A Regular Meeting of the Town Board, Town of Babylon, was held at the Town House, 200 East Sunrise Highway, Lindenhurst, NY on Wednesday, the 26th day of September, 2018 at 7:00 p.m. prevailing time.

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

Supervisor Schaffer: Please remain standing for a moment of silence and I ask that you keep in your thoughts and prayers the brave service men and women who are serving our Country here and abroad as well as those families still suffering from the aftermath of super storm Sandy.

Thank you, please be seated.

The Town Clerk called the roll:

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

1. A PUBLIC HEARING ON THE APPLICATION OF WAGSTAFF PARTNERS, LTD. FOR THE REZONING OF TWO PARCELS OF LAND AT SCTM NO.: 0100-022-01-066, 067 LOCATED ON THE NORTH EAST CORNER OF OLD COUNTRY RD. & NYS ROUTE 231, DEER PARK

2. A PUBLIC HEARING ON THE APPLICATION OF DEER HILLS SERVICE, LLC FOR THE REZONING OF THE PARCEL OF LAND AT SCTM NO.: 198-021-00-04.00-093.00 LOCATED ON THE NORTH EAST CORNER OF DEER PARK AVENUE AND NICOLLS ROAD IN DEER PARK, NEW YORK.

3. A PUBLIC HEARING IN REFERENCE TO AMENDING THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES BY ADDING CHAPTER 7

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

RESOLUTION NO. 621 SEPTEMBER 26, 2018

GRANTING REZONING APPLICATION OF MITCHELL GIANNINI, FOR THE REZONING OF THE PARCELS OF LAND AT SCTM NO. 0100-201-00-01.00-02.000, 023.000, 024.000, 025.000, AND A PORTION OF 41ST STREET (NOT OPEN) LOCATED ON THE NORTHEAST CORNER OF LIBERTY STREET AND 41ST STREET (NOT OPEN) IN COPIAUGE, NEW YORK.

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

WHEREAS, Mitchell Giannini, (the "Petitioner") has heretofore petitioned this Board for a change of zone of certain property which is located on the n/e/c of Liberty Street and 41st Street in Copiague, comprising of the following SCTM Nos. 0100-201-00-01-00-022.000, 023.000, 024.000, 025.000, and a portion of 41st Street and further described on the annexed Schedule A, from B Residence District to SC Senior Citizens Multiple Residence District; and

WHEREAS, a public hearing was held on said petition on the 29th day of September, 2018; and

WHEREAS, in accordance with Section 617.5(c)(9) State Environmental Quality Review (SEQR), this proposal involves the construction of 38 units and the Board has adopted a Negative Declaration and no further action is required pursuant to SEQR; and

WHEREAS, this proposed change of zone conforms to the Town of Babylon Comprehensive Plan.

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the application of Mitchell Giannini, for a change of zone of certain property which is located on the n/e/c of Liberty Street and 41st Street in Copiague, comprising of the following SCTM Nos. 0100-201-00-01-00-022.000, 023.000, 024.000, 025.000, and a portion of 41st Street and further described on the annexed Schedule A, from B Residence District to SC Senior Citizens Multiple Residence District, be and the same hereby is granted, and further that the Zone Map of the Town of Babylon be and the same hereby shall be amended to reflect the zone change subject to the following conditions:

Conditions:
1. Subject to Village of Lindenhurst conditions and covenants and restrictions.
2. Subject to Zoning Board of Appeals approval for associated variances.
3. Owner/applicant shall comply with the Town of Babylon Stormwater Code (Chapter 189).
4. Mitigation measures required in connection with the site development are as follows:
   a. Fugitive dust generation shall be controlled by appropriate means such as watering.
   b. Erosion control shall be utilized during construction.
   c. A sod road control plan will be implemented prior to construction in order to remove sod populations from the site.
   d. Additionally, the adjacent landowners will be notified prior to the commencement of construction.
   e. Construction will be conducted between the hours of 7am and 9pm on weekdays and between the hours of 9am and 4pm on Saturdays. No exterior construction will be permitted on Sundays, only interior construction. Construction activities on the site shall be in strict conformance with Chapter 156-9D of the Noise Code of the Town of Babylon.
5. Applicant/owner must comply with the NYS Energy Code.
6. Sewer district and water-saving plumbing fixtures must be utilized.
7. Fire and smoke detection system to be installed in accordance with NFPA 72.
8. Address number, building number or approved building identification to be placed in a position visible from the street.
9. Subject to Highway and Engineering requirements.
10. Owner to contribute to the fund for the installation and maintenance of emergency vehicle optical pre-emption equipment on traffic signals in the area. Estimated cost to be $11500.00.
11. All on site signage shall conform to the Manual of Uniform Traffic Control Devices for Highways and Highways (MUTCD) specifications for both highway and on-site traffic controls and must conform to the federal MUTCD and the NYS Supplement to the manual of Uniform Traffic Control Devices. All signs must be fabricated using high intensity retro-reflective sheeting.
12. The location of all HVAC, air handlers' transformers and RPZ/water service devices shall be approved by the Town of Babylon Planning Department prior to installation.
13. Noise reducing construction to reduce noise levels by 25 db should be employed because of the location of the development on NYS Route 27. Noise specifications are to be as per the model building regulations for a minimum sound level reduction of 25db.
14. Subject to the applicant providing proof and ownership for the abandonments of 41st St. & Copiague Rd.
15. Subject to approval of a SWPPP.

RESOLVED, that the aforementioned change of zone shall not be effective until there has been filed with the County Clerk of Suffolk County the following Covenants and Restrictions to run with the land, subject to the approval of the Town Attorney:

Covenants and Restrictions:

1. The development shall comply with all federal, state and local fair housing and ADA requirements.
2. Twenty percent of the units shall be designated as work force/affordable housing. Units to be scattered equally throughout the site. Affordable/workforce units shall be targeted to qualified households making 80% or less than the Suffolk County HUD income limits, which are updated annually.
3. No further development without Planning Board approval.
4. The basements are to be for utilities and storage only, subject to the approval of the Fire Marshal.
5. Storage units are for the use of the tenants only.
6. Owner/applicant shall comply with all NYS regulations for handicapped accessibility including but not limited to handicapped ramps and handicapped parking spaces.

7. The building shall have a fully automatic fire sprinkler system installed pursuant to NFPA 13 and Section 213-235 of the Town Zoning Code.

8. All site lighting to be contained on site must conform to dark-sky lighting regulations.

9. The owner/developer is responsible for maintaining all site development improvements including, but not limited to the following: fire and smoke detection system, automatic fire sprinkler system, building, drainage, curbs, sidewalks, fencing, asphalt, landscaping, etc.

10. All buildings, structures, signs, fences and landscaping shall be maintained in accordance with all applicable codes and ordinances of the Town of Babylon, and violations thereof may be prosecuted and enforced in the same manner as provided therein.

11. All units to have central air conditioning or through the wall air-conditioning units, no window units to be permitted.

12. The use of inorganic fertilizers, pesticides and herbicides shall be minimized as standard operating procedure for the landscape maintenance of the site.

13. SWPPP maintenance access shall be in accordance with Section 189-8 of the Code of the Town of Babylon. The Town of Babylon shall be provided with access to the stormwater infrastructure at reasonable times for periodic inspection by the Town of Babylon and its officers to ensure that the infrastructure is maintained in proper working condition to meet design standards and any other provisions established by Chapter 189. This agreement shall be binding on all subsequent landowners.

14. SWPPP maintenance after construction shall be in accordance with Section 189-8 of the Code of the Town of Babylon. Stormwater management practices installed in accordance with Chapter 189 shall be operated and maintained to ensure that the goals of Chapter 189 are fully achieved. Proper operation and maintenance includes, at minimum, the following:

   a. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of Chapter 189. A written record of stormwater management system maintenance activities shall be established and maintained on site and be available for review by the Town of Babylon upon request.

   b. Written procedures for operation and maintenance and training new maintenance personnel shall be prepared and maintained on site and will be available for review by the Town of Babylon upon request.

   c. Discharges from the SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with § 189-88 of the Code of the Town of Babylon.

15. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator. Routine maintenance of the storm water infrastructure on the site will include the following:

   a. Monitoring of the drainage inlets (catch basins) will be completed routinely, particularly after large storm events and must be kept free from obstruction by leaves trash and other debris.

   b. Drainage grates must be kept free from obstruction by leaves, trash and other debris.

   c. Drainage structures shall be inspected annually to determine if sediment removal is necessary to ensure that the drainage structures are properly functioning and that they permit adequate conveyance throughout the system. If applicable, the manufacturer’s specifications for maintenance procedures and frequency must be strictly followed.

   d. The drainage structures must be routinely monitored for the removal of surface sediment and trash.

   e. Street sweeping of the parking areas shall be conducted at least four times annually to remove sediment that may impact the drainage infrastructure and additionally, as necessary due to storm events.

   f. The grounds and parking area shall be inspected for litter monthly and any litter shall be removed as necessary.

BE IT FURTHER RESOLVED, that in case of any violation or attempted violation of any of the covenants by the owners or their lessees and failure of the owners to remedy any such violation within thirty (30) days after written notice by the Town, the Town shall have the right, on its own motion and after notice, to rescind said change of zone and the subject premises shall revert from SC Senior Citizens Multiple Residence District to B Residence District, and be it further

RESOLVED, that if the owners, or any of them, their lessees, their heirs, successors, or assignees shall violate or attempt to violate any of the covenants or conditions required by the granting of this permit, it shall be lawful for the Town of Babylon to prosecute any proceedings at law or in equity, including but not limited to enforcement by way of injunctive relief; any remedies chosen by the Town Board to enforce any covenant, restriction or condition herein shall be cumulative and at the discretion of the Town Board as to how best to enforce such covenant, restriction or condition; the election of one method of enforcement shall not constitute a bar to electing any other method of enforcement permitted by law; and be it further,

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

The resolution was therefore declared duly TABLED to October 17, 2018 Meeting.

SCHEDULE A

All that a certain plot, piece or parcel of land, situate, lying and being in the Town of Babylon, County of Suffolk and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point being 168.28 Feet Easterly from the corner formed by the intersection of the northly side of 41st Street (not open) and the south easterly end of a line connecting to the easterly side of New Highway; Running thence North 18 Degrees 16 Minutes 55 Seconds East, 100.16 feet to a point; Running thence South 71 Degrees 43 Minutes 05 Seconds East, 140.00 feet to a point; Running thence South 02 Degrees 46 Minutes 05 Seconds East, 134.11 Feet to a point on the centerline of 41st Street (not open); Running thence along the centerline of 41st Street (not open) North 71 Degrees 43 Minutes 05 Seconds West, 157.91 feet to a point; Running thence South 18 Degrees 16 Minutes 55 Seconds West, 250.00 feet to a point; Running thence North 71 Degrees 43 Minutes 05 Seconds West, 30.26 feet to a point; Running thence North 18 Degrees 16 Minutes 55 Seconds East, 50.00 feet to the point or place of BEGINNING

RESOLUTION NO. 669 SEPTEMBER 26, 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:

VOTES: 5  YEAS: 5  NAYS: 0

RESOLUTION NO. 670 SEPTEMBER 26, 2018

SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 6, SECTION 6-5 OF THE CODE OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES

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 a Public Hearing be held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 17th day of October, 2018 at 3:30 P.M., prevailing time, to consider amending Chapter 6, Section 6-5 of the Town of Babylon Uniform Code of Traffic Ordinances as set forth in the annexed Exhibit "A"; and be it further

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

VOTES: 5  YEAS: 5  NAYS: 0

The resolution was therefore declared duly adopted.
§ TC-6-5 Storage and charges.

A.

After removal of any vehicle as provided in this chapter or any other appropriate section of the Code of the Town of Babylon, the Commissioner of the Department of Public Works may store such vehicle in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment to the Parking Violations Bureau of all outstanding fines (by guilty plea or default) which remain unpaid at the time of the impound of the vehicle, as well as payment to the Town Clerk of the amount of all expenses actually and necessarily incurred in effecting such removal, according to the schedule below:

<table>
<thead>
<tr>
<th>Type of Vehicle</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile</td>
<td>$150 plus $75 per day storage; $225 if vehicle is claimed on day of tow</td>
</tr>
<tr>
<td>4- to 6-wheel trucks</td>
<td>$200 plus $100 per day storage; $300 if vehicle is claimed on day of tow</td>
</tr>
<tr>
<td>8-wheel trucks</td>
<td>$300 plus $150 per day storage; $450 if vehicle is claimed on day of tow</td>
</tr>
<tr>
<td>10- to 16-wheel trucks</td>
<td>$400 plus $200 per day storage; $600 if vehicle is claimed on day of tow</td>
</tr>
<tr>
<td>Tractor or trailer (tractor-trailer)</td>
<td>$500 plus $225 per day storage; $725 if vehicle is claimed on day of tow</td>
</tr>
<tr>
<td>16-wheel and above or any trailer-trailer combo</td>
<td>$600 plus $250 per day storage; $850 if vehicle is claimed on day of tow</td>
</tr>
</tbody>
</table>

RESOLUTION NO. 671 SEPTEMBER 26, 2018
ADOPTING AMENDMENT TO CHAPTER 2, ARTICLE IV, SECTION 2-8 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES

The following resolution was offered by Councilman Martinez and seconded by Councilman Manetta
WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 26th day of September, 2018, at 7:00 p.m., prevailing time, upon the question amending Chapter 2, Article IV, Section 2-8 of the Town of Babylon Uniform Code of Traffic Ordinances
NOW, THEREFORE, be it
RESOLVED AND ORDAINED that the amendments to the Uniform Code of Traffic Ordinances, as set forth herein as Exhibit "A", be and the same are hereby adopted effective immediately; and be it further
RESOLVED AND ORDAINED that the Director of Traffic Safety be authorized and directed to install, erect, remove or replace such signs or other traffic safety devices as may be required by these amendments or by the New York State Vehicle and Traffic Law.

VOTES: YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

EXHIBIT "A"
Chapter 2, Article IV, Section 2-8
[Traffic Regulations; Stop and Yield Designated]

ADD to Schedule H:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Hamlet</th>
<th>Sign</th>
<th>Controlling Traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Columbia Street</td>
<td>NB</td>
<td>Stop</td>
<td>East/West</td>
</tr>
<tr>
<td>Governor Avenue</td>
<td></td>
<td></td>
<td>on Columbia Street</td>
</tr>
</tbody>
</table>

RESOLUTION NO. 672 SEPTEMBER 26, 2018
ADOPTING AMENDMENT TO THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES BY ADDING CHAPTER 7

The following resolution was offered by Councilman Manetta and seconded by Councilwoman Gordon
WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 26th day of September, 2018, at 7:00 p.m., prevailing time, upon the question amending Chapter 7 to the Town of Babylon Uniform Code of Traffic Ordinances
NOW, THEREFORE, be it
RESOLVED AND ORDAINED that the amendments to the Uniform Code of Traffic Ordinances, as set forth herein as Exhibit "A", be and the same are hereby adopted effective immediately; and be it further
RESOLVED AND ORDAINED that the Director of Traffic Safety be authorized and directed to install, erect, remove or replace such signs or other traffic safety devices as may be required by these amendments or by the New York State Vehicle and Traffic Law.

