

**TABLED AGENDA
TOWN BOARD MEETING
DECEMBER 18, 2019**

446. TOWN BOARD ENVIRONMENTAL DETERMINATION ON THE PLANNING BOARD JOB #17-04E OF GUSTAVE J. WADE, CAROL E. WADE, GUSTAVE J. WADE FAMILY 2012 IRREVOCABLE TRUST AND COLONIAL SPRINGS FARMS, LLC PREMISES AT SCTM NOS.: 0100-13-02-39.20 TO 39.49 AND PART OF 0100-13-02-51 AND 0100-13-02-39.1 TO 39.19, 0100-11-01-6.1 TO 6.7 (REMAINDER OF EXISTING SUBDIVISION) AND ADOPTION OF ENVIRONMENTAL FINDINGS
447. GRANTING THE REZONING APPLICATION OF GUSTAVE J. WADE, CAROL E. WADE, GUSTAVE J. WADE FAMILY 2012 IRREVOCABLE TRUST AND COLONIAL SPRINGS FARMS, LLC FOR THE PREMISES LOCATED AT SCTM NOS. 0100-013.000-02.00-039.020 TO 039.049 AND PART OF LOT 039.051, PLANNING BOARD JOB #17-04ADE

**RESOLUTION NO. 446 DECEMBER 18, 2019
TOWN BOARD ENVIRONMENTAL DETERMINATION ON THE PLANNING BOARD
JOB #17-04E OF GUSTAVE J. WADE, CAROL E. WADE, GUSTAVE J. WADE FAMILY
2012 IRREVOCABLE TRUST AND COLONIAL SPRINGS FARMS, LLC PREMISES AT
SCTM NOS.: 0100-13-02-39.20 TO 39.49 AND PART OF 0100-13-02-51 AND
0100-13-02-39.1 TO 39.19, 0100-11-01-6.1 TO 6.7 (REMAINDER OF EXISTING
SUBDIVISION) AND ADOPTION OF ENVIRONMENTAL FINDINGS**

The following resolution was **TABLED** by Councilman McSweeney and seconded by Councilman Manetta

WHEREAS, Gustave J. Wade, Carol E. Wade, Gustave J. Wade Family 2012 Irrevocable Trust and Colonial Springs Farms, LLC. (the “Petitioner”) has heretofore petitioned the Town Board of the Town of Babylon for a change of zone of certain property which is located on the n/e/c/o Colonial Springs Rd. & N. 28th St., Wheatley Heights; and

WHEREAS, the proposal involves a change of zone from A Residence District to Multiple Residence District (MR) and construction of 264 multiple residence rental units and a 6,475 square foot community building upon a 16.09-acre portion of the site. In addition, relief of certain covenants and restrictions imposed on the subject site proposed for development will be necessary. The northerly portion of the premises (i.e. the remaining 15.87 acres) may be developed with single family homes pursuant to a previously approved and filed subdivision map known as Willoughby Commons. A connection to the Wyandanch Sewer Infrastructure utilizing a pump station and force main is proposed for wastewater disposal. The proposal may also include a future subdivision or road abandonment; and

WHEREAS, the Town Board of the Town of Babylon has classified the proposal as a Type I Action and a full coordinated review was conducted that included all Involved Agencies, Interested Agencies and Interested Organizations in accordance with Section 114-6B.2(a) and (3) the Town of Babylon Environmental Quality Review Act (TOBEQRA); and

WHEREAS, the Town Board of the Town of Babylon declared itself Lead Agency for the proposal by Petitioners in accordance with the TOBEQRA 114-6B.2(a) and (3); and adopted a Positive Declaration to require a Draft Supplemental Environmental Impact Statement (DSEIS) on April 26, 2017; and

WHEREAS, the Town Board of the Town of Babylon accepted the DSEIS on May 17, 2017 by Town Board Resolution No. 411 and conducted a SEQRA Public Hearing on the subject application on June 14, 2017 at 6:00 PM at the Babylon Town Hall Board Room, 200 E. Sunrise Highway, Lindenhurst, NY; and

WHEREAS, the Town Board of the Town of Babylon accepted verbal and written comments at the June 14, 2017 SEQRA Public Hearing and written comments were accepted by the Lead Agency until June 26, 2017; and

WHEREAS, the Town Board of the Town of Babylon accepted the Final Supplemental Environmental Impact Statement (FSEIS) for public review on November 14, 2018 and circulated the FSEIS to all Involved and Interested Agencies and Interested Organizations to consider the document; and

WHEREAS, the proposed action was the subject of a comprehensive, exhaustive SEQRA review; and

WHEREAS, the Town Board of the Town of Babylon, as Lead Agency for the proposal, has adequately addressed and considered all of the relevant public and agency comments raised on the DSEIS and FSEIS in accordance with SEQRA; and

WHEREAS, the Town Board of the Town of Babylon, as Lead Agency, has determined that the environmental analysis prepared through the DSEIS and FSEIS will provide sufficient information to make a reasoned decision on the project that is consistent with the requirements of Section 617.11 State Environmental Quality Review (SEQR); and

WHEREAS, potential adverse environmental impacts are minimized or avoided by the proposed Action to the greatest extent practicable as determined by the Lead Agency, the Town Board of the Town of Babylon; and

WHEREAS, the Town Board of the Town of Babylon, as Lead Agency, has carefully considered the proposed action analyzed in the relevant DSEIS and FSEIS review in accordance with the requirements of SEQRA and TOBEQRA and determined the following: See Findings Exhibit “A”, Gustave J. Wade, Carol E. Wade, Gustave J. Wade Family 2012 Irrevocable Trust and Colonial Springs Farms, LLC. Environmental Findings; and

WHEREAS, the Town Board of the Town of Babylon has considered the relevant environmental impacts, facts and conclusions disclosed in the DSEIS, FSEIS for the proposal; and

WHEREAS, the Town Board of the Town of Babylon has weighed and balanced relevant environmental impacts with social, economic and other considerations; and

WHEREAS, Exhibit A has further identified the rationale for the Town Board of the Town of Babylon’s decision; and

WHEREAS, the Town Board of the Town of Babylon hereby certifies that the requirements of Chapter 114 of the Code of the Town of Babylon have been met;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon hereby certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action by Gustave J. Wade, Carol E. Wade, Gustave J. Wade Family 2012 Irrevocable Trust and Colonial Springs Farms, LLC.is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable as required by the SEQRA AND TOBEQRA.

The resolution was thereupon declared duly **TABLED** to February 26, 2020 Meeting.

