

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 13th day of February, 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	Present
Councilman Martinez	Present
Councilman McSweeney	Present
Councilwoman Gordon	Absent
Supervisor Schaffer	Present

- 1. A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 3, ARTICLE II SECTION 3-4 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES**
- 2. A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 213, ARTICLE XVIII OF THE BABYLON TOWN CODE (Zoning, Supplementary Regulations)**
- 3. A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 213, ZONING, ARTICLE XII, OF THE CODE OF THE TOWN OF BABYLON (E Business District)**
- 4. A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 213, ZONING, ARTICLE XIV, OF THE CODE OF THE TOWN OF BABYLON (G Industrial District)**

**RESOLUTION NO. 107 FEBRUARY 13, 2019  
ACCEPTING TOWN BOARD MINUTES**

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 minutes of the following Town Board Meetings be and the same are hereby accepted:

January 30, 2019

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 108 FEBRUARY 13, 2019  
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING  
CHAPTER 3, ARTICLE II, Section 3-4 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing be held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 27<sup>th</sup> day of February, 2019 at 3:30 p.m., prevailing time, to consider amending Chapter 3, Article II, Section 3-4 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: 4 \_\_\_\_\_ YEAS: 4 \_\_\_\_\_ NAYS: 0 \_\_\_\_\_

The resolution was thereupon declared duly adopted.

**EXHIBIT "A"**

Chapter 3, Article II, Section 3-4

[Parking, Standing, and Stopping Restrictions Designated]

**ADD to Schedule K:**

<u>Name of Street/Side Location</u>	<u>Hamlet</u>	<u>Regulation</u>	<u>Hours/Days</u>
Parliament Place/West Side From a point 112 feet +/- North of Mohawk Drive North for 53 feet +/- (To School Property)	NB	No Stopping	8:00 a.m. to 9:00 a.m. 2:30 p.m. / School Days
Parliament Place/East Side in front of house number 89 for the property frontage of 62 feet +/- (Next to School Property)	NB	No Stopping	8:00 a.m. to 9:00 a.m. 2:30 p.m. / School Days
Clark Street/North Side From Belmont Avenue West for 120 feet +/-	NB	No parking	All
Clark Street/North Side From Belmont Avenue East for 90 feet +/-	NB	No parking	All

**RESOLUTION 109 FEBRUARY 13, 2019  
AUTHORIZING EXTENSION OF TIME TO PAY REAL PROPERTY TAXES FOR PERSONS WHO WERE FURLOUGHED OR DESIGNATED A NON-PAY FEDERAL EMPLOYEE DUE TO THE LAPSE IN DISCRETIONARY APPROPRIATIONS BY THE FEDERAL GOVERNMENT**

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

WHEREAS, a partial federal government shutdown began on December 22, 2018, and ended on January 25, 2019; and

WHEREAS, the partial federal government shutdown was the longest gap in American government funding ever; and

WHEREAS, as a result of the partial federal government shutdown, approximately 420,000 essential federal employees worked without pay, and approximately 320,000 federal employees were furloughed; and

WHEREAS, the New York State Legislature passed, and Governor Andrew Cuomo signed into law, legislation amending the New York Real Property Tax Law to add a new section 925-e extending the deadline for the payment of real property taxes by a person who had been either furloughed or designated a non-pay federal employee, or by the spouse or domestic partner of such person, due to the lapse in discretionary appropriations by the federal government for a period of ninety days after the end of such lapse in discretionary appropriations by the federal government; and

WHEREAS, Section 925-e of the New York Real Property Tax Law requires a municipal corporation that employs the collecting officer to pass a resolution in order to authorize the extension of time to pay real property taxes; and

WHEREAS, the deadline to pay the first-half real property taxes without penalty in the Town of Babylon was January 10, 2019; and

WHEREAS, a resolution authorizing the extension of time to pay real property taxes is not an action as defined by SEQRA in 6 N.Y.C.R.R. §617.2(b) and, therefore, no further SEQRA review is required; and

WHEREAS, the Town Board recognizes that the furloughed federal government employees and employees working without pay were severely impacted by the partial federal government shutdown in terms of their ability to pay their bills, including their real property taxes; and

NOW, THEREFORE,

BE IT RESOLVED the Town Board authorizes an extension until April 25, 2019, for the payment of first-half real property taxes for a federal employee who was either furloughed or designated a non-pay federal employee upon the submission of proper documentation to the Town of Babylon Tax Receiver that such person was in fact furloughed or designated non-pay as a result of the lapse in discretionary appropriations by the federal government, provided that such documentation shall be submitted to the Town of Babylon Tax Receiver as required by Section 925-e of the New York Real Property Tax Law.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 110 FEBRUARY 13, 2019  
ADOPTING LOCAL LAW NO. 1 OF 2019 AMENDING CHAPTER 213, ARTICLE XVIII OF THE BABYLON TOWN CODE  
(Zoning, Supplementary Regulations)**

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

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 13th day of February 2019 upon the question of enactment of Local Law No. 1 of 2019 of the Town of Babylon, Suffolk County, New York, being a Local Law amending the Code of the Town of Babylon, Chapter 213, Article XVIII (Zoning, Supplementary Regulations)

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Babylon that Local Law No.1 of 2019, of the Town of Babylon, Suffolk County, New York, is hereby enacted as follows and effective upon its filing with the New York State Department of State:

**LOCAL LAW NO. 1 of 2019**

A Local Law amending the Code of the Town of Babylon Chapter 213, Article XVIII, in reference to Zoning, Supplementary Regulations.

**EXHIBIT "A"**

Chapter 213 Zoning

[Article XVIII Supplementary Regulations](#)

ADD To [§ 213-236 Repair of damaged buildings; abandoned or vacant buildings; registration of vacant buildings; fees.](#)

C. Annual registration of vacant buildings and registration fees.

(8) An owner, mortgagee or agent, upon receiving information or determining that the residential property is abandoned, and until the property is no longer abandoned, shall post and maintain signs affixed or adjacent to all entrances to the building indicating:

(a) The name, address and telephone number of the agent authorized by the owner or mortgagee to be responsible for maintenance and management of the property.

(b) That no trespassing is allowed upon the premises without consent of the agent.

VOTES: 4 YEAS: 4 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 111 FEBRUARY 13, 2019  
ADOPTING AMENDMENTS TO CHAPTER 3 ARTICLE II Section 3-4 OF THE TOWN OF BABYLON  
UNIFORM CODE OF TRAFFIC ORDINANCES**

The following resolution was offered by Councilman 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 13th day of February, 2019, upon the question of adopting amendments to Chapter 3, Article II, Section 3-4 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: 4 YEAS: 4 NAYS: 0

The resolution was thereupon declared duly adopted.

