

## **TOWN BOARD MEETING**

**SEPTEMBER 14, 2021**

### **AGENDA**

596. ACCEPTING TOWN BOARD MINUTES
597. AWARDING BID NO. 21G73 GRATES & FRAMES
598. AWARDING BID NO. 21G77 SERVICE & MAINTENANCE OF MICROFILM EQUIPMENT
599. AWARDING BID NO. 21G78 HEAVY DUTY COMMERCIAL LANDSCAPING EQUIPMENT;  
CATALOG, WEBSITE AND/OR BEST IN-STORE PRICE
600. AWARDING BID NO. 21G79 OUTDOOR SITE FURNISHINGS CATALOGS AND/OR WEBSITE
601. AUTHORIZING THE TOWN BOARD TO CREATE THE USE OF COMPETITIVE TITLES
602. APPROVING THE PAYMENT OF DISABILITY BENEFITS FROM A SERVICE AWARD  
PROGRAM SPONSORED BY THE TOWN OF BABYLON
603. AUTHORIZING THE CREATION OF A CHECKING ACCOUNT FOR THE DEPOSIT OF FUNDS  
FOR THE DEPARTMENT OF PLANNING AND DEVELOPMENT'S ONLINE PORTAL AND  
AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AN AGREEMENT WITH  
PAYMENTECH LLC AND JPMORGAN CHASE, N.A. TO ACCEPT CREDIT CARD PAYMENTS
604. AUTHORIZING 2021 BUDGET MODIFICATION
605. AUTHORIZING RELEASE OF BOND
606. AUTHORIZING RELEASE OF BOND CHECKS
607. AUTHORIZING REFUND OF PAYMENT OF HEALTH BENEFITS
608. AUTHORIZING REFUND OF FEES PLANNING AND DEVELOPMENT
609. ACCEPTING A DONATION
610. PROCLAIMING SATURDAY, OCTOBER 2, 2021 AS EAGLE SCOUT CHRISTIAN KAIN HUTTER  
DAY
611. PROCLAIMING MONDAY, SEPTEMBER 27, 2021 AS EAGLE SCOUT JOSEPH THOMAS KEANE  
DAY
612. AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR ELIZABETH SILVERMAN OUTER  
BEACH APPLICATION NO. 136959 SCTM #0100-242-1-18
613. AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR SCOTT COULTER OUTER BEACH  
APPLICATION NO. 137755 SCTM #0100-243-1-231

614. SCHEDULING A PUBLIC HEARING IN REFERENCE TO THE COASTAL EROSION HAZARD AREA VARIANCE OF KEITH AND PATRICIA HASDAY, 30 FIRE ROAD, OAK BEACH, SCTM NO. 0100-243.00-01.00-066.000
615. TOWN BOARD ENVIRONMENTAL DETERMINATION ON THE APPLICATION OF WEST BABYLON GARDENS, LLC FOR THE PREMISES IDENTIFIED AS SCTM#: 0100-209-02-024 LOCATED ON THE S/S/O ROUTE 109, APPROXIMATELY 1947.73' W/O ELMWOOD ROAD, WEST BABYLON
616. GRANTING REZONING APPLICATION OF WEST BABYLON GARDENS, LLC FOR THE PREMISES IDENTIFIED BY SCTM#: 0100-209-02-024 LOCATED ON THE S/S/O ROUTE 109, APPROXIMATELY 1947.73' W/O ELMWOOD ROAD, WEST BABYLON
617. ADOPTING AMENDMENTS CHAPTER 2, ARTICLE IV, SECTION 2-8 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES
618. ADOPTING AMENDMENTS CHAPTER 2, ARTICLE IV, SECTION 2-8 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES
619. AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 456 HEATHCOTE ROAD, N. LINDENHUSRT, NY 11757 SCTM NO. 0100-155.00-01.00-058.000
620. RESOLUTION IN SUPPORT OF AN ENVIRONMENTAL RIGHTS AMENDMENT TO THE NEW YORK STATE CONSTITUTION
621. AUTHORIZING THE GRANT OF AMERICAN RESCUE PLAN MONEY TO QUALIFIED SMALL BUSINESSES

**RESOLUTION NO. 596 SEPTEMBER 14, 2021  
ACCEPTING TOWN BOARD MINUTES**

The following resolution was offered by Councilman Martinez  
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:

September 1, 2021

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 597 SEPTEMBER 14, 2021  
AWARDING BID NO. 21G73 GRATES & FRAMES**

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

WHEREAS, the following bids for Bid No. 21G73, Grates & Frames was received, opened and publicly  
read:

<b><u>BIDDER</u></b>	<b><u>BID PRICE</u></b>
<b><u>Item 1.</u> Square Grate &amp; Frame delivered Roman Stone Construction, Co.</b>	<b>\$284.00</b>
<b><u>Item 2.</u> Square Grate delivered Roman Stone Construction, Co.</b>	<b>\$175.00</b>
<b><u>Item 3.</u> Round Solid Cover &amp; Frame delivered Roman Stone Construction, Co.</b>	<b>\$215.00</b>
<b><u>Item 4.</u> Catch Basin Grate &amp; Frame delivered Roman Stone Construction, Co.</b>	<b>\$215.00</b>
<b><u>Item 5.</u> Rectangular Grate and Frame Delivered Roman Stone Construction, Co.</b>	<b>\$655.00</b>

