLARS (\$3,000,000.00) for the right to operate the District and realize and retain the revenues therefrom in accordance with the terms of the Management Lease; and

WHEREAS, in the Management Lease, the District agrees to apply monies of the District as are necessary for the purpose of discharging existing indebtedness of the District and that monies not used for the discharge of indebtedness of the District may be used for any other purpose authorized by law, with such monies applied principally to the stabilization of District rates; and

WHEREAS, at the inception of the Management Lease, the District remained responsible for all improvements and remediation to District Plant No.4 and contaminated wells 4-1 and 4-2. Once the remediation project was successfully completed, the District's responsibility for the costs of such solution terminated; and

WHEREAS, SCWA shall, in its sole discretion and at its own cost and expense, make replacements, additions, betterments and improvements or abandon any portion of the water supply and distribution system now existing within the territorial limits of the District in order to provide adequate supply of water at proper pressure to the District and that such replacements, additions, betterments and improvements may provide for the connection and interconnection with the distribution system of the SCWA; and

WHEREAS, SCWA is required to conduct all necessary water sampling, testing, monitoring and analyses, regulatory reporting and prepare water quality statements to ensure water quality is in compliance with all federal and state laws, rules and regulations, and assure water supply and quality complies with the same; and

WHEREAS, the Management Lease provides that the District shall continue to receive 100% of all revenues generated from cell antenna lease(s) on the District water tank; and

WHEREAS, in consideration of the services provided by the SCWA, the District agrees to pay SCWA a Management Fee equal to the revenues the SCWA would receive if SCWA rates and charges were applied for water service within the District; and

WHEREAS, the last rate change for the District became effective September 1, 2021, which was the fourth rate change for the District since 1993 when the District ad valorem property tax was eliminated; and

WHEREAS, the Town Comptroller has informed the Town Board, acting on its own behalf and on behalf of the District, that changes in the District rates must occur to avoid a significant deterioration of District financial conditions and to preserve positive cash balance in the District fund.

NOW THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Babylon that the attached East Farmingdale Water District Rates are adopted by the Town Board effective October 1, 2022.

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

EAST FARMINGDALE WATER DISTRICT WATER RATES

RATES EFFECTIVE: October 1, 2021

Tiered Water Rates – Cumulative (per year):

Cumulative Water Consumption Per Year	Rate (\$/1,000 gallons)
0	– 200,000 gallons: \$1.45 per one thousand gallons
200,000	– 300,000 gallons: \$1.90 per one thousand gallons
300,000 gallons	– and above: \$2.35 per one thousand gallons

Minimum Rates and Gallons for the Following Size Meters (per quarter):

Meter Size	Minimum Gallons (Per Quarter)	Rate (\$/Quarter)
5/8 - inch	9,000 gallons	\$13.05
3/4 - inch	15,000 gallons	\$ 21.75
1 - inch	21,000 gallons	\$ 30.45
1 1/2 - inch	39,000 gallons	\$ 56.55
2 - inch	63,000 gallons	\$ 91.35
3 - inch	120,000 gallons	\$ 174.00
4 - inch	216,000 gallons	\$ 320.40
6 - inch	486,000 gallons	\$ 917.10
8 - inch	864,000 gallons	\$ 1,805.40
10 - inch	1,350,000 gallons	\$ 2,947.50
12 - inch	1,944,000 gallons	\$ 4,343.40

Fire Service (per quarter):

Meter Size	Rate (\$/Quarter)
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2 - inch	\$ 53.24
4 - inch	\$ 96.01
6 - inch	\$ 267.62
8 - inch	\$ 554.11
10 - inch	\$ 979.35
12 - inch	\$ 1,558.65
16 - inch	\$ 4,500.48

Private Hydrants

\$74.75 per quarter per hydrant

Public Hydrants (Fire Departments)

\$16.50 per quarter per hydrant

SCWA Water Quality Treatment Charge

\$20.00 per quarter per hydrant per customer

SCWA Quarterly Service Charge

\$30.57 per quarter per hydrant per customer

**RESOLUTION NO. 783 SEPTEMBER 21, 2022
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 following equipment listed below, be declared surplus and traded-in as noted below:

MAKE	SERIAL #	TRADE-IN VENDOR
Hyundai HL960-9A	4JE0000244	All Island Equipment Corporation for a new 2022 Hyundai HL955A Wheel Loader

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

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

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 784 SEPTEMBER 21, 2022
ACCEPTING A DONATION**

BE IT RESOLVED, by the Town Board of the Town of Babylon, that upon the recommendation of the Commissioner of Human Services, the following donations are accepted with gratitude:

DONOR	ITEM AND VALUE	RECOMMENDED BY	USE
ADVENTURE PARK OF Long Island	4 Park Passes Total: \$272	Human Services	Hispanic Program
JOHN THEISSEN CHILDREN'S FOUNDATION	• Toys • School Supplies Total: \$500	Human Services	Hispanic Program
SKY ZONE	Quantity: 4 Passes (120minutepasses) Total: \$75 per guest	Human Services	Hispanic Program
UNITED Way of L.I.	• Children lunch boxes with supplies • 5- \$100 Stop & Shop Gift Cards \$100 \$500 Total: \$600	Human Services	Hispanic Program
DOMINICAN RESTAURANT 5	Food Donation • 1 tray of rice, beans, chicken, and sweet plantains Total: \$200	Human Services	Hispanic Program
SLOMINS	Food Donation • Ice-cream truck: assorted ice-cream types Total: \$1,000	Human Services	Hispanic Program

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

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

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 785 SEPTEMBER 21, 2022
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:

NAME	ID # ON FILE	START DATE	END DATE
Craig Booker	#15440	8/19/2022	08/19/2023

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

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

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 786 SEPTEMBER 21, 2022
PROCLAIMING THE MONTH OF OCTOBER AS
ITALIAN AMERICAN HERITAGE MONTH IN THE TOWN OF BABYLON**

WHEREAS, between 1820 and 2000, 5 million Italians immigrated to the United States; and
WHEREAS, currently, there are over 26 million Americans of Italian descent residing in the United States; and
WHEREAS, Italian American Heritage Month was first celebrated in 1989 by a special proclamation of both Congress and President George H. W. Bush; and

WHEREAS, Italian American Heritage Month is celebrated every year in the United States to honor and recognize the centuries of achievements, successes, and valuable contributions of Italian immigrants and Italian Americans; and

WHEREAS, in order to increase awareness and educate residents of the Town of Babylon of the importance of Italian American heritage, the Town of Babylon will join the Federal Government with proclaiming the month of October as Italian American Heritage month; and

WHEREAS, the Town Board desires to illuminate the Town Hall Building with a red, white and green glow on October 10th, 2022, and the second Monday in October every following year.