**EXHIBIT "A"**

Chapter 3, Article II, Section 3-4

[Parking, Standing, and Stopping Restrictions Designated]

<b>ADD to Schedule K:</b>	<b>Hamlet</b>	<b>Regulation</b>	<b>Hours/Days</b>
<b>Name of Street/Side Location</b>			
46th Street /South Side, From the corner Catskill Avenue East for a total distance of 108 feet +/-	NL	No parking	ALL
Sea Lane/North side From 309 feet +/- South of Bi-County Boulevard South for a total distance of 132 feet +/-	EF	No parking	ALL
Gleeland Street/South Side From point 100 feet +/- East of Deer Park Avenue (NYS Route 231) East for 80 Feet +/-	DP	No parking	9:00 a.m. to 6:00 pm / Monday through Saturday
<b>DELETE from Schedule K:</b>			
Gleeland Street/South Side From point 100 feet +/- East of Deer Park Avenue (NYS Route 231) East for 125 Feet +/-	DP	No Parking	9:00 a.m. to 6:00 pm / Monday through Saturday

**RESOLUTION NO. 112 FEBRUARY 13, 2019  
TOWN BOARD ENVIRONMENTAL DETERMINATION FOR PLANNING BOARD JOB 18-24ABDE NORTH BABYLON ASSOCIATES,  
FOR THE REZONING OF TWO PARCELS OF LAND AT SCTM: 100-116-04-002.003, 002.004 SOUTH SIDE OF WEEKS ROAD,  
337' EAST OF DEER PARK AVENUE, NORTH BABYLON**

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

WHEREAS, the applicant; North Babylon Associates care of Anthony Guardino, Attorney, Farrell Fritz PC Attorneys, 400 RXR Plaza, Uniondale NY 11556 has applied to the Town Board of the Town of Babylon for a change of zone from Ea Business to Ga Industry in connection with approximately 111,017 sq. ft. of the subject property which is a 351,861 sq. ft. (8.078 acres) parcel consisting of two tax parcels on the south side of Weeks Road, 337' east of Deer Park Avenue, North Babylon, NY. The proposal also involves the subdivision of the site into two parcels; Lot 1 will be 5.6529 acres and will include the construction of a 22,731 square feet retail structure, 7,003 square feet retail structure and 20,000 square feet fitness center and retain existing retail food establishment and associated site improvements; and Lot 2 will consist of 2.549 acres and will include the change of zone from Ea Business to Ga Industry and also involves the construction of a 2-story 99,004 square feet self-storage facility and associated site improvements; and

WHEREAS, the Town Board of the Town of Babylon hereby declares its intent to be the lead agency for the application of North Babylon Associates in accordance with the State Environmental Quality Review Act (SEQRA) 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 SEQRA and TOBEQRA; and

WHEREAS, the Town Board of the Town of Babylon hereby classifies the proposal as an Unlisted Action with an uncoordinated review 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 SEQRA; 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:

- The proposal will not create a significant adverse impact on traffic conditions of the surrounding roadway network.
- The project site does not contain any sensitive environmental resources or habitat.
- The subject location is an improved former retail site.
- The project will not adversely impact groundwater resources. The project will connect to the Southwest Sewer District for wastewater disposal.
- In connection with Parcel 2, the subject of the change of zone from Ea Business to Ga Industry, a Covenant and Restriction shall be filed by the applicant that shall run with the land that the subject site shall only be used as a self-storage facility. This will prevent potential adverse environmental impacts from utilizing the site for other uses permitted under the Ga Industrial District that could affect the adjacent residential land use.
- 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 by North Babylon Associates at North Babylon, NY 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 by North Babylon Associates as required by the SEQRA AND TOBEQRA.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 113 FEBRUARY 13, 2019**

**TOWN BOARD ENVIRONMENTAL DETERMINATION 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**

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

WHEREAS, by the Town Board of the Town of Babylon has received an application from Wagstaff Partners Ltd. care of Certilman Balin Attorneys, 100 Motor Parkway, Hauppauge, New York 11788 for a change of zone in connection with the properties identified as SCTM No. 0100-022-01-066 and 067 in the SC016 School District, from B Residence District to E-Business District, to construct a two-story medical office building, 1,997.27 footprint; 3,994.54sf gross floor area, along with associated site improvements on a 0.60 acres site, which is the subject of the rezoning; and be it further

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

WHEREAS, the Town Board of the Town of Babylon hereby classifies the proposal as an Unlisted Action and uncoordinated review; 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 for Wagstaff Partners Ltd.; 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 SEQRA; and

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

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

7. The proposal will not create a significant adverse traffic impacts to the surrounding roadway network.
8. The project site does not contain any sensitive environmental resources or habitat.
9. The project was modified from the original submitted proposal, to minimize impacts to the adjacent residential community to the greatest extent practicable.
10. The project sponsor will apply to the Suffolk County Department of Health Services for wastewater disposal to address any potential adverse impacts groundwater resources.
11. Erosion and sediment control measures will be followed 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 will be 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 by Wagstaff Partners Ltd. At Deer Park 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 by Wagstaff Partners Ltd. as required by the SEQRA AND TOBEQRA.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 114 FEBRUARY 13, 2019**

**GRANTING REZONING APPLICATION OF NORTH BABYLON ASSOCIATES FOR THE REZONING OF THE PARCEL OF LAND AT SCTM NO. 0100-116.00-04.00-002.004, LOCATED ON THE SOUTH SIDE OF WEEKS ROAD, 337' EAST OF DEER PARK AVENUE, NORTH BABYLON**

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

WHEREAS, North Babylon Associates, (the "Petitioner") has heretofore petitioned this Board for a change of zone of the property which is located at SCTM No. 0100-116.00-04.00-002.004, further described on Schedule A attached hereto, located in the SC003 School District, from EA Business District to GA Light Industrial District, to construct a 49,940 sq. ft. self-storage building, and

WHEREAS, a public hearing was held on said petition on January 16<sup>th</sup>, 2019; and

WHEREAS, in accordance with Section 617.5(c)(9) State Environmental Quality Review (SEQR), this proposal involves the construction a 49,940 sq. ft. self-storage building, 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 North Babylon Associates, (the "Petitioner") for a change of zone of a certain property which is located at SCTM No. 0100-116.00-04.00-002.004, further described on Schedule A attached hereto, located in the SC003 School District, from EA Business District to GA Light Industrial 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:

1. Subject to submission of a cross access agreement between the two proposed lots.
2. Subject to SCPC referral.
3. Subject to ZBA approval for any associated variances.
4. Subject to NYS DOT approval for any work performed in the NYS ROW.
5. Subject to SWPPP approval.
6. 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.
7. Fire and smoke detection systems and carbon monoxide detectors should 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. As a minimum measure to reduce noise levels, applicant/owner to install sound insulation panels around all air-conditioning units, chillers, refrigeration units and sound insulation blankets around all air-handling units if required by the Town.
10. Sewer district and water saving plumbing fixtures to be utilized.
11. 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.
12. Subject to the requirements of Highway, Engineering, and the Fire Marshall.
13. 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.
14. 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 \$2,000.00.
15. During construction, owner/applicant is responsible to sweep access streets and keep the roadways free of dirt and mud.
16. 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.

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 steel mesh type security gates permitted.
2. All site lighting to be contained on site and must conform to dark-sky lighting regulations.
3. No outdoor speakers or paging systems.

