

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 30th day of January, 2019 at 3:30 p.m. prevailing time.

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

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

*Thank you, please be seated.*

**The Town Clerk called the roll:**

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

*Supervisor Schaffer: Congratulations from the board to Councilman Manetta and his wife on the birth of their daughter, Natalie Grace Manetta.*

**RESOLUTION NO. 84 JANUARY 30, 2019  
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:

January 16, 2019

VOTES: 4                      YEAS: 4                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 85 JANUARY 30, 2019  
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 89,  
ARTICLE II OF THE BABYLON TOWN CODE (Building Construction)**

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 27<sup>th</sup> day of February, 2019 at 3:30 p.m., prevailing time, to consider amending Chapter 89, Article II of the Babylon Town Code as set forth in Exhibit "A" herein below; and be it further

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

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

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

The resolution was thereupon declared duly adopted.

**EXHIBIT "A"**  
Chapter 89 Building Construction  
Article II General and Administrative Provisions

Amend:

§ 89-13.1 **Apprenticeship training program compliance required.**

A.

This section shall be applicable only to public works projects in excess of \$250,000.00 and/or 100,000 square feet, whichever is less, which have been filed with the Town Division of Building on or after the effective date of this amendment. A "public works project" shall mean a contract or bid for the erection, construction, alteration, improvement, or repair of any public facility or immovable property owned by the Town of Babylon or a public benefit corporation or a commission appointed pursuant to law by the Town of Babylon.

B.

Prior to the issuance of a building permit or awarding of a municipal bid for such public works projects, an applicant shall demonstrate that any general contractor, contractor or subcontractor for such project participates in an approved apprenticeship training program(s), appropriate for the type and scope of work to be performed, that has been registered with, and approved by, the New York State Department of Labor in accordance with Article 23 of the New York Labor Law.

C.

The determination of compliance with this section shall be made and certified by the Chief Building Inspector or the Commissioner of General Services. An aggrieved party may appeal such determination to the Supreme Court, Suffolk County, pursuant to the Civil Practice Law and Rules.

**RESOLUTION NO. 86 JANUARY 30, 2019  
RATIFYING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF BABYLON AND BROADCAST MUSIC INC.**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon that the Supervisor be and is hereby authorized to execute an Agreement between the Town of Babylon and Broadcast Music Inc. for a license to perform music that is copyrighted by Broadcast Music Inc. at various Town events; and be it further

RESOLVED, that the term of said agreement shall be from March 1, 2019 through February 28, 2020; and be it further

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

VOTES: 4                      YEAS: 4                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 87 JANUARY 30, 2019  
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 213,  
ZONING, ARTICLE XII, OF THE CODE OF THE TOWN OF BABYLON (E Business District)**

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 a Public Hearing be held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 13<sup>th</sup> day of February, 2019, at 3:30 p.m., prevailing time, to consider amending of the Town Code, as set forth in Exhibit "A" annexed hereto; and be it further

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

VOTES: 4                      YEAS: 4                      NAYS: 0

The resolution was thereupon declared duly adopted.

**EXHIBIT "A"**  
Article XII E Business District

Amend

§ 213-129 Permitted uses.

In an E Business District, no building or premises shall be used and no building shall be hereafter erected or altered unless otherwise provided in this chapter, except for one or more of the following uses:

F. The following uses, when allowed as special exceptions by the Board of Appeals, subject to conditions, restrictions and safeguards as may be imposed by the Board of Appeals:

(1) Hospitals and clinics, convalescent homes and nursing homes, assisted living facilities, and an Institutional Dispenser of Medical Marijuana as defined by the Public Health Law, all duly authorized and licensed by the State of New York, and day nurseries.

§ 213-129.2 Smoke shops, vape shops, hookah lounges and vape lounges.

A. Definitions and word usage. Whenever used in this section, words in the singular include the plural and vice versa. As used in this section, the following terms shall have the meanings indicated:

HOOKAH PIPE

A single or multistemmed instrument used by one or more persons to smoke tobacco or another substance, which hookah pipe is also commonly referred to as a "hookah," "water pipe," "shisha" or "narghile."

