

**TABLED AGENDA
TOWN BOARD MEETING
DECEMBER 4, 2019**

722. DESIGNATING THE PREMISES KNOWN AS 84 PACIFIC AVENUE DEER PARK, NEW YORK, SCTM#0100-042.00-03.00-019.000 A PUBLIC NUISANCE, AUTHORIZING THE BOARDING UP OF SAID PREMISES AND AUTHORIZING THE TOWN ATTORNEY TO COMMENCE LITIGATION

**RESOLUTION NO. 722 DECEMBER 4, 2019
DESIGNATING THE PREMISES KNOWN AS 84 PACIFIC AVENUE
DEER PARK, NEW YORK, SCTM#0100-042.00-03.00-019.000 A PUBLIC NUISANCE,
AUTHORIZING THE BOARDING UP OF SAID PREMISES AND AUTHORIZING THE
TOWN ATTORNEY TO COMMENCE LITIGATION**

The following resolution was **TABLED** by Supervisor Schaffer and seconded by Councilman Martinez

WHEREAS, the property located at 84 Pacific Avenue, Deer Park, New York, bearing SCTM# 0100-042.00-03.00-019.000, is owned by John L. Rosenberg, Josephine A. Rosenberg, & Louis Rosenberg; and

WHEREAS, an arrest of Tyler Rosenberg occurred at said premises on January 24, 2019, for possession of Cocaine and Marijuana, defined under New York State Penal Law Article 220 - Controlled Substance Offenses.

WHEREAS, in accordance with Section 165-7, John L. Rosenberg, Josephine A. Rosenberg, & Louis Rosenberg were served a Nuisance Notice for Tyler Rosenberg's arrest on January 28, 2019, warning was given that a second arrest may result in the board-up of the property; and

WHEREAS, a second arrest of Tyler Rosenberg occurred at said premises on October 8, 2019, for Criminal Possession of Marijuana in the 3rd Degree, a violation of New York State Penal Law Article 220 - Criminal Possession of Controlled Substance and New York State Penal Law Article 221 - Criminal Possession of Marijuana; and

WHEREAS, in accordance with Section 165-7, John L. Rosenberg, Josephine A. Rosenberg, & Louis Rosenberg were served with a Nuisance Notice on October 8, 2019; and

WHEREAS, a public hearing on the matter was held on November 7, 2019, and the record was closed and reserved; and

WHEREAS, the purpose of Town Code Chapter 165 is to create a standardized procedure for securing legal and equitable remedies and to strengthen existing laws so as to effectively deal with the problem of illegal drugs in the Town of Babylon by preventing buildings, residences, premises and real estate within the Town of Babylon from being used in such a way as to constitute a public nuisance; and

WHEREAS, in determining whether this property constitutes a public nuisance, the Town Board has considered the Commissioner of the Department of Planning and Development's Report dated November 1, 2019, which outlines the nature of the arrests and offenses which occurred at the property, and relevant information as to the history of this property pertaining to the sale and/or consumption of drugs to prevent the premises from being used in such a way as to constitute a public nuisance; and

WHEREAS, the Town Board finds that the dwelling and any structures located at 84 Pacific Avenue, Deer Park, NY 11729, presents a public nuisance and an imminent danger to the safety, health and welfare of the surrounding community residents: 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, §165-9B of the Town Code provides for the correction of said unsafe structure and the assessment of the costs of said correction against the property.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon hereby declares 84 Pacific Avenue, Deer Park, NY 11729 bearing SCTM. 0100-042.00-03.00-019.00 a public nuisance pursuant to Chapter 165 in accordance with the Recommendations set forth in the Commissioner of

the Department of Planning and Development's Report dated November 1, 2019, which is on file in the Department of Planning and Development; and be it further

RESOLVED, that the Town Board of the Town of Babylon does hereby order the emergency securing/board up of the public nuisance structure located on the premises at 84 Pacific Avenue, Deer Park, NY 11729 bearing SCTM. 0100-042.00-03.00-019.00 pursuant to Town Code Section 165-9 to eliminate the public nuisance, in order to rectify the above noted problems and abolish any public nuisance resulting from the illegal activities of said structure, in accordance with the Recommendations set forth in the Commissioner of the Department of Planning and Development's Report dated November 1, 2019, which is on file in the Department of Planning and Development; and be it further

RESOLVED, that the Department of Public Works shall undertake the necessary securing and board up of the structure(s) located at 84 Pacific Avenue, Deer Park, NY 11729 bearing SCTM. 0100-042.00-03.00-019.00; and be it further

RESOLVED, that the costs of securing be assessed against the premises in accordance with Town Code §165-9B.

The resolution was thereupon declared duly **TABLED** to January 2, 2020 Meeting.

**TOWN BOARD MEETING
DECEMBER 4, 2019
AGENDA**

- 758. ACCEPTING TOWN BOARD MINUTES
- 759. AWARDING BID NO. 19G92 PLUMBING & HVAC SUPPLIES
- 760. AWARDING BID NO. 19G93 SUPPLY OF MULCH
- 761. RESCIND AWARDED ITEMS OF BID NO. 18G112 FROM PARTSWAY INC. AND REAWARDING TO NORTHEAST EQUIPMENT INC
- 762. AUTHORIZING CHANGE ORDER NO. 7 IN THE CONTRACT WITH G & M EARTH MOVING, INC. FOR BID NO. 18G62, CARHILL & STORMWATER RECHARGE BASIN RECONSTRUCTION
- 763. AUTHORIZING CHANGE ORDER NO. 3 IN THE CONTRACT WITH LOCKWOOD, KESSLER & BARTLETT, INC. FOR RFP NO. 15G31, FOR APPLICATION PREPARATION, ENGINEERING, DESIGN, BID PREPARATION, ETC. FOR THE CONSTRUCTION OF BRIDGES IN THE AMERICAN VENICE, COPIAGUE
- 764. AUTHORIZING CHANGE ORDER NO. 1 IN THE CONTRACT WITH PAYPRO CORPORATION FOR RFP NO. 17G15, REQUEST FOR PROPOSALS FOR PAYROLL SERVICES FOR THE TOWN OF BABYLON
- 765. AUTHORIZING CHANGE ORDER NO. 1 IN THE CONTRACT WITH RELLE ELECTRIC CORP. FOR BID NO. 18G8E, CONSTRUCTION OF A NEW HISTORIC RESTORATION OF OAK BEACH COMMUNITY CENTER, ELECTRIC CONSTRUCTION
- 766. AUTHORIZING A CONTRACT WITH H2M
- 767. AUTHORIZING A CONTRACT WITH LINCOLN IT
- 768. AWARDING BID NO. 19G87, FURNISH & INSTALL DECORATIVE STREET LIGHTING ON STRAIGHT PATH, WEST BABYLON
- 769. SETTING TOWN BOARD MEETING SCHEDULE FOR THE YEAR 2020
- 770. AUTHORIZING THE TOWN ATTORNEY TO EXECUTE AN AGREEMENT WITH KATTEN MUCHIN ROSENMAN LLP
- 771. AUTHORIZING 2019 BUDGET MODIFICATION
- 772. CONFIRMING MEMBERSHIP TO THE NORTH BABYLON VOLUNTEER FIRE COMPANY, INC.
- 773. AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF BABYLON AND RAPID ARMORED CORPORATION
- 774. AUTHORIZING THE TOWN SUPERVISOR TO SIGN GOVERNMENT BANKING SUPPLEMENTAL COLLATERAL AGREEMENT WITH VALLEY BANK
- 775. AUTHORIZING REFUND OF PAYMENT