4. The owner/developer is responsible for maintaining all applicable 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. Owner/applicant shall comply with all NYS regulations for handicapped accessibility including, but not limited to, handicapped ramps and handicapped parking spaces.
6. 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.
7. 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.
8. No further development of the site without Planning Board approval.
9. All refuse shall be contained within the perimeter and height of the refuse enclosure as approved by the site plan.
10. 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.
11. 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. 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 SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with §189-8B of the Code of the Town of Babylon.
12. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator. Routine 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 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.
13. The entire building is to have a fully automatic fire sprinkler system installed pursuant to NFPA 13 and Section 213-235 of the Town Zoning Code and as required by the Fire Marshal.
14. The Town of Babylon is not responsible for any damage to the curbs or light poles on site in connection with solid waste pick up.
15. No truck idling is permitted at any time. Owner to post signs "No Idling of Engines—No Exceptions."
16. All non-contained or "free-blowing" trade waste debris will be removed from the subject property and public properties within 100' of the subject property daily.
17. There shall be no outdoor storage including motor vehicles, trucks, recreation vehicles, boats, etc.
18. Proposed Lot 2, which is to be rezoned to GA-Industry, shall be used as a self-storage building only.

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 GA Light Industrial District to EA Business District, and be it further

RESOLVED, that if the owners hereto, 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 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	Absent
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

#### **SCHEDULE A**

Suffolk County Tax Map No. District 0100 Section 116, Block 04, p/o Lot 002.004

All that certain plot, piece or parcel of land, situated, tying and being in the Hamlet of North Babylon, Town of Babylon, County of Suffolk and State of New York, being further described as follows:

BEGINNING at a Point on the southerly line of Weeks Road (as widened). Said Point being 650.19 feet easterly of the intersection formed by the southerly line of Weeks Road and the easterly line of Deer Park Avenue (NYS Route 231).

RUNNING THENCE from said Point of BEGINNING easterly along the southerly line of Weeks Road North 78°04'30" East, a distance of 285.09 feet, to a point;

Thence running the following three (3) courses and distances:

South 07°05'35" East, a distance of 421.60 feet, to a point;

South 80°27'00" West, a distance of 249.80 feet, to a point,

North 11°55'27" West, a distance of 409.75 feet, to the Point and Place of BEGINNING.

Containing within said bounds more or less 111,012 square feet (2.5485 acres)

#### **RESOLUTION NO. 115 FEBRUARY 13, 2019**

#### **GRANTING REZONING APPLICATION OF WAGSTAFF PARTNERS FOR THE REZONING OF THE PARCELS OF LAND AT SCTM NO. 0100-022-01-066, 067 LOCATED ON THE NORTH/EAST CORNER OF OLD COUNTRY ROAD AND NYS ROUTE 231, DEER PARK**

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

WHEREAS, Wagstaff Partners, (the "Petitioner") has heretofore petitioned this Board for a change of zone of the properties which are located at SCTM No's. **0100-022-01-066, 067** further described on Schedule A attached hereto, located in the SC016 School District, from B-Residence to E-Business in order to construct a two-story medical office building (1,997.27 footprint; 3,994.54sf gross floor area) along with associated site improvements., and

WHEREAS, a public hearing was held on said petition on September 26<sup>th</sup>, 2018; and

WHEREAS, in accordance with Section 617.5(c)(9) State Environmental Quality Review (SEQR), this proposal involves the construction a 49,940 sq. ft. self-storage building, 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 Wagstaff Partners, (the "Petitioner") for a change of zone of certain properties which are located at SCTM No. **0100-022-01-066, 067**, further described on Schedule A attached hereto, located in the SC016 School District, from B-Residence to E-Business 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 final site plan approval.
2. Subject to SCPC referral.
3. Subject to SCDHS approval.

4. Subject to NYSDOT approval for any work conducted within the NYS ROW.
5. Subject to the applicant providing a completed LEED checklist or the local variant of a green building project checklist acceptable to the Commissioner of Planning and Development.
6. 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.
7. Fire and smoke detection systems and carbon monoxide detectors should 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. As a minimum measure to reduce noise levels, applicant/owner to install sound insulation panels around all air-conditioning units, chillers, refrigeration units and sound insulation blankets around all air-handling units if required by the Town.
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 \$1,500.00.
11. All regulatory and warning signs are to adhere to the Manual of Uniform Traffic Control Devices for Streets and Highway specifications. All signs must also be fabricated using high-intensity retro reflective sheeting.
12. 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.
13. 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.
14. Water saving plumbing fixtures to be utilized.
15. SCTM# 0100-022-01-066 & 0100-022-01-067 shall be merged.

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 outdoor speakers or paging systems.
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. Owner/applicant shall comply with all NYS regulations for handicapped accessibility, including but not limited to handicapped ramps and handicapped parking spaces.
6. 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.
7. 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.
8. No further development of the site without planning board approval.
9. No truck idling is permitted at any time. Owner to post signs "No Idling of Engines—No Exceptions."
10. All refuse shall be contained within the perimeter and height of the refuse enclosure as approved by the site plan.
11. 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.
12. 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. 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 SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with §189-8B of the Code of the Town of Babylon.
13. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator. Routine 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 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.
14. The entire building is to have a fully automatic fire sprinkler system installed pursuant to NFPA 13 and Section 213-235 of the Town Zoning Code and as required by the Fire Marshal.
15. The Town of Babylon is not responsible for any damage to the curbs or light poles on site in connection with solid waste pick up.
16. Building is limited to office or medical office use only. Medical office use must be able to provide adequate on-site parking.
17. Should SCTM#'s 0100-022-01-066 & 067 not be merged, no parcel shall be sold or operated independent of the other parcel, since the parcels only operate conjointly as a contiguous site.

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 E-Business to B-Residence, and be it further

RESOLVED, that if the owners hereto, 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 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	Absent
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

**SCHEDULE A**

All that a certain plot, piece or parcel of land, situate, lying and being at Deer Park 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 the intersection the easterly side of Deer Park Avenue and the northerly side of Old Country Road;  
Running thence North 08 Degrees 56 Minutes 35 Seconds West, 154.00 feet to a point;  
Running thence North 73 Degrees 10 Minutes 50 Seconds East, 154.90 feet to a point;  
Running thence South 16 Degrees 49 Minutes 10 Seconds East, 159.44 feet to a point;  
Running thence South 73 Degrees 09 Minutes 55 Seconds West, 161.97 feet to a point;  
Running thence North 80 Degrees 34 Minutes 00 Seconds West, 15.66 feet to the point or place of BEGINNING

**RESOLUTION NO. 116 FEBRUARY 13, 2019**

**AUTHORIZING SECURING, BOARD UP AND SITE CLEAN UP OF UNSAFE STRUCTURE LOCATED AT 77 ANDREWS AVENUE, WHEATLEY HEIGHTS, NY 11798 SCTM No. 0100-014.00-05.00-053.000**

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

WHEREAS, a certain structure, located at **77 Andrews Ave., Wheatley Heights, NY**, bearing Suffolk County Tax Map No. **0100-014.00-05.00-053.000** is open and accessible to the public and threatening the health, safety and welfare of the surrounding community residents, and WHEREAS, pursuant to Local Law No. 1 of 1981 and Local Law No. 1 of 1978 all necessary proceedings have been completed in connection with the removal/securing of the aforementioned unsafe structure, and

WHEREAS, the inspector's report dated **December 27, 2018**, indicates the front door and windows are open and accessible therefore the securing/board up of the premises is the most likely and prudent course of action,

WHEREAS, a hearing was held this day; and

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing/board up of the unsafe structures located on the premises at **77 Andrews Ave., Wheatley Heights, NY, A/K/A SCTM No. 0100-014.00-05.00-053.000**, 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 department of Public Works shall undertake the necessary securing and cleanup and be it further