VOTES: YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

EXHIBIT "A"
Chapter 7 Counterfeit Beach Pass

ADD:
§ TC-7-1 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

MOTOR VEHICLE
Every vehicle operated or driven upon a public highway by any power other than muscular power. The terms "motor vehicle" shall exclude fire, police and emergency vehicles.

PARKING FIELD
Any part of land designated by the Town to be used by the public for the purpose of parking motor vehicles.

TOWN BEACH PASS
Any daily parking pass or valid seasonal pass or permit for a motor vehicle issued by the Town Commissioner of Parks, Recreation and Cultural Affairs.

TOWN RESIDENT PARKING PERMIT
Any daily parking pass or valid Town of Babylon Resident parking permit for a motor vehicle issued by the Town.

§ TC-7-2 Penalties for counterfeiting a town beach pass or resident parking pass

Any person or entity who shall make, issue, or use any imitation or counterfeit of an official Town of Babylon Beach Pass or Town Resident Parking Permit, or to display or cause or permit to be displayed in a town parking field a fictitious permit or permit issued for another vehicle shall be guilty of an infraction and shall, upon conviction thereof, be subject to a fine of $500.

TC-7-3 Rebuttable Presumption

It shall be presumed that the last registrant of any motor vehicle which displays a counterfeit permit allowed or permitted the display of any counterfeit permit or permit issued for another vehicle parked in a town parking field. This presumption may be rebutted by clear and convincing evidence.
RESOLUTION NO. 673 SEPTEMBER 26, 2018

TOWN BOARD ENVIRONMENTAL DETERMINATION APPLICATION 16-01AE MITCHELL GIANNINI, FOR THE REZONING OF THE PARCEL OF LAND AT SCTM NO. 0160-201.00-01.00-022.000; 0160-201.00-01.00-023.000; 0160-201.00-01.00-025.000; AND A PORTION OF 41ST STREET (NOT OPEN) LOCATED ON THE NORTHEAST CORNER OF LIBERTY STREET AND 41ST STREET (NOT OPEN) IN COPLAUGE, NEW YORK

The following resolution was offered by Councilman Gordon and seconded by Councilman Sweeney:

WHEREAS, Mitchell Giannini, the “Petitioner”) in connection with the application 16-01AE of Mitchell Giannini has heretofore petitioned this Board for a change of zone of certain property which is located on the n/e of Liberty Street and 41st Street in Copiague, comprising of the following SCTM Nos. 0160-201.00-01.00-022.000, 023.000, 024.000, 025.000, and a portion of 41st Street and further described on the annexed Schedule A; from B Residence District to Senior Citizens Multiple Residence District (SCMR); and

WHEREAS, the application 16-01AE of Mitchell Giannini includes development within both the Town of Babylon and Village of Lindenhurst; and

WHEREAS, the proposal includes development of 10 SCM units and associated site improvements on 21,214 square feet of land within the Town of Babylon; and

WHEREAS, a public hearing was held on said petition on the September 5, 2018; and

WHEREAS, the Town Board of the Town of Babylon hereby declares its intent to be the lead agency for the application 16-01AE of Mitchell Giannini, in accordance with the State Environmental Quality Review Act (SEQRRA) and the Town of Babylon Environmental Quality Review Act (TOBEQRA); and

WHEREAS, the Department of Environmental Control is assisting the Town Board of the Town of Babylon in fulfilling its responsibilities under SEQRRA and TOBEQRA; and

WHEREAS, the Town Board of the Town of Babylon hereby classifies the proposal for the application 16-01AE of Mitchell Giannini as an Unlisted Action with an unreviewed resolution having been conducted; and

WHEREAS, in accordance with the requirements of 6NYCRR Sections 617.6 and 617.7, and Sections 114-6 and 114-7 of Chapter 114 of the Code of the Town of Babylon, the Department of Environmental Control has reviewed the Environmental Assessment Form with respect to the submitted site plan and requested change of zone; and

WHEREAS, based upon review of the information submitted and environmental review, the Department of Environmental Control has recommended that a NEGATIVE DECLARATION be adopted pursuant to TOBEQRA and SEQRRA; and

WHEREAS, the Town Board of the Town of Babylon has reviewed the available information and the recommendation of the Department of Environmental Control; and

WHEREAS, that the Town Board of the Town of Babylon hereby independently determines the following:

1. the proposal will not create a significant adverse impact on traffic conditions of the surrounding roadway network.
2. the project site does not contain any sensitive environmental resources or habitat.
3. the project will not adversely impact groundwater resources. The project will connect to the Southwest Sewer District for wastewater disposal.
4. the potential environmental impacts of the entire project, which is located in both the Town of Babylon and Village of Lindenhurst, has been considered for the purpose of this environmental review.
5. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared for this project in accordance with Chapter 189 of the Code of the Town of Babylon; Stormwater Management and Erosion and Sediment Control. Storm water runoff will be contained on site in conformance with Town of Babylon requirements and erosion and sediment control will be employed during construction. Post construction storm water management measures are required for long term management and proper maintenance of the storm water management system.

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Babylon as lead agency, hereby determines that the proposal for application 16-01AE of Mitchell Giannini, will not have a significant adverse impact on the environment.

AND FURTHER BE IT RESOLVED, that based upon the foregoing determination, the Town Board of the Town of Babylon hereby adopts a NEGATIVE DECLARATION, for the proposal for the application 16-01AE of Mitchell Giannini, LLC as required by the SEQRRA AND TOBEQRA.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

SCHEDULE A

All that a certain plot, piece or parcel of land, situate, lying and being in the Town of Babylon, County of Suffolk and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point being 168.28 Feet Easterly from the corner formed by the intersection of the northerly side of 41st Street (not open) and the south easterly end of a line connecting to the easterly side of New Highway;

Running thence North 18 Degrees 16 Minutes 55 Seconds East, 100.16 feet to a point;

Running thence South 71 Degrees 43 Minutes 05 Seconds East, 140.00 feet to a point;

Running thence South 02 Degrees 46 Minutes 05 Seconds East, 134.11 Feet to a point on the centerline of 41st Street (not open);

Running thence along the centerline of 41st Street (not open); North 71 Degrees 43 Minutes 05 Seconds West, 157.91 feet to a point;

Running thence South 18 Degrees 16 Minutes 55 Seconds West, 25.00 feet to a point;

Running thence North 71 Degrees 43 Minutes 05 Seconds West, 30.26 feet to a point;

Running thence North 18 Degrees 16 Minutes 55 Seconds East, 50.00 feet to the point or place of BEGINNING.

RESOLUTION NO. 674 SEPTEMBER 26, 2018

TOWN BOARD ENVIRONMENTAL DETERMINATION ON THE APPLICATION OF DEER HILLS SERVICE, LLC FOR THE REZONING OF A PARCEL OF LAND AT SCTM NO. 0160-0210.00-04.00-093.000 LOCATED ON THE NORTHEAST CORNER OF DEER PARK AVENUE AND NICOLLS ROAD IN DEER PARK, NEW YORK

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

WHEREAS, Deer Hills Service, LLC, (the “Petitioner”) has heretofore petitioned the Town Board of Babylon for a change of zone of certain property which is located on the n/e of Deer Park Avenue and Nicolls Road, Deer Park, New York, SCTM No. 0160-0210.00-04.00-093.000 from B Residence District to E Business District, to construct an auto repair shop and convenience store; and

WHEREAS, the Town Board of the Town of Babylon hereby declares its intent to be the lead agency for the application of Deer Hills Service, LLC, in accordance with the State Environmental Quality Review Act (SEQRRA) and the Town of Babylon Environmental Quality Review Act (TOBEQRA); and

WHEREAS, the Department of Environmental Control is assisting the Town Board of the Town of Babylon in fulfilling its responsibilities under SEQRRA and TOBEQRA; and

WHEREAS, the Town Board of the Town of Babylon classifies the proposal as an Unlisted Action with an unreviewed resolution having been conducted. TM NO. 0160-201.00-01.00-025.000; and

WHEREAS, in accordance with the requirements of 6NYCRR Sections 617.6 and 617.7, and Sections 114-6 and 144-7 of Chapter 114 of the Code of the Town of Babylon, the Department of Environmental Control has reviewed the Environmental Assessment Form with respect to the submitted site plan, and

WHEREAS, based upon the review of the information submitted, the Department of Environmental Control has recommended a NEGATIVE DECLARATION be adopted; and

WHEREAS, the Town Board of the Town of Babylon has reviewed the available information and the recommendation of the Department of Environmental Control; and

WHEREAS, that the Town Board of the Town of Babylon hereby independently determines the following:

1. the project site does not contain any identified sensitive environmental resources.
2. the project will not adversely impact groundwater resources or water supplies.
3. the project will not create a hazard to environmental resources or human health.
4. the project does not conflict with the Town adopted land use plan.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Babylon as lead agency hereby determines that the proposal by Deer Hills Service, LLC will not have a significant adverse impact on the environment.

AND FURTHER BE IT RESOLVED, that based upon the foregoing determination, the Town Board of the Town of Babylon hereby adopts a NEGATIVE DECLARATION as required by the SEQRRA and TOBEQRA.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

9/26/2018 Minutes
RESOLUTION NO. 675 SEPTEMBER 26, 2018

GRANTING REZONING APPLICATION OF DEER HILLS SERVICE, LLC FOR THE REZONING OF TWO PARCELS OF LAND AT SCTM NO. 100-021-04-00-093-000 LOCATED ON THE NORTH EAST CORNER OF DEER PARK AVENUE AND NICOLLS ROAD IN DEER PARK, NEW YORK.

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

WHEREAS, Deer Hills Service, LLC., (the “Petitioner”) has heretofore petitioned this Board for a change of zone of certain properties which are located on the north east corner of Deer Park Avenue and Nicolls Road in Deer Park, Town of Babylon, N.Y., in accordance with Section 156.7 of the Town of Babylon Comprehensive Plan, and further described on the annexed Schedule A, from B Residence District to E-Business District;

WHEREAS, a public hearing was held on said petition on the 26th day of September, 2018; and

WHEREAS, in accordance with Section 156.7(c)(9) of the Suffolk County Comprehensive Plan (SEQR), this proposal involves the construction of an auto repair shop and convenience store. The Board has adopted a Negative Declaration and no further action is required pursuant to SEQR; and

WHEREAS, this proposed change of zone conforms to the Town of Babylon Comprehensive Plan.

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that Job No. 14-40AN of Deer Hills Service, LLC., for a change of zone from B Residence District to E-Business District for the premises described in the attached Schedule A, be and the same hereby is granted, and further that the Zone Map of the Town of Babylon be and the same hereby shall be amended to reflect the zone change subject to the following conditions:

1. Subject to NYSDOT approval and permit for any work performed within the NYS ROW.
2. Subject to ZBA approval.
3. Subject to SCDBS approval.
4. Owner/applicant shall comply with the Town of Babylon Stormwater Code (Chapter 189).
   a. An Industrial Agreement must be signed.
   b. Stormwater application fee must be submitted.
   c. Contain all stormwater runoff on-site to Engineering requirements.
5. Fire and smoke detection systems and carbon monoxide detectors should be installed in accordance with NFPA 72.
6. Address number, building number, or approved building identification to be placed in a position visible from the street.
7. Owner/applicant shall comply with all NYS regulations for handicapped accessibility including but not limited to handicapped ramps and handicapped parking spaces.
8. Water-saving plumbing fixtures must be utilized.
9. Subject to Highway and Engineering Requirements.

10. The developer must comply with the standard offsite requirements imposed by the Highway Division, Department of Public Works.
11. As a minimum measure to reduce noise levels, applicant/owner to install sound insulation panels around all air-conditioning units, chillers and refrigeration units and sound insulation blankets around all air-handling units, if required by the Town.
12. Owner to contribute to the fund for the installation and maintenance of emergency vehicle optical pre-emption equipment on traffic signals in the area. Estimated cost to be $500.00.
13. A manual transfer switch to allow for the connection of an emergency generator shall be installed and maintained.
14. E-85 and any other alternative fuel will only be dispensed in accordance with State and Industry Code and Regulations and only after approval from the Town of Babylon Fire Marshal.
15. All regulatory and warning signs are to adhere to the Manual of Uniform Traffic Control Devices for Streets and Highways specifications. All signs must also be fabricated using high-intensity retro reflective sheeting.
16. Construction will be conducted between the hours of 7am and 8pm on weekdays and between the hours of 9am and 4pm on Saturdays. No exterior construction will be permitted on Sundays, only interior construction. Construction activities on site shall be in strict conformance with Chapter 156-9D of the Noise Code of the Town of Babylon.
17. SCTM #’s 100-021-04-094 #’100-021-04-093 shall be merged.
18. The location of new transformers and water service devices shall be approved by the Town of Babylon Planning Department prior to installation and shall not be located adjacent to any roadways.

RESOLVED, that the aforementioned change of zone shall not be effective until there has been filed with the County Clerk of Suffolk County the following Covenants and Restrictions: to run with the land, subject to the approval of the Town Attorney:

1. No exterior-mounted steel security gates or shutters permitted. Only interior-mounted mesh type security gates permitted.
2. All site lighting to be contained on site and must conform to dark-sky lighting regulations.
3. No exterior paging or public-address equipment beyond the intercom equipment located within each dispenser which allows 2-way communication between the self-service customer and the attendant within the building.
4. The owner/developer is responsible for maintaining all site development improvements including, but not limited to the following: fire and smoke detection system, automatic fire sprinkler system, building, drainage, curbs, sidewalks, fencing, asphalt, landscaping, etc.
5. All noise generating equipment on-site, including but not limited to, heating ventilation and air conditioning (HVAC), chillers, refrigeration units and compressors shall operate in conformance with Chapter 156 Town of Babylon Noise Code. In the event that any such equipment exceeds Chapter 156 standards, immediate steps shall be taken to mitigate those noise levels.
6. Any building, structures, signs, fences, and landscaping shall be maintained in accordance with all applicable codes and ordinances of the Town of Babylon, and violations thereof may be prosecuted and enforced in the same manner as provided therein.
7. No further development of the site without Planning Board approval.
8. There shall be no display or sales of vehicles.
9. There shall be no outdoor storage of unregistered or derelict motor vehicles, vehicle parts, tires, etc.
10. Public restrooms to be provided.
11. All non-contained or “free-blowing” trade waste debris will be removed from the subject property, public properties, and private properties within 200’ of the subject property at 8am and 5pm daily.
12. There shall be no dispensing, storage, or sale of propane at any time.
13. No outdoor displays to be located at the pump-islands or in front of the building.
14. The Planning Board reserves the right to impose restriction on the hours of operation for the gasoline service station and C-store operations, and subject to the applicant filing the requested covenant and restriction.
15. Maintenance access shall be in accordance with Section 189-9 of the Code of the Town of Babylon. The Town of Babylon shall be provided with access to the stormwater infrastructure at reasonable times for periodic inspection by the Town of Babylon and its officers to ensure that the infrastructure is maintained in proper working condition to meet design standards and any other provisions established by Chapter 189. This agreement shall be binding on all subsequent landowners.
16. Maintenance after construction shall be in accordance Section 189-9 of the Code of the Town of Babylon. Stormwater management practices installed in accordance with Chapter 189 shall be operated and maintained to ensure that the goals of Chapter 189 are fully achieved.

Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator of the site. The maintenance of stormwater infrastructure on the site will include the following:

a. Monitoring of drainage inlets (catch basins) will be completed routinely, particularly after larger storm events and must be kept free from obstruction by leaves, trash, and other debris.

b. Drainage grates must be kept free from obstruction by leaves, trash, and other debris.

c. Drainage structures shall be inspected annually to determine if sediment removal is necessary to ensure that the drainage structures are properly functioning and that they permit adequate conveyance throughout the system. If applicable, the developer’s specifications for maintenance procedures and frequencies must be strictly followed.

d. The drainage structures must be routinely monitored for the removal of surface sediment and trash.

e. Street sweeping of the parking areas shall be conducted at least four times annually to remove sediment that may impact the drainage infrastructure and additionally, as necessary due to storm events.
The grounds and parking area shall be inspected for litter monthly and any litter shall be removed. No violation of any of the covenants by the owners or their lessees and failure of the owners to remove any such violation within thirty (30) days after notice by the Town, the Town shall have the right, on its own motion and after notice, to rescind said change of zone and the subject premises shall revert from E-Business District to B Residence District, and be it further RESOLVED, that if the owners hereof, or any of them, their lessees, their heirs, successors, or assigns shall violate or attempt to violate any of the covenants or conditions contained in the granting of this permit, it shall be lawful for the Town of Babylon to prosecute any proceeding at law or in equity, including but not limited to enforcement by way of injunctive relief; any remedies chosen by the Town to enforce any covenant, restriction or condition herein shall be cumulative and at the discretion of the Town Board as to how best to enforce such covenant, restriction or condition; the election of one method of enforcement shall not constitute a bar to the enforcing any other method of enforcement permitted by law, and be it further RESOLVED, that the Town Clerk of the Town of Babylon be and hereby is authorized to publish a notice of said change of zone in one of the official newspapers of the Town of Babylon.

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 Ye
Councilman Martinez Voting Ye
Councilman McSweeney Voting Ye
Councilwoman Gordon Voting Ye
Supervisor Schaffer Voting Ye

The resolution was thereupon declared duly adopted.

SCHEDULE A

ALL that certain piece or parcel of land, situate, lying and being at Deer Park, Town of Babylon, County of Suffolk, State of New York, known and designated as part of lot 63 as shown on the Map of Home Gardens filed in the Office of the Suffolk County Clerk on October 10, 1941 as File #1348, being more particularly bounded and described as follows:

BEGINNING at a point on the northerly side of Nicolls Road a distance of 139.95 feet easterly as measured along the northerly side of Nicolls Road from the southeastern corner of a line connecting the easterly side of Deer Park Road with the northerly side of Nicolls Road; THENCE from said point of beginning North 13 degrees 31 minutes 50 seconds West a distance of 120.77 feet to a point; thence North 76 degrees 28 minutes 10 seconds East a distance of 50.00 feet to a point; thence South 13 degrees 31 minutes 50 seconds East a distance of 119.97 feet to a point on the northerly side of Nicolls Road; thence along the northerly side of Nicolls Road South 75 degrees 33 minutes 20 seconds East a distance of 50.01 feet to the point of beginning.

RESOLUTION NO. 676 SEPTEMBER 26, 2018

AUTHORIZING THE SUPERVISOR TO EXECUTE A SETTLEMENT AGREEMENT WITH DEER PARK ASSOCIATES, GRAND BOULEVARD ASSOCIATES, ET AL.

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 the Supervisor be and hereby is authorized to execute the Settlement Agreement with Deer Park Associates, Grand Boulevard Associates, ET AL. annexed hereto as Exhibit "A", and the Supervisor be and hereby is authorized to direct compliance with the terms thereof.

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 Ye
Councilman Martinez Voting Ye
Councilman McSweeney Voting Ye
Councilwoman Gordon Voting Ye
Supervisor Schaffer Voting Ye

The resolution was thereupon declared duly adopted.

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release is made on this ___ day of September, 2018, by and among The Town of Babylon, Town of Babylon Commercial Garbage District, Doug Jacob, Comptroller, Richard Schaffer, as the Supervisor of the Town of Babylon; Richard Schaffer, Francine Brown, Patrick Haugen, Robert Knufeld and Anthony Tarigh who constitute The Town Board of The Town of Babylon; Richard Schaffer, Francine Brown, Patrick Haugen, Robert Knufeld and Anthony Tarigh who constitute The Town Board of The Town of Babylon; Carol Canning, as the Receiver of Taxes of The Town of Babylon; Victoria Marotta, as The Comptroller/Director of Finance of The Town of Babylon (collectively the "Town"); and Plaintiffs Novak Family Partnership, and all other taxpayers set forth in Exhibit A, for themselves and on behalf of all others similarly situated ("Plaintiffs").

WHEREAS, Plaintiffs have asserted certain Claims (as hereafter defined) against the Town in the matters of Deer Park Associates, Grand Boulevard Associates, and Muncy Associates, and all other taxpayers set forth in Exhibit A, for themselves and on behalf of all others similarly situated v. The Town of Babylon, Town of Babylon Commercial Garbage District: Doug Jacob as the Solid Waste Administrator of the Town of Babylon; Richard Schaffer, as the Supervisor of the Town of Babylon; Richard Schaffer, Francine Brown, Patrick Haugen, Robert Knufeld and Anthony Tarigh who constitute The Town Board of The Town of Babylon; Carol Canning, as the Receiver of Taxes of The Town of Babylon; Doug Jacob, as the Comptroller/Director of Finance of the Town of Babylon and John Cochrane as the Treasurer of the County of Suffolk pending in the Supreme Court of New York, County of Suffolk under Index Numbers: 95-07386, 96-09309, 97-07787, 98-07981, 99-06161, 00-06732, 01-07047, 02-06969, 03-069591 and the matters of Novak Family Partnership, and all other taxpayers set forth in Exhibit A, for themselves and on behalf of all others similarly situated v. The Town of Babylon, Town of Babylon Commercial Garbage District; Victoria Russell, as the Commissioner of Environment Management (the Solid Waste Administrator), Steven Bellone, as the Supervisor of the Town of Babylon; Steven Bellone, Lindsey Henry, Carol Quirk, Jacqueline A. Gordon and Ellen McVerry, who constitute The Town Board of The Town of Babylon; Corinne Dioumou, as the Receiver of Taxes of The Town of Babylon; Victoria Marotta, as The Comptroller/Director of Finance of The Town of Babylon and Angie M. Carpenter, as the Treasurer of the County of Suffolk, pending in the Supreme Court of New York, County of Suffolk under Index Numbers: 04- 07268, 05-09823, 06-07489, 07-09306, 08-07486, 09-12425, 10-09092, 11-05539, 12-03097, 13-00507 and 14-04596 (the matters are known collectively as the "Lawsuits");

WHEREAS, the Town denies the Claims asserted by Plaintiffs; and

WHEREAS, the Parties to the Lawsuits, all wishing to avoid further delay, expense and uncertainty of litigation, have determined that it is in their best interests to resolve and settle the claims asserted in the Lawsuits on the terms and conditions set forth herein, without further litigation and without any admissions or concessions of liability;

NOW, THEREFORE, in consideration of the good and valuable provisions, covenants, promises, and undertakings expressed herein, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Definitions

A. "Plaintiff Related Persons" shall mean Plaintiffs Novak Family Partnership, and all other taxpayers set forth in Exhibit A, for themselves and on behalf of all others similarly situated and all those named as plaintiffs in the Lawsuits and their and their enforcement shall not constitute, assigns, agents, heirs, executors, administrators, representatives, insurers, employees, attorneys, beneficiaries and all others claiming through them.
B. “Town Related Persons” shall mean the Town’s officers, directors, board members, shareholders, managers, employees, accountants, agents, servants, representatives, officials, attorneys, associates and trustees.

C. “Suffolk” shall mean the County of Suffolk, New York, and the County of Suffolk’s officers, directors, board members, shareholders, managers, employees, accountants, agents, servants, representatives, officials, attorneys, trustees.

D. “Agreement” shall mean this Settlement Agreement and Release.

E. “Parties” shall mean the Town and Plaintiffs.

F. “Claims” shall mean claims, counterclaims, demands, actions, causes of action, debts, liabilities, damages, costs, attorney’s fees, fees, expenses, rights, duties, obligations, liens, petitions, suits, losses, controversies, executions, offsets and sums, of any kind or nature, whether direct or indirect, liquidated or unliquidated, contingent or actual, in law or equity, known or unknown, suspected or unsuspected, or of whatever type or nature.

1. Settlement Payment

Conditioned upon and subject to the Town’s receipt of a copy of this Agreement signed by Plaintiffs Nowak Family Partnership, and all other taxpayers set forth in Exhibit A, for themselves and on behalf of all others similarly situated and Plaintiffs’ counsel Koeppel Martone & Leisman, L.L.C., 155 First Street, P.O. Box 863, Mineola, New York 11501-0863 and a fully executed copy of the Stipulation of Dismissal annexed as Exhibit B, the Town shall, within sixty days, make a payment via check to Koeppel Martone & Leisman, L.L.C., in the sum of $4,200,000.00 (Four Million, Two Hundred Thousand Dollars and Zero Cents) made payable to “Koeppel Martone & Leisman, L.L.C., as attorneys” to be delivered in care of the law firm of Koeppel Martone & Leisman, L.L.C., as attorneys for plaintiffs, located at 155 1st Street, Mineola, New York 11501.

2. Release

In consideration of the Town’s payment as set forth in Section 2 and for other good and valuable consideration acknowledged by the Parties, Plaintiffs, for themselves and also on behalf of Plaintiff Related Persons, hereby release, remise, and forever discharge the Town, the Town Related Persons and Suffolk of and from any and all Claims related to the allegations in the Lawsuits, whether known or yet to be discovered, including but not limited to those Claims that Plaintiffs asserted or could have asserted against the Town, the Town Related Persons or Suffolk in the Lawsuits.

3. Dismissal of the Lawsuits/Indemnification

In conjunction with the execution of this Agreement, and no later than five (5) business days following the receipt by Plaintiffs of the payment set forth in Section 2 above, Plaintiffs shall, at their own expense, draft, prepare, and file any motions, stipulations, and any other papers or instruments necessary to effectuate a dismissal of all Claims against the Town and Suffolk in the Lawsuits with prejudice, and the Parties shall bear their own costs and expenses, including attorneys’ fees. The Plaintiffs shall further serve the Town and Suffolk with a copy of any papers or instruments prepared or filed in this regard, as well as the dismissal and any other order entered by the Court.

Koeppel Martone & Leisman, L.L.C. warrants and represents that Stipulations of Discontinuance with prejudice either were executed or will be executed for any person, business or other entity previously listed as a plaintiff, petitioner or complainant in any or all of the Lawsuits who is not listed on Exhibit A.

4. Non-Disparagement

Plaintiffs further agree that it will not transmit any press release or other information to the media or otherwise publish any information about the Agreement or its terms. The Plaintiffs further agree that it will not make any statements, whether oral or written, or undertake any other actions that disparage or reflect negatively on the Town or the Town Related Persons.

5. Representations and Warranties

The Parties acknowledge, warrant and represent that:

a. the only representations of law or fact on which they have relied are expressly set forth in the Agreement, they disclaim any reliance in executing the Agreement on any representations not contained herein, and no other representations or inducements by the opposing party, the opposing party’s attorney, agent or representative, or any other party, have caused him or it, respectively, to execute the Agreement;

b. the Parties had the opportunity to seek and rely upon the advice of their counsel in the negotiation and execution of this Agreement;

c. no tax advice has been offered or given by either party in the course of these negotiations, and each party is relying upon the advice of his or its own tax consultant with regard to any tax consequences that may arise as a result of the execution of this Agreement;

d. the Parties subsequently may discover facts different from or in addition to those now known or believed to be true regarding the subject matter of this Agreement, and agree that this Agreement shall remain in full force and effect notwithstanding the existence or discovery of any such different or additional facts; and

e. nothing herein shall be construed as granting or prohibiting the Plaintiffs from instituting administrative and/or judicial proceedings seeking review of assessments where any Plaintiff is an aggrieved party pursuant to the Real Property Tax Law, or pursuing to completion said proceedings having already been commenced and pending;

f. the Parties mutually drafted this Agreement and therefore this Agreement shall not be construed more strictly against either party.

Additionally, Koeppel Martone & Leisman, L.L.C. warrants and represents that Plaintiffs are the sole and absolute legal and equitable owner of the claims covered by this Agreement and the release in Section 2; that Plaintiffs’ Claims have not been assigned, transferred or disposed of in fact, by operation of law or in any matter whatsoever; and that Koeppel Martone & Leisman, L.L.C. has the full right and power to execute and deliver the release in Section 2, and the other agreements contained herein.

6. Merger, Integration and Amendment

The Parties acknowledge that this Agreement contains the entire agreement of the Parties, that all prior oral or written statements, representations, and covenants are merged into this Agreement, and that any other agreements not expressly stated herein are void and have no further force and effect. The Parties agree that the Agreement may not be amended, modified, or waived except by a subsequent, written agreement executed by all of the Parties.

7. No Admission of Liability

The Parties agree that this Agreement, its terms and/or the Parties’ negotiations of it shall not constitute or be construed as an admission by any of the Parties of the truth of the Claims, or of any of the allegations made by Plaintiffs, or of any liability, fault, or wrongdoing of any kind whatsoever by any of the Parties. This Agreement and its terms shall not be offered as or received into evidence in any pending or future civil, criminal or administrative proceeding or action against any Party hereto in any court, administrative agency or other tribunal, for any purpose whatsoever, except as may be necessary to enforce or to effectuate the terms of this Agreement.

8. Notice To Parties

9/26/2018 Minutes
In the event that notice to one of the Parties must be provided under the terms of this Agreement, this Agreement is satisfied and notice is deemed provided by sending the required notice and/or documents and materials via certified U.S. Mail, with postage prepaid, to the respective addresses:

a. For Plaintiffs: Michael P. Guerriero, Esq
   Koeppel Martone & Leistman, L.L.C.
   155 First Street
   P.O. Box 863
   Mineola, New York 11501-0863

b. For the Town: Joseph Wilson, Esq
   Town of Babylon Town Attorney's Office
   200 Sunrise Highway
   Lindenhurst, NY 11757-2597

with a second copy delivered via the same means to:

Thomas E. Stagg, Esq
Stagg, Terenzi, Confusione & Wabnik, LLP
401 Franklin Avenue, Suite 300
Garden City, New York 11530

9. **Governing Law and Forum Selection**

This Agreement shall be subject to, governed by, and construed and enforced pursuant to the laws of the State of New York.

10. **Severability**

If any court or tribunal of competent jurisdiction determines that any provision of this Agreement is void, illegal, invalid, or otherwise unenforceable, such void, illegal, invalid, or unenforceable provision shall be severed from the Agreement and the remainder of this Agreement shall not be affected thereby and shall remain in full force and effect; provided, however, that if any court finds Plaintiff's release in Section 5, above, to be void, illegal, invalid, or unenforceable, the Town shall be entitled to recover payment provided for in Section 2.