776. AUTHORIZING REFUND OF FEES ANIMAL SHELTER
777. AUTHORIZING RELEASE OF BOND
778. ACCEPTING A DONATION
779. AUTHORIZING EMPLOYEE REIMBURSEMENT
780. ADOPTING THE TOWN OF BABYLON DEBT RETIREMENT POLICY
781. AUTHORIZING PERMISSION FOR A PARADE ON DECEMBER 7, 2019 IN THE TOWN OF BABYLON FOR THE WEST BABYLON FIRE DEPARTMENT
782. PROCLAIMING FRIDAY, JANUARY 17, 2020 AS EAGLE SCOUT NICHOLAS LANTERI DAY
783. PROCLAIMING SATURDAY, JANUARY 18, 2020 AS EAGLE SCOUT SAM CANONICA DAY
784. PROCLAIMING SUNDAY, JANUARY 19, 2020 AS EAGLE SCOUT ZACHARY VILA DAY
785. TOWN BOARD ENVIRONMENTAL DETERMINATION (SEQRA) AUTHORIZING THE SUPERVISOR TO ENTER INTO A GRANT AGREEMENT WITH SUFFOLK COUNTY AND CONSTRUCT TOWN OF BABYLON PHASE II HIGHWAY YARD MS4 UPGRADES AND STORMWATER AND WASTEWATER POLLUTION PREVENTION PROJECT AT LINDENHURST, TOWN OF BABYLON, NEW YORK
786. TOWN BOARD ENVIRONMENTAL DETERMINATION AUTHORIZING THE SUPERVISOR TO ENTER INTO A GRANT AGREEMENT WITH SUFFOLK COUNTY FOR THE TOWN OF BABYLON PHASE II HIGHWAY YARD MS4 UPGRADES AND STORMWATER AND WASTEWATER POLLUTION PREVENTION PROJECT AT LINDENHURST, TOWN OF BABYLON, NEW YORK
787. REVERTING THE CONVEYANCE OF A PARCEL FROM SUFFOLK COUNTY TO THE TOWN OF BABYLON, COMMUNITY DEVELOPMENT PROGRAM
788. REQUESTING THE CONVEYANCE OF A PARCEL FROM SUFFOLK COUNTY TO THE TOWN OF BABYLON, COMMUNITY DEVELOPMENT PROGRAM FOR AFFORDABLE HOUSING AND AUTHORIZING THE CONVEYANCE OF SAID PARCEL TO THE WYANDANCH COMMUNITY DEVELOPMENT CORPORATION PURSUANT SECTION 72-h, GENERAL MUNICIPAL LAW
789. ACCEPTANCE OF DEED OF STREET DEDICATION FOR PORTION OF SUBURBAN AVENUE, DEER PARK, ADJACENT TO SCTM NO.0100-092.00-03.00-051.000 & 037.001 FROM MARS REALTY LLC AND PR 500 BROOK AVE LLC. TO TOWN OF BABYLON
790. AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR PHILIP TERRIBILE OUTER BEACH APPLICATION NO. 130225/130226 SCTM #0100-243-1-62
791. SCHEDULING A PUBLIC HEARING ON THE REZONING APPLICATION OF BUNT DEVELOPMENT CORP. FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-169-01-030, 014, 013, 009, 010 & PART OF 061 LOCATED ON THE E/S/O ALBANY AVE., 170' N/O STEELE PL., N. AMITYVILLE

792. AUTHORIZING THE SUPERVISOR TO ENTER INTO FIRE PROTECTION AND AMBULANCE DISTRICT CONTRACTS
793. ADOPTING LOCAL LAW NO. ____ OF 2019 AMENDING CHAPTER 86 OF THE BABYLON TOWN CODE (BOATS)
794. ADOPTING AMENDMENTS TO CHAPTER 3, ARTICLE II, SECTION 3-4 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES
795. SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 213, ARTICLE XLII OF THE BABYLON TOWN CODE
796. SCHEDULING A PUBLIC HEARING ON THE REZONING APPLICATION OF FRESENIUS MEDICAL CARE FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-112-05-090, 092, 093.001, 093.002, 094, 095, 106.002, 106.004, 107.002, 108, 109 & 110 LOCATED ON THE N/W/C/O NYS ROUTE 231 & GARNET STREET, NORTH BABYLON
797. AUTHORIZING PERMISSION FOR A PARADE ON DECEMBER 15, 2019 IN THE TOWN OF BABYLON FOR THE LINDENHURST UFSO

**RESOLUTION NO. 758 DECEMBER 4, 2019
ACCEPTING TOWN BOARD MINUTES**

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

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

November 20, 2019

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 759 DECEMBER 04, 2019
AWARDING BID NO. 19G92
PLUMBING & HVAC SUPPLIES**

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

WHEREAS, the following bids for Bid No. 19G92, Plumbing & HVAC Supplies were received, opened and publicly read:

	Johnstone Supply	Babylon Plumbing	Island Repl. Parts
1. Discount from Price/Catalog list price	58%	no bid	25%
Catalog bid	HVAC/R Cat#210 4/19	no bid	Central Brass LT-19-PPB-01
2. Discount from Website	no bid	no bid	no bid
3. Discount from in-store pricing	no bid	10% trade price 5% tool & machines	25%

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Commissioner of D.P.W. and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 19G92 be and is hereby awarded to all bidders, B & F Electric Motors, Inc. d/b/a Johnstone Supply, Babylon Plumbing Supply, Inc. and E.P.E Replacement Parts, Inc. d/b/a Island Replacement Parts & Faucets; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute one (1) year contracts with B & F Electric Motors, Inc. d/b/a Johnstone Supply, Babylon Plumbing Supply, Inc. and E.P.E Replacement Parts, Inc. d/b/a Island Replacement Parts & Faucets and that the form and content of said contracts shall be subject to the approval of the Town Attorney; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 760 DECEMBER 4, 2019
AWARDING BID NO. 19G93 SUPPLY OF MULCH**

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

WHEREAS, the following bids for Bid No. 19G93, Supply of Mulch was received, opened
and publicly read:

<u>BIDDER</u>	<u>BID PRICE</u>
Item 1. Supply of Mulch, delivered per cubic yard	
Belli Contracting Company, Inc.	\$10.00
Omni Landscape Garden & Supply, LLC	\$11.25
B & B Maintenance Services, Inc.	\$12.50
Heinrich Landscaping, Inc.	\$68.00
Barbato Nursery Corp.	\$23.00
The Garden Department Corp.	\$16.95

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General
Services and the Commissioner of the Department of Public Works and upon their finding the
aforementioned bids fair and reasonable, Bid No. 19G93 be and is hereby awarded to the low bidder
Belli Contracting Company, Inc.; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 761 DECEMBER 4 2019
RESCIND AWARDED ITEMS OF BID NO. 18G112 FROM PARTSWAY INC.
AND REAWARDING TO NORTHEAST EQUIPMENT INC.**

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

WHEREAS, Item Nos. 1H1, 1H3, 1I, 1S, IV and 1Z of Bid No. 18G112, Landscape Equipment: Parts and/or Repair of Equipment was awarded to Partsway Inc. pursuant to Resolution No. 62 of January 16, 2019, and

WHEREAS, Partsway Inc. has requested to withdraw due to that they are no longer a distributor of landscape products, and;

WHEREAS, the Commissioner of General Services recommends accepting the withdrawal of Partsway Inc., without penalty, and;

WHEREAS, the Commissioner of General Services recommends re-awarding Item Nos. 1H1, 1S and 1Z of Bid No.18G112, to the second bidder, Northeast Equipment Inc.;

WHEREAS, the Commissioner of General Services recommend that Item Nos. 1H3, 1I, 1N4 and 1V of Bid No. 18G112, not be awarded as no secondary bids were received for those items;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services, that Item Nos. 1H1, 1S and 1Z awarded to Partsway Inc. for Bid No. 18G112 be rescinded due to Partsway Inc. no longer being a distributor of landscape products and be it further;

RESOLVED, that based upon the recommendation of the Commissioner of General Services be and the same is hereby awarded to the second low bidder, Northeast Inc.; and be it further

RESOLVED, that based upon the recommendations of the Commissioner of General Services that Item Nos. 1H3, 1I, 1N4 and 1V of Bid No 18112, be and is hereby not awarded as no secondary bids were received for those items, and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a one (1) year contract with Northeast Equipment Inc. for Item Nos. 1H1, 1S and 1Z of Bid No. 18G112 and that the form and content of said contract shall be subject to the approval of the Town Attorney.

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 762 DECEMBER 4, 2019
AUTHORIZING CHANGE ORDER NO. 7 IN THE CONTRACT WITH
G & M EARTH MOVING, INC. FOR BID NO. 18G62, CARHILL & STORMWATER
RECHARGE BASIN RECONSTRUCTION**

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

WHEREAS, Bid No. 18G62, Carhill & Stormwater Recharge Basin Reconstruction was awarded to G & M Earth Moving, Inc. pursuant to Resolution No.714 of September 26, 2018 for a total contract amount TWO MILLION EIGHT HUNDRED THIRTEEN (\$2,813,000.00) DOLLARS and,

WHEREAS, Change Order No. 1 was approved pursuant to Resolution No. 295 of April 10, 2019 which resulted in no change to the contract amount, and

WHEREAS, Change Order No. 2 was approved pursuant to Resolution No. 396 of June 12, 2019, which resulted in no change to the contract amount, and

WHEREAS, Change Order No. 3 was approved pursuant to Resolution No. 496 of August 7, 2019, which resulted in no change to the contract amount, and

WHEREAS, Change Order Nos. 4 & 5 were approved pursuant to Resolution No. 497 of August 7, 2019 which resulted in no change to the contract amount and

WHEREAS, Change Order No. 6 was approved pursuant to Resolution No. 558 of 9/14/19 which resulted in change to the contract amount, and

WHEREAS, the Change Order Committee convened on November 25, 2019 with the Chief of Staff, Town Attorney, Comptroller, Commissioner of General Services, and the Commissioner of Planning & Development in attendance to review Change Order No. 7, and

WHEREAS, the Change Order Review Committee and Kosuri Engineering & Consulting, P.C. recommend the approval of Change Order No. 7 as follows:

Furnish & Install 6” Khroner flow meter with associated electrical and control panel	\$36,889.55
Credit to Contingency	(\$36,889.55)
TOTAL CHANGE ORDER NO. 7	0

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Change Order Review Committee and Kosuri Engineering & Consulting, P.C., the Supervisor be and he is hereby authorized to execute Change Order No.7 in the contract with G & M Earth Moving, Inc. which results in no change to the contract amount TWO MILLION EIGHT HUNDRED THIRTEEN (\$2,813,000.00) DOLLARS.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 763 DECEMBER 4, 2019
 AUTHORIZING CHANGE ORDER NO. 3 IN THE CONTRACT WITH
 LOCKWOOD, KESSLER & BARTLETT, INC. FOR RFP NO. 15G31, FOR
 APPLICATION PREPARATION, ENGINEERING, DESIGN, BID PREPARATION, ETC.
 FOR THE CONSTRUCTION OF BRIDGES IN THE AMERICAN VENICE, COPIAGUE**