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

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

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 117 FEBRUARY 13, 2019**

**AUTHORIZING SECURING, BOARD UP AND SITE CLEAN UP OF UNSAFE STRUCTURE LOCATED AT 36 YATES STREET, WEST BABYLON, NY 11704 SCTM No. 0100-110.00-01.00-044.000**

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

WHEREAS, a certain structure, located at **36 Yates Street, W. Babylon, NY**, bearing Suffolk County Tax Map No. **0100-110.00-01.00-044.000** is open and accessible to the public and threatening the health, safety and welfare of the surrounding community residents, and WHEREAS, pursuant to Local Law No. 1 of 1981 and Local Law No. 1 of 1978 all necessary proceedings have been completed in connection with the removal/securing of the aforementioned unsafe structure, and

WHEREAS, the inspector's report dated **December 14, 2018**, indicates the windows and the back door is open and accessible, therefore the securing/board up of the premises is the most likely and prudent course of action,

WHEREAS, a hearing was held this day; and

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing/board up of the unsafe structures located on the premises at **36 Yates Street, W. Babylon, NY, A/K/A SCTM No. 0100-110.00-01.00-044.000**, 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 department of Public Works shall undertake the necessary securing and cleanup and be it further

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

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

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 118 FEBRUARY 13, 2019**

**AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 12 N. 15<sup>TH</sup> ST., WHEATLEY HEIGHTS, NEW YORK, SCTM NO. 0100-040.00-01.00-026.000**

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

WHEREAS, a certain structure(s) located at 12 N. 15<sup>th</sup> Street, Wheatley Heights, New York, bearing SCTM# 0100-040.00-01.00-026.000 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 12 N. 15<sup>th</sup> Street, Wheatley Heights, New York, bearing SCTM# 0100-040.00-01.00-026.000 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 January 30, 2019 on file in the Department of Code Enforcement; and be it further

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

RESOLVED, that the costs of securing be assessed against the premises in accordance with Town Code §92-9.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 119 FEBRUARY 13, 2019**

**AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 117 S. 32<sup>ND</sup> STREET, WYANDANCH, NEW YORK, SCTM NO. 0100-053.00-02.00-003.000**

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

WHEREAS, a certain structure(s) located at 117 S. 32<sup>nd</sup> Street, Wyandanch, New York, bearing SCTM# 0100-053.00-02.00-003.000 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 117 S. 32<sup>nd</sup> Street, Wyandanch, New York, bearing SCTM# 0100-053.00-02.00-003.000 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 January 30, 2019 on file in the Department of Code Enforcement; and be it further

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

RESOLVED, that the costs of securing be assessed against the premises in accordance with Town Code §92-9.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 120 FEBRUARY 13, 2019**

**AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 18 SURREY DR., AMITYVILLE, NEW YORK 11701 SCTM NO. 0100-171.00-02.00-078.000**

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

WHEREAS, a certain structure(s) located at 18 Surrey Drive, Amityville, New York, bearing SCTM# 0100-171.00-02.00-078.000, there is no electricity or heat in the home, the doors and windows are open and accessible, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing and board up of the premises located at 18 Surrey Drive, Amityville, New York, bearing SCTM# 0100-171.00-02.00-078.000 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 located in the Department of Code Enforcement, dated February 1, 2019 attached hereto; and be it further

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

RESOLVED, that the costs of securing be assessed against the premises in accordance with Town Code §92-9.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 121 FEBRUARY 13, 2019**

**AUTHORIZING THE EMERGENCY REMOVAL OF ROOF AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 22 PASSADENA DR., NORTH BABYLON, NY SCTM NO. 0100-116.00-02.00-024.000**

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

WHEREAS, a certain structure(s) located at 22 Passadena Dr., N. Babylon New York, bearing SCTM# 0100-116.00-02.00-024.000 has no running water as per a communication with the Suffolk County Water Authority. All doors and windows are presently secured, however the roof over the rear yard patio has failed and is about to collapse, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

WHEREAS, it appears that, unless said roof located over the rear yard patio is removed a clear and imminent danger to the life, safety and health of the surrounding residents and the general public will exist; and

WHEREAS, the architect/professional engineer's report dated February 5, 2019 indicates, the roof over the rear yard patio should be removed, which is the most likely and prudent course of action.

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 removal the of the rear yard patio roof located on the premises 22 Passadena Dr., N. Babylon, New York, bearing SCTM# 0100-116.00-02.00-024.000 to eliminate safety hazard, in order to rectify the above noted problems and abolish any public nuisance resulting from the unsafe condition of said structure, in accordance with the Conclusions and Recommendations set forth in the architect/professional engineer's report attached hereto, 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, that the Department of Public Works shall undertake the necessary securing, removal and cleanup; and be it further

RESOLVED, that the costs of securing be assessed against the premises in accordance with Town Code §92-9.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 122 FEBRUARY 13, 2019**

**AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 365 45<sup>TH</sup> STREET, COPIAGUE, NEW YORK 11726 SCTM NO. 0100-202.00-01.00-056.000**

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

WHEREAS, a certain structure(s) located at 365 45<sup>th</sup> Street, Copiague, New York, bearing SCTM# 0100-202.00-01.00-0256.000 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 365 45<sup>th</sup> Street, Copiague, New York, bearing SCTM# 0100-202.00-01.00-056.000 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 February 4, 2019 on file in the Department of Code Enforcement; and be it further

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

RESOLVED, that the costs of securing be assessed against the premises in accordance with Town Code §92-9.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 123 FEBRUARY 13, 2019**

**AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 44 SPRUCE STREET, WYANDANCH, NY 11798 SCTM NO. 0100-083.00-02.00-046.000**

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

WHEREAS, a certain structure(s) located at 44 Spruce Street, Wyandanch, New York, bearing SCTM# 0100-083.00-02.00-046.000 the doors and windows are open and accessible, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing and board up of the premises located at 44 Spruce Street, Wyandanch, New York, bearing SCTM# 0100-083.00-02.00-046.000 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 February 11, 2019 on file in the Department of Code Enforcement; and be it further

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

RESOLVED, that the costs of securing be assessed against the premises in accordance with Town Code §92-9.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 124 FEBRUARY 13, 2019  
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED  
AT 55 CORSICA ST., COPIAGUE, NY 11726 SCTM NO. 0100-176.00-03.00-059.000**

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

WHEREAS, a certain structure(s) located at 55 Corsica Street, Copiague, New York, bearing SCTM# 0100-176.00-03.00-059.000 has no running water as per a communication with the Suffolk County Water Authority and the doors and windows are open and accessible, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing and board up of the premises located at 55 Corsica Street, Copiague, New York, bearing SCTM# 0100-176.00-03.00-059.000 to eliminate safety hazard, in order to rectify the above noted problems and abolish any public nuisance resulting from the unsafe condition of said structure, in accordance with the Conclusions and Recommendations set forth in the inspector's report dated February 13, 2019 on file in the Department of Code Enforcement; and be it further

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

RESOLVED, that the costs of securing be assessed against the premises in accordance with Town Code §92-9.

