

A Regular Meeting of the Town Board, Town of Babylon, was held at the Town House, 200 East Sunrise Highway, Lindenhurst, NY on Wednesday, the 31st day of January, 2018 at 3:30 p.m. prevailing time.

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

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

Thank you, please be seated.

The Town Clerk called the roll:

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

1. A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 165, ARTICLE III, OF THE CODE OF THE TOWN OF BABYLON (PUBLIC NUISANCES)

**RESOLUTION NO. 80 JANUARY 31, 2018
ACCEPTING TOWN BOARD MINUTES**

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

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

January 17, 2018

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 81 JANUARY 31, 2018
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-8 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing be held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 28th day of February, 2018 at 3:30 p.m., prevailing time, to consider amending Chapter 2, Article IV, Section 2-8 of the Town of Babylon Uniform Code of Traffic Ordinances as set forth in the annexed Exhibit "A"; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

EXHIBIT "A"

Chapter 2, Article IV, Section 2-8

[Traffic Regulations; Stop & Yield Intersections Designated]

ADD to Schedule H:

<u>Name of Street/Side Location</u>	<u>Hamlet</u>	<u>Regulation</u>	<u>Hours/ Days</u>
August Road at Cheryl Lane	NB	Stop	North/South on August Road

**RESOLUTION NO. 82 JANUARY 31, 2018
ADOPTING LOCAL LAW NO. 1 OF 2018 AMENDING CHAPTER 165, OF THE BABYLON TOWN CODE
(PEACE AND GOOD ORDER)**

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

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 31st day of January 2018 upon the question of enactment of Local Law No. 1 of 2018 of the Town of Babylon, Suffolk County, New York, being a Local Law amending the Code of the Town of Babylon, Chapter 165;

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Babylon that Local Law No. 1 of 2018, of the Town of Babylon, Suffolk County, New York, is hereby enacted as follows and effective upon its filing with the New York State Department of State:

LOCAL LAW NO. 1 of 2018

A Local Law amending the Code of the Town of Babylon, Chapter 165.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

EXHIBIT "A"

**Chapter 165: Peace and Good Order
Article III: Public Nuisances**

Amend 165-6C:

C. Any intentional conduct or occurrence that is in violation of Sections 65, 65-a, 65-b, 82, 123 and 126 of the New York Alcoholic Beverage Control Law and Section 260.20 of the New York Penal Law, Prohibited Sales, Prohibited Participant, Unlawful Purchase,

Sale or Consumption of Wine, Liquor or Beer, and any violation of Sections 792-3 and 792-9 of the Suffolk County Code relating to sale restrictions of Tobacco products and E Cigarettes.

RESOLUTION NO. 83 JANUARY 31, 2018
TOWN BOARD ENVIRONMENTAL DETERMINATION
THE ABANDONMENT OF NORTH RICHMOND AVENUE, LINDENHURST
ADJACENT TO SCTM NO. 0100-156-02-85.004 AND 12.002

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

WHEREAS, the Town Board of the Town of Babylon has declared certain Town owned roadways to be surplus, having no Town purpose and said property is a portion of North Richmond Avenue in Lindenhurst, adjacent to SCTM No. 0100-156-02-85.004 and 12.002 (the "Property"); and

WHEREAS, the Town Board has reviewed the proposed abandonment of the Property in accordance with the New York State and Town of Babylon Environmental Quality Review (SEQR/TOBEQR); and

WHEREAS, the Town Board of the Town of Babylon has classified this proposal as an Unlisted Action in accordance with SEQR/TOBEQR; and

WHEREAS, the Town Board of the Town of Babylon has reviewed the Environmental Assessment Form and determined the following:

1. The proposed abandonment will not result in a substantial adverse change in existing air quality, water quality or quantity.
2. The proposed abandonment will not result in the loss or destruction of significant habitat areas or natural resources; and

WHEREAS, the Town Board of the Town of Babylon has determined that the proposed abandonment of the Property will not have a significant effect on the environment.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon hereby adopts a Negative Declaration for the proposed abandonment of the Property in accordance with SEQRA.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 84 JANUARY 31, 2018
CONSENTING TO ABANDONMENT AND SALE OF A TRACT OF LAND KNOWN
AS A PORTION OF NORTH RICHMOND AVENUE, LINDENHURST, NEW YORK,
ADJACENT TO SCTM NOS. 0100-156.00-02.00-085.004 AND 0100-156.00-02.00-012.002

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

WHEREAS, Four for Soob, LLC, with an address at 111 Bond Street, Westbury, New York (the "Owner"), is the owner of the tracts of land known and designated as SCTM Nos. 0100-156.00-02.00-085.004 and 0100-156.00-02.00-012.002, situated in the Town of Babylon, County of Suffolk, State of New York, and known as "Map of City of Breslau", filed in the Office of the Clerk of Suffolk County on or about November 20, 1879 as Map No. 155 and further indicated on the attached Schedule "A"; and

WHEREAS, more than twenty (20) years has elapsed since the filing of said map; and

WHEREAS, the aforementioned Owner seeks the abandonment of a portion of North Richmond Avenue, appearing on said map and adjoining the owner's property and described in further detail in the Schedule "A" annexed hereto, hereinafter the "Property"; and

