



Special Town Board Meeting
Friday, May 5, 2023 at 1:30 PM

- I. SALUTE TO THE FLAG**
- II. MOMENT OF SILENCE**
- III. CALL TO ORDER**
- IV. ROLL CALL**
- V. RESOLUTION AGENDA**

368. CONSENTING TO ABANDONMENT OF TRACTS OF SUBDIVISION "MAP OF COLONIAL SPRINGS" MAP NO. 223, SCTM NO. 0100-057.00-01.00-001.000, 003.001, 013.000, 015.001, 016.000, 017.000, 019.001, 020.000, 021.000, 023.000, 024.000, 026.000, 027.000, 028.000, 029.000, 030.000, 031.000, 032.000, 033.001, 033.002, 034.000, 035.000, 036.000, 045.000

369. AUTHORIZING THE TOWN OF BABYLON TO FILE A SUBDIVISION IN CONNECTION WITH THE WYANDANCH RISING PROJECT AND AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE THE SAME

370. REQUESTING THE CONVEYANCE OF PARCELS FROM SUFFOLK COUNTY TO THE TOWN OF BABYLON COMMUNITY DEVELOPMENT PROGRAM AFFORDABLE HOUSING PROGRAM

371. AMENDING RESOLUTION NO. 310 OF 2023 - AUTHORIZING THE SUPERVISOR TO EXECUTE A CORRECTION DEED AND INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

372. AUTHORIZING AND APPROVING A SETTLEMENT OF LITIGATION

- VI. REMAINING GENERAL PUBLIC COMMENT**
- VII. ADJOURNMENT**

The next regularly scheduled Town of Babylon Board Meeting will be held on Wednesday, May 10, 2023, at 3:00 p.m.

RESOLUTION NO. 368 MAY 5, 2023
CONSENTING TO ABANDONMENT OF TRACTS OF SUBDIVISION
“MAP OF COLONIAL SPRINGS” MAP NO. 223

SCTM NO. 0100-057.00-01.00-001.000, 003.001, 013.000, 015.001, 016.000, 017.000, 019.001, 020.000, 021.000, 023.000, 024.000, 026.000, 027.000, 028.000, 029.000, 030.000, 031.000, 032.000, 033.001, 033.002, 034.000, 035.000, 036.000, 045.000

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

WHEREAS, the Town of Babylon, having an address at 200 East Sunrise Highway, Lindenhurst, New York, is the owner of the tracts of land known and designated as SCTM # 0100-057.00-01.00-001.000, 003.001, 013.000, 015.001, 016.000, 017.000, 019.001, 020.000, 021.000, 023.000, 024.000, 026.000, 027.000, 028.000, 029.000, 030.000, 031.000, 032.000, 033.001, 033.002, 034.000, 035.000, 036.000, 045.000, situated in the Town of Babylon, County of Suffolk, State of New York, and as shown on Map No. 223 Map of Colonial Springs filed in the Office of the Clerk of Suffolk County on March 16, 1926 (the “Map”) and further described on the attached Schedule “A”; and

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

WHEREAS, the aforementioned owner seeks the abandonment of such tracts of land as described in Schedule “A” as separate lots, plots, blocks, or sites as shown on the Map; 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 his endorsement of approval to this abandonment.

NOW, THEREFORE, be it

RESOLVED, that consent is given to the abandonment of the above-described tracts of land as separate lots, plots, blocks, or sites as shown on the “Map of Colonial Springs” Map No. 223 filed in the Office of the Clerk of Suffolk County on March 16, 1926 located in Wyandanch, New York, and that the Supervisor or Deputy Supervisor of the Town of Babylon, Suffolk County, New York, is authorized to 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 above-described tracts of land to be abandoned as separate lots, plots, blocks, or sites on said “Map of Colonial Springs” Map No. 223 located in Wyandanch, 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.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

SCHEDULE "A"