VOTES: 4 YEAS: 4 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 125 FEBRUARY 13, 2019  
AUTHORIZING REFUND OF PAYMENT**

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 Health Benefits Administrator that the following payment be refunded as an overpayment:

REFUND OF PAYMENT:

PAYEE	ADDRESS	TYPE	AMOUNT	REASON
EDWARD SMALLING	1468 7 <sup>TH</sup> STREET W BABYLON, NY 11704	Cobra Medical	\$1042.85	Premium for February 2019
FREDERICK HEGEMEEISTERS	46 Tardy Lane Wantagh, NY 11793	Vested Retiree	\$2,085.70	Premium for Jan & Feb 2019

VOTES: 4 YEAS: 4 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 126 FEBRUARY 13, 2018  
AUTHORIZING REFUND OF PAYMENT**

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 Environmental Control that the following payment be refunded as an overpayment:

Customer name and Address	Payee	Account Number	Refund Amount
O.K Petroleum 185 Route 109, West Babylon, NY 11704	O.K. Petroleum 45 Commerce Drive, Hauppauge, NY 11788	3576	\$63.08

VOTES: 4 YEAS: 4 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 127 FEBRUARY 13, 2019  
AMENDING PARKS & RECREATION FEES**

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

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

VOTES: 4 YEAS: 4 NAYS: 0

The resolution was thereupon declared duly adopted.

**2019 Recreation Fees:**

Programs	Fee
Day Camp	85 - 150
Day Camp (full day)	325
Swimming Lessons	60
Swim Team	75
Swim Programs	30 - 400
Diving Lessons	60 - 70
Parent & Tot	75 - 90
Parent & Tot (non- resident fee)	85 - 100
Summer- Parent & Tot	40 - 50
Summer - Parent & Tot (non-resident)	50 - 60
Music Lessons	60
Guitar Camp	90
Dance Lessons	50
Dance Camp	95 - 217
Golf Lessons	75 - 120
Golf Course Fees	5 - 8
Disk Golf Fees	5 - 8
Aquacize	70
Tennis Lessons	75 - 90
Beach Parking Permits	20 - 45
Cedar weekdays/weekends	20 - 40
Cedar/ Gilgo twilight fee (after 4:00)	10
Gilgo weekday/weekends	20 - 40
Cedar Marina weekday/weekends	20 - 40
Camping /Boating Permits Residents	50
Camping /Boating Permits Seniors	25
Cedar Dock 14' & Up	33
Cedar Main Dock Under 14'	30
Special Dock Permit	75
Cedar Floating Dock Twilight	5
Cedar Floating Dock weekdays	12
Cedar Floating Dock weekends	18
Cedar Floating Dock weekdays senior	7
Cedar Floating Dock weekends senior	10
Cedar Marina Camping	30
Gilgo Marina Dock weekdays	15
Gilgo Marina Dock weekends	20
Gilgo Floating Dock weekdays 17' & Up	12
Gilgo Floating Dock weekdays under 17'	5



Gilgo Floating Dock weekends over 17'	15
Gilgo Floating Dock weekends under 17'	10
Gilgo Floating Dock weekdays Senior	7
Gilgo Floating Dock weekends Senior	10
Commercial Boat Launch Permit	250
Boat Launch Permit	50
Boat Launch Permit Senior	25
Boat Launch Permit Tanner weekday/weekends	15 – 30
Boat Launch Permit Venetian weekday/weekends	15 – 30
Jet Ski Permit	50 -25
Family Pool Plan	95 - 160
Individual Plan	60
Senior Individual Plan	25
Senior Family Plan	40
Geiger Spray Park Family Plan	70
Geiger Daily Fee	5
Geiger Daily Fee (non-resident)	10
Phelps Lane Daily Fee	7
Daily Fee Pools N. Amityville, N. Lindenhurst5	
Daily Fee Sanchez & Buttitta	5
Showmobile	175
Showmobile (rate for Fire Department, Police 100 Department and Religious Organization applications)	
Park Permit	50
Paddle Boarding	150 - 165
Sailing	60 - 80
Yoga	72 - 120
Yoga (non-resident)	84 - 144
Painting	25
Film Making (resident)	100
Film Making (non-resident)	115
<b>Athletic Fields (single use)</b>	
Field Fee	60 - 75
Field Fee – Light Fee	180 -200
Athletic Fields (weeks)	300 - 2,370
Field with Lights (weeks)	425 - 1,395
Tanner Floating Slips	40 per foot
Tanner Wall Slips	50 per foot
South Great Neck Slips	40 per foot
Film Permit (per day)	500 – 2000

**RESOLUTION NO. 128 FEBRUARY 13, 2019**

**APPOINTING CHIEF LIFEGUARD**

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

BE IT RESOLVED, that Terrence Manning is hereby appointed as Chief Lifeguard and John Bachety is hereby appointed as First Assistant Chief Lifeguard, effective February 1, 2019 pursuant to the Lifeguard Contract.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 129 FEBRUARY 13, 2019**

**APPOINTING MEMBERS TO THE WITNESS PROJECT BOARD**

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, that the following persons are hereby appointed to the Witness Project Board to serve at the pleasure of the Town Board:

Charvon Pierce, Jason Richberg, Alicia Portwine, Leonard Davis, Marian Hester, Judy Clarke

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 130 FEBRUARY 13, 2019**

**APPROVING THE 2018 SERVICE AWARD LIST FOR THE WYANDANCH WHEATLEY HEIGHTS AMBULANCE DISTRICT**

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

BE IT RESOLVED, that based upon the certification and recommendation by the officers of the Wyandanch Wheatley Heights Ambulance District, and the review and recommendation by the Comptroller, the 2018 Service Award List on file in the Office of the Town Comptroller for the Wyandanch Wheatley Heights Ambulance District be and is hereby approved.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 131 FEBRUARY 13, 2019**

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

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 employees are appointed to the additional positions listed below at the annual salaries indicated herein and that the same are hereby effective as of this date:

NAME	TITLE	SALARY
Afreen S. Wright	Diversity Officer	4,500
Cathy Hyde	Assistant to Town Board	9,000
Dawn Carberry	Sub registrar	2,500
Corinne DiSomma	Tax Warrant Coordinator	10,000
Delores Bocklett	Drug & Alcohol Coordinator	3,500
Denise Graziano	p/t Clerk	25,500
Gilbert Hanse	Emergency Preparedness Coordinator	10,000
Jen Taus	Secretary to Town Board	3,500
Joan Ball	Assessor	12,000
Joseph Wilson	Sanitation Commission Chairman	2,000
Katherine Lynch	p/t Purchasing Technician	25,500
Lori Lynn Hansen	Deputy Registrar	3,150
Madeline Quintyne-McCommey	Special Events Coordinator	5,000
Marianne Hunt	Part-time Executive Assistant to Assessor	2,000
Peter Russo	Plumbing Regulation Liaison to NYS	4,500
Rachel Scelfo	Workforce Housing Coordinator	3,500
Ronald Kluesener	Solid Waste Administrator	8,500
Stephen Greenwald	Traffic Safety Coordinator/Secretary	5,200
Thomas Stay	Drainage Coordinator	2,000
Tom Smith	Deputy Historian	3,500
Victoria Marotta	Director of Community Development	4,000
Victoria Russell	Assistant Solid Waste Coordinator	2,000
Stephen Greenwald	Grant Writer	5,000