11. **Counterparts**

This Agreement may be executed or delivered in one or more counterparts, including via facsimile, email, photostatic copy, pdf file, electronically imaged or scanned copy, or similar electronic means, all of which taken together shall constitute one instrument, and any counterpart executed or delivered by such electronic means shall be admissible and shall have the same force and effect as if bearing an original signature.

THE PARTIES HAVE READ THE FOREGOING RELEASE, FULLY UNDERSTAND IT AND AGREE TO THE TERMS SET FORTH THEREIN. HOWEVER, THE PARTIES AGREE THAT ANY COPY OF THIS RELEASE ONCE EXECUTED, INCLUDING COPY MADE VIA FACSIMILE, EMAIL, PHOTOSTATIC COPY, PDF FILE, ELECTRONIC IMAGE, SCANNED COPY, OR ANY SIMILAR ELECTRONIC MEANS, SHALL BE ADMISSIBLE AND SHALL HAVE THE SAME FORCE AND EFFECT AS IF BEARING AN ORIGINAL SIGNATURE.

Koeppel Martone & Leistman, L.L.C.
Attorneys for Plaintiffs

By: ____________________________
    Michael P. Guerriero, Esq

The Town of Babylon

By: Richard Schaffer,
    on behalf of all parties defined
    as the “Town”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

DEER PARK ASSOCIATES, GRAND BOULEVARD ASSOCIATES, ET AL.,
-against
Plaintiffs,

THE TOWN OF BABYLON, ET AL.,
Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the below-named Parties to the above-entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action, including all claims, counter-claims and cross-claims asserted therein, be, and the same hereby is discontinued with prejudice without costs to any party as against any other party subject to the terms of the Settlement Agreement and Release among the parties. This Stipulation may be executed in one or more counterparts. Facsimile and electronic signatures shall have the same force and effect as originals. This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: Mineola, New York
       September ___, 2018

Koeppel Martone & Leistman, LLC
By: Michael Guerriero, Esq
    Attorneys for Plaintiffs
    155 First Street
    P.O. Box 863
    Mineola, NY 11501
    (516) 747-6300

Stagg, Terenzi, Confusione & Wabnik, LLP
By: Thomas E. Stagg, Esq
    Attorneys for Town Defendants
    401 Franklin Avenue, Suite 300
    Garden City, NY 11530
    (516) 812-4500

Suffolk County Attorney
By: Dennis M. Brown, Esq
    Attorney for County Defendants
    H. Lee Dennison Building
    100 Veterans Memorial Highway
    P.O. Box 6100
    Hauppauge, NY 11788-0099
    (631) 853-4049

9/26/2018 Minutes
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

NOWAK FAMILY PARTNERSHIP, ET AL.,

-against

THE TOWN OF BABYLON, ET AL.,

Plaintiffs,

Defendants.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

STIPULATION OF DISCONTINUANCE

Index Nos.: 04-07288, 05-09823, 06-07489,
07-09306, 08-07486, 09-12345,
10-09012, 11-05539, 12-03097,
13-00507, 14-04956

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the below-named Parties to the above-entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action, including all claims, counter-claims and cross-claims asserted therein, be, and the same hereby is discontinued with prejudice without costs to any party as against any other party subject to the terms of the Settlement Agreement and Release among the parties. This Stipulation may be executed in one or more counterparts. Facsimile and electronic signatures shall have the same force and effect as originals. This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: Mineola, New York September ___, 2018

Koeppel Martone & Leistman, LLC
By: Michael Guerriero, Esq.
Attorneys for Plaintiffs
155 First Street
P.O. Box 583
Mineola, NY 11501
(516) 747-6300

Stagg, Terenzi, Confusione & Walsh, LLP
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Attorneys for Town Defendants
401 Franklin Avenue, Suite 300
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(516) 812-4500

Suffolk County Attorney
By: Dennis M. Brown, Esq.
Attorneys for Country Defendants
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788-0099
(631) 853-4049

RESOLUTION NO. 677 SEPTEMBER 26, 2018
A RESOLUTION DECLARING NO FURTHER ACTION ON THE EAST FARMINGDALE FORM BASED CODE FEASIBILITY STUDY

The following resolution was offered by Councilman McSweeney and seconded by Councilman Martinez WHEREAS, the Town of Babylon Office of Downtown Revitalization received several grants to study the feasibility of rezoning properties in the hamlet of East Farmingdale in close proximity to the intersection of State Route 110 and Conklin Street (the “Study Area”) to spur residential and commercial development, and WHEREAS, on January 6, 2015, the Town Board passed Resolution No. 41, awarding RFP No. 14G74 to AKRF for “Planning, Environmental, Cultural, Aviation, and Economic Services for the East Farmingdale Downtown Center Planning Project” within the Study Area, and WHEREAS, on September 28, 2016, the Town Board passed Resolution No. 690, authorizing a contract with Dover Kohl for “Technical Assistance and Consulting Services for the Site Design and Preparation of a Form Based Code for East Farmingdale” within the Study Area, and WHEREAS, in 2016, the consultant team of Dover Kohl and partners and AKRF (collectively the “Consultant Team”) prepared a community-driven and market responsive Site Plan, Regulating Plan, and Form-Based Code (collectively the “Plans”) to allow for development of the Study Area, and WHEREAS, the Consultant Team conducted a market scan that included an analysis of demographics, employment trends and demand, housing trends and forecasts, and potential retail environment, and WHEREAS, the Plans developed by the Consultant Team provided the Town with the necessary information to understand the feasibility of successfully bringing commercial and residential uses to the Study Area, and WHEREAS, after careful review the Town Board has determined that large scale residential development and the potential associated traffic volumes as found in the Plans developed by the Town’s Consultant Team is incongruent with existing light industrial uses and the existing airport use found at Republic Airport within the Study Area.
NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Babylon is taking no further action to pursue the rezoning of properties in the hamlet of East Farmingdale in close proximity to the intersection of State Route 110 and Conklin Street (the “Study Area”) to spur residential and commercial development pursuant to the Site Plan, Regulating Plan, and Form-Based Code (the “Plans”), prepared by the Consultant Team.

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 678 SEPTEMBER 26, 2018
AMENDING THE TOWN OF BABYLON EQUAL EMPLOYMENT OPPORTUNITY POLICY

The following resolution was offered by Councilman Martinez and seconded by Councilman Manetto BE IT RESOLVED, by the Town Board of the Town of Babylon that the Equal Employment Opportunity Policy attached hereto as Exhibit A and on file in the Office of the Town Clerk is hereby adopted as amended this date

The resolution was thereupon declared duly adopted.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

I. PURPOSE
The Town of Babylon Equal Employment Opportunity Policy is adopted in order to ensure that all Employees are informed of the Town’s policy on discrimination, harassment, retaliation, to assist Town Employees or independent contractors who complain of prohibited conduct and to maintain in each office a working environment free from discrimination.

II. DEFINITION
Employee: For the purposes of this Policy, an Employee is defined as an individual employed by the Town of Babylon, on or off duty, while on Town property or occupying a vehicle under the jurisdiction of the Town of Babylon or while being paid for services performed on behalf of the Town of Babylon.

9/26/2018 Minutes
Independent Contractor: For the purposes of this Policy, an Independent Contractor is defined as an individual, entity or corporation that contracts to do work for the Town of Babylon, according to that individual’s, entity’s, or corporation’s own processes and methods and the Town of Babylon only has control over the specified result of the work described in a mutually binding agreement for a specific job and not what will be done and how it will be done.

III. ANTI-DISCRIMINATION POLICY

The Town of Babylon is an equal opportunity employer and is committed to making all employment decisions and conducting all business without regard to age, race, creed, color, national origin, sexual orientation, marital status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status.

IV. ANTI-HARASSMENT POLICY

It is the policy of the Town of Babylon that all Employees, applicants and anyone with whom the Town does business, should be able to enjoy a work environment free from any kind of harassment based on age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status.

V. SEXUAL HARASSMENT

Sexual Harassment is prohibited by Title VII of the 1964 Federal Civil Rights Act. New York State Human Rights Law. The New York State Human Rights Law also protects against harassment based on gender identity or transgender status. Harassment on the basis of actual or perceived sexual orientation is also prohibited by the New York State Orientation Non-Discrimination Act.

The New York State Division of Human Rights defines sexual harassment as:

Words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone in the workplace which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient’s job performance.

A type of sexual harassment known as “quid pro quo” harassment occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. Only supervisors and managers are deemed to engage in this kind of harassment, because co-workers do not have the authority to grant or withhold benefits.

Sexual harassment that occurs because the victim is transgender is also unlawful.

Sexual harassment can occur in a variety of circumstances. The following is a partial list of examples of sexually harassing conduct:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct such as leering; making sexual gestures; or displaying sexually suggestive or degrading objects, pictures, calendars, cartoons, posters, or computer or television broadcasts.
- Verbal conduct such as making or using derogatory comments; sexual propositions, sexually oriented noises, sexually explicit jokes or jokes concerning gender-specific traits; sexually explicit comments about an individual’s body or clothing; comments about an individual’s sexual desirability; sexually degrading words to describe an individual
- Physical conduct such as touching, petting, pinching, impeding or blocking movements, or assault.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful and a form of employee misconduct and sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue, whether it involves coworker harassment, harassment by a supervisor or member of management, or harassment by persons doing business with or for the Town.

VI. OTHER INDIVIDUALS

It must be noted that sexual harassment or any other form of discrimination by an on-duty Employee toward another individual not a Town of Babylon Employee, is guilty of sexual harassment or discrimination under the provisions of this policy when such conduct is made either explicitly or implicitly as a term or condition of an individual’s application for a grant of approval or information, or is used as a basis for a decision affecting and individual’s application for a grant or approval of information.

VII. COMPLAINT PROCEDURE

Any Employee or other individuals who believes that he or she has been the victim of harassment or of any form of discrimination may report the alleged charge immediately in accordance with the following procedures. To the extent practical and appropriate, complaints of harassment or discrimination and the subsequent investigations will be treated as discreetly as possible. All investigations will be promptly handled, and designed to protect the privacy of, and minimize suspicion toward, all parties concerned. Employee cooperation in investigations is viewed as a condition of employment. Refusal or failure to cooperate with any aspect of this policy may result in disciplinary action, up to and including termination of employment.

Step 1: Employee Complaint:
- Any Employee who believes he or she has been the victim of discriminatory conduct or harassment is to report such conduct to his or her supervisor. The Employee can report the incident in writing using the form next hereto marked Exhibit A. The supervisor will then refer the matter to the Town Attorney for investigation.

Step 1a: Other Individual Complaint:
- Any individual who conducts business with the Town and believes that he or she has been the victim of discriminatory conduct or harassment may report such conduct to the Town Attorney in writing using the form next hereto marked Exhibit A.

Step 2: The Town Attorney will immediately initiate and coordinate a thorough and impartial investigation of the alleged discriminatory or harassing conduct using methods like written inquiry, field investigation, or investigatory conferences. In most cases, the investigation will be completed within one-hundred eighty (180) days. The investigation will be conducted in a manner that ensures all parties receive due process of law. The Employee who is accused of the discriminatory or harassing conduct will be apprised of the allegations and will be given the opportunity to contest the same.

Step 3: If the investigation reveals that discriminatory or harassing conduct may have occurred, the facts shall be presented to the commissioner of the accused Employee with a recommendation of the appropriate disciplinary action to be imposed, if any, which may include termination of employment. False accusations made by the complaining Employee may result in appropriate disciplinary action up to and including termination of employment.

Retaliation of any kind against a complaining Employee or other individual who makes a good-faith report of harassment or discrimination, who participates truthfully in an investigation into a harassment or discrimination complaint, or who testifies or assists in any proceeding under the law is unlawful and is strictly prohibited. Any Employee deemed to participate in retaliation may be subject to strict discipline.

VIII. DISCIPLINARY ACTION

Conduct which is found to violate this policy will be regarded as a serious breach of Town Policy which will result in immediate disciplinary action up to and including termination of employment.
IX. RIGHTS TO REDRESS AND POSSIBLE REMEDIES

Any employee who believes he or she has been the target of sexual harassment is encouraged to inform the offending person orally or in writing that such conduct is unwelcome and offensive and must stop.

If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee has multiple avenues for reporting allegations of sexual harassment and/or pursuing resolution.

Employees are encouraged to report the unwelcome conduct as soon as possible to their department head. Additionally, employees who believe they have been subjected to sexual harassment may elect to pursue resolution in several ways, including:

- **New York State Division of Human Rights (DHR)**
  - The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.
  - Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL within three years of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.
  - Complaining internally to your department head does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.
  - You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney’s fees and civil fines.
  - DHR’s main office contact information is: NYS Division of Human Rights, One Fortham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 (appropriate other contact info). www.dhr.ny.gov
  - Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR’s regional offices across New York State.

- **United States Equal Employment Opportunity Commission (EEOC)**
  - The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.
  - The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.
  - If an employee believes that he/she has been discriminated against at work, he/she can file a complaint with the EEOC. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.
  - If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

- **Suffolk County Division of Human Rights (SCHRC)**
  - Complaints of sexual harassment may also be filed with the Suffolk County Division of Human Rights. Contact the SCCHR by calling (631) 853-5480 or visiting their website at www.suffolkcountyny.gov/Departments/HumanRightsCommission.aspx

- **Contact the Local Police Department**
  - If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

---

**Town of Babylon Sexual Harassment Complaint Form**

1. **Your contact information:**
   - First Name: __________
   - Last Name: __________
   - Street Address/PO Box: __________
   - Apt., or Floor #: __________
   - City: __________
   - State and ZIP: __________
   - Phone: __________

2. **You are filing a complaint against:**
   - Employer Name: __________
   - Street Address/PO Box: __________
   - City: __________
   - State and ZIP: __________
   - Phone: __________
   - E-mail: __________

3. **Date of alleged sexual harassment:**
   - The first act of sexual harassment occurred on: __________
   - The most recent act of sexual harassment occurred on: __________

---

**Town of Babylon Sexual Harassment Complaint Form**

1. **Description of alleged sexual harassment:**
   - Tell us more about such acts of harassment that you experienced. Please include dates, names of people involved, and explain why you think it was harassment. **TYPE OR PRINT CLEARLY.**

---

9/26/2018 Minutes
Town of Babylon
Sexual Harassment Complaint Form

4. Witness Information:

The following people saw or heard the sexual harassment and can act as witnesses:

Name: ____________________________ Title: ____________________________

Phone: ____________________________ Relationship to you: ____________________________

What did this person witness?

Name: ____________________________ Title: ____________________________

Phone: ____________________________ Relationship to you: ____________________________

What did this person witness?

5. Other people treated the same as you? If so:

(For example, were people harassed by the same manager, fellow employees, etc.)

6. Settlement/Consent:

Do settle this complaint, I would accept ________ (Enter what you want in exchange for consent):

7. Volunteer Information:

If you are a volunteer, please provide:

Name: ____________________________

Address: ____________________________

Phone: ____________________________

City: ____________________________ State: ____________________________ Zip: ____________________________

Additional Information:

This page is for the Town of Babylon's records and will remain confidential and will not be seen by the personnel whom you are filing against.