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the  
Commissioner of the Department of Public Works and upon their finding the aforementioned bids fair and  
reasonable, Bid No. 21G73 be and is hereby awarded to the sole bidder Roman Stone Construction Co.; and be it  
further

RESOLVED, that the Supervisor be and he is hereby authorized to execute one (1) year contract with  
Roman Stone Construction, Co. and that the form and content of said contract(s) shall be subject to the approval of  
the Town Attorney; and be it further

RESOLVED, that said contract(s) 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. 598 SEPTEMBER 14, 2021**  
**AWARDING BID NO. 21G77**  
**SERVICE & MAINTENANCE OF MICROFILM EQUIPMENT**

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

WHEREAS, the following bids for Bid No. 21G77, Service & Maintenance of Microfilm Equipment 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 or his/her designee and upon their finding the aforementioned bids fair and reasonable, Bid No. 21G77 be and is hereby awarded to the low bidder DR III, Inc.; and be it further

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

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

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 599 SEPTEMBER 14, 2021**  
**AWARDING BID NO. 21G78**  
**HEAVY DUTY COMMERCIAL LANDSCAPING EQUIPMENT;**  
**CATALOG, WEBSITE AND/OR BEST IN-STORE PRICE**

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

WHEREAS, the following bids for Bid No. 21G78, Heavy Duty Small Landscaping Equipment;  
Catalog, Website and/or Best In-Store Price were received, opened and publicly read:

**SPREADSHEET ON FILE DEPARTMENT OF GENERAL SERVICES**

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of DPW and the Commissioner  
of General Services and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 21G78 be  
and is hereby awarded to; Northeast Equipment, Inc. and Amity Vacuum, Inc. and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute one (1) year contracts with  
Northeast Equipment, Inc. and Amity Vacuum, Inc. and that the form and content of said contracts shall be subject  
to the approval of the Town Attorney; and be it further

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

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 600 SEPTEMBER 14, 2021**  
**AWARDING BID NO. 21G79**  
**OUTDOOR SITE FURNISHINGS CATALOGS AND/OR WEBSITE**

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

WHEREAS, the following bids for Bid No. 21G79, Outdoor Site Furnishings Catalogs and/or  
Websites were received, opened and publicly read:

<u>Vendor</u>	<u>Catalog/Website</u>	<u>% off</u>
Item1. <u>Catalog Bid</u> <b>Ry-Lecia Corp. Corporation d/b/a American Recreational Products, Inc.</b>	<b>2021 Ultra-Site #33 Site Furnishings and Amenities</b>	<b>0.0%</b>
Item2. <u>Website Bid</u> <b>Ry-Lecia Corporation d/b/a American Recreational Products, Inc.</b>	<b><u>www.ultra-site.com</u></b>	<b>0%</b>

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and upon  
his finding the aforementioned bids to be fair and reasonable, Bid No. 21G79 be and is hereby awarded to the  
bidders offering the highest discount per catalog, Ry-Lecia Corporation d/b/a/ American Recreational Products,  
Inc.; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute one (1) year contracts with  
Ry-Lecia Corporation d/b/a/ American Recreational Products, Inc. and that the form and content of said contracts  
shall be subject to the approval of the Town Attorney; and be it further

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

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 601 SEPTEMBER 14, 2021**  
**AUTHORIZING THE TOWN BOARD TO CREATE THE USE OF COMPETITIVE TITLES**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon that the titles of Women Resource Advisor II in the Non Competitive Class, Automotive Parts Coordinator in the Competitive Class, Building Permits Coordinator in the Competitive Class, Executive Assistant to Commissioner of Public Safety in the Non Competitive Class, Secretary to Commissioner of Public Safety in the Exempt Class, Executive Director of Youth Bureau in the Competitive Class and Director of Office for People with Disabilities in the Non Competitive Class be included in the Master List of Titles which is on file in the Town of Babylon Department of Civil Service.

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.



**RESOLUTION NO. 602 SEPTEMBER 14, 2021**  
**APPROVING THE PAYMENT OF DISABILITY BENEFITS FROM A SERVICE AWARD**  
**PROGRAM SPONSORED BY THE TOWN OF BABYLON**

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

WHEREAS, in accordance with Article 11-A of the New York State General Municipal Law (GML), the Town of Babylon established Service Award Programs for active volunteer firefighters of each of the five fire protection districts within the Town of Babylon; and

WHEREAS, these Service Award Programs are administered and sponsored by the Town of Babylon;  
and

WHEREAS, Article 11-A authorizes the Town to pay disability benefits from the Service Award Program to a volunteer whose disability meets certain requirements set forth in paragraph e of Section 219 of the GML including the requirement that the volunteer's disability is certified to be a total and permanent disability by the Workers Compensation Board or the Social Security Administration or any other authority approved by the Town; and

WHEREAS, the Town has retained Penflex Actuarial Services to assist the Town to administer the Service Award Programs; and

WHEREAS, Penflex Actuarial Services recommends the award of a Total and Permanent Disability benefit from the Wyandanch Fire Company, Inc. Service Award Program for Application No. 005;

NOW, THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Babylon has received Application No. 005 from a Service Award Program participant to be paid a disability benefit from the Wyandanch Fire Company, Inc. Service Award Program. Penflex Actuarial Services has certified that the participant's application for a Service Award Program disability benefit has met the requirements set forth in paragraph e of Section 219 of the GML. The authority which certified that the participant was totally and permanently disabled was the Social Security Administration. By the adoption of this resolution, the Town Board accepts that authority as an authority which may make such certification and authorizes Penflex Actuarial Services, LLC. to process the payment of the disability benefit in response to Application No. 005.

