

A Regular Meeting of the Town Board, Town of Babylon, was held at the Town House, 200 East Sunrise Highway, Lindenhurst, NY on Tuesday, the 2nd day of January 2018 at 5:00 p.m. prevailing time.

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

*Supervisor Schaffer: Thank you, please be seated.*

**RESOLUTION NO. 1 JANUARY 2, 2018  
APPOINTING TERENCE F. MCSWEENEY AS COUNCILMAN TO THE TOWN BOARD**

The following resolution was offered by Supervisor Schaffer  
and seconded by Councilman Martinez

BE IT RESOLVED, by the Town Board of the Town of Babylon that Terence F. McSweeney be and she hereby is appointed as Councilman to the Town Board effective January 1, 2018; and be it further

RESOLVED, that compensation for said position be and it is hereby established as \$58,443.45 for the year 2018.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

Applause from the audience.

*The Town Clerk called the roll:*

Councilman Manetta	Present
Councilman Martinez	Present
Councilman McSweeney	Present
Councilwoman Gordon	Present
Supervisor Schaffer	Present

**RESOLUTION NO. 2 JANUARY 2, 2018  
ACCEPTING TOWN BOARD MINUTES**

The following resolution was offered by Councilwoman Gordon  
and seconded by Councilman McSweeney

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

December 20, 2017

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 3 JANUARY 2, 2018  
AUTHORIZING SALARY FOR ELECTED OFFICIAL**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon that the following salary be and it is hereby established for the following named official of the Town of Babylon for the year 2018:

RICHARD SCHAFFER, Supervisor \$109,438.76

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

Councilman Manetta	Voting	Yea
Councilman Martinez	Voting	Yea
Councilman McSweeney	Voting	Yea
Councilwoman Gordon	Voting	Yea
Supervisor Schaffer	Voting	Abstain

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 4 JANUARY 2, 2018  
AUTHORIZING SALARY FOR ELECTED OFFICIAL**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon that the following salary be and it is hereby established for the following named official of the Town of Babylon for the year 2018:

CORINNE DI SOMMA, Tax Receiver \$95,880.00

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 5 JANUARY 2, 2018  
AUTHORIZING SALARY FOR ELECTED OFFICIAL**

The following resolution was offered by Councilman Manetta  
and seconded by Councilwoman Gordon

BE IT RESOLVED, by the Town Board of the Town of Babylon that the following salary be and it is hereby established for the following named official of the Town of Babylon for the year 2018:

GERALDINE COMPITELLO, Town Clerk \$95,880.00

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 6 JANUARY 2, 2018  
AUTHORIZING SALARY FOR TOWN BOARD COUNCIL**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon that the following salary be and it is hereby established for the following named official of the Town of Babylon for the year 2018:

JACQUELINE GORDON \$58,443.45 Town Board Council Member

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

Councilman Manetta	Voting	Yea
Councilman Martinez	Voting	Yea
Councilman McSweeney	Voting	Yea
Councilwoman Gordon	Voting	Abstain
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 7 JANUARY 2, 2018  
AUTHORIZING SALARY FOR TOWN BOARD COUNCIL**

The following resolution was offered by Councilman Manetta and seconded by Councilwoman Gordon

BE IT RESOLVED, by the Town Board of the Town of Babylon that the following salary be and it is hereby established for the following named official of the Town of Babylon for the year 2018:

ANTONIO MARTINEZ \$58,443.45      Town Board Council Member

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

Councilman Manetta	Voting	Yea
Councilman Martinez	Voting	Abstain
Councilman McSweeney	Voting	Yea
Councilwoman Gordon	Voting	Yea
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 8 JANUARY 2, 2018  
AUTHORIZING SALARY FOR TOWN BOARD COUNCIL**

The following resolution was offered by Councilwoman Gordon and seconded by Councilman McSweeney

BE IT RESOLVED, by the Town Board of the Town of Babylon that the following salary be and it is hereby established for the following named official of the Town of Babylon for the year 2018:

ANTHONY N. MANETTA \$58,443.45      Town Board Council Member

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

Councilman Manetta	Voting	Abstain
Councilman Martinez	Voting	Yea
Councilman McSweeney	Voting	Yea
Councilwoman Gordon	Voting	Yea
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 9 JANUARY 2, 2018  
APPOINTING THOMAS STAY AS COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon that Thomas Stay be and he hereby is appointed as Commissioner of the Department of Public Works effective January 1, 2018 for a term of four (4) years; and be it further

RESOLVED, that compensation for said position be at salary Level J, Step 15 of the 2018 Administrative Salary Plan.

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 10 JANUARY 2, 2018  
APPOINTING VICTORIA MAROTTA AS COMPTROLLER**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon that Victoria Marotta be and she hereby is appointed as Comptroller effective January 1, 2018 for a term of four (4) years; and be it further

RESOLVED, that compensation for said position be at salary Level J, Step 17 of the 2018 Administrative Salary Plan.

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 11 JANUARY 2, 2018  
APPOINTING JOSEPH WILSON AS TOWN ATTORNEY**

The following resolution was offered by Councilman Manetta and seconded by Councilwoman Gordon

BE IT RESOLVED, by the Town Board of the Town of Babylon that Joseph Wilson be and he hereby is appointed as Town Attorney effective January 1, 2018 for a term of four (4) years; and be it further

RESOLVED, that compensation for said position be at salary Level J, Step 17 of the 2018 Administrative Salary Plan.

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**Supervisor Schaffer:** Congratulations to Tom Stay our returning Public Works Commissioner (applause from the audience). Victoria Marotta who lead us the way to a triple A bond rating for the first time in the towns history as a comptroller (applause from the audience) and our town attorney Joe Wilson.

**RESOLUTION NO. 12 JANUARY 2, 2018  
AMENDING THE ADMINISTRATIVE SALARY PLAN**

The following resolution was offered by Councilwoman Gordon and seconded by Councilman McSweeney

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

RESOLVED, that this amendment to the Salary Plan shall be effective as of January 1, 2018.

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

"SCHEDULE A"

**2018 ADMINISTRATIVE SALARY PLAN**

<u>TITLE</u>	<u>LEVEL</u>	<u>STEP</u>
Accountant Trainee	C	14
Affirmative Action Officer	G	10
Animal Shelter Supervisor	B	17a
Assessor	J	15
Assistant Community Development Project Supervisor	C	13a
Assistant to the Town Board	G	14a
Assistant Town Attorney I	F	9a
Assistant Town Attorney II	H	6a

Assistant Town Attorney III	G	12
Assistant Town Attorney	E	12
Bureau Administrator	C	14
Chief Assistant Town Attorney	J	13
Citizens Advocate/Supervisor	H	7a
Commissioner of DPW	J	15
Commissioner of Environmental Control	J	15
Commissioner of General Services	J	15
Commissioner of Human Services	J	15
Commissioner of Planning	J	15
Commissioner of Recreation	J	15
Community Development Project Supervisor	J	15
Confidential Community Service Aide	H	8a
Confidential Community Service Aide/Supervisor	B	17a
Confidential Community Service Aide/Supervisor	D	10a
Confidential Community Service Aide/Supervisor	E	4a
Confidential Community Service Aide/Supervisor	E	3
Confidential Community Service Aide/Supervisor	F	14
Confidential Community Service Aide/Supervisor	E	14a
Confidential Community Service Aide/Supervisor	F	2a
Confidential Community Service Aide/Supervisor	G	4a
Confidential Community Service Aide/Supervisor	G	11a
Confidential Community Service Aide/Supervisor	I	8a
Confidential Community Service Aide/Supervisor	I	10
Confidential Community Service Aide/Environmental Control	E	3
Confidential Secretary to Town Council	E	13a
Deputy Commissioner Environmental Control/Landfill	H	17
Deputy Commissioner General Services	J	13
Deputy Commissioner Human Services	H	6
Deputy Commissioner Human Services	J	3a
Deputy Commissioner II of DPW	H	9a
Deputy Commissioner of DPW	I	14
Deputy Commissioner of Environmental	H	17
Deputy Commissioner of Planning	I	12
Deputy Commissioner of Planning and Development	H	15
Deputy Commissioner Parks and Recreation	J	6a
Second Deputy Commissioner of Parks and Recreation	H	16a
Deputy Comptroller	H	16
Deputy Director of Finance	I	10
Deputy Receiver of Taxes	E	14a
Deputy Town Attorney	H	16a
Deputy Town Clerk	E	14a
Director of Drug & Alcohol Counseling Services	I	11
Director of Finance	I	11
Director of Handicapped Services	F	11
Director of Information Technology	H	16a
Director of Public Safety	F	16a
Director of Youth Bureau	J	8a
Executive Assistant to Assessor	F	16a
Executive Assistant to Human Services	H	7a
Executive Assistant to Parks and Recreation	D	17
Executive Assistant to Commissioner of General Services	I	11
Executive Assistant to Comptroller	H	14a
Executive Assistant to Deputy Supervisor	G	11a
Executive Assistant to DPW	H	6
Executive Assistant to Environmental Control	G	16

Executive Assistant to Planning	J	9
Executive Assistant to Supervisor	J	17
Executive Assistant to Town Attorney	F	4a
Inter-Governmental Relations Coordinator	G	17a
Legislative Aide to Supervisor	D	10a
Legislative Aide to Supervisor	E	9a
Legislative Aide to Supervisor	F	15
Legislative Aide to Supervisor	I	2a
Legislative Aide to Supervisor	J	13a
Legislative Aide to Supervisor	E	7a
Legislative Aide to Supervisor	J	15
Legislative Aide to Supervisor	I	9
Nutrition Center Supervisor	F	12
Principal Accountant	I	13
Public Information Officer/Supervisor	J	9
Secretary to Assessor	G	14a
Secretary to Commissioner of DPW	F	15
Secretary to Commissioner of Environmental Control	F	8
Secretary to Commissioner of General Services	E	10a
Secretary to Commissioner of Planning & Development	G	10a
Secretary to Commissioner of Parks & Recreation	H	2a
Secretary to Comptroller	H	14a
Secretary to Deputy Supervisor	H	14a
Secretary to Human Services	G	11a
Secretary to Supervisor	G	17a
Secretary to Town Attorney	F	4a
Secretary to Town Clerk	B	17a
Secretary to Zoning Board of Appeals	G	10a
Senior Assistant Town Attorney I	F	15
Senior Assistant Town Attorney II	I	12
Senior Citizens Aide	E	7a
Special Assistant to Supervisor	I	10
Town Attorney	J	17
Town Comptroller	J	17
Town Engineer	H	15
Town Historian	G	9a
Women's Resources Advisor I	G	11a

2018	Administration Plan:									
	A	B	C	D	E	F	G	H	I	J
1	18,570	22,940	25,562	28,622	30,569	36,051	43,040	46,974	53,530	57,152
a	19,452	24,030	26,777	29,981	32,020	37,760	45,084	49,206	56,071	58,868
2	20,333	25,118	27,989	31,342	33,469	39,469	47,131	51,435	58,614	60,583
a	20,796	25,688	28,625	32,050	34,243	40,367	48,197	52,613	60,320	62,399
3	21,256	26,260	29,260	32,758	35,011	41,262	49,265	53,771	62,024	64,217
a	21,884	26,694	29,758	33,259	35,636	42,015	50,080	54,582	62,524	65,510
4	22,508	27,130	30,258	33,760	36,260	42,764	50,892	55,394	63,059	66,802
a	23,134	27,345	30,759	34,261	36,886	43,515	51,708	56,208	63,898	67,733
5	23,759	27,557	31,259	34,761	37,512	44,266	52,521	57,021	64,773	68,660
a	24,757	27,786	31,822	35,636	38,264	43,340	53,334	57,708	65,976	69,934
6	25,755	28,009	32,388	36,510	39,017	45,187	54,144	58,395	67,176	71,208
a	26,036	28,822	32,950	37,355	39,765	45,303	54,958	59,426	68,101	72,189
7	26,317	28,773	33,511	38,201	40,516	46,016	55,769	60,454	69,029	73,168
a	26,475	30,198	33,950	38,218	41,326	46,829	56,393	61,177	69,778	73,964
8	26,630	30,758	34,387	38,264	42,139	47,641	57,019	61,897	70,529	74,761
a	27,071	31,134	34,822	38,637	42,954	48,454	57,644	62,963	71,277	75,553
9	27,510	31,509	35,260	39,012	43,764	49,265	58,268	64,028	72,027	76,350
a	28,820	31,887	35,636	39,762	44,326	50,017	58,957	64,715	73,341	77,741
10	28,384	32,261	36,012	40,515	44,892	50,768	59,644	65,400	74,654	79,132
a	29,698	32,637	36,388	40,890	45,455	51,518	60,334	66,090	75,967	80,523
11	29,260	33,014	36,764	41,262	46,016	52,268	61,025	66,778	77,279	81,914
a	29,636	33,451	37,263	41,639	46,391	53,083	61,836	67,784	78,167	82,859
12	30,011	33,887	37,763	42,016	46,767	53,891	62,647	68,791	79,059	83,801
a	30,385	34,323	38,263	42,389	47,142	54,706	63,462	69,781	80,797	85,643
13	30,758	34,761	38,762	42,764	47,518	55,520	64,275	70,776	82,533	87,485
a	32,220	36,411	40,604	44,793	49,776	58,157	67,328	74,138	85,838	90,336
14	33,679	38,060	42,445	46,825	52,033	60,794	70,381	77,501	89,144	94,223
a	35,871	39,869	44,461	49,050	54,503	63,683	73,964	81,182	94,052	99,694
15	38,060	41,678	46,476	51,273	56,974	66,572	77,067	84,863	98,956	103,018
a	39,869	43,659	48,686	53,711	59,680	69,732	80,726	88,891	102,684	108,038
16	41,678	45,638	50,895	56,146	62,415	72,894	84,387	91,506	108,357	111,185
a	43,659	47,805	53,310	58,813	65,356	76,359	88,396	96,480	109,084	136,742
17	45,638	49,970	55,727	61,477	68,327	79,821	92,407	102,148	114,857	145,000
a	47,919	52,469	58,512	64,553	71,743	83,811	95,513	106,838	121,748	146,396

**RESOLUTION NO. 13 OF JANUARY 2, 2018**

**AMENDING THE SALARY PLAN FOR PART-TIME, HOURLY, AND SEASONAL POSITIONS FOR 2018**

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

BE IT RESOLVED by the Town Board of the Town of Babylon that the following salaries for certain part-time, hourly, and seasonal positions be and the same are hereby adopted, for 2018:

<u>TITLE</u>	<u>SALARY</u>
Account Clerk Typist	13.00 - 15.00/hr.
Account Clerk	11.00 - 13.00/hr.
Assessment Assistant	13.00/hr.
Assistant Beach & Pool Manager	11.00 - 17.00/hr.
Assistant Town Attorney	20.00 - 30.00/hr.
Bay Constable	12.00 - 20.00/hr.
Beach & Attendant	11.00 - 16.00/hr.
Beach & Pool Manager	11.00 - 17.00/hr.
Bingo Inspector, Part-time	25.00/hr.
Building Inspector I	14.00/hr.
Building Inspector II	17.00/hr.
Building Inspector III	20.00/hr.
Building Inspector IV	25.00/hr.
Certified Public Accountant	30.00/hr.
Clerical	11.00 - 15.00/hr.
Clerk Typist	11.00 - 15.00/hr.
Clerk	11.00/hr.
College Intern Analyst I	12.00/hr.
College Intern Analyst II	14.00/hr.
College Intern Analyst III	16.00/hr.
Community Pride Worker I	11.00/hr.
Community Pride Worker II	11.50/hr.
Community Pride Worker III	12.00/hr.
Community Pride Worker IV	12.50/hr.
Community Pride Worker V	13.00/hr.
Community Pride Worker VI	13.50/hr.
Community Pride Worker VII	14.00/hr.
Contract Staff-Administrative	11.00 - 30.00/hr.
Cook	11.00/hr.
Custodian	11.00 - 12.00/hr.
Data Entry Operator	11.00/hr.
Data Processing Equip. Operator	15.45/hr.
Deputy Supervisor	50,000/annual

Dock Master	11.00 - 16.00/hr.
Document Imaging Operator I	11.00/hr.
Document Imaging Operator II	11.50/hr.
Document Imaging Operator III	12.50/hr.
Document Imaging Operator IV	14.50/hr.
Drug & Alcohol Counselor I	15.00 - 18.00/hr.
Drug & Alcohol Counselor II	18.00 - 20.00/hr.
Drug & Alcohol Counselor III	20.00 - 22.00/hr.
Drug & Alcohol Counselor IV	22.00 - 25.00/hr.
Duplicating Machine Operator	10.00 - 11.00/hr.
Electrician I	20.00 - 21.00/hr.
Electrician II	21.01 - 22.00/hr.
Electrician III	22.01 - 23.15/hr.
Electrician IV	23.16 - 24.32/hr.
Engineering Aide I	20.00/hr.
Engineering Aide II	22.50/hr.
Engineering Aide III	25.00/hr.
Environmental Analyst Part Time	20.00 - 40.00/hr.
Environmental Steward I	11.00/hr.
Environmental Steward II	11.50/hr.
Environmental Steward III	12.00hr
Environmental Steward IV	13.75/hr.
Environmental Steward V	18.75/hr.
Environmental Steward VI	21.35/hr.
Environmental Steward VII	23.35/hr.
Environmental Steward VIII	25.65/hr.
Environmental Steward IX	27.95/hr.
Environmental Steward X	30.40/hr.
Facilities Guard	11.00/hr.
Fire Marshal Call-In	50.00/hr.
Fire Marshal I	11.50 - 15.00/hr.
Fire Marshal II	15.01 - 16.00/hr.
Fire Marshal III	16.01 - 17.00/hr.
Fire Marshal IV	17.01 - 18.00/hr.
Fire Marshal V	18.01 - 20.00/hr.
Fire Marshal VI	20.01 - 25.00/hr.
Fire Marshal VII	25.01 - 30.00/hr.
Government Liaison Officer	50.00/hr.
Groundskeeper	11.00 - 12.50/hr.
Guard I	11.00 - 11.25/hr.
Guard II	11.30 - 12.00/hr.
Guard III (Supervisor)	12.50 - 12.70/hr.
Guard IV (LT.)	12.75 - 14.10/hr.
Historian	15.00/hr.
Kennel Attendant I	11.00/hr.
Kennel Attendant II	11.50/hr.
Kennel Attendant III	12.00/hr.
Kennel Attendant IV	12.50/hr.
Laborer I	11.00/hr.
Laborer II	11.50/hr.
Laborer III	12.00/hr.
Laborer IV	12.50/hr.
Laborer V	13.00/hr.
Laborer VI	13.50/hr.
Laborer VII	14.00/hr.
Law Clerk	13.25/hr.
Law Intern I	11.00/hr.
Law Intern II	12.00/hr.
Law Intern III	15.00/hr.
Material Control Clerk	11.00/hr.
Medical Billing Agent	20.00 - 30.00/hr.
Medical Director-Drug Abuse Treatment	120.00 - 140.00/hr.
Micrographics Operator	11.00/hr.
Mini Bus Driver	11.00/hr.
Neighborhood Aide	11.00/hr.
Ordinance Enforcement Officer I	11.00/hr.
Ordinance Enforcement Officer II	11.30/hr.
Ordinance Enforcement Officer III	12.30/hr.
Ordinance Enforcement Officer IV	13.30/hr.
Ordinance Enforcement Officer V	15.30/hr.
Ordinance Inspector I	11.00/hr.
Ordinance Inspector II	11.30/hr.
Ordinance Inspector III	12.30/hr.
Ordinance Inspector IV	13.30/hr.
Paralegal Assistant	12.00 - 16.50/hr.
Paralegal Assistant II	17.00 - 22.00/hr.
Park Attendant I	11.00 - 16.00/hr.
Park Attendant II	11.00 - 17.50/hr.
Park Ranger	12.00 - 20.00/hr.
Parking Meter Officer	11.00 - 16.00/hr.
Part Time Fire Marshal Call-In	50.00/hr.
Photo Technician	13.50 - 20.00/hr.
Planning Aide	14.00/hr.

Plumber I	11.30/hr.
Plumber II	12.45/hr.
Plumber III	13.70/hr.
Plumbing Inspector I	11.50 - 15.00/hr.
Plumbing Inspector II	15.01 - 16.00/hr.
Plumbing Inspector III	16.01 - 17.00/hr.
Plumbing Inspector IV	17.01 - 18.00/hr.
Plumbing Inspector V	18.01 - 20.00/hr.
Plumbing Inspector VI	20.01 - 25.00/hr.
Plumbing Inspector VII	25.01 - 30.00/hr.
Plumbing Inspector	15.00/hr.
Pole Inspector I	11.00/hr.
Pole Inspector II	11.25/hr.
Pole Inspector III	11.50/hr.
Program Aide I-HOURLY	11.00 - 12.00/hr.
Program Aide II-HOURLY	12.25 - 13.74/hr.
Program Aide III-HOURLY	13.75 - 21.34/hr.
Program Aide IV-HOURLY	21.35 - 23.35/hr.
Program Aide V-HOURLY	23.36 - 25.75/hr.
Program Aide VI-HOURLY	25.76 - 27.05/hr.
Program Aide VII-HOURLY	27.06 - 39.58/hr.
Recreation Aides	11.00 - 17.00/hr.
Recreation Specialist	11.00 - 30.00/hr.
Recreation Specialist-HOURLY	30.00 - 85.00/hr.
Registered Nurse	25.00/hr.
Rental/Accessory Apartment Inspector I	14.00/hr.
Rental/Accessory Apartment Inspector II	20.00/hr.
Rental/Accessory Apartment Inspector III	25.00/hr.
Sanitation Inspector I	11.00/hr.
Sanitation Inspector II	11.25/hr.
Sanitation Inspector III	11.60/hr.
Seasonal Ordinance Enforcement Officer IV	13.30/hr.
Senior Bay Constable	14.00 - 20.00/hr.
Senior Citizen Specialist	18.00/hr.
Senior Clerk I	11.00/hr.
Senior Clerk II	11.50/hr.
Senior Clerk III	11.75/hr.
Senior Clerk IV	12.00/hr.
Senior Mini Bus Driver	11.00/hr.
Senior Park Ranger	14.00 - 20.00/hr.
Sign Language Interpreter	60.00/mtg.
Solid Waste Administrator-HOURLY	50.00 - 85.00/hr.
Stenographer	11.00/hr.
Student Intern	11.00 - 13.75/hr.
Switchboard Operator I	11.00/hr.
Switchboard Operator II	11.25/hr.
Switchboard Operator III	11.30/hr.
Switchboard Operator IV	12.70/hr.
Tax Clerk I	11.00/hr.
Tax Clerk II	11.25/hr.
Tax Clerk III	11.50/hr.
Tax Clerk IV	12.00/hr.
Tax Clerk V	12.50/hr.
Tax Clerk VI	13.00/hr.
Tax Clerk VII	13.50/hr.
Tax Clerk VIII	14.00/hr.
Town Investigator	12.30 - 50.00/hr.
Traffic Engineer II	25.00-30.00/hr.
Veterinary Technician I	18.00/hr.
Veterinary Technician II	20.00/hr.
Veterinary Technician III	22.00/hr.
Veterinary Technician IV	25.00/hr.
Youth Counselor	13.20/hr.
Zoning Inspector I	11.00/hr.
Zoning Inspector II	11.30/hr.
Zoning Inspector III	12.30/hr.
Zoning Inspector IV	13.30/hr.

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

Councilman Manetta	Voting	Yea
Councilman Martinez	Voting	Abstain
Councilman McSweeney	Voting	Yea
Councilwoman Gordon	Voting	Yea
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 14 JANUARY 2, 2018**

**APPOINTING PERSONNEL TO ADDITIONAL POSITIONS AND SETTING SALARIES**

The following resolution was offered by Councilman Manetta and seconded by Councilwoman Gordon

BE IT RESOLVED by the Town Board of the Town of Babylon that the following employees are appointed to the additional positions listed below at the annual salaries indicated herein and that the same are hereby effective as of January 1, 2018:

<u>NAME</u>	<u>TITLE</u>	<u>SALARY</u>
Afreen S. Wright	Diversity Officer	4,500
Marianne Hunt	Part-time Executive Assistant to Assessor	2,000
vacant	p/t Clerk	2,500
Cathy Hyde	Assistant to Town Board	2,000
Charneice McCullough	Subregistrar	2,500
Corinne DiSomma	Tax Warrant Coordinator	10,000
Delores Bocklett	Drug & Alcohol Coordinator	3,500
Denise Graziano	p/t Clerk	15,500
Lori Lynn Hansen	Deputy Registrar	3,150
Frank Bachety	Collector of Parks and Recreation Fees	6,000
Gilbert Hanse	Emergency Preparedness Coordinator	10,000
Jen Taus	Secretary to Town Board	3,500
Joan Ball	Assessor	12,000
Joseph Wilson	Sanitation Commission Chairman	2,000
Katherine Lynch	p/t Purchasing Technician	15,500
Madeline Quintyne	Special Events Coordinator	2,000
Peter Russo	Plumbing Regulation Liaison to New York State	4,500
Ronald Kluesener	Solid Waste Administrator	8,500
Stephen Greenwald	Traffic Safety Coordinator/Secretary	5,200
Thomas Stay	Drainage Coordinator	2,000
Thomas Young	Workforce Housing Coord.	3,500
Tom Smith	Deputy Historian	3,500
Victoria Marotta	Director of Community Development	4,000
Victoria Russell	Asst. Solid Waste Coordinator	2,000

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 15 JANUARY 2, 2018**

**APPOINTING PART-TIME PERSONNEL**

The following resolution was offered by Councilwoman Gordon and seconded by Councilman McSweeney

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, effective January 1, 2018.

<u>NAME</u>	<u>TITLE &amp; DEPARTMENT</u>	<u>SALARY</u>
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	5,000/ann., Plus health benefits
William Wexler	p/t Asst. Town Attorney	9,000/ann., Plus health benefits
Fred Thiele	p/t Asst. Town Attorney	35,000/ann.
Lindsay Henry	p/t Asst. Town Attorney	50,000/ann., Plus health benefits

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

Councilman Manetta	Voting	Yea
Councilman Martinez	Voting	Yea
Councilman McSweeney	Voting	Yea
Councilwoman Gordon	Voting	Yea
Supervisor Schaffer	Voting	Abstain

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 16 JANUARY 2, 2018**

**APPOINTING MEMBERS TO THE ETHICS BOARD**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following persons are hereby reappointed to the Ethics Board for a term of two years to commence from January 1, 2018:

<u>NAME</u>	<u>TITLE</u>	<u>TERM</u>	<u>EXP.</u>
Robert Kaufold	Chairman	12/31/19	
Erroll Williams	Member	12/31/19	
Anthony A. Tafuri	Member	12/31/19	

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 17 JANUARY 2, 2018**

**APPOINTING BOARD MEMBERS AND SETTING SALARIES OF BOARD OF ASSESSMENT REVIEW**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following appointments effective January 1, 2018 are made to certain Municipal Board positions and administrative personnel who serve at the pleasure of Town Board; and be it further

RESOLVED, that the salaries are hereby set effective January 1, 2018 for the below listed administrative personnel and Municipal Board Members who serve at the pleasure of the Town Board, and Municipal Board Members who have been appointed for specific terms as set forth hereinbelow:

<u>BOARD OF ASSESSMENT REVIEW</u>			
<u>NAME</u>	<u>TITLE</u>	<u>TERM EXP.</u>	<u>SALARY</u>
Anthony Almo	Chairperson	9/30/2018	9,750/ann.
Nathan King	Member	9/30/2020	8,750/ann.
Karen Crescione	Member	9/30/2022	8,750/ann.
Thomas Humphrey	Member	9/30/2021	8,750/ann.
Walter Edwards	Member	9/30/2019	8,750/ann.
Genine Rigney	Secretary		6,000/ann.
Marianne Hunt	Stenographer		6,000/ann.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.



**RESOLUTION NO. 18 JANUARY 2, 2018  
APPOINTING BOARD MEMBERS AND SETTING SALARIES OF PLUMBING BOARD**

The following resolution was offered by Councilwoman Gordon and seconded by Councilman McSweeney

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following appointments effective January 1, 2018 are made to certain Municipal Board positions and administrative personnel who serve at the pleasure of Town Board; and be it further

RESOLVED, that the salaries are hereby set effective January 1, 2018 for the below listed administrative personnel; and be it further

RESOLVED, that Peter Russo as Chairman opted to have his salary applied to the cost of health benefits and the difference in cost is his compensation; and be it further

RESOLVED, that Nunzio Russo opted to have his salary applied toward health benefits and that he contributes toward any difference in cost.

**PLUMBING BOARD**

<b>NAME</b>	<b>TITLE</b>	<b>TERM EXP.</b>	<b>SALARY</b>
Peter Russo	Chairperson	12/31/2018	7,900/ann.
James Cummings	Member	12/31/2022	5,000/ann.
Sebastian LaMonica	Member	12/31/2022	5,000/ann.
Vincent Biondo	Member	12/31/2022	5,000/ann.
Nunzio Russo	Member	12/31/2018	5,000/ann.
Tom Montiglio	Member	04/11/2022	5,000/ann.
Ryan Truncali	Member	12/31/2020	5,000/ann.
Valerie Falls	Secretary		3,000/ann.