WHEREAS, the Highway Division of the Department of Public Works has determined that the Property is Town owned and Town maintained and that it has no objection to the sale and abandonment of the Property; and

WHEREAS, the Owner has commissioned an appraisal of the Property dated July 24, 2017 and the appraised value is determined to be \$89,700; and

WHEREAS, the Commissioner of Department of Public Works has no objection to the proposed abandonment; and

WHEREAS, the Assessor of the Town of Babylon has proffered her endorsement of approval to this abandonment;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon is authorized to convey to the aforementioned Owner that Property known as portion of North Richmond Avenue, adjacent to SCTM Nos. 0100-156.00-02.00-085.004 and 0100-156.00-02.00-012.002 for a total consideration of \$89,700.00 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 consent is given that the Owner seeking the abandonment of a portion of North Richmond Avenue, Lindenhurst, New York, adjacent to SCTM Nos. 0100-156.00-02.00-085.004 and 0100-156.00-02.00-012.002 shall file and cause to be recorded in the Suffolk County Clerk's Office and the Town Clerk's Office a Certificate of Abandonment containing a written description of the tract of land known as North Richmond Avenue, Lindenhurst, Town of Babylon, County of Suffolk and State of New York as set forth in Schedule "A" attached hereto according to Subdivision 3 of Section 335 of the Real Property Law of the State of New York; and be it further

RESOLVED, that this resolution shall be subject to a permissive referendum and the Town Clerk is hereby directed to publish a notice of adoption of this resolution.

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	Yea

The resolution was thereupon declared duly adopted.

Schedule "A" Description

ALL that 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 as designated on "Map of Property at Wellwood, Long Island, on the Southside Railroad, made by J. Sammis, Surveyor, in 1869" and filed in the Suffolk County Clerk's Office and on "Map of City of Breslau made by R.B. Wheeler, Surveyor, in 1879" and filed in the Suffolk County Clerk's Office as Map No. 155, and as lot Numbers 31, 32, 33 and 34 inclusive and part of Lots 35 and 36 in Block 53, Sheet 8 being more particularly bounded and described as follows:

BEGINNING at a corner formed by the intersection of the Southwesterly side of North Richmond Avenue with the Northwesterly side of Hedwig Street;

RUNNING THENCE from said point of beginning along the Northwesterly side of Hedwig Street, South 48 degrees 47 minutes 00 seconds West 100.16 feet to a point;

RUNNING THENCE along the division line between Lots 31 to 35 and Lots 26 to 30 North 41 degrees 13 minutes 00 seconds West 121.24 feet to a point;

RUNNING THENCE North 37 degrees 41 minutes 20 seconds East 102.07 feet to a point on the Southwesterly side of North Richmond Avenue;

RUNNING THENCE along the Southwesterly side of North Richmond Avenue, South 41 degrees 13 minutes 00 second East 140.88 feet to the point of place of BEGINNING.

RESOLUTION NO. 85 JANUARY 31, 2018
TERMINATING THE LICENSE AGREEMENTS FOR BEACH
CONCESSIONS WITH BEACH HUT AT VENETIAN SHORES, INC. AND BEACH HUT AT TANNER PARK, INC.

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

WHEREAS, the Town Board of the Town of Babylon adopted Resolution 246 on March 23, 2016, further amended by Resolution 284 on April 4, 2016, which awarded RFP No. 16G13, "Request for Proposals to license & operate a fixed food stand concession at Cedar & Overlook Beaches, Venetian Shores Park & Tanner Park" (the "RFP") to Beach Hut at Venetian Shores, Inc. & Beach Hut at Tanner Park Inc. (collectively "Beach Hut") and authorized the Supervisor to execute agreements for the same and said agreements were entered into on June 29, 2016 (the "Agreements"), and

WHEREAS, Fred Marsilio (President of the Beach Hut) and Marchello's Garden Grill Inc. entered into a plea agreement with the Suffolk County District Attorney's Office on or about December 15, 2017 (hereinafter referred to as the "Plea Agreement"); and

WHEREAS, pursuant to said Plea Agreement, Fred Marsilio plead guilty to a Class "A" Misdemeanor and admitted that he "intentionally failed to report the amount of sales tax collected to New York State in an effort to steal collected sales tax" and that "entities operating as Beach Hut knowingly and intentionally submitted false sales tax documents and sales information to Suffolk County and Babylon Town in an effort to reduce the amount of profit sharing that was due to each entity"; and

WHEREAS, according to Sections 4b(iv) of the License Agreements for Venetian Shores Park, Tanner Park, and Overlook/Cedar Beach: "This Agreement may be terminated upon the happening of any of the following events: b. In the Event of Default by Licensee. An Event of Default shall include the following: iv. Failure to comply with federal, state or local laws, rules, regulations, or Town policies or directives, or use of the Premises or facilities herein by the License for any illegal conduct or purpose, or suffering or permitting any other person to use the Premises or facilities herein for any illegal conduct or purpose. In such event, no prior notice to cure and of intent to terminate shall be required."; and