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 603 SEPTEMBER 14, 2020**  
**AUTHORIZING THE CREATION OF A CHECKING ACCOUNT FOR THE DEPOSIT OF FUNDS**  
**FOR THE DEPARTMENT OF PLANNING AND DEVELOPMENT'S ONLINE PORTAL AND**  
**AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AN AGREEMENT WITH**  
**PAYMENTECH LLC AND JPMORGAN CHASE, N.A. TO ACCEPT CREDIT CARD PAYMENTS**

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

WHEREAS, the Town of Babylon Department of Planning and Development has created an online portal to accept building permit applications and other functions of the department; and

WHEREAS, the creation of such a portal necessitates the use of credit card transactions for seamless online access; and

WHEREAS, the Commissioner of Planning and Development is to be designated as the primary contact for purposes of creating a checking account and the process of credit card payments and that the Town Supervisor and Deputy Supervisor shall be the authorized representatives and signatories on the account; and

NOW, THEREFORE, be it

RESOLVED, that the Town Supervisor is authorized and directed to establish a checking account with JPMorgan Chase and to deposit the funds of the Department of Planning and Development therein. The following individuals shall have authority to endorse and make deposits, sign checks, withdrawal funds, and otherwise operate the account on behalf of the organization:

Town Supervisor

Deputy Town Supervisor

The following individuals shall have authority to access the account and operate it for the purposes accounting, review and audit:

Town Comptroller

Deputy Town Comptroller

Commissioner of Planning and Development, and be it further

RESOLVED, that the Town Supervisor is authorized to execute an agreement with Paymentech LLC and JPMorgan Chase, NA to accept credit card payments; and be it further

RESOLVED, that the agreement and all other documents related thereto will be subject to the review of the Town Attorney as to form and content; and be it further

RESOLVED, that this resolution is to take effect immediately.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 604 SEPTEMBER 14, 2021  
AUTHORIZING 2021 BUDGET MODIFICATION**

The following resolution was offered by Councilman Martinez  
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 2021 Budget Modification is hereby authorized:

	<u><b>Increase</b></u>	<u><b>Decrease</b></u>
<u><b>General Fund</b></u>		
<b>Serial Bonds</b>		
Debt Principal		
A.9710-60	\$ 487,400	
Debt Interest		
A.9710-70		\$ 26,280
<b>Contingent Account</b>		
Miscellaneous		
A.1990-49		\$ 461,120

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 605 SEPTEMBER 14, 2021  
AUTHORIZING RELEASE OF BOND**

The following resolution was offered by Councilman McSweeney

and seconded by: Councilman Gregory

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 incomplete site work bond be released from Town Trust:

PAYEE	PROPERTY LOCATION	APPLICATION/PERMIT #	AMOUNT DUE
Gail Grace Estates of Copiague PO Box 931 Lindenhurst, NY 11757 Re: Mitch Giannini	836 Merrick Road Copiague, NY SCTM No. 0100-181-4-62&63	PB # 18-25A  BP # 2020-0086	\$700.00

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 606 SEPTEMBER 14, 2021  
AUTHORIZING RELEASE OF BOND CHECKS**

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

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

<u>PERMIT</u>	<u>DATE</u>	<u>NAME &amp; ADDRESS</u>	<u>TYPE</u>	<u>AMOUNT</u>
10152	8/21/2016	Budget Estates, Inc.	CHECK	\$1200.00
10164	9/23/2016	2137 Deer Park Avenue, Suite A	CHECK	\$902.00
10165	10/11/2016	Deer Park, NY 11729	CHECK	\$1000.00
10176	11/30/2016	631-888-5602	CHECK	\$1200.00
10188	1/30/2017		CHECK	\$1200.00

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 607 SEPTEMBER 14, 2021**  
**AUTHORIZING REFUND OF PAYMENT OF HEALTH BENEFITS**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Health Benefits Administrator that the following payment be refunded as an overpayment:

REFUND OF PAYMENT:

PAYEE	ADDRESS	TYPE	AMOUNT	REASON
MARGARET LEAVEY	40-62 W 4 <sup>th</sup> Street Patchogue, NY 11772	COBRA Medical Overpayment for July-Sept. 2021	\$3,224.61	Premium Refund

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 608 SEPTEMBER 14, 2021**  
**AUTHORIZING REFUND OF FEES PLANNING AND DEVELOPMENT**

The following resolution was offered by Councilman Martinez

and seconded by Councilman McSweeney

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 fee be refunded:

NAME and ADDRESS	TYPE	AMOUNT
Bunt Development 330 Albany Avenue, LLC Veena Shetty 9 Gracewood Drive Manhasset, NY 11030	BP No. 2020-1172 330 Albany Avenue, Amityville, NY 11701 SCTM No. 100-169-1-30	\$71,980.00

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 609 SEPTEMBER 14, 2021  
ACCEPTING A DONATION**

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

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

<b>DONATOR</b>	<b>DONATION</b>	<b>TO BE USED FOR</b>	<b>RECOMMENDED BY</b>
Astro Masonry	\$6,340.00	Beam replacement for 911 Memorial	Commissioner of Department of Public Works

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.