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

Councilman Manetta	Voting	Abstain
Councilman Martinez	Voting	Yea
Councilman McSweeney	Voting	Yea
Councilwoman Gordon	Voting	Yea
Supervisor Schaffer	Voting	Abstain

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 19 JANUARY 2, 2018  
APPOINTING BOARD MEMBERS AND SETTING SALARIES OF PLANNING BOARD**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following appointments effective January 1, 2018 are made to certain Municipal Board positions and administrative personnel who serve at the pleasure of Town Board; and be it further

RESOLVED, that the salaries are hereby set effective January 1, 2018 for the below listed administrative personnel and Municipal Board Members who serve at the pleasure of the Town Board, and Municipal Board Members who have been appointed for specific terms as set forth hereinbelow:

**PLANNING BOARD**

<b>NAME</b>	<b>TITLE</b>	<b>TERM EXP.</b>	<b>SALARY</b>
Patrick Halpin	Chairperson	12/31/2022	10,500/ann.
Dan Truchan	Member	12/31/2019	8,500/ann.
Jerry O'Neil	Member	12/31/2023	8,500/ann.
Frank Santos	Member	12/31/2024	8,500/ann.
Julie Nolan	Member	12/31/2024	8,500/ann.
Michael Cafaro	Member	12/31/2021	8,500/ann.
Edward Wynn	Member	12/31/2019	8,500/ann.
	1 <sup>st</sup> Alternate		voucher
Denise Graziano	Secretary		300/mtg.
Katie Reilly	Alternate Secretary		300/mtg.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 20 JANUARY 2, 2018  
APPOINTING BOARD MEMBERS AND SETTING SALARIES OF ZONING BOARD OF APPEALS**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following appointments effective January 1, 2018 are made to certain Municipal Board positions and administrative personnel who serve at the pleasure of Town Board; and be it further

RESOLVED, that the salaries are hereby set effective January 1, 2018 for the below listed administrative personnel and Municipal Board Members who serve at the pleasure of the Town Board, and Municipal Board Members who have been appointed for specific terms as set forth hereinbelow:

**ZONING BOARD OF APPEALS**

<b>NAME</b>	<b>TITLE</b>	<b>TERM EXP.</b>	<b>SALARY</b>
Michael Kane	Chairperson	12/31/2020	14,300/ann.
Thomas Weinschenk	Vice Chair	12/31/2024	12,600/ann.
Burton Koza	Member	12/31/2023	11,600/ann.
John Shepard	Member	12/31/2021	11,600/ann.
John Farrell	Member	12/31/2022	11,600/ann.
Delores Quiltyne	Member	12/31/2022	11,600/ann.
John Carecia	Member	12/31/2024	11,600/ann.
	1 <sup>st</sup> Alternate		257.78/mtg.
Nicholas Rigney	2 <sup>nd</sup> Alternate		257.78/mtg.
Colleen Farrell	Secretary		300/mtg.
Carolyn Bivona	Alternate Secretary		300/mtg.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 21 JANUARY 2, 2018  
APPOINTING BOARD MEMBERS AND  
SETTING SALARIES OF THE ACCESSORY APARTMENT REVIEW BOARD**

The following resolution was offered by Councilwoman Gordon and seconded by Councilman McSweeney

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following appointments effective January 1, 2018 are made to certain Municipal Board positions and administrative personnel who serve at the pleasure of Town Board; and be it further

RESOLVED, that the salaries are hereby set effective January 1, 2018 for the below listed administrative personnel and Municipal Board Members who serve at the pleasure of the Town Board, and Municipal Board Members who have been appointed for specific terms as set forth hereinbelow:

ACCESSORY APARTMENTS REVIEW BOARD

<u>NAME</u>	<u>TITLE</u>	<u>TERM</u>	<u>SALARY</u>
Sandy Thomas	Chairperson	12/31/2018	8,500/ann.
Harold L. Wade	Vice Chair	12/31/2018	7,100/ann.
Peter DeNegrìs	Member	12/31/2018	6,500/ann.
Keith Hayward	Member	12/31/2018	6,500/ann.
Stephanie Harris	Member	12/31/2018	6,500/ann.
Sal Mangano	Member	12/31/2018	6,500/ann.
Carrie Vasiluth	Member	12/31/2018	6,500/ann.
Lamont Wilson	Member	12/31/2018	6,500/ann.
Carolyn Bivona	Member	12/31/2018	6,500/ann.
Andrea McGurk	Secretary		125/mtg.

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

Councilman Manetta	Voting	Abstain
Councilman Martinez	Voting	Yea
Councilman McSweeney	Voting	Yea
Councilwoman Gordon	Voting	Yea
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 22 JANUARY 2, 2018  
APPOINTING CERTAIN BOARD MEMBERS AND SETTING  
SALARIES FOR THE INDUSTRIAL DEVELOPMENT COUNCIL  
AND THE INDUSTRIAL DEVELOPMENT AGENCY**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon that the following appointments effective January 1, 2018 are made to the following Municipal Board positions and administrative personnel who serve at the pleasure of the Town Board, and be it further

RESOLVED, that the salaries are hereby set effective January 1, 2018 for the below listed administrative personnel and Municipal Board Members who serve at the pleasure of the Town Board as set forth hereinbelow:

INDUSTRIAL DEVELOPMENT COUNCIL/INDUSTRIAL DEVELOPMENT AGENCY

<u>NAME</u>	<u>TITLE</u>	<u>SALARY</u>
	Chairperson	7,000/ann.
Ramon Accettella	Member	6,500/ann.
Marcus Duffin	Member	6,500/ann.
Paulette Moses	Member	6,500/ann.
Tom Gaulrapp	Member	6,500/ann.
Rosemarie Dearing	Member	6,500/ann.
William Bogardt	Member	6,500/ann.
Bill Celona	Alternate	Voucher
	Alternate	Voucher

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

Councilman Manetta	Voting	Yea
Councilman Martinez	Voting	Abstain
Councilman McSweeney	Voting	Yea
Councilwoman Gordon	Voting	Yea
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 23 JANUARY 2, 2018  
APPOINTING CERTAIN BOARD MEMBERS AND  
SETTING SALARIES OF LABOR ADVISORY BOARD**

The following resolution was offered by Councilman Manetta and seconded by Councilwoman Gordon

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following appointments effective January 1, 2018 are made to certain Municipal Board positions and administrative personnel who serve at the pleasure of Town Board; and be it further

RESOLVED, that the salaries are hereby set effective January 1, 2018 for the below listed administrative personnel and Municipal Board Members who serve at the pleasure of the Town Board, and Municipal Board Members who have been appointed for specific terms as set forth hereinbelow:

LABOR ADVISORY BOARD

<u>NAME</u>	<u>TITLE</u>	<u>TERM EXP.</u>	<u>SALARY</u>
Benjamin Carenza	Member	12/31/2018	200/mtg.
Dominick Macchia	Member	12/31/2018	200/mtg.
Anthony Speelman	Member	12/31/2018	200/mtg.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 24 JANUARY 2, 2018**  
**APPOINTING MEMBERS TO THE SANITATION COMMISSION**

The following resolution was offered by Councilwoman Gordon  
and seconded by Councilman McSweeney

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following persons are hereby appointed to the Sanitation Commission:

Joseph Wilson, Chairperson  
Ronald Kluesener, Member  
John Farrell, Member  
Tom Stay, Member  
Victoria Marotta, Member  
Afreen Wright, Counsel  
Joan Ball, Ex-Officio  
Victoria Russell, Ex-Officio  
Denise Graziano, Secretary

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 25 JANUARY 2, 2018**  
**APPOINTING MEMBERS TO THE INTERNAL AUDIT COMMITTEE**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following persons are hereby appointed to the Internal Audit Committee:

Victoria Marotta, Chairperson  
Ronald Kluesener, Member  
Joseph Wilson, Member

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 26 JANUARY 2, 2018**  
**AUTHORIZING SIGNATORIES FOR PAYMENT VOUCHERS ON LETTERS OF CREDIT WITH HUD**

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

WHEREAS, the United States Department of Housing and Urban Development (HUD) requires that there be four approved signatories for Payment Vouchers on Letters of Credit issued in favor of the Town of Babylon and that two of said individuals shall be required to sign before a Payment Voucher shall be valid;

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the following are authorized signatories on Payment Vouchers on the Letters of Credit issued in favor of the Town of Babylon by HUD:

ANTONIO MARTINEZ  
RONALD KLUESENER  
VICTORIA MAROTTA  
CATHERINE WUERTZ

and be it further

RESOLVED, that any two signatories shall be required to authorize a draw on the Letter of Credit.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 27 JANUARY 2, 2018**  
**ESTABLISHING BANKING DEPOSITORIES FOR HOUSING ASSISTANCE AGENCY, COMMUNITY DEVELOPMENT AND RELATED PROGRAMS**

The following resolution was offered by Councilman Manetta  
and seconded by Councilwoman Gordon

BE IT RESOLVED, by the Town Board of the Town of Babylon that the following named banking institutions be and they are hereby designated as depositories for the funds of the Town of Babylon for Housing Assistance Agency, Community Development and related Programs for the year 2018:

BANK  
TD BANK NORTH  
FIRST NATIONAL BANK OF LONG ISLAND

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 28 JANUARY 2, 2018**  
**AUTHORIZING USE OF CHECK WRITER AND ELECTRONIC SIGNATURE**

The following resolution was offered by Councilwoman Gordon  
and seconded by Councilman McSweeney

BE IT RESOLVED, by the Town Board of the Town of Babylon that the Supervisor be and he is hereby authorized to sign checks by a device commonly known as Check Writer in addition to check signing done via password protected accounting software.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 29 JANUARY 2, 2018**  
**AUTHORIZING SUPERVISOR TO INVEST CAPITAL FUNDS**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Supervisor be and he hereby is authorized to invest in Money Market Accounts the profits from the sale of Bonds, Bond Anticipation Notes, Capital Notes, Urban Renewal Notes or Budget Notes, as provided in Section 165.00 of the Local Finance Law; and be it further

RESOLVED, that all powers and duties conferred by Section 165.00 of the Local Finance Law be and the same are hereby delegated to the Supervisor.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 30 JANUARY 2, 2018**  
**IMPOSING A ONE YEAR MORATORIUM ON APPLICATIONS FOR**  
**CLASS 4 LICENSES AND ADDITIONAL LOCATIONS FOR COLLECTION CONTAINERS BY CLASS 4 LICENSEES**

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

WHEREAS, the Town Board of the Town of Babylon has reviewed a proposed one-year moratorium on applications for Class 4 Licenses and additional locations for collection containers by Class 4 Licensees; and

WHEREAS, the Town Board of the Town of Babylon has determined that in accordance with Section 617.5(c) (30) SEQR the adoption of a moratorium on applications for Class 4 Licenses and additional locations for collection containers by Class 4 Licensees constitutes a Type II Action, and further that the proposed moratorium has been identified as an Action not having a significant impact on the environment and is not subject to review under SEQR,

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, that the Town Board of the Town of Babylon hereby adopts a moratorium on applications for Class 4 Licenses and additional locations for collection containers by Class 4 Licensees as follows:

Section 1. Title

This moratorium shall be referred to as "A One Year Moratorium on Applications for Class 4 Licenses and additional locations for collection containers by Class 4 Licensees."

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of Babylon to protect the health, safety and welfare of its residents, the Town of Babylon hereby declares a one-year moratorium on applications for Class 4 Licenses and additional locations for collection containers by Class 4 Licensees in the Town of Babylon.

The proliferation of Class 4 License collection containers is having a negative aesthetic impact on the Town of Babylon and causing excessive debris to accumulate around the collection containers.

The Town of Babylon desires to address, in a careful manner, the placement of collection containers on a comprehensive Town-wide basis, and to adopt provisions to specifically regulate same.

The purpose of this moratorium is not to prevent bona fide, not for profit organizations from obtaining a Class 4 License in order to effectuate their charitable purpose. Therefore, notwithstanding anything herein to the contrary, Class 4 License Applications filed by bona fide not for profit organizations, may be considered and approved or denied by the Solid Waste Administrator.

Section 3. Scope of Controls

- A. During the effective period of this moratorium the Town of Babylon shall not grant any approvals on applications received after the effective date of this moratorium that would have as the result the granting of Class 4 Licenses or the approval of locations of collection containers of Class 4 Licensees.
- B. The Town of Babylon reserves the right to direct the Town of Babylon Building Inspector/Code Enforcement Officer to revoke or rescind any licenses or permits issued in violation of this moratorium.

Section 4. No Consideration of New Applications

No applications received after the effective date of this moratorium for Class 4 Licenses or additional locations of collection containers by Class 4 Licensees shall be considered by any board officer or agency of the Town of Babylon while this moratorium is in effect.

Section 5. Term

The moratorium shall be in effect for a period of one year from the effective date of this resolution.

Section 6. Penalties

Any person, firm or corporation that shall place collection containers in which a Class 4 License is required in violation of the provisions of this moratorium or shall otherwise violate any of the provisions of the moratorium shall be subject to such penalties as may otherwise be provided by applicable local laws, ordinances, rules or regulations of the Town of Babylon.

Section 7. Validity

The invalidity of any provision of this moratorium shall not affect the validity of any other provision of this moratorium that can be given effect without such invalid provision.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 31 JANUARY 2, 2018**  
**DESIGNATING OFFICIAL NEWSPAPERS AND ADDITIONAL NEWSPAPERS OF THE TOWN OF BABYLON**

The following resolution was offered by Councilman Manetta and seconded by Councilwoman Gordon

WHEREAS, the AMITYVILLE RECORD has been entered as second-class mail matter and is published in the English language; and

WHEREAS, the Town Board of the Town of Babylon finds that the town-wide distribution of the AMITYVILLE RECORD would provide the Town of Babylon with the option of a more expedient publication of notices, resolutions and ordinances; and

WHEREAS, the Town Board of the Town of Babylon finds that the town-wide distribution of the SOUTH BAY NEWSPAPER would provide the residents of the Town of Babylon with a greater opportunity to learn of applications pending before the Planning Board and Board of Appeals,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the following newspapers be and the same hereby are declared as the official newspapers of the Town of Babylon:

1. AMITYVILLE RECORD
2. SOUTH BAY NEWSPAPER

and, be it further

RESOLVED, that the BABYLON BEACON, NEWSDAY, NOTICIA LONG ISLAND, and ABLE NEWSPAPER, pursuant to Section 64(11) of the Town Law, are hereby designated as additional newspapers of the Town of Babylon for the publication of notices, resolutions and ordinances; and be it further

RESOLVED, that the BABYLON BEACON and NEWSDAY, are hereby designated as additional newspapers of the Town of Babylon for the publication of notices of the Planning Board and the Board of Appeals.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 32 JANUARY 2, 2018**

**AUTHORIZING THE TOWN BOARD TO ADOPT THE TOWN OF BABYLON'S PROCUREMENT POLICY FOR 2018**

The following resolution was offered by Councilwoman Gordon and seconded by Councilman McSweeney

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of any municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, a committee, with the Deputy Supervisor, Town Attorney, Comptroller, and the Commissioner of General Services, was formed to review the Town's current policy,

NOW THEREFORE

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Committee, that the Town of Babylon Procurement Policy, which is on file as Schedule "A", is hereby adopted for the Town of Babylon.

**TOWN OF BABYLON  
PROCUREMENT POLICY**

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**STATEMENT OF PROCUREMENT POLICY**

**I. GENERAL PROVISIONS**

**A. PURPOSE**

The purpose of this Statement of Procurement Policy is to: provide for the fair and equitable treatment by the Town of Babylon of all persons or firms involved in providing materials, supplies, equipment, services and/or labor to the Town of Babylon; assure that materials, supplies, services, equipment, and construction are procured efficiently, effectively, and at the most fair and equitable prices available to the Town of Babylon; promote bid competition; provide safeguards for maintaining a procurement system of quality and integrity and assure that Town of Babylon procurement actions are in full compliance with applicable Federal standards, HUD regulations, and New York State and Town laws and regulations.