RESOLUTION NO. 447 DECEMBER 18, 2019
GRANTING THE REZONING APPLICATION OF GUSTAVE J. WADE, CAROL E. WADE, GUSTAVE J. WADE FAMILY 2012 IRREVOCABLE TRUST AND COLONIAL SPRINGS FARMS, LLC FOR THE PREMISES LOCATED AT SCTM NOS. 0100-013.000-02.00-039.020 TO 039.049 AND PART OF LOT 039.051, PLANNING BOARD JOB #17-04ADE;

The following resolution was **TABLED** by Councilman McSweeney and seconded by Councilman Manetta

WHEREAS, GUSTAVE J. WADE, CAROL E. WADE, GUSTAVE J. WADE FAMILY 2012 IRREVOCABLE TRUST AND COLONIAL SPRINGS FARMS, LLC, (collectively the "Petitioner") has heretofore petitioned this Board for a change of zone of the properties identified by SCTM Nos. 0100-013.000-02.00-039.020 TO 039.049 AND PART OF LOT 039.051, further described on Schedule A attached hereto, located in the SC016 School District, from A Residence District to MR Multiple Residence District, in order to construct 264 rental units of which 228 will contain one (1) bedroom and 36 will contain two (2) bedrooms, a 6,475 sq. ft. community building, a 228 sq. ft. pump station, two 750 sq. ft. entrance booths and an outdoor recreation area with a 25 x 45 pool along with associated site improvements; and

WHEREAS, a public hearing was held on said petition on June 14th, 2017; and

WHEREAS, the Town Board of the Town of Babylon has classified the proposal as a Type I Action and a full coordinated review was conducted that included all Involved Agencies, Interested Agencies and Interested Organizations in accordance with Section 114-6B.2(a) and (3) the Town of Babylon Environmental Quality Review Act (TOBEQRA), a full environmental impact statement review was conducted pursuant to SEQRA and in accordance with that review the Town Board of the Town of Babylon has made a determination that the requirements of Chapter 114 of the Code of the Town of Babylon Town of Babylon Environmental Quality Review Act have been met and that the proposed project is consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects disclosed in the relevant environmental impact statement. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable pursuant to the adopted Environmental Findings in Resolution No. 446 of June 15, 2019; 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 the "Petitioner" for a change of zone of a certain property which is located at SCTM No. 0100-013.000-02.00-039.020 TO 039.049 AND PART OF LOT 039.051, further described on Schedule A attached hereto, located in the SC016 School District, from A Residence District to MR Multiple Residence District be and the same hereby is granted, and further that the Zone Map of the Town of Babylon be and the same hereby shall be amended to reflect the zone change subject to the following conditions:

1. Subject to final site plan approval from the Planning Board.
2. Subject to Zoning Board of Appeals approval for associated variances.
3. Subject to providing a plan for the sewer connection to the Wyandanch Sewer infrastructure. Provide the following details:
 - a. Description of type of system including location of pump station, force main diameter and design flow.
 - b. Service area, i.e. any other developments to be connected.
 - c. Route of system and proposed connection point at Wyandanch Sewer infrastructure.
4. Owner/applicant shall comply with the Town of Babylon Stormwater Code (Chapter 189).
5. Mitigation measures required in connection with the site development are as follows:
 - a. Fugitive dust generation shall be controlled by appropriate means such as watering.
 - b. Erosion control shall be utilized during construction.
 - c. A rodent control plan will be implemented prior to construction in order to remove rodent populations from the site. Additionally, the adjacent landowners will be notified prior to the commencement of construction.
 - d. 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 9am and 4pm. Construction activities on the site shall be in strict conformance with Chapter 156-9D of the Noise Code of the Town of Babylon.
 - e. During construction, owner/applicant is responsible to sweep access streets and keep the roadways free of dirt and mud.
6. Applicant/owner must obtain Energy Star Certification for each unit, as per Town Code Chapter 89, Article VI, §89-79.
7. Sewer district and water-saving plumbing fixtures must be utilized.
8. Fire and smoke detection systems and carbon monoxide detectors should be installed in accordance with NFPA 72.
9. Audio/visual notifications for all alarms to be installed in all units.
10. Address number, building number or approved building identification to be placed in a position visible from the street.
11. Subject to Highway and Engineering requirements.
12. Owner to contribute to the fund for the installation and maintenance of emergency vehicle optical pre-emption equipment on traffic signals in the area. Estimated cost to be \$1,500.00.
13. All on site signage shall conform to the Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD) specifications for both highway and on-site traffic controls and must conform to the federal MUTCD and the NYS Supplement to the manual of Uniform Traffic Control Devices. All signs must be fabricated using high-intensity retro-reflective sheeting.
14. The applicant shall be required to pay a fee of \$2,245.00 for the ordinance, fabrication and installation of three (3) stop signs, two (2) "One Way, Do Not Enter" signs assemblies and four (4) "No Left Turn" symbol signs.
15. The location of all HVAC, air handlers' transformers and RPZ shall be approved by the Town of Babylon Planning Department prior to installation.
16. Subject to the proposed development connecting to the Southwest Sewer District.
17. Subject to SWPPP approval.

18. 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.
19. During construction, owner/applicant is responsible to sweep access streets and keep the roadways free of dirt and mud.
20. 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.
21. Subject to the requirements of Highway, Engineering, and the Fire Marshall.
22. Subject to the applicant providing funding in the amount of \$20,000 for local community benefits/improvements to be disbursed as follows: \$5,000 to the Wyandanch Fire Department; \$5,000 to the Wheatley Heights Ambulance Corps; \$5,000 to the Wheatley Heights Taxpayers Civic Association (to provide \$1,000 scholarships to 5 individuals); and \$5,000 to the Wheatley Heights Football League "The Chiefs." In the event any one or more of the groups described above no longer exist, that share of the funding amount shall be distributed evenly among the remaining groups.
23. Subject to the applicant installing lighting on the south side of Colonial Springs Road from Conklin Street to North 27th Street.
24. Subject to the applicant installing sidewalk on the south side of Colonial Springs Road from Conklin Street to North 27th Street.
25. Subject to the dedication of 10 feet of land along the east side of 28th Street and the north side of Colonial Spring Road for a distance of 40 feet in the northerly and easterly direction from the corner of North 28th Street and Colonial Springs Road.
26. Subject to the applicant, installing two Radar Driver Feedback signs and any associated thermal striping along Colonial Springs Road at locations to be determined by the Town of Babylon Planning Department, subject to approval of the Town of Babylon Division of Traffic Safety.
27. Subject to the applicant constructing a bypass lane on the project site at the southwest guard booth.
28. Subject to the applicant installing four inverted "U" bicycle racks on the project site at locations to be determined by the Town of Babylon Planning Department.
29. Subject to the applicant's submittal of and the Suffolk County Department of Health Services acceptance of a Soil Management Plan (SMP).
30. Subject to any New York State Department of Environmental Conservation permits as may be required.
31. Subject to Suffolk County Department of Health Services requirements (including those applicable for deep recharge zones) for any regulated materials storage.