<p>PARCEL A 320 Long Island Avenue Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 001.000 Filed Map Block 12 Lot 21</p>	<p>PARCEL B 330 Long Island Avenue Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 003.001 Filed Map Block 12 Lots 16-20, p/o Lot 15</p>
<p>PARCEL C 10 Grand Boulevard Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 016.000 Filed Map Block 12 Lots 16-18, p/o 24</p>	<p>PARCEL D 10 Grand Boulevard Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 017.000 Filed Map Block 12 Lots 19 & 20</p>
<p>PARCEL E 2 Grand Boulevard Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 019.001 Filed Map Block 12 Lots 21-23</p>	<p>PARCEL F 22 Woodland Road Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 030.000 Filed Map Block 13 Lots 13-16</p>
<p>PARCEL G 20 Woodland Road Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 031.000 Filed Map Block 13 Lots 17-20</p>	<p>PARCEL H 16 Woodland Road Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 032.000 Filed Map Block 13 Lots 21-23</p>
<p>PARCEL I 300 Long Island Avenue Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 033.001 Filed Map Block 13 Lots p/o 24-32</p>	<p>PARCEL J 1585 Straight Path Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 033.002 Filed Map Block 13 Lots p/o 24-32</p>
<p>PARCEL K 1577 Straight Path Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 034.000 Filed Map Block 13 Lot 33 p/o Lots 34-36</p>	<p>PARCEL L 1575 Straight Path Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 035.000 Filed Map Block 13 p/o Lot 34</p>
<p>PARCEL M 1571 Straight Path Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 036.000 Filed Map Block 13 p/o Lots 35 & 36</p>	<p>PARCEL N 41 Woodland Road Wyandanch, New York 11798 District 100 Section 057.00 Block 01.00 Lot 020.000 Filed Map Block 12 p/o Lot 24</p>
<p>PARCEL O Unknown address Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 023.000</p>	<p>PARCEL P 16 Grand Boulevard Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 013.000 Filed Map Block 12 Lots 11, 12</p>
<p>PARCEL Q 14 Grand Boulevard Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 015.001 Filed Map Block 12 Lots 13-15</p>	<p>PARCEL R 53 Woodland Road Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 021.000 Filed Map Block 12 Lots p/o 1-5, 5-10, all of 25-30</p>
<p>PARCEL S 52 Woodland Road Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 024.000 Filed Map Block 13 Lots 1-4</p>	<p>PARCEL T 46 Woodland Rd Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 026.000 Filed Map Block 13 Lots 5-6</p>
<p>PARCEL U 42 Woodland Rd Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 027.000 Filed Map Block 13 Lots 7-8</p>	<p>PARCEL V 38 Woodland Rd Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 028.000 Filed Map Block 13 Lots 9-10</p>
<p>PARCEL W 34 Woodland Road Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 029.000 Filed Map Block 13 Lots 11-12</p>	<p>PARCEL X 37 Commonwealth Dr. Wyandanch, New York 11798 District 0100 Section 057.00 Block 01.00 Lot 045.000 Filed Map Block 13 Lots 56 - 77</p>

RESOLUTION NO. 369 MAY 5, 2023
AUTHORIZING THE TOWN OF BABYLON TO FILE A SUBDIVISION IN CONNECTION WITH
THE WYANDANCH RISING PROJECT AND AUTHORIZING THE TOWN SUPERVISOR TO
EXECUTE THE SAME

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

WHEREAS, the Town has undertaken multiple actions regarding the redevelopment of downtown Wyandanch including the designation of an Urban Renewal Area in downtown Wyandanch, the adoption of a blighted study, which was prepared by AKRF and is entitled “Blighted Study of the Wyandanch Area” dated May 7, 2007, and the adoption of a Nomination under the State of New York’s Brownfield Opportunity Area Program due to severe blighted conditions of downtown Wyandanch. The Town by Resolution of the Town Board No. 424 dated June 25, 2008 (i) adopted the Blighted Study, (ii) designated an urban renewal area (the “Downtown Wyandanch Renewal Area”) in downtown Wyandanch as appropriate for urban renewal and (iii) authorized the Town Department of Planning and Economic Development and/or its agents to prepare or cause to be prepared an urban renewal plan. The Town by Resolution of the Town Board, dated May 22, 2009, adopted an Urban Renewal Plan for Downtown Wyandanch Urban Renewal Area (the “Plan”); and

WHEREAS, the Albanese Organization is the selected Master Developer to assist the Town in implementing the plan; and,

WHEREAS, to implement the Plan the Town and the Master Developer must file a subdivision.