**B. APPLICATION**

This Procurement Policy Statement applies to all contracts for the procurement of supplies, equipment, materials, services, public works, and professional services contracts entered into by the Town of Babylon including all related boards, garbage districts, etc., after the effective date of this Statement. This policy shall apply to all expenditures of funds by the Town of Babylon for public purchasing, irrespective of the source of funds, including contracts which do not involve an obligation of funds (such as concession contracts); however, nothing in this Statement shall prevent the Town of Babylon from complying with the terms and conditions of other regulations otherwise consistent with all applicable laws. The term "procurement", as used in this Statement, includes materials, supplies, and equipment, services contracts, public works contracts and modifications to contracts. This policy will be reviewed annually and may be revised from time to time.

**C. PUBLIC ACCESS TO PROCUREMENT INFORMATION**

Procurement information shall be a matter of public record to the extent provided in New York State Freedom of Information Act and shall be available to the public as provided in that statute. An exception to this rule is confidential financial information or information deemed proprietary by the submitting individual or company.

**II. PROCUREMENT AUTHORITY AND ADMINISTRATION**

**A.** All procurement transactions shall be administered by the Commissioner of General Services (hereinafter the Commissioner/Director of Purchasing. The Commissioner/Director of Purchasing shall issue operational procedures to implement Title 24 Code of Federal Regulations Part 85.36. The Commissioner/Director of Purchasing shall also establish a system of sanctions for violations of the ethical standards described in Section X below, consistent with State law.

**B.** The Commissioner/Director of Purchasing or his/her designee shall ensure that:

1. Procurement requirements are subject to an annual planning and review process to assure efficient and economical purchasing;
2. Contracts and modifications are in writing, clearly specifying the desired supplies, materials, equipment, labor, or professional services, and are supported by sufficient documentation, including, whenever practical, estimated quantities, estimated costs for public works projects, requested modifications/changes to existing specifications;
3. (for procurements other than small purchases) public notice in at least one, but as a rule, two publications of general circulation is given of each upcoming procurement at least five business days before a solicitation is due. In instances where community development funds are involved, additional days will be allowed making a total of 21 calendar days; and notice of contract awards is made available to the public; Funding shall be in place for said purchase or public works project;
4. Solicitation procedures/standards are conducted in full compliance with State and Federal standards, the latter only when required by Federal law;

5. For procurements of small purchases, architect/engineer Services, or other professional services that the minimum required numbers of quotations are solicited pursuant to this policy and State law.
  6. A cost or price analysis is conducted of the responses received for all procurements;
  7. contract award is made to a responsive and responsible bidder offering the lowest price (for sealed bid contracts) or contract award is made to the offeror whose proposal offers the greatest value to the Town of Babylon, considering price, & technical expertise, and other solicitation (for contracts awarded based on competitive proposals); awards are made to the lowest overall bidder and awards can be awarded by item, group of items or categories, whichever is in the best interest of the Town; Vendors or contractors must hold their prices for a 45 day period; unsuccessful firms are notified within 45 days or as soon as award or rejection of a bid or bids has been processed;
  8. there are sufficient unencumbered funds available to cover the anticipated cost of each procurement before contract award or modification (including change orders), work is inspected and accepted before payment is authorized, and payment is made promptly for contract work performed and accepted; and
  9. If said contract is approved, the Town of Babylon shall comply with all applicable HUD review requirements (if applicable).
- C. The Commissioner of General Services shall create a statement acknowledging that the requirements as outlined in Section II B of this policy are adhered to. This statement and the accompanying resolutions and any later changes shall be submitted to the Professional Services Committee and the Town of Babylon Town Board for approval. The Board appoints and delegates procurement authority to the Commissioner of General Services who is responsible for ensuring that any procurement policies adopted are appropriate and enforced for the Town of Babylon.

The Commissioner of General Services is responsible for the day to day operation of the Department of General Services. As the Commissioner of General Services, he/she has the authority to sign purchase orders, process bid documents after approval by Town Board resolution, and can extend, pursuant to N.Y. State General Municipal Law, duly awarded non-federally funded bids if to be found in the best interest of the town. For federally funded bids, bid extensions must be based on need, issues of possible delinquency on the part of the contractor, associated costs of the proposed extension and any contribution on the part of the town to the delay.

### III. PROCUREMENT METHODS

#### A. SELECTION METHOD

If it has been decided that the Town of Babylon will directly purchase the required items, one of the following procurement methods shall be chosen, based on the nature and anticipated dollar value of the total requirement. All dollar amounts referred to below are annual, aggregate amounts in a single calendar year.

#### B. SMALL PURCHASE PROCEDURES

1. **General.** Any contract not exceeding \$10,000 for materials and supplies and \$20,000 for public works projects, may be made in accordance with the small purchase procedures authorized in this section. Contract requirements shall not be artificially divided so as to constitute a small purchase under this section (except as may be reasonably necessary to comply with Section IX of this Statement). *The \$10,000 and \$20,000 limits refer to total amounts spent or intended to be spent in a calendar year on the purchase of similar products or services.*
2. **Small purchases of \$5,000 or less.** For small purchases below \$1,000, only one quotation need be solicited if the price received is considered reasonable. For purchases over \$1,000 but less than \$5,000, two or more quotations will be solicited. Such purchases should be distributed among-qualified sources. If practical, a quotation shall be solicited from other than the previous source before placing a repeat order.
3. **Small purchases over \$5,000.** For small purchases in excess of \$5,000 but not exceeding \$10,000 no less than three offerors shall be solicited to submit price quotations, which must be obtained, in writing, by fax or electronic mail, as allowed by State law. Award shall be made to the responsible offeror providing the lowest acceptable quotation, unless otherwise justified in writing or other specified circumstances. If non-price factors are used, they shall be disclosed to all those solicited. The names, addresses, and/or telephone numbers of the offerors and persons contacted, and the date and amount of each quotation shall be recorded and maintained as a public record. **Quotations from one vendor or supplier shall not be disclosed to another vendor or supplier. These quotations must be attached to the requisition when submitted to the Dept. of General Services for review and approval.**
4. **Public works contracts of \$10,000 or less.** For public works contracts below \$5,000, only one quotation need be solicited if the price received is considered reasonable. For small public works contracts over \$5,000 but less than \$10,000, more than one quotation shall be solicited. Such contracts should be distributed among qualified sources. If practical, a quotation shall be solicited from other than the previous source before placing a repeat order. **Quotations from one vendor shall not be disclosed to another vendor or supplier. These quotations must be attached to the requisition when submitted to the Dept. of General Services for review and approval.**
5. **Public works contracts over \$10,000.** For public works contracts in excess of \$10,000 but not exceeding \$20,000, no less than three written quotations or quotations submitted via telefax or electronic mail to the Department of General Services will be solicited, as allowed by State law. Award shall be made to the offeror providing the lowest acceptable quotation, unless otherwise justified in writing or other specified factors. If non-price factors are used, they shall be disclosed to all those solicited. The names, addresses, and/or telephone numbers of the offerors and persons contacted, and the date and amount of each quotation shall be recorded and maintained as a public record. **Quotations from one vendor shall not be disclosed to another vendor or supplier. These quotations must be attached to the requisition when submitted to the Dept. of General Services for review and approval.**

Contractors must be qualified and be able to meet liability insurance requirements and any other reasonable requirements as set forth by the Town of Babylon.

6. **Procedure of obtaining quotes.** The procedure for obtaining written or fax quotes will be as follows. The Department of General Services will prepare a standardized quotation form and mail or fax said form to the appropriate number of vendors. The requesting department will solicit proposals for the purchase of materials/supplies or a public works contract. Vendors will return completed quotation forms to the Department of General Services. The Commissioner will select the lowest responsible vendor and notify the department. The requesting department will then complete a requisition and submit it to the Department of General Services for processing.

#### C. SEALED BIDS

1. **Conditions for Use** Contracts shall be awarded based on competitive sealed bidding if the following conditions are present: a complete, adequate, and realistic specification or purchase description is available; two or more responsible bidders are willing and able to compete effectively for the work; the procurement lends itself to a firm fixed price contract; the solicitation is publicly advertised consistent with Part B; and the selection of the successful bidder can be made principally on the basis of price. Sealed bidding shall be used for all construction contracts exceeding \$20,000

(\$2,000 if project is federally funded) and for all purchases whose annual aggregate amount exceeds, or expects to exceed, \$20,000 in a calendar year. For professional services contracts, sealed bidding should not be used. The Town may elect to use the Request for Proposal or Request for Qualifications process if deemed appropriate in a particular situation. **Request for Qualifications shall be used for determining qualified engineering firms, planning firms, architects, attorneys and for services associated with Information Technologies or any other services deemed necessary. All responses to a Request for Qualifications shall be kept on file in the Department of General Services for a minimum of three (3) years. After three (3) years, the Commissioner of General Services will review and procure additional Requests for Qualifications as necessary.**

2. **Solicitation and Receipt of Bids** An invitation for bids shall be issued including specifications and all contractual terms and conditions applicable to the procurement; including a statement that award will be made to the lowest responsible and responsive bidder whose bid meets the requirements of the invitation for bids. The invitation for bids shall state the time and place for both the receipt of bids and the public bid opening. All bids received shall be time-stamped but not opened and shall be stored in a secure place until bid opening. A bidder may withdraw its bid at any time prior to bid opening. Bids submitted via telefax or electronic mail will not be accepted.
3. **Bid Opening and Award Bids** shall be opened publicly and in the presence of at least one witness. Bid openings are open to the public. Bids submitted after advertised time will not be opened or considered. An abstract of bids shall be recorded and the bids shall be available for public inspection. Award shall be made as provided in the invitation for bids by written notice to the successful bidder. If equal low bids are received from responsible bidders (non-federally funded projects or purchases), award shall be made to the vendor providing the highest discount. If no discounts are offered (non-federally funded purchases or projects), or if two or more bidders remain equal (federally funded purchases or projects), or if discounts offered are equal, lots will be drawn to determine the award. For federally funded purchases and contracts, awards shall be made giving priority to firms defined in Part VIII. If only one responsive bid is received from a responsible bidder, award shall not be made unless a cost or price analysis verifies the reasonableness of the price. All unsuccessful bidders will be notified of award, once finalized. The Commissioner/Director of Purchasing shall recommend bid award to the Town Board. Formal awards of all bids shall be approved by resolution by the Town Board at a public meeting. Once awarded, the Commissioner/Director of Purchasing has the authority to process all bid documents except public works contracts over \$20,000. Contracts in excess of \$20,000 will be executed by the Supervisor after approval by the Town Board.

The Commissioner of General Services has the authority to extend bids for up to four, one-year periods if found to be in the best interest of the Town of Babylon.

4. **Mistake in Bids**

- a. Bid Mistake; Public Work projects. (a) In all contracts where a unilateral error or mistake is discovered in a bid, such bid may be withdrawn after a showing of the following: (1) the mistake is known or made known to the Town of Babylon prior to the awarding of the contract or within three days after the opening of the bid, whichever period is shorter; and (2) the price bid was based on an error of such magnitude that enforcement would be unconscionable; and (3) the bid was submitted in good faith and the bidder submits credible evidence that the mistake was a clerical error as opposed to a judgment error; and (4) the error in the bid is actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work paper, documents, or materials used in the preparation of the bid sought to be withdrawn; and (5) it is possible to place the Town of Babylon in status quo ante.

Request for withdrawal of a bid must be submitted in writing to the Commissioner/ Director of Purchasing. A written explanation and justification must be provided. Approval or withdrawal of bid shall be considered and corrections of non-clerical mistakes shall be considered.

- b. In the absence of legal counsel and receipt of a written determination from same, unless otherwise required by law, the sole remedy for a bid mistake in accordance with this policy shall be withdrawal of that bid and the return of the bid bond or other security, if any, to the bidder. Thereafter, the Town of Babylon may, in its discretion, award the contract to the next lowest bidder or rebid the contract. Any amendment to or reformation of a bid or a contract to rectify such an error or mistake therein is strictly prohibited.
- c. Any decisions to allow the withdrawal of a bid must be supported by a written determination signed by the Commissioner/Director of Purchasing. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the Town of Babylon or fair competition shall be permitted.
- d. The Commissioner/Director of Purchasing may waive any and all formalities except those deemed necessary or contradictory to this policy or required by law, and an integral part of the bid process.

5. **Bonds:** In addition to the other requirements of this Statement, the following requirements may apply:

- a. For all publicly bid construction contracts, and other construction contracts, as determined by the Commissioner, other than those specified in 5b and 5c below, contractors shall be required to submit the following at the appropriate time during the contract process, unless otherwise required by State or local laws or regulations:
  - i. A bid bond or certified check from each bidder equivalent to 5% of the bid price; and
  - ii. A performance bond or certified check for 100% of the contract price; and
  - iii. A labor and materials payment bond for 100% of the contract price; and
  - iv. Appropriate insurances as outlined in the bid documents; and
  - v. Original certified payrolls for employees of contractors and subcontractors; and
  - vi. Employee daily sign-in sheets are required on all public works projects; and
  - vii. Copies of cancelled payroll checks for contractors and subcontractors; and
  - viii. A maintenance bond for 100% of contract upon acceptance of all work; and
  - ix. Any other requirements as detailed by the Commissioner/Director of Purchasing; and
- b. In the case of construction of conventional development projects funded pursuant to the U.S. Housing Act of 1937, the contractor shall be required to submit the following, unless otherwise required by State or local laws or regulations:
  - i. A bid bond or certified check from each bidder equivalent to 5% of the bid price; and
  - ii. A performance bond or certified check for 100% of the contract price; and

- iii. A labor and materials payment bond for 100% of the contract price; and
  - iv. A maintenance bond for 100% of contract upon acceptance of all work; and
  - v. Appropriate insurances as outlined in the bid documents; and
  - vi. Original certified payrolls for employees of contractors and subcontractors; and
  - vii. Cancelled payroll checks for contractors and subcontractors; and
  - viii. A maintenance bond for 100% of contract upon acceptance of all work; and
  - ix. Any other requirements as detailed by the Commissioner of General Services and the Director of Community Development.
- c. In the case of construction under the Comprehensive Improvement and Assistance Program (CIAP) funded pursuant to the U.S. Housing Act of 1937, for any contract over \$10,000, the contractor shall be required to submit the following,
- i. A bid guarantee from each bidder equivalent to 5% of the bid price; and
  - ii. A performance and payment bond for 100% of the contract price; and
  - iii. A maintenance bond for 100% of contract upon acceptance of all work; and
  - iv. Appropriate insurances as outlined in the bid documents and New York Dept. of Labor; and
  - v. Original certified payrolls for employees of all contractors and subcontractors; and
  - vi. Any other requirements as detailed by the Commissioner/Director of Purchasing.

### **PREVAILING WAGES**

All contractors who are involved with any public works project, which can be described as any project that involves labor, must comply with the prevailing wage requirements. This requirement applies to all contracts regardless of whether they have been publicly bid or not. Simply said if they are on Town property and performing a task that involves labor, they are required to pay prevailing wages to the employees on site. This does not apply to companies simply delivering products, supplies or equipment to the Town. The only exception to this requirement is an employer or owner who performs the work themselves or who employees an immediate family member.