HOOKAH LOUNGE AND VAPE LOUNGE

Any facility or location whose business operation, and its principal use, include the on-site indoor smoking of electronic cigarettes, vape pens, vapors, e-liquids, or other like substances. Smoking is the inhalation of the smoke/liquid nicotine/vapors/water pipe tobacco and other substances encased in electronic cigarettes, vape pens, and pipes commonly known as "hookah," "water pipe," "shisha," and "narghile" or any similar device.

INSTITUTIONAL DISPENSER

A facility approved and certified by the State of New York Department of Health as authorized to obtain controlled substances by distribution and to dispense and administer such substances pursuant to the order of a practitioner.

MEDICAL MARIHUANA

Marihuana which is intended for a certified medical use, as determined by the Commissioner of Health of the State of New York ("Commissioner") in his or her sole discretion. Any form of medical marihuana not approved by the Commissioner is expressly prohibited.

SMOKE SHOP AND VAPE SHOP

Any establishment which offers for sale or consideration cigarettes, electronic cigarettes, pipes, vape pens, vapors, e-liquids, or other like substances, as a substantial or significant portion of its business, merchandise and/or stock-in-trade.

SUBSTANTIAL OR SIGNIFICANT PORTION

(1) Substantial or significant portion shall be determined using the following considerations:

- (a) Amount of floor area and basement space accessible to customers and allotted to the sale or consideration of cigarettes, electronic cigarettes, pipes, vape pens, vapors, e-liquids, or other like substances of any type, generally, or as compared to the total floor area and basement space accessible to customers; and/or
- (b) Amount of cigarettes, electronic cigarettes, pipes, vape pens, vapors, e-liquids, derivatives or other like substances stock-in-trade of any type accessible to customers, generally, or as compared to total stock accessible to customers; and/or
- (c) Revenues derived from cigarettes, electronic cigarettes, pipes, vape pens, vapors, e-liquids, or other like substances of any type, generally, or as compared to total revenues; and/or
- (d) Advertising devoted to cigarettes, electronic cigarettes, pipes, vape pens, vapors, e-liquids, or other like substances of any type, generally, or as compared to total advertising; and/or
- (e) Use of the establishment for cigarettes, electronic cigarettes, pipes, vape pens, vapors, e-liquids, or other like substances of any type, generally, or as compared to total use thereof.

(2) However, notwithstanding the above considerations, the following shall be conclusive in determining substantial or significant portion:

- (a) Forty percent or more of floor area and basement space accessible to customers allotted to cigarettes, electronic cigarettes, pipes, vape pens, vapors, e-liquids, or other like substances of any type; and/or
- (b) Forty percent or more of its stock-in-trade in cigarettes, electronic cigarettes, pipes, vape pens, vapors, e-liquids, or other like substances of any type; and/or
- (c) Forty percent or more of its gross income derived from cigarettes, electronic cigarettes, pipes, vape pens, vapors, e-liquids, or other like substances; and/or
- (d) Forty percent or more of its advertising devoted to cigarettes, electronic cigarettes, pipes, vape pens, vapors, e-liquids, or other like substances.

B. In an E Business District, no building or premises shall be used and no building shall be hereafter erected or altered unless otherwise provided in this chapter for use as a hookah lounge and/or vape lounge, whether as its primary use or as an accessory or ancillary use, including the smoking of tobacco or other substances through one or more hookah pipes. This prohibition shall include but not be limited to facilities or establishments commonly known by such various terms as "hookah bars," "hookah lounges," or "hookah cafes." All such facilities or establishments lawfully and actually operating, and open to the public or a segment thereof or a club membership as of the date of adoption of this § 213-129.2, shall be permitted to continue as legal nonconforming uses, and all others are hereby declared unlawful and prohibited, effective immediately in accordance with law.

C. In an E Business District, no building or premises shall be used and no building shall be hereafter erected or altered unless otherwise provided in this chapter for use as a smoke shop or vape shop, as substantial or significant portion of its business, merchandise and/or stock-in-trade, as defined in § 213-129.2A above. All such facilities or establishments lawfully and actually operating, and open to the public or a segment thereof as of the date of adoption of this § 213-129.2, shall be permitted to continue as legal nonconforming uses, and all others are hereby declared unlawful and prohibited, effective immediately in accordance with law.