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon does hereby proclaim October as "Italian American Heritage" Month in the Town of Babylon and that the Town Hall Building will be illuminated with a red, white and green glow on October 10th, 2022, and the second Monday in October every following year.

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

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 787 SEPTEMBER 21, 2022
AUTHORIZING PERMISSION FOR A PARADE ON SEPTEMBER 17, 2022
IN THE TOWN OF BABYLON FOR THE WEST BABYLON FIRE DEPARTMENT**

WHEREAS, the West Babylon Fire Department has requested permission to hold a parade on Saturday, September 17, 2022, with a rain date of September 18, 2022 within the Town of Babylon.

INDIVIDUAL: Chief Michael Vergano 126 Arnold Ave. West Babylon, NY 11704 (631) 402-2224	ORGANIZATION: West Babylon Fire Dept. 126 Arnold Ave. West Babylon, NY 11704 (631) 669-7165
DATES & TIMES: Date(s): 9/17/2022 to: Time: 5:00 p.m. to 8:00 p.m. Rain Date: 9/18/2022	STARTING: Intersection of Route 109 & Arnold Ave., West Babylon ENDING: 126 Arnold Ave., West Babylon (WBFD)

ROUTE:
Leaving the intersection Route 109 & Arnold Ave. and proceeding east on Arnold Ave. to the West Babylon Fire Dept.

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 Gregory and seconded by Councilman Manetta

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 788 SEPTEMBER 21, 2022
AUTHORIZING PERMISSION FOR AN OUTDOOR PUBLIC ASSEMBLY PERMIT
ON SEPTEMBER 24, 2022 IN THE TOWN OF BABYLON FOR THE NEW SHILOH CHURCH**

WHEREAS, The New Shiloh Church has requested permission to hold an Outdoor Public Assembly on Saturday, September 24, 2022 between 11:00 a.m. and 8:00 p.m. at The New Shiloh Church located at 217 Merritt Ave., New York.

INDIVIDUAL: Sondra Cochran 1162 Little East Neck Rd. West Babylon, NY 11704 (631) 643-4786 (631) 374-0639	ORGANIZATION: New Shiloh Church & Wyandanch Community Development Corp. 217 Merritt Ave. Wyandanch, NY 11798 (631) 374-0639
DATES & TIMES: Date(s): 9/24/2022 to: Time: 11:00 a.m. to 8:00 p.m. Rain Date: n/a	LOCATION: New Shiloh Church & 217 Merritt Ave., Wyandanch, NY 11798

SPECIAL REQUIREMENTS:
Event Details: Congregation of family and friends Tents: None Amusement Rides: None Sound Equipment: Yes; Microphones & Amplifier
Toilet/Water Facilities: Bathroom facilities at New Shiloh Church Approximate # of Participants: 75 expected throughout the event

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 Gregory and seconded by Councilman Manetta

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 789 SEPTEMBER 21, 2022
AUTHORIZING PERMISSION FOR A WALK-A-THON ON SEPTEMBER 24, 2022
IN THE TOWN OF BABYLON FOR THE WYANDANCH COMMUNITY RESOURCE CENTER

WHEREAS, The Wyandanch Community Resource Center has requested permission to hold a Walk-A-Thon on Saturday, September 24, 2022, from 10:00 a.m. to 11:30 a.m. within the Town of Babylon.

INDIVIDUAL: Beverly Theodore 1585 Straight Path Wyandanch, NY 11798 (631) 643-1960	ORGANIZATION: Wyandanch Community Resource Center 1585 Straight Path Wyandanch, NY 11798 (631) 643-1960
DATES & TIMES: Date(s): 9/24/2022 to: Time: 10:00 a.m. to 11:30 a.m. Rain Date: n/a	STARTING: Wyandanch Park, 81-99 Birch St., Wyandanch ENDING: Delano Stewart Plaza (Wyandanch Plaza), 40 Station Dr., Wyandanch

ROUTE:
Leaving Wyandanch Park, head west on Birch St. towards Mount Ave., make a right onto Mount Ave., turn right onto Straight Path, turn right onto Station Dr. and ending at Wyandanch Plaza.

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 Gregory and seconded by Councilman Manetta

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

RESOLUTION NO. 790 SEPTEMBER 21, 2022
AUTHORIZING PERMISSION FOR A HOMECOMING PARADE
ON OCTOBER 1, 2022, IN THE TOWN OF BABYLON FOR THE WEST BABYLON HIGH SCHOOL

WHEREAS, the West Babylon High School has requested permission to hold a homecoming parade on Saturday, October 1, 2022 within the Town of Babylon.

INDIVIDUAL: Philip Armato 160 Ecker Avenue, West Babylon, NY 11704 (631) 495-4112	ORGANIZATION: West Babylon High School (Homecoming Parade) 500 Great E. Neck Rd., West Babylon, NY 11704 (631) 376-7100
DATES & TIMES: Date(s): 10/1/2022 to: Time: 1:00 p.m. to 2:00 p.m. Rain Date: n/a	STARTING: Intersection of Little E. Neck Rd. & Claremont Ave., West Babylon ENDING: West Babylon Jr. High School, 200 Old Farmingdale Rd., West Babylon

ROUTE:
Leaving the intersection of Little E. Neck Rd. & Claremont Ave., proceed southeast on Little E. Neck Rd. and make a right into the West Babylon Jr. High School parking lot to the football 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; 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 Gregory and seconded by Councilman Manetta

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

RESOLUTION NO. 791 SEPTEMBER 21, 2022
AUTHORIZING PERMISSION FOR A PARADE ON OCTOBER 1, 2022
IN THE TOWN OF BABYLON FOR THE NORTH BABYLON HIGH SCHOOL STUDENT COUNCIL

WHEREAS, the North Babylon High School Student Council has requested permission to hold a parade on Saturday, October 1, 2022, within the Town of Babylon,

INDIVIDUAL: Veronica Murphy 19 Locust Ave. Coram, NY 11727 (631) 767-2559	ORGANIZATION: North Babylon High School (Student Council) 1 Phelps Ln. North Babylon, NY 11703 (631) 620-7105 (631) 620-7101
DATES & TIMES: Date(s): 10/1/2022 to: Time: 11:00 a.m. to 12:30 p.m. Rain Date: n/a *time includes set-up & clean-up; parade is about 49 min. long	STARTING: 151 Phelps Lane, North Babylon (Phelps Lane pool parking lot) ENDING: North Babylon High School, 1 Phelps Ln., North Babylon (west parking lot)

ROUTE: *See attached route map with turn by turn directions

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 Gregory and seconded by Councilman Manetta