Prevailing wages are an hourly pay rate that has been determined by the New York State Dept. of Labor. These rates vary from trade or title. The wage schedules shall be provided by the Dept. of General Services, prior to the commencement of any work. These wage schedules are updated from time to time by the New York State Dept. of Labor. If the project is federally funded, then the all contractors and subcontractors must comply with all federal rules and requirements, including but not limited to, the Davis-Bacon Act.

This provision will not apply to companies' delivering goods and/or equipment to the Town, but will apply to a company hired to supply and install a product or equipment.

Certified payrolls must be submitted with any and all requests for payment, bill or voucher, and comply with all the rules and regulations of the New York State Dept. of Labor.

Certified payrolls must state the name of the employee, title, hourly rate, number of hours worked during the specific payroll or during the course of the task performed for the Town pay period, all in accordance with New York State Dept. of Labor. Certified payrolls are available online or from the Dept. of General Services.

Companies should be notified prior to the commencement of any work or prior to obtaining any quotes that prevailing wages must be paid and that certified payrolls will be required prior to the issuance of any payment for services rendered. All firms should be advised that the New York State Dept. of Labor is responsible for monitoring the prevailing wage statute and may either audit a project while in progress or after completion. The New York State Dept. of Labor has the authority to debar or suspended any contractor from performing any work for any municipality in the State of New York.

### **CHANGE ORDERS**

Once a contract is awarded or a purchase order is issued for any public works project, any deviation (whether an increase or decrease in cost) from the tasks agreed to, or the scope of the project, or the cost thereof, must be approved by a change order. The change order must be filed by the contractor or consultant (in case of professional services agreement). It must include reference to the original scope of work and associated cost and an explanation of changes to the scope of work. This must be accompanied by an estimate of the increase or decrease in the materials used and/or labor involved. Specific quantities must be included in the change order. No change in the scope of the work originally approved shall be granted until a change order has been approved by the granting authority, which may be the Town Board or the Commissioner, depending on the type of contract. In the event of a change order for a public works contract that is being overseen by a third-party consultant, written authorization/approval by the consultant must accompany the proposed change order. These documents are reviewed and examined by the Change Order Review Committee. Pursuant to Resolution No. 415 of the Town Board Meeting of June 8, 2016, a committee consisting of representatives from the departments of the Supervisor, Comptroller, General Services, Planning, Town Attorney and the Department who is directly involved in the project will evaluate all change orders and provide its recommendations to the Town Board.

Department heads should not authorize payment for goods or services that have not been received. Town employees are prohibited from ordering or purchasing any goods or services that are intended for personal use and have no value or relevance to the Town.

### **APPRENTICESHIP PROGRAM REQUIREMENTS:**

The Town of Babylon hereby requires in any competitive sealed bid for any public works contract that exceeds \$100,000.00 that the bidder and all of bidder's sub-contractors, prior to entering into a construction contract with the Town of Babylon, who is a party to, or working under, a construction contract, to be a participant in good standing of a qualified apprenticeship program that is registered with and approved by the New York State Department of Labor and to have apprenticeship agreements, as evidenced by valid Certificates of Completion which are specifically identified as pertaining to the trade(s) and/or job titles(s) called for within the construction contract appropriate for the type and scope of work to be performed, which have been registered with, and approved by, the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law, anything in § 103 of the New York General Municipal Law to the contrary notwithstanding.

Prior to entering into a construction agreement with the Town of Babylon for any public works contract that exceeds \$100,000.00, a contractor must submit to the Town, Certificates of Completion showing that they, or their sponsor, graduated at least one apprentice from a state approved and registered apprenticeship program, in the trade and/or job title called for within the construction contract, within a time period immediately preceding the bid date of such project, the length of said time period to be calculated by adding sixty months to the specific trade's program length as set forth in the New York State Prevailing Wage Schedule, subject to the exception found in paragraph (H) of this section. If a contractor is a signatory to a sponsor, the contractor must submit to the Town a letter from the sponsor verifying its signatory status.



It shall be a contractor's responsibility to submit the required Certificates of Completion as part of any bid submitted in connection with a construction contract and to provide to the Department of General Services the identity of apprentices who have graduated from their apprenticeship program.

In recognition of the Governor's Office of Storm Recovery and the Town of Babylon being committed to meet a 30% M/WBE goal of this project, the Town of Babylon will waive the requirement of approved apprentice program for New York State Certified M/WBE sub contractors only, in order to assist Prime Contractors to achieve this goal and facilitate compliance.

#### **D. COMPETITIVE PROPOSALS**

1. **Conditions for Use.** Competitive proposals (including turnkey proposals for development) may be used if there is an adequate method of evaluating technical proposals and where the Town of Babylon determines that conditions are not appropriate for the use of sealed bids. An adequate number of qualified sources shall be solicited after advertisement.
2. **Solicitation.** The Request for Proposals (RFP) shall clearly identify the relative importance of price and other evaluation factors and sub-factors, including the weight given to each technical factor and sub factor. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the number of offerors, identity of the offerors, and the contents of their proposals. The proposals shall be evaluated only on the criteria stated in the request for proposals. Where appropriate, prices should be evaluated separately from other criteria.
3. **Negotiations.** Unless there is no need for negotiations with any of the offerors, negotiations shall be conducted with offerors who submit proposals determined to have a reasonable chance of being selected for award, based on evaluation against the technical factors and price consideration as specified in the RFP. Such offerors shall be accorded fair and equal treatment with respect to any opportunity for negotiation and revision of proposals. The purpose of negotiations shall be to seek clarification with regard to and advise offerors of the deficiencies in both the technical and price aspects of their proposals so as to assure full understanding of and conformance to the solicitation requirements. No offeror shall be provided information about any other offeror's proposal, and no offeror shall be assisted in bringing its proposal up to the level of any other proposal. Offerors shall not be directed to reduce their proposed prices to a specific amount in order to be considered for award. A common deadline shall be established for receipt of proposals, revisions and the best and final offers.
4. **Award.** After evaluation of proposals and best and final offers, if any, the contract shall be awarded to the responsible firm whose qualifications, price and other factors considered, are the most advantageous to the Town of Babylon. Once a proposer has been chosen, final negotiations may be initiated by the town. All negotiations for either award or contract modification shall be supported by a memorandum of negotiation, listing the basis for each cost element and profit.

**Architect/Engineer/Planning/Consultant Services for Federally Funded Projects.** Architect/engineer/planning/consultant services for federally funded projects in the excess of the small purchase limitation may be obtained by either the competitive proposals method or qualifications-based selection procedures. Sealed bidding, however, shall not be used to obtain architect/engineer/consultant services. Under qualifications-based selection procedures, competitors' qualifications are evaluated and the most qualified competitor is selected, subject to the negotiation of fair and reasonable compensation. Price is not used as a selection factor under this method. Qualifications-based selection procedures shall not be used to purchase other types of services except those outlined herein and in the enabling legislative resolution.

The Department of General Services will maintain a file on the qualifications of engineering and other consulting firms. Information submitted shall include background, a detailed prior projects history, and qualifications of principals and significant individuals in the firm, proposed hourly rates, and multiplier to be charged if any.

#### **E. NON-COMPETITIVE PROPOSALS**

1. **Conditions for use.** Procurements shall be conducted competitively to the maximum extent possible. Procurement by non-competitive proposals may be used only when the award of a contract is not feasible using small purchase procedures, sealed bids, or competitive proposals, and one of the following applies;
  - a. The item is available only from a single source, based on a good faith review of available sources;
  - b. An emergency exists that seriously threatens the public health, welfare or safety, or endangers property, or would otherwise cause serious injury to the Town of Babylon, as may arise by reason of a flood, earthquake, epidemic, riot, equipment failure, or similar event. In such cases, there must be an immediate and serious need for materials, supplies, services, or construction that the need cannot be met through any other procurement methods, and the emergency procurement shall be limited to those materials, supplies, services, or construction necessary to meet the emergency. This emergency must be declared by duly adopted resolution by the Town of Babylon Town Board in open session and with detailed justification, however, should the emergency require immediate action, the Commissioner may let the appropriate contract and shall state to the Town Board in writing, the emergency and the justification for letting the contract without Town Board approval.
  - c. HUD authorizes the use of non-competitive proposals; or
  - d. After solicitation of a number of sources, competition is determined inadequate or nonexistent.
  - e. Obvious factors, other than price only, must be considered.
  - f. The Town Board, in accordance with N.Y. State law, has adopted a resolution standardizing on a particular manufacturer and a resulting sole supplier situation exists.
2. **Justification.** Each procurement based on non- competitive proposals shall be supported by a written justification for using such procedures. The justification shall be approved in writing by the Commissioner/Director of Purchasing.
3. **Price reasonableness.** The reasonableness of the price for all procurements based on non-competitive proposals shall be determined by performing a cost analysis, as described in Section F, Paragraph 3, below.

#### **F. PROFESSIONAL SERVICES**

1. **General.** "Professional services" are occupations in the tertiary sector of the economy requiring special training in the arts or sciences. Some professional services require holding professional licenses such as architects, auditors, engineers, planning, doctors and lawyers. Other professional services involve providing specialist business support to businesses of all sizes and in all sectors; this can include tax advice, supporting a company with accounting, IT services or providing management advice.
2. **Procedure of obtaining quotes for Professional Services.** The procedure for obtaining written or fax quotes will be as follows. The requesting department will forward specifications of the professional service to the Department of General Services. The requesting department may include a list of possible vendors. All quotes must be taken off of a bid list. Any qualified and responsible firm may apply to be placed on the list. The Department of General Services will prepare a standardized quotation form and mail or fax said form to the appropriate number of vendors. Vendors

will return completed quotation forms to the Department of General Services. The Commissioner will select the lowest responsible vendor and notify the department. The requesting department will then complete a requisition and submit it to the Department of General Services for processing.

3. **Professional Consultant Evaluation Committee.** A Professional Consultant Evaluation Committee consisting of the Commissioner, Commissioner of Planning & Development, Commissioner of Dept. of Public Works, and Chief of Staff, Deputy Supervisor, Comptroller and Town Attorney will meet to review the proposals of all firms and choose the firm found to be the most qualified for a particular project. The committee shall meet on the first Thursday of every month to review professional services proposals. Whenever a formal committee meeting is impractical as the result of an emergency, the committee may convene electronically to evaluate and provide recommendations to the Board, provided that the Department of General Services has reviewed the proposal and affirms that the content of the professional services proposal complies with this policy. For purposes of this subsection only, "Emergency" shall be defined as a declaration of emergency by the federal, state, county, or town government, an act of God, perils of the sea or air, landslide, earthquake, fire, explosion, flood; acts of a public enemy, war, blockade, insurrection, riot or civil disturbance, or similar occurrence; but not including reasonably anticipated weather conditions for the geographic area of the Town. The committee will then negotiate an appropriate fee for the project with the firm selected.
4. **Professional services of \$25,000 or less.** For professional services below \$25,000, only one quotation need be solicited if the price received is considered reasonable. Such services should be distributed among-qualified sources. If practical, a quotation shall be solicited from other than the previous source before arranging the services.
5. **Professional Services over \$25,000 but less than \$100,000.** For professional services in excess of \$25,000 but not exceeding \$100,000 no less than three offerors shall be solicited to submit price quotations, which must be obtained, in writing, by fax or electronic mail, as allowed by State law. Award shall be made to the responsible offeror providing the lowest acceptable quotation, unless otherwise justified in writing or other specified circumstances, such as for architect-engineer, or other professional consultant service contracts. If non-price factors are used, they shall be disclosed to all those solicited. The names, addresses, and/or telephone numbers of the offerors and persons contacted, and the date and amount of each quotation shall be recorded and maintained as a public record. **Quotations from one vendor or supplier shall not be disclosed to another vendor or supplier. These quotations must be attached to the requisition when submitted to the Dept. of General Services for review and approval.**
6. **Professional Services exceeding \$100,000.** For professional services in excess of \$100,000 may be obtained by either the competitive proposals method or qualifications-based selection procedures. Sealed bidding, however, shall not be used to obtain architect/engineer/consultant services. Under qualifications-based selection procedures, competitors' qualifications are evaluated and the most qualified competitor is selected, subject to the negotiation of fair and reasonable compensation. Price is not used as a selection factor under this method. Qualifications-based selection procedures shall not be used to purchase other types of services except those outlined herein and in the enabling legislative resolution. A Professional Consultant Evaluation Committee will review the competitive proposals or qualifications-based selections.

#### G. COST AND PRICE ANALYSIS

1. **General.** In general, a cost or price analysis shall be performed for all procurement actions, including contract modifications. The method of analysis shall be determined by Commissioner/Director of Purchasing. The degree of analysis shall depend on the facts surrounding each procurement and the need for said analysis.
2. **Submission of Cost or Pricing Information.** If the procurement is based on noncompetitive proposals, or when only one offer is received, or for other procurements as deemed necessary by the Town of Babylon, the offeror shall be required to submit:
  - a. A cost breakdown showing projected costs and profit;
  - b. Commercial pricing and sales information, sufficient to enable the Town of Babylon to verify the reasonableness of the proposed price as a catalog or market price of a commercial product sold in substantial quantities to the general public; or
  - c. Documentation showing that the offered price is set by law or regulation.

The Commissioner/Director of Purchasing may elect to re-bid a contract or bid if, in his/her determination, insufficient proposals are received or if the specifications are found to be insufficient or ambiguous.

3. **Cost Analysis:** Cost analysis shall be performed if an offeror/contractor is required to submit a cost breakdown as part of its proposal. When a cost breakdown is submitted: a cost analysis shall be performed of the individual cost elements; the Town of Babylon shall have a right to audit the contractor's financial records and any other records pertinent to such costs; and profit shall be analyzed separately. Costs shall be allowable only to the extent that they are consistent with applicable Federal cost principles (for commercial firms, Subpart 31.2 of the Federal Acquisition Regulation, 48 CFR Chapter 1, if federal funds are involved). In establishing profit, the Town of Babylon shall consider factors such as the complexity and risk of the work involved the contractor's investment and productivity, the amount of sub-contracting, the quality of past performance, and industry profit rates in the area for similar work.
4. **Price Analysis** a comparison of prices shall be used in all cases other than those described in Section F, Paragraph 3 above, to the extent practical.
5. **Extension of Contract Periods** Where appropriate, non-federally funded purchases or contracts only, may be extended for two additional one-year periods at the sole discretion of the Commissioner/Director of Purchasing and with consent of the vendor or contractor, providing that provisions for the extension were a part of the original solicitation.

#### H. CANCELLATION OF SOLICITATIONS

1. The Town of Babylon reserves the right to reject any and/or all bids.
2. An invitation for bids, request for proposals, or other solicitation may be canceled before bids are due if; (a) the Town of Babylon no longer requires the supplies, services or construction; (b) the Town of Babylon can no longer reasonably expect to fund the procurement; (c) proposed amendments to the solicitation would be of such magnitude that a new solicitation would be desirable; or (d) any other similar reasons when it is in the best interest of the Town.
3. A solicitation may be canceled and all bids or proposals that have already been received may be rejected if: (a) the supplies, services, or construction are no longer required; (b) ambiguous, erroneous or otherwise inadequate specifications were part of the solicitation; (c) the solicitation did not provide for consideration of all factors of significance to the Town of Babylon; (d) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds; (e) there is reason to believe that bids or proposals may not have been independently arrived at in open competition, may have been collusion, or may have been submitted in bad faith; (f) for good cause of a similar nature when it is in the best interest of the Town of Babylon; or (g) if specifications are insufficient, deficient, or incorrect.