D. In an E Business District, no building or premises shall be used and no building shall be hereafter erected or altered to allow an Institutional Dispenser of Medical Marijuana, without a special exception permit issued by the Board of Appeals, subject to conditions, restrictions and safeguards as may be imposed by the Board of Appeals and subject to the following conditions regarding location as set forth in Town Code Section 213-166.2A-D.

**RESOLUTION NO. 88 JANUARY 30, 2019  
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 213,  
ZONING, ARTICLE XIV, OF THE CODE OF THE TOWN OF BABYLON (G Industrial District)**

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 13<sup>th</sup> day of February, 2019, at 3:30 p.m., prevailing time, to consider amending of the Town Code, as set forth in Exhibit "A" annexed hereto; and be it further

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

VOTES: 4                      YEAS: 4                      NAYS: 0

The resolution was thereupon declared duly adopted.

**EXHIBIT "A"**  
**Article XIV: G Industrial District**

**Amend:**

**§ 213-166 Permitted uses; exclusions.**

I. The use of G Zone property as a hookah lounge, vape lounge, smoke shop, vape shop, or Institutional Dispenser of Medical Marihuana shall be allowed as a special exception by the Zoning Board of Appeals subject to such conditions, restrictions and safeguards as may be imposed by the Zoning Board of Appeals.

**§ 213-166.1 Restriction on location of hookah lounges, vape lounges, smoke shops, and vape shops.**

Hookah lounges, vape lounges, smoke shops, and/or vape shops as defined in § 213-129.2A are to be restricted as to location in the following manner in addition to any other requirements of this Code:

- A. Hookah lounge, vape lounge, smoke shop, or vape shop uses shall be permitted only in industrial zoned districts and subject to the regulations set forth in this Article.
- B. The lot line of any property whereupon exists a Hookah lounge, vape lounge, smoke shop, or vape shop shall not be located within a one-thousand-foot radius of the lot line of any lot zoned for or used as residential use. For purposes of this subsection, cemetery property shall be deemed not zoned residential.
- C. The lot line of any property whereupon exists any of the above uses shall not be located within a one-thousand-foot radius of the lot line of another such legal hookah lounge and vape lounge use.
- D. The lot line of any property whereupon exists any of the above uses shall not be located within a two-thousand-foot radius of any school, library, church or other place of religious worship, park, playground or playing field.

**§ 213-166.2 Restriction on location of Institutional Dispenser of Medical Marihuana.**

Institutional Dispenser of Medical Marihuana as defined in § 213-129.2A are to be restricted as to location in the following manner in addition to any other requirements of this Code:

- A. The lot line of any property whereupon exists an Institutional Dispenser of Medical Marihuana shall not be located within a five-hundred-foot radius of the lot line of any lot zoned for or used as residential use. For purposes of this subsection, cemetery property shall be deemed not zoned residential.
- B. The lot line of any property whereupon exists an Institutional Dispenser of Medical Marihuana use shall not be located within a one-thousand-foot radius of the lot line of another such Institutional Dispenser of Medical Marihuana use.
- C. The lot line of any property whereupon exists any of the above uses shall not be located within a five-hundred-foot radius of any school, library, church or other place of religious worship, park, playground or playing field.
- D. Such location requirements on Institutional Dispensers of Medical Marihuana are applicable in the E Business Zone and Industrial Zoning Districts.

**RESOLUTION NO. 89 JANUARY 30, 2019**

**AUTHORIZING THE SUPERVISOR TO EXECUTE YOUTH SERVICE PROJECT CONTRACTS FOR THE 2019 BUDGET YEAR**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon that the Supervisor be and he hereby is authorized, but not mandated, to execute youth service project contracts for the 2019 budget year subject to the approval of the Town Attorney as to form and content as follows:

Babylon Village Youth Project, Inc.	\$59,266.00
Family Life Center, Inc.	\$45,000.00
Lindenhurst Youth Service Board, Inc.	\$166,218.00
North Babylon Teen Center, Inc.	\$116,588.00
United North Amityville Youth Organization, Inc.	\$138,790.00
West Babylon Community Youth Center Inc.	\$38,500.00

VOTES: 4                      YEAS: 4                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 90 JANUARY 30, 2019**

**AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE CHILD CARE COUNCIL OF SUFFOLK INC.**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Supervisor be and he hereby is authorized to execute an agreement on behalf of the Town of Babylon with the Child Care Council of Suffolk, Inc. whereby the Town of Babylon will provide funds in an amount not to exceed the sum of Twelve Thousand (\$12,000.00) Dollars and Child Care Council of Suffolk, Inc. will provide parent leadership services during the year 2019; and be it further

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

VOTES: 4                      YEAS: 4                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 91 JANUARY 30, 2019**

**AUTHORIZING THE FILING OF AN APPLICATION AND EXECUTION OF A CONTRACT FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE STATE ASSISTANCE PROGRAM**

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

WHEREAS, New York State provides financial aid for household hazardous waste programs; and

WHEREAS, the Town of Babylon has examined and duly considered the applicable laws of the State of New York and deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, a contract by and between the People of the State of New York and the Town of Babylon is required to be executed for such state aid,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understandings and assurances contained in said application is hereby authorized; and be it further

RESOLVED, that the Supervisor is directed and authorized to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State; and be it further

RESOLVED, that the Town of Babylon agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs; and be it further

RESOLVED, that two (2) certified copies of this resolution be prepared and sent to the NYSDEC together with a complete application.

VOTES: 4                      YEAS: 4                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 92 JANUARY 30, 2019  
REQUESTING AN EXTENSION OF THE LEASE WITH  
UNQUA CORINTHIAN YACHT CLUB, INC.**

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

WHEREAS, Resolution No. 614 of August 15, 2006 authorized an agreement modifying and extending the lease with Unqua Corinthian Yacht Club, Inc., located at the west side of West Gilgo Beach, SCIM #0100-240.00-01.00-176.000 and 177.000; and

WHEREAS, Unqua Corinthian Yacht Club, Inc. wishes to again extend the lease for a period (15) years with yearly rental increases of a minimum of five (5%),

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the Supervisor is hereby authorized to extend the lease with Unqua Corinthian Yacht Club, Inc., located at the west side of West Gilgo Lagoon, West Gilgo Beach, SCTM #0100-240.00-01.00-176.000 and 177.000 for a period of fifteen (15) years with yearly rental increases of a minimum of five percent (5%); and be it further

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

VOTES: 4                      YEAS: 4                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 93 JANUARY 30, 2019  
AUTHORIZING AN EXTENSION OF THE LEASE WITH SEAFORD HARBOR YACHT CLUB, INC.  
D/B/A SEA HORSE YACHT CLUB, INC.**

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

WHEREAS, Resolution No. 694 of September 13, 2006 authorized an agreement modifying and extending the lease with Seaford Harbor Yacht Club, Inc. d/b/a Sea Horse Yacht Club, Inc., ("Sea Horse") for premises described as meadow land on the south side of State Boat Channel between Nassau/Suffolk line and West Gilgo Lagoon, approximately 800' east of Nassau/Suffolk line, a parcel 300' x 500'; and

WHEREAS, Sea Horse wishes to again extend the lease for a period of fifteen (15) years with yearly rental increases of a minimum of five percent (5%).

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the Supervisor is hereby authorized to execute an extension to the lease with Seaford Harbor Yacht Club, Inc. d/b/a Sea Horse Yacht Club, Inc., for premises described as meadow land on the south side of State Boat Channel between Nassau/Suffolk line and Gilgo lagoon, approximately 800' east of Nassau/Suffolk line, a parcel 300' x 500', for a period of fifteen (15) years with yearly rental increases of a minimum of five percent (5%); and be it further

RESOLVED, that said is extension of lease is subject to the approval of the Town

Attorney as to form and content.

VOTES: 4                      YEAS: 4                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 94 JANUARY 30, 2019  
AUTHORIZING RELEASE OF CHECK/BOND FOR STREET EXCAVATIONS**

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 check for street excavations be released:

Permit #	Date	Name & Address	Type	Amount
10116	2/25/16	Jeremie P. Tardieu 172 West 7th Street, Deer Park, NY 11729	Check	\$1,200.00

VOTES: 4                      YEAS: 4                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 95 JANUARY 30, 2019  
AUTHORIZING THE TRANSFER OF RESIDUAL EQUITY FROM A CAPITAL PROJECT TO APPROPRIATED RESERVES**

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

WHEREAS, The Town of Babylon has bonded for a capital project namely, Capital Projects Program (the "Project") and  
WHEREAS, the Project has unused funding allocated totaling \$14,100.17 against which no contract or encumbrance exists; and

WHEREAS, the Comptroller recommends to the Town Board that the unused portion be transferred to the General Fund.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon, upon the recommendation of the Comptroller, does hereby order the transfer of funding in the amount of \$14,100.17 from the Capital Projects Program Fund to the General Fund.