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 further development of the site without Planning Board approval.
2. The development shall comply with all federal, state and local fair housing and ADA requirements.
3. Twenty percent (53) units shall be designated as work force/affordable housing. Units to be scattered equally throughout the site. Affordable/workforce units shall be equally distributed throughout the site. Affordable/workforce units shall be targeted to qualified households making 80% or less than the Suffolk County HUD income limits, which are updated annually. A recognized affordable housing provider shall be engaged by the owner/applicant to oversee the affordable component. Proof of such engagement shall be provided to the Planning Department.

4. The applicant/owner shall maintain the Town of Babylon recharge basin as per the approved site plan.
5. Owner/applicant shall comply with all NYS regulations for handicapped accessibility including but not limited to handicapped ramps and handicapped parking spaces.
6. The buildings shall 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.
7. All site lighting to be contained on site and must conform to dark-sky lighting regulations.
8. 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.
9. 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.
10. All units to have central air conditioning or through the wall air-conditioning units, no window units to be permitted.
11. The use of inorganic fertilizers, pesticides and herbicides shall be minimized as standard operating procedure for the landscape maintenance of the site.
12. SWPPP maintenance access in accordance with Section 189-8 of the Code of the Town of Babylon. The Town of Babylon shall be provided with access to the stormwater infrastructure at reasonable times for periodic inspection by the Town of Babylon and its officers to ensure that the infrastructure is maintained in proper working condition to meet design standards and any other provisions established by Chapter 189. This agreement shall be binding on all subsequent landowners.
13. SWPPP maintenance after construction in accordance with Section 189-8 of the Code of the Town of Babylon. Stormwater management practices installed in accordance with Chapter 189 shall be operated and maintained to ensure that the goals of Chapter 189 are fully achieved. Proper operation and maintenance includes, at minimum, the following:
 - a. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of Chapter 189. A written record of stormwater management system maintenance activities shall be established and maintained on site and be available for review by the Town of Babylon upon request.
 - b. Written procedures for operation and maintenance and training new maintenance personnel shall be prepared and maintained on site and will be available for review by the Town of Babylon upon request.
 - c. Discharges from the SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with § 189-8B of the Code of the Town of Babylon.
14. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator. Routine maintenance of the storm water infrastructure on the site will include the following:
 - a. Monitoring of the drainage inlets (catch basins) will be completed routinely, particularly after large storm events and must be kept free from obstruction by leaves trash and other debris.

- b. Drainage grates must be kept free from obstruction by leaves, trash and other debris.
 - c. Drainage structures shall be inspected annually to determine if sediment removal is necessary to ensure that the drainage structures are properly functioning and that they permit adequate conveyance throughout the system. If applicable, the manufacturer's specifications for maintenance procedures and frequency must be strictly followed.
 - d. The drainage structures must be routinely monitored for the removal of surface sediment and trash.
 - e. Street sweeping of the parking areas shall be conducted at least four times annually to remove sediment that may impact the drainage infrastructure and additionally, as necessary due to storm events.
 - f. The grounds and parking area shall be inspected for litter monthly and any litter shall be removed as necessary
15. The proposed project would include 54 affordable units, or 20.5 percent of the total 264 units. In addition, the proposed project would set aside 10 of the 54 affordable units for post 9-11 combat veterans, subject to compliance with applicable fair housing regulations and specific program terms. The selection criteria for the 10 veterans' units shall be determined by a Town of Babylon-designated agency or individual.

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 MR Multiple Residence District to A Residence 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 resolution was thereupon declared duly **TABLED** to February 26, 2020 Meeting.

SCHEDULE A

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

BEGINNING at the corner formed by the intersection of the northerly side of Colonial Springs Rd and the easterly side of North 28th Street, and from said point or place of Beginning;

Running thence northerly along the easterly side of North 28th Street North 7° 58' 00" West 279.08 feet to the land now or formerly of the Federation of Jewish Philanthropies,

Running thence northeasterly, along said Federation of Jewish Philanthropies land North 34° 25' 37" East 538.19 feet to the land now or formerly of the Town of Babylon,

Running thence along land now or formerly of the Town of Babylon, northeasterly, easterly, northerly and easterly the following four courses and distances,

1. North 48° 59' 37" East 264.64 feet to a point,
2. North 82° 02' 00" East 385.23 feet to a point,
3. North 7° 58' 00" West 40.00 feet to a point,
4. North 82° 02' 00" East 71.48 feet to point,

Running thence southerly South 7° 58' 00" East 13.05 feet to a point,

Running thence easterly the following four courses and distances,

1. North 82° 02' 00" East 127.14 feet to a point,
2. Along the arc of a curve, bearing to the left, having a radius of 38.00 feet, a distance of 24.92 feet
3. Along the arc of a curve, bearing to the right, having a radius of 42.00 feet, a distance of 8.12 feet
4. North 82° 02' 00" East 21.39 feet to the westerly side of North 23rd Street Running thence southerly along the westerly side of North 23rd Street, South 07° 58' 00" East 549.28 feet to a point,

Running thence westerly South 82° 02' 00" West 450.00 feet to a point,

Running thence southerly South 7° 58' 00" East 226.78 feet to a point

Running thence westerly, South 82° 02' 00" West 520.00 feet to the point,

Running thence southerly South 7° 58' 00" East 208.47 feet to the northerly side of Colonial Springs Road,

Running thence westerly along the northerly side of Colonial Springs Road North 71 ° 30'

48" West 279.24 feet to the easterly side of North 28th Street, to the point or place of BEGINNING.

Containing therein 700,969.35 Sq. Ft or 16.092 Acres

**TOWN BOARD MEETING
DECEMBER 18, 2019
AGENDA**

- 798. ACCEPTING TOWN BOARD MINUTES
- 799. AUTHORIZING CHANGE ORDER NO. 1 IN THE CONTRACT WITH H2M ARCHITECTS & ENGINEERS FOR RFP NO. 18G50, FOR APPLICATION PREPARATION, ENGINEERING, DESIGN, BID PREPARATION, ETC. FOR THE GILGO/WEST GILGO POTABLE WATER AND FIRE IMPROVEMENTS
- 800. AWARDING RFP NO. 19G91, REQUEST FOR PROPOSALS FOR VETERINARY SERVICES
- 801. AWARDING BID NO. 19G94 INSTALLATION OF NEW ASPHALT CONCRETE PARKING AREA & POURED IN PLACE CONCRETE PAD AT THE RUFUS TAYLOR BUILDING, 57 FIELD STREET, WEST BABYLON
- 802. AWARD OF BID NO. 19G95, INSTALLATION OF BACKFLOW PREVENTION DEVICES AT TANNER PARK & BUILDINGS GROUNDS
- 803. AWARDING BID NO. 19G96 LUBRICANTS
- 804. AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR THOMAS ATWELL OUTER BEACH APPLICATION NO. 132891 SCTM #0100-240-1-157
- 805. AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR KRISTINA NETTER-FURTADO OUTER BEACH APPLICATION NO. 133072 SCTM #0100-243-1-223
- 806. AUTHORIZING SALE OF TOWN OWNED PROPERTY AT 41st STREET, COPIAGUE, NEW YORK TO LEONIDAS CAMPOS
- 807. ACCEPTING A DONATION
- 808. AUTHORIZING EMPLOYEE REIMBURSEMENT
- 809. AUTHORIZING 2019 BUDGET MODIFICATION
- 810. AUTHORIZING 2019 OPERATING TRANSFER
- 811. AUTHORIZING REFUND OF PAYMENT
- 812. AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2019 COMMUNITY DEVELOPMENT USE OF FUNDS STATEMENT, AND THE FISCAL YEAR 2019 ANNUAL UPDATE TO THE FIVE YEAR CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT PLAN TO INCREASE THE AMOUNT OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME

813. AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2019 COMMUNITY DEVELOPMENT USE OF FUNDS STATEMENT, AND THE FISCAL YEAR 2019 ANNUAL UPDATE TO THE FIVE YEAR CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT PLAN TO DECREASE THE AMOUNT OF HOME PROGRAM INCOME
814. AMENDING CHAPTER 213, ARTICLE XLII OF THE BABYLON TOWN CODE
815. SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 79 OF THE BABYLON TOWN CODE (BAZAARS AND FAIRS)
816. SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 106 OF THE BABYLON TOWN CODE (KEEPING PIGEONS)
817. SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 133 OF THE BABYLON TOWN CODE (HAZARDOUS WASTE)
818. SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 144 OF THE BABYLON TOWN CODE (LANDSCAPERS)
819. AMENDING RESOLUTION NO. 690 OF 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 NEW MILLENNIUM DEVELOPMENT SERVICES INC. PURSUANT SECTION 72-h, GENERAL MUNICIPAL LAW
820. AMENDING RESOLUTION NO. 691 OF 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 NEW MILLENNIUM DEVELOPMENT SERVICES INC. PURSUANT SECTION 72-h, GENERAL MUNICIPAL LAW
821. AMENDING RESOLUTION NO. 692 OF 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 NEW MILLENNIUM DEVELOPMENT SERVICES INC. PURSUANT SECTION 72-h, GENERAL MUNICIPAL LAW
822. AMENDING RESOLUTION NO. 753 OF 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 NEW MILLENNIUM DEVELOPMENT SERVICES INC. PURSUANT SECTION 72-h, GENERAL MUNICIPAL LAW

823. AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 44 13TH AVE., WEST BABYLON, NY 11704 SCTM NO. 0100-134.00-02.00-010.000
824. AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 273 FLORIDA AVE., COPIAGUE, NY 11726 SCTM NO. 0100-196.00-01.00-057.000
825. AUTHORIZING DEMOLITION AND REMOVAL OF UNSAFE STRUCTURE LOCATED AT 796A BAYVIEW AVE., AMITYVILLE, NY SCTM No. 0100-169.00-03.00-045.000
826. AUTHORIZING THE EMERGENCY DEMOLITION AND REMOVAL OF UNSAFE STRUCTURE LOCATED AT 1305 S. STRONG AVE., COPIAGUE, NEW YORK 11726 SCTM NO. 0100-198.00-02.00-029.000
827. AUTHORIZING A CONTRACT WITH BAY VILLAGE CONSULTANTS, INC.
828. AUTHORIZING A CONTRACT WITH TRANSPERFECT LEGAL SOLUTIONS
829. AUTHORIZATION FOR TOWN BOARD TO URGE THE NEW YORK STATE LEGISLATURE AND GOVERNOR TO ENACT LEGISLATION EXEMPTING CERTAIN NOT-FOR-PROFIT CORPORATIONS FROM NEW YORK LABOR LAW SECTIONS 240/241

**RESOLUTION NO. 798 DECEMBER 18, 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 Meeting be and the same are hereby accepted:

December 4, 2019

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 799 DECEMBER 18, 2019
 AUTHORIZING CHANGE ORDER NO. 1 IN THE CONTRACT WITH
 H2M ARCHITECTS & ENGINEERS FOR RFP NO. 18G50, FOR APPLICATION
 PREPARATION, ENGINEERING, DESIGN, BID PREPARATION, ETC. FOR THE
 GILGO/WEST GILGO POTABLE WATER AND FIRE IMPROVEMENTS**

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

WHEREAS, RFP 18G50 was awarded to H2M Architects & Engineers for a total contract amount of ONE HUNDRED SEVENTY FIVE THOUSAND (\$175,000.00) DOLLARS, pursuant to Resolution No. 488 of June 13, 2018 and

WHEREAS, this project is part of the Governor’s Office of Storm Recovery (GOSR) mitigation projects, 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. 1 as follows:

Change Order No. 1 for additional bid phase services due to rebidding of the project	\$2,500.00
TOTAL CHANGE ORDER NO. 1	\$2,500.00

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

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Review Committee, the Supervisor be and he is hereby authorized to execute Change Order No. 1 in the contract with H2M Architects & Engineers in the amount of TWO THOUSAND, FIVE HUNDRED (\$2,500.00) DOLLARS the increasing the total contract amount to ONE HUNDRED SEVENTY SEVEN THOUSAND, FIVE HUNDRED (\$177,500.00) DOLLARS.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 800 DECEMBER 18, 2019
AWARDING RFP NO. 19G91, REQUEST FOR PROPOSALS FOR
VETERINARY SERVICES**

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

WHEREAS, the following proposals were received for RFP No. 19G91, Veterinary Services
were received, and opened:

PROPOSER

Deborah Lupo-Lyons, DVM

WHEREAS, a Review Committee (Committee) was formed with the Commissioner of
Environmental Control, Director of the Animal Shelter and Administrative Assistant of General Services as
its members to review all proposals received, and

WHEREAS, the Committee convened on December 10, 2019 to review the proposal received, and

WHEREAS, after a thorough review of all the proposal, the Committee recommends an award to the
sole proposer, Deborah Lupo-Lyons, DVM at an hourly rate of EIGHTY (\$80.00) DOLLARS, not to exceed
an annual amount of ONE HUNDRED TWENTY FIVE THOUSAND,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Committee and upon it finding the
aforementioned proposals to be fair and reasonable, RFP No. 19G91, be and is hereby awarded Deborah
Lupo-Lyons, at an hourly rate of EIGHTY (\$80.00) DOLLARS, not to exceed an annual amount of ONE
HUNDRED TWENTY FIVE THOUSAND (\$125,000.00) and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a contract with Deborah
Lupo-Lyons, DVM 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 shall be extended for an additional two (2) one (1) periods at the
discretion of the Commissioner of Environmental Control and the Director of the Animal Shelter.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 801 DECEMBER 18, 2019
AWARDING BID NO. 19G94 INSTALLATION OF NEW ASPHALT CONCRETE
PARKING AREA & POURED IN PLACE CONCRETE PAD AT THE
RUFUS TAYLOR BUILDING, 57 FIELD STREET, WEST BABYLON