**RESOLUTION NO. 610 SEPTEMBER 14, 2021  
PROCLAIMING SATURDAY, OCTOBER 2, 2021 AS  
EAGLE SCOUT CHRISTIAN KAIN HUTTER DAY**

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

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

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

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

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

WHEREAS, it is fitting that by the successful demonstration of his scouting achievement, Christian Kain Hutter was awarded the rank of Eagle Scout,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby extend to Christian Kain Hutter its congratulations on his successful completion and achievement of the rank of Eagle Scout and proclaims Saturday, October 2, 2021 as Eagle Scout Christian Kain Hutter Day.

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 611 SEPTEMBER 14, 2021  
PROCLAIMING MONDAY, SEPTEMBER 27, 2021 AS  
EAGLE SCOUT JOSEPH THOMAS KEANE DAY**

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

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

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

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

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

WHEREAS, it is fitting that by the successful demonstration of his scouting achievement, Joseph Thomas Keane was awarded the rank of Eagle Scout,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby extend to Joseph Thomas Keane its congratulations on his successful completion and achievement of the rank of Eagle Scout and proclaims Monday, September 27, 2021 as Eagle Scout Joseph Thomas Keane Day.

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 612 SEPTEMBER 14, 2021**  
**AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR ELIZABETH SILVERMAN OUTER**  
**BEACH APPLICATION NO. 136959 SCTM #0100-242-1-18**

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

WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No. 136959 of Elizabeth Silverman, for the premises located at 225A Oak Beach Road, Oak Beach, NY, SCTM #0100-242-1-18, to construct a bulkhead and pier; 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. 136959 of Elizabeth Silverman, for the premises located at 225A Oak Beach Road, Oak Beach, NY, SCTM #0100-242-1-18, to construct a bulkhead and pier; 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. 613 SEPTEMBER 14, 2021**  
**AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR SCOTT COULTER**  
**OUTER BEACH APPLICATION NO. 137755 SCTM #0100-243-1-231**

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

WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No. 137755 of Scott Coulter, for the premises located at 85 Hawser Drive, Oak Beach, NY, SCTM #0100-243-1-231 to construct interior and exterior renovations; 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. 137755 of Scott Coulter, for the premises located at 85 Hawser Drive, Oak Beach, NY, SCTM #0100-243-1-231, to construct interior and exterior renovations; 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. 614 SEPTEMBER 14, 2021**  
**SCHEDULING A PUBLIC HEARING IN REFERENCE TO THE COASTAL EROSION HAZARD**  
**AREA VARIANCE OF KEITH AND PATRICIA HASDAY, 30 FIRE ROAD, OAK BEACH,**  
**SCTM NO. 0100-243.00-01.00-066.000**

The following resolution was offered by Councilman Gregory  
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 13<sup>th</sup> day of October at 3:30 p.m., prevailing time, to consider the Coastal Erosion Hazard Area variance application of Keith and Patricia Hasday for the premises located at 30 The Fire Road, SCTM No. 0100-243-01-066 to allow the construction of an at grade deck and pergola; and be it

RESOLVED, meeting will also be held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P>. If you wish to address the board at the public hearing, visit [townofbabylon.com](http://townofbabylon.com) and click on the “How Do I...” link, and then “Participate in a Public Hearing”; and be it further

RESOLVED, that the Town Clerk of the Town of Babylon is directed to publish note 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.

**RESOLUTION NO. 615 SEPTEMBER 14, 2021**  
**TOWN BOARD ENVIRONMENTAL DETERMINATION ON THE APPLICATION OF WEST**  
**BABYLON GARDENS, LLC FOR THE PREMISES IDENTIFIED AS SCTM#: 0100-209-02-024**  
**LOCATED ON THE S/S/O ROUTE 109, APPROXIMATELY 1947.73'**  
**W/O ELMWOOD ROAD, WEST BABYLON**

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

WHEREAS, West Babylon Gardens, LLC (the “petitioner”) has heretofore petitioned this Board for a change of zone of the property at SCTM No. 0100- 209-02-024, and further described on Schedule A attached hereto, from GA-Industry District to the Multiple Residence District (MR), to construct two (2) new buildings, with a total of twenty-eight (28) one-bedroom units and associated site improvements on a 1.4 acre parcel of land located on the south side of Route 109 West Babylon, NY; and

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

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

WHEREAS, based upon review of the information submitted, the Department of Environmental Control has recommended a NEGATIVE DECLARATION be adopted; and

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

WHEREAS, that the Town Board of the Town of Babylon has classified the proposal as an Unlisted Action with an uncoordinated review having been conducted; and

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

1. The proposal will not create a significant increase in traffic.
2. The project will be developed in conformance with Chapter 189 of the Code of the Town of Babylon Stormwater Management and Erosion and Sediment Control requirements. A full Stormwater Pollution Prevention Plan (SWPPP) has been prepared and approved by the Stormwater Coordinator for the Town of Babylon. This will prevent potential adverse environmental impacts from sediment releases and protect surface and groundwater quality.
3. Post construction stormwater management will address long term maintenance of the stormwater infrastructure on the subject site.
4. The project site does not contain any sensitive environmental resources.
5. Solid waste service and disposal can be accommodated by the Town of Babylon Commercial Garbage District.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Babylon as lead agency hereby determines that the proposal by West Babylon Gardens, LLC will not have a significant adverse impact on the environment; and be it further

RESOLVED, that based upon the foregoing determination, the Town Board of the Town of Babylon hereby adopts a NEGATIVE DECLARATION, as required by the SEQRA AND TOBEQRA.