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

RESOLUTION NO. 792 SEPTEMBER 21, 2022
AUTHORIZING TANGER DEER PARK AND HOSTED BY ARSENAL PRODUCTIONS, LLC
TO HOLD AN OUTDOOR PUBLIC ASSEMBLY ON OCTOBER 1, 2022, IN THE TOWN OF BABYLON

WHEREAS, the Tanger Deer Park/Arsenal Productions, LLC has requested permission to hold an outdoor public assembly on Saturday, October 1, 2022 between the hours of 1:00 p.m. and 5:00 p.m., within the Town of Babylon at the overflow parking lot of Tanger Outlets, 152 The Arches Circle, Deer Park, NY 11729;

WHEREAS, the Tanger Deer Park/Arsenal Productions, LLC has obtained sufficient insurance to protect the interests of the Town of Babylon; subject to Schedule "A" attached hereto; and

INDIVIDUAL: Evan Berman 17 Winthrop Drive, Dix Hills, NY 11746 (631) 807-8494 (631) 807-8495	ORGANIZATION: Arsenal Productions, LLC 1034 Route 109, Lindenhurst, NY 11757 (631) 807-8494 (631) 807-8495
DATES & TIMES: Date(s): 10/1/2022 to: Time: 1:00 p.m. to 5:00 p.m. Rain Date: 10/15/2022	LOCATION: Tanger Outlets (overflow parking lot) 152 The Arches Circle Deer Park, NY 11729
SPECIAL REQUIREMENTS: Event Details: Long Island Beer Fest; serving over 100 styles of whiskey and spirits Purpose: To drive foot traffic and business to the area and promote shopping Tents: Yes; (34) 10x10 only Amusement Rides and/or Bouncy Rides: No Sound Equipment: Yes; DJ & Speakers Toilet/Water Facilities: 9 Bathroom Facilities; 72 Stalls with Hot Running Water; 5 Porta Potties and Hand Sanitizing Stations Approximate # of Participants: 500 – 999 expected throughout the event	

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 Gregory and seconded by Councilman Manetta

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

F A I R S - SCHEDULE "A"

Pursuant to Section 79-2 of the Code of the Town of Babylon, you are hereby advised that the Town Board of the Town of Babylon, pursuant to the powers contained in the aforesaid Section 79-2, will impose the following requirements upon any permit granted pursuant to this article:

1. Opening and Closing Times. All amusements provided pursuant to a permit issued under this article shall not have an opening time prior to 6:00 p.m. during the days of Monday through Friday and 10:00 a.m. on Saturdays and Sundays, and shall close not later than 8:00 p.m. on any day.
2. No portable or movable living accommodations shall be allowed on the site of the amusement or elsewhere within the Town in connection with said amusement, unless allowed pursuant to the Building Zone Ordinance of the Town of Babylon.
3. No games shall be permitted which will violate State Law.
4. Any person or organization seeking permission to conduct any game of chance shall file the proper application with the Town Clerk and shall comply with all provisions of Chapter 130 of the Code of the Town of Babylon.
5. Adequate sanitary facilities shall be provided, based upon the size and scope of the event.
6. Any person employed by any organization working in connection with the Amusement found to be undesirable by the Town Board, the Commissioner of Planning and Development or the Suffolk County Police Department, shall be summarily dismissed.
7. Proper liability insurance shall be provided, at time of application.
8. All rides or other amusements which may require it, shall have proper State safety certification prior to any use thereof.
9. All necessary permits required by the Suffolk County Department of Health for the sale of food and other consumables shall be obtained prior to the commencement of operations.
10. Any violation of the above conditions shall result in the summary revocation of the permit issued hereunder. For purposes of this provision, the Commissioner of Planning and Development, or the Suffolk County Police Department, as well as the Town Board, may summarily revoke a permit.
11. Live animal acts or exhibitions are prohibited.

All requirements hereunder must be met prior to the opening of any event required to be licensed pursuant to this article.

RESOLUTION NO. 793 SEPTEMBER 21, 2022
AUTHORIZING PERMISSION FOR A PARADE ON OCTOBER 2, 2022
IN THE TOWN OF BABYLON FOR THE TOWN OF BABYLON

WHEREAS, the Town of Babylon has requested permission to hold a parade on Sunday, October 2, 2022, within the Town of Babylon.

INDIVIDUAL: Geraldine Compitello 200 E. Sunrise Hwy. Lindenhurst, NY 11757 (631) 957-4427	ORGANIZATION: Town of Babylon 200 E. Sunrise Hwy. Lindenhurst, NY 11757 (631) 957-4427
DATES & TIMES: Date(s): 10/2/2022 to: Time: 2:00 p.m. to 5:00 p.m. Rain Date: n/a	STARTING: Intersection of Dixon Ave. & Great Neck Rd., Copiague ENDING: Tanner Park, Copiague

ROUTE: Leaving the intersection of Dixon Ave. & Great Neck Rd. and proceeding south on Great Neck Rd. to Montauk Hwy. Continue west on Montauk Hwy. & make a left onto Baylawn Ave. Travel south on Baylawn Ave. & proceed into Tanner 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; 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 Gregory and seconded by Councilman Manetta

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

**RESOLUTION NO. 794 SEPTEMBER 21, 2022
AUTHORIZING PERMISSION FOR A WALK-A-THON ON OCTOBER 16, 2022
IN THE TOWN OF BABYLON FOR THE TANGER 12TH ANNUAL 5K RUN/WALK**

WHEREAS, Tanger Outlets Deer Park has requested permission to hold a walk-a-thon on Sunday, October 16, 2022, from 8:00 a.m. to 12:00 p.m. within the Town of Babylon.

INDIVIDUAL: Amaka Oweazim 152 The Arches Circle Deer Park, NY 11729 (631) 667-0600	ORGANIZATION: Tanger Outlets Deer Park 152 The Arches Circle Deer Park, NY 11729 (631) 667-0600
DATES & TIMES: Date(s): 10/16/2022 to: Time: 8:00 a.m. to 12:00 p.m. Rain Date: n/a	STARTING: Main Entrance I at Tanger Outlets Deer Park ENDING: Main Entrance I at Tanger Outlets Deer Park

ROUTE:
Leaving the main entrance at Tanger Outlets and proceeding north to Marcus Boulevard, crossing Commack Road to Grand Boulevard, then westbound on Grand Boulevard to East 3rd Street (turn around point); then proceeding east on Grand Boulevard to the main entrance at Tanger Outlets.