The following resolution was offered by Councilman McSweeney

and seconded by Councilman Martinez

WHEREAS, the following bids for Bid No. 19G94-Installation of New Asphalt Concrete Parking Area & Poured in Place Concrete Pad at Then Rufus Taylor Building, 57 Field Street, West Babylon was received, opened and publicly read:

<u>BIDDER</u>	<u>TOTAL LUMP SUM BID PRICE</u>
Laser Industries, Inc.	\$238,000.00
The LandTek Group, Inc.	\$274,000.00
G & M Earth Moving, Inc.	\$298,000.00
Suffolk Paving Corp.	\$380,000.00
ASC Contracting Corp.	\$443,500.00

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Deputy Commissioner of Environmental and upon their finding the aforementioned bids fair and reasonable, Bid No. 19G94 be and is hereby awarded to the low bidder Laser Industries, Inc.; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 802 DECEMBER 18, 2019
AWARD OF BID NO. 19G95, INSTALLATION OF BACKFLOW PREVENTION DEVICES
AT TANNER PARK & BUILDINGS GROUNDS**

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

WHEREAS, the following bids for Bid No. 19G95, Backflow Prevention Devices at Tanner Park & Buildings & Grounds

was received, opened and publicly read:

Item No. 1. Tanner Park

<u>BIDDER</u>	<u>TOTAL BID PRICE</u>
Maccarone Plumbing, Inc.	\$47,350.00
WHM Plumbing & Heating	\$47,350.00
Hirsch & Co.	\$83,000.00

Item No. 2. Buildings & Grounds

Maccarone Plumbing, Inc.	\$42,250.00
WHM Plumbing & Heating	\$46,698.00
Hirsch & Co.	\$63,500.00

Item No. 3. TOTAL BID

Maccarone Plumbing, Inc.	\$89,600.00
WHM Plumbing & Heating	\$94,048.00
Hirsch & Co.	\$146,500.00

WHEREAS, the Commissioner of General Services, the Commissioner of the Department of Public Works and Luigi Pascarella, P.E, PLLC recommend the award of Bid No. 19G95 to the overall low bidder, Maccarone Plumbing, Inc.

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services, the Commissioner of the Department of Public and Works, and Luigi Pascarella, P.E. PLLC and upon their finding the aforementioned bids fair and reasonable, Bid No. 19G95 be and is hereby awarded to the overall low bidder, Maccarone Plumbing, Inc. and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a contract with Maccarone Plumbing, Inc. for a total contract amount of EIGHTY-NINE THOUSAND, SIX HUNDREDD (\$89,600.00) DOLLARS and that the form and content of said contract shall be subject to the approval of the Town Attorney.

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

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 803 DECEMBER 18, 2019
AWARDING BID NO. 19G96 LUBRICANTS**

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

WHEREAS, the following bids for Bid No. 19G96, Lubricants was received, opened and
publicly read:

SPREADSHEET ON FILE IN DEPT. OF GENERAL SERVICES

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General
Services and the Deputy Commissioner of D.P.W. and upon their finding the aforementioned bids
fair and reasonable, Bid No. 19G96 be and is hereby awarded to the low bidder for each item;
Lubenet LLC for Item Nos. 1 – 7 and 10 – 12; David Weber Oil Company for Item No. 9; Miles
Petroleum Inc. for Item No. 8 and Grade A Petroleum Corporation for Item Nos. 13 and 14; and be
it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a one (1) year
contract with Lubenet LLC, David Weber Oil Company, Miles Petroleum Inc. and Grade A
Petroleum Corporation 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: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 804 DECEMBER 18, 2019
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR THOMAS ATWELL
OUTER BEACH APPLICATION NO. 132891 SCTM #0100-240-1-157

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

WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No. 132891 of Thomas Atwell, for the premises located at SCTM #0100-240-1-157 (38 Ocean Walk, W. Gilgo Beach), to construct a 2nd story dormer addition.

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. 132891 of Thomas Atwell for the premises located at SCTM #0100-240-1-157 (38 Ocean Walk, W. Gilgo Beach), to construct a 2nd story dormer addition; 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. 805 DECEMBER 18, 2019
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR KRISTINA NETTER-FURTADO
OUTER BEACH APPLICATION NO. 133072 SCTM #0100-243-1-223

The following resolution was offered by Councilman Martinez

and seconded by Councilman Manetta

WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No. 133072 of Kristina Netter-Furtado, for the premises located at SCTM #0100-243-1-223 (77 Hawser Drive, Oak Beach, NY), to construct an in-ground swimming pool.

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. 133072 of Kristina Netter-Furtado for the premises located at SCTM #0100-243-1-223 (77 Hawser Drive, Oak Beach, NY), to construct an in-ground swimming pool; 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. 806 DECEMBER 18, 2019
AUTHORIZING SALE OF TOWN OWNED PROPERTY AT
41st STREET, COPIAGUE, NEW YORK TO LEONIDAS CAMPOS

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

WHEREAS, the Town of Babylon has declared certain town-owned property to be surplus because same is no longer needed for any town purpose; and

WHEREAS, Leonidas Campos who owns SCTM #0100-201.00-01.00-66.001 has indicated an interest in purchasing the properties known as SCTM #0100-201.00-01.00-066.002 which is adjoined to his property,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon convey to the aforementioned Leonidas Campos the parcel of property known as SCTM #0100-201.00-01.00-066.002 for a total consideration of One Thousand (\$1,000.00) Dollars; and be it further

RESOLVED, that the Supervisor be and is hereby authorized to execute a deed for the aforementioned transfer; and be it further

RESOLVED, that this resolution is subject to a permissive referendum and the Town Clerk is hereby directed to publish notice of the adoption of this resolution in an official newspaper of the town.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 807 DECEMBER 18, 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
Catholic Daughters of the Americas 1403, Babylon, NY	\$100.00	Town Historian	For History Museum/Historic Services
Museum Visitors	\$338.00	Town Historian	For History Museum/Historic Services
James Haley	\$20.00	Supervisor's Office	Office supplies

VOTES: 5 **YEAS:** 5 **NAYS:** 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 808 DECEMBER 18, 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
Brian Zitani	\$21.98 program supplies
Delores Bocklet	\$54.99 office furnishings
Chris Elton	\$31.99 reimbursement for supplies
Chris Elton	\$21.54 reimbursement for supplies
Brenda McDonald	\$34.85 reimbursement for bank fees