3. Your contact information:

Name: ____________________________

Address: ____________________________

City: ____________________________ State: ____________________________ Zip: ____________________________

Phone: ____________________________

Email: ____________________________ City: ____________________________

Email: ____________________________ City: ____________________________

Phone: ____________________________

Email: ____________________________

2. Special Needs:

I am in need of the following (check all that apply):

☐ Interpretation (what language?)

☐ Accommodations for a disability:

☐ Privacy. Keep my contact information confidential as I am a victim of domestic violence:

☐ Other:

5/26/2018 Minutes
<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

If yes, how exactly did you complain about the sexual harassment? (To whom did you complain?)

<table>
<thead>
<tr>
<th>Date you reported or complained about the sexual harassment:</th>
<th>(Month)</th>
<th>(Day)</th>
<th>(Year)</th>
</tr>
</thead>
</table>

What happened after you complained?

If you did not report the sexual harassment, please explain why.
RESOLUTION NO. 679 SEPTEMBER 26, 2018
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR JEFFREY PICKEN
OUTER BEACH APPLICATION NO. 127004 SCTM #0100-238-1-40

The following resolution was offered by Councilman Maretta and seconded by Councilwoman Gordon
WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No. 127004 of Jeffrey Picken, for the premises located at SCTM #0100-238-1-40 (11 Oak Island), to construct a single-family dwelling; and
WHEREAS, the application is a Type II action under the Town of Babylon Environmental Quality Review Act and as such no determination of significance is required; and
WHEREAS, the Department of Environmental Control has reviewed the drawings and has determined that this project will not result in significant environmental impacts,
NOW, THEREFORE, be it
RESOLVED, by the Town Board of the Town of Babylon that upon the recommendation of the Commissioner of Planning and Development, Outer Beach Application No. 127004 of Jeffrey Picken, for the premises located at SCTM #0100-238-1-40 (11 Oak Island), to construct a single-family dwelling; and be it further
RESOLVED, that the issuance of the Building Permit, in accordance with the plans and the application presently on file, be and the same is hereby approved, subject to the terms and conditions of New York State Department of Environmental Conservation’s, Suffolk County Board of Health and/or the United States Army Corps of Engineers’ approval, where applicable.

VOTES: 5

YEAS: 5

NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 680 SEPTEMBER 26, 2018
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR JAMES & SUSAN MOORE OUTER BEACH APPLICATION NO. 127006 SCTM #0100-238-1-41

The following resolution was offered by Councilwoman Gordon and seconded by Councilman Mcsweeney
WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No. 127006 of James & Susan Moore, for the premises located at SCTM #0100-238-1-41, to construct a single-family dwelling; and
WHEREAS, the application is a Type II action under the Town of Babylon Environmental Quality Review Act and as such no determination of significance is required; and
WHEREAS, the Department of Environmental Control has reviewed the drawings and has determined that this project will not result in significant environmental impacts,
NOW, THEREFORE, be it
RESOLVED, by the Town Board of the Town of Babylon that upon the recommendation of the Commissioner of Planning and Development, Outer Beach Application No. 127006 of James & Susan Moore, for the premises located at SCTM #0100-238-1-41 (10 Oak Island), to construct a single-family dwelling, and be it further
RESOLVED, that the issuance of the Building Permit, in accordance with the plans and the application presently on file, be and the same is hereby approved, subject to the terms and conditions of New York State Department of Environmental Conservation’s, Suffolk County Board of Health and/or the United States Army Corps of Engineers’ approval, where applicable.

VOTES: 5

YEAS: 5

NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 681 SEPTEMBER 26, 2018
AUTHORIZING 2018 BUDGET MODIFICATION

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 following 2018 Budget Modification is hereby authorized:

<table>
<thead>
<tr>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
</tr>
<tr>
<td>Buildings</td>
<td></td>
</tr>
<tr>
<td>Overtime</td>
<td>$4,000</td>
</tr>
<tr>
<td>$4,000</td>
<td></td>
</tr>
<tr>
<td>Furniture and fixtures</td>
<td></td>
</tr>
<tr>
<td>A.1620.19</td>
<td>$4,000</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Repairs and Maintenance</td>
<td></td>
</tr>
<tr>
<td>A.1620.21</td>
<td>$84,000</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Contingent Account</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous</td>
<td></td>
</tr>
<tr>
<td>A.1900.49</td>
<td>$84,000</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

VOTES: 5

YEAS: 5

NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 682 SEPTEMBER 26, 2018
AUTHORIZING 2018 OPERATING TRANSFER

The following resolution was offered by Councilman Martinez and seconded by Councilman Maretta
BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Comptroller that the following 2018 Operating Transfer is hereby authorized:

<table>
<thead>
<tr>
<th>Capital Project Fund</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase</td>
<td>Decrease</td>
</tr>
<tr>
<td><strong>Road Program</strong></td>
<td></td>
</tr>
<tr>
<td>Interfund Transfer H03.0000.5031</td>
<td>$138,089.47</td>
</tr>
<tr>
<td>$138,089.47</td>
<td></td>
</tr>
<tr>
<td>Highway Capital Outlay H03.5635.26</td>
<td>$138,089.47</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Road Program</strong></td>
<td></td>
</tr>
<tr>
<td>Interfund Transfer H130.9991.90</td>
<td>$138,089.47</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Highways, Capital Projects H130.5997.26</td>
<td>$138,089.47</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

VOTES: 5

YEAS: 5

NAYS: 0

The resolution was thereupon declared duly adopted.
RESOLUTION NO. 683 SEPTEMBER 26, 2018
AUTHORIZING REFUND OF PAYMENT

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, upon the recommendation of Long Island Green Homes that the following payment be refunded as an overpayment:

REFUND OF PAYMENT:

<table>
<thead>
<tr>
<th>PAYEE</th>
<th>ADDRESS</th>
<th>TYPE</th>
<th>AMOUNT</th>
<th>REASON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darren &amp; Carmen Vales</td>
<td>739 6th Street, West Babylon, NY 11704</td>
<td>Green Homes Benefit Assessment</td>
<td>$113.35</td>
<td>overpayment</td>
</tr>
<tr>
<td>Gregory and Patricia</td>
<td>150 Rockland Ave., North Babylon, NY 11703</td>
<td>Green Homes Benefit Assessment</td>
<td>$693.39</td>
<td>overpayment</td>
</tr>
</tbody>
</table>

VOTES: 5  YEAS: 5  NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 684 SEPTEMBER 26, 2018
AUTHORIZING PAYMENT

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, based upon the recommendation of the Commissioner of Human Services, that the Comptroller is hereby authorized to issue payment to the following:

VENDOR | AMOUNT | SERVICE | EVENT
-------|--------|---------|--------
Julian Vasquez | $1,000 | Salsa Band | 20th Annual Hispanic Heritage Month Festival
Niel Perez    | $250   | 3D      | 20th Annual Hispanic Heritage Month Festival
Zorada Santiago | $100  | Graphic Design | 20th Annual Hispanic Heritage Month Festival

VOTES: 5  YEAS: 5  NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 685 SEPTEMBER 26, 2018
AUTHORIZING RELEASE OF 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 Town Clerk, that the following fee be released:

NAME and ADDRESS | TYPE OF PERMIT | ISSUED | AMOUNT
-----------------|----------------|--------|--------
Alan Feinstein, owner of Cosklin and Main | License to Conduct a Sale | 4/2/18 | $425.00
Kmart Corporation Store #3861 | License to Conduct a Sale | 7/5/18 | $425.00

VOTES: 5  YEAS: 5  NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 686 SEPTEMBER 26, 2018
AUTHORIZING REFUND OF FEES

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

NAME and ADDRESS | TYPE | AMOUNT
-----------------|------|--------
Michael J. Drake, Jr | Building Permit #2018-1241 (issued in error) | $1,180.00

VOTES: 5  YEAS: 5  NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 687 SEPTEMBER 26, 2018
AUTHORIZING RELEASE OF BOND

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Commissioner of Planning and Development, that the following incomplete site work bond be released from Town Trust:

PAYEE | PROPERTY LOCATION | APPLICATION# PERMIT | AMOUNT DUE
-------|-------------------|---------------------|---------------
Unique Design Home Builders | 144 Carleton Avenue East Islip, NY 11730 | SC1RM #000-11200-03-00-002.001 | $36,220.00

VOTES: 5  YEAS: 5  NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 688 SEPTEMBER 26, 2018
GRANTING UP TO A TWELVE (12) WEEKS CONTINUOUS LEAVE UNDER THE FAMILY MEDICAL LEAVE ACT

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 employee is hereby granted a Twelve (12) week Continuous Absence under the Family Medical Leave Act:

NAME | TITLE | DEPARTMENT | START DATE | END DATE
-----|-------|------------|------------|---------
Barbara Giannandrea | Micrographics Operator | Human Services D&A | 09/10/18 | TBD

VOTES: 5  YEAS: 5  NAYS: 0

The resolution was thereupon declared duly adopted.

9/26/2018 Minutes
RESOLUTION NO. 689 SEPTEMBER 26, 2018
GRANTING MEDICAL LEAVE OF ABSENCE

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 employee is hereby granted a Continuous Medical Leave of Absence:

<table>
<thead>
<tr>
<th>NAME</th>
<th>TITLE</th>
<th>DEPARTMENT</th>
<th>START DATE</th>
<th>END DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jason Fulton</td>
<td>Executive Asst</td>
<td>Gen Svcs - IT</td>
<td>10/14/18</td>
<td>TBD</td>
</tr>
</tbody>
</table>

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 690 SEPTEMBER 26, 2018
GRANTING MEDICAL LEAVE OF ABSENCE

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 employee is hereby granted a Continuous Medical Leave of Absence:

<table>
<thead>
<tr>
<th>NAME</th>
<th>TITLE</th>
<th>DEPARTMENT</th>
<th>START DATE</th>
<th>END DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salvatore Calcagno</td>
<td>Tree Trimmer</td>
<td>DPW</td>
<td>09/04/18</td>
<td>TBD</td>
</tr>
</tbody>
</table>

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 691 SEPTEMBER 26, 2018
PROCLAIMING SEPTEMBER AS “NATIONAL SUICIDE PREVENTION AWARENESS MONTH” IN THE TOWN OF BABYLON

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

WHEREAS, September is known around the United States as National Suicide Prevention Awareness Month and is intended to help promote awareness surrounding each of the Suicide Prevention resources available to us and our community. The simple goal is to learn how to help those around us and how to talk about suicide without increasing the risk of harm; and

WHEREAS, Suicidal thoughts can affect anyone regardless of age, gender, race, orientation, income level, religion, or background; and

WHEREAS, According to the CDC, each year more than 41,000 people die by suicide; and

WHEREAS, Suicide is the 10th leading cause of death among adults in the U.S. and the 2nd leading cause of death among people aged 10-24; and

WHEREAS, The Town of Babylon is no different than any other community in the country, but chooses to publicly state and place our full support behind local educators, mental health professionals, athletic coaches, pack leaders, police officers, and parents, as partners in supporting our community in simply being available to one another; and

WHEREAS, local organizations like Suicide Prevention Services (SPS) and national organizations like the National Alliance on Mental Illness (NAMI) are on the front lines of a battle that many still refuse to discuss in public, as suicide and mental illness remain too taboo a topic to speak on; and

WHEREAS, every member of our community should understand that throughout life’s struggles we all need the occasional reminder that we are all silently fighting our own battles; and

WHEREAS, I encourage all residents to take the time to inquirie as to the wellbeing of their family, friends, and neighbors over the next few days and to genuinely convey their appreciation for their existence by any gesture they deem appropriate. A simple phone call, message, handshake, or hug can go a long way towards helping someone realize that suicide is not the answer.

NOW, THEREFORE, be it

RESOLVED by the Town Board of the Town of Babylon does hereby proclaim September 2018, as National Suicide Prevention Awareness Month in the Town of Babylon.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 692 SEPTEMBER 26, 2018
AUTHORIZING THE NORTH BABYLON CHAMBER OF COMMERCE TO HOLD A COMMUNITY FALL FESTIVAL, USE SOUND EQUIPMENT AND ERECT TENTS ON OCTOBER 7, 2018

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

WHEREAS, the North Babylon Chamber of Commerce has applied for permission to hold a community fall festival on October 7, 2018, at Old Deer Park Avenue between Stone Avenue to Veronica Lane in North Babylon, New York, subject to Schedule “A” attached hereto; and

WHEREAS, the North Babylon Chamber of Commerce has obtained sufficient insurance to protect the interests of the Town of Babylon, and

INDIVIDUAL:
Richard Inzirry
22 Raider Street
North Babylon, NY 11703
(631) 579-7944

ORGANIZATION:
North Babylon Chamber of Commerce
P.O. Box 6416
North Babylon, NY 11703

DATES & TIMES:
Sunday, October 7, 2018 8:00 a.m. to 6:00 p.m.

LOCATION:
Old Deer Park Avenue, North Babylon from Stone Avenue to Veronica Lane

SPECIAL REQUIREMENTS:
Event Details: Fall Festival to promote local businesses & commerce in North Babylon

Tent(s): Yes; (30) 10x10
Sound Equipment: Yes; Type: DJ, Band, PA System
Amusement Rides and/or Bouncy Rides: Yes; Quantity: 5
Toilet & Water Facilities: Porta Potties

NOW, THEREFORE, be it

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

FOR OFFICE USE ONLY:

Geraldine Comptello, Babylon Town Clerk

9/26/2018 Minutes
Pursuant to Section 79-2 of the Code of the Town of Babylon, you are hereby advised that the Town Board of the Town of Babylon, pursuant to the powers contained in the aforesaid Section 79-2, will impose the following requirements upon any permit granted pursuant to this article:

1. Opening and Closing Times. All amusements provided pursuant to a permit issued under this article shall not have an opening time prior to 6:00 p.m. during the days of Monday through Friday and 1:00 p.m. on Saturdays and Sundays, and shall close not later than 11:00 p.m. on any day.

2. No portable or moveable living accommodations shall be allowed on the site of the amusement or elsewhere within the Town in connection with said amusement, unless allowed pursuant to the Building Zone Ordinance of the Town of Babylon.

3. No games shall be permitted which will violate State Law.

4. Any person or organization seeking permission to conduct any game of chance shall file the proper application with the Town Clerk and shall comply with all provisions of Chapter 130 of the Code of the Town of Babylon.

5. Adequate sanitary facilities shall be provided, based upon the size and scope of the event.

6. Any person employed by any organization working in connection with the Amusement found to be unsatisfactory by the Town Board, the Commissioner of Planning and Development or the Suffolk County Police Department, shall be summarily dismissed.

7. Proper liability insurance shall be provided, at time of application.

8. All rides or all other amusements which may require it, shall have proper State safety certification prior to any use thereof.

9. All necessary permits required by the Suffolk County Department of Health for the sale of food and other consumables shall be obtained prior to the commencement of operations.

10. Any violation of the above conditions shall result in the summary revocation of the permit issued hereunder. For purposes of this provision, the Commissioner of Planning and Development, or the Suffolk County Police Department, as well as the Town Board, may summarily revoke a permit.