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
Councilman Gregory	Voting	Abstain
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

**SCHEDULE A**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN WEST BABYLON, IN THE TOWN OF BABYLON, COUNTY OF SUFFOLK AND STATE OF NEW YORK, BEING BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING at a point on the southwesterly side of Babylon-Farmingdale Road (S.R. 109), distant 1947.73 feet northwesterly from the corner formed by the intersection of the northwesterly side of Elmwood Road and the southwesterly side of Babylon-Farmingdale Road (S.R. 109); RUNNING THENCE South 29 degrees 48 minutes 00 seconds West, a distance of 177.55 feet; THENCE South 56 degrees 44 minutes 10 seconds West, 128.01 feet; THENCE North 47 degrees 52 minutes, 00 seconds West, a distance of 189.31 feet; THENCE North 29 degrees 48 minutes 00 seconds East, a distance of 229.12 feet to the southwesterly side of Babylon-Farmingdale Road (Route 109); THENCE the following two (2) courses and distance along the said southwesterly side of Babylon-Farmingdale Road (S.R. 109); 1. Southeasterly along the arc of a curve having a chord South 65 degrees 57 minutes 45 seconds East, having a radius of 2804.79 feet, a distance of 82.09 feet; 2. South 65 degrees 07 minutes 25 seconds East, a distance of 161.87 feet to THE POINT OR PLACE OF BEGINNING.

**RESOLUTION NO. 616 SEPTEMBER 14, 2021**  
**GRANTING REZONING APPLICATION OF WEST BABYLON GARDENS, LLC FOR THE**  
**PREMISES IDENTIFIED BY SCTM#: 0100-209-02-024 LOCATED ON THE S/S/O ROUTE 109,**  
**APPROXIMATELY 1947.73' W/O ELMWOOD ROAD, WEST BABYLON**

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

WHEREAS, West Babylon Gardens, LLC. (the "Petitioner") has heretofore petitioned this Board for a change of zone of certain property which is located on the s/s/o Route 109, approximately 1947.73' w/o Elmwood Road, West Babylon, New York, SCTM No. 0100-209-02-024, and further described on the annexed Schedule A, from GA-Industry District to MR-Multiple Residence District; and

WHEREAS, a public hearing was held on said petition on the 1<sup>st</sup> day of September, 2021; and

WHEREAS, in accordance with Section 617.5(c)(9) State Environmental Quality Review (SEQR), this proposal involves a change of zone in order to construct two (2) new buildings, with a total of twenty-eight (28) one-bedroom units, and the Board has adopted a Negative Declaration and no further action is required pursuant to SEQR; and

WHEREAS, this proposed change of zone conforms to the Town of Babylon Comprehensive Plan, NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the application of West Babylon Gardens, LLC., for Job No. 19-16AE for a change of zone from GA-Industry District to MR-Multiple Residence District for the premises described in the attached Schedule A, 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:

Conditions:

1. Subject to ZBA approval.
2. Subject to SCPC approval.
3. Subject to SCDHS approval.
4. Subject to NYSDOT approval.
5. Subject to SWPPP approval.
6. Owner/applicant shall comply with the Town of Babylon Stormwater Code (Chapter 189).
  - a. An Industrial Agreement must be signed.
  - b. Stormwater application fee must be submitted.
  - c. Contain all stormwater runoff on-site to Engineering requirements.
7. 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.
8. Fugitive dust generation shall be controlled by appropriate means such as watering.
9. Fire and smoke detection systems and carbon monoxide detectors should be installed in accordance with NFPA 72.
10. Address number, building number, or approved building identification to be placed in a position visible from the street.
11. 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.
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 \$2,500.00.
13. All regulatory and warning signs are to adhere to the Manual of Uniform Traffic Control Devices for Streets and Highways specifications. All signs must also be fabricated using high-intensity retro reflective sheeting.
14. Construction will be conducted between the hours of 7am and 8pm on weekdays and between the hours of 9am and 4pm on Saturdays. No exterior construction will be permitted on Sundays, only interior construction. Construction activities on the site shall be in strict conformance with Chapter 156-9D of the Noise Code of the Town of Babylon.
15. 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.



16. Sewer district and water saving plumbing fixtures to be utilized.
17. Subject to Highway, Engineering, and Fire Marshal requirements.
18. Subject to the requirements of Highway, Engineering, and the Fire Marshall.
19. An automatic/manual fire detection/notification system shall be installed.
20. Audio/visual notifications for all alarms should be installed in all units.

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:

Covenants and Restrictions:

1. No exterior-mounted steel security gates or shutters permitted. Only interior-mounted mesh type security gates permitted.
2. All site lighting to be contained on site and must conform to dark-sky lighting regulations.
3. The owner/developer is responsible for maintaining all applicable site development improvements including, but not limited to, the following: fire and smoke detection system, automatic fire sprinkler system, building, drainage, curbs, sidewalks, fencing, asphalt, landscaping, etc.
4. Fire and smoke detection systems and carbon monoxide detectors should be installed in accordance with NFPA 72.
5. Owner/applicant shall comply with all NYS regulations for handicapped accessibility, including but not limited to handicapped ramps and handicapped parking spaces.
6. All noise generating equipment on-site including but not limited to heating ventilation and air conditioning (HVAC), chillers, refrigeration units, and compressors shall operate in conformance with Chapter 156 Town of Babylon Noise Code. In the event that any such equipment exceeds Chapter 156 standards immediate steps shall be taken to mitigate those noise levels.
7. All buildings, structures, signs, fences, and landscaping shall be maintained in accordance with all applicable codes and ordinances of the Town of Babylon, and violations thereof may be prosecuted and enforced in the same manner as provided therein.
8. No further development of the site without planning board approval.
9. No truck idling is permitted at any time. Owner to post signs “No idling of Engines – No Exceptions”.
10. All refuse shall be contained within the perimeter and height of the refuse enclosure as approved by the site plan.
11. Maintenance access shall be in accordance with Section 189-8 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.
12. Maintenance after construction shall be 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 SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with § 189-8B of the Code of the Town of Babylon.
13. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator. Routine maintenance of the stormwater infrastructure on the site will include the following:
  - a. Monitoring of the drainage inlets (catch basins) will be completed routinely, particularly after larger storm events and must be kept free from obstruction by leaves, trash, and other debris.
  - b. Drainage grates must be kept free from obstruction by leaves, trash, and other debris.
  - c. Drainage structure shall be inspected annually to determine if sediment removal is necessary to ensure that the drainage structures are properly functioning and that they permit adequate conveyance throughout

the system. If applicable, the manufacturer's specifications for maintenance procedures and frequency must be strictly followed.

- d. The drainage structures must be routinely monitored for the removal of surface sediment and trash.
  - e. Street sweeping of the parking areas shall be conducted at least four times annually to remove sediment that may impact the drainage infrastructure and additionally, as necessary due to storm events.
  - f. The grounds and parking area shall be inspected for litter monthly and any litter shall be removed as necessary.
14. The entire building is to have a fully automatic fire sprinkler system installed pursuant to NFPA 13 and Section 213-235 of the Town Zoning Code and as required by the Fire Marshal.
  15. The Town of Babylon is not responsible for any damage to the curbs or light poles on site in connection with solid waste pick up.
  16. All units to have central air conditioning or through the wall air-conditioning units, no window units to be permitted.
  17. The use of inorganic fertilizers, pesticides, and herbicides shall be minimized as standard operating procedure for the landscape maintenance of the site.
  18. Twenty percent of units (6) shall be designated as workforce/affordable housing. Units to be scattered equally 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.
  19. Dens shall not have closets or doors. Openings to the room shall exceed 4' in width.
  20. Lofts shall not contain sleeping quarters.
  21. Basements shall be unfinished space used for storage and utilities only.

BE IT FURTHER RESOLVED, that in case of any violation or attempted violation of any of the covenants by the owners or their lessees and failure of the owners to remedy any such violation within thirty (30) days after written notice by the Town, the Town shall have the right, on its own motion and after notice, to rescind said change of zone and the subject premises shall revert from MR-Multiple Residence to GA-Industry, and be it further

RESOLVED, that if the owners hereto, or any of them, their lessees, their heirs, successors, or assignees shall violate or attempt to violate any of the covenants or conditions required by the granting of this permit, it shall be lawful for the Town of Babylon to prosecute any proceedings at law or in equity, including but not limited to enforcement by way of injunctive relief; any remedies chosen by the Town Board to enforce any covenant, restriction or condition herein shall be cumulative and at the discretion of the Town Board as to how best to enforce such covenant, restriction or condition; the election of one method of enforcement shall not constitute a bar to electing any other method of enforcement permitted by law; and be it further,

RESOLVED, that the Town Clerk of the Town of Babylon be and hereby is authorized to publish a notice of said change of zone in one of the official newspapers of the Town of Babylon.

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

Councilman Manetta	Voting	Yea
Councilman Martinez	Voting	Yea
Councilman McSweeney	Voting	Yea
Councilman Gregory	Voting	Abstain
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.

**SCHEDULE A**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN WEST BABYLON, IN THE TOWN OF BABYLON, COUNTY OF SUFFOLK AND STATE OF NEW YORK, BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING at a point on the southwesterly side of Babylon-Farmingdale Road (S.R. 109), distant 1947.73 feet northwesterly from the corner formed by the intersection of the northwesterly side of Elmwood Road and the southwesterly side of Babylon-Farmingdale Road (S.R. 109);

RUNNING THENCE South 29 degrees 48 minutes 00 seconds West, a distance of 177.55 feet;

THENCE South 56 degrees 44 minutes 10 seconds West, 128.01 feet;

THENCE North 47 degrees 52 minutes, 00 seconds West, a distance of 189.31 feet;

THENCE North 29 degrees 48 minutes 00 seconds East, a distance of 229.12 feet to the southwesterly side of Babylon-Farmingdale Road (Route 109);

THENCE the following two (2) courses and distance along the said southwesterly side of Babylon-Farmingdale Road (S.R. 109);

1. Southeasterly along the arc of a curve having a chord South 65 degrees 57 minutes 45 seconds East, having a radius of 2804.79 feet, a distance of 82.09 feet;
2. South 65 degrees 07 minutes 25 seconds East, a distance of 161.87 feet to THE POINT OR PLACE OF BEGINNING.