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 Gregory and seconded by Councilman Manetta

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

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 795 SEPTEMBER 21, 2022
PROCLAIMING MONDAY, SEPTEMBER 19, 2022
AS HERB HEMENDINGER DAY IN THE TOWN OF BABYLON**

WHEREAS, Herb Hemendinger served his country in the United States Army-Military Police from 1956-1958; and

WHEREAS, Herb Hemendinger worked in the West Babylon School District as a Physical Education Teacher, later becoming an Athletic Director retiring after 41 years of service. He is affectionately called by loved ones "Coach"; and

WHEREAS, In addition to his extraordinary accomplishments, Herb was the first male lifeguard with the Town of Babylon, becoming the Director of Water Safety. He served on the Board of Directors with the Off Track Betting Corporation for twenty years, holding the position as Vice Chairman; and

WHEREAS, Herb is the most beloved and proud father of three children, grandfather of 10 grandchildren and great grandfather of five great grandchildren. He has been a model and inspiration to his family and to those who know him.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby honors the memory of Herb Hemendinger, and proclaims Monday, September 19, 2022 as "Herb Hemendinger Day" in the Town of Babylon.

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

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

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 796 SEPTEMBER 21, 2022
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR MICHAEL & NICOLE MARINELLO
OUTER BEACH APPLICATION NO. 140476 SCTM #0100-243-1-208**

WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No.140476 of Michael and Nicole Marinello, for the premises located at SCTM #0100-243-1-208 (69 Circle Drive, Oak Beach) to construct interior 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. 140476 of Michael & Nicole Marinello, for the premises located at SCTM #0100-243-1-208 (69 Circle Drive, Oak Beach), to construct interior 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.

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

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

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 797 SEPTEMBER 21, 2022
SCHEDULING A PUBLIC HEARING IN REFERENCE TO DETERMINING THAT THE EXPANSION
TO COPIAGUE FIRE DISTRICT STATIONS FOR MUNICIPAL PURPOSES**

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a public hearing be held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 12th day of October, 2022, at 3:30 p.m., prevailing time, in reference to determining that the proposed expansion to Copiague Fire District Stations (60' by 60' building with three bays to store ambulances and a truck located at 25 Parkside Ct, Copiague) is for municipal purposes and thus exempt from Town Code zoning and planning provisions; 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.

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

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

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 798 SEPTEMBER 21, 2022
AUTHORIZING THE 2022-2023 PROGRAM GUIDELINES OF THE TOWN OF BABYLON COMMUNITY DEVELOPMENT'S HOME
DOWN PAYMENT ASSISTANCE PROGRAM FOR FIRST TIME HOMEBUYERS

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Comptroller, that the Town of Babylon 2022-2023 Program Guidelines of the Town of Babylon Community Development's HOME Down Payment Assistance Program for First Time Homebuyers, which is on file in the Office of the Town Clerk, is hereby adopted for the Town of Babylon.

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

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

RESOLUTION NO. 799 SEPTEMBER 21, 2022
SETTING FEES FOR THE DEPARTMENT OF TAX RECEIVERS

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Receiver that the following fees are hereby set forth effective this date;

Service	Fee
Reproduction of bank files and bank tapes	\$.25/per parcel

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

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

RESOLUTION NO. 800 SEPTEMBER 21, 2022
APPOINTING PART-TIME PERSONNEL

BE IT RESOLVED by the Town Board of the Town of Babylon that the following persons be and they are hereby appointed and/or reappointed to the positions and departments indicated at the salaries indicated.

NAME	TITLE & DEPARTMENT	SALARY
Richard Casey	p/t Asst. Town Attorney	25,000/ann. Plus health benefits
David Bishop	p/t Asst. Town Attorney	18,000/ann.
Kevin Snover	p/t Asst. Town Attorney	20,000/ann. Plus health benefits
William Wexler	p/t Asst. Town Attorney	50,000/ann. Plus health benefits
Fred Thiele	p/t Asst. Town Attorney	30,000/ann.
Lindsay Henry	p/t Asst. Town Attorney	50,000/ann. Plus health benefits
Pamela Greene	p/t Asst. Town Attorney	35,000/ann. Plus health benefits
Janice Stamm	p/t Asst. Town Attorney	25,000/ann. Plus health benefits
Peter Mayer	p/t Asst. Town Attorney	35,000/ann. Plus health benefits

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

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



**VII. RESOLUTION AGENDA
Wednesday, September 21, 2022 at 7:00 P.M.**

Agenda Speakers

Gerald Wood – 35 Stonywell Court, Dix Hills, NY 11746 – 516-521-0334 – gwood1218@gmail.com

Representing 41 Sherbrooke Road, LLC, speaking on:

RESOLUTION NO. 810 - AUTHORIZING SECURING, BOARD UP AND SITE CLEAN UP OF UNSAFE STRUCTURE LOCATED AT 50 COMMONWEALTH DRIVE, WYANDANCH, NEW YORK 11798, SCTM No. 0100-058.00-01.00-010.001

Came to address the board stating he is part owner along with Joseph Johns of the property. The property will be boarded up on 9/22/2022 by the owners “Sherbrooke Road, LLC”, and at a future date will be applying for a rezone of the property.

**RESOLUTION NO. 801 SEPTEMBER 21, 2022
INTRODUCING THE NEW YORK FORWARD GRANT APPLICATION FOR DEER PARK AVENUE WITHIN THE HAMLET OF NORTH BABYLON FOR THE NEW YORK FORWARD TECHNICAL ASSISTANCE PROGRAM**

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

WHEREAS, the Town of Babylon (hereinafter referred to as the “Town”) seeks to revitalize the corridor along Deer Park Avenue in North Babylon between Strathmore Drive and Sunrise Highway; and

WHEREAS, the 0.9-mile long corridor features two public schools, the local Public Library, a core commercial section, as well as a variety of residential land uses; and

WHEREAS, to achieve these goals in the Summer of 2021, the Town and its consultant conducted walk audits and the gathered input from local stakeholders in order to evaluate the walkability of this corridor; and

WHEREAS, the goal of the walk audits: was to lay the foundation for a successful and thriving downtown, improve road safety, walkability, and pedestrian connectivity along this corridor; and

WHEREAS, in early September 2021, the Suffolk County Department of Public Works resurfaced the roadway, installed new pavement markings, repaired drains, improved sidewalks and curb ramps, and carried out traffic signal work along Deer Park Avenue (County Road 34) in North Babylon; and

WHEREAS, the Town desires to retain local and big businesses and support existing businesses within the Town; and

WHEREAS, the Town Board of the Town of Babylon desires to submit an application to the New York Forward Technical Assistance Program and hereby introduces the New York Forward Grant Application for Deer Park Avenue, North Babylon;

WHEREAS, the New York Forward application will include recommendations for funding projects identified in the Deer Park Avenue Walk Audit, such as pedestrian safety and infrastructure improvements, traffic calming, streetscape improvements, and facade improvements;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Babylon hereby has held a public meeting in support of its application; and

RESOLVED, by the Town Board of the Town of Babylon, that the Supervisor be and he hereby is authorized to execute an application on behalf of the Town of Babylon New York Forward Technical Assistance Program; and

RESOLVED, that the 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. 802 SEPTEMBER 21, 2022
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING THE CODE OF THE TOWN OF BABYLON, CHAPTER 89 (BUILDING CONSTRUCTION) BY ADDING SECTION 89-13.2 (CONSTRUCTION SITE SAFETY TRAINING)**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing be held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst NY 11757 on the 12th day of October, 2022 at 3:30 p.m., prevailing time, to consider amending of the Town Code as set forth in Exhibit “A” annexed hereto; 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.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Martinez	Voting	Yea
Councilman Manetta	Voting	Yea
Councilman McSweeney	Voting	Yea
Councilman Gregory	Voting	Yea
Supervisor Schaffer	Voting	Abstain

The resolution was thereupon declared duly adopted.