NOW THEREFORE, be it

RESOLVED, that the Town of Babylon, the Master Developer, their successors or agents shall file a subdivision in order to implement the Plan; and be it further

RESOLVED, that the Supervisor or his designee is authorized to execute any documents in connection with the subdivision filing.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 370 MAY 5, 2023
REQUESTING THE CONVEYANCE OF PARCELS FROM SUFFOLK COUNTY
TO THE TOWN OF BABYLON COMMUNITY DEVELOPMENT PROGRAM AFFORDABLE
HOUSING PROGRAM

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

WHEREAS, the County of Suffolk is the owner of a parcels of land identified on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 057.00, Block 01.00, Lot 029.000, and acquired by the County by Tax Deed on March 24, 2003 from John C. Cochrane, the County Treasurer of Suffolk County, New York, and recorded on March 25, 2003 in Liber 12242, CP 399 and being in the Town of Babylon, known and designated as Lots 11 to 12 in Block 13 on a certain map entitled “Map of Colonial Springs” as Map No. 223; and

WHEREAS, the County by deed dated March 31, 2009 transferred the above referenced property to the Town of Babylon and said deed contained a reverter requiring the Town to construct affordable housing in 3 years from the date of transfer and as such construction has not taken place the Town will transfer the property back to the County by quitclaim deed; and

WHEREAS, now the County of Suffolk is willing to declare the parcels to be surplus County property which could be transferred to the Town of Babylon for the purpose of constructing a roadway and green/open space in connection with the redevelopment and enhancement of the Wyandanch Rising Development Area and other essential public purposes to the benefit the community of Wyandanch.

NOW THEREFORE, be it

RESOLVED, that the Town shall transfer the property back to the County due to a reverter and the Supervisor, or his designee, is authorized to execute such transfer documents including a quitclaim deed; and be it further

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 above, pursuant to Section 72-H of the New York General Municipal Law, for the purpose of constructing a roadway and green/open space in connection with the redevelopment and enhancement of the Wyandanch Rising Development Area and other essential public purposes to the benefit the community of Wyandanch; and be it further

RESOLVED, that said quitclaim deed issued by the Chief Deputy County Executive, 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 and that the Supervisor, or his designee, is authorized to sign any transfer docs related to the transfer.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 371 MAY 5, 2023
AMENDING RESOLUTION NO. 310 OF 2023
AUTHORIZING THE SUPERVISOR TO EXECUTE A CORRECTION DEED AND
INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

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

WHEREAS, resolution No. 310 was passed during a regular Town Board meeting on April 12, 2023; and

WHEREAS, the aforementioned resolution had a scrivener's error in the first WHEREAS clause. Where the lot number of the property in question was erroneously described as Lot No. 090.001, and it should have been described as Lot No. 066.006.

NOW, THEREFORE, be it

RESOLVED, that resolution No. 310 of 2023 is hereby amended as a scrivener's error, and shall read as follows:

RESOLUTION NO. 310 APRIL 12, 2023
AUTHORIZING THE SUPERVISOR TO EXECUTE A CORRECTION DEED AND INDEMNIFICATION
AND HOLD HARMLESS AGREEMENT

WHEREAS, the Town of Babylon transferred 515 Jackson Avenue in the Hamlet of Lindenhurst, Town of Babylon, County of Suffolk, state of New York and formerly identified in the Suffolk County Tax Map as number 0100-201.00-01.00-066.002 and now identified in the Suffolk County Tax Map as number 0100-201.00-01.00-~~066.002~~ to 515 Jackson Ave LLC; and

WHEREAS, certain restrictions on the deed effects the property's marketability; and

WHEREAS, in consideration of such effect the Town authorizes the Supervisor to sign a correction deed removing such restriction and authorizing him to execute an indemnification and hold harmless agreement with the transferee,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be and he is hereby authorized to execute a correction deed and an indemnification and hold harmless agreement; and be it further

RESOLVED, that the deed and agreement shall be subject to the approval of the Town Attorney as to form and content; and be it further

RESOLVED, that this resolution is subject to the Town's Policies pertaining to Property and New York State Law and shall take effect immediately; and be it further

RESOLVED, that this resolution shall take effect immediately.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 372 MAY 5, 2023
AUTHORIZING AND APPROVING A SETTLEMENT OF LITIGATION

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

WHEREAS, a lawsuit was filed in Suffolk County Supreme Court, Index No. 60556/2020, against the
Town of Babylon, et al., (the "Parties") related to the Public Improvement Contract 19G12; and

WHEREAS, the Parties to the lawsuit wish to amicably settle this lawsuit to avoid a costly and
protracted trial;

NOW, THEREFORE, be it

RESOLVED, that the Town Board is authorized to approve settlement of the litigation and the Town
Attorney is authorized to execute any documents necessary to effectuate the terms of the settlement.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.