WHEREAS, according to Sections 26 of the License Agreements for Venetian Shores Park, Tanner Park Inc., and Overlook/Cedar Beach: "The Licensee agrees not to use, or suffer or permit any person to use in any manner whatsoever, the Premises or any part thereof or any building thereon for any illegal purpose, or for any purpose in violation of any federal, State, County or municipal law, ordinance, rule, order or regulation now in effect or hereafter enacted, amended or adopted, and will protect, defend, indemnify and forever hold harmless the Town of Babylon and any individual members thereof and their agents, from and against any damage, penalty, fine, judgement, expense or charge suffered, imposed, assessed, or incurred for any violation or breach of any law, ordinance, rule, order or regulation occasioned by any act, neglect or omission of the Licensee, -or any employee, person or occupant for the time being of said Premises; and in the event of any violation, or in case the Town or its representatives shall deem any conduct on the part of the Licensee, any person or occupant for the time being of the Premises, the License or the operation thereof to be objectionable or improper, the Town/Licensors shall have the right and power, and is hereby authorized by the Licensee, to immediately declare this Agreement terminated as if it had naturally expired."; and

WHEREAS, the Town of Babylon desires to exercise its right to terminate the License Agreement for Venetian Shores Park, Overlook/Cedar Beach and Tanner Park.

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the Supervisor be and he hereby is authorized to terminate the License Agreements for Venetian Shores Park, Overlook/Cedar Beach and Tanner Park and the termination notices sent to Beach Hut by the Town Attorney on or about January 26, 2018 are ratified; and be it further

RESOLVED, that the form and content of any documents needed to effectuate this resolution shall be subject to the approval of the Town Attorney.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

Supervisor Schaffer: Just by way of information, this terminates the beach concessions that we have with Beach Hut. You probably have seen some articles in the paper, tomorrow the town will have an RFP out, which will be on the Town of Babylon.com website, it is also available for pickup in the town's purchasing office, the office of General Services and the deadline for return is March 5th. I want to thank our Deputy Supervisor and Councilman Tony Martinez as well as all the staff members for working under some very tight timelines, because our goal is to have it up and running again for the opening of the season of Memorial Day.

RESOLUTION NO. 86 JANUARY 31, 2018
AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT
WITH L.K. COMSTOCK & COMPANY, INC. FOR THE USE OF CERTAIN PROPERTY

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Supervisor be and he hereby is authorized to execute an agreement on behalf of the Town of Babylon with L.K. Comstock & Company, Inc. for the use of certain Town owned properties to create a staging area to be used in conjunction with the construction of the additional track at the Wyandanch Railroad Station; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 87 JANUARY 31, 2018
AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT
WITH THE LIRO ENGINEERS INC FOR THE ASSIGNMENT OF CONTRACTS FROM SIDNEY B. BOWNE AND SON
LLP AND BOWNE MANAGEMENT SYSTEMS, INC.

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 he hereby is authorized to execute an agreement on behalf of the Town of Babylon with Liro Engineers, Inc. consenting to the assignment of all right, title and interest in contracts currently between the Town of Babylon and Sidney B. Bowne and Son LLP and Bowne Management Systems, Inc. to Liro Engineers, Inc.; and

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 88 JANUARY 31, 2018
AUTHORIZING THE SUPERVISOR TO EXECUTE YOUTH SERVICE
PROJECT CONTRACTS FOR THE 2018 BUDGET YEAR

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

BE IT RESOLVED, by the Town Board of the Town of Babylon that the Supervisor be and he hereby is authorized, but not mandated, to execute youth service project contracts for the 2018 budget year subject to the approval of the Town Attorney as to form and content as follows:

Babylon Village Youth Project, Inc.	\$59,266.00
Copiague Youth Council Inc.	\$96,732.00
Family Life Center, Inc.	\$45,000.00
Lindenhurst Youth Service Board, Inc.	\$166,218.00
North Babylon Teen Center, Inc.	\$116,588.00
United North Amityville Youth Organization, Inc.	\$138,790.00
West Babylon Community Youth Center Inc.	\$38,500.00

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 89 JANUARY 31, 2018
CONSENTING TO THE LOT LINE ADJUSTMENTS BETWEEN THE PREMISES LOCATED
AT SCTM NO. 0100-040.00-02.00-012.004 AND 48.006 LOCATED
WITHIN THE WYANDANCH REVITALIZATION PROJECT AREA

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

WHEREAS, the Town of Babylon ("Town") is the current owner of the property designated by SCTM No. 0100-040.00-02.00-048.006 which is the future home of the building commonly known as "Building E" within the Wyandanch Revitalization Project Area (hereinafter the "Building E Lot"); and

WHEREAS, WR Communities-A, LLC ("WR") is the current owner of the property designated by SCTM No. 0100-040.00-02.00-012.004 and the location of the building commonly known as "Building A" within the Wyandanch Revitalization Project Area (hereinafter the "Building A Lot"); and

WHEREAS, WR has developed plans for the construction of Building E and in review of those plans it was discovered that the existing Building E Lot cannot accommodate the Building E design; and

WHEREAS, Town and WR desire to amend certain common boundary lines between the Building A Lot and the Building E Lot that will allow the Building E design to be accommodated on the Building E Lot; and

WHEREAS, the proposed lot line adjustments to accommodate the Building E design result in the net loss of (0) square feet on both the Building A Lot and the Building E Lot as depicted on the map prepared by Barrett, Bonacci and Van WHEEL, PC dated November 21, 2017 on file in the Office of Planning and Development, and