Exhibit “A”

ADD as follows:

**CHAPTER 89
BUILDING CONSTRUCTION
ARTICLE II - GENERAL AND ADMINISTRATIVE PROVISIONS**

§ 89-13.2 Construction Site Safety Training

- A. Purpose. The provisions of this section are intended to promote the safety of minor and major construction sites within the Town of Babylon. The provisions of this section are designed to provide that workers employed or otherwise engaged at such construction sites have received adequate safety training; that contractors performing construction work have essential safety training and that contractors performing construction work have essential safety training systems to prevent injuries and protect workers who are injured.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

CONTRACTOR

Any person contracted or subcontracted to perform work covered by this section for or on behalf of any other person.

MAJOR CONSTRUCTION PROJECT

A construction site, with an area greater than 50,000 square feet, which involves the construction, demolition or alteration of a structure or building.

MINOR CONSTRUCTION PROJECT

A construction site, with an area greater than 35,000 square feet and less than or equal to 50,000 square feet, which involves the construction, demolition or alteration of a structure or building.

OSHA

The United States Department of Labor Occupational Safety and Health Administration.

OSHA 30-HOUR CLASS

A class that includes 30 or more hours in construction industry safety and health that is intended for workers and satisfies the following conditions:

- 1) Such class is: i) approved by OSHA and conducted in accordance with the OSHA outreach training program, or ii) an equivalent 30- or more hour construction industry safety and health class approved by the Building Inspector.
- 2) Such class consists of in-person training, actively proctored online training or, if such training is conducted before the effective date of this section, online training.

OSHA 100-HOUR CLASS

A class or program that:

- 1) includes 100 or more hours of training in technical subjects relating to a construction trade, including an apprenticeship program registered with the New York State Department of Labor; and
- 2) is approved by OSHA, the United States Department of Labor, the New York State Department of Education or the New York State Department of Labor and consists of in-person training, actively proctored online training or, if such training is conducted before the effective date of this section, online training.

PERMIT HOLDER

The person to whom a building permit has been issued or for whom a building permit has been applied.

PERSON

An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

SITE SAFETY DESIGNEE

The site safety designee must have completed an OSHA 100-hour class. On a major construction project, the site safety designee shall use reasonable prudence to ensure that safety is maintained as job conditions dictate and shall complete any tasks required of a site safety designee set forth in this section.

C. Safety training required.

1. In addition to any other applicable provisions of this Code, or any federal, state or county law or rule, each permit holder:
 - a. At a minor construction site, shall be responsible for ensuring that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or any person performing work for or on behalf of such permit holder at such site has successfully completed and maintains a current OSHA 30-hour class certificate.
 - b. At a major construction site, shall be responsible for ensuring that a foreman or designated employee or individual otherwise engaged at such site by the permit holder or any person performing work for or on behalf of such permit holder is designated as a site safety designee. The site safety designee shall be tasked with ensuring that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or any person performing work for or on behalf of such permit holder at the site is in compliance with § 89-13.2(C)(1)(a) and shall report violations of this requirement to the Building Inspector.
2. The applicant, permit holder or any person performing such work on behalf of the permit holder shall certify to the Building Inspector, in a form and manner established by the Building Inspector, that the requirements of § 89-13.2(C)(1)(a) and/or (b) have been met. No permit for construction or demolition work for which training is required pursuant to this section shall be issued or renewed until the applicant has certified that all workers who will be working under such permit will have the requisite training throughout the duration of such permit.
3. The applicant, permit holder or any person performing such work on behalf of the permit holder shall certify that all New York State and OSHA safety requirements and workers' compensation and insurance requirements have been met.
4. The permit holder shall maintain at such site a daily log that identifies each such worker and that includes, for each such worker, proof of compliance with § 89-13.2(C)(1)(a) and (b), as applicable. Such logs shall be made available to the Building Inspector upon request and shall be submitted to the Building Inspector as a prerequisite to the issuance of a certificate of occupancy and/or certificate of completion.

D. Penalties.

1. Any violation of this section by a permit holder shall be an offense punishable by a fine of not less than \$1,000 nor more than \$10,000. Each worker performing work on a construction site covered by this section without required safety training shall constitute a separate additional offense. Each day that any violation continues shall likewise constitute a separate additional offense.
2. For a second or subsequent offense committed by a permit holder within a period of five years, such offense shall be punishable by a fine of not less than \$3,000 nor more than \$20,000 or by imprisonment for a period not to exceed 15 days, or both.
3. In addition, any permit issued to a permit holder who has violated this section may be revoked by the Building Inspector after giving the permit holder written notice and an opportunity to be heard.
4. The Building Inspector shall be authorized to issue stop-work orders for violations of this section pursuant to § 89-12. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person or contractor performing, taking part in or assisting in the work shall suspend all construction activities until the stop-work order has been rescinded.

RESOLUTION NO. 803 SEPTEMBER 21, 2022

ACCEPTING A CREDIT AND ACCEPTING THE CONTRACT WITH NORBERTO CONSTRUCTION INC. FOR BID NO. 21G05 - REPLASTERING OF SAWYER AVENUE MAIN POOL & WADING POOL AS COMPLETE AND ACCEPTABLE

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

WHEREAS, Bid No. 21G05, Replastering of Sawyer Avenue Main Pool and Wading Pool was awarded Norberto Construction, Inc. pursuant to Resolution No. 89 of January 19, 2022 for a total contract amount of FIVE HUNDRED THIRTY THREE THOUSAND (\$533,000.00) DOLLARS; and

WHEREAS, Change Order No.1 was approved pursuant to Resolution No.198 of march 31, 2021, which resulted in no change to the contract amount; and

WHEREAS, Change Order No. 2 was approved pursuant to Resolution No. 239 of April 14, 2021 increasing the contract amount to FIVE HUNDRED SIXTY SIX THOUSAND, NINE HUNDRED TWENTY DOLLARS AND 15/100 (\$566,920.16); and

WHEREAS, the Commissioner of General Services, the Commissioner of Department of Public Works and Luigi Pascarella, P.C., have deemed all work performed by Norberto Construction, Inc. as complete and acceptable.