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 809 DECEMBER 18, 2019
AUTHORIZING 2019 BUDGET MODIFICATION**

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 following 2019 Budget Modification is
hereby authorized:

	<u>Increase</u>	<u>Decrease</u>
<u>General Fund</u>		
Law		
Office Supplies		
A.1420.41	\$ 100	
Program Operations		
A.1420.47	\$ 800	
Miscellaneous		
A.1420.49		\$ 900
Miscellaneous		
A.1420.49	\$ 6,400	
Part time clerical		
A.1420.16		\$ 6,400
Control of Animals		
Administrative		
A.3510.13	\$ 15,000	
Repairs and maintenance		
A.3510.46	\$ 500	
Miscellaneous		
A.3510.49	\$ 500	
Environmental Control		
Program Operations		
A.8090.47	\$ 10,000	
Repairs and maintenance		
A.8090.46		\$ 26,000
<u>Garbage Improvement Area</u>		
Refuse & garbage		
Program Operations		
CL.8160.47	\$ 450,000	
Professional and technical services		
CL.8160.44		\$ 450,000

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 810 DECEMBER 18, 2019
AUTHORIZING 2019 OPERATING TRANSFER**

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 Comptroller that the following 2019 Operating Transfer is
hereby authorized:

Capital Project Fund

	<u>Increase</u>	<u>Decrease</u>
H133 – Waste Management admin bldg. and machinery		
Interfund Transfer		
H133.9901.90	\$ 361,529.64	
Equipment & Capital Outlay		
H133.8997.20		\$ 361,529.64
H113 Ashfill Expansion		
Interfund Transfer		
H113.0000.5031	\$361,529.64	
Refuse and Garbage		
H113.8997.26	\$361,529.64	

VOTES: 5 **YEAS: 5** **NAYS: 0**

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 811 DECEMBER 18, 2019
AUTHORIZING REFUND OF PAYMENT

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, 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
Michele Messina, Esq., As Attorney 2395 Ocean Avenue, Suite 4 Ronkonkoma, NY 11779	Account #13652 Suffolk County Investors, LLC. 8 Maplewood Road West Babylon, NY 11704 c/o Michele R. Messina, P.C.	Commercial Waste District	\$7,507.97	Overpayment

VOTES: 5 **YEAS:** 5 **NAYS:** 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 812 DECEMBER 18, 2019
AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2019 COMMUNITY DEVELOPMENT USE OF FUNDS STATEMENT, AND THE FISCAL YEAR 2019 ANNUAL UPDATE TO THE FIVE YEAR CONSOLIDATED HOUSING AND COMMUNITY DEVELOPMENT PLAN TO INCREASE THE AMOUNT OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME

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

WHEREAS, the Town of Babylon proposes to amend its Fiscal Year 2019 Community Development Use of Funds Statement, and the Fiscal Year 2019 Annual Update to the Five-Year Consolidated Housing and Community Development Plan (“Plan”) to increase the amount of Community Development Block Grant Program Income; and

WHEREAS, the Fiscal Year 2019 Plan anticipated receiving One Hundred Thousand and 00/100 (\$100,000.00) Dollars of CDBG Program Income; and

WHEREAS, the actual amount of CDBG Program Income is One Hundred Eighty-Nine Thousand One Hundred Ninety-Two and Dollars 55/100 (\$189,192.55); and

NOW, THEREFORE, be it

RESOLVED, that the Town of Babylon does hereby amend its Fiscal Year 2019 Community Development Use of Funds Statement, and the Fiscal Year 2019 Annual Update to the Five Year Consolidated Housing and Community Development Plan to increase the amount of Community Development Block Grant Program Income to One Hundred Eighty-Nine Thousand One Hundred Ninety-Two Dollars and 55/100 (\$189,192.55); and be it further

RESOLVED, that the amendment to the Plan not be subject to U.S. Department of Housing and Urban Development Community Development Program citizen participation procedures in accordance with 24 CFR 91.105; and be it further

RESOLVED, that the Comptroller make these changes to the affected budget.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 813 DECEMBER 18, 2019
AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2019 COMMUNITY
DEVELOPMENT USE OF FUNDS STATEMENT, AND THE FISCAL YEAR 2019
ANNUAL UPDATE TO THE FIVE YEAR CONSOLIDATED HOUSING AND
COMMUNITY DEVELOPMENT PLAN TO DECREASE THE AMOUNT OF
HOME PROGRAM INCOME

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

WHEREAS, the Town of Babylon proposes to amend its Fiscal Year 2019 Community Development Use of Funds Statement, and the Fiscal Year 2019 Annual Update to the Five-Year Consolidated Housing and Community Development Plan (“Plan”) to decrease the amount of HOME Grant Program Income; and

WHEREAS, the Fiscal Year 2019 Plan anticipated receiving Four Hundred Thousand and 00/100 (\$400,000.00) Dollars of HOME Program Income; and

WHEREAS, the actual amount of HOME Program Income is Two Hundred Ninety-Five Thousand Four Hundred Sixty-Seven Dollars and 74/100 (\$295,467.74); and

NOW, THEREFORE, be it

RESOLVED, that the Town of Babylon does hereby amend its Fiscal Year 2019 Community Development Use of Funds Statement, and the Fiscal Year 2019 Annual Update to the Five Year Consolidated Housing and Community Development Plan to decrease the amount of HOME Grant Program Income to Two Hundred Ninety-Five Thousand Four Hundred Sixty-Seven Dollars and 74/100 (\$295,467.74); and be it further

RESOLVED, that the amendment to the Plan not be subject to U.S. Department of Housing and Urban Development Community Development Program citizen participation procedures in accordance with 24 CFR 91.105; and be it further

RESOLVED, that the Comptroller make these changes to the affected budget.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 814 DECEMBER 18, 2019
AMENDING CHAPTER 213, ARTICLE XLII OF THE BABYLON TOWN CODE

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 18th day of December 2019, upon the question of enactment of Local Law No. ____ 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 XLII;

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Babylon that Local Law No. ____ 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. ____ of 2019
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.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 815 DECEMBER 18, 2019
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 79
OF THE BABYLON TOWN CODE (BAZAARS AND FAIRS)

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing be held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 2nd day of January, 2020 at 3:30 p.m., prevailing time, to consider amending Chapter 79 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”

AMEND

§ 79-8 Permit fee.

The Town Clerk may establish a schedule of fees, to be collected for services rendered in connection with the work of her department and administration of this chapter and for which she deems it necessary to charge and collect a fee.

RESOLUTION NO. 816 DECEMBER 18, 2019
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 106
OF THE BABYLON TOWN CODE (KEEPING PIGEONS)

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 2nd day of January, 2020 at 3:30 p.m., prevailing time, to consider amending Chapter 106 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"

AMEND

§ 106-17 Keeping Pigeons.

C.