11. Live animal acts or exhibitions are prohibited.

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

RESOLUTION NO. 693 SEPTEMBER 26, 2018

AUTHORIZING PERMISSION FOR AN OUTDOOR PUBLIC ASSEMBLY PERMIT

ON OCTOBER 20, 2018 IN THE TOWN OF BABYLON FOR THE U.S. ACADEMY OF SOCCER

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

WHEREAS, the U.S. Academy of Soccer has requested permission to hold an outdoor public assembly for the purpose of having a beer tasting festival on Saturday, October 20, 2018 between the hours of 12:00 p.m. and 6:00 p.m., within the Town of Babylon at the parking lot of 875 Conklin Street, Farmingdale, N.Y., with the use of sound equipment and tents; and

RESOLVED, the Town Clerk is hereby directed to forward a copy of this said resolution to the following Departments within the Town of Babylon: Public Safety, Central Alarm, Highway, Parks & Recreation, Fire Prevention, Solid Waste Management and also the Suffolk County Police Department and Suffolk County DWP. RESOLVED, that the Town Board of the Town of Babylon does hereby order this resolution as stated and will act as acknowledgement and used as said permit, subject to the rules and regulations of the Commissioner of Parks, Recreation and Cultural Affairs and the Suffolk County Police Department.

The resolution was thereupon declared duly adopted.

FOR OFFICE USE ONLY:

Geraldine Comptelito, Babylon Town Clerk

RESOLUTION NO. 694 SEPTEMBER 26, 2018

AUTHORIZING PERMISSION FOR A PARADE ON OCTOBER 6, 2018 IN THE TOWN OF BABYLON FOR THE WEST BABYLON (PAL) FOOTBALL

The following resolution was offered by Councilman Martinez and seconded by Councilman Munette.

WHEREAS, the West Babylon (PAL) Football has requested permission to hold a parade on Saturday, October 6, 2018 within the Town of Babylon.

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this said resolution to the following Departments within the Town of Babylon: Public Safety, Central Alarm, Highway, Parks & Recreation, Fire Prevention, Solid Waste Management and also the Suffolk County Police Department and Suffolk County DWP. RESOLVED, that the Town Board of the Town of Babylon does hereby order this resolution as stated and will act as acknowledgement and used as said permit, subject to the rules and regulations of the Commissioner of Parks, Recreation and Cultural Affairs and the Suffolk County Police Department.

The resolution was thereupon declared duly adopted.

FOR OFFICE USE ONLY:

Geraldine Comptelito, Babylon Town Clerk

9/26/2018 Minutes
RESOLUTION NO. 695 SEPTEMBER 26, 2018
AUTHORIZING PERMISSION FOR A WALK-A-THON ON OCTOBER 6, 2018
IN THE TOWN OF BABYLON FOR THE VENETTES CULTURAL WORKSHOP

The following resolution was offered by Councilwoman Marletta
and seconded by Councilwoman Gordon

WHEREAS, The Venettes Cultural Workshop has requested permission to hold a Walk-A-Thon on Saturday, October 6, 2018, from 10:00 a.m. to 1:00 p.m. within the Town of Babylon,

INDIVIDUAL: Vanessa Baird-Streeter
(516) 647-1627
26 Seaman Neck Rd., Dix Hills, NY 11746

ORGANIZATION: Venettes Cultural Workshop
(516) 647-1627
26 Seaman Neck Rd., Dix Hills, NY 11746

DATES & TIMES:
Date(s): 10/06/2018 to:
Time: 10:00 a.m. to 1:00 p.m.
Rain Date: n/a

STARTING: Martin Luther King Jr. Elem. School, 792 Mount Ave., Wyandanch
ENDING: Our Lady of the Miraculous Medal Church (parking lot), 1434 Straight Path, Wyandanch

ROUTE: Leaving the church parking lot, proceed north on Mount Ave., make a left and proceed south onto Straight Path, make a right and proceed east on Levy Blvd. and turn right into the church parking lot on Levy Blvd.

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

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

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

FOR OFFICE USE ONLY:
Geraldine Comptello, Babylon Town Clerk

RESOLUTION NO. 696 SEPTEMBER 26, 2018
AUTHORIZING PERMISSION FOR A PARADE ON OCTOBER 13, 2018 IN THE TOWN OF BABYLON
FOR WYANDANCH MEMORIAL HIGH SCHOOL

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

WHEREAS, Wyandanch Memorial High School has requested permission to hold a parade on Saturday, October 13, 2018 within the Town of Babylon,

INDIVIDUAL: Tanisha Crawford
108 Patton Ave., Wyandanch, NY 11798
(631) 523-2425

ORGANIZATION: Wyandanch Memorial High School – Homecoming Parade
54 South 32nd St., Wyandanch, NY 11798

DATES & TIMES:
Date(s): 10/13/2018 to:
Time: 9:45 a.m. to 11:00 a.m.
Rain Date: n/a

STARTING: Intersection of Long Island Ave. & South 18th St., Wyandanch (Parking lot)
ENDING: 54 South 32nd St., Wyandanch (Wyandanch Memorial High School)

ROUTE: Leaving the intersection of Long Island Ave. & South 18th St., proceed east on Long Island Ave. toward Straight path, make a sharp right and proceed south on Straight Path, turn right and proceed west on Jamaica Ave., turn right and proceed south on South 32nd St. and ending at Wyandanch Memorial High School

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

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

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

FOR OFFICE USE ONLY:
Geraldine Comptello, Babylon Town Clerk

RESOLUTION NO. 697 SEPTEMBER 26, 2018
AUTHORIZING PERMISSION FOR A HOMECOMING PARADE
ON OCTOBER 20, 2018 IN THE TOWN OF BABYLON FOR THE WEST BABYLON HIGH SCHOOL

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

WHEREAS, the West Babylon High School has requested permission to hold a homecoming parade on Saturday, October 20, 2018 within the Town of Babylon.

INDIVIDUAL: Philip Amato
160 Ecker Avenue, West Babylon, NY 11704
(631) 495-4112

ORGANIZATION: West Babylon High School (Homecoming Parade)
500 Great E. Neck Road, West Babylon, NY 11704
(631) 376-7100

DATES & TIMES:
Date(s): 10/20/2018 to:
Time: 12:00 p.m. to 2:00 p.m.
Rain Date: n/a

STARTING: Intersection of Little E. Neck Road & Chelsea Avenue, West Babylon (parking lot adjacent to Joe’s Italian Food Market)
ENDING: West Babylon Jr. High School, 200 Old Farmingdale Road, West Babylon

9/26/2018 Minutes
RESOLVED, that the Town Clerk is hereby directed to forward a copy of this said resolution to the following Departments within the of the Town of Babylon; Public Safety, Central Alarm, Highway, Parks & Recreation, Fire Prevention, Solid Waste Management and also the Suffolk County Police Department and Suffolk County DWP.

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

VOTES: 5  YEAS: 5  NAYS: 0

The resolution was thereof declared duly adopted.

FOR OFFICE USE ONLY:

Geraldine Comptillo, Babylon Town Clerk

RESOLUTION NO. 698 SEPTEMBER 26, 2018
CONFIRMING MEMBERSHIP TO THE EAST FARMINGDALE VOLUNTEER FIRE COMPANY, INC.

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

BE IT RESOLVED, that pursuant to Chapter 110 of the Membership Corporation Law of the State of New York, the following residents are duly elected in conformity with the By-Laws of the East Farmingdale Volunteer Fire Company, Inc., 530 Conklin Street, East Farmingdale, New York:

VOTES: 5  YEAS: 5  NAYS: 0

The resolution was thereof declared duly adopted.

RESOLUTION NO. 699 SEPTEMBER 26, 2018
CONFIRMING MEMBERSHIP TO THE NORTH BABYLON VOLUNTEER FIRE COMPANY, INC.

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

BE IT RESOLVED, that pursuant to Section 1402 of the Not-For-Profit Law of the State of New York, the following residents are duly elected in conformity with the By-Laws of the North Babylon Volunteer Fire Company, Inc., 20 Hale Road, North Babylon, New York:

VOTES: 5  YEAS: 5  NAYS: 0

The resolution was thereof declared duly adopted.

RESOLUTION NO. 700 SEPTEMBER 26, 2018
CONFIRMING MEMBERSHIP TO THE NORTH LINDENHURST FIRE DEPARTMENT, INC.

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

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

VOTES: 5  YEAS: 5  NAYS: 0

The resolution was thereof declared duly adopted.

RESOLUTION NO. 701 SEPTEMBER 26, 2018
AUTHORIZING DEMOLITION AND REMOVAL OF UNSAFE STRUCTURE LOCATED AT 429 CHELSEA AVE., WEST BABYLON, NY SCTM No. 0100-144-00-01-00-069.000

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

WHEREAS, a certain structure, located at 429 Chelsea Ave., West Babylon, NY, bearing Suffolk County Tax Map No. 0100-144-00-01-00-069.000 is wide open and accessible to the public has substantial accumulations of rubbish and debris on the property providing harborage for rodents, vermin and disease carrying insects, thereby presenting an imminent danger to the safety, health and welfare of the surrounding community residents, and

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

WHEREAS, said building has not been repaired or removed, and

WHEREAS, the architect/professional engineer’s report dated August 11, 2018, indicates the roof is no longer providing protection from the elements, tarps are not keeping the elements from penetrating the structure and the fascia’s, soffits and window sills are in very poor condition, therefore the demolition of the structure including removal of the foundation, is the most likely and prudent course of action, NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the demolition and removal of the structure including removal of the foundation, located at 429 Chelsea Ave., West Babylon, NY, A/K/A SCTM No. 0100-144-00-01-00-069.000, in accordance with the Conclusions and Recommendations set forth in the architect/professional engineer’s report on file in the Department of Code Enforcement, and be it further

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing and board up of the structure located at the premises 429 Chelsea Ave., West Babylon, NY, A/K/A SCTM No. 0100-144-00-01-00-069.000, in accordance with the Conclusions and Recommendations set forth in the inspector’s report on file in the Department of Code Enforcement, and be it further

RESOLVED, that the Comptroller is hereby authorized to pay the architect/professional engineer the cost of the inspection report in the amount of One Hundred and Fifty Dollars ($150.00) for said premises from the appropriate fund, and be it further

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

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

VOTES: 5  YEAS: 5  NAYS: 0

The resolution was thereof declared duly adopted.
RESOLUTION NO. 702 SEPTEMBER 26, 2018
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 7 GIBBS ROAD, AMITYVILLE, NEW YORK 11701 SCTM NO. 0100-182.00-01.00-004.000

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

WHEREAS, a certain structure(s) located at 7 Gibbs Road, Amityville, New York, bearing SCTM # 0100-182.00-01.00-004.000 has no running water as per a communication with the Suffolk County Water Authority, and doors and windows are open and accessible, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing of the premises located at 7 Gibbs Road, Amityville, New York, bearing SCTM # 0100-182.00-01.00-004.000 to eliminate safety hazard, in order to rectify the above noted problems and abolish any public nuisance resulting from the unsafe condition of said structure, in accordance with the Conclusions and Recommendations set forth in the inspector’s report dated September 7, 2018 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.

YEAS: 5
NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 703 SEPTEMBER 26, 2018
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 10 DARTMOUTH DRIVE, DEER PARK, NEW YORK SCTM NO. 0100-189.00-02.00-159.000

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

WHEREAS, a certain structure(s) located at 10 Dartmouth Drive, Deer Park, New York, bearing SCTM # 0100-189.00-02.00-159.000 has no running water as per a communication with the Suffolk County Water Authority, and doors and windows are open and accessible, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing and board up of the premises located at 10 Dartmouth Drive, Deer Park, New York, bearing SCTM # 0100-189.00-02.00-159.000 to eliminate safety hazard, in order to rectify the above noted problems and abolish any public nuisance resulting from the unsafe condition of said structure, in accordance with the Conclusions and Recommendations set forth in the inspector’s report dated September 12, 2018 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.

YEAS: 5
NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 704 SEPTEMBER 26, 2018
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 77 MIRAMAR BLVD., LINDEHNURST, NY SCTM NO. 0100-189.00-02.00-159.000

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

WHEREAS, a certain structure(s) located at 77 Miramar Blvd., Lindenhurst, New York, bearing SCTM # 0100-189.00-02.00-159.000 has no running water as per a communication with the Suffolk County Water Authority, and doors and windows are open and accessible, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing and board up of the premises located at 77 Miramar Blvd., Lindenhurst, New York, bearing SCTM # 0100-189.00-02.00-159.000 to eliminate safety hazard, in order to rectify the above noted problems and abolish any public nuisance resulting from the unsafe condition of said structure, in accordance with the Conclusions and Recommendations set forth in the inspector’s report dated September 25, 2018 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.

YEAS: 5
NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 705 SEPTEMBER 26, 2018
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 19 WINCHESTER DR., N. LINDEHNURST, NY SCTM NO. 0100-128.00-03.00-018.000

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

WHEREAS, a certain structure(s) located at 19 Winchester Dr., N. Lindenhurst, New York, bearing SCTM # 0100-128.00-03.00-018.000 has no running water as per a communication with the Suffolk County Water Authority, and doors and windows are open and accessible, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing and board up of the premises located at 19 Winchester Dr., N. Lindenhurst, New York, bearing SCTM # 0100-128.00-03.00-018.000 to eliminate safety hazard, in order to rectify the above noted problems and abolish any public nuisance resulting from the unsafe condition of said structure, in accordance with the Conclusions and Recommendations set forth in the inspector’s report dated September 25, 2018 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.

YEAS: 5
NAYS: 0

The resolution was thereupon declared duly adopted.

9/26/2018 Minutes
RESOLUTION NO. 706 SEPTEMBER 26, 2018
AMENDING ATTACHMENT FOR RESOLUTION NUMBER 457 OF JUNE 13, 2018
AUTHORIZING STANDARD WORKDAY AND REPORTING RESOLUTION

The following resolution was offered by Councilman Manetta
and seconded by Councilwoman Gordon
WHEREAS, Resolution No. 457 of June 13, 2018 authorized the Standard Workday and Reporting and included an attachment which listed the subject employees, and
WHEREAS, said attachment to the Resolution contained an error which the Town now desires to correct.
NOW THEREFORE, NE IT RESOLVED, by the Town Board of the Town of Babylon that the attachment to Resolution No. 457 of June 13, 2018 is replaced in its entirety with the attachment included here at Exhibit A.

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

RESOLUTION NO. 707 SEPTEMBER 26, 2018
AUTHORIZING THE SUPERVISOR TO EXECUTE A HOME INVESTMENT PARTNERSHIP AGREEMENT WITH LONG ISLAND HOUSING PARTNERSHIP, INC. FOR THE ADMINISTRATION OF THE SANDY DOWN PAYMENT ASSISTANCE REBUILD LI PROGRAM

The following resolution was offered by Councilwoman Gordon
and seconded by Councilman McSweeney
WHEREAS, the Town has applied for and received HOME Investment Partnership Program (herein after referred to as “HOME”) funds from the United States Department of Housing and Urban Development; and
WHEREAS, the Town wishes to engage in the expansion of affordable housing opportunities by providing down payment assistance to qualifying first-time homebuyers in the purchase of newly constructed, elevated homes that will meet FEMA Flood Zone requirements under the Sandy Down Payment Assistance Rebuild LI Program (the “Program”); and
WHEREAS, Long Island Housing Partnership, Inc. is desirous of administering the Program and no cost to the Town of Babylon; and
BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Supervisor be and he hereby is authorized to execute an agreement between the Town of Babylon and Long Island Housing Partnership, Inc. for the administration of the Sandy Down Payment Assistance Rebuild LI Program funded through the US Department of Housing and Urban Development, under the HOME Investment Partnerships Program, 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 thereafter declared duly adopted.