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 132 FEBRUARY 13, 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>Law</b>			
Furniture and Fixtures			
A.1420.21		\$ 600	
Office Supplies			
A.1420.41			\$ 600
<b>Parks</b>			
Equipment			
A.7110.20		\$ 24,000	
<b>Contingent Account</b>			
Miscellaneous			
A.1990.49			\$ 24,000
<b>Town Clerk</b>			
Full Time Clerical			
A.1410.14		\$ 8,500	
Part Time Clerical			
A.1410.16			\$ 8,500
<b>VOTES:</b> 4 _____	<b>YEAS:</b> 4 _____	<b>NAYS:</b> 0 _____	

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 133 FEBRUARY 13, 2019**

**AUTHORIZING THE CONVEYANCE OF PARCELS FROM THE TOWN OF BABYLON TO HABITAT FOR HUMANITY OF SUFFOLK HOUSING DEVELOPMENT FUND COMPANY, INC. FOR THE PURPOSE OF AFFORDABLE HOUSING (SECTION 72-h, GENERAL MUNICIPAL LAW)**

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

WHEREAS, the Town of Babylon is the owner of the following parcels of land identified as 1465 Straight Path, Wyandanch, New York, SCTM No. 0100-055.00-03.00-006.000; 28 Jackson Street, Wyandanch, New York, SCTM No. 0100-058.00-04.00-029.000; and 30 Jackson Street, Wyandanch, New York, SCTM No. 0100-058.00-04.00-030.000; and

WHEREAS, the Town of Babylon is willing to declare these parcels surplus Town property which could be transferred to Habitat for Humanity of Suffolk Housing Development Fund Company, Inc., ("Habitat") to be included in their affordable housing program for the purpose of affordable housing; NOW THEREFORE, be it

RESOLVED, that Habitat requests the Town of Babylon to execute and deliver quitclaim deeds to Habitat For Humanity of Suffolk Housing Development Fund Company, Inc., for said properties, more particularly described and designated as 1465 Straight Path, Wyandanch, New York, SCTM No. 0100-055.00-03.00-006.000; 28 Jackson Street, Wyandanch, New York, SCTM No. 0100-058.00-04.00-029.000; and 30 Jackson Street, Wyandanch, New York, SCTM No. 0100-058.00-04.00-030.000 pursuant to Section 72-h of the New York General Municipal Law, for the purpose of transferring the interest of the Town of Babylon in the above described properties to the Habitat For Humanity of Suffolk Housing Development Fund Company, Inc. for affordable housing; and be it further

RESOLVED, that said quitclaim deeds issued by the Town of Babylon, pursuant to this resolution, shall contain a reverter clause to the effect that title to the said above described parcels shall revert to the Town of Babylon in the event that the properties are not used for the above-described public governmental purpose or in the event that Habitat For Humanity of Suffolk Housing Development Fund Company, Inc. attempts to sell, transfer, or otherwise dispose of or does, in fact, sell, transfer, or otherwise dispose of said subject properties without said properties being used thereafter for the above described public governmental purpose subsequent to delivery of said deed to Habitat For Humanity of Suffolk Housing Development Fund Company, Inc.; and be it further

RESOLVED, that the Supervisor be and is hereby authorized to execute a deed(s) transferring the properties from the Town of Babylon to Habitat for Humanity of Suffolk Housing Development Fund Company, Inc.; and be it further

RESOLVED, that the Supervisor be and is hereby authorized to execute an agreement with Habitat for Humanity of Suffolk Housing Development Fund Company, Inc. to provide affordable housing at the aforementioned location's subsequent 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 134 FEBRUARY 13, 2019**

**A RESOLUTION SUPPLEMENTING TOWN BOARD RESOLUTION NO. 994 DECEMBER 20, 2017 AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF THE TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK, TO FINANCE COSTS FOR BUILDING ALTERATIONS TO TOWN BUILDINGS THROUGHOUT THE TOWN including HVAC improvements**

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

WHEREAS, the applicable provisions of the State Environmental Quality Review Act have been complied with to the extent required with respect to the above-titled purposes;

WHEREAS, on December 20, 2017, the Town Board of the Town of Babylon adopted the following Bond Resolution:

**RESOLUTION NO 994 DECEMBER 20, 2017**

**AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF THE TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK, TO FINANCE COSTS FOR BUILDING ALTERATIONS TO TOWN BUILDINGS THROUGHOUT THE TOWN including HVAC improvements**

WHEREAS, Town Board of the Town desires to supplement the forgoing resolution to provide for an increase in maximum cost of the class of objects and purposes authorized to be financed under the forgoing resolution and to apply bond premium paid with respect to the Town's \$14,508,350 Various Purposes Serial Bonds – 2018 ("Bond Premium") for the cost of such class of objects and purposes:

BE IT RESOLVED, by the Town Board of the Town of Babylon, Suffolk County, New York, as follows:

Section 1. For the financing of building alterations to Town buildings throughout the Town including HVAC improvements (all "Class A" or "Class B" buildings as such terms are defined in subdivision 11 of paragraph a of Section 11.00 of the Local Finance Law) a class of objects or purposes, there is hereby authorized to be issued \$1,500,000 bonds of the Town of Babylon, New York, pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of such object or purpose is \$1,654,908, and the plan for the financing thereof is by the application of Bond Premium of the Town in the amount of \$154,908 and the issuance of \$1,500,000 bonds of said Town hereby authorized to be issued therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten (10) years, pursuant to subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years, and that the foregoing is not an assessable improvement.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Local Finance Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year and the capital budget of the Town is hereby amended to provide for the foregoing appropriation.

Section 5. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00, Section 30.00, Section 50.00, Sections 56.00 to 60.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, determining whether to issue bonds with substantially level or declining annual debt service, determining whether the bonds and notes issued hereunder will bear interest at a fixed or a variable rate, prescribing the terms, form and contents of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, and any other powers or duties pertaining to or incidental to the sale and issuance of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, are hereby delegated to the Supervisor, as the chief fiscal officer of the Town. The Town Board hereby determines that bonds and notes authorized hereby shall bear interest at a fixed or variable rate as determined in accordance with the provisions of the Local Finance Law.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution, when it takes effect, shall be published in summary form in The Beacon, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 8. This resolution is adopted subject to permissive referendum.

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	Absent
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

**RESOLUTION 135 FEBRUARY 13, 2019**

**A RESOLUTION SUPPLEMENTING TOWN BOARD RESOLUTION NO. 984 DECEMBER 20, 2017 AUTHORIZING THE ISSUANCE OF \$1,415,000 BONDS OF THE TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK, TO FINANCE THE ACQUISITION OF HEAVY MACHINERY AND EQUIPMENT FOR CONSTRUCTION AND MAINTENANCE**

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

WHEREAS, on December 20, 2017, the Town Board of the Town of Babylon adopted the following Bond Resolution:

**RESOLUTION NO. 984 DECEMBER 20, 2017**

**AUTHORIZING THE ISSUANCE OF \$1,415,000 BONDS OF THE TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK, TO FINANCE THE ACQUISITION OF HEAVY MACHINERY AND EQUIPMENT FOR CONSTRUCTION AND MAINTENANCE**

WHEREAS, Town Board of the Town desires to supplement the forgoing resolution to provide for an increase in maximum cost of the class of objects and purposes authorized to be financed under the forgoing resolution and to apply bond premium paid with respect to the Town's \$14,508,350 Various Purposes Serial Bonds – 2018 ("Bond Premium") for the cost of such class of objects and purposes:

BE IT RESOLVED, by the Town Board of the Town of Babylon, Suffolk County, New York, as follows:

Section 1. For the financing of the acquisition of heavy machinery and equipment for construction and maintenance in the Town a class of objects or purposes, there is hereby authorized to be issued \$1,415,000 bonds of the Town of Babylon, New York, pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of such class of objects or purposes is \$1,565,709, and the plan for the financing thereof is by the application of Bond Premium of the Town in the amount of \$150,709 and the issuance of \$1,415,000 bonds of said Town hereby authorized to be issued therefor.