- (2) The Town Clerk may establish a schedule of fees, to be collected for services rendered in connection with the work of her department and administration of this chapter and for which she deems it necessary to charge and collect a fee.

RESOLUTION NO. 817 DECEMBER 18, 2019
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 133
OF THE BABYLON TOWN CODE (HAZARDOUS WASTE)

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 2nd day of January, 2020 at 3:30 p.m., prevailing time, to consider amending Chapter 133 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”

ADD

§ 133-25.2 Hazardous wastes.

- C. It shall be unlawful for any person or entity, as owner, occupant, lessee or agent, or in any other capacity, to store, deposit, place, maintain, suffer or cause or permit to be stored, deposited, placed or maintained on any unimproved and/or porous land surface, any motor vehicle that may spill, release, discharge, or leak from such motor vehicle hazardous waste, hazardous materials or unacceptable waste in any form, including but not limited to, any petroleum hydrocarbon, including gasoline, oil, transmission fluid and/or any other hazardous or regulated materials or contaminants unless said premises is in compliance with all the rules and regulations pertaining to the storage of motor vehicles and potential associated substances hazardous or acutely hazardous to public health, safety or the environment and has a certificate of occupancy and license or permit for use of the premises for the storage of motor vehicles and potential associated hazardous materials or waste, issued by the Town of Babylon and as applicable; any other local or New York State Agency.

RESOLUTION NO. 818 DECEMBER 18, 2019
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 144
OF THE BABYLON TOWN CODE (LANDSCAPERS)

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 a Public Hearing be held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 2nd day of January, 2020 at 3:30 p.m., prevailing time, to consider amending Chapter 144 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"

AMEND

§ 144-5 Fees.

The Town Clerk may establish a schedule of fees, to be collected for services rendered in connection with the work of her department and administration of this chapter and for which she deems it necessary to charge and collect a fee. Landscapers may provide services in the form of contracting with the Town of Babylon in a form acceptable to the Town Attorney to "adopt-a-spot" in lieu of paying the license fee and/or renewal fee

RESOLUTION NO. 819 DECEMBER 18, 2019
AMENDING RESOLUTION NO. 690 OF 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 NEW MILLENNIUM DEVELOPMENT SERVICES INC.
PURSUANT SECTION 72-h, GENERAL MUNICIPAL LAW

The following resolution was offered by Councilwoman Gordon

and seconded by Councilman McSweeney

WHEREAS, the County of Suffolk is the owner of a parcel of land identified as 64 Brooklyn Avenue, Wyandanch, New York, SCTM #0100-054.00-02.00-063.000; 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 Housing for Sale for households at or below 80% AMI, developed through New Millennium Development Services, Inc.,

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 64 Brooklyn Avenue, Wyandanch, New York, SCTM #0100-054.00-02.00-063.000, 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 New Millennium Development Services, Inc. for Affordable Housing for Sale 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. 820 DECEMBER 18, 2019
AMENDING RESOLUTION NO. 691 OF 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 NEW MILLENNIUM DEVELOPMENT SERVICES INC.
PURSUANT SECTION 72-h, GENERAL MUNICIPAL LAW

The following resolution was offered by Councilman McSweeney

and seconded by Councilman Martinez

WHEREAS, the County of Suffolk is the owner of a parcel of land identified as 8 Henry Street, Wyandanch, New York, SCTM #0100-058.00-04.00-050.000; 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 Housing for Sale for households at or below 80% AMI, developed through New Millennium Development Services, Inc.,

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 8 Henry Street, Wyandanch, New York, SCTM #0100-058.00-04.00-050.000, 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 New Millennium Development Services, Inc. for Affordable Housing for Sale 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. 821 DECEMBER 18, 2019
AMENDING RESOLUTION NO. 692 OF 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 NEW MILLENNIUM DEVELOPMENT SERVICES INC.
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 145 Garfield Street, Amityville, New York, SCTM #0100-170.00-02.00-067.000; 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 Housing for Sale for households at or below 80% AMI, developed through New Millennium Development Services, Inc.,

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 145 Garfield Street, Amityville, New York, SCTM #0100-170.00-02.00-067.000 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 New Millennium Development Services, Inc. for Affordable Housing for Sale 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. 822 DECEMBER 18, 2019
AMENDING RESOLUTION NO. 753 OF 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 NEW MILLENNIUM DEVELOPMENT SERVICES INC.
PURSUANT SECTION 72-h, GENERAL MUNICIPAL LAW

The following resolution was offered by Councilman Manetta

and seconded by Councilwoman Gordon

WHEREAS, the County of Suffolk is the owner of a parcel of land identified as 11 South 29th Street, Wyandanch, New York, SCTM #0100-079.00-02.00-004.002; 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 Housing for Sale for households at or below 80% AMI, developed through New Millennium Development Services, Inc.,

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 11 South 29th Street, Wyandanch, New York, SCTM #0100-079.00-02.00-004.002 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 New Millennium Development Services, Inc. for Affordable Housing for Sale 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. 823 DECEMBER 18, 2019
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE
STRUCTURE, LOCATED AT 44 13TH AVE., WEST BABYLON, NY 11704
SCTM NO. 0100-134.00-02.00-010.000

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

WHEREAS, a certain structure(s) located at 44 13th Avenue, West Babylon New York, bearing SCTM# 0100-134.00-02.00-010.000 has no electricity and has downed electrical wires causing a hazardous condition, 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 13th Avenue, West Babylon, New York, bearing SCTM# 0100-134.00-02.00-010.000 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 December 6, 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: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 824 DECEMBER 18, 2019
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE
STRUCTURE, LOCATED AT 273 FLORIDA AVE., COPIAGUE, NY 11726
SCTM NO. 0100-196.00-01.00-057.000

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

WHEREAS, a certain structure(s) located at 273 Florida Avenue, Copiague, New York, bearing SCTM# 0100-196.00-01.00-057.000 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 273 Florida Avenue, Copiague, New York, bearing SCTM# 0100-196.00-01.00-057.000 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 December 6, 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: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 825 DECEMBER 18, 2019
AUTHORIZING DEMOLITION AND REMOVAL OF UNSAFE STRUCTURE
LOCATED AT 796A BAYVIEW AVE., AMITYVILLE, NY
SCTM No. 0100-169.00-03.00-045.000

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

WHEREAS, a certain structure, located at **796A Bayview Ave., Amityville, NY**, bearing Suffolk County Tax Map No. **0100-169.00-03.00-045.000** is open and accessible to the public has substantial accumulations of rubbish and debris on the property providing harborage for rodents, vermin and disease carrying insects, thereby presenting an imminent danger to the safety, health and welfare of the surrounding community residents, and