WHEREAS, the Building A Lot currently contains 105,563 sq. ft. and after the adjustment it shall contain 105,563 sq. ft. and the Building E Lot currently contains 62,073 sq. ft. and after adjustment it shall contain 62,073 sq. ft.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does consent to the lot line adjustments between the premises located at SCTM Nos. 0100-040.00-02.00-012.004 and 48.006 located within the Wyandanch Revitalization Project area as depicted on a certain map prepared by Barrett, Bonacci and Van WHEEL, PC dated November 21, 2017 and on file in the Office of Planning and Development that the Supervisor be and is hereby authorized to execute any documents needed to effectuate the purpose and intent of this Resolution ; and be it further

RESOLVED, that any such documents needed 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. 90 JANUARY 31, 2018
ACCEPTANCE OF EQUIPMENT DONATION

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, on the recommendation of the Commissioner of the Department of Environmental Control that the following equipment donation is accepted with gratitude from Brian Zitani:

- Hobie Quest 13' kayak (\$600.00 value)
- Makita Model LS1030 10" miter saw with wood and metal blades and accessories (\$50.00 value)
- Rogue River 14' canoe with paddles and (2) Suspensz Flat Rack Systems (\$400.00 value)

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 91 JANUARY 31, 2018
ACCEPTANCE OF EQUIPMENT DONATION

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, on the recommendation of the Director of Public Safety & Fire Marshals that the following equipment donation is accepted with gratitude from the Village of Babylon:

- 2006 Ford Ambulance; Vin # 1FDXE45P36HA37370 (\$15,000.00 value)

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 92 JANUARY 31, 2018
AUTHORIZING 2017 BUDGET MODIFICATION**

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 Town Comptroller, that the following 2017 Budget Modification is hereby authorized:

	<u>Increase</u>	<u>Decrease</u>
Part Town Fund		
Public Safety Administration		
Professional and Technical Services		
B.3010.44	\$ 900	
Repairs and Maintenance		
B.3010.46		\$ 900

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

**RESOLUTION NO. 93 JANUARY 31, 2018
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	\$32.13 for kitchen supplies
Wendy J. Broglie	\$144.20 for veterinarian fees – injured water fowl dog

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

**RESOLUTION NO. 94 JANUARY 31, 2018
AUTHORIZING 2018 OPERATING TRANSFER**

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 2018 Operating Transfer is hereby authorized:

	<u>Increase</u>	<u>Decrease</u>
Capital Project Fund		
Intermodal Park Development Station Plaza		
Interfund Transfer		
H130.9901.90		\$ 610,646
Other Transportation, Equipment and Capital Outlay		
H130.5997.26		\$ 610,646
Wyandanch Pedestrian Mall		
Interfund Transfer		
H05.0000.5031	\$ 610,646	
Other Transportation, Equipment and Capital Outlay		
H05.5997.26	\$ 610,646	

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

**RESOLUTION NO. 95 JANUARY 31, 2018
AUTHORIZING RELEASE OF FEES**

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 Commissioner of Planning and Development, that the following demolition fees be released:

PAYEE	PROPERTY LOCATION	PERMIT# APPLICATION#	AMOUNT DUE
Dingle Bay Enterprises Ltd. 2137 Deer Park Ave., Ste. A. Deer Park, NY 11729	SCTM# 0100-024.00-02.00-002.000	Permit: 2017-1549 App: 124517	\$200.00
Chumporn Buranasombhop 41 Ponder Lane Deer Park, NY 11729	SCTM#0100-092.00-01.00-087.000	Permit: 2017-1590 App: 124535	\$200.00

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

**RESOLUTION NO. 96 JANUARY 31, 2018
 APPOINTING BOARD MEMBERS AND
 SETTING SALARIES OF THE ACCESSORY APARTMENT REVIEW BOARD**

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 appointments effective this date are made to certain Municipal Board positions and administrative personnel who serve at the pleasure of Town Board; and be it further

RESOLVED, that the salaries are hereby set effective this date for the below listed administrative personnel and Municipal Board Members who serve at the pleasure of the Town Board, and Municipal Board Members who have been appointed for specific terms as set forth hereinbelow:

<u>ACCESSORY APARTMENTS REVIEW BOARD</u>			
<u>NAME</u>	<u>TITLE</u>	<u>TERM</u>	<u>SALARY</u>
Sandy Thomas	Chairperson	12/31/2018	8,500/ann.
Harold L. Wade	Vice Chair	12/31/2018	7,100/ann.
Peter DeNegriss	Member	12/31/2018	6,500/ann.
Keith Hayward	Member	12/31/2018	6,500/ann.
Stephanie Harris	Member	12/31/2018	6,500/ann.
Sal Mangano	Member	12/31/2018	6,500/ann.
Carrie Vasiluth	Member	12/31/2018	6,500/ann.
Lamont Wilson	Member	12/31/2018	6,500/ann.
Carolyn Bivona	Member	12/31/2018	6,500/ann.
Andrea McGurk	Secretary		125/mtg.
Lorraine Lundon	Alt. Secretary		125/mtg.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 97 JANUARY 31, 2018
 AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE,
 LOCATED AT 7 BETA DRIVE, AMITYVILLE, NY 11701 SCTM NO. 0100-171.00-03.00-084.000**