Section 3. It is hereby determined that the cost of each specific object or purpose contained in aforesaid class of objects or purposes is thirty thousand dollars or more and the period of probable usefulness of each specific object or purpose contained in aforesaid class of objects or purposes is fifteen (15) years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years, and that the foregoing is not an assessable improvement.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Local Finance Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year and the capital budget of the Town is hereby amended to provide for the foregoing appropriation.

Section 5. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00, Section 30.00, Section 50.00, Sections 56.00 to 60.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, determining whether to issue bonds with substantially level or declining annual debt service, determining whether the bonds and notes issued hereunder will bear interest at a fixed or variable rate, prescribing the terms, form and contents of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, and any other powers or duties pertaining to or incidental to the sale and issuance of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, are hereby delegated to the Supervisor, as the chief fiscal officer of the Town. The Town Board hereby determines that bonds and notes authorized hereby shall bear interest at a fixed or variable rate as determined in accordance with the provisions of the Local Finance Law.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution, when it takes effect, shall be published in summary form in The Beacon, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 8. This resolution is adopted subject to permissive referendum.

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	Absent
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

**RESOLUTION 136 FEBRUARY 13, 2019**

**A RESOLUTION SUPPLEMENTING TOWN BOARD RESOLUTION NO. 990 DECEMBER 20, 2017 AUTHORIZING THE ISSUANCE OF \$3,116,250 BONDS OF THE TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK, TO FINANCE VARIOUS PARK IMPROVEMENTS THROUGHOUT THE TOWN, INCLUDING NEW TURF FIELDS, PLAYGROUND IMPROVEMENTS, BUILDING RECONSTRUCTION, IRRIGATION, FENCING AND LIGHTING**

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

WHEREAS, the applicable provisions of the State Environmental Quality Review Act have been complied with to the extent required with respect to the above-titled purposes;

WHEREAS, on December 20, 2017, the Town Board of the Town of Babylon adopted the following Bond Resolution:

**RESOLUTION NO. 990 DECEMBER 20, 2017 AUTHORIZING THE ISSUANCE OF \$3,116,250 BONDS OF THE TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK, TO FINANCE VARIOUS PARK IMPROVEMENTS THROUGHOUT THE TOWN, INCLUDING NEW TURF FIELDS, PLAYGROUND IMPROVEMENTS, BUILDING RECONSTRUCTION, IRRIGATION, FENCING AND LIGHTING**

WHEREAS, Town Board of the Town desires to supplement the forgoing resolution to provide for an increase in maximum cost of the class of objects and purposes authorized to be financed under the forgoing resolution and to apply bond premium paid with respect to the Town's \$14,508,350 Various Purposes Serial Bonds – 2018 ("Bond Premium") for the cost of such class of objects and purposes:

BE IT RESOLVED, by the Town Board of the Town of Babylon, Suffolk County, New York, as follows:

Section 1. For the financing of various park improvements throughout the Town including new turf fields, playground improvements, building reconstruction, irrigation, fencing and lighting, a class of objects or purposes, there is hereby authorized to be issued \$3,116,250 bonds of the Town of Babylon, New York, pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of such class of objects or purposes is \$3,437,250, and the plan for the financing thereof is by application of Bond Premium of the Town in the amount \$321,000 and by the issuance of \$3,116,250 bonds of said Town hereby authorized to be issued therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen (15) years, pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years, and that the foregoing is not an assessable improvement.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Local Finance Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) amortization and

redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year and the capital budget of the Town is hereby amended to provide for the foregoing appropriation.

**Section 5.** Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00, Section 30.00, Section 50.00, Sections 56.00 to 60.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, determining whether to issue bonds with substantially level or declining annual debt service, determining whether the bonds and notes issued hereunder will bear interest at a fixed or variable rate, prescribing the terms, form and contents of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, and any other powers or duties pertaining to or incidental to the sale and issuance of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, are hereby delegated to the Supervisor, as the chief fiscal officer of the Town. The Town Board hereby determines that bonds and notes authorized hereby shall bear interest at a fixed or variable rate as determined in accordance with the provisions of the Local Finance Law.

**Section 6.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 7.** This resolution, when it takes effect, shall be published in summary form in The Beacon, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 8.** This resolution is adopted subject to permissive referendum.

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	Absent
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

**RESOLUTION 137 FEBRUARY 13, 2019**

**A RESOLUTION SUPPLEMENTING TOWN BOARD RESOLUTION NO. 986 DECEMBER 20, 2017 AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK, TO FINANCE THE RECONSTRUCTION OF VARIOUS ROADS THROUGHOUT THE TOWN**

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

WHEREAS, the applicable provisions of the State Environmental Quality Review Act have been complied with to the extent required with respect to the above-titled purpose;

WHEREAS, on December 20, 2017, the Town Board of the Town of Babylon adopted the following Bond Resolution:

**RESOLUTION NO. 986 DECEMBER 20, 2017**

**AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK, TO FINANCE THE RECONSTRUCTION OF VARIOUS ROADS THROUGHOUT THE TOWN**

WHEREAS, Town Board of the Town desires to supplement the forgoing resolution to provide for an increase in maximum cost of the class of objects and purposes authorized to be financed under the forgoing resolution and to apply bond premium paid with respect to the Town's \$14,508,350 Various Purposes Serial Bonds – 2018 ("Bond Premium") for the cost of such class of objects and purposes:

BE IT RESOLVED, by the Town Board of the Town of Babylon, Suffolk County, New York, as follows:

**Section 1.** For the financing of the reconstruction of various roads throughout the Town including sidewalks, curbs, gutters, drainage, landscaping, grading, and improvements to right of way a class of objects or purposes, there are hereby authorized to be issued \$6,000,000 bonds of the Town of Babylon, New York, pursuant to the provisions of the Local Finance Law.

**Section 2.** The maximum estimated cost of such class of objects or purposes is \$6,585,794, and the plan for the financing thereof is by the application of Bond Premium of the Town in the amount of \$585,794 and by the issuance of \$6,000,000 bonds of said Town hereby authorized to be issued therefor.

**Section 3.** It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen (15) years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years, and that the foregoing is not an assessable improvement.

**Section 4.** Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Local Finance Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year and the capital budget of the Town is hereby amended to provide for the foregoing appropriation.