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services, Commissioner of Department of Public Works and Luigi Pascarella, P.C., the contract with Norberto Construction, Inc. be and is hereby accepted as satisfactorily complete at a final contract amount of FIVE HUNDRED SIXTY SIX THOUSAND, NINE HUNDRED TWENTY DOLLARS AND 15/100 (\$566,920.16).

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Martinez	Voting	Yea
Councilman Manetta	Voting	Yea
Councilman McSweeney	Voting	Yea
Councilman Gregory	Voting	Yea
Supervisor Schaffer	Voting	Abstain

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 804 SEPTEMBER 21, 2022
ACCEPTING A CREDIT AND ACCEPTING THE CONTRACT WITH NORBERTO CONSTRUCTION INC.
FOR BID NO. 21G110 - FILTRATION SYSTEM REPLACEMENT AT SAWYER AVENUE POOL BUILDING
AS COMPLETE AND ACCEPTABLE

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

WHEREAS, Bid No. 21G110, Filtration System Replacement at Sawyer Avenue Pool building was awarded Norberto Construction, Inc. pursuant to Resolution No. 89 of January 19, 2022, for a total contract amount of ONE HUNDRED FORTY THOUSAND, FIVE HUNDRED (\$140,500.00) DOLLARS; and

WHEREAS, a credit for unused contingency in the amount of THIRTY THOUSAND (\$30,000.00) DOLLARS is due from Norberto Construction, Inc.; and

WHEREAS, the Commissioner of General Services, the Commissioner of Department of Public Works and Nelson + Pope, have deemed all work performed by Norberto Construction, Inc. as complete and acceptable.

NOW, THEREFORE, be it

RESOLVED, that the credit due from Norberto Construction, Inc. be and is hereby accepted in the amount of THIRTY THOUSAND (\$30,000.00) decreasing the total contract amount to ONE HUNDRED TEN THOUSAND, FIVE HUNDRED (\$110,500.00) DOLLARS; and be it further

RESOLVED, that based upon the recommendations of the Commissioner of General Services, Commissioner of Department of Public Works and Nelson + Pope, the contract with Norberto Construction, Inc. be and is hereby accepted as satisfactorily complete at a final contract amount of to ONE HUNDRED TEN THOUSAND, FIVE HUNDRED (\$110,500.00) DOLLARS.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Martinez	Voting	Yea
Councilman Manetta	Voting	Yea
Councilman McSweeney	Voting	Yea
Councilman Gregory	Voting	Yea
Supervisor Schaffer	Voting	Abstain

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 805 SEPTEMBER 21, 2022
ADOPTING LOCAL LAW OF 2022 - AMENDING CHAPTER 195, ARTICLES I & V
OF THE CODE OF THE TOWN OF BABYLON (TAXATION)

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

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 21st day of September, 2022 upon the question of enactment of Local Law No.17 of 2022 of the Town of Babylon, Suffolk County, New York, being a Local Law amending Chapter 195, Articles I & V, of the Code of the Town of Babylon (Taxation); 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.17 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. 17 of 2022
AMENDING CHAPTER 195 OF THE BABYLON TOWN CODE

Section 1. **AMEND** as follows:

CHAPTER 195
TAXATION - ARTICLE I - SENIOR CITIZENS TAX EXEMPTION

§ 195-2 Conditions of Exemption

[Amended 9-3-1986 by L.L. No. 6-1986; 11-28-1989 by L.L. No. 7-1989; 8-14-1990 by L.L. No. 6-1990; 9-17-1991 by L.L. No. 5-1991; 10-6-1992 by L.L. No. 9-1992; 8-16-1994 by L.L. No. 5-1994; 8-29-1995 by L.L. No. 16-1995; 2-27-1996 by L.L. No. 1-1996; 11-12-1996 by L.L. No. 17-1996; 12-17-1996 by L.L. No. 2-1996]

- A. Real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, one of whom is 65 years of age or over, shall be exempt from taxation by the Town of Babylon to the extent of 50% of the assessed value of the property, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of the making of the application is not more than ~~\$29,000~~ \$50,000 and the owner or owners satisfy all the provisions of Real Property Tax Law § 467. [Amended 12-8-1998 by L.L. No. 4-1998; 9-19-2000 by L.L. No. 23-2000; 11-19-2002 by L.L. No. 32-2002; 10-21-2003 by L.L. No. 28-2003; 7-17-2012 by L.L. No. 9-2012]
- B. Real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, one of whom is 65 years of age or over, shall be exempt from taxation by the Town of Babylon to the extent set forth below if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of the making of the application is not more than \$8,400 more than the maximum income eligibility level exemption and the owner or owners satisfy all the provisions of Real Property Tax Law § 467, Subdivision 3(b). For the purpose of this article, "maximum income eligibility level exemption (M)" shall be defined as the maximum amount of income as set forth in § 467, Subdivision 3, of the New York State Real Property Tax Law, as amended from time to time, but not less than ~~\$29,000~~ \$50,000. [Amended 12-8-1998 by L.L. No. 4-1998; 9-19-2000 by L.L. No. 23-2000; 11-19-2002 by L.L. No. 32-2002; 10-21-2003 by L.L. No. 28-2003; 7-17-2012 by L.L. No. 9-2012]
- C. ***

ARTICLE V

EXEMPTION FOR PERSONS WITH DISABILITIES AND LIMITED INCOME

§ 195-17 Applicability; maximum income; regulations

- E. No exemption shall be granted:

(1) if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$3,000, or such other sum not less than \$3,000 nor more than ~~\$29,000~~ \$50,000 as may be provided by the local law or resolution adopted pursuant to this section. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale of exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the governing board of a municipality, after a public hearing, adopts a local law or resolution providing therefore. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income. [Amended 9-7-1999 by L.L. No. 7-1999; 11-17-2000 by L.L. No. 25-2000; 11-19-2002 by L.L. No. 33-2002; 10-21-2003 by L.L. No. 28-2003; 7-17-2012 by L.L. No. 9-2012]

ADDITIONS ARE INDICATED BY UNDERLINE

DELETIONS ARE INDICATED BY STRIKETHROUGH

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. 806 SEPTEMBER 21, 2022
ADOPTING AMENDMENTS TO CHAPTER 3, ARTICLE II, SECTION 3-4
OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES**