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

WHEREAS, a certain structure(s) located at 7 BETA DRIVE, AMITYVILLE, NY, SCTM NO. 0100-171.00-03.00-084.000 has no potable water as stated in communication from the Suffolk County Water Authority, the front window is 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 ratify the order for securing and board up of the premises located 7 BETA DRIVE, AMITYVILLE, NY, SCTM NO. 0100-171.00-03.00-084.000 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 of January 19, 2018 on file in the Department of Code Enforcement, and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 98 JANUARY 31, 2018
 AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 190
 BISHOP ROAD, WEST BABYLON, NY, SCTM NO. 0100-141.00-04.00-043.000**

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

WHEREAS, a certain structure(s) located at 190 BISHOP ROAD, WEST BABYLON, NY, SCTM NO. 0100-141.00-04.00-043.000 has no potable water based on communication from the Suffolk County Water Authority, is open and accessible whereby people are entering the structure, 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 ratify the order for securing and board up of the premises located 190 BISHOP ROAD, WEST BABYLON, NY, SCTM NO. 0100-141.00-04.00-043.000 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 of January 17, 2018 on file in the Department of Code Enforcement, and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 99 JANUARY 31, 2018
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 436 50TH STREET, N. LINDENHURST, NY, 11757 SCTM NO. 0100-204.00-04.00-030.000

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

WHEREAS, a certain structure(s) located at 436 50TH STREET, N. LINDENHURST, NY, SCTM NO. 0100-204.00-04.00-030.000 has no potable water based on communication from the Suffolk County Water Authority, is open and accessible, and there is an accumulation of debris on the property 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 ratify the order for securing and board up of the premises located 436 50TH STREET, N. LINDENHURST, NY, SCTM NO. 0100-204.00-04.00-030.000 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 of January 18, 2018 on file in the Department of Code Enforcement, and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 100 JANUARY 31, 2018
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 601 LAKEWAY DRIVE, N. BABYLON, NY, 11703 SCTM NO. 0100-105.00-03.00-077.000

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

WHEREAS, a certain structure(s) located at 601 LAKEWAY DRIVE, N. BABYLON, NY, SCTM NO. 0100-105.00-03.00-077.000 has no potable water based on communication from the Suffolk County Water Authority, has no electric service and is open and accessible wherein the front door and basement window is 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 ratify the order for securing and board up of the premises located 601 LAKEWAY DRIVE, N. BABYLON, NY, SCTM NO. 0100-105.00-03.00-077.000 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 of January 17, 2108 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. 101 JANUARY 31, 2018
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 18 BIRCH STREET, WYANDANCH, NY 11798 SCTM NO. 0100-083.00-01.00-056.000

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

WHEREAS, a certain structure(s) located at 18 BIRCH STREET, WYANDANCH, NY, SCTM NO. 0100-083.00-01.00-056.000 has no potable water based on communication from the Suffolk County Water Authority, is open and accessible wherein people are entering through the front door, there is an accumulation of debris and overgrowth of grass and bushes. There is an above ground pool in the rear of the property which is 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 and the above ground pool removed, 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 ratify the order for securing and board up of the premises located 18 BIRCH STREET, WYANDANCH, NY, SCTM NO. 0100-083.00-01.00-056.000 to eliminate safety hazard, in order to rectify the above noted problems and abolish any public nuisance resulting from the unsafe condition of said structure, in accordance with the Conclusions and Recommendations set forth in the inspector's report of January 24, 2018 on file in the Department of Code Enforcement, and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 102 JANUARY 31, 2018
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 27
CENTRAL AVE., N. BABYLON, NY 11703 SCTM NO. 0100-117.00-02.00-039.000

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

WHEREAS, a certain structure(s) located at 27 CENTRAL AVE., N. BABYLON, NY, SCTM NO. 0100-117.00-02.00-039.000 has no running water as per communication with the Suffolk County Water Authority, the windows and doors are open and accessible, and there is an accumulation of debris on the property 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 ratify the order for securing and board up of the premises located 27 Central Ave. N. Babylon, NY, SCTM NO. 0100-117.00-02.00-039.000 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 of January 29, 2018 on file in the Department of Code Enforcement, and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 103 JANUARY 31, 2018
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 10
SPRUCE STREET, WYANDANCH, NEW YORK SCTM NO. 0100-058.00-03.00-017.000

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

WHEREAS, a certain structure(s) located at 10 Spruce Street, Wyandanch, New York, bearing SCTM# 0100-058.00-03.00-017.000 has no running water as per a communication with the Suffolk County Water Authority, the dwelling is open and accessible and is presently occupied, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing and board up of the premises located at 10 Spruce Street, Wyandanch, New York, bearing SCTM# 0100-058.00-03.00-017.000 to eliminate safety hazard, in order to rectify the above noted problems and abolish any public nuisance resulting from the unsafe condition of said structure, in accordance with the Conclusions and Recommendations set forth in the inspector's report dated January 30, 2018 attached hereto; and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 104 JANUARY 31, 2018
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 623
LAKeway DRIVE, N. BABYLON, NEW YORK, SCTM NO. 0100-105.00-03.00-071.004