4. The reasons for cancellation shall be documented in the procurement file and the reasons for cancellation and/or rejection shall be provided upon request to any offeror solicited.
5. A notice of cancellation shall be sent to all offerors solicited and, if appropriate, shall explain, if applicable, that they will be given an opportunity to compete on any re-solicitation or future procurement of similar items. If bids have already been received but unopened, they may be returned to the offeror.
6. If all otherwise acceptable bids received in response to an invitation for bids are at unreasonable prices, or only one bid is received and the price is unreasonable, the Town of Babylon shall cancel the solicitation and either:
  - a. re-advertise for bids, if time permits; or
  - b. re-solicit using a request for proposal; or
  - c. complete the procurement by using the competitive proposals method, following Section D, Paragraph 3 and 4 above (when more than one otherwise acceptable bid has been received), or by using the non- competitive proposals method and following Section E Paragraph 2 above, (when only one bid is received at an unreasonable price); provided, that the Commissioner/Director of Purchasing determines in writing that such action is appropriate, all bidders are informed of the Town of Babylon's intent to negotiate, and each responsible bidder is given a reasonable opportunity to negotiate.

## **I. COOPERATIVE PURCHASING**

The Town of Babylon may enter into agreements with municipal corporations to purchase or use common goods and services. Any city, town, county village, fire district, school district, BOCES and town or county improvement districts may enter into cooperative purchase agreements amongst themselves. The decision to use an inter-governmental agreement or conduct a direct procurement shall be based on economy and efficiency. If used, the inter-governmental agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment, and other relevant terms and conditions. Properly approved and executed inter-municipal agreements must be executed by the Town and any city, town, county village, fire district, school district, BOCES and town or county improvement districts. These agreements should have a term after which such agreements should be renewed subject to mutual agreement of both parties. All laws relating to competitive bidding or competitive offering must be complied with and the cooperative agreement must be approved by each board, must be in place prior to the solicitation of bids.

The Town of Babylon may also make purchases, or may contract for services, other than services subject to Article 8 or 9 of the labor law, when available, through the county in which the political subdivision or district is located or through any county within the state subject to the rules established pursuant to subdivision two of section four hundred eight-a of the county law.

The Town of Babylon further may make such purchases, except of printed material, through the New York State Office of General Services subject to such rules as may be established from time to time pursuant to section one hundred sixty-three of the state finance law or through the general services administration pursuant to section 1555 of the federal acquisition streamlining act of 1994, P.L. 103-355; provided that any such purchase shall exceed five hundred dollars.

The Town of Babylon is encouraged to use Federal or State excess and surplus equipment or property instead of purchasing new equipment and property whenever such use is feasible and reduces project costs.

The Town, pursuant to General Municipal law 103, Subdivision 16 authorizes political subdivisions to purchase apparatus, materials, equipment and supplies and to contractor for services related to the installation, maintenance, or repair of those items through the use of contracts let by the United States or any agency thereof, any state or any political subdivision or district therein. The contract must be let in a manner that constitutes competitive bidding "consistent with state law" and made available for use by other governmental entities.

There are three (3) prerequisites that must be met in order for a procurement of apparatus, materials, equipment and supplies, and related installation, repair and maintenance services, to fall within this exception:

1. The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein. Therefore, there must be an underlying contract let by one of the listed governmental entities. Contracts developed for use by local governments that are let by private parties (e.g. a private company, association or not-for-profit corporation is the party awarding the contract to the vendor) and by the United States or any agency thereof, any state or any other political subdivision or district therein, would not fall within this exception. The phrase "any state or other political subdivision or district therein" clearly includes other states and political subdivisions. It also includes New York State political subdivisions.
2. The contract must have been made available for use by other governmental entities. This means that the other governmental entity has taken steps to make its contract available for New York local governments. In general, this would occur by inclusion in the contract let by the other entity of a clause extending the terms and conditions of the contract to other governmental entities. Unilateral offers by vendors to extend contract pricing and other terms and conditions would not fall within this exception.
3. The contract must have been let in a manner that constitutes competitive bidding "consistent with state law".

## **IV. CONTRACTOR QUALIFICATIONS AND DUTIES**

### **A. CONTRACTOR RESPONSIBILITY**

Procurements shall be conducted only with responsible contractors, i.e., those who have the technical and financial competence to perform and who have a satisfactory record of integrity. Before awarding a contract, the Town of Babylon shall review the proposed contractor's ability to perform the contract successfully, considering factors such as the contractor's integrity, compliance with public policy, compliance with applicable State, County and local regulations, record of past performance (including contacting previous clients of the contractor, such as other towns), and financial and technical resources of the firm or individual. If a prospective contractor is found by the Commissioner to be non-responsible, a written determination of non-responsibility shall be prepared and included in the contract file, and the prospective contractor shall be advised in writing of the reasons for the determination. The prospective contractor, within five (5) days of receipt of written notice, may demand an opportunity to present evidence both orally and in writing to the Commissioner or his/her designee. If a demand for an opportunity to present evidence is received, the Commissioner shall schedule a hearing at which time the prospective contractor and counsel may be present and offer evidence. Within ten (10) business days, the Commissioner shall advise the prospective contractor whether the prospective contractor is deemed a responsible bidder and shall provide a written decision if the prospective contractor is deemed irresponsible. The Commissioner shall advise the Town Board of his/her decision regarding an irresponsible bidder and the Town Board shall state, by resolution, its determination whether a prospective contractor is irresponsible and provide a reason if a prospective contractor is determined to be irresponsible.

### **B. SUSPENSION AND DEBARMENT**

Contracts shall not be awarded to debarred, suspended or ineligible contractors as determined by the New York State Department of Labor. Contractors may be suspended, debarred, or determined ineligible by the Town of Babylon or HUD in

accordance with HUD regulations (24 CFR Part 24) when necessary to protect the Town of Babylon in its business dealings. The Commissioner/Director of Purchasing may elect to hold a hearing at which time all facts concerning the matter may be discussed. The Commissioner shall be responsible to check all potential contractors to determine if they have been debarred, suspended or formally declared an irresponsible bidder.

### **C. QUALIFIED BIDDER'S LISTS**

Interested and qualified businesses shall be given an opportunity to be included on qualified bidder's lists. Any pre-qualified lists of persons, firms, or products which are used in the procurement of supplies and services shall be kept current and shall include enough qualified sources to ensure competition. Firms shall not be precluded from qualifying during the solicitation period. Solicitation mailing lists of potential contractors shall include, but not be limited to such pre-qualified suppliers. Concurrent with the advertisement of a bid, all vendors on the appropriate bid list shall be notified by mail of availability of the bid. For the purpose of economy, the Town will delete firms from its bid list who fail to respond to solicitations to bid.

## **V. TYPES OF CONTRACTS, CLAUSES, AND CONTRACT ADMINISTRATION**

### **A. CONTRACT TYPES**

Any type of contract which is appropriate to the procurement and which will promote the best interests of the Town of Babylon may be used, provided that the cost-plus-a-percentage-of-cost and percentage of construction cost methods are prohibited. All procurements shall include the clauses and provisions necessary to define the rights and responsibilities of the parties. A cost reimbursement contract shall not be used unless it is likely to be less costly or it is impractical to satisfy the Town of Babylon's needs otherwise, and the proposed contractor's accounting system is adequate to allocate costs in accordance with applicable cost principles (for commercial firms, Subpart 31.2 of the Federal Acquisition Regulation (FAR), found in 48 CFR Chapter 1). A time and material contracts may be used only if a written determination is made that no other contract type is suitable, and the contract includes a ceiling price that the contractor exceeds at its own risk.

### **B. OPTIONS**

Options for additional quantities or performance periods may be included in contracts, provided that: (a) the option is contained in the solicitation; (b) the option is a unilateral right of the Town of Babylon with the concurrence of the vendor; (c) the contract states a limit on the additional quantities and the overall term of the contract; (d) the options are evaluated as part of the initial competition; (e) the contract states the period within which the options may be exercised; (f) the options may be exercised only at the price specified in or reasonably determinable from the contract; that reasonable increases may be granted if deemed to be in the best interest of the Town and in the sole discretion of the Town; (g) the options may be exercised only if determined to be more advantageous to the Town of Babylon than conducting a new procurement; and (h) the scope of the contract is not being significantly altered.

### **C. CONTRACT CLAUSES**

In addition to containing a clause identifying the contract type, all contracts for federally funded programs shall include any clauses required by Federal statutes, executive orders, and their implementing regulations, as provided in 24 CFR 85.36 (i), such as the following:

1. Termination for convenience,
2. Termination for default,
3. Equal Employment Opportunity,
4. Non-collusive statement,
5. Davis-Bacon Act,
6. Contract Work Hours and Safety Standards Act, reporting requirements, OSHA standards,
7. Patent rights,
8. Rights in data,
9. Examination of records by Comptroller, retention of records for three years after closeout,
10. Clean air and water,
11. Energy efficiency standards,
12. Bid protests and contract claims,
13. Payment of funds to influence certain Federal transactions.

**D.** The operational procedures required by section H paragraph A of this statement shall contain the text of all clauses and required certifications (such as required non-collusive affidavits) used by the Town of Babylon.

**E.** Price Increases: The Commissioner may grant a price increase for all or part of the goods referenced in any duly awarded contract, provided the vendor has provided the Commissioner/Director of Purchasing with written substantiation of the increase from their supplier/manufacturer. The price increase cannot exceed the amount of the requested increase by the supplier to the vendor. The Commissioner may elect to deny the request for an increase and rebid the entire contract. A request for an increase cannot be submitted until four (4) months from the date of the contract awarded.

### **F. CONTRACT ADMINISTRATION**

A contract administration system designed to ensure that contractors perform in accordance with their contracts shall be maintained. The operational procedures required by Section HA above shall contain guidelines for inspection of supplies, services, or construction, as well as monitoring contractor performance, status reporting on construction contracts, and similar matters. For cost reimbursement contracts with commercial firms, costs are allowable only to the extent that they are consistent with the cost principles in FAR Subpart 31.2.

## **VI. SPECIFICATIONS**

### **A. GENERAL**

All specifications shall be drafted so as to promote overall economy for the purposes intended and to encourage competition in satisfying the Town of Babylon's needs. Specifications shall be reviewed prior to solicitation to ensure that they are not unduly restrictive or represent unnecessary duplicative items. Functional or performance specifications are preferred. Overly detailed product specifications shall be avoided whenever possible. Considerations shall be given to consolidating or breaking out procurements to obtain a more economical purchase (but see VIII below). For equipment purchases, a comparative analysis of a lease versus purchase analysis may be performed, whenever feasible, to determine the most economical form of procurement.

### **B. LIMITATIONS**

The following specification limitations shall be avoided: Whenever possible geographic restrictions will not be mandated or encouraged (in accordance to applicable Federal law) (except for architect/engineer/consultant contracts, which may include geographic locations as a selection factor if adequate competition is available); unnecessary bonding or experience requirements; brand name specifications, to the extent practical, (unless a written determination is made that only the identified item will satisfy the Town of Babylon's needs); brand name or equal specifications (unless they list the minimum essential characteristics and standards to which the item must conform to satisfy its intended use or the brand name is being utilized to set a standard, but not overly restrict the competitive bidding process). Nothing in this procurement policy shall preempt any State licensing laws. Specifications shall be scrutinized to ensure that organizational conflicts of interest do not occur (for example, having a consultant perform a study of the Town of Babylon's computer needs and then allowing that consultant to compete for the subsequent contract for the computers).

## **VII. PROCUREMENT WHERE CDBG/HOME FUNDS ARE USED**

### **A. REQUESTS FOR PROPOSALS (RFP)**

1. 24 CFR 85.36(d) (3) - Procurement by competitive proposals, provides that the technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.
  - a. The competitive proposals method is the preferred method to use when procuring consulting services.
2. If this method is used the following requirements apply:
  - a. RFP will be publicized and identify all evaluation factors and their relative importance. Any response to publicized RFP shall be honored to the maximum extent practical;
  - b. Proposals will be solicited from an adequate number of qualified sources;
  - c. Grantees and sub-grantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;
  - d. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
3. **RFP Implementation Process**
  - a. A RFP is prepared containing a statement of work that details the procurement requirements needed by the recipient/sub-recipient.
  - b. The RFP must clearly state selection criteria against which all responding proposals will be evaluated.
  - c. If an adequate number of professional service providers respond to the RFP, a qualified panel will review the proposals against factors for award identified in the RFP.
  - d. If discussions are held (by the panel), "best and final offers" are requested and re-scored with the best of the best selected as the winner of the competition, subject to negotiation of a fair and reasonable price.
  - e. After proposals are reviewed by the panel against the evaluation criteria (combination of price and cost factors) in the RFP, written results of the reviews must be maintained as part of the documentation of the procurement process.
  - f. If requested, the recipient/sub-recipient should debrief or notify unsuccessful offeror not the winner and the conclusion of the procurement process.

### **B. SMALL PURCHASES**

1. 24 CFR 85.36(d)(1)- "Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies or other property that do not cost more than \$100,000 in the aggregate. If small purchase procurements are used, price or rate quotations will be obtained from an adequate number of qualified sources."
2. **Small Purchase Implementation Process**
  - a. It is necessary to obtain price or rate quotations from an adequate number (3-5) of qualified sources.
  - b. To obtain rate and price quotations vendors can be phoned and their names, addresses and price or rate quotations should be recorded.
  - c. The vendors whose solicited information is the most responsive to the item being procured should be issued a purchase order.

### **C. SEALED BIDS**

1. 24 CFR 85.36(d)(2)- "Procurement by sealed bids (formal advertising) are publicly solicited and a firm-fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price."
  - a. The sealed bid method is the preferred method for procuring construction services.
2. **Sealed Bid Implementation Process**
  - a. This method of procurement must involve use of a public solicitation (issuance of an invitation for bid ("IFB")) with specifications to be responded to that are not overly restrictive.
  - b. Award is to be made to the most responsive and responsible bidder whose bid conforms in all the material terms and conditions to the IFB and is the lowest in price.
  - c. Selection of a consultant can be principally made on the basis of a firm, fixed price (lump sum or unit price).

### **D. USE OF NON-COMPETITIVE PROCEDURES**

1. 24 CFR 85.36(d) (4) - "Procurement by noncompetitive proposals is procurement through solicitation of proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate."
  - a. Procurement by noncompetitive proposals may only be used when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:
    - i. The item is available only from a single source;
    - ii. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

- iii. The awarding agency authorizes noncompetitive proposals; or
  - iv. After solicitation of a number of sources, competition is determined inadequate.
2. Non-Competitive Implementation Process:
- a. Examples of Non-Competitive procedures include when a contract runs out that does not contain a provision calling for work for more than one year, and the contract is renewed to the same contractor without competition on the belief that the renewal is justified because of the experience accumulated by the contractor in the subject area of work (or because of the perception that a new procurement initiative would be no more than an exercise with the current contractor being selected anyway).
  - b. If there is no provision for extending the contract, a provision that would have been made known to all parties in the solicitation document, the preponderance of odds seemingly favoring one contractor is not an adequate basis on which to justify the exclusion of potential providers of consulting service from the right to compete.