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 Town Hall, 200 E. Sunrise Hwy., N. Lindenhurst, 11757, on the 21st day of September, 2022 at 7:00 p.m., prevailing time, upon the question amending Chapter 3, Article II, Section 3-4 of the Town of Babylon Uniform Code of Traffic Ordinances; and therefore, be it

RESOLVED AND ORDAINED that the amendments to the Uniform Code of Traffic Ordinances, as set forth herein as Exhibit "A", be and the same are hereby adopted effective immediately; and be it further

RESOLVED AND ORDAINED that the Director of Traffic Safety be authorized and directed to install, erect, remove or replace such signs or other traffic safety devices as may be required by these amendments or by the New York State Vehicle and Traffic Law.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

EXHIBIT "A"

Chapter 3, Article II, Section 3-4
[Parking, Standing, and Stopping Restrictions Designated]

ADD to Schedule K:

<u>Name of Street/Side Street</u>	<u>Hamlet</u>	<u>Regulation</u>	<u>Hours/Days</u>
Manhattan Avenue/Both sides from Lafayette Road east for 50 feet +/-	WB	No Standing	ALL
Manhattan Avenue/North sides from Rutgers Road west for 50 +/-	WB	No Standing	ALL
Manhattan Avenue/North sides from 50 feet +/- east of Lafayette Road to 50 feet +/- west of Rutgers Road	WB	No Standing	From 7:00 p.m. to 7:00 a.m.

**RESOLUTION NO. 807 SEPTEMBER 21, 2022
ADOPTING AMENDMENTS TO CHAPTER 2, ARTICLE IV, SECTION 2-8
OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES**

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 Town Hall, 200 E. Sunrise Hwy., N. Lindenhurst, 11757, on the 21st day of September, 2022 at 7:00 p.m., prevailing time, upon the question amending Chapter 2, Article IV, Section 2-8 of the Town of Babylon Uniform Code of Traffic Ordinances; and therefore, be it

RESOLVED AND ORDAINED that the amendments to the Uniform Code of Traffic Ordinances, as set forth herein as Exhibit "A", be and the same are hereby adopted effective immediately; and be it further

RESOLVED AND ORDAINED that the Director of Traffic Safety be authorized and directed to install, erect, remove or replace such signs or other traffic safety devices as may be required by these amendments or by the New York State Vehicle and Traffic Law.

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]

DELETE from Schedule H:

<u>Intersection</u>	<u>Hamlet</u>	<u>Sign</u>	<u>Controlling Traffic</u>
Cheltenham Road at Broadway Road	NB	Stop	North/South at Cheltenham Road

ADD to Schedule H:

<u>Intersection</u>	<u>Hamlet</u>	<u>Sign</u>	<u>Controlling Traffic</u>
Broadway at Cheltenham Road	NB	Stop	East/West on Broadway
Woodrow Parkway at Newkirt Avenue	WB	Stop	Northwest/Southeast on Woodrow Parkway

**RESOLUTION NO. 808 SEPTEMBER 21, 2022
ADOPTING AMENDMENTS TO CHAPTER 2, ARTICLE II, SECTION 2-3
OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES**

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 21st day of September, 2022 at 7:00 p.m., prevailing time, upon the question amending Chapter 2, Article IV, Section 2-3 of the Town of Babylon Uniform Code of Traffic Ordinances; and therefore, be it

RESOLVED AND ORDAINED that the amendments to the Uniform Code of Traffic Ordinances, as set forth herein as Exhibit "A", be and the same are hereby adopted effective immediately; and be it further

RESOLVED AND ORDAINED that the Director of Traffic Safety be authorized and directed to install, erect, remove or replace such signs or other traffic safety devices as may be required by these amendments or by the New York State Vehicle and Traffic Law.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

EXHIBIT "A"

Chapter 2, Article II, Section 2-3
[Traffic Regulations, U-turns]

ADD to Schedule C:

<u>Name of Street</u>	<u>Hamlet</u>	<u>Direction of Travel</u>	<u>Location</u>
Great Neck Road (CR47)	CO	North and South	From Taylor Avenue to Mazzini Avenue

RESOLUTION NO. 809 SEPTMEBER 21, 2022
AMENDING THE ZONING MAP TO CORRECT A CLERICAL ERROR
WITH RESPECT TO THE PARCEL OF LAND AT SCTM #0100-017-01-074
LOCATED AT THE NORTHEAST CORNER OF STRAIGHT PATH AND OLD COUNTRY ROAD

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

WHEREAS, the Planning Department of the Town of Babylon seeks to amend the Zoning Map for the Town of Babylon to change the zone of the parcel of land at SCTM #0100-017-01-074, located at the northeast corner of Straight Path and Old Country Road as further described on Schedule A attached hereto ("subject premises"), in order to correct a clerical error; and

WHEREAS, in that regard, the Certificate of Occupancy for the subject premises issued in 1967 indicates that the subject premises was used and occupied as a gasoline service station located in a Business-F zone; and

WHEREAS, the zoning district designation Business-F was subsequently repealed and those properties that were zoned Business-F were re-zoned to E-Business by operation of law; and

WHEREAS, documents relating to the subject premises now correctly indicate that the subject premises is zoned E-Business; and

WHEREAS, notwithstanding the foregoing, the Zoning Map for the Town of Babylon has not yet been changed to reflect that the subject premises is now zoned E-Business, a clerical error that the Planning Department now seeks to correct; and

WHEREAS, the Town Board held a public hearing on this matter on September 21, 2022; and

WHEREAS, in accordance with Part 617.5(c) (25), State Environmental Quality Review ("SEQR"), the "mapping of ... existing land uses" is a Type II action not subject to environmental review under SEQR.

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the Zoning Map of the Town of Babylon be and the same is amended to change to E-Business the zone of the parcel of land at SCTM #0100-017-01-074 located at the northeast corner of Straight Path and Old Country Road as further described on Schedule A attached hereto; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

SCHEDULE A

All that part or parcel of land situate at Wyandanch, Town of Babylon, County of Suffolk and State of New York and known as Lots 1 through 6 inclusive, 8 through 11 inclusive and part of Lot 7 in block 6 on the map of Deer Park Terrace, filed in the office of the Suffolk County clerk on 05/17/1927 as map number 193 and described as follows:

Beginning at a point at the intersection of the southerly side of Straight Path (also known as Half Hollow Road) and the northeasterly side of Old Country Road, running thence, along the southerly side of Straight Path (also known as Half Hollow Road) north 52° 03'00" east a distance of 208.27 feet to the westerly side of Volta Drive;

Thence, along the westerly side of Volta Drive, south 14° 22'00" east a distance of 201.15 feet to curve to the right connecting the westerly side of Volta Drive with the northeasterly side of Old Country Road;

Thence, along said curve to the right, with a radius of 10.00 feet an arc length of 21.94 feet to the northeasterly side of Old Country Road;

Thence, along the northeasterly side of Old Country Road, north 68° 38'00" west a distance of 215.64 feet to the southerly side of Straight Path (also known as Half Hollow Road) and the point or place of beginning.

