



Town Board Meeting
Wednesday, April 26, 2023 at 3:00 PM

- I. SALUTE TO THE FLAG**
- II. MOMENT OF SILENCE**
- III. CALL TO ORDER**
- IV. ROLL CALL**
- V. PUBLIC HEARNINGS**
 1. PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-8 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES
 2. PUBLIC HEARING ON DESIGNATING THE PREMISES KNOWN AS 354 COMMACK ROAD, DEER PARK, NY 11729, SCTM#0100-066.00-02.00-019.001, A PUBLIC NUISANCE, AUTHORIZING THE BOARDING UP OF SAID PREMISES AND AUTHORIZING THE TOWN ATTORNEY TO COMMENCE LITIGATION
 3. PUBLIC HEARING ON DESIGNATING THE PREMISES KNOWN AS 6 LYN PLACE, WEST BABYLON, NY 11704, SCTM#0100-159.00-03.00-011.003, A PUBLIC NUISANCE, AUTHORIZING THE BOARDING UP OF SAID PREMISES AND AUTHORIZING THE TOWN ATTORNEY TO COMMENCE LITIGATION
 4. PUBLIC HEARING IN REFERENCE TO AUTHORIZING SALE OF TOWN OWNED PROPERTY AT THE SOUTHEAST CORNER OF STRAIGHT PATH AND LONG ISLAND AVENUE, WYANDANCH, NEW YORK (SITE L), PART OF MULTIPLE TAX LOTS IN DISTRICT 0100, SECTION 057.00, BLOCK 01.00 TO WR COMMUNITIES – L, LLC
 5. PUBLIC HEARING IN REFERENCE TO AUTHORIZING SALE OF TOWN OWNED PROPERTY ON THE NORTHERLY SIDE OF COMMONWEALTH DRIVE, WYANDANCH, NEW YORK (SITE N), APPROXIMATELY 400 FEET EASTERLY FROM THE NORTHEAST CORNER OF STRAIGHT PATH AND COMMONWEALTH DRIVE, PART OF MULTIPLE TAX LOTS IN DISTRICT 0100, SECTION 057.00, BLOCK 01.00, TO WR COMMUNITIES – N, LLC
- VI. CONSENSUS RESOLUTION AGENDA**
 322. ACCEPTING TOWN BOARD MINUTES
 323. AWARDING BID NO. 23G25 - ANIMAL FOOD
 324. AWARDING BID NO. 23G26 - PURCHASE OF AXON TASERS-TASER 7, ACCESSORIES AND SOFTWARE O EQUAL
 325. AWARDING BID NO. 23G27 - NYCON DIAMOND & TOOL CATALOG AND OR WEBSITE OR EQUAL
 326. AUTHORIZING A CONTRACT WITH GLOBAL COMPLIANCE NETWORK, INC.
 327. AUTHORIZING THE TOWN ATTORNEY TO SIGN THE FIRST AMENDMENT TO THE CONTRACT WITH ICON SOFTWARE CORPORATION (ICON)
 328. AUTHORIZING THE SUPERVISOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE OAK ISLAND BEACH ASSOCIATION, INC. REGARDING LOT 69, OAK BEACH NEW YORK
 329. AUTHORIZING THE RELEASE OF ENCUMBRANCES FOR VARIOUS CONTRACTS

330. AUTHORIZING 2023 BUDGET MODIFICATION
331. AUTHORIZING 2023 INTERFUND TRANSFER
332. AUTHORIZING REFUND OF PAYMENT
333. AUTHORIZING PAYMENT TO MICHAEL ELECTRIC SUPPLY
334. AUTHORIZING PAYMENT TO PROFESSIONAL LAUNDRY SERVICES
335. AUTHORIZING THE TRANSFER OF RESIDUAL EQUITY FROM A CAPITAL PROJECT TO APPROPRIATED RESERVES
336. AUTHORIZING THE TRANSFER OF RESIDUAL EQUITY FROM A CAPITAL PROJECT TO APPROPRIATED RESERVES
337. AUTHORIZING THE TRANSFER OF RESIDUAL EQUITY FROM A CAPITAL PROJECT TO APPROPRIATED RESERVES
338. DECLARING EQUIPMENT SURPLUS
339. AUTHORIZING THE PURCHASE OF 2024 INTERNATIONAL HV507 6 WHEEL DUMP TRUCK FROM NAVISTAR, INC.
340. AUTHORIZING THE PURCHASE OF VEHICLES FROM SMITHTOWN OF CHEVROLET
341. AUTHORIZING THE PURCHASE OF VEHICLES FROM SMITHTOWN OF CHEVROLET
342. ADOPTING THE TOWN OF BABYLON TRAVEL AND EVENTS POLICY
343. AUTHORIZING THE TOWN BOARD TO CREATE THE USE OF TITLES OUTSIDE OF THE COMPETITIVE CLASS
344. ACCEPTING A DONATION
345. AUTHORIZING THE CEREMONIOUS CHANGING OF A STREET NAME
346. PROCLAIMING SUNDAY, MAY 8, 2023 AS EAGLE SCOUT TYLER PRIMM DAY
347. PROCLAIMING MONDAY, MAY 15, 2023 AS EAGLE SCOUT DOMICK PETERS DAY
348. AUTHORIZING PERMISSION FOR A PARADE ON APRIL 30, 2023 IN THE TOWN OF BABYLON FOR THE TOWN OF BABYLON
349. AUTHORIZING PERMISSION FOR A PARADE ON MAY 7, 2023 IN THE TOWN OF BABYLON FOR WEAR RED OR GO NAKED, INC.
350. AUTHORIZING PERMISSION FOR A WALK-A-THON ON MAY 21, 2023 IN THE TOWN OF BABYLON FOR THE BEAT LIVES ON, INC.
351. AUTHORIZING PERMISSION FOR A RUNNER RELAY ON JUNE 18, 2023 IN THE TOWN OF BABYLON FOR DEPUTY CHIEF RAY DOWNEY SCHOLARSHIP FUND
352. AUTHORIZING PERMISSION FOR A BICYCLE RIDE ON FRIDAY, JULY 14, 2023 IN THE TOWN OF BABYLON FOR THE WOUNDED WARRIOR PROJECT
353. AUTHORIZING TANGER DEER PARK AND HOSTED BY ARSENAL PRODUCTIONS, LLC TO HOLD AN OUTDOOR PUBLIC ASSEMBLY ON MAY 20, 2023 IN THE TOWN OF BABYLON
354. AUTHORIZING ST. NICHOLAS SHRINE GREEK ORTHODOX CHURCH TO HOLD A CARNIVAL, USE SOUND EQUIPMENT AND ERECT TENTS FROM JUNE 1, 2023 THROUGH AND INCLUDING JUNE 4, 2023
355. SCHEDULING A PUBLIC HEARING ON DESIGNATING THE PREMISES KNOWN AS 43 W. NEPTUNE AVE., LINDENHURST, NY 11757, SCTM#0100-186.00-01.00-085.001, A PUBLIC NUISANCE, AUTHORIZING THE BOARDING UP OF SAID PREMISES AND

AUTHORIZING THE TOWN ATTORNEY TO COMMENCE LITIGATION

- 356. SCHEDULING A PUBLIC HEARING ON DESIGNATING THE PREMISES KNOWN AS 48 WILSON AVENUE, AMITYVILLE, NY 11701, SCTM#0100-181.00-03.00-125.000, A PUBLIC NUISANCE, AUTHORIZING THE BOARDING UP OF SAID PREMISES AND AUTHORIZING THE TOWN ATTORNEY TO COMMENCE LITIGATION
- 357. SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING THE CODE OF THE TOWN OF BABYLON, CHAPTER 106 (DOGS AND OTHER ANIMALS), ARTICLE I (DOGS)
- 358. SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING THE CODE OF THE TOWN OF BABYLON, CHAPTER 165 (PEACE AND GOOD ORDER), ARTICLE IX (DISORDERLY CONDUCT)
- 359. AUTHORIZING STANDARD WORKDAY AND REPORTING RESOLUTION

VII. RESOLUTION AGENDA

- 360. AUTHORIZING THE GRANT OF AMERICAN RESCUE PLAN MONEY TO QUALIFIED ENTITIES PROVIDING PROGRAMATIC SUPPORT
- 361. ADOPTING LOCAL LAW __ OF 2023 AMENDING THE CODE OF THE TOWN OF BABYLON, CHAPTER 67 (CARLLS RIVER BOTANICAL GARDEN BOARD)
- 362. SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING THE CODE OF THE TOWN OF BABYLON, CHAPTER 213 (ZONING), ARTICLE XVIII (SUPPLEMENTARY REGULATIONS)
- 363. AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 1175 STAIGHT PATH, WEST BABYLON, NY 11704SCTM NO. 0100-102.00-01.00-014.000
- 364. AUTHORIZING THE EMERGENCY DEMOLITION, BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT 29 S. 29TH ST, WYANDANCH, NY 11798 SCTM NO. 0100-054.00-02.00-064.000
- 365. ADOPTING AMENDMENTS TO CHAPTER 2, ARTICLE IV, SECTION 2-8 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES
- 366. ADOPTING AMENDMENTS TO CHAPTER 2, ARTICLE IV, SECTION 2-8 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES
- 367. AUTHORIZING THE SALE OF TOWN OWNED PROPERTY ON THE NORTHERLY SIDE OF COMMONWEALTH DRIVE, WYANDANCH, NEW YORK (SITE N), APPROXIMATELY 400 FEET EASTERLY FROM THE NORTHEAST CORNER OF STRAIGHT PATH AND COMMONWEALTH DRIVE, PART OF MULTIPLE TAX LOTS IN DISTRICT 0100, SECTION 057.00, BLOCK 01.00, TO WR COMMUNITIES – N, LLC

VIII. REMAINING GENERAL PUBLIC COMMENT

IX. 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. 322 APRIL 26, 2023
ACCEPTING TOWN BOARD MINUTES**

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:

April 12, 2023

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 323 APRIL 26, 2023
AWARDING BID NO. 23G25
ANIMAL FOOD

WHEREAS, the following bids for Bid No. 23G25 Animal Food were received, opened and publicly read:

SPREADSHEET ON FILE IN DEPT. OF GENERAL SERVICES

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Shelter Director and upon their finding the aforementioned bids to be fair and reasonable, Bid No.23G25 be and is hereby awarded to the low bidder The Barn Pet Feed & Supplies; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a one (1) year contract with The Barn Pet Food & Supplies 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.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 324 APRIL 26, 2023
AWARDING BID NO.23G26
PURCHASE OF AXON TASERS-TASER 7,
ACCESSORIES AND SOFTWARE O EQUAL

WHEREAS, the following bids for Bid No.23G26-Purchase of Axon Tasers-Taser 7, Accessories and Software or Equal were received, opened and publicly read:

SPREADSHEET ON FILE IN DEPT. OF GENERAL SERVICES

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Commissioner of Public Safety and upon their finding the aforementioned bids to be fair and reasonable, Bid No.23G26 be and is hereby awarded to the low bidder Axon Enterprise Incorporated; and be it further

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

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 325 APRIL 26, 2023
AWARDING BID NO.23G27
NYCON DIAMOND & TOOL CATALOG AND OR WEBSITE OR EQUAL

WHEREAS, the following bids for Bid No.23G27 - NYCON Diamond & Tool Catalog/Website or Equal was received, opened and publicly read:

NYCON Diamond &Tool, Inc.

Item 1. Percentage +- Discount off Catalog Price Catalog Bid	-10% NYCON Diamond & Tool Inc.
Item 2. Percentage +- Discount Online Price Website Bid	no bid

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Deputy Commissioner of DPW and upon their finding the aforementioned bids fair and reasonable, Bid No.23G27 be and is hereby awarded to the sole bidder, NYCON Diamond and Tool Inc.; and be it further

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

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 326 APRIL 26, 2023
AUTHORIZING A CONTRACT WITH
GLOBAL COMPLIANCE NETWORK, INC.**

WHEREAS, a proposal was solicited Global Compliance Network, Inc. to provide HR, OSHA and Professional Development tutorials; and

WHEREAS, the Professional Consultant Evaluation Committee convened on April 12, 2023, with the Deputy Supervisor, Chief of Staff, Deputy Chief of Staff, the Comptroller, the Commissioner of General Services, and the Commissioner of the Planning & Development in attendance to review the aforementioned proposal; and

WHEREAS, the Town Attorney recused himself from the review of the proposal; and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of a contract to Global Compliance Network, Inc. for a total contract amount of ONE THOUSAND, SIX HUNDRED EIGHTY (\$1,680.00) DOLLARS for the period of June 1, 2023 through May 31, 2024.

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a contract with Global Compliance Network, Inc. for a total contract amount of ONE THOUSAND, SIX HUNDRED EIGHTY (\$1,680.00) DOLLARS for the period of June 1, 2023 through May 31, 2024; and be it further

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

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

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 327 APRIL 26, 2023
AUTHORIZING THE TOWN ATTORNEY TO SIGN THE FIRST AMENDMENT TO THE
CONTRACT WITH ICON SOFTWARE CORPORATION (ICON)**

WHEREAS, the Town entered into a service agreement with Icon Software Corporation (ICON) in 2022;
and

WHEREAS, the parties desire to amend the Service Agreement; and

BE IT RESOLVED, that, the Town Attorney be and he is hereby authorized to sign the first amendment for
a contract with Icon Software Corporation (ICON) as more particularly set forth herein:

**Convenience/service fees Funded by the Constituent
Item**

Courts Payments

<u>Item</u>	<u>Merchant Funded</u>	<u>Frequency</u>
All Credit & Debit cards	4.00%	Per transaction
Call center fees	\$ 2.50	Per transaction
Minimum Credit & Debit card fee	\$2.95	Per transaction
Electronic checks/ACH	4.00%	Per transaction

The above **Consensus Agenda Resolution** was offered by Councilman Manetta
and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 328 APRIL 26, 2023
AUTHORIZING THE SUPERVISOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING
WITH THE OAK ISLAND BEACH ASSOCIATION, INC.
REGARDING LOT 69, OAK BEACH NEW YORK

WHEREAS, the Town of Babylon and Oak Island Beach Association, Inc. (the “Association”) entered into a Master Lease agreement dated December 3, 1973 which was renewed and restated for premises located at Oak Beach including SCTM No. 0100-243-1-192.000(“Lot 58”); and

WHEREAS, Lot 58 abuts the property known as SCTM No. 0100-243-1-193.000, (“Lot 69”) and Lot 69 is currently subject to the Master Lease Agreement but does not have a sublease, and the Association proposes to sell a sub-leasehold interest in Lot 69 to the subtenant of Lot 58.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the Supervisor to execute the Memorandum of Understanding with the Oak Island Beach Association, Inc. to permit the sale of a sub-leasehold interest in Lot 69 to the subtenant of Lot 58 which shall not constitute a violation of the Master Lease Agreement as renewed and restated, subject to review and approval of the Town Attorney.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 329 APRIL 26, 2023
AUTHORIZING THE RELEASE OF ENCUMBRANCES FOR VARIOUS CONTRACTS

WHEREAS, the Town Board has awarded certain contracts for various projects throughout the Town of Babylon; and

WHEREAS, said work and/or services were never performed or services have been completed and the funding for said projects remains encumbered; and

WHEREAS, the Commissioner of General Services and the Comptroller recommend that certain contracts be deemed null and void and/or complete and any remaining funding be unencumbered.

NOW, THEREFORE, be it

RESOLVED, that the contracts listed below be deemed as null and void and/or complete and all funding be released and reallocated:

<u>CONTRACTOR NAME</u>	<u>RESOLUTION NO.</u>	<u>AMOUNT</u>
L.K. McLean Associates., P.C.	736 of 11/17/2021	\$1,400.00
Cashin Associates, P.C.	539 of 9/1/2021	\$302.59
Kosuri Engineering	366 of 5/13/2020	\$1,400.00

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 330 APRIL 26, 2023
AUTHORIZING 2023 BUDGET MODIFICATION**

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Comptroller, that the following 2023 Budget Modification is hereby authorized:

	<u>Increase</u>	<u>Decrease</u>
<u>Part Town Fund</u>		
Code Enforcement		
Utilities		
B.3989-42	\$ 2,500	
Professional and Technical Services		
B.3989-44		\$ 2,500
Safety Inspection		
Professional and Technical Services		
B.3620-44	\$ 20,000	
Utilities		
B.3620-42		\$ 600
Engineer		
Utilities		
B.1440-42	\$ 600	
Hospital and Medical Insurance		
Employee Benefits		
B.9060-80		\$ 20,000
<u>General Fund</u>		
Personnel		
Part Time Clerical		
A.1430-16	\$ 13,700	
Furniture and Fixtures		
A.1430-21	\$ 8,000	
Program Operations		
A.1430-47		\$ 21,700
Human Services Administration		
Part Time Labor		
A.4189-17	\$ 320	
Overtime		
A.4189-19	\$ 459	
Program Operations		
A.4189-47		\$ 880
Nutrition Program		
Overtime		
A.4526-19	\$ 101	

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 331 APRIL 26, 2023
AUTHORIZING 2023 INTERFUND TRANSFER**

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Comptroller that the following 2023 Interfund Transfer is hereby authorized:

	<u>Increase</u>	<u>Decrease</u>
<u>H11 – Various Park Improvements</u>		
Interfund Transfer		
H11.0000-5031	\$ 100.00	
Construction Services		
H11.7197-26	\$ 100.00	
Interfund Transfer		
H11.9950-90	\$ 3,395.81	
Construction Services		
H11.7197-26		\$ 3,395.81
Interfund Transfer		
H11.9950-90	\$ 38,665.00	
Construction Services		
H11.7197-26		\$ 38,665.00

H128 – Geiger Park Improvements

Transfer to Capital Project Fund		
Interfund Transfer		
H128.9950-90	\$ 100.00	
Genl gvt, equipment and Capital Outlay		
Construction Services		
H128-1997.26		\$ 100.00

H132 – Reconstruction of Town Buildings

Interfund Transfer		
H132.0000-5031	\$ 3,395.81	
Construction Services		
H132.1997-26	\$ 3,395.81	

H14 – ARPA Capital Projects

Interfund Transfer		
H132.0000-5031	\$ 38,665.00	
Construction Services		
H132.7197-26	\$ 38,665.00	

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 332 APRIL 26, 2023
AUTHORIZING REFUND OF PAYMENT**

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following payments be refunded as an overpayment:

REFUND OF PAYMENT:

PAYEE	ADDRESS	TYPE	AMOUNT	RECOMMENDED BY	REASON
Moveta Murray	98 Glenmalure St. Amityville, NY 11701	Green Homes Benefit Assessment	\$725.85	Long Island Green Homes	Overpayment
David Romano	70 Nims Ave., West Babylon, NY 11704	Green Homes Benefit Assessment	\$55.39	Long Island Green Homes	Overpayment
Robert Webb	12 Corral Dr., Amityville NY 11701	Green Homes Benefit Assessment	\$36.37	Long Island Green Homes	Overpayment
Scottsdale Insurance Company	Nationwide E&S Insurance PO Box 4120 Scottsdale, Arizona, 85261-4120	Sheriff Overpayment of Levy	\$31.59	Town Attorney	Overpayment of Levy Sheriff#23000117

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

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

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 333 APRIL 26, 2023
AUTHORIZING PAYMENT TO MICHAEL ELECTRIC SUPPLY

BE IT RESOLVED, by the Town Board of the Town of Babylon, based upon the recommendation of the Commissioner of Environment Control that the Comptroller be and is hereby authorized to issue payment to Michael Electric Supply for services rendered for the following invoices:

INVOICE NUMBER	AMOUNT
534962-1	\$195.12
TOTAL	\$195.12

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 334 APRIL 26, 2023
AUTHORIZING PAYMENT TO PROFESSIONAL LAUNDRY SERVICES

BE IT RESOLVED, by the Town Board of the Town of Babylon, based upon the recommendation of the Town Attorney, that the Comptroller is hereby authorized to issue payment to for services for the following

Invoices:

INVOICE NO.	AMOUNT
1328593	254.00
1395424-in	1186.72

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 335 APRIL 26, 2023
AUTHORIZING THE TRANSFER OF RESIDUAL EQUITY FROM A CAPITAL PROJECT TO
APPROPRIATED RESERVES

WHEREAS, The Town of Babylon has bonded for a capital project namely, Camera's at various parks (the "Project") approved by Town Board Resolution No. 110 of January 15, 2020; and

WHEREAS, the Project has unused funding allocated totaling \$750.00 against which no contract or encumbrance exists; and

WHEREAS, the Comptroller recommends to the Town Board that the unused portion be transferred to the General Fund for the retirement of debt.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon, upon the recommendation of the Comptroller, does hereby order the transfer of funding in the amount of \$750.00 from the Camera's at various parks project to the General Fund; and be it further

RESOLVED, that the Office of the Town Comptroller is authorized to make all necessary accounting entries and cash movements to ensure this transfer, and shall have authority to sign documents necessary to complete this transaction for the above noted amount.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 336 APRIL 26, 2023
AUTHORIZING THE TRANSFER OF RESIDUAL EQUITY FROM
A CAPITAL PROJECT TO APPROPRIATED RESERVES

WHEREAS, The Town of Babylon has bonded for a capital project namely, Geiger Salt Hut engineering (the “Project”) approved by Town Board Resolution No. 100 of January 15, 2020; and

WHEREAS, the Project has unused funding allocated totaling \$1,412.29 against which no contract or encumbrance exists; and

WHEREAS, the Comptroller recommends to the Town Board that the unused portion be transferred to the General Fund for the retirement of debt.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon, upon the recommendation of the Comptroller, does hereby order the transfer of funding in the amount of \$1,412.29 from the Geiger Salt Hut engineering project to the General Fund.

RESOLVED, that the Office of the Town Comptroller is authorized to make all necessary accounting entries and cash movements to ensure this transfer, and shall have authority to sign documents necessary to complete this transaction for the above noted amount.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 337 APRIL 26, 2023
AUTHORIZING THE TRANSFER OF RESIDUAL EQUITY FROM A CAPITAL PROJECT TO
APPROPRIATED RESERVES

WHEREAS, The Town of Babylon has bonded for a capital project namely, Various Surface Drainage Improvements (the “Project”) approved by Town Board Resolution No. 87 of January 27, 2016; and

WHEREAS, the Project has unused funding allocated totaling \$205,484.02 against which no contract or encumbrance exists; and

WHEREAS, the Comptroller recommends to the Town Board that the unused portion be transferred to the **Highway Fund** for the retirement of debt.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon, upon the recommendation of the Comptroller, does hereby order the transfer of funding in the amount of \$205,484.02 from the Various Surface Improvements project to the Highway Fund; and be it further

RESOLVED, that the Office of the Town Comptroller is authorized to make all necessary accounting entries and cash movements to ensure this transfer, and shall have authority to sign documents necessary to complete this transaction for the above noted amount.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 338 APRIL 26, 2023
DECLARING EQUIPMENT SURPLUS**

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Commissioner of the Department of Public Works, that the following obsolete equipment be and is hereby declared surplus and will be used a trade –in and sold to Navistar, Inc.

8-7 – 2010 Freightliner M2106V – 1FVAC3DJ2ADAP7700
8-5 – 2010 Freightliner M2106V - 1FVAC3DJ8ADAP7698
8-71 – 2009 Freightliner M2112V - 1FVHC7CV59HAK2379

BE IT FURTHER RESOLVED, that the following equipment be declared as surplus for disposal.

Motorola XLT 2500
MODEL# M21URM9PW2AN
SER# 624CJD1608

ASSET# 6138
TORO 826LE
MODEL# 38620
SER# 240008853

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 339 APRIL 26, 2023
AUTHORIZING THE PURCHASE OF
2024 INTERNATIONAL HV507 6 WHEEL DUMP TRUCK
FROM NAVISTAR, INC.**

WHEREAS, the Onondaga County , through competitive bidding and procurement, awarded Contract No. 8996 to Navistar, 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 purchase the following equipment from Navistar, Inc. pursuant to Onondaga Contract No. 8996 as allowed by General Municipal Law 103(16);

EQUIPMENT DESCRIPTION/DEPARTMENT	COST
2024 International HV507 4 x 2 with Swenson Dual Auger Stainless Dump Body , Certified Power Hydraulics and Monroe Plow Hitch	\$290,775.00
Less Trade in of 2010 Freightliner M210-6V – 1FVAC3DJ2ADAP7700	(\$6,500.00)
TOTAL	\$283,775.00
2024 International HV607 6 x 4 with 14’ Swenson Dual Auger Stainless Dump Body, certified power hydraulics and Monroe Plow Hitch	\$315,971.45
Less Trade In of 2010 Freightliner M2106V 1 FVAC3DJ8ADAP76986	\$6,500.00
Less Trade In of 2009 Freightliner M21121V 1FVHC7CV59HAK2379	\$9,500.00
TOTAL	\$299,971.45

WHEREAS, the Commissioner of General Services recommends issuing Purchase Orders to Navistar, Inc. for the above equipment.

NOW THEREFORE be it

RESOLVED, the Town Board of the Town of Babylon authorizes the Commissioner of General Services to issue Purchase Orders to Navistar, Inc. for the aforementioned equipment.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

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

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 340 APRIL 26, 2023
AUTHORIZING THE PURCHASE OF VEHICLES FROM
SMITHTOWN OF CHEVROLET

WHEREAS, the Town of Babylon entered into an agreement with Nassau County BOCES to participate in their cooperative bidding program for Bid No.19/20-045 2B, Passenger Cars, Vans & Trucks pursuant to Resolution No. 216 of March 15, 2023; 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 purchase the following equipment from Chevrolet of Smithtown, pursuant to Nassau County BOCES Bid No. 19/20-045 2B, Passenger Cars, Vans & Trucks:

EQUIPMENT DESCRIPTION/DEPARTMENT	COST
(1) 2023 Chevrolet Express Passenger RWD 3500 155" LS Passenger Van	\$47,994.00

WHEREAS, the Commissioner of General Services recommends issuing Purchase Orders for Chevrolet of Smithtown for the above equipment.

NOW THEREFORE be it

RESOLVED, the Town Board of the Town of Babylon authorizes the Commissioner of General Services to issue Purchase Orders to Chevrolet of Smithtown for the aforementioned equipment.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 341 APRIL 26, 2023
AUTHORIZING THE PURCHASE OF VEHICLES FROM
SMITHTOWN OF CHEVROLET

WHEREAS, the Town of Babylon entered into an agreement with Nassau County BOCES to participate in their cooperative bidding program for Bid No.19/20-045 2B, Passenger Cars, Vans & Trucks pursuant to Resolution No. 216 of March 15, 2023; 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 purchase the following equipment from Chevrolet of Smithtown, pursuant to Nassau County BOCES Bid No.19/20-045 2B, Passenger Cars, Vans & Trucks:

EQUIPMENT DESCRIPTION/DEPARTMENT	COST
(1) 2023 Chevrolet Silverado 2500HD 4WD Double Cab 162" Work Truck with back rack, light bar mount, front grill federal LED flashing surface, mounted rear hidden strobes, 8ft super duty snow plow, snow plow lights and guides, hand held controls, mini strobe light on back rack	\$60,884.56

WHEREAS, the Commissioner of General Services recommends issuing Purchase Orders for Chevrolet of Smithtown for the above equipment.

NOW THEREFORE be it

RESOLVED, the Town Board of the Town of Babylon authorizes the Commissioner of General Services to issue Purchase Orders to Chevrolet of Smithtown for the aforementioned equipment.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 342 APRIL 26, 2023
ADOPTING THE TOWN OF BABYLON
TRAVEL AND EVENTS POLICY

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon recommendation of the Town Attorney, that the Town of Babylon Travel and Events Policy attached hereto, is hereby adopted as amended.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

Town of Babylon Travel & Events Policy

- All Town employees must get approval from their Department Head and the Supervisor's Office PRIOR to attending an event outside of the Town of Babylon.
 - Events held during normal working hours at neighboring Towns and that do not require reimbursement methods do NOT need to be approved by the Supervisor's Office but rather just the Department Head.
- In order to obtain approval from the Supervisor's Office, you must submit the following
 - Permission Memo
 - Name of employee(s) attending event
 - Department of the employee(s)
 - Name of the event
 - Date/Time of the event
 - Reason for attending (details below)
 - Cost of event and travel expenses (reimbursable details below)
 - Use of Town vehicle (include vehicle #)
 - Fund code where approved reimbursable items will come out of
 - Department head signature
 - Supporting documentation
 - Information about the event (brochure, registration forms, etc.)
 - Reason for attending
- How does attending this event benefit the Town of Babylon?
- If it is a training course, can it be taken online?
- If it is a multi-day event, is it necessary to attend the entire program?
 - Cost of event/travel expenses
- The Town will only reimburse the following items assuming you have PRIOR approval:
 - The Event/Training itself. You must receive a Certification of Completion or some other approved form from the event stating that you attended and completed the course/event. Failure to produce this may cause to a rejection in being reimbursed.
 - Food – if meals are included in the event fee, they will be covered in the event fee and will not be reimbursed to the employee if the employee chooses to eat outside of the event. If food is not offered during the event and the event is longer than 12 hours in duration (meaning multi-days), food reimbursement will only be made at the current United States General Services Administration (GSA) rates. Please visit www.gsa.gov/travel/plan-book/per-diem-rates to see current rates based on the location of the event.
 - Lodging – if lodging is provided by the event (or a room block is provided), they are eligible to be reimbursed. If lodging is not offered (or a room block is not available), lodging reimbursement will be covered at the current GSA rates. Please visit www.gsa.gov/travel/plan-book/per-diem-rates to see current rates based on the location of the event. In addition, please use the ST-129 form to prevent sales tax on the room.
 - Vehicles
 - You must get permission to use a Town vehicle prior to the event. The vehicle number should be listed.
- You should fuel up prior to leaving for your event.
- Fuel costs will be reimbursed for the vehicle. You must provide a receipt and a GPS report.
 - If a Town vehicle is not available, you may be eligible for reimbursement for personal miles. Personal Mileage reimbursement will be based on the IRS reimbursable rate in

effect at the time the vehicle was used. Because this rate covers, “all costs of owning and driving your vehicle for the qualified miles”, separate gas receipts are not necessary, however a GPS report showing trip details with anticipated mileage is required. Toll receipts and/or EZPass statements are required in order to be reimbursed for tolls.

- Prior approval for multiple events:
- In certain cases and for certain employees, the use of a personal vehicle for Town business is repetitive and necessary. For those employees, only one permission memo is needed per calendar year to cover those events. A voucher (signed by the department head) including supporting documentation of trip details containing GPS report (s) is all that is needed after the initial approval.
 - Example: Town attorneys visiting court, Town photographer visiting events
- All of the above must have an itemized receipt for review.
 - The event, food, and lodging will only be approved for Town employees.
 - Food receipts must be itemized.
 - Alcohol is not permitted.
- You must use the State Tax Exempt Form. The Town does not reimburse for state and local taxes.
 - For lodging, the ST-129 form must be presented at check-in so that sales tax is not charged to the room. Failure to do so will result in a denial in reimbursement for the taxes.
- In order to be reimbursed, a Service Voucher must be submitted with all necessary documentation (listed above) as well as the fund code and signature of the department head within 45 days of the event.

RESOLUTION NO. 343 APRIL 26, 2023
AUTHORIZING THE TOWN BOARD TO CREATE THE USE OF TITLES OUTSIDE OF THE
COMPETITIVE CLASS

BE IT RESOLVED, by the Town Board of the Town of Babylon that the titles of Affirmative Action and Diversity Officer, Traffic Engineer I Part time, in the Non Competitive Class and Director of Inter-governmental Relations in the Exempt Class and Custodial Worker III in the Labor Class be included in the Master List of Titles which is on file in the Town of Babylon Department of Civil Service effective January 2, 2023.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 344 APRIL 26, 2023
ACCEPTING A DONATION**

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

DONATOR	ITEM AND VALUE	RECOMMENDED BY	USE
Giaquinto Masonry, Inc.	Repair to Truss. Value: \$80,000.00	Department of Environmental Control	9-11 Hometown Memorial
National Grid	Family Life Center (Garden Beds, Seeds, Gloves, Tools, Soil, Plantings and Tent) TOTAL:\$2,219.24	Human Services	Family Life Center (Wyandanch Youth Center)

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 345 APRIL 26, 2023
AUTHORIZING THE CEREMONIOUS CHANGING OF A STREET NAME

WHEREAS, Michael Carucci is a Deer Park resident since 1959; and

WHEREAS, Michael joined the Deer Park Volunteer Fire Department on January 2nd, 1966. In 1971, Ladder Company #4 was incorporated, with Michael as a charter member, one of a few who remain today. Michael was elected and served as a Lieutenant from 1974 to 1975 and was elected Captain in 1976, completing his service as a firematic officer in 1977. Michael then served on the Deer Park Fire District Board of Fire Commissioners from 1989 to 2003; and

WHEREAS, Michael remains a member of the Deer Park Fire Department today; and

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon authorizes the ceremonious changing of the name of Eastern Avenue between Half Hollow Road and Adams Street, Deer Park, to “Ex-Captain Michael Carucci Way;” and be it further

RESOLVED, the Town of Babylon Department of Public Works shall install signs above the current street signs stating “Ex-Captain Michael Carucci Way”

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 346 APRIL 12, 2023
PROCLAIMING SUNDAY, MAY 8, 2023 AS
EAGLE SCOUT TYLER PRIMM DAY**

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, Tyler Primm 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 Tyler Primm its congratulations on his successful completion and achievement of the rank of Eagle Scout and proclaims Sunday, May 8, 2023 as Eagle Scout Tyler Primm Day.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 347 APRIL 26, 2023
PROCLAIMING MONDAY, MAY 15, 2023 AS
EAGLE SCOUT DOMICK PETERS DAY**

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, Dominick Peters 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 Dominick Peters its congratulations on his successful completion and achievement of the rank of Eagle Scout and proclaims Monday, May 15, 2023 as Eagle Scout Dominick Peters Day.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 348 APRIL 26, 2023
AUTHORIZING PERMISSION FOR A PARADE ON APRIL 30, 2023
IN THE TOWN OF BABYLON FOR THE TOWN OF BABYLON**

WHEREAS, the Town of Babylon has requested permission to hold a parade on Sunday, April 30, 2023 within the Town of Babylon,

<p>INDIVIDUAL: Geraldine Compitello 200 E. Sunrise Hwy. Lindenhurst, NY 11757 (631) 957-4427</p>	<p>ORGANIZATION: Town of Babylon 200 E. Sunrise Hwy. Lindenhurst, NY 11757 (631) 957-4427</p>
<p>DATES & TIMES: Date(s): 4/30/2023 to: Time: 2:00 p.m. to 5:00 p.m. Rain Date: n/a</p>	<p>STARTING: Intersection of Dixon Ave. & Great Neck Rd., Copiague</p> <p>ENDING: Tanner Park, Copiague</p>

<p>ROUTE: Leaving the intersection of Dixon Ave. & Great Neck Rd. and proceeding south on Great Neck Rd. to Montauk Hwy. Continue west on Montauk Hwy. & make a left onto Baylawn Ave. Travel south on Baylawn Ave. & proceed into Tanner Park.</p>
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NOW, THEREFORE, be it

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

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

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

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

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 349 APRIL 26, 2023
AUTHORIZING PERMISSION FOR A PARADE ON MAY 7, 2023
IN THE TOWN OF BABYLON
FOR WEAR RED OR GO NAKED, INC.**

WHEREAS, Wear Red or Go Naked, Inc. has requested permission to hold a parade on Sunday, May 7, 2023 within the Town of Babylon;

<p>INDIVIDUAL: Matthew Amore 840 6th St. West Babylon, NY 11704 (631) 921-6291</p>	<p>ORGANIZATION: Wear Red or Go Naked, Inc. 840 6th St. West Babylon, NY 11704 (631) 921-6291</p>
<p>DATES & TIMES: Date(s): 5/7/2023 to: Time: 9:00 a.m. to 11:00 a.m. Rain Date: n/a</p>	<p>STARTING/ENDING: Santapogue Elementary School, 1130 Herzel Blvd., West Babylon (Parking Lot)</p>

<p>ROUTE: Leaving the Santapogue Elementary School parking lot; proceed west on Herzel Blvd. to Straight Path; proceed north to 16th St.; proceed southeast to Little East Neck Rd.; proceed west on Herzel Blvd. to the Santapogue Elementary School parking lot.</p>
--

NOW, THEREFORE, be it

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

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

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 350 APRIL 26, 2023
AUTHORIZING PERMISSION FOR A WALK-A-THON ON MAY 21, 2023
IN THE TOWN OF BABYLON FOR THE BEAT LIVES ON, INC.**

WHEREAS, The Beat Lives On, Inc. has requested permission to hold a Walk-a-Thon on Sunday, May 