#### **E. ARCHITECTURAL & ENGINEERING SERVICES**

1. 24 CFR 85.36(d)(3)(v)- "...grantees and sub grantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation..."
  - a. This method, where price is not used as a selection factor can only be used in procurement of architectural and engineering professional services.
2. Under qualifications-based procurement of architectural/engineering services, four points are remembered:
  - a. Qualifications-based procurement may be used in procuring architectural/engineering professional services;
  - b. Price is not an initial selection factor;
  - c. Geographic preference may be used as a selection factor if adequate competition (2 or more responsive and responsible offerors) exists within an area; and
  - d. State laws governing the procurement of architectural and engineering services may vary, so recipients should be careful to understand the laws in their respective state.

### **VIII. APPEALS AND REMEDIES**

#### **A. GENERAL**

It is the Town of Babylon's policy to attempt to resolve, to the extent possible, all contractual issues informally at the departmental level, without litigation. Disputes involving federally funded projects shall not be referred to HUD until all administrative remedies have been exhausted at the Town of Babylon level. When appropriate, the Town of Babylon may consider the use of informal discussions between the parties by individuals who did not participate substantially in the matter in dispute, to help resolve the differences. HUD will only review protests in cases of violations of Federal law or regulations and failure of the Town of Babylon to review a complaint or protest.

#### **B. BID PROTESTS**

Any actual or prospective contractor/vendor may protest the solicitation or award of a contract for serious violations of the principles of this Statement. Any protest against solicitation must be received before the due date for receipt of bids or proposals, and any protest against the award of a contract must be received within ten calendar days after contract award, or the protest will not be considered. All bid protests shall be in writing, submitted to the Commissioner/Director of Purchasing or designee, who shall issue a written decision on the matter. The Commissioner/Director of Purchasing may, at his or her discretion, suspend the procurement pending resolution of the protest, if warranted by the facts presented. The Commissioner/Director of Purchasing may elect to hold a hearing to investigate and gather facts regarding the bid protests. The Commissioner/Director of Purchasing will issue an evaluation of the bid protests and document in writing.

#### **C. CONTRACT CLAIMS**

All claims by a contractor/vendor relating to performance of a contract shall be submitted within fifteen (15) days of when the claim arose in writing to the Commissioner/Director of Purchasing or designee for a written decision. The contractor may request a conference on the claim.

### **IX. ASSISTANCE TO SMALL AND OTHER BUSINESSES**

#### **A. REQUIRED EFFORTS**

1. Consistent with Presidential Executive Orders 11625, 12138, and 12432, and Section 3 of the HUD Act of 1968, the Town of Babylon shall make efforts to ensure that small and minority-owned businesses, women's business enterprises, and individuals or firms located in or owned in substantial part by persons residing in the area of a Town of Babylon project are used when possible and not in violation of State law or in conflict with any other section of this policy. Such efforts shall include, but shall not be limited to:
  - a. Including such firms, when qualified, on solicitation mailing lists;
  - b. Encouraging their participation through direct solicitation of bids or proposals whenever they are potential sources;
  - c. Dividing total requirements, when economically feasible, to extent practical, and not in violation of State law, into smaller tasks or quantities to permit maximum participation by such firms;
  - d. Establishing delivery schedules, where the requirement permits, which encourage participation by such firms;
  - e. Using the services and assistance of the Small Business Administration, the Minority Business Development Agency of the Department of Commerce, and the New York State Department of Economic Development;
  - f. Including in contracts a clause recommending that contractors, to the greatest extent feasible, to provide opportunities for training and employment for lower income residents of the project area and to award sub-contracts for work in connection with the project to business concerns which are located in, or owned in substantial part by persons residing in the area of the project, as described in 24 CFR 135;
  - g. Recommending prime contractors, when sub-contracting is anticipated, to take the positive steps listed in (A)(1)(a) through (A)(1)(f) above.
2. Goals may be established by the Town of Babylon periodically for participation by small businesses, minority-owned businesses, women's business enterprises, labor surplus area businesses, and business concerns which are located in, or owned in substantial part by persons residing in the area of the project, in the Town of Babylon's prime contracts

and sub-contracting opportunities. All of the above must be in full compliance with New York State General Municipal Law.

**B. DEFINITIONS**

1. A small business is defined as a business which is: independently owned; not dominant in its field of operation; and not an affiliate or subsidiary of a business dominant in its field of operation. The size standards in 13 CFR 121 shall be used, unless the Town of Babylon determines that their use is inappropriate.
2. A minority-owned business is defined as a business which is at least 51% owned by one or more minority group members; or, in the case of a publicly-owned business, one in which at least 51% of its voting stock is owned by one or more minority group members, and whose management and daily business operations are controlled by one or more such individuals. Minority group members include, but are not limited to Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans and Asian Indian Americans, and Hasidic Jewish Americans.
3. A women’s business enterprise is defined as a business that is at least 51% owned by a woman or women who are U.S. citizens and who also control or operate the business.
4. A labor surplus area business is defined as a business which, together with its immediate subcontractors, will incur more than 50% of the cost of performing the contract in an area of concentrated unemployment or underemployment, as defined by the U.S. Department of Labor in 20 CFR 654, Subpart A, and in lists of labor surplus areas published by the Employment and Training Administration.
5. A business concern located in the area of the project, is defined as an individual or firm located within the relevant Section 3 covered project area, as determined pursuant to 24 CFR 135.15, listed on HUD’s registry of eligible business concerns, and meeting the definition of small business above. A business concern owned in substantial part by persons residing in the area of the project is defined as a business concern which is 51% or more owned by persons residing within the Section 3 covered project, owned by persons considered by the U.S. Small Business Administration to be socially or economically disadvantaged, listed on HUD’s registry of eligible business concerns, and meeting the definition of small business above.
6. The Town of Babylon will utilize the New York State certification process for minority owned businesses and women owned businesses as provided by State of New York. The Town will utilize listings of minority owned businesses and women owned business as published by the State of New York to enhance its current bidder’s lists.

**X. ETHICS IN PUBLIC CONTRACTING**

**A. GENERAL**

The Town of Babylon shall adhere to the following code of conduct, consistent with applicable State or local law.

**B. CONFLICT OF INTEREST**

No employee, officer or agent of this Town of Babylon shall participate directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:

1. An employee, officer or agent involved in making the award;
2. His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister);
3. His/her partner; or,
4. An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

The Code of Ethics as specified by the Town of Babylon will be adhered to by all employees.

All offerors and bidders shall submit a statement acknowledging that there are no employees, officers or agents of the Town of Babylon participating directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved.

**C. GRATUITIES, KICKBACKS AND USE OF CONFIDENTIAL INFORMATION**

Town of Babylon officers, employees or agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-contractors in violation of the Town Code of Ethics, and shall not knowingly use confidential information for actual or anticipated personal gain.

**D. PROHIBITION AGAINST CONTINGENT FEES**

Contractors shall not retain a person to solicit or secure a Town of Babylon contract for a commission, percentage, brokerage, or contingent fee, except for bona fide employees or bona fide established commercial selling agencies.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.



**RESOLUTION NO. 33 JANUARY 2, 2018**  
**ADOPTING THE TOWN OF BABYLON INVESTMENT POLICY**

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

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



**Town of Babylon Investment Policy**

**I. INTRODUCTION**

Pursuant to Section 39 of the General Municipal Law, each local government, including counties, cities, towns, villages, school district, boards of cooperative education services, district corporations as defined by Section 36 of the General Construction law, and any other governmental subdivisions, are required to adopt by resolution a comprehensive investment policy detailing the local government's operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the local government.

The purpose of this legislation is to formalize policies and procedures and enable local Governments to:

- Establish a prudent set of basic procedures to meet individual investment objectives,
- Assure that investment assets are adequately safeguarded or collateralized,
- Establish and maintain a system of internal controls including adequate accounts and records which accurately reflect in reasonable detail, all investment transactions, and
- Provide accurate reporting and evaluation of investment results in conformance with GAAP (generally accepted accounting principles).

The legislation requires that the adopted policy address the following areas:

- A list of authorized investments,
- Procedures to ensure the local government's financial interest in investments,
- Standards for written agreements consistent with Legal requirements,
- Procedures for monitoring, control, deposit and retention of investments and collateral,
- Standards for collateral agreements, and
- Standards for qualification of investment agents which transact business with local governments.

**II. SCOPE**

This investment policy applies to all moneys and other financial resources available to the Town of Babylon for deposit and/or investment on its own behalf or on behalf of any other entity or individual.

**III. OBJECTIVES**

The primary objectives of the investment activities of the Town of Babylon, in the county of Suffolk, state of New York (the "Town"), are in priority order,

1. To conform with all applicable federal, state and other legal requirements;
2. To adequately safeguard principal;
3. To provide sufficient liquidity to meet all operating requirements; and
4. To obtain a reasonable rate of return.

**IV. DELEGATION OF AUTHORITY**

The responsibility of the Town Board for administration of the investment program is delegated to the Town Comptroller and/or the Deputy Comptroller and Town Attorney who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure adequate to provide a satisfactory level of accountability, maintaining records incorporating descriptions and amounts of investments, transaction dates and other relevant information and to supervise and regulate the activities of subordinate employees.

**V. PRUDENCE**

All participants in the cash management and investment process shall act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

**VI. DIVERSIFICATION**

It is the policy of the Town to diversify its deposits and investments by financial institution, by investment instruments and by maturing scheduling.

**VII. INTERNAL CONTROLS**

It is the policy of the Town for all money collected by any officer or employee of the Town to transfer those funds to the Town Comptroller as soon as is practicable, or within the time period specified by law.

The Town Comptroller and/or Deputy Comptroller are responsible for establishing and maintaining internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and that deposits and investments are managed prudently and in compliance with applicable laws and regulations.

**VIII. DESIGNATION OF DEPOSITORIES**

The banks and trust companies authorized for deposit of money are as follows:

JP Morgan Chase  
Bank of America  
Capital One Bank  
Citibank  
Valley National Bank  
TD Bank  
Wachovia  
M&T Bank  
HSBC

Wells Fargo  
The Bank of New York Mellon  
US Bank  
First National Bank of Long Island  
Bridgehampton National Bank  
Flushing Bank  
Suffolk County National Bank  
New York Community Bancorp

The Town shall review and approve and/or change this list at least annually via Town Board Resolution.

**IX. SECURING DEPOSITS AND INVESTMENTS**

In accordance with the provisions of Section 10 of the General Municipal Law, all deposits of the Town, including all demand deposits, certificates of deposits and special time deposits, in excess of amount insured under the provisions of the Federal Deposit Insurance Act, including pursuant to a Deposit Placement Program in accordance with law, shall be secured by one or more of the following methods:

1. By a pledge of eligible securities or a pro rata portion of eligible securities having in the aggregate a market value at least equal to the aggregate amount of public deposits within the state at such bank or trust company together with a security agreement from the bank or trust company.
2. By an irrevocable letter of credit issued in favor of the Town by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, accept such letter of credit payable to the Town as security for the payment of 11% of the aggregate amount of public deposits from such officers and the agreed upon interest, if any. Such irrevocable letter of credit to be issued for a term not to exceed 90 days.
3. By an eligible surety bond payable to the Town for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims – paying ability is rated the highest rating category by at least two nationally recognized statistical rating organizations.

**X. SAFEKEEPING AND COLLATERALIZATION**

Eligible securities used for collateralizing deposits shall be held by the depository and/or third party bank or trust company subject to security and custodial agreements and as directed by the Town Comptroller and/or Deputy Comptroller and Town Attorney.

The security agreement and custodial agreement referred to below may be the same agreement when the bank or trust company holding the bank deposits holds the collateral for the Town.

The security agreement shall provide that such eligible securities or pro rata portion of a pool of eligible securities are being pledged by the bank or trust company as security for the deposits, together with agreed upon interest, if any, any costs or expenses arising out of the collection of such deposit upon a default. It shall also provide for the conditions under which the securities or pro rata portion of a pool of eligible securities held may be sold, presented for payment, substituted or released and the events of default will enable the Town to exercise its rights against the pledged securities. Such agreement shall include all provisions deemed necessary and sufficient to secure in a satisfactory matter the Town's interest in collateral.

The custodial agreement shall provide that the pledged securities or pro rata portion of a pool of eligible securities will be held by the custodial bank or trust company as agent of, and custodian for, the Town, and will be kept separate and apart from the general assets of the custodian bank or trust company and shall also provide for the manner in which the custodial bank or trust company shall confirm the receipt, substitution or release of the collateral. Such agreement shall provide for the frequency of reevaluation of collateral by the custodial bank or trust company and the substitution of collateral when a change in the rating of a security causes ineligibility pursuant to the eligible securities in Appendix A. The agreement shall provide that the custodian will exercise the Town's rights to the security or as instructed by the Town. Such agreement shall include all provisions necessary to provide the Town with a perfected interest in the securities.

**XI. PERMITTED INVESTMENTS**

As authorized by General Municipal Law, Section 11, the Town authorizes the Comptroller and/or Deputy Comptroller or other officer having custody of the moneys may temporarily invest moneys not required for immediate expenditure, except moneys the investment of which is otherwise provided for by law, for terms not to exceed its projected cash flow needs in the following types of investments:

- Special Time Deposits;
- Certificates of deposit issued by a bank or trust company located and authorized to do business in the State of New York;
- Through a Deposit Placement Program in one or more banking institutions, as defined in Banking Law Section 9-r;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payments of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to Sections 24.00 or 25.00 of the Local Finance Law with approval of the State Comptroller by any municipality, school district or district corporation other than the Town;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- Certificates of Participation (COPs) issued pursuant to Section 109-b of the General Municipal Law to the extent that the enabling authority is in effect; and
- Obligations of this Town, but only with any moneys in a reserve fund established pursuant to Sections 6-c, 6-d, 6-e, 6-f, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m or 6-n of the General Municipal Law.

Such Obligations shall be payable or redeemable at the option of the Town within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased

with the proceeds of bonds or notes, shall be payable or redeemable in any event, at the option of the Town, within two (2) years of the date of purchase.

XII. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Town shall maintain a list of financial institutions and dealers approved for investment purposes. All financial institutions with which the Town conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers with the New York Federal Reserve Bank, as primary dealers. The Town Comptroller and/or Deputy Comptroller or other officer having custody of money are responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians with the Town Comptroller having the supervisory responsibility. Such listing shall be evaluated at least annually.

XIII. PURCHASE OF INVESTMENTS

The Town Comptroller and/or Deputy Comptroller, or other officers so designated, having custody of money authorized by the Town Board, is authorized to contract for the purchase of investments:

1. By Participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the Town Board.
2. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the Town Board.

All purchased obligations, unless registered or inscribed in the name of the Town, shall be purchased through, delivered to and held in custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the Town Comptroller and/or Deputy Comptroller or other officers so designated, who are authorized to make the investment. All such transactions shall be confirmed in writing to the Town to the attention of the Town Comptroller and/or Deputy Comptroller by the bank or trust company. Any obligation held in custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in Section 10 of the General Municipal Law and shall be subject to the provisions of paragraph IX of this policy.