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

WHEREAS, RFP 15G31 was awarded to Lockwood, Kessler & Bartlett, Inc. for a total contract amount of EIGHT HUNDRED NINETY-SEVEN THOUSAND, EIGHT HUNDRED NINE (\$897,809.00) DOLLARS, pursuant to Resolution No. 462 of June 2, 2015 and

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

WHEREAS, Change Order No. 1 was approved pursuant to Resolution No. 724 of September 26, 2018, increasing the total contract amount to ONE MILLION SIXTY-FIVE THOUSAND, EIGHT HUNDRED NINE (\$1,065,809.00) DOLLARS, and

WHEREAS, Change Order No. 2 was approved pursuant to Resolution No.650 of October 16, 2019 increasing the total contract amount to ONE MILLION ONE HUNDRED FIFTY THOUSAND, SIX HUNDRED NINE (\$1,150,609.00) DOLLARS, and

WHEREAS, the Change Order Committee convened on October 15, 2019 with Town Attorney, Deputy Comptroller, Commissioner of General Services Designee and the Commissioner of Planning & Development to review Change Order No. 3 as follows:

Change Order No. 3 – For additional inspection services associated with the additional paving north of the bridges	\$15,900.00
TOTAL CHANGE ORDER NO. 3	\$15,900.00

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

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Review Committee, the Supervisor be and he is hereby authorized to execute Change Order No. 3 in the contract with Lockwood, Kessler & Bartlett, Inc. in the amount of FIFTEEN THOUSAND, NINE HUNDRED (\$15,900.00) DOLLARS the increasing the total contract amount to ONE MILLION ONE HUNDRED SIXTY-SIX THOUSAND, FIVE HUNDRED NINE (\$1,166,509.00) DOLLARS.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 764 DECEMBER 4, 2019
 AUTHORIZING CHANGE ORDER NO. 1 IN THE CONTRACT WITH
 PAYPRO CORPORATION FOR RFP NO. 17G15, REQUEST FOR PROPOSALS FOR
 PAYROLL SERVICES FOR THE TOWN OF BABYLON**

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

WHEREAS, RFP No. 17G15, Request for Proposals for Payroll Services for the Town of
 Babylon pursuant to Resolution No.290 of March 29, 2017, and,

WHEREAS, the Change Order Review Committee P.C. recommend the approval of
 Change Order No. 1 for the additional following services and set-up fees

HR Core Onboarding Employee Self Service	\$18,744.00
Benefits Manager	\$2,556.00
ACA Manager	\$3,834.00
Performance Manager	\$1,7054.00
Leave of Absence Manager	\$1.25
Set Up Fees – system configuration, data population and training	\$20,500.00

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Change Order Review
 Committee and the Supervisor be and he is hereby authorized to execute Change Order No.7 in
 the contract with Paypro Corporation, for the above-mentioned additional services and be it
 further

RESOLVED, that the setup fee shall be credited back to the Town annually for a period
 of three (3) years.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 765 DECEMBER 4, 2019
AUTHORIZING CHANGE ORDER NO. 1 IN THE CONTRACT WITH RELLE
ELECTRIC CORP. FOR BID NO. 18G8E, CONSTRUCTION OF A NEW HISTORIC
RESTORATION OF OAK BEACH COMMUNITY CENTER,
ELECTRIC CONSTRUCTION

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

WHEREAS, Bid No. 18G8E, Construction of a new Historic Restoration of Oak Beach Community Center, Electric Construction was awarded to Relle Electrical Corp. for a total contract amount of ONE HUNDRED THREE THOUSAND, EIGHT HUNDRED FORTY-THREE (\$103,843.00) DOLLARS pursuant to Resolution No. 410 of May 16, 2018, and

WHEREAS, Resolution No.510 of August 7, 2019 reduced the total contract amount to NINETY-SIX THOUSAND, THREE HUNDRED FORTY-THREE (\$96,343.00) DOLLARS, and

WHEREAS, the Change Order Committee convened on November 25, 2019, with the Chief of Staff, Town Attorney, Comptroller, Commissioner of General Services, and the Commissioner of Planning & Development in attendance to review Change Order No. 1 and

WHEREAS, the Change Order Review Committee recommend the approval of Change Order No. 1 as follows:

Change Order No.1 Furnish & Install additional Main Lug Panel, 100-amp breaker and feed for new sub panel. Install a 2 pole-40-amp breaker for new hot water heater	\$3,910.58
Furnish & install cellular dialer for FACP	\$1,657.43
TOTAL CHANGE ORDER NO. 1	\$5,567.43

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Change Order Committee and Steward Preservation Services, LLC, Change Order No. the Supervisor be and he is hereby authorized to execute Change Order No.1 1 in the amount of FIVE THOUSAND, FIVE HUNDRED SIXTY SEVEN DOLLARS AND 43/100 (\$5,567.43), increasing the total contract with Relle Electric Corp., to ONE HUNDRED ONE THOUSAND NINE HUNDRED TEN DOLLARS AND 43/100 (\$101,910.43)

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 766 DECEMBER 4, 2019
AUTHORIZING A CONTRACT WITH H2M**

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

WHEREAS, proposals to assess and prepare a report of the existing condition of the plaster walls and ceilings at Old Town Hall located at 47 West Main Street, Babylon, were solicited from the following firms:

H2M	\$15,750 plus \$200 reimbursable expenses
Liro Architects & Planners. P.C.	\$9,700.00

WHEREAS, the Professional Consultant Evaluation Committee convened on November 25, 2019 with the Deputy Supervisor, Chief of Staff, Town Attorney, the Comptroller, the Commissioner of General Services, Commissioner of Planning & Development and the Commissioner of the Department of Public Works in attendance to review the aforementioned proposals; and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of a contract to H2M Architects + Engineers, as they have the most comprehensive proposal for a total contract amount not to exceed FIFTEEN THOUSAND, SEVEN HUNDRED FIFTY (\$15,750.00) DOLLARS plus TWO HUNDRED (\$200.00) DOLLARS for reimbursable expenses, and be it further

RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a contract with H2M Architects +Engineers for a total contract amount not to exceed FIFTEEN THOUSAND, SEVEN HUNDRED FIFTY (\$15,750.00) DOLLARS plus TWO HUNDRED (\$200.00) DOLLARS and that said contract shall be subject to the approval of the Town Attorney as to form and content.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 767 DECEMBER 4, 2019
AUTHORIZING A CONTRACT WITH LINCOLN IT**

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

WHEREAS, a proposal for Computer Support Services was solicited from Lincoln IT and

WHEREAS, the Professional Consultant Evaluation Committee convened on November 25, 2019 with the Deputy Supervisor, the Chief of Staff, Town Attorney, the Comptroller, the Commissioner of General Services, the Commissioner of Planning & Development and the Commissioner of the Department of Public Works in attendance to review the aforementioned proposal; and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of a contract to Lincoln IT for a total annual contract amount not to exceed TWENTY THOUSAND, SEVEN HUNDRED TWENTY (\$20,720.00) DOLLARS

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a contract with Lincoln it at a total annual contract amount not to exceed TWENTY THOUSAND, SEVEN HUNDRED TWENTY (\$20,720.00) DOLLARS and that said contract shall be subject to the approval of the Town Attorney as to form and content, and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 768 DECEMBER 4, 2019
AWARDING BID NO. 19G87, FURNISH & INSTALL DECORATIVE STREET
LIGHTING ON STRAIGHT PATH, WEST BABYLON

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

WHEREAS, the following bids for Bid No. 19G87, Furnish & Install Decorative Street
Lighting on Straight Path, West Babylon were received, opened and publicly read:

<u>BIDDER</u>	<u>TOTAL BID PRICE</u>
L.E.B. Electric, Ltd.	\$248,522.21
Eldor Traffic Signal Contracting Corp.	\$308,963.00
Welsbach Electric Corp.	\$314,695.00
Palace Electrical Contractors, Inc.	\$222,950.00, and

WHEREAS, Palace Electrical Contractors, Inc. has requested to withdraw their bid due
to
a mathematical error

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General
Services, the Commissioner of the Department of Public Works and Nelson & Pope Engineers,
the bid submitted by Palace Electrical Contractors, Inc. be and is hereby withdrawn in its entirety
and without penalty due to a mathematical error, and be it further

RESOLVED, that based upon the recommendations of the Commissioner of General
Services, the Commissioner of the Department of Public Works and Nelson & Pope Engineers
and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 19G87 be and is
hereby awarded to the low bidder, L.E.B. Electric, Ltd., and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a contract with
L.E.B. Electric, Ltd. for a total contract amount TWO HUNDRED FORTY-EIGHT THOUSAND,
FIVE HUNDRED TWENTY-TWO DOLLARS AND 21/100 (\$248,522.21) and that the form and
content of said contract shall be subject to the approval of the Town Attorney.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 769 DECEMBER 4, 2019
SETTING TOWN BOARD MEETING SCHEDULE FOR THE YEAR 2020**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon that the 2020 Regular Meeting Schedule of the Town Board, held at Town Hall, 200 East Sunrise Highway, Lindenhurst, New York shall be as follows:

2020 Town Board Meeting Schedule

Thursday	January 2	3:30 PM
Wednesday	January 15	3:30 PM
Wednesday	January 29	3:30 PM
Thursday	February 13	3:30 PM
Wednesday	February 26	3:30 PM
Wednesday	March 11	3:30 PM
Wednesday	March 25	3:30 PM
Tuesday	April 7	7:00 PM
Wednesday	April 22	3:30 PM
Wednesday	May 13	3:30 PM
Wednesday	June 10	3:30 PM
Wednesday	July 8	10:00 AM
Wednesday	August 5	10:00 AM
Wednesday	September 2	3:30 PM
Wednesday	September 23	7:00 PM
Wednesday	October 14	3:30 PM
Thursday	November 5	3:30 PM
Wednesday	November 18	3:30 PM
Wednesday	December 2	3:30 PM
Wednesday	December 23	3:30 PM

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 770 DECEMBER 4, 2019
AUTHORIZING THE TOWN ATTORNEY TO EXECUTE AN AGREEMENT
WITH KATTEN MUCHIN ROSENMAN LLP

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

WHEREAS, the Town desires to retain the firm of Katten Muchin Rosenman, LLP., to provide the Town with general advisory in pre-trial and trial litigation services, all costs and disbursements are in addition to their fees and is an expense which the Town of Babylon will cover; and

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

NOW, THEREFORE, in consideration of the above recitals, be it

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Town Attorney be and he hereby is authorized to execute an agreement between Town of Babylon and Katten Muchin Rosenman, LLP.; and be it further

RESOLVED, that the Town of Babylon hereby retains the firm of Katten Muchin Rosenman, LLP. and that all costs and disbursements are in addition to their fees and is an expense which the Town of Babylon will cover; and be it

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 771 DECEMBER 4, 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>Increase</u>	<u>Decrease</u>
<u>General Fund</u>		
Traffic Control		
Overtime		
A.3310.19	\$ 9,000	
Repairs and Maintenance		
A.3310.46		\$ 9,000
Central Garage		
Repairs and Maintenance		
A.1640.46	\$ 5,000	
Program Operations		
A.1640.47		\$ 5,000
Clerk		
Office Supplies		
A.1410.41	\$ 1,000	
Records Management		
Equipment		
A.1460.20		\$ 1,000
<u>Highway Fund</u>		
Maintenance of Streets		
Repairs and Maintenance		
DB.5110.46	\$ 3,000	
Machinery		
Repairs and Maintenance		
DB.5130.46	\$ 5,000	
Street Administration		
Program Operations		
DB.5010.47		\$ 8,000

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 772 DECEMBER 4, 2019
CONFIRMING MEMBERSHIP TO THE
NORTH BABYLON VOLUNTEER FIRE COMPANY, INC.**

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

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

David Gonzalez	687 Peconic Avenue, North Babylon NY 11703
Asher Choudry	41 Lenox Road, North Babylon NY 11703
Robert Chevallier	221 Farham Lane, North Babylon NY 11703
Christina Joseph	36 Ventura Drive, North Babylon NY 11703

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 773 DECEMBER 4, 2019
AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE
TOWN OF BABYLON AND RAPID ARMORED CORPORATION

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

BE IT RESOLVED, by the Town Board of the Town of Babylon that the Supervisor be and is hereby authorized, but not mandated, to execute an Agreement between the Town of Babylon and Rapid Armored Corporation for armed courier service; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 774 DECEMBER 4, 2019
AUTHORIZING THE TOWN SUPERVISOR TO SIGN GOVERNMENT BANKING
SUPPLEMENTAL COLLATERAL AGREEMENT WITH VALLEY BANK

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Town of Babylon
and the Valley Bank, are hereby authorized to enter into Government Banking Supplemental
Collateral Agreement. The agreement shall be reviewed and signed by the Town Supervisor.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 775 DECEMBER 4, 2019
AUTHORIZING REFUND OF PAYMENT**

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

REFUND OF PAYMENT:

PAYEE	ACCOUNT	TYPE	AMOUNT	REASON
MGC Paint Supplies 65 Cullen Avenue Islip, NY 11751 Attn: Diana Munoz	Account #11419 MCG Paint Supplies 1016 Grand Blvd #1 Deer Park, NY 11729	Commercial Waste District	\$144.77	Overpayment

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 776 DECEMBER 4, 2019
AUTHORIZING REFUND OF FEES
ANIMAL SHELTER**

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 Director of the Town of Babylon Animal Shelter, that the following fees be refunded:

Name	Address	Fee	Activity	Case Number	Reason
Peter Li	1658 82 nd Street Brooklyn, NY 11214	\$85.00	Dog Adoption	19-485 New 19-508	Dog was returned
Tiffany and Thomas Corey	324 Granada Pkwy Lindenhurst, NY 11757	\$90.00	Dog Adoption and License fee	19-520 New 19-540 License #1905152	Dog was returned

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 777 DECEMBER 4, 2019
AUTHORIZING RELEASE OF BOND**

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

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

<u>PERMIT</u>	<u>DATE</u>	<u>NAME & ADDRESS</u>	<u>TYPE</u>	<u>AMOUNT</u>
9947	9/11/2013	ASG&G, Inc 318 Middle Country Road Ridge, NY 11961 631-924-9747	Check	\$4,980.00

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 778 DECEMBER 4, 2019
ACCEPTING A DONATION**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following
donations are accepted with gratitude:

DONATOR	ITEM AND VALUE	RECOMMENDED BY	USE
Town of Babylon Local Development Corporation II 816 Deer Park Avenue North Babylon, NY 11703	\$30,000.00 Town to purchase approx. 78,000 bulbs.	Director of the Town of Babylon Beautification Program	For the Town to purchase approx. 78,000 bulbs.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 779 DECEMBER 4, 2019
AUTHORIZING EMPLOYEE REIMBURSEMENT**

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 Comptroller is
hereby authorized to issue reimbursement to the following employee(s):

EMPLOYEE	AMOUNT
Kerry Riordan	\$77.03 program supplies

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 780 DECEMBER 4, 2019
ADOPTING THE TOWN OF BABYLON DEBT RETIREMENT POLICY

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 Town Comptroller, that the Town establish the Town Policy regarding outstanding debt, on the Attached Schedule "A", I hereby adopted for the Town of Babylon.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

SCHEDULE A

Town of Babylon Debt Retirement Policy

It has been the policy of the Town to insure that the Town is retiring more debt on an annual basis that it issued. However, it recognized that this may not always be possible due to extenuating circumstances. In those instances, the Town Board through a roll call vote will take action adhering to the below guidelines:

1. Maintaining the Town's infrastructure, could present the need for the Town to issue the same amount of debt that it is in retiring in a given year,
2. If there is a need to issue more than retiring in a given year, it shall be the lesser 15% of the retiring debt or 2,500,000, or
3. In the case of a State of Emergency as declared by resolution, the amount issued is at discretion of the Town Board.

**RESOLUTION NO. 781 DECEMBER 4, 2019
AUTHORIZING PERMISSION FOR A PARADE ON DECEMBER 7, 2019
IN THE TOWN OF BABYLON FOR THE WEST BABYLON FIRE DEPARTMENT**

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

WHEREAS, the West Babylon Fire Department has requested permission to hold a parade
on Saturday, December 7, 2019 with a rain date of December 8, 2019 within the Town of Babylon,

<p>INDIVIDUAL: Michael Vergano 745 Pioneer Pl., West Babylon, NY 11704 (631) 402-2224</p>	<p>ORGANIZATION: West Babylon Fire Dept. 126 Arnold Ave., West Babylon, NY 11704 (631) 402-2224</p>
<p>DATES & TIMES: Date(s): 12/7/2019 to: Time: 5:00 p.m. to 7:00 p.m. Rain Date: 12/8/2019</p>	<p>STARTING: Intersection of 3rd St. & Little E. Neck Rd., West Babylon (at the Holiday Tree) ENDING: Intersection of Vermont Ave. & Little E. Neck Rd., West Babylon</p>

<p>ROUTE: Leaving the intersection of 3rd Street & Little E. Neck Road, proceeding north on Little E. Neck Rd. to Vermont Ave. and ending at the intersection of Vermont Ave. and Little E. Neck Rd.</p>
--

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 782 DECEMBER 4, 2019
PROCLAIMING FRIDAY, JANUARY 17, 2020 AS
EAGLE SCOUT NICHOLAS LANTERI DAY**

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

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

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

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby extend to Nicholas Lanteri its congratulations on his successful completion and achievement of the rank of Eagle Scout and proclaims Friday, January 17, 2020 as Eagle Scout Nicholas Lanteri Day.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 783 DECEMBER 4, 2019
PROCLAIMING SATURDAY, JANUARY 18, 2020 AS
EAGLE SCOUT SAM CANONICA DAY**