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

WHEREAS, a certain structure(s) located at 623 Lakeway Drive, N. Babylon, New York, bearing SCTM# 0100-105.00-03.00-071.004 has no running water as per a communication with the Suffolk County Water Authority, the dwelling is open and accessible and is presently occupied, 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 623 Lakeway Drive, N. Babylon, New York, bearing SCTM# 0100-105.00-03.00-071.004 to eliminate safety hazard, in order to rectify the above noted problems and abolish any public nuisance resulting from the unsafe condition of said structure, in accordance with the Conclusions and Recommendations set forth in the inspector's report dated January 31, 2018 attached hereto; and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 105 JANUARY 31, 2018
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT
133 W. 5TH STREET, DEER PARK, NEW YORK, SCTM NO. 0100-063.00-03.00-005.000

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

WHEREAS, a certain structure(s) located at 133 W. 5th Street, Deer Park, New York, bearing SCTM# 0100-063.00-03.00-005.00 has no running water as per a communication with the Suffolk County Water Authority, and the side window is 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 133 W. 5th Street, Deer Park, New York, bearing SCTM# 0100-063.00-03.00-005.000 to eliminate safety hazard, in order to rectify the above noted problems and abolish any public nuisance resulting from the unsafe condition of said structure, in accordance with the Conclusions and Recommendations set forth in the inspector's report dated January 16, 2018 attached hereto; and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 106 JANUARY 31, 2018
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR MICHAEL AND SANDRA EISELE OUTER BEACH
APPLICATION NO. 121818 SCTM #0100-243.00-01.00-178.002

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. 121818 of Michael and Sandra Eisele, for the premises located at SCTM #0100-243.00-01.00-178.002, to erect a second story deck and expansion of an existing bedroom; 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. 121818 of Michael and Sandra Eisele, for the premises located at SCTM #0100-243.00-01.00-178.002, to erect a second story deck and expansion of an existing bedroom; 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. 107 JANUARY 31, 2018
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR RAYMOND PENNINGTON OUTER BEACH
APPLICATION NO. 124364 SCTM #0100-240.00-01.00-170.000

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. 124364 of Raymond Pennington, for the premises located at SCTM #0100-240.00-01.00-170.000, to construct rear first and second floor extension, with miscellaneous interior alterations and new rear deck; 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. 124364 of Raymond Pennington, for the premises located at SCTM #0100-240.00-01.00-170.000, to construct rear first and second floor extension, with miscellaneous interior alterations and new rear deck; 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. 108 JANUARY 31, 2018
AUTHORIZING PERMISSION FOR A PARADE ON APRIL 14, 2018
IN THE TOWN OF BABYLON FOR THE DEER PARK LITTLE LEAGUE

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

WHEREAS, the Deer Park Little League has requested permission to hold a parade on Saturday, April 14, 2018 with a rain date of April 15, 2018 within the Town of Babylon,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the Deer Park Little League be and they are hereby authorized to hold a parade on Saturday, April 14, 2018 with a rain date of April 15, 2018, commencing at 10:00 a.m. at J.F.K. School parking lot on Lake Avenue; proceeding west on Lake Avenue to Deer Park Avenue; proceeding north on Deer Park Avenue to Old Country Road; proceeding east on Old Country Road to and ending at Pine Acres Park, 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. 109 JANUARY 31, 2018
REDUCING THE AMOUNT OF CONTINGENCY IN THE CONTRACT WITH CONSTRUCTION CONSULTANTS OF
L/I, INC. FOR BID 16G5G, CONSTRUCTION OF NEW ANIMAL SHELTER, GENERAL CONSTRUCTION**

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

WHEREAS, Bid No. 16G5G, Construction of New Animal Shelter, General Construction was awarded to Construction Consultants Of L/I, Inc. pursuant to Resolution No. 243 of May 18, 2016 for a total contract amount of SIX MILLION THREE HUNDRED NINETY-EIGHT THOUSAND (\$6,398,000.00) DOLLARS, and

WHEREAS, Change Order No. 1 was approved pursuant to Resolution No. 786 of November 10, 2016 decreasing the total contract amount to SIX MILLION, THREE HUNDRED THIRTY-ONE THOUSAND, ONE HUNDRED NINETEEN DOLLARS AND 58/100 (\$6,331,119.58), and

WHEREAS, Change Order No. 2 was approved pursuant to Resolution No. 35 of January 4, 2017, which resulted in no change to the contract amount, and

WHEREAS, Change Order No. 3 was approved pursuant to Resolution No.407 of April, 26, 2017 which resulted in no change in the contract amount and

WHEREAS, Change Order No. 4 was approved pursuant to Resolution No. 531 of June 14, 2017 which resulted in no change in the contract amount and

WHEREAS, Change Order No. 5 was approved pursuant to Resolution No. 548 of June 23, 2017 which resulted in a decrease of the contract amount to SIX MILLION, THREE HUNDRED THOUSAND, ONE HUNDRED NINETEEN DOLLARS AND 58/100 (\$6,300,119.58), and

WHEREAS, Change Order No. 6 was approved pursuant to Resolution No. 854 of November 9, 2017, which resulted in no change to the contract amount of SIX MILLION, THREE HUNDRED THOUSAND, ONE HUNDRED NINETEEN DOLLARS AND 58/100 (\$6,300,119.58), and

WHEREAS, Change Order No. 7 was approved pursuant to Resolution No. 975 of December 20, 2017, which resulted in no change to the contract amount of SIX MILLION, THREE HUNDRED THOUSAND, ONE HUNDRED NINETEEN DOLLARS AND 58/100 (\$6,300,119.58), and

WHEREAS, the original contract amount included a contingency amount of TWO HUNDRED FIFTY THOUSAND (\$250,000.00) DOLLARS, and

WHEREAS, said contingency has been reduced to offset previously approved change orders, and

WHEREAS, the Commissioner of General Services and Liro Engineers, Inc. recommend reducing the amount of contingency further by TWENTY THOUSAND (\$20,000.00) DOLLARS, as it will not be used, thereby decreasing the contract with Construction Consultants of L/I, Inc. to SIX MILLION, TWO HUNDRED EIGHTY THOUSAND, ONE HUNDRED NINETEEN DOLLARS AND 58/100 (\$6,280,119.58).