RESOLVED, that the Office of the Town Comptroller is authorized to make all necessary accounting entries and cash movements to ensure this transfer, and shall have authority to sign documents necessary to complete this transaction for the above noted amount.

VOTES: 4                      YEAS: 4                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 96 JANUARY 30, 2019  
AUTHORIZING COMMERCIAL WASTE DISTRICT REFUNDS**

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, upon the recommendation of the Commissioner of Environmental Control, that the following Commercial Waste District fees be refunded:

Customer name and Address	Payee	Account No.	Refund Amount
Karen Crispin 26 Cornell Drive, Wheatley Heights, NY 11798	Keren Crispin 15 Cuttermill Road, #225, Great Neck, NY 11021	15865	561.74
Pantry Animal 32 Nancy Street #B, West Babylon, NY 11704	Petfoot & Supplies 94 Field Street, West Babylon, NY 11704	11571	136.58

VOTES: 4                      YEAS: 4                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 97 JANURAY 30, 2019  
AUTHORIZING 2019 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 2019 Budget Modification is hereby authorized:

	<u>General Fund</u>	<u>Increase</u>	<u>Decrease</u>
<b>Tax Collector</b>			
Full Time Clerical			
A.1330.14		\$ 50,922	
<b>Comptroller</b>			
Full Time Clerical			
A.1315.14			\$ 50,922
<b>Animal Control</b>			
Office Supplies			
A.3510.41		\$ 500	
Program Operations			
A.3510.47			\$ 500
<b>Town Clerk</b>			
Member of a Board			
A.1410.12		\$ 1,000	
Office Supplies			
A.1410.41			\$ 500
Miscellaneous			
A.1410.49			\$ 500
Administrative			
A.1410.13		\$ 5,000	
<b>Contingent Account</b>			
Miscellaneous			
A.1990.49			\$ 5,000
<b>Environmental Control</b>			
Part Time Clerical			
A.8090.16		\$ 11,000	
Full Time Clerical			
A.8090.14			\$ 11,000
<b>Garbage Improvement Area</b>			
<b>Refuse and Garbage</b>			
Equipment			
CL.8160.20		\$ 115,350.27	
Professional and Technical Services			
CL.8160.44			\$ 115,350.27
<b>Commercial Garbage District</b>			
<b>Refuse and Garbage</b>			
Equipment			
SR.8160.20		\$ 86,099.73	
Professional and Technical Services			
SR.8160.44			\$ 86,099.73

VOTES: 4                      YEAS: 4                      NAYS: 0  
The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 98 JANURAY 30, 2019  
AUTHORIZING 2018 BUDGET MODIFICATION**

The following resolution was offered by Councilman Martinez and seconded by Councilwoman Gordon  
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:

	<u>General Fund</u>	<u>Increase</u>	<u>Decrease</u>
<b>Central Printing and Mailing</b>			
Full Time Clerical			
A.1670.14		\$ 631	
<b>Buildings</b>			
Overtime			
A.1620.19		\$ 2,407	
Part Time Clerical			
A.1620.16		\$ 7,473	
Full Time Labor			
A.1620.15		\$ 34,573	
Full Time Clerical			
A.1620.14		\$ 817	
Repairs and Maintenance			
A.1620.46			\$ 45,363
Furniture and Fixtures			
A.1620.21			\$ 4,741
<b>Purchasing</b>			
Miscellaneous			
A.1345.49		\$ 500	
Full Time Clerical			
A.1345.14		\$ 4,741	
Administrative			
A.1345.13		\$ 2,000	
Overtime			
A.1345.19			\$ 3,038

VOTES: 4                      YEAS: 4                      NAYS: 0  
The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 99 JANUARY 30, 2019**

**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:

Name	Address
Tyler Singer	29 Tremont Road Lindenhurst, NY 11757

VOTES: 4 YEAS: 4 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 100 JANUARY 30, 2019**

**PROCLAIMING SUNDAY, FEBRUARY 10, 2019 AS EAGLE SCOUT JOSEPH A. CANDIA DAY**

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

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

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

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby extend to Joseph A. Candia its congratulations on his successful completion and achievement of the rank of Eagle Scout and proclaims Sunday, February 10, 2019 as Eagle Scout Joseph A. Candia Day.