Said parcel containing 20,974 square feet or 0.48 acres.

RESOLUTION NO. 810 SEPTEMBER 21, 2022
AUTHORIZING SECURING, BOARD UP AND SITE CLEAN UP OF UNSAFE STRUCTURE LOCATED AT 50
COMMONWEALTH DRIVE, WYANDANCH, NEW YORK 11798 SCTM No. 0100-058.00-01.00-010.001

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

WHEREAS, a certain structure, located at **50 Commonwealth Dr. Wyandanch, NY**, bearing Suffolk County Tax Map No. **0100-058.00-01.00-010.001** is wide open and accessible to the public and threatening the health, safety and welfare of the surrounding community residents, and

WHEREAS, pursuant to Local Law No. 1 of 1981 and Local Law No. 1 of 1978 all necessary proceedings have been completed in connection with the securing of the aforementioned unsafe structure, and

WHEREAS, the inspector's report dated **August 26, 2022**, indicates that securing/board up of the premises is the most likely and prudent course of action; and

WHEREAS, a hearing was held this day.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing/board up of the unsafe structures located on the premises at **50 Commonwealth Dr., Wyandanch, NY, A/K/A SCTM No. 0100-058.00-01.00-010.001**, in accordance with the Conclusions and Recommendations set forth in the inspector's report on file in the Department of Code Enforcement, and be it further

RESOLVED, that the department of Public Works shall undertake the necessary securing and cleanup of premises and be it further

RESOLVED, that the Town shall notify all utility companies to shut off utility service at this location and the same may not be reinstated without Town approval, and be it further

RESOLVED, that the Assessor is hereby authorized to assess the property owner(s), for all costs incurred in connection with the proceedings to secure the subject premises, including the cost of actual securing and repairing.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 811 SEPTEMBER 21, 2022
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 106
COMMONWEALTH DR., WYANDANCH, NY 11798 SCTM NO. 0100-058.00-03.00-001.000

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

WHEREAS, a certain structure(s) located at **106 Commonwealth Dr., Wyandanch, NY 11798**, bearing SCTM# **0100-058.00-03.00-001.000** has no running water as per a communication with the Suffolk County Water Authority, the doors and windows are open and accessible, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

WHEREAS, said property is improperly secured and constitutes an attractive nuisance to children as well as other residents of the community; and

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

WHEREAS, §92-10 of the Town Code provides for the emergency correction of said unsafe structure and the assessment of the costs of said correction against the property.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the emergency securing and board up of the premises located at **106 Commonwealth Dr., Wyandanch, New York 11798**, bearing SCTM# **0100-058.00-03.00-001.000** 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 September 7, 2022 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. 812 SEPTEMBER 21, 2022

**AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT
258 W. 13TH STREET, DEER PARK, NY 11729 SCTM NO. 0100-087.00-03.00-062.000**

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

WHEREAS, a certain structure(s) located at **258 W. 13th Street, Deer Park, New York**, bearing **SCTM# 0100-087.00-03.00-062.000** the windows and doors are open and accessible, the dwelling is unsanitary, is in deplorable condition and is inhabitable for human occupancy, 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 securing and board up of the premises located at **258 W. 13th Street, Deer Park, New York**, bearing **SCTM# 0100-087.00-03.00-062.000** 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 September 14, 2022 on file in the Department of Code Enforcement; 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. 813 SEPTEMBER 21, 2022

**AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT
450 WYANDANCH AVE., WEST BABYLON, NY 11704 SCTM NO. 0100-110.00-01.00-010.000**

The following resolution was offered by Councilman Martinez

and seconded by Councilman McSweeney

WHEREAS, a certain structure(s) located at **450 Wyandanch Ave., West Babylon, New York 11704**, bearing **SCTM# 0100-110.00-01.00-010.000**, is an unlawful structure and the doors and windows are wide open and accessible, the dwelling is in deplorable condition, 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 **450 Wyandanch Ave., West Babylon, NY** bearing **SCTM # 0100-110.00-01.00-010.000** 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 **August 30, 2022** 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. 814 SEPTEMBER 21, 2022

**AUTHORIZING THE EMERGENCY DEMOLITION, BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT
55 CORSICA ST., COPIAGUE, NY 11726 SCTM NO. 0100-173.00-03.00-059.000**

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

WHEREAS, a certain structure(s) located at **55 Corsica Street, Copiague, New York**, bearing **SCTM# 0100-176.00-03.00-059.000** the structure has become so deteriorated and/or dilapidated and 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 **August 26, 2022** indicates the structure has become so out of repair and is unfit for human occupancy as to be dangerous, unsafe and unsanitary, therefore the structure 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 emergency demolition and removal of the structure located at **55 Corsica Street, Copiague, New York**, bearing **SCTM# 0100-176.00-03.00-059.000** 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 **August 26, 2022** 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. 815 SEPTEMBER 21, 2022

**AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT
42 LEVEY BLVD., WYANDANCH, NY 11798 SCTM NO. 0100-079.00-02.00-010.000**

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

WHEREAS, a certain structure(s) located at **42 Levey Blvd, Wyandanch, New York 11798**, bearing **SCTM# 0100-079.00-02.00-010.000**, the doors and windows are open and accessible, the dwelling is unsanitary, is in deplorable condition and is inhabitable for human occupancy, 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 **42 Levey Blvd., Wyandanch, NY** bearing **SCTM # 0100-079.00-02.00-010.000** 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 **September 15, 2022** 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. 816 SEPTEMBER 21, 2022
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT
111 SHERBROOKE RD., W. BABYLON, NY 11704 SCTM NO. 0100-138.00-02.00-040.000

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

WHEREAS, a certain structure(s) located at **111 Sherbrooke Rd., West Babylon, New York 11704** bearing **SCTM# 0100-138.00-02.00-040.000** has no running water as per a communication with the Suffolk County Water Authority, the doors and windows 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 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 **111 Sherbrooke Road, W. Babylon, NY bearing SCTM # 0100-138.00-02.00-040.000** 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 September 19, 2022 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.

GENERAL PUBLIC COMMENT
Wednesday, September 21, 2022 at 7:00 P.M.

No Speakers

Being no further business before the Board, the meeting adjourned at 7:10 pm on the motion of Councilman Manetta, seconded by Councilman Martinez.


Geraldine Compitello, Town Clerk

/jt