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

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

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

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby extend to Sam Canonica its congratulations on his successful completion and achievement of the rank of Eagle Scout and proclaims Saturday, January 18, 2020 as Eagle Scout Sam Canonica Day.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 784 DECEMBER 4, 2019
PROCLAIMING SUNDAY, JANUARY 19, 2020 AS
EAGLE SCOUT ZACHARY VILA DAY**

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

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

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

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby extend to Zachary Vila its congratulations on his successful completion and achievement of the rank of Eagle Scout and proclaims Sunday, January 19, 2020 as Eagle Scout Zachary Vila Day.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 785 DECEMBER 4, 2019
TOWN BOARD ENVIRONMENTAL DETERMINATION (SEQRA)
AUTHORIZING THE SUPERVISOR TO ENTER INTO A GRANT AGREEMENT WITH
SUFFOLK COUNTY AND CONSTRUCT TOWN OF BABYLON PHASE II HIGHWAY
YARD MS4 UPGRADES AND STORMWATER AND WASTEWATER POLLUTION
PREVENTION PROJECT AT LINDENHURST, TOWN OF BABYLON, NEW YORK

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

WHEREAS, the Town of Babylon will be submitting an application to the Suffolk County Department of Economic Development and Planning with the intention to construct the Phase II Highway Yard MS4 upgrades and a Stormwater and Wastewater Pollution Prevention Project at Lindenhurst, Town of Babylon, New York to be funded under the Suffolk County Water Quality Protection and Restoration Program (WQPRP); and

WHEREAS, pursuant to Town of Babylon Department of Environmental Control Budget Item A.8090.46 identified for 2020 in the amount of \$165,000 for Wastewater Improvements at Town Hall Park; \$165,000 will be committed for the proposed match for the current round of the Suffolk County Water Quality Protection and Restoration Program for \$165,000 in matching Suffolk County funding for a total grant of \$330,000 for the Phase II Highway Yard MS4 upgrades and a Stormwater and Wastewater Pollution Prevention Project; and

WHEREAS, the Town Board of the Town of Babylon classified the Phase II Highway Yard MS4 upgrades and Stormwater and Wastewater Pollution Prevention Project as an Unlisted Action pursuant to the Town of Babylon Environmental Quality Review Act (TOBEQRA); and

WHEREAS, the Town Board of the Town of Babylon has determined in accordance with Section 114-7 C. TOBEQRA, Determining Significance that:

1. The proposal will not adversely impact any sensitive environmental resources.
2. The project will have beneficial impacts on the Santapogue Creek Watershed and South Shore Estuary Reserve by reducing pollutants to surface waters associated with stormwater runoff and two on-site wastewater systems at Town Hall Park.
3. The proposal will improve the aesthetics and water quality of the Town Hall Pond. Town Hall Pond has experienced Harmful Algal Blooms (HABs) for the past two years; 2018 and 2019; causing severe water quality problems and which additionally may pose a threat to aquatic life and a concern for human health for residents that may contact the pond water during a HAB event; and

WHEREAS, the Town Board of the Town of Babylon has determined that the proposed Phase II Highway Yard MS4 upgrades and Stormwater and Wastewater Pollution Prevention Project will not have a significant adverse impact on the environment.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon adopts a Negative Declaration for the proposed Phase II Highway Yard MS4 upgrades and Stormwater and Wastewater Pollution Prevention Project in accordance with TOBEQRA and the State Environmental Quality Review Act (SEQRA).

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 786 DECEMBER 4, 2019
TOWN BOARD ENVIRONMENTAL DETERMINATION
AUTHORIZING THE SUPERVISOR TO ENTER INTO A GRANT AGREEMENT WITH
SUFFOLK COUNTY FOR THE TOWN OF BABYLON PHASE II HIGHWAY YARD MS4
UPGRADES AND STORMWATER AND WASTEWATER POLLUTION PREVENTION
PROJECT AT LINDENHURST, TOWN OF BABYLON, NEW YORK

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

WHEREAS, the Town of Babylon will be submitting an application to the Suffolk County Department of Economic Development and Planning with the intention to construct Phase II of the Highway Yard MS4 upgrades and Stormwater and Wastewater Pollution Prevention Project at Lindenhurst, Town of Babylon, New York to be funded under the Suffolk County Water Quality Protection and Restoration Program (WQPRP); and

WHEREAS, pursuant to Town of Babylon Department of Environmental Control Budget Item A.8090.46 identified for 2020 in the amount of \$165,000 for Wastewater Improvements at Town Hall Park; \$165,000 will be committed for the proposed match for the current round of the Suffolk County Water Quality Protection and Restoration Program for \$165,000 in matching Suffolk County funding for a total grant amount of \$330,000 for the Phase II Highway Yard MS4 upgrades and a Stormwater and Wastewater Pollution Prevention Project; and

WHEREAS, the Town Board of the Town of Babylon classified the Phase II Highway Yard MS4 upgrades and Stormwater and Wastewater Pollution Prevention Project as an Unlisted Action pursuant to the Town of Babylon Environmental Quality Review Act (TOBEQRA) and adopted a Negative Declaration on December 4, 2019; and

WHEREAS, the proposed project will have significant beneficial water quality impacts to the Santapogue Creek Watershed and South Shore Estuary Reserve by the reduction of pollutant inputs to surface water resources.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon authorizes the Supervisor to enter into an inter-municipal agreement with the County of Suffolk in order for the Town of Babylon to serve as the funding conduit for grant funding awarded through the Suffolk County Water Quality Improvement and Restoration Program for the Phase II Highway Yard MS4 upgrades and Stormwater and Wastewater Pollution Prevention Project at Lindenhurst, New York;

AND BE IT FURTHER RESOLVED, that the Town of Babylon agrees to provide the required minimum of 50% matching funds, \$165,000 to be funded from the County of Suffolk and a \$165,000 match from the Town of Babylon by the Town of Babylon for a Grant total of \$330,000; and

AND BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to make any amendments to the accounting entries that may be necessary to amend the budget in accordance with the terms of the Grant.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 787 DECEMBER 4, 2019
REVERTING THE CONVEYANCE OF A PARCEL FROM SUFFOLK COUNTY
TO THE TOWN OF BABYLON, COMMUNITY DEVELOPMENT PROGRAM

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

WHEREAS, the County of Suffolk Conveyed the land located at 158 West John Street, Lindenhurst, New York 11757, bearing SCTM #0103-010.00-01.00-038.000 to the Town of Babylon via Resolution 916-2000; and

WHEREAS, the Town has not used or improved the property since its conveyance; and

WHEREAS, as per Suffolk County, the Knights of Columbus Council No. 749 has presented a letter of intent detailing the organization's desire to enter into an agreement with the County seeking to place the property into the Suffolk County Historic Trust do that the organization can restore the building for their use and including an exhibit area about the history of the World War Veterans Club of Lindenhurst that would be open to the public; and

NOW THEREFORE, be it

RESOLVED, that the Director of the County Division of Real Estate, or his designee, is hereby authorized, empowered, and directed to transfer the property from the Town of Babylon, bearing SCTM #0103-010.00-01.00-038.000, back to the County of Suffolk as permitted by the reverter clause inserted into the original quitclaim deed, pursuant to 1060-2 of the Suffolk County Code, stating that ownership of the World War Veterans Club Building located at 158 West John Street, Lindenhurst, New York 11757, shall revert back to the County of Suffolk in the event that it is not used for the described public governmental purpose.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 788 DECEMBER 4, 2019
REQUESTING THE CONVEYANCE OF A PARCEL FROM SUFFOLK COUNTY
TO THE TOWN OF BABYLON, COMMUNITY DEVELOPMENT PROGRAM FOR
AFFORDABLE HOUSING AND AUTHORIZING THE CONVEYANCE OF SAID
PARCEL TO THE WYANDANCH COMMUNITY DEVELOPMENT CORPORATION
PURSUANT SECTION 72-h, GENERAL MUNICIPAL LAW

The following resolution was offered by Councilman Martinez

and seconded by Councilman Manetta

WHEREAS, the County of Suffolk is the owner of a parcel of land identified as 10 Cypress Street, Wyandanch, New York, bearing SCTM #0100-083.00-01.00-106.000; and

WHEREAS, the County of Suffolk is willing to declare this parcel to be surplus County property which could be transferred to the Town of Babylon for the purpose of Affordable Rental Housing for households at or below 80% AMI, developed through Wyandanch Community Development Corporation,

NOW THEREFORE, be it

RESOLVED, that the Town of Babylon requests the County of Suffolk to execute and deliver a quitclaim deed to the Town of Babylon for said property, more particularly described and designated as 10 Cypress Street, Wyandanch, New York, bearing SCTM #0100-083.00-01.00-106.000 pursuant to Section 72-H of the New York General Municipal Law, for the purpose of transferring the interest of Suffolk County in the above described property to the Town of Babylon for conveyance to Wyandanch Community Development Corporation for Affordable Rental Housing to benefit a household at or below 80% AMI; and be it further