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and Liro Engineers, Inc., the contingency amount in Bid No. 16G5G be and is hereby reduced by TWENTY THOUSAND (\$20,000.00) DOLLARS, decreasing the total contract amount with Construction Consultants of L/I, Inc. to SIX MILLION, TWO HUNDRED EIGHTY THOUSAND, ONE HUNDRED NINETEEN DOLLARS AND 58/100 (\$6,280,119.58).

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 110 JANUARY 31, 2018
AUTHORIZING A REDUCTION IN THE AMOUNT OF CONTINGENCY IN THE CONTRACT WITH PREMIER
MECHANICAL SERVICES, INC. FOR BID NO. 16G5M, CONSTRUCTION OF A NEW ANIMAL SHELTER,
MECHANICAL CONSTRUCTION**

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

WHEREAS, Bid No. 16G5M, Construction of a new Animal Shelter, Mechanical Construction was awarded to Premier Mechanical Services, Inc for a total contract amount of EIGHT HUNDRED EIGHTY-SEVEN THOUSAND, (\$887,000.00) DOLLARS pursuant to Resolution No. 410 of May 18, 2016, and

WHEREAS, the total contract amount included a contingency amount of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS for unforeseen conditions, and

WHEREAS, the amount of contingency was reduced to FIFTY THOUSAND (\$50,000.00) pursuant to Resolution No.857 of November 9, 2017, decreasing the total contract amount to EIGHT HUNDRED THIRTY-SEVEN THOUSAND (\$837,000.00) DOLLARS

WHEREAS, Commissioner of General Services and Liro Engineers, Inc. recommend reducing the amount of the contingency further by FORTY THOUSAND (\$40,000.00) DOLLARS, as it will not be used, thereby decreasing Premier Mechanical Services, Inc. contract to SEVEN HUNDRED NINETY-SEVEN THOUSAND (\$797,000.00) DOLLARS,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and Liro Engineers, Inc., the contingency amount in Bid No. 16G5M be and is hereby reduced by FORTY THOUSAND (\$40,000.00) DOLLARS, decreasing the total contract amount with Premier Mechanical Services, Inc. to SEVEN HUNDRED NINETY-SEVEN THOUSAND (\$797,000.00) DOLLARS.

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

Councilman Manetta	Voting	Abstain
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. 111 JANUARY 31, 2018
AUTHORIZING CAROUSEL INDUSTRIES OF NORTH AMERICA, INC.
TO PERFORM TELECOMMUNICATIONS SERVICES

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

WHEREAS, the New York State Office of General Services, through competitive bidding and procurement, awarded Contract No. PM20790 an information technology contract to Carousel Industries of North America, Inc., and

WHEREAS, pursuant to General Municipal Law 103 (16), a political subdivision is authorized to contract for services through the use of contracts let by any other political subdivision therein, and

WHEREAS, the Town of Babylon is desirous to install a cloud-based telephone system at Tanner Park Senior Center and would like to utilize Carousel Industries of North America, Inc. pursuant to New York State Office of General Services Contract No. PM20790 as allowed by General Municipal Law 103(16), and

WHEREAS, the Commissioner of General Services solicited a proposal from Carousel Industries of North America, Inc. to install a cloud-based telephone system at Tanner Park Senior Center

NOW THEREFORE be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services, Carousel Industries of North America be and is hereby authorized to install a cloud-based telephone system at Tanner Park Senior Center for a total contract amount not to exceed SEVEN THOUSAND, SIX HUNDRED EIGHTY-EIGHT DOLLARS AND 95/100 (\$7,688.95)

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 112 JANUARY 31, 2018
AWARDING BID NO. 17G108 SIGN FACES

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

WHEREAS, the following bids for Bid No. 17G108 Sign Faces were received, opened and publicly read:

SPREADSHEET ON FILE IN DEPT. OF GENERAL SERVICES,

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Commissioner of D.P.W. and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 17G108 be and is hereby awarded to the overall low bidder, Garden State Highway Products Inc.; and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 113 JANUARY 31, 2018
AUTHORIZING A CONTRACT WITH BBS ARCHITECTS

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

WHEREAS, a proposal to investigate and prepare a report of the structural conditions at One Commerce Boulevard was solicited from BBS Architects and

WHEREAS, the Professional Consultant Evaluation Committee convened on January 26, 2018 with the Deputy Supervisor, Chief of Staff, Town Attorney, Comptroller, the Commissioner of General Services, Commissioner of Planning & 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 BBS Architects at a fee not to exceed ONE THOUSAND, NINE HUNDRED FIFTY (\$1,950.00) 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 one-year contract with BBS Architects at a fee not to exceed ONE THOUSAND, NINE HUNDRED FIFTY (\$1,950.00) 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. 114 JANUARY 31, 2018
AUTHORIZING A CONTRACT WITH DOVER, KOHL & PARTNERS