The custodial agreement shall provide that the pledged securities or pro rata portion of a pool of eligible securities will be held by the custodial bank or trust company, as agent of, and custodian for, the Town, and will be kept separate and apart from the general assets of the custodial bank or trust company and it shall also provide for the manner in which the custodial bank or trust company shall confirm receipt, substitution or release of the collateral. Such agreement shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and the substitution of collateral when a change in the rating of a security causes ineligibility pursuant to eligible securities described in Appendix A. Such agreement shall include all provisions deemed necessary and sufficient in a satisfactory manner the Town's interest in the collateral. Such agreement may also contain such other provisions as the Town Board may deem necessary.

**APPENDIX A**  
**Schedule of Eligible Securities**

The following list is subject to the securities being "eligible securities" as defined by Section 10 of the General Municipal Law for the collateralization of deposits referenced in Section IX (1).

"Eligible Securities" shall mean any of the following:

- Obligations issued by the United States of America, an agency thereof or a United States government sponsored corporation or obligations fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
- Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
- Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.
- Obligations issued or fully insured or guaranteed by this state, obligations issued by a municipal corporation, school district or district corporation of this state or obligations of any public benefit corporation which under specific state statute may be accepted as security for deposit of public monies.
- Obligations issued by states (other than this state) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.
- Commercial paper and bankers' acceptances issued by a bank (other than the bank with which the money is being deposited or invested) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than sixty days from the date they are pledged.
- Zero-coupon obligations of the United States government marketed as "Treasury STRIPS".

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 34 JANUARY 2, 2018**  
**SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 165, ARTICLE III,**  
**OF THE CODE OF THE TOWN OF BABYLON (PUBLIC NUISANCES)**

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

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 31<sup>st</sup> day of January, 2018, 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.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**EXHIBIT "A"**  
**Chapter 165: Peace and Good Order**  
**Article III: Public Nuisances**

Amend 165-6C:

C. Any intentional conduct or occurrence that is in violation of Sections 65, 65-a, 65-b, 82, 123 and 126 of the New York Alcoholic Beverage Control Law and Section 260.20 of the New York Penal Law, Prohibited Sales, Prohibited Participant, Unlawful Purchase, Sale or Consumption of Wine, Liquor or Beer, and any violation of Sections 792-3 and 792-9 of the Suffolk County Code relating to sale restrictions of Tobacco products and E Cigarettes.

**RESOLUTION NO. 35 JANUARY 2, 2018**  
**AUTHORIZING THE SUPERVISOR TO ACCEPT THE EXTENSION AND RENEWAL OF THE AMENDED**  
**COOPERATION AGREEMENTS WITH THE VILLAGES OF AMITYVILLE, BABYLON, AND LINDENHURST FOR**  
**THE PURPOSE OF UNDERTAKING A COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE HOUSING**  
**AND COMMUNITY DEVELOPMENT ACT OF 1974**

The following resolution was offered by Councilman Manetta  
and seconded by Councilwoman Gordon

WHEREAS, the Secretary of Housing and Urban Development of the United States is authorized under Title I of the Housing and Community Development Act of 1974 as amended, to make grants to states and other units of general local government to help finance Community Development Programs; and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power either individually or jointly with one or more municipal corporations, to apply for, accept and expend funds made available by the Federal Government, either directly or through the State pursuant to the provisions of any Federal Law which is not inconsistent with the Statutes or Constitution of this State in order to administer, conduct or participate with the Federal Government in programs relating to the general welfare of the inhabitants of such municipal corporation; and

WHEREAS, the Housing and Community Development Act of 1974, as amended and any "Eligible Activities" thereunder are not inconsistent with the Statutes or Constitution of the State of New York; and

WHEREAS, participation by the Town of Babylon as a "Metro City" in the Community Development Program requires that the Villages of Amityville, Babylon and Lindenhurst and the Town cooperate in undertaking or assisting in undertaking essential community development and housing activities, specifically urban renewal and publicly assisted housing in conformance with the Housing and Community Development Act of 1974, as amended; and

WHEREAS, this Board deems it to be in the public interest for the Town to apply for a Community Development Grant as a "Metro City", and to enter into three (3) year Cooperation Agreements with the Villages of Amityville, Babylon and Lindenhurst for the aforesaid purposes; and

WHEREAS, the agreements shall automatically renew for an additional three (3) year period with amendments as required by HUD, unless a Village, upon written notification to the Town, withdraws from said agreement,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be and hereby is authorized to accept the Cooperation Agreements., as amended, between the Town of Babylon and the Villages of Amityville, Babylon and Lindenhurst for the purpose of undertaking a Community Development Program pursuant to the Housing and Community Development Act of 1974, as amended, and be it further

RESOLVED, that these Cooperation Agreements, as amended, for the Community Development Block Grant Program will be in effect for Federal Fiscal Years 2018, 2019, and 2020.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 36 JANUARY 2, 2018**  
**AUTHORIZING THE EXECUTION OF A LEASE RENEWAL AGREEMENT**  
**BETWEEN THE TOWN OF BABYLON AND THE COUNTY OF SUFFOLK,**  
**OFFICE FOR THE AGING FOR SENIOR CITIZENS TRANSPORTATION**

The following resolution was offered by Councilwoman Gordon  
and seconded by Councilman McSweeney

WHEREAS, the Town wishes to enter into a lease agreement with the County of Suffolk, Office for the Aging for a vehicle to be used to transport elderly residents of Suffolk County to enable them to participate in County, State and/or Federal programs for the elderly; and

WHEREAS, the agreement will be effective from January 1, 2018 through December 31, 2022, unless terminated,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon hereby authorizes the Supervisor to execute an agreement between the County of Suffolk, Office for the Aging and the Town of Babylon for a vehicle to be used to transport elderly residents of Suffolk County to enable them to participate in County, State and/or Federal programs for the elderly; and be it further

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

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 37 JANUARY 2, 2018  
AMENDING PARKS & RECREATION FEES**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Commissioner of the Department of Parks, Recreation and Cultural Affairs, that the 2018 Parks & Recreation fees are hereby amended as set forth in the annexed Schedule "A".

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**2018 Recreation Fees:**

<b>Programs</b>	<b>Fee</b>
Day Camp	85 - 150
Day Camp (full day)	325
Swimming Lessons	60
Swim Team	75
Swim Programs	30 - 400
Diving Lessons	60 - 70
Parent & Tot	75 - 90
Parent & Tot (non- resident fee)	85 - 100
Summer- Parent & Tot	40 - 50
Summer - Parent & Tot (non-resident)	50 - 60
Music Lessons	60
Guitar Camp	90
Dance Lessons	50
Dance Camp	95 - 217
Golf Lessons	75 - 120
Golf Course Fees	5 - 8
Disk Golf Fees	5 - 8
Aquacize	70
Tennis Lessons	75 - 90
Beach Parking Permits	20 - 45
Cedar weekdays/weekends	20 - 40
Gilgo weekday/weekends	30 - 50
Cedar Marina weekday/weekends	20 - 40
Camping /Boating Permits Residents	50
Camping /Boating Permits Seniors	25
Cedar Dock 14' & Up	33
Cedar Main Dock Under 14'	30
Special Dock Permit	75
Cedar Floating Dock Twilight	5
Cedar Floating Dock weekdays	12
Cedar Floating Dock weekends	18
Cedar Floating Dock weekdays senior	7
Cedar Floating Dock weekends senior	10
Cedar Marina Camping	30
Gilgo Marina Dock weekdays	15
Gilgo Marina Dock weekends	20
Gilgo Floating Dock weekdays 17' & Up	12
Gilgo Floating Dock weekdays under 17'	5
Gilgo Floating Dock weekends over 17'	15
Gilgo Floating Dock weekends under 17'	10
Gilgo Floating Dock weekdays Senior	7
Gilgo Floating Dock weekends Senior	10
Commercial Boat Launch Permit	250
Boat Launch Permit	50
Boat Launch Permit Senior	25
Boat Launch Permit Tanner weekday/weekends	15 - 30
Boat Launch Permit Venetian weekday/weekends	15 - 30
Jet Ski Permit	50 -25
Family Pool Plan	95 - 160
Individual Plan	60
Senior Individual Plan	25
Senior Family Plan	40
Geiger Spray Park Family Plan	70
Geiger Daily Fee	5
Geiger Daily Fee (non-resident)	10
Phelps Lane Daily Fee	7
Daily Fee Pools N. Amityville, N. Lindenhurst	5
Daily Fee Sanchez & Buttitta	5
Showmobile	175
Park Permit	50
Paddle Boarding	150 - 165
Sailing	60 - 80
Yoga	72 - 120
Yoga (non-resident)	84 - 144
Painting	25
Film Making (resident)	100
Film Making (non-resident)	115
<b>Athletic Fields (single use)</b>	
Field Fee	60 - 75
Field Fee - Light Fee	180 - 200
Athletic Fields (weeks)	300 - 2,370
Field with Lights (weeks)	425 - 1,395
Tanner Floating Slips	40 per foot
Tanner Wall Slips	50 per foot
South Great Neck Slips	40 per foot
Film Permit (per day)	500 - 2000

**RESOLUTION NO. 38 JANUARY 2, 2018**  
**AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT**  
**BETWEEN THE TOWN OF BABYLON AND NEW YORK STATE URBAN DEVELOPMENT CORPORATION D/B/A**  
**EMPIRE STATE DEVELOPMENT**

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

WHEREAS, the Town submitted an application for funding for Empire State Development Grant Funds; and

WHEREAS, the Town of Babylon was awarded two grants of up to FOUR MILLION EIGHT HUNDRED THOUSAND (\$4,800,000) DOLLARS from Empire State Development to assist with construction of two new roadways, construction on the Plaza and construction and installation of ice rink within the Wyandanch Rising project, and

NOW THEREFORE be it RESOLVED, by the Town Board of the Town of Babylon, that the Supervisor is hereby authorized to execute the Capital Grant Agreement with New York State Urban Development Corporation d/b/a Empire State Development for grant funds in the amount of FOUR MILLION EIGHT HUNDRED THOUSAND (\$4,800,000) DOLLARS, Project Numbers X796 and Y943; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 39 JANUARY 2, 2018**  
**AUTHORIZING THE EMERGENCY CLEAN UP OF DEBRIS AND MATERIALS AT THE PREMISES LOCATED AT**  
**45 DAHLIA LANE, DEER PARK, NY SCTM NO. 0100-066.00-01.00-045.000**

The following resolution was offered by Councilman Manetta and seconded by Councilwoman Gordon

WHEREAS, a certain structure(s) located at 45 DAHLIA LANE, DEER PARK, NY, SCTM NO. 0100-066.00-01.00-045.000, the Premises, has an accumulation of debris and materials including vegetation overgrowth on the Premises and at the front property line spilling into the street thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

WHEREAS, notice of the above stated conditions was previously posted at the Premises; and

WHEREAS, the conditions noted above cause a danger to the health, safety and welfare of the surrounding community.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order cleanup of the Premises located 45 DAHLIA LANE, DEER PARK, NY, SCTM NO. 0100-066.00-01.00-045.000 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 of December 8, 2017 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 and §133-28.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 40 JANUARY 2, 2018**  
**DECLARING EQUIPMENT SURPLUS**

The following resolution was offered by Councilwoman Gordon and seconded by Councilman McSweeney

BE IT RESOLVED, by the Town Board of the Town of Babylon, on the recommendation of the Commissioner of the Department of Public Works that the following equipment is deemed surplus and is given to the Village of Babylon for use in snow clearing and plowing:

American Snow Plow, model R3911TEP, serial numbers JFOO8 and JF0009

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

Open portion:

**Margie Bloome**  
11 Bedford Street  
Copiague, NY 11726  
[margiebloome@yahoo.com](mailto:margiebloome@yahoo.com)

Congrats the new board. Complaint about Amendola fence company purchasing a residential property to use for the business material storage. The community has been fighting this since 2001 and they continuously make complaints. Newspaper article from 12/19/2017 states that an application has been submitted for a rezone. The neighborhood won't allow the rezoning as they stopped it in 2001. She wants the town to pursue going against the rezone, the owner has had fines, which is not enough.

**Supervisor Schaffer:** Before we adjourn, I just want to ask if each of the council people would like to say a few words.

**Councilman Manetta:** Thanks everyone for coming tonight. Pastor Hayward, thank you for your words of encouragement and wisdom throughout the campaign. Thank you to the village of Lindenhurst and all the others officials that are here.

**Councilman Martinez:** He is excited to serve another 4 years to the Town of Babylon, especially under the leadership of Supervisor Rich Schaffer. He is a guy that really cares. He is truly committed. Thank you to all of you for being here and supporting us.

**Councilman McSweeney:** Thanks Rich and Tony for believing in him and coming to him with this opportunity. Thanks Jackie and outgoing Councilman Tom Donnelly. DPW, Tom Stay. I started as a civic leader addressing problems which is not easy, but it's about getting the job done and that's what my plan is here for the Town of Babylon. Thank you everybody.

**Town Clerk, Geraldine Compitello:** Seeing all 3 villages here tonight is actually quite overwhelming, such a united town we have to thank the Supervisor for that (applause from the audience). The most important thing is that we all work together. Thanks her family for being here. The biggest honor is to follow in the footsteps of the former Town Clerks. Thank you for this opportunity.

**Councilwoman Gordon:** *On the Council Board level welcomes all of the new board members and looks forward to working with everyone. We are going to continue to move forward better with new ideas and vision. Thanks to Rich for his vision, she is excited for a new year, brand new board and it's awesome. It's going to be a wonderful year.*

**Supervisor Schaffer:** *Let me just wrap it up, when I came on the board back in 1992 as the Town Supervisor as the youngest person, now I find myself being the oldest on the board, I'm grateful to the voters of the town of giving me the honor to serve them. This is the most honorable position one can take, I've have always this in life as I've gone through, that everybody should have to run for office or serve in office at least one year of their life to see the time commitment and all that you give of yourself to do that, and I've looked forward to doing that each and every year, I wouldn't trade this experience for the world, I am grateful to have the opportunity to come back and serve once again, and to serve with people who I have watched grow up in the town and be an important part of the town and I wouldn't have had that opportunity if it weren't for my Aunt and Uncle, my cousin Vicky Russell, they took me in on a house in North Babylon on Marcy Street, and that gave me the opportunity to become a full pledge resident of the Town of Babylon, and I am grateful for that, because they set me on the trajectory of being able to serve my community. I couldn't think of a better way to give back then to serve the community in the role that I have been honored to have been given. And as Gerry said working with the 3 village mayors and their trustees of their boards getting us through Sandy and some very traumatic times and that's what I know will get us through whatever we are facing as we moved into the future. The County partners, State partners, Federal partners are all excited to work with our new board. I also am excited in having the change and the new thoughts and comments and creativity that you will see out of this board, on behalf of all of you, in "partnership" with all of you, because we are at the end of the day one big family, the Town of Babylon. Thank you very much for coming out tonight, and Happy New Year to everyone.*

*Applause from the audience.*

Being no further business before the Board, the meeting adjourned at 5:53 pm on the motion of Councilman McSweeney, seconded by Councilman Manetta.

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Geraldine Compitello, Town Clerk

/jt