RESOLVED, that said quitclaim deed issued by the Director of the County Division of Real Estate, or his deputy, pursuant to this resolution, shall contain a reverter clause to the effect that title to the said above described parcel shall revert to the County of Suffolk in the event that the property is not used for the above described public governmental purpose.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 789 DECEMBER 4, 2019
ACCEPTANCE OF DEED OF STREET DEDICATION
FOR PORTION OF SUBURBAN AVENUE, DEER PARK, ADJACENT TO
SCTM NO.0100-092.00-03.00-051.000 & 037.001 FROM
MARS REALTY LLC AND PR 500 BROOK AVE LLC. TO TOWN OF BABYLON

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Department of Public Works, Division of Highway Engineering, that the deed of dedication for the street dedication set forth on the attached Schedule "A", be and is hereby accepted,

AND BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute any documents necessary to effectuate the dedication subject to the approval of the Town Attorney as to form.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

Exhibit "A"
Metes & Bounds Description

All that a certain plot, piece or parcel of land situate, lying and being in the Town of Babylon, County of Suffolk and State of New York, known and designated as part of Suburban Avenue as shown on a certain map entitled "Map of Babylon Farms" filed on August 3, 1933 as Map No.1138, which part of Suburban Avenue is bounded and described as follows:

BEGINNING at a point at the corner formed by the intersection of the southerly side of Suburban Avenue with the westerly side of Brook Avenue;

RUNNING THENCE along the southerly side of Suburban Avenue, North 71 degrees 21 minutes 00 seconds West 180.00 feet;

THENCE North 18 degrees 39 minutes 00 seconds East 50.00 feet to the northerly side of Suburban Avenue;

THENCE along the northerly side of Suburban Avenue, South 71 degrees 21 minutes 00 seconds East 180.00 feet to the northerly side of Brook Avenue;

THENCE South 18 degrees 39 minutes 00 seconds west 50.00 feet along the westerly side of Brook Avenue to the point or place of BEGINNING.

RESOLUTION NO. 790 DECEMBER 4, 2019
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR PHILIP TERRIBILE
OUTER BEACH APPLICATION NO. 130225/130226 SCTM #0100-243-1-62

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

WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No. 130225/130226 of Philip Terribile, for the premises located at SCTM #0100-243-1-62 (26 Field Court, Oak Beach), to construct a new two (2) story single family dwelling and boat dock with lift; and

WHEREAS, the application is a Type II action under the Town of Babylon Environmental Quality Review Act and as such no determination of significance is required; and

WHEREAS, the Department of Environmental Control has reviewed the drawings and has determined that this project will not result in significant environmental impacts,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that upon the recommendation of the Commissioner of Planning and Development, Outer Beach Application No. 130225/130226 of Philip Terribile, for the premises located at SCTM #0100-243-1-62 (26 Field Court, Oak Beach), to construct a new two (2) story single family dwelling and boat dock with lift; and be it further

RESOLVED, that the issuance of the Building Permit, in accordance with the plans and the application presently on file, be and the same is hereby approved, subject to the terms and conditions of New York State Department of Environmental Conservation's, Suffolk County Board of Health and/or the United States Army Corps of Engineers' approval, where applicable.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 791 DECEMBER 4, 2019
SCHEDULING A PUBLIC HEARING ON THE REZONING APPLICATION OF BUNT
DEVELOPMENT CORP. FOR THE PREMISES IDENTIFIED BY
SCTM#: 0100-169-01-030, 014, 013, 009, 010 & PART OF 061 LOCATED ON THE E/S/O
ALBANY AVE., 170' N/O STEELE PL., N. AMITYVILLE

The following resolution was offered by Councilman McSweeney

and seconded by Councilman Martinez

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing be held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 15th day of January, 2019 at 3:30 p.m., prevailing time, on the application for a change of zone of the property at SCTM No. **0100-169-01-030, 014, 013, 009, 010** & part of **061**, further described on Schedule A attached hereto, from B-Residence to MR-Multiple Residence in order to construct 10 buildings for 80 one-bedroom condominium units and a separate building for maintenance with a caretaker's unit, along with associated site improvements. The applicant also proposes to subdivide one parcel (Lot 061) into two in order to remove a portion of land from the application, for dedication to a neighboring property. The site totals 249,331.51sf (5.72ac). Surrounding properties are all zoned B-Residence, except for a parcel immediately to the west, which is zoned MR-Multiple Residence, and a parcel at the southeast corner of the property, zoned EB-Business.; and be it further

RESOLVED, that a more detailed diagram of the property which is affected by the petition is on file in the office of the Department of Planning and Development and may be examined during regular office hours by any interested person, and any interested person will be given the opportunity to be heard at the public hearing, and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

SCHEDULE A

ALL THAT A CERTAIN PLOT, PIECE OF LAND, SITUATE, LYING AND BEING AT AMITYVILLE IN THE TOWN OF BABYLON, COUNTY OF SUFFOLK AND STATE OF NREW YORK, BEING MORE PARTICULARLY BOUNDED AND DESCIBES AS FOLLOWS:

BEGINNING AT A POINT BEING 155.05 FEET NORTHERLY FROM THE INTERSECTION OF THE NORTHERLY SIDE OF STEELE PLACE AND THE WESTERLY SIDE OF ALBANY AVENUE;

RUNNING THENCE NORTH 65 DEGREES 54 MINUTES 00 SECONDS WEST, 1068.72 FEET TO A POINT;

RUNNING THENCE NORTH 21 DEGREES 12 MINUTES 50 SECONDS EAST, 405.50 FEET TO A POINT;

RUNNING THENCE SOUTH 66 DEGREES 12 MINUTES 08 SECONDS EAST, 137.60 FEET TO A POINT;

RUNNING THENCE NORTH 23 DEGREES 45 MINUTES 52 SECONDS EAST, 99.90 FEET TO A POINT ON THE SOUTHERLY SIDE OF HARRISON AVE;

RUNNING THENCE SOUTH 66 DEGREES 14 MINUTES 08 SECONDS EAST, 75.0 FEET TO A POINT;

RUNNING THENCE SOUTH 23 DEGREES 45 MINUTES 53 SECONDS WEST, 323.26 FEET TO A POINT;

RUNNING THENCE SOUTH 68 DEGREES 02 MINUTES 27 SECONDS EAST, 75.79 FEET TO A POINT;

RUNNING THENCE SOUTH 65 DEGREES 29 MINUTES 32 SECONDS EAST, 329.42 FEET TO A POINT;

RUNNING THENCE SOUTH 65 DEGREES 17 MINUTES 19 SECONDS EAST, 224.67 FEET TO A POINT;

RUNNING THENCE SOUTH 65 DEGREES 17 MINUTES 18 SECONDS EAST, 240.0 FEET TO A POINT ON THE WESTERLY SIDE OF ALBANY AVENUE;

RUNNING THENCE SOUTH 19 DEGREES 49 MINUTES 52 SECONDSWEST, 12.20 FEET TO A POINT;

RUNNING THENCE SOUTH 22 DEGREES 31 MINUTES 02 SECONDS WEST, 166 31 FEET TO THE POINT OR PLACE OF BEGGINGING

RESOLUTION NO. 792 DECEMBER 4, 2019
AUTHORIZING THE SUPERVISOR TO ENTER INTO FIRE PROTECTION AND
AMBULANCE DISTRICT CONTRACTS

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

WHEREAS, it has been previously determined that the Town Board of the Town of Babylon desires to enter into fire protection contracts for fire protection and ambulance service and/or an ambulance district contract to be furnished to Venetian Shores Fire Protection District #1, North Amityville Fire Protection Districts #5 and #6, East Farmingdale Fire Protection District #12, Wyandanch Fire Protection District #13, North Babylon Fire Protection District #15, North Lindenhurst Fire Protection District #16, West Amityville Fire Protection District #23, West Beach Fire Protection District #53, East Beach Fire Protection District #54 and Wyandanch-Wheatley Heights Ambulance District; and

WHEREAS, pursuant to the provisions of law, notice of Public Hearing on such proposed contracts was duly published; and

WHEREAS, said Public Hearing was duly held by the Town Board on December 4, 2019 at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York and at such time and place said Town Board duly considered the proposed contracts and heard all persons interested therein,

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Babylon deems it to be in the best interest of the Town to enter into fire protection and ambulance service and/or ambulance district contracts on behalf of Venetian Shores Fire Protection District #1, North Amityville Fire Protection Districts #5 and #6, East Farmingdale Fire Protection District #12, Wyandanch Fire Protection District #13, North Babylon Fire Protection District #15, North Lindenhurst Fire Protection District #16, West Amityville Fire Protection District #23, West Beach Fire Protection District #53, East Beach Fire Protection District #54 and Wyandanch-Wheatley

Heights Ambulance District, said districts being situated in the Town of Babylon, County of Suffolk and State of New York, and said contracts being upon the following terms and conditions:

1. Venetian Shores Fire Protection District #1:
A contract for a period of one year with the Village of Lindenhurst, said contract having an amount not to exceed \$368,290.00 for the year 2020.
2. North Amityville Fire Protection District #5:
A contract for a period of one year with the North Amityville Fire Company, Inc., said contract having an amount not to exceed \$1,240,398.00 for the year 2020.
3. North Amityville Fire Protection District #6:
A contract for a period of one year with the North Amityville Fire Company Inc., said contract having an amount not to exceed \$1,784,962.00 for the year 2020.
4. East Farmingdale Fire Protection District #12:
A contract for a period of one year with the East Farmingdale Volunteer Fire Company, Inc., said contract having an amount not to exceed \$4,606,450 for the year 2020.
5. Wyandanch Fire Protection District #13:
A contract for a period of one year with the Wyandanch Volunteer Fire Company, Inc., said contract having an amount not to exceed \$1,322,632.00 for the year 2020.
6. North Babylon Fire Protection District #15:
A contract for a period of one year with the North Babylon Volunteer Fire Company, Inc., said contract having an amount not to exceed \$3,538,396.00 for the year 2020.
7. North Lindenhurst Fire Protection District #16:
A contract for a period of one year with the North Lindenhurst Volunteer Fire Department, Inc., said contract having an amount not to exceed \$2,014,008.00 for the year 2020.
8. West Amityville Fire Protection District #23:
A contract for a period of one year with the Village of Amityville, said contract having an amount not to exceed \$8,000.00 for the year 2020.
9. West Beach Fire Protection District #53:
A contract for a period of three years with the Village of Babylon, said contract having an amount not to exceed \$45,472.00 per year for the years 2020, 2021 and 2022.
10. East Beach Fire Protection District #54:
A contract for a period of three years with the Village of Babylon, said contract having an amount not to exceed \$90,670.00 per year for the years 2020, 2021 and 2022.
11. Wyandanch-Wheatley Heights Ambulance District:
A contract for a period of one year with the Wyandanch-Wheatley Heights Ambulance District, said contract having an amount not to exceed \$1,850,189.00 for the year 2020.

and be it further;

RESOLVED, that the aforesaid contracts shall contain such other terms and conditions as shall be necessary and shall be approved by the Town Attorney; and be it further

RESOLVED, that the Supervisor of the Town of Babylon be and he is hereby authorized on behalf of the Town of Babylon and the aforesaid fire protection districts and ambulance district to enter into fire protection and ambulance service and/or ambulance district contracts as aforesaid; and be it further

RESOLVED, that the consideration mentioned herein for each fire protection district, and/or ambulance district, together with all expenses necessarily incurred or occasioned thereby, shall be affixed and levied upon taxable real property in the aforesaid fire protection districts and/or ambulance district in the Venetian Shores Fire Protection District #1, North Amityville Fire Protection Districts #5 and #6, East Farmingdale Fire Protection District #12, Wyandanch Fire Protection District #13, North Babylon Fire Protection District #15, North Lindenhurst Fire Protection District #16, West Amityville Fire Protection District #23, West Beach Fire Protection District #53, East Beach Fire Protection District #54 and Wyandanch-Wheatley Heights Ambulance District, and collected in the same manner and at the same time as Town taxes are fixed and levied and the collected amounts thereof shall be paid to the Supervisor, who shall then pay to the aforesaid Venetian Shores Fire Protection District #1, North Amityville Fire Protection Districts #5 and #6, East Farmingdale Fire Protection District #12, Wyandanch Fire Protection District #13, North Babylon Fire Protection District #15, North Lindenhurst Fire Protection District #16, West Amityville Fire Protection District #23, West Beach Fire Protection District #53, East Beach Fire Protection District #54 and Wyandanch-Wheatley Heights Ambulance District, the amount specified in said contracts.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 793 DECEMBER 4, 2019
ADOPTING LOCAL LAW NO. 12 OF 2019 AMENDING CHAPTER 86 OF THE
BABYLON TOWN CODE (BOATS)

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

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 4th day of December 2019, upon the question of enactment of Local Law No. 12 of 2019 of the Town of Babylon, Suffolk County, New York, being a Local Law amending the Code of the Town of Babylon, Chapter 86, Boats;

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Babylon that Local Law No. 12 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. 12 of 2019
EXHIBIT "A"
Chapter 86 (Boats)

ADD:

§ 86-8 Docking permit required.

C. It shall be unlawful for any person or entity, as owner, occupant, lessee or agent, or in any other capacity, to store, place, maintain, tie, moor, suffer or cause or permit to be stored, placed, maintained, tied, or moored any barge, crane, or floating equipment to any dock, bulkhead, pier, wharf, or rafted or otherwise made fast to any other vessel or anchored or otherwise secured to any real property zoned residential within the Town of Babylon unless said barge, crane, or floating equipment is maintained, used or stored in conjunction with work approved and associated with a building permit issued by the Building Inspector, and or a dredging permit issued by the Town Clerk and or New York State Department of Environmental Conservation and or United States Army Corp of Engineers permit.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 794 DECEMBER 4, 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 Councilwoman Gordon

and seconded by Councilman McSweeney

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 4th day December, 2019 at 3:30 p.m. prevailing time, upon the question amending Chapter 3, Article II, Section 3-4 of the Town of Babylon Uniform Code of Traffic Ordinances

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

EXHIBIT “A”

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

Delete from Schedule K:

<u>Name of Street/Side Location</u>	<u>Hamlet</u>	<u>Regulation</u>	<u>Hours/Days</u>
Allen Boulevard/ South side From a point 45 feet +/- East of Route 110 East to Baiting Place Road	EF	No Stopping	6:00 p.m.to 5:30 p.m. Monday to Friday
Allen Boulevard/ South side From NYS Route 110 East for 45 feet +/-	EF	No Stopping	6:00 p.m.to 5:30 p.m. Monday to Friday
Schmitt Boulevard/ Both sides From New Highway west To Broad Hollow Rd (NYS Route 110)	EF	No Stopping	6:00 p.m.to 5:30 p.m. Monday to Friday

ADD to Schedule K:

<u>Name of Street/Side Location</u>	<u>Hamlet</u>	<u>Regulation</u>	<u>Hours/Days</u>
Allen Boulevard/ South side From Route 110 East to Baiting Place Road	EF	No Stopping	ALL
Schmitt Boulevard/ Both sides From New Highway west To Broad Hollow Rd (NYS Route 110)	EF	No Parking within 15 feet of a driveway	ALL
Central Avenue/ Both sides From New Highway east To Wellwood Avenue (County Road 3)	EF	No Parking within 15 feet of a driveway	ALL
North Delaware Avenue/ Both sides From Sunrise Highway (S.R. 27) North for 108 feet +/-	NL	No Stopping	ALL
North Delaware Avenue/ West side From a point 170 feet +/- North of Sunrise Highway (S.R. 27) north for 31 feet +/-	NL	No Parking	ALL
Foothill Place / Both sides From Browns Boulevard West for 42 feet +/-	WY	No Standing	ALL
Foothill Place / North side From 42 feet +/- West of Browns Boulevard West for 115 feet +/-	WY	No Parking	10:00p.m.to 5:00 a.m./ ALL

ADD to Schedule H

Andrea Street at Raynor Street	WB	Stop	Southbound on Andrea Street
Malcolm Street at Raynor Street	WB	Stop	Southbound on Malcolm Street
Albermarie Avenue at Raynor Street	WB	Stop	Southbound on Albermarie Avenue
Palm Place and Nevada Road	WB	Stop	Northeast on Palm Place

RESOLUTION NO. 795 DECEMBER 4, 2019
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 213,
ARTICLE XLII OF THE BABYLON TOWN CODE

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing be held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 18th day of December, 2019 at 3:30 p.m., prevailing time, to consider amending Chapter 213, Article XLII of the Babylon Town Code as set forth in Exhibit “A” herein below; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

EXHIBIT “A”

Chapter 213, Article XLII: Wyandanch and Straight Path Corridor Form-Based Code:
Be it enacted as follows:

1. **LEGISLATIVE INTENT:** The Residential Liner Building proposed to be located at the northwest corner of Block 6, Transect Zone T5 is a unique building form contemplated in the Downtown Wyandanch and Straight Path Corridor Form-Based Code (the “Form-Based Code”). Its stated intention is to essentially cover and “line,” a portion of the existing five-story MTA parking garage structure already developed on Block 6 from the adjacent streets, while fitting into the local context, in terms of height and form. While the Liner Building is a structure already contemplated in the Form-Based Code, the following amendments and clarifications of the Form-Based Code are necessary in order for the Liner Building to achieve its purpose.
2. **AMENDMENTS:** In reference to the Residential Liner Building located at the northwest corner of Block 6, the following Code amendments are hereby adopted (additions/changes to the Code are underlined):
 - (a) **Building Height.** Liner Building shall be 5 stories so as to match the height of the tallest portions of the five-level parking garage structure behind and immediately adjacent to it, as well as the proposed Building E located to the west of the Liner Building across Park Drive, which is currently being constructed at 5 stories in height; accordingly, Section 213-504(E) shall be amended to including the following section:

(14) Liner Building(s) shall be constructed at the same number of stories as building(s) that it is intended to line/cover, at its tallest part. If this provision is in conflict with any other section(s) of the Code, this section shall take precedent.

(b) **Frontage Occupancy.** Tile 4 of Section 213-503, Regulating Plan by Blocks, is amended to reflect frontage occupancy of 45-55% for the courtyard frontage along Park Drive and 65% for the minimum Frontage Occupancy for the frontage along Washington Avenue.