RESOLUTION NO. 708 SEPTEMBER 26, 2018
AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT EAC INC.-COMMUNITY SERVICE PROGRAM AND THE TOWN OF BABYLON

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 execute an agreement on behalf of the Town of Babylon with the EAC Inc., whereby the Town of Babylon will act as an agency to provide labor for individuals in EAC’s Community Service Programs (CSP’s) during the year 2018, and be it further
RESOLVED, that the agreement is subject to the approval of the Town Attorney as to form and content.

VOTES: 5  YEAS: 5  NAYS: 0
The resolution was thereafter declared duly adopted.
RESOLUTION NO. 709 SEPTEMBER 26, 2018

AUTHORIZING A CONSULTING CONTRACT WITH AUTO-GRAPHICS

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

WHEREAS, a proposal for Library Software for the Town Historian was solicited from Auto-Graphics, and WHEREAS, the Professional Consultant Evaluation Committee, composed on September 26, 2018 with the Deputy Supervisor, the Town Attorney, the Deputy Comptroller, the Commissioner of General Services Designee, the Commissioner of the Department of Planning & Development and the Commissioner of the Department of Public Works in attendance to review the aforementioned proposal; and WHEREAS, after a thorough review of the proposals, the Committee recommends the award of a contract to Auto-Graphics at the following fees:

- Year 1 Non-recurring System Set-up/Training $1,700.00
- Year 1 Montage Digital Collection Software Subscription $3,600.00
- Annual Subscription Year 2 $3,700.00
- Annual Subscription Year 3 $3,820.00
- Annual Subscription Year 4 $3,955.00
- Annual Subscription Year 5 $4,054.00
- Options: 50GB additional storage, $25.00, annually
- Additional Templates $50.00 each

NOW, THEREFORE, be it RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a one-year contract with Auto-Graphics at the aforementioned fees, and that said contract shall be subject to the approval of the Town Attorney as to form and content; and be it further RESOLVED, that said contract may be extended for four (4) additional one (1) year periods.

VOTES: 5
YEAS: 5
NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 710 SEPTEMBER 26, 2018

AUTHORIZING EXECUTION OF AGREEMENT WITH BRANDFY MARINE INC. TO CONDUCT THE TOWN OF BABYLON 2018 ANNUAL HARD CLAM RESOURCE SURVEY

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

WHEREAS, the Town Board of the Town of Babylon is deeply interested in the Shellfish Industry within the Town of Babylon; and WHEREAS, the gathering and analysis of Shellfish Population Data assists the Town of Babylon in managing the Hard Clam resource; and WHEREAS, the Commissioner of General Services or her designee has solicited quotes for these services which proposals have been reviewed by the Commissioner of General Services or her designee and the Department of Environmental Control; and WHEREAS, the Commissioner of the Department of Environmental Control and the Commissioner of General Services recommend awarding the contract to the low quote, Brandfry Marine Inc.

NOW, THEREFORE, be it RESOLVED, that upon the recommendation of the Commissioner of Environmental Control and the Commissioner of General Services or her designee, the Supervisor be and is hereby authorized to execute an agreement with Brandfry Marine Inc. to conduct the 2018 Hard Clam Population Survey in the Babylon Town waters of the Great South Bay at a cost not to exceed SEVENTEEN THOUSAND FIVE HUNDRED ($17,500.00) DOLLARS, subject to the approval of the Town Attorney as to content and form of said agreement.

VOTES: 5
YEAS: 5
NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 711 SEPTEMBER 26, 2018

AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN THE TOWN OF BABYLON AND 5, 6, 7, 8 CULTURAL DANCE ENSEMBLE INC. GROUP

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 is hereby authorized to execute a license agreement between the Town of Babylon and 5, 6, 7, 8 Cultural Dance Ensemble Inc. for a license to use the Ace Center for the limited purpose of conducting dance classes for a period of one year from October 1, 2018 to June 30, 2019.

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

VOTES: 5
YEAS: 5
NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 712 SEPTEMBER 26, 2018

AUTHORIZING A CONSULTING CONTRACT WITH STEWARD PRESERVATION SERVICES, LLC

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

WHEREAS, a proposal for design, project drawing, and approval process, inspection services, extended site reviews and supervision, expanded SHPO interface and amendments to NYS Grant Agreements, extended grant compliance requirement amendments and amended close out with SHPO staff in connection with the Historic Restoration of the Oak Beach Community Center was solicited from Steward Preservation Services, LLC and WHEREAS, the Professional Consultant Evaluation Committee convened on September 19, 2018, 2018 with the Deputy Supervisor, Chief of Staff, Town Attorney, the Comptroller, the Commissioner of General Services Designee, the Commissioner of the Department of Planning & Development and the Commissioner of the Department of Public Works in attendance to review the aforementioned proposal; and WHEREAS, after a thorough review of the proposals, the Committee recommends the award of a contract to Steward Preservation Services, LLC for a contract amount not to exceed TWENTY-ONE THOUSAND, SEVEN HUNDRED FIFTY ($21,750.00) DOLLARS

NOW, THEREFORE, be it RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a contract with Steward Preservation Services, LLC for a total contract amount not to exceed TWENTY-ONE THOUSAND, SEVEN HUNDRED FIFTY ($21,750.00) DOLLARS, and that said contract shall be subject to the approval of the Town Attorney as to form and content.

VOTES: 5
YEAS: 5
NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 713 SEPTEMBER 26, 2018

AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF BABYLON AND NASSAU COUNTY BOCES

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

WHEREAS, the Commissioner of General Services or her designee recommends the Town of Babylon to enter in an annual agreement with Nassau County BOCES to participate in their cooperative bidding programs for Passenger Cars, Vans and Trucks at an annual fee of FOUR HUNDRED FIFTY ($450.00) DOLLARS, and

NOW, THEREFORE, be it RESOLVED, that based on the recommendation of the Commissioner of General Services or her designee, the Supervisor be and he is hereby authorized to execute an agreement between the Town of Babylon and Nassau County BOCES, at an annual fee of FOUR HUNDRED FIFTY ($450.00) DOLLARS, and be it further RESOLVED, that said contract will be active on October 5, 2018 and expire on October 4, 2019.

VOTES: 5
YEAS: 5
NAYS: 0

The resolution was thereupon declared duly adopted.
NOW THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services Designee, the Deputy Commissioner of Environmental, and Kosuri Engineering, P.C. and upon their finding the aforementioned bids fair and reasonable, Bid No. 18G62 be and is hereby awarded to the low bidder, G & M Earth Moving, Inc. and be it further

RESOLVED, that based upon the recommendations of the Commissioner of General Services Designee, the Deputy Commissioner of Environmental, and Kosuri Engineering, P.C. that the Supervisor be and he is hereby authorized to execute a contract with G & M Earth Moving, Inc., for a total contract amount of TWO MILLION EIGHT HUNDRED THIRTEEN THOUSAND ($2,813,000.00) DOLLARS and that the form and content of said contract shall be subject to the approval of the Town Attorney.

VOTES: 5
YEAS: 5
NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 715 SEPTEMBER 26, 2018
AWARDING BID NO. 18G85 RACO POCKET CATALOG OR EQUAL

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

WHEREAS, the following bids for Bid No. 18G85, Raco Pocket Catalog or Equal were received, opened and publicly read:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>TOTAL BID PRICE</th>
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<tbody>
<tr>
<td>G &amp; M Earth Moving, Inc.</td>
<td>$2,813,000.00</td>
</tr>
<tr>
<td>Posillico Civil, Inc.</td>
<td>$3,064,250.00</td>
</tr>
<tr>
<td>Peter Scalambri &amp; Sons, Inc.</td>
<td>$3,317,713.00</td>
</tr>
<tr>
<td>I. Anthony Enterprises, Inc.</td>
<td>$3,509,184.00</td>
</tr>
<tr>
<td>Quintal Contracting Corp.</td>
<td>$3,948,184.00</td>
</tr>
<tr>
<td>Gramercy Group, Inc.</td>
<td>$4,398,000.00</td>
</tr>
<tr>
<td>Galvin Bros., Inc./Mathae Contracting, Inc., a Joint Venture</td>
<td>$4,734,543.00</td>
</tr>
</tbody>
</table>

VOTES: 5
YEAS: 5
NAYS: 0

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services or his/her designee and the Commissioner of the Department of Public Works and upon their finding the aforementioned bids fair and reasonable, Bid No. 18G85 be and is hereby awarded to the sole bidder, Kelly & Hayes Elec. Supply of LI, Inc. and be it further

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

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

VOTES: 5
YEAS: 5
NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 716 SEPTEMBER 26, 2018
AWARDING BID NO. 18G87 SERVICE & MAINTENANCE OF MICROFILM EQUIPMENT

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

WHEREAS, the following bids for Bid No. 18G87, Service & Maintenance of Microfilm Equipment was received, opened and publicly read:

SPREADSHEET ON FILE IN DEPT. OF GENERAL SERVICES

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services or his/her designee and upon their finding the aforementioned bids fair and reasonable, Bid No. 18G87 be and is hereby awarded to the low bidder DR III, Inc.; and be it further

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

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

VOTES: 5
YEAS: 5
NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 717 SEPTEMBER 26, 2018
AWARDING BID NO. 18G88 ELECTRICAL SUPPLIES

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

WHEREAS, the following bids for Bid No. 18G88, Electrical Supplies were received, opened and publicly read:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>BID PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>RGR Direct Corp.</td>
<td>$9,520.00</td>
</tr>
<tr>
<td>Your Printer V 2.0, Ltd db/a Allegra Princeton</td>
<td>$11,865.00</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services or his/her designee and upon their finding the aforementioned bids fair and reasonable, Bid No. 18G88 be and is hereby awarded to the low bidder, RGR Direct Corp.; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute one (1) year contracts with RGR Direct Corp. and that the form and content of said contracts shall be subject to the approval of the Town Attorney; and be it further

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

VOTES: 5
YEAS: 5
NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 718 SEPTEMBER 26, 2018
AWARDING BID NO. 18G89 PRINTING & MAILING OF EXEMPTION APPLICATIONS

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

WHEREAS, the following bids for Bid No. 18G89, Printing & Mailing of Exemption Applications, was received, opened and publicly read:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>BID PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Total price for the printing, folding, sorting, delivery to post office, etc. of all applications, instructions, letters and envelopes</td>
<td>$9,520.00</td>
</tr>
<tr>
<td>RGR Direct Corp.</td>
<td>$11,865.00</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services or his/her designee and upon their finding the aforementioned bids fair and reasonable, Bid No. 18G89 be and is hereby awarded to the low bidder, RGR Direct Corp.; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute one (1) year contracts with RGR Direct Corp. and that the form and content of said contracts shall be subject to the approval of the Town Attorney; and be it further

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

VOTES: 5
YEAS: 5
NAYS: 0

The resolution was thereupon declared duly adopted.

9/26/2018 Minutes
RESOLUTION NO. 719 SEPTEMBER 26, 2018
AWARDING BID NO. 18G09-RETREAD TIRES; PRECURED RETREAD OR EQUAL

The following resolution was offered by Councilwoman Gordon and seconded by Councilman McSweeney.
WHEREAS, the following bids for Bid No. 18G09-Retread Tires; Precured Retread or Equal, were received, opened and publicly read:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>F &amp; M Equipment, Ltd. db/a</td>
<td>$198,959.00</td>
</tr>
<tr>
<td>JESCO, Inc.</td>
<td>$270,600.00</td>
</tr>
</tbody>
</table>

Resolved, that the lowest bid for the aforementioned bid amount is $198,959.00, subject to the approval of the Town Attorney.

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

RESOLUTION NO. 720 SEPTEMBER 26, 2018
AWARDING BID NO. 18G92 PURCHASE OF ONE (1) OR MORE USED DEMONSTRATION ARTICULATED WHEEL LOADER 2018 OR NEWER; KOMATSU WA380-8 OR EQUAL

The following resolution was offered by Councilman McSweeney and seconded by Councilman Martinez.
WHEREAS, the following bids for Bid No. 18G92- Purchase of one (1) or More Used Demonstration Articulated Wheel Loader 2018 or Newer; Komatsu WA380-8 or Equal, were received, opened and publicly read:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>F &amp; M Equipment, Ltd. db/a</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>JESCO, Inc.</td>
<td>$16,150.00</td>
</tr>
</tbody>
</table>

Resolved, that the lowest bid for the aforementioned bid amount is $10,000.00, subject to the approval of the Town Attorney.

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

RESOLUTION NO. 721 SEPTEMBER 26, 2018
ACCEPTING THE CONTRACT WITH J.P. DALY & SONS, INC. FOR BID NO. 16G5E, CONSTRUCTION OF ANIMAL SHELTER, ELECTRICAL CONSTRUCTION AS COMPLETE & ACCEPTABLE

The following resolution was offered by Councilman Martinez and seconded by Councilman Manetta.
WHEREAS, Bid No. 16G5E, Construction of Animal Shelter, Electrical Construction was awarded to J.P. Daly & Sons, Inc. pursuant to Resolution No. 244 of May 18, 2016 for a total contract amount of SEVEN HUNDRED THIRTY-ONE THOUSAND, NINE HUNDRED ($731,900.00) DOLLARS, and
WHEREAS, Change Order No. 1 was approved pursuant to Resolution No. 360 of April 12, 2017, which resulted in no change to the contract amount of SEVEN HUNDRED THIRTY-ONE THOUSAND, NINE HUNDRED ($731,900.00) DOLLARS, and
WHEREAS, Change Order No. 2 was approved pursuant to Resolution No. 760 of September 27, 2017, which resulted in no change to the contract amount of SEVEN HUNDRED THIRTY-ONE THOUSAND, NINE HUNDRED ($731,900.00) DOLLARS, and
WHEREAS, Change Order No. 3 was approved pursuant to Resolution No. 974 of December 20, 2017, increasing the total contract amount to SEVEN HUNDRED FORTY-SEVEN THOUSAND, FIVE HUNDRED NINETY-THREE DOLLARS AND 17/100 ($747,593.17) and
WHEREAS, Change Order No. 4 was approved pursuant to Resolution No. 304/April 11, 2018, increasing the total contract amount to SEVEN HUNDRED FORTY-TWO THOUSAND, NINE HUNDRED SIXTY-SEVEN DOLLARS AND 30/100 ($742,367.30) and
WHEREAS, Change Order No. 5 was approved pursuant to Resolution No. 425 of May 16, 2018, increasing the contract amount to SEVEN HUNDRED FIFTY-FOUR THOUSAND, FIVE HUNDRED EIGHTY-FOUR DOLLARS AND 42/100($754,584.42) and
WHEREAS, Change Order No. 6 was approved pursuant to Resolution No. 664 of September 5, 2018, in the amount of THREE THOUSAND, FOUR HUNDRED SEVENTY-SIX DOLLARS AND 14/100 ($3,476.14) increasing the total contract amount to SEVEN HUNDRED FIFTY-EIGHT THOUSAND, SIXTY DOLLARS AND 56/100 ($758,060.56).
WHEREAS, the Commissioner of General Services designee, and Liro Engineers, Inc. have deemed all work performed by J.P. Daly & Sons, Inc. pursuant to Bid No. 16G5E as satisfactorily complete and acceptable.
NOW, THEREFORE, be it
RESOLVED, that based upon the recommendations of the Commissioner of General Services Designee and Liro Engineers, Inc. all work performed by J.P. Daly & Sons, Inc. pursuant to Bid No. 16G5E be and is hereby accepted as satisfactorily complete at a final contract amount to SEVEN HUNDRED FIFTY-EIGHT THOUSAND, SIXTY DOLLARS AND 56/100 ($758,060.56).
VOTES: 5 YEAS: 5 NAYS: 0
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 722 SEPTEMBER 26, 2018
ACCEPTING THE CONTRACT WITH STATEWIDE ROOFING, INC. AS COMPLETE AND ACCEPTABLE