**Section 5.** Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00, Section 30.00, Section 50.00, Sections 56.00 to 60.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, determining whether to issue bonds with substantially level or declining annual debt service, determining whether the bonds and notes issued hereunder will bear interest at a fixed or variable rate, prescribing the terms, form and contents of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, and any other powers or duties pertaining to or incidental to the sale and issuance of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, are hereby delegated to the Supervisor, as the chief fiscal officer of the Town. The Town Board hereby determines that bonds and notes authorized hereby shall bear interest at a fixed or variable rate as determined in accordance with the provisions of the Local Finance Law.

**Section 6.** The validity of such bonds and bond anticipation notes may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 7.** This resolution, when it takes effect, shall be published in summary in The Beacon, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 8.** This resolution is adopted subject to permissive referendum.

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	Absent
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 138 FEBRUARY 13, 2019**

**AWARDING BID NO. 19G01 COLLECTION & DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE**

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

WHEREAS, the following bids for Bid No.19G01, Collection & Disposal of Household Hazardous Waste were received, opened and publicly read:

**SPREADSHEET ON FILE IN DEPT. OF GENERAL SERVICES**

RESOLVED, that based upon recommendations of the Commissioner of General Services and the Deputy Commissioner of Environmental Control, Bid No. 19G01 be and is hereby awarded to the lowest responsible bidder, Radiac Research Corp., d/b/a/ Radiac Environmental Services; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute one (1) year contracts with Radiac Research Corp., d/b/a/ Radiac Environmental Services and that the form and content of said contracts shall be subject to the approval of the Town Attorney and the New York State Department of Environmental Control; 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: 4 \_\_\_\_\_ YEAS: 4 \_\_\_\_\_ NAYS: 0 \_\_\_\_\_

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 139 FEBRUARY 13, 2019  
AWARDING BID NO. 19G02 SIGN FACES**

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

WHEREAS, the following bids for Bid No.19G02-Sign Faces were received, opened and publicly read:

**SPREADSHEET ON FILE IN THE DEPARTMENT OF GENERAL SERVICES**

WHEREAS, the Commissioner of General Services and the Commissioner of D.P.W. recommends that Osburn Associates Inc. and Lightle Enterprises of Ohio, LLC be excluded from Bid No19G02 as the firms didn't complete and submit the entire bid packet as required,

NOW THEREFORE, be it

RESOLVED, that based upon recommendation of the Commissioner of General Services, and the Commissioner of D.P.W., Osburn Associates Inc. and Lightle Enterprises of Ohio, LLC be excluded from Bid No. 19G02 as the firms didn't complete and submit the entire bid packet as required, and be it further

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Commissioner of D.P.W. and upon their finding the aforementioned bids fair and reasonable, Bid No. 19G02 be and is hereby awarded to Garden State Highway Products, Inc.; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a one (1) year contract with Garden State Highway Products, Inc. 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: 4 \_\_\_\_\_ YEAS: 4 \_\_\_\_\_ NAYS: 0 \_\_\_\_\_

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 140 FEBRUARY 13, 2019**

**AWARDING BID NO. 19G03 PRINTING: PARKS, RECREATION & CULTURAL AFFAIRS DIRECTORY**

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

WHEREAS, the following bids for Bid No. 19G03 Printing: Parks, Recreation & Cultural Affairs Directory were received, opened and publicly read:

Item	Cost
1. Printing: Parks, Rec. & Cultural Affairs Dir. (Total Cost for 73,000 with mailing)	
Indiana Printing & Publishing Co., Inc.	\$20,658.00
Morgan Electronics	no bid
Courier Printing Corporation	no bid
Your Printer V.2.0, Ltd.	\$52,559.61
Tobay Printing	\$5,944.00
2. Printing: Parks, Rec. & Cultural Affairs Dir. (Total Cost for 10,000 with mailing)	
Indiana Printing & Publishing Co., Inc.	\$4,263.00
Morgan Electronics	\$5,500.00
Courier Printing Corporation	\$6,448.00
Your Printer V.2.0, Ltd.	\$10,249.57
Tobay Printing	\$24,975.00

WHEREAS, the Commissioner of General Services and the Commissioner of Parks and Recreation recommend that Tobay Printing Company, Inc. be excluded from Bid No. 19G03, Printing: Parks and Recreation Cultural Affairs Directory as they have requested to withdraw their bid, in its entirety, due to clerical errors;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Commissioner of Parks and Recreation, that Indiana Printing & Publishing Co. Inc. be and is hereby excluded from Bid No. 19G03, Printing: Parks and Recreation Cultural Affairs Directory, in its entirety and without penalty due to clerical errors in their bid; and be it further

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Commissioner of Parks & Recreation and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 19G03 be and is hereby awarded to the low bidder, Indiana Printing and Publishing Company, Inc.; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a one (1) year contract with Indiana Printing and Publishing Company, 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 contracts may be extended for two (2) additional one (1) year periods at the discretion of the Commissioner of General Services.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 141 FEBRUARY 13, 2019**

**AWARDING BID NO. 19G05 8 YARD REAR LOAD CONTAINERS W/PLASTIC COVERS**

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

WHEREAS, the following bids for Bid No. 19G05 8 Yard Rear Load Containers w/Plastic Covers were received, opened and publicly read:

Item	Vendor	Price
1. 8 Yard Rear Load Containers w/Plastic Covers	J.C. Industries, Inc.	\$1,394.00 per item

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Commissioner of Environmental Services and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 19G05 be and is hereby awarded to the sole bidder, J.C. Industries, Inc.; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a one (1) year contract with J.C. Industries, 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 contracts may be extended for two (2) additional one (1) year periods at the discretion of the Commissioner of General Services.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 142 FEBRUARY 13, 2019**

**RESCINDING ITEM NO. 2, REMOVAL OF ASBESTOS CONTAINING CAULKING AROUND WINDOWS ON BID NO. 18G34; ABATEMENT OF ASBESTOS CONTAINING FLOOR TILES AND WINDOW CAULKING, FROM ALLSTATE ENTERPRISES, INC. AND REAWARDING TO BOYLE 18, INC.**

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

WHEREAS, Item No. 2, Removal of Asbestos Containing Caulking around Windows, on Bid No. 18G34, Abatement of Asbestos Containing Floor Tiles and Window Caulking was awarded to Allstate Enterprises, Inc. pursuant to Resolution No. 355 of April 25, 2018 in the amount of FIVE (\$5.00) DOLLARS PER LINEAR FOOT, and

WHEREAS, Allstate Enterprises, Inc. is no longer licensed for asbestos removal and therefore and cannot remediate the window caulk pursuant to item No. 2, Bid No. 18G34, and

WHEREAS, the Commissioner of General Services and the Commissioner of D.P.W. recommends re-awarding item No. 2 on Bid No. 18G34 to the second lowest bidder, Boyle 18, Inc. in the amount of FOURTEEN (\$14.00) DOLLARS PER LINEAR FOOT;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services, and the Commissioner of D.P.W., that item No. 2 on Bid 18G34 awarded to Allstate Enterprises, Inc. be rescinded due to they are no longer licensed for asbestos removal and be it further;

RESOLVED, that based upon the recommendation of the Commissioner of General Services, and the Commissioner of D.P.W., Item No. 2 on Bid No 18G34 be and the same is hereby awarded to the second low bidder, Boyle 18, Inc. and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a one (1) year contract with Boyle 18, 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.

The resolution was thereupon declared duly adopted.

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

The resolution was thereupon declared duly adopted.

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