**RESOLUTION NO. 617 SEPTEMBER 14, 2021**  
**ADOPTING AMENDMENTS 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 Gregory

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Old Town Hall, 47 W Main St, Babylon, NY 11702, on the 1<sup>st</sup> day of September, 2021 at 3:30 p.m. prevailing time, upon the question amending Chapter 2, Article IV, Section 2-8 of the Town of Babylon Uniform Code of Traffic Ordinances

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

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

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**EXHIBIT “A”**

Chapter 2, Article IV, Section 2-8  
 [Traffic Regulations; Stop and Yield Intersections Designated]

**ADD to Schedule H:**

<u>Intersection</u>	<u>Hamlet</u>	<u>Sign</u>	<u>Controlling Traffic</u>
Fairview Avenue at West 8 <sup>th</sup> Street	DP	Stop	East/West on Fairview Avenue
Perry Lane at Willow Street	WY	Stop	East/West on Perry Lane
Willow Street at Perry Lane	WY	Stop	North/South on Willow Street
12 <sup>th</sup> Street at 8 <sup>th</sup> Avenue	WB	Stop	East/West on 12 <sup>th</sup> Street
Arnold Avenue at Bermuda Road	WB	Stop	North/South on Arnold Avenue
Davidson Street at Charles Street/Schenectady Avenue	WY	Stop	East/West on Davidson Street
Westchester Avenue at Davidson Street	WY	Stop	North/South on Westchester Avenue

**RESOLUTION NO. 618 SEPTEMBER 14, 2021**  
**ADOPTING AMENDMENTS CHAPTER 2, ARTICLE IV, SECTION 2-8 OF THE TOWN OF**  
**BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES**

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

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Old Town Hall, 47 W Main St, Babylon, NY 11702, on the 1<sup>st</sup> day of September, 2021 at 3:30 p.m. prevailing time, upon the question amending Chapter 2, Article IV, Section 2-8 of the Town of Babylon Uniform Code of Traffic Ordinances

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

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

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.

**EXHIBIT "A"**

Chapter 2, Article IV, Section 2-8  
[Traffic Regulations; Stop and Yield Intersections Designated]

**ADD to Schedule H:**

<u>Intersection</u>	<u>Hamlet</u>	<u>Sign</u>	<u>Controlling Traffic</u>
West Lake Drive at Maple Avenue	WB	Stop	North on West Lake Drive
Brennan Place at Conklin Street	DP	Stop	East on Brennan Place

**RESOLUTION NO. 619 SEPTEMBER 14, 2021**  
**AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE,**  
**LOCATED AT 456 HEATHCOTE ROAD, N. LINDENHURST, NY 11757**  
**SCTM NO. 0100-155.00-01.00-058.000**

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

WHEREAS, a certain structure(s) located at 456 Heathcote Road, N. Lindenhurst, New York, 11757 bearing SCTM# 0100-155.00-01.00-058.000 has no running water as per a communication with the Suffolk County Water Authority and the windows, doors, garage door and pool in the rear yard are all 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 and rear yard pool 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 456 Heathcote Road, N. Lindenhurst, New York, bearing SCTM# 0100-155.00-01.00-058.000 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 September 2, 2021 on file in the Code Enforcement Department; 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. 620 SEPTEMBER 14, 2021**  
**RESOLUTION IN SUPPORT OF AN ENVIRONMENTAL RIGHTS AMENDMENT**  
**TO THE NEW YORK STATE CONSTITUTION**

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

WHEREAS, the right of New Yorkers to clean water, air and a healthy environment is not given any protection in the State of New York's Constitution; and

WHEREAS, clean water, air, a stable climate and healthy environment are fundamental to sustaining healthy lives and a healthy economy; and

WHEREAS, New York State has a long history of environmental protection and leadership to protect the New Yorker's health and environment; and

WHEREAS, while environmental laws are designed to manage pollution, clean up and remediate contamination, and conserve natural resources, these laws do not support the notion that clean air, clean water, and a healthy environment are fundamental, inalienable rights; and

WHEREAS, there are still a multitude of issues threatening New York's water, air, natural resources, such as climate change, emerging contaminants, such as PFAS and PFOA, in our drinking water supplies, poor to failing air quality, and disproportionate environmental impacts environmental justice and frontline communities; and

WHEREAS, the Town Board of the Town of Babylon is particularly concerned about clean air, clean water and other environmental issues of particular interest and importance to the Town of Babylon; and

WHEREAS, the biggest threat to New York's environment is climate change, which may particularly impact the Town of Babylon by sea level rise, leading to an eventual loss of those low-lying areas located along the Great South Bay; and

WHEREAS, climate change impacts are contributing to a loss of habitat and wetlands; detrimental changes to coast lines, including erosion and accretion of land; loss of agricultural productivity; loss of property, injury and death from more severe storms and flooding; and

WHEREAS, combustion of fossil fuels produces pollution that leads to respiratory infections, lung cancer, stroke and cardiopulmonary disease, diabetes, and birth defects; and

WHEREAS, extreme storms and severe flooding occur more frequently, destroying homes and businesses and causing long term physical and financial damage in the Town; and

WHEREAS, corporate polluters dumped the chemicals into Long Island's groundwater aquifer over decades, contaminating the Island's only source of drinking water; and

WHEREAS, in recognition that Assemblyman Steve Englebright and Senator Robert Jackson sponsored an Environmental Rights bill (A .1368/S.528) that had second passage in the New York State Legislature in 2021, which stated that:

*"proposing an amendment to article 1 of the constitution, in relation to the right to clean air and water and a healthful environment "*

WHEREAS, in recognition that to enact an Environmental Rights Amendment in the New York State Constitution the abovementioned bill that passed the New York State Legislature in 2021 will now be voted on as part of a statewide referendum in the fall of 2021;

WHEREAS, the Town Board of the Town of Babylon hereby supports Environmental Rights that passed the New York State Legislature in 2019 and again in 2021.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Babylon supports the ballot initiative where voters may choose whether to add the right to a clean air, water and healthful environment to the Bill of Rights of the New York State Constitution.

RESOLVED, that a copy of this resolution be forwarded to the municipality's State Legislative Delegation.

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 621 SEPTEMBER 14, 2021**  
**AUTHORIZING THE GRANT OF AMERICAN RESCUE PLAN MONEY**  
**TO QUALIFIED SMALL BUSINESSES**

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

WHEREAS, the COVID-19 pandemic continues to cause a significant public health emergency in the Town of Babylon (“Town”) affecting the economic vitality of the Town; and

WHEREAS, the United States Congress, recognizing the impact of the pandemic on local government and the communities that those governments serve, passed the American Rescue Plan Act of 2021 (“ARPA”) which was signed into law by President Joseph R. Biden, Jr. on March 11, 2021; and

WHEREAS, ARPA delivers eligible localities money to respond to the pandemic and bring back jobs through the Coronavirus State and Local Fiscal Recovery Funds (“SLRF”) to provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; and

WHEREAS, pursuant to statute and regulations promulgated by the United States Department of the Treasury the Town of Babylon is a Metropolitan City entitled to \$27,770,292.00 in SLRF to be distributed to the Town in two equal installments in 2021 and 2022; and

WHEREAS, SLRF provides the Town with a substantial infusion of resources to meet pandemic response needs to rebuild a stronger, and more equitable economy as the country recovers, the Town may use SLRF funds to address negative economic impacts caused by the public health emergency, including economic harms to small businesses; and

WHEREAS; the Town has determined that assisting small businesses is a vital issue and that such funding is a lawful and proper use of the SLRF, and in the public interest; and

WHEREAS, the Town commits \$3,000,000.00 of its 2021 SLRF and \$3,000,000.00 of its 2022 SLRF installments to support Town small businesses affected by the pandemic and created the Direct Support Program to alleviate such issues; and

WHEREAS, the Town Supervisor has designated seven (7) members of a Direct Support Program committee to create, review and score applications from the Town’s small businesses; and

WHEREAS, that committee has reviewed the applications of the following Town small businesses and recommends the corresponding grant award:

<u>Organization Name</u>	<u>Amount Granted</u>
Babylon Crossfit	\$15,000.00
Mack Rose, Inc. (dba Roomors)	\$25,000.00
Marks of Excellence Childcare	\$49,500.00
Phillips, Artura and Cox, Esqs.	\$29,700.00
Roach & Murtha, P.C.	\$29,700.00
L.I. Adventureland, Inc.	\$29,700.00
Long Island Citizens for Community Values	\$49,500.00
Alletto's Resturant	\$49,500.00
Yoga and Fitness Evolution, Inc.	\$39,600.00
Tony Pav, Inc. (dba Villa Cleaners)	\$29,700.00
Viking ESP Corporation	\$29,700.00
Positions Dance Studio	\$20,000.00
Babylon Village Chamber of Commerce	\$18,000.00
West Babylon Beautification Society, Inc.	\$5,313.00
South Shore Media and Publishing Corp.	\$7,500.00



Copiague Chamber of Commerce, Inc.	\$30,000.00
Amityville Chamber of Commerce, Inc.	\$10,621.00
Hofeman Fitness Systems, LLC	\$29,700.00
Costume America, Inc.	\$20,000.00
Pure Sugar, Inc.	\$29,700.00
Best Way Auto Collision, Inc.	\$29,700.00
Resurrection House, Inc.	\$49,500.00
American Legion Post 1120 Feustel Kurdt	\$49,500.00
110 Auto Repair Corp.	\$39,600.00
Desilva Automotive Repair + Performance, LLC	\$29,700.00
Zebra Restaurant, Inc. (dba Gemellis at Bergen Point)	\$29,700.00
Farmingdale Catholic Center, Inc.	\$33,000.00
Kzam4Technology, Inc.	\$39,600.00
North Babylon Chamber of Commerce	\$3,740.00
Wyandanch-Wheatley Heights Lions Club	\$9,000.00
	\$860,474.00

WHEREAS, the Town will require every grant recipient provide a form W-9 and sign a conditional letter and any other necessary documentation and failure by the business to do so will mean the grant money will be withheld, denied or claw-backed in the Town's discretion; and

NOW, THEREFORE BE IT

RESOLVED, that the Comptroller of the Town be and hereby is authorized to provide grant funds from the 2021 SLRF allotment not to exceed \$3,000,000.00 to the businesses listed above not in excess of the amounts so established for the purposes applied for; and be it further

RESOLVED, that the Comptroller shall make such funds available upon presentation to her, or her designee, all documentation she may deem necessary to confirm the lawful and proper use of the funds, with invoices which sufficiently demonstrate that the funds were used for proper purposes; and be it further

RESOLVED, that such documentation shall include a statement by the applicant accepting the grant, stating that the applicant agrees that in the event the Federal Government determines that the expenditure of the funds, or any part thereof, was in any manner improper and determines to demand the return of the funds, or any part thereof, the applicant shall be legally responsible for reimbursement of the Town of the amount equal to the amount of funds obligated to be returned, and the applicant shall hold the Town harmless; and be it further,

RESOLVED, that the Town Board, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(6)(26), and (33) of the Title 6 of the New York Code of Environmental Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County council of Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution

RESOLVED, that this resolution shall take effect immediately.

VOTES: 5      YEAS: 5      NAYS: 0

The resolution was thereupon declared duly adopted.