The following resolution was offered by Councilman Manetta and seconded by Councilwoman Gordon.
WHEREAS, Statewide Roofing, Inc. was a contract to perform Roof Repairs at the North Amityville Youth Center, located 48 Cedar Road, North Amityville, in the amount of ONE HUNDRED SIXTY-FIVE THOUSAND, SEVEN HUNDRED SIXTY-TWO ($165,762.00) DOLLARS, pursuant to Resolution No. 866 of November 9, 2017, and
WHEREAS, the Commissioner of General Services designee and the Director of Community Development have deemed all work performed by Statewide Roofing, Inc. at North Amityville Youth Center, located 48 Cedar Road, North Amityville as complete and acceptable,
NOW, THEREFORE, be it
RESOLVED, that based upon the recommendations of the Commissioner of General Services designee and the Director of Community Development, all work performed by Statewide Roofing, Inc. at the North Amityville Youth Center and pursuant to Resolution No. 866 of November 9, 2017 be accepted as satisfactorily complete at a final contract amount of ONE HUNDRED FORTY-TWO THOUSAND, FOUR HUNDRED NINETY-FOUR DOLLARS AND 56/100 ($142,494.09).
VOTES: 5 YEAS: 5 NAYS: 0
The resolution was thereupon declared duly adopted.
RESOLUTION NO. 723 SEPTEMBER 26, 2018

ACCEPTING THE CONTRACT WITH PREMIER MECHANICAL SERVICES, INC. FOR BID NO. 16GSM, CONSTRUCTION OF A NEW ANIMAL SHELTER, MECHANICAL CONSTRUCTION, AS COMPLETE & ACCEPTABLE

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

WHEREAS, Bid No. 16GSM, Construction of a new Animal Shelter, Mechanical Construction was awarded to Premier Mechanical Services, Inc for a total contract amount of EIGHT HUNDRED EIGHTY-SEVEN THOUSAND, ($887,000.00) DOLLARS pursuant to Resolution No. 410 of May 18, 2016, and WHEREAS, the total contract amount included a contingency amount of ONE HUNDRED THOUSAND ($100,000.00) DOLLARS for unforeseen conditions, and WHEREAS, the amount of contingency was reduced to FIfty THOUSAND ($50,000.00) pursuant to Resolution No.857 of November 9, 2017, decreasing the total contract amount to EIGHT HUNDRED THIRTY-SEVEN THOUSAND ($837,000.00) DOLLARS, and WHEREAS, the amount of contingency was reduced to TEN THOUSAND ($10,000.00) DOLLARS pursuant to Resolution No.110 of January 31, 2018, decreasing the total contract amount to SEVEN HUNDRED NINETY-SEVEN THOUSAND ($797,000.00) DOLLARS, and WHEREAS, the amount of contingency was reduced to SIX THOUSAND ($6,000.00) DOLLARS pursuant to Resolution No. 300 of April 11, 2018, decreasing the contract amount to SEVEN HUNDRED NINETY-THREE THOUSAND ($793,000.00) DOLLARS, and WHEREAS, Commission of General Services or his/her designee and LiliRo Engineers, Inc. recommend crediting the remaining contingency amount of SIX THOUSAND, ($6,000.00) as it will not be used, thereby decreasing Premier Mechanical Services, Inc. contract to SEVEN HUNDRED EIGHTY-SEVEN THOUSAND ($787,000.00) DOLLARS, WHEREAS, the Commissioner of General Services designee and LiliRo Engineers, Inc. have deemed all work performed by Premier Mechanical Corp. pursuant to Bid No. 16GSM as complete and acceptable NOW, THEREFORE, be it RESOLVED, that based upon the recommendations of the Commissioner of General Services designee and LiliRo Engineers, Inc., all work performed by Premier Mechanical Corp. pursuant to Bid No. 16GSM be and is hereby accepted as satisfactorily complete at a final contract price of SEVEN HUNDRED EIGHTY-SEVEN THOUSAND ($787,000.00) DOLLARS.
The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman 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. 724 SEPTEMBER 26, 2018

AUTHORIZING CHANGE ORDER NO. 1 IN THE CONTRACT WITH LOCKWOOD, KESSLER & BARTLETT, INC. FOR RFP NO. 15G31, FOR APPLICATION PREPARATION, ENGINEERING, DESIGN, BID PREPARATION, ETC., FOR THE CONSTRUCTION OF BRIDGES IN THE AMERICAN VENICE, COPIAQUE

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

WHEREAS, RFP 15G31 was awarded to Lockwood, Kessler & Bartlett, Inc. for a total contract amount of EIGHT HUNDRED NINETY-SEVEN THOUSAND, EIGHT HUNDRED NINE ($897,809.00) DOLLARS, pursuant to Resolution No. 462 of June 2, 2015 and WHEREAS, this project is part of the Governor’s Office of Storm Recovery (GOSR) mitigation projects, and WHEREAS, this contract was awarded to Lockwood, Kessler & Bartlett, Inc. on June 2, 2015, and the City has determined that the further work required on this contract is necessary to complete the work required for the project.

The resolution was thereupon declared duly adopted.

C.O. No. 1 To complete the extended construction schedule as well as provide an additional inspection due to the two bridges being constructed simultaneously

TOTAL CHANGE ORDER NO. 1 $168,000.00

WHEREAS, Change Order Request No. 1 has been approved and all procurement guidelines set forth by Governor’s Office of Storm Recovery (GOSR) have been complied with.

NOW, THEREFORE, be it RESOLVED, that based upon the recommendation of the Review Committee, the Supervisor be and he hereby authorized to execute Change Order No. 1 in the contract with Lockwood, Kessler & Bartlett, Inc. in the amount of ONE HUNDRED SIXTY-EIGHT THOUSAND ($168,000.00) DOLLARS increasing the total contract amount to ONE MILLION SIXTY-FIVE THOUSAND, EIGHT HUNDRED NINE ($1,065,809.00) DOLLARS.

VOTES: YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 725 SEPTEMBER 26, 2018

AUTHORIZING CHANGE ORDER NO. 2 IN THE CONTRACT WITH LIZARDO'S ENGINEERING ASSOCIATES, P.C. FOR RFP NO. 15G36, FOR APPLICATION PREPARATION, ENGINEERING, DESIGN, BID PREPARATION, ETC., FOR THE INSTALLATION OF GENERATORS IN VARIOUS LOCATIONS IN THE TOWN OF BABYLON AND THE VILLAGE BABYLON

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

WHEREAS, RFP 15G36 was awarded to Lizardos Engineering Associates, P.C. for a total contract amount of SEVENTY-EIGHT THOUSAND, FIVE HUNDRED ($78,500.00) DOLLARS pursuant to Resolution No. 598 of August 4, 2015, and WHEREAS, this project is part of the Governor’s Office of Storm Recovery (GOSR) mitigation projects, and WHEREAS, Change Order No. 1 was approved pursuant to Resolution No. 463 of June 8, 2016

The resolution was thereupon declared duly adopted.

C.O. No.2 Additional design services to relocate the generator at Babylon Village Hall to the DPW yard in lieu of the roof

TOTAL CHANGE ORDER NO. 2 $14,000.00

WHEREAS, Change Order Request No. 2 has been approved and all procurement guidelines set forth by Governor’s Office of Storm Recovery (GOSR) have been complied with.

NOW, THEREFORE, be it RESOLVED, that based upon the recommendation of the Review Committee, the Supervisor be and he hereby authorized to execute Change Order No. 2 in the contract with Lizardos Engineering Associates, P.C. in the amount of FOURTEEN THOUSAND, ($14,000.00) DOLLARS increasing the total contract amount to ONE HUNDRED SIXTY-THREE THOUSAND, NINE HUNDRED ($160,000.00) DOLLARS.

VOTES: YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.
RESOLUTION NO. 726 SEPTEMBER 26, 2018

AUTHORIZING CHANGE ORDER NO. 3 IN THE CONTRACT WITH SAVIK & MURRAY, DIV. OF DCAK MSA FOR RFP NO. 15G68, FOR APPLICATION PREPARATION, ENGINEERING, DESIGN, BID PREPARATION, ETC.

FOR THE AMITYVILLE WATERFRONT RESILIENCY PROJECT

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

WHEREAS, RFP 15G68, Application Preparation, Engineering, Design, Bid Preparation, Etc. For the Amityville Waterfront Resiliency Project was awarded to Savik & Murray, Div. of DCAK MSA for a total contract amount of ONE HUNDRED FOURTY-FOUR THOUSAND, ($142,000.00) DOLLARS pursuant to Resolution No. 799 of October 21, 2015, and

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

WHEREAS, Change Order No. 1 was approved pursuant to Resolution No. 295 of March 21, 2017 and amended pursuant to Resolution No. 545 of July 11, 2018, increasing the total contract amount to ONE HUNDRED FIFTY FOUR THOUSAND, THREE HUNDRED FORTY-THREE DOLLARS AND 40/100 ($154,343.40), and

WHEREAS, Change Order No. 2 was approved pursuant to Resolution No. 430 of May 16, 2018, increasing the total contract amount to ONE HUNDRED FIFTY-SEVEN THOUSAND, ONE HUNDRED NINETY-THREE DOLLARS AND 40/100 ($157,193.40)

WHEREAS, the Change Order Committee convened on August 31, 2018 with Town Attorney, Deputy Comptroller, Commissioner of General Services Designee and the Commissioner of Planning & Development to review Change Order No. 3 as follows:

<table>
<thead>
<tr>
<th>Change Order No. 3</th>
<th>Reserve and resubmit environmental permits for Bikileh's on South Bay Avenue</th>
<th>$3,400.00</th>
</tr>
</thead>
</table>

WHEREAS, Change Order Request No. 3 has been approved and all procurement guidelines set forth by Governor’s Office of Storm Recovery (GOSR) have been complied with.

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Review Committee, the Supervisor be and he is hereby authorized to execute Change Order No. 3 in the contract with Savik & Murray, Div. of DCAK MSA in the amount of THREE THOUSAND, FOUR HUNDRED FIFTY ($3,450.00) DOLLARS the increasing the total contract amount to ONE HUNDRED SIXTY SEVEN THOUSAND, SIX HUNDRED FORTY THREE DOLLARS AND 40/100 ($160,443.40) and that said Change Order No. 3 shall be subject to the approval of the Town Attorney and the Town Clerk as to form and content.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 727 SEPTEMBER 26, 2018

AUTHORIZING CHANGE ORDER NO. 1 IN THE CONTRACT WITH H & L CONTRACTING, LLC FOR BID NO. 17G30, REPLACEMENT OF THE AMERICAN VENICE BRIDGES AT EAST & WEST RIVIERA DRIVE

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

WHEREAS, Bid No. 17G30, Replacement of the American Venice Bridges at East & West Riviera Drive was awarded to H & L Contracting, LLC for a total contract amount of SEVEN MILLION, TWO HUNDRED THIRTY-ONE THOUSAND, FOUR HUNDRED AND FIFTY SIX ($7,231,456.00) DOLLARS pursuant to Resolution No. 598 of July 31, 2017 and

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

WHEREAS, the Change Order Committee (“Committee”) convened on September 19, 2018 with the Chief of Staff, Comptroller, Commissioner of General Services Designee, Commissioner of Department of Public Works and the Commissioner of Planning & Development to review Change Order No. 1 as follows:

<table>
<thead>
<tr>
<th>Change Order No. 1</th>
<th>additional costs for installation of temporary and permanent water main on East &amp; West Riviera Drive</th>
<th>$16,789.25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Credit to Contingency</td>
<td></td>
<td>($16,789.25)</td>
</tr>
</tbody>
</table>

Total Change Order No. 1: $0

WHEREAS, Change Order Request No. 1 has been approved by the Committee, Lockwood, Kessler & Bartlett, Inc., the Governor’s Office of Storm Recovery (GOSR) and all procurement guidelines set forth by GOSR have been complied with.

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Committee, Lockwood, Kessler & Bartlett, Inc. and GOSR, the Supervisor be and he is hereby authorized to execute Change Order No. 1, which will result in no change of the total contract amount of SEVEN MILLION, TWO HUNDRED THIRTY-ONE THOUSAND, FOUR HUNDRED AND FIFTY SIX ($7,231,456.00) DOLLARS.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 728 SEPTEMBER 26, 2018

ACCEPTING THE CONTRACT WITH J.P. DALY & SONS, INC. FOR BID NO. 16G73E, RENOVATIONS TO TOWN HALL ANNEX, ELECTRICAL CONSTRUCTION AS COMPLETE & ACCEPTABLE

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

WHEREAS, Bid No. 16G73, Renovations to Town Hall Annex, Electrical Construction was awarded to J.P. Daly & Sons, Inc. pursuant to Resolution No. 744 of October 19, 2016 for a total contract amount of TWO HUNDRED EIGHTY-NINE THOUSAND, FIVE HUNDRED FORTY-THREE: ($289,541.00) DOLLARS and

WHEREAS, Change Order No. 1 was approved pursuant to Resolution No. 227 of March 1, 2017, which resulted in no change to the contract amount and

WHEREAS, Change Order No. 2 was approved pursuant to Resolution No.645 of August 9, 2017 which increased the total contract amount to TWO HUNDRED NINETY-TWO THOUSAND, NINE HUNDRED FOURTEEN AND 35/100, and

WHEREAS, the Commissioner of General Services designee, the Deputy Commissioner of the Department of Public Works and BBS Architects, have deemed all work performed by J.P. Daly & Sons, Inc. pursuant to Bid No. 16G73E as complete and acceptable.

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations the Commissioner of General Services designee, the Deputy Commissioner of the Department of Public Works and BBS Architects, all work performed by J.P. Daly & Sons, Inc. pursuant to Bid No. 16G73E be and is hereby accepted as satisfactorily complete at a final contract price of TWO HUNDRED NINETY-TWO THOUSAND, NINE HUNDRED FOURTEEN AND 35/100.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

Open portion:

Truette Mary Adams
BabyJlon Village
516 - 819-9389

 Came to thank the board for all their support and help at the BabyJlon Village Country Fair.

Being no further business before the Board, the meeting adjourned at 8:11 pm on the motion of Councilwoman Gordon, seconded by Councilman McSweeney.

Geraldine Compiello, Town Clerk

9/26/2018 Minutes