VOTES: 4 YEAS: 4 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 101 JANUARY 30, 2019**

**PROCLAIMING SATURDAY, MARCH 9, 2019 AS EAGLE SCOUT JULIAN CASTRILLON DAY**

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

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

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

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

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

WHEREAS, it is fitting that by the successful demonstration of his scouting achievement, Julian Castrillon was awarded the rank of Eagle Scout,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby extend to Julian Castrillon its congratulations on his successful completion and achievement of the rank of Eagle Scout and proclaims Saturday, March 9, 2019 as Eagle Scout Julian Castrillon Day.

VOTES: 4 YEAS: 4 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 102 JANUARY 30, 2019**

**PROCLAIMING SUNDAY, MARCH 17, 2019 AS EAGLE SCOUT ARTHUR EDWIN DAY**

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

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

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

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

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

WHEREAS, it is fitting that by the successful demonstration of his scouting achievement, Arthur Edwin was awarded the rank of Eagle Scout,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby extend to Arthur Edwin its congratulations on his successful completion and achievement of the rank of Eagle Scout and proclaims Sunday, March 17, 2019 as Eagle Scout Arthur Edwin Day.

VOTES: 4 YEAS: 4 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 103 JANUARY 30, 2019**

**PROCLAIMING SUNDAY, MARCH 24, 2019 AS EAGLE SCOUT LIAM PATRICK REIFF DAY**

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

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

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

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

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

WHEREAS, it is fitting that by the successful demonstration of his scouting achievement, Liam Patrick Reiff was awarded the rank of Eagle Scout,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby extend to Liam Patrick Reiff its congratulations on his successful completion and achievement of the rank of Eagle Scout and proclaims Sunday, March 24, 2019 as Eagle Scout Liam Patrick Reiff Day.

VOTES: 4 YEAS: 4 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 104 JANUARY 30, 2019**

**AUTHORIZATION FOR TOWN BOARD, ACTING THROUGH THE TOWN SUPERVISOR AS SOLE MEMBER OF THE TOWN OF BABYLON L.D. CORPORATION II, TO APPOINT A BOARD OF DIRECTORS TO THE TOWN OF BABYLON L.D. CORPORATION II**

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

WHEREAS, the Town of Babylon L.D. Corporation II (hereinafter referred to as the "Corporation") a local development corporation organized pursuant to Section 1411 of the Not-For-Profit Corporation Law of the State of New York was created August 19, 1988; and

WHEREAS, the Town of Babylon, acting through the Town Board and the Town Supervisor as the sole member ("the Member") of the Corporation, seeks to appoint a Board of Directors to the Corporation.

NOW, THEREFORE, BE IT RESOLVED, that the Member appoints the following persons to serve as Directors of the Corporation under the terms outlined in the By-laws of the Corporation:

NAME	ADDRESS
Ramon Accettella, Jr.	816 Deer Park Avenue, North Babylon, NY 11703
Justin Belkin	816 Deer Park Avenue, North Babylon, NY 11703
William Bogardt	816 Deer Park Avenue, North Babylon, NY 11703
Rosemarie Dearing	816 Deer Park Avenue, North Babylon, NY 11703

Marcus Duffin	816 Deer Park Avenue, North Babylon, NY 11703
Thomas Gaulrapp	816 Deer Park Avenue, North Babylon, NY 11703

and be it;

FURTHER RESOLVED, that the Member appoints the following persons to serve as alternate Directors of the Corporation under the terms outlined in the By-laws of the Corporation:

NAME	ADDRESS
William Celona	816 Deer Park Avenue, North Babylon, NY 11703

FURTHER RESOLVED, that the Member appoints the following persons to serve as secretary under the terms outlined in the By-laws of the Corporation:

Paulette Moses	816 Deer Park Avenue, North Babylon, NY 11703
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and be it;