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

WHEREAS, a proposal for Code Compliance Review Services for Form Based Code Development Applications for Downtown Wyandanch and Straight Path Corridor and East Farmingdale Transit Oriented Development solicited from Dover, Kohl & Partners and

WHEREAS, the Professional Consultant Evaluation Committee convened on January 26, 2018 with the Deputy Supervisor, Chief of Staff, Town Attorney, Comptroller, the Commissioner of General Services, Commissioner of Planning & 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 Dover, Kohl & Partners Code Compliance Review Services for Form Based Code Development Applications for Downtown Wyandanch and Straight Path Corridor and East Farmingdale Transit Oriented Development at the following hourly rates:

Founding Principal	\$375.00
Founding Principal	\$300.00
Senior Project Director	\$185.00
Director of Design	\$150.00
Planners & Designers	\$90.00
Clerical Staff	\$45.00
Travel	½ regular rate

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a one-year contract with Dover, Kohl & Partners at the aforementioned fees plus travel and reimbursable expenses

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. 115 JANUARY 31, 2018
AWARDING RFP NO. 17G99 REQUEST FOR PROPOSALS TO
OPERATE BEACH VOLLEYBALL LEAGUES AT CEDAR BEACH**

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

WHEREAS, the following proposals for RFP No. 17G99, Request for Proposals to Operate Beach Volleyball Leagues at Cedar Beach were received, opened and publicly read:

PROPOSER **ANNUAL FEES PAYABLE TO THE TOWN**

2018 Season	
Long Island Volleyball, Inc.	\$210,005.00
East End Volleyball, Inc.	\$140,000.00 plus \$10,000 for beach improvements
2019 Season	
Long Island Volleyball, Inc.	\$216,305.00
East End Volleyball, Inc.	\$140,000.00 plus \$10,000 for beach improvements
2020 Season	
Long Island Volleyball, Inc.	\$222,794.00
East End Volleyball, Inc.	\$140,000.00 plus \$10,000 for beach improvements
2021 Season	
Long Island Volleyball, Inc.	\$229,477.00
East End Volleyball, Inc.	\$140,000.00 plus \$10,000 for beach improvements
2022 Season	
Long Island Volleyball, Inc.	\$236,361.00
East End Volleyball, Inc.	\$140,000.00 plus \$10,000 for beach improvements
2023 Season	
Long Island Volleyball, Inc.	\$243,451.00
East End Volleyball, Inc.	\$140,000.00 plus \$10,000 for beach improvements
2024 Season	
Long Island Volleyball, Inc.	\$250,754.00
East End Volleyball, Inc.	\$140,000.00 plus \$10,000 for beach improvements
2025 Season	
Long Island Volleyball, Inc.	\$258,276.00
East End Volleyball, Inc.	\$140,000.00 plus \$10,000 for beach improvements
2026 Season	
Long Island Volleyball, Inc.	\$266,024.00
East End Volleyball, Inc.	\$140,000.00 plus \$10,000 for beach improvements
2027 Season	
Long Island Volleyball, Inc.	\$274,004.00
East End Volleyball, Inc.	\$140,000.00 plus \$10,000 for beach improvements
<u>Tournaments & Special Events – Annual Fee</u>	
2018	
Long Island Volleyball, Inc.	\$10,000.00
East End Volleyball, Inc.	\$1,000.00
2019	
Long Island Volleyball, Inc.	\$10,000.00
East End Volleyball, Inc.	\$1,000.00
2020	
Long Island Volleyball, Inc.	\$10,000.00
East End Volleyball, Inc.	\$1,000.00
2021	
Long Island Volleyball, Inc.	\$10,000.00
East End Volleyball, Inc.	\$1,000.00
2022	
Long Island Volleyball, Inc.	\$10,000.00
East End Volleyball, Inc.	\$1,000.00
2023	
Long Island Volleyball, Inc.	\$10,000.00
East End Volleyball, Inc.	\$1,000.00
2024	
Long Island Volleyball, Inc.	\$10,000.00
East End Volleyball, Inc.	\$1,000.00
2025	
Long Island Volleyball, Inc.	\$10,000.00
East End Volleyball, Inc.	\$1,000.00
2026	
Long Island Volleyball, Inc.	\$10,000.00
East End Volleyball, Inc.	\$1,000.00

2027

Long Island Volleyball, Inc.	\$10,000.00
East End Volleyball, Inc.	\$1,000.00

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Commissioner of Parks & Recreation and upon their finding the aforementioned proposal to be fair and reasonable, Bid No. 17G99 be and is hereby awarded to the proposer offering the highest fees to the Town of Babylon, and be it further

RESOLVED, that the Supervisor be and he is hereby authorized but not mandated to execute a contract with Long Island Volleyball, Inc. from May 1, 2018 through December 31, 2022 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 five (5) additional seasons at the discretion of the Commissioner of General Services and Commissioner of Parks, Recreation & Cultural Affairs.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

Being no further business before the Board, the meeting adjourned at 3:37 pm on the motion of Councilman Manetta, seconded by Councilman McSweeney.

Geraldine Compitello, Town Clerk

/jt