(c) **Parking Requirements.** Section 213-507(C) “Parking Requirements” is amended to include Subsection (8) to follow subsection (7) as follows:

(8) In reference to the Residential Liner Building located at the northwest corner of Block 6, Transect Zone T5 within the transit 5-minute walk radius: the Minimum Parking Standards by Building Function set forth in Table 213-4 may be waived based on building’s immediate proximity to available parking in MTA parking garage, upon written confirmation of same being provided to FBCA.

3. **EFFECTIVE DATE:** This Local Law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO. 796 DECEMBER 4, 2019
SCHEDULING A PUBLIC HEARING ON THE REZONING APPLICATION OF
FRESENIUS MEDICAL CARE FOR THE PREMISES IDENTIFIED BY
SCTM#: 0100-112-05-090, 092, 093.001, 093.002, 094, 095, 106.002, 106.004, 107.002, 108,
109 & 110 LOCATED ON THE N/W/C/O NYS ROUTE 231
& GARNET STREET, NORTH BABYLON

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 15th day of January, 2019 at 3:30 p.m., prevailing time, on the application for a change of zone of the property at SCTM No#: 0100-112-05-090, 092, 093.001, 093.002, 094, 095, 106.002, 106.004, 107.002, 108, 109 & 110, further described on Schedule A attached hereto. The applicant proposes to subdivide and consolidate thirteen (13) parcels into four (4); rezone one parcel (proposed Parcel 'B') from E-Business to MR-Multiple Residence to maintain an existing apartment complex; rezone a portion of land from C-Residence to E-Business in order to merge into a single lot (proposed Parcel 'C') the existing shopping center; all in connection with proposed interior alterations to construct a dialysis center in a vacant tenant space, along with associated site improvements. The subject site, which consists of 13 parcels and totals approximately 366,284sf (8.41ac), contains a shopping center, a residential house, an apartment complex, and vacant land. The applicants also own lot 91, which contains the Sonic restaurant, but same is not included as part of this application because it stands alone and has an approved, functioning site plan. This subdivision will separate the different uses onto their own distinct parcels. The site is zoned predominantly E-Business, with portions of the site zoned C-Residence. Surrounding parcels to the north, west, and south are zoned C-Residence, while parcels to the east, along NYS Rte. 231, are zoned E-Business & EA-Business.

There are two separate change of zone requests as a part of this application. The first is a change of zone from E-Business to MR-Multiple Residence, in order to maintain an existing apartment complex. The subject property is located at the north end of Beebe Ct in North Babylon and is identified by Suffolk County Tax Map Nos. 0100-112-05-093.001, 0100-112-05-094, 0100-112-05-095, a portion of 0100-112-05-090, and a portion of 0100-112-05-092.

The second request is for a change of zone from C-Residence to E-Business, in order to add a portion of land to an existing shopping center, which will be merged into one lot. The subject property is located on the north side of Garnet St, approximately 412' west of NYS Rte. 231 in North Babylon and is identified by Suffolk County Tax Map Nos. 0100-112-05-106.005 and a portion of 0100-112-05-106.004. be it;

RESOLVED, that a more detailed diagram of the property which is affected by the petition is on file in the office of the Department of Planning and Development and may be examined during regular office hours by any interested person, and any interested person will be given the opportunity to be heard at the public hearing, and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

SCHEDULE A

ALL THAT A CERTAIN PLOT, PIECE OF LAND, SITUATE, LYING AND BEING AT AMITYVILLE IN THE TOWN OF BABYLON, COUNTY OF SUFFOLK AND STATE OF NREW YORK, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS THE TERMINUS OF THE FOLLOWING COURSE AND DISTANCE:

- A. COMMENCING AT A POINT FORMED BY THE INTERSECTION OF THE NORTHERLY LINE OF GARNET STREET (A.K.A CENTRAL AVENUE, 50 FEET WIDE RIGHT-OF-WAY), WITH THE EASTERLY LINE OF BEEBE COURT (40 FEET WIDE RIGHT-OF-WAY), RUNNING THENCE ALONG THE EASTERLY LINE OF BEEBE COURT, NORTH 30 DEGREES 11 MINUTES 50 SECONDS WEST, A DISTANCE OF 208.56 FEET TO THE POINT AND PLACE OF BEGINNING, THENCE:
 1. ALONG THE DIVIDING LINE BETWEEN LOT 93.2 (NOW FORMERLY LANDS ON C&H 1350 ASSOCIATES, LLC.) AND LOT 93.1 (NOW OR FORMERLY LANDS OF NOB HILL APARTMENTS, INC., WITH THE NORTHERLY LINE OF BEEBE COURT, LOT 105 (NOW OR FORMERLY LANDS OF GEORGE & MARINA A. KATCHIS), LOT 103 (NOW OR FORMERLY LANDS OF MICHAEL J. TESORO), LOT 102 (NOW OR FORMERLY LANDS OF BUZZETTA), AND LOT 101 (NOW OR FORMERLY LANDS OF MEREDITH FIRMES & JOHN JR. BERRY), SOUTH 74 DEGREES 21 MINUTES 50 SECONDS WEST, A DISTANCE OF 297.09 FEET OF A POINT, THENCE;
 2. ALONG THE DIVIDING LINE BETWEEN LOT 93.1, LOT 94, AND LOT 95 (NOW OR FORMERLY LANDS OF NOB HILL APARTMENTS, INC.), AND AN AREA OF PROPERTY EXCHANGE FROM LOT 90 (NOW OR FORMERLY LANDS OF SUNNYHOME, LLC.) TO LOT 95 WITH LOT 101, LOT 99 (NOW OR FORMELY LANDS OF JOHN & CANDICE ESTEVEZ), LOT 98 (NOW OR FORMERLY LANDS OF RICHARD P. NICHOLE COSETINO), LOT 97 (NOW OR FORMERLY LANDS OF ARMANFO AQUINO & LADY JOSE-AQUINO) BLOCK 5, SECTION 112, NORTH 05 DEGREES 39 MINUTES 20 SECONDS WEST, A DISTANCE OF 187.60 FEET TO A POINT, THENCE;
 3. ALONG THE DIVIING LINE BETWEEN THE PORTION OF LOT 90 (NOW OR FORMERLY LANDS OF SUNNYHOME, LLC.) TO BE ADDED TO PARCEL B AND THE REMINDER OF LOT 90, BLOCK 5, SECTION 112, NORTH 74 DEGREES 21 MINUTES 50 SECONDS EAST, A DISTANCE OF 239.99 FEET TO A POINT, THENCE;
 4. SOUTH 15 DEGREES 38 MINUTES 10 SECONDS EAST, A DISTANCE OF 20.00 FEET TO A POINT, THENCE;
 5. ALONG THE DIVIDING LINE BETWEEN LOT 90 AND LOT 92 (NOW OR FORMERLY LANDS OF C&H 1350 ASSOCIATES, LLC.) BLOCK 5, SECTION 112, NORTH 74 DEGREES 21 MINUTES 50 SECONDS EAST, A DISTANCE OF 59.76 FEET TO A POINT, THENCE;
 6. SOUTH 15 DEGREES 38 MINUTES 10 SECONDS WEST, A DISTANCE OF 97.91 FEET TO A POINT, THENCE;
 7. NORTH 76 DEGREES 24 MINUTES 59 DEGREES EAST, A DISTANCE OF 85.86 FEET TO A POINT, THENCE;
 8. SOUTH 08 DEGREES 27 MINUTES 11 SECONDS EAST, A DISTANCE OF 64, 28 FEET TO A POINT, THENCE;
 9. ALONG THE DIVIDING LINE BETWEEN LOT 106.4 ANF 105.2 (NOW OR FOREMERLY LANDS OF NOB HLL APARTMENTS, INC.), AND LOT 93.2 (NOW OR FORMERLY LANDS OF C&H 1350 ASSOCIATES, LLC.), BLOCK 5, SECTION 112.94 FEET TO THE POINT AND PLACE OF BEGINNING

**RESOLUTION NO. 797 DECEMBER 4, 2019
AUTHORIZING PERMISSION FOR A PARADE ON DECEMBER 15, 2019
IN THE TOWN OF BABYLON FOR THE LINDENHURST UFSD**

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

WHEREAS, the Lindenhurst UFSD has requested permission to hold a parade on Sunday,
December 15, 2019 within the Town of Babylon,

<p>INDIVIDUAL: Daniel E. Giordano 350 Daniel St. Lindenhurst, NY 11757 (516) 903-8466</p>	<p>ORGANIZATION: Lindenhurst UFSD 350 Daniel St. Lindenhurst, NY 11757 (516) 903-8466</p>
<p>DATES & TIMES: Date(s): 12/15/2019 to: Time: 1:00 p.m. to 2:00 p.m. Rain Date: n/a</p>	<p>STARTING: Town of Babylon Town Hall, 200 E. Sunrise Hwy., Lindenhurst</p> <p>ENDING: Lindenhurst Middle School, 350 Wellwood Ave., Lindenhurst</p>

ROUTE:
Leaving the Town of Babylon side parking lot and proceeding northwest towards N. Indiana Ave., turn right onto N. Indiana Ave., turn left onto Spiegelhagen St., turn left onto N. Wellwood Ave. and proceed left to Lindenhurst Middle School.

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.