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

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

WHEREAS, the architect/professional engineer's report dated **November 9, 2018**, indicates that demolition of the structure including removal of the foundation, is the most likely and prudent course of action,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the demolition and removal of the structure including removal of the foundation, located at **796A Bayview Ave. Amityville., NY, A/K/A SCTM No. 0100-169.00-03.00-045.000**, in accordance with the Conclusions and Recommendations set forth in the architect/professional engineer's report on file in the Department of Code Enforcement, and be it further

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing and board up of the structure located at on the premises **796A Bayview Ave., Amityville, NY, A/K/A SCTM No. 0100-169.00-03.00-045.000**, in accordance with the Conclusions and Recommendations set forth in the inspector's report on file in the Department of Code Enforcement, and be it further

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

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 826 DECEMBER 18, 2019
AUTHORIZING THE EMERGENCY DEMOLITION AND REMOVAL OF UNSAFE
STRUCTURE LOCATED AT 1305 S. STRONG AVE., COPIAGUE, NEW YORK 11726
SCTM NO. 0100-198.00-02.00-029.000

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

WHEREAS, a certain rear structure(s) located at **1305 S. Strong Avenue, Copiague, New York**, bearing SCTM# **0100-198.00-02.00-029.000**, is severely deteriorated, wide open and accessible to the public, has substantial accumulations of rubbish and debris on the property harborage for rodents, vermin and disease carrying insects, it has become so out of repair as to be dangerous, unsafe, unsanitary and unfit for human habitation, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

WHEREAS, the Conclusions and Recommendations set forth in the architect/professional engineer's report dated October 1, 2014 recommended the structure should be demolished, however before any town involvement it is strongly recommended that the environmental issued with the building and grounds be reviewed.

WHEREAS, the Conclusions and Recommendations set forth in the architect/professional engineer's report dated August 24, 2018 stated prior recommendation was to demolish the structure and the recommendation remains the same. As with the past recommendation any environmental issues need to be addressed prior to demolition.

WHEREAS, the Conclusions and Recommendations set forth in the architect/professional engineer's report dated December 17, 2019 stated prior recommendation was to demolish the structure and the recommendation remains the same. As with the past recommendation any environmental issues need to be addressed prior to demolition.

WHEREAS, on November 8, 2019 the Town of Babylon entered into a consent order with the New York State Department of Environmental Conservation State Superfund Program to perform an interim remedial measured work plan for the demolition of the onsite building located at **1305 S. Strong Avenue, Copiague, New York, bearing SCT #: 0100-198.00-02.00-029.000.**

NOW, THEREFORE, that the Town Board of the Town of Babylon does hereby order the emergency securing, demolition and removal of the structure located at **1305 S. Strong Avenue, Copiague, New York**, bearing SCTM# **0100-198.00-02.00-029.000** 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 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, the Town Board of the town of Babylon shall waive all permit fees for the demolition of the structure located at 1305 S. Strong Avenue, Copiague, New York; and

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 827 DECEMBER 18, 2019
AUTHORIZING A CONTRACT WITH BAY VILLAGE CONSULTANTS, INC.

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

WHEREAS, a proposal for Capital Project Coordination and Oversight, Construction Supervision, Project Managements and Special Projects was solicited from Bay Village Consultants, Inc., and

WHEREAS, the Professional Consultant Evaluation Committee convened on December 17, 2019 with the Deputy Supervisor, Chief of Staff, Town Attorney, Comptroller, Commissioner of Department of Public Works, and Commissioner of General Services, in attendance to review the aforementioned proposal; and

WHEREAS, after a thorough review of the proposals, the Committee recommends the award of a contract to Bay Village Consultants, Inc. at an hourly rate of EIGHTY-FIVE (\$85.00) 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 Bay Village Consultants, Inc. at an hourly rate of EIGHTY-FIVE (\$85.00) 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 three (3) additional one (1) year periods at the discretion of the Supervisor.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 828 DECEMBER 18, 2019
AUTHORIZING A CONTRACT WITH TRANSPERFECT LEGAL SOLUTIONS

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

WHEREAS, quotes for data collection and management was solicited from the following firms:

Transperfect Legal Solutions
CDS
Consilio

WHEREAS, the Professional Consultant Evaluation Committee convened on December 17, 2019 with the Deputy Supervisor, Chief of Staff, Town Attorney, Comptroller and the Commissioner of the Department of Public Works, in attendance to review the aforementioned quotes; and

WHEREAS, the quotes and spreadsheet are on file in the Department of General Services, and

WHEREAS, after a thorough review of the proposals, the Committee recommends the award of a three (3) year contract to Transperfect Legal Solutions at the following rates:

Forensic Collection	\$2,495.00/day
Processing-Ingestion	\$35.00/GB
Processing – Export	\$100.00/GB
Project Management (searches/troubleshooting)	\$125.00/Hour
Hosting	\$9.00/GB/Month
User Charge	\$75.00/User/Month

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 three-year (3) contract with Transperfect Legal Solutions, at the aforementioned fees 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. 829 DECEMBER 18, 2019
AUTHORIZATION FOR TOWN BOARD TO URGE THE NEW YORK
STATE LEGISLATURE AND GOVERNOR TO ENACT LEGISLATION EXEMPTING
CERTAIN NOT-FOR-PROFIT CORPORATIONS
FROM NEW YORK LABOR LAW SECTIONS 240/241

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

WHEREAS, parents and guardians of children with special needs face a number of difficult challenges, including retrofitting their homes to accommodate mobility impairments;
and

WHEREAS, charitable corporations exist for the purpose of contributing time, money, and expertise to assist in the reconstruction of existing homes to accommodate severally disabled children; and

WHEREAS, such charitable corporations would be in a better position to assist families

in need if they were exempt from New York Labor Law Sections 240/241; and

WHEREAS, elected officials from the towns of Huntington and Babylon, parents, advocates, and the Long Island Home Builders Care, Inc. (LIHBC), the charitable arm of the Long Island Builders Institute, held a press conference on December 12, 2019, at the home of Aliha Scoma, a mobility impaired young girl, that is in need of major renovation so as to allow her to move freely with her equipment and provide adequate space for therapeutic needs; and

WHEREAS, urging the State to enact legislation 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

NOW, THEREFORE, BE IT RESOLVED, that the Town of Babylon Town Board hereby urges the New York State Legislature and Governor to enact legislation amending New York Labor Law Sections 240/241 to exempt charitable not-for-profit corporations that act as the agent

of an owner of a one or two-family dwelling for an accessibility project on a one or two-family dwelling from the ambit of the provisions; and be it further

RESOLVED, THE TOWN BOARD HEREBY DIRECTS, the Town Clerk to send certified copies of this resolution to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader John Flanagan, Assembly Speaker Carl E. Heastie, Assembly Minority Leader Brian Kolb, Assemblyman Michael Lipetri, Assemblywoman Jean-Pierre, Senator John Brooks and Senator Phil Boyle.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.