FURTHER RESOLVED, that pursuant to subdivision 2 of Section 2824 of the Public Authorities Law (the "PAL"), all directors of the Corporation shall, if required pursuant to the PAL, participate in New York State approved training regarding their legal, fiduciary, financial and ethical responsibilities as directors within one (1) year of their appointment to the Board of Directors of the Corporation; and be it

FURTHER RESOLVED, that pursuant to subdivision 2 of Section 2824 of PAL, all directors of the Corporation shall participate in such continuing training as may be required to remain informed of best practices, regulatory and statutory changes relating to the effective oversight of the management and financial activities of public authorities and to adhere to the highest standards of responsible governance; and be it

FURTHER RESOLVED, that the Member directs that the Corporation operate subject to the Open Meetings Law, the Freedom of Information Law, the State Environmental Quality Review Act, and the Public Authorities Accountability Act of 2005 as amended by Chapter 506 of the Laws of 2009 of New York State; and be it

FURTHER RESOLVED, that the Town Board and the Town Supervisor as the sole Member of the Corporation, hereby waives notice of the first meeting at which the foregoing resolutions pass; and be it

FURTHER RESOLVED, that these resolutions shall take effect immediately.

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

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 105 OF JANUARY 30, 2019  
ACCEPTING THE CONTRACT WITH PANZNER DEMO AND ABATEMENT FOR BID NO. 18G94- CONTROLLED  
DEMOLITION WITH ASBESTOS IN PLACE AT 8 STATE AVENUE, WYANDANCH  
AND 78 CUMBERBACH AVENUE, WYANDANCH,**

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

WHEREAS, Bid No.18G94- Controlled Demolition with Asbestos in Place at 8 State Place, Wyandanch and 78 Cumberbach Avenue, Wyandanch pursuant to Resolution No. 761 of October 17, 2018, in the amount of NINETY-SIX THOUSAND ONE HUNDRED AND FIFTY (\$96,150.00) DOLLARS and

WHEREAS, the Commissioner of General Services recommends that all work performed by Panzner Demolition and Abatement, Corp. for Bid No. 18G94-Controlled Demolition with Asbestos in Place at 8 State Place, Wyandanch and 78 Cumberbach Avenue, Wyandanch be deemed as satisfactorily complete and

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services, all work performed by Panzner Demo and Abatement Corp. pursuant to Bid No. 18G94-Controlled Demolition with Asbestos in Place be and is hereby deemed satisfactorily complete at a final contract price of NINETY SIX THOUSAND ONE HUNDRED FIFTY (\$96,150.00) DOLLARS

VOTES: 4 \_\_\_\_\_ YEAS: 4 \_\_\_\_\_ NAYS: 0 \_\_\_\_\_

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 106 JANUARY 30, 2019  
RETAINING THE FIRM OF GERMANO & CAHILL, P.C.**

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

WHEREAS, the Town desires to retain the firm of Germano & Cahill, P.C. for advice and representation in connection with the preparation of an agreement with Covanta Babylon, Inc. and/or its parent Covanta Energy Corporation, to amend the existing Service Agreement for the Resource Recovery Facility and other matters to be determined by the Town Attorney and the firm's fees shall be at a rate of \$300.00 per hour for partners, \$270.00 per hour for associates and \$70.00 for paralegals and that all costs and disbursements are in addition to their fees and is an expense which the Town of Babylon will cover; and

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

NOW, THEREFORE, be it BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Town Attorney be and he hereby is authorized to execute an agreement between Town of Babylon and Germano & Cahill, P.C. and be it further

RESOLVED, that the Town of Babylon hereby retains the firm of Germano & Cahill, P.C. and the firm's attorney fees shall be at a rate of \$300.00 per hour for partners, \$270.00 per hour for associates and \$70.00 for paralegals and that all costs and disbursements are in addition to their fees and is an expense which the Town of Babylon will cover; and

RESOLVED, costs and disbursements shall include, but not be limited to, Court costs, filing fees, delivery charges, and other such expenses paid to third-parties to assist the Town of Babylon.

VOTES: 4 \_\_\_\_\_ YEAS: 4 \_\_\_\_\_ NAYS: 0 \_\_\_\_\_

The resolution was thereupon declared duly adopted.

Being no further business before the Board, the meeting adjourned at 3:33 pm on the motion of Councilman Martinez, seconded by Councilman McSweeney.

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Geraldine Compitello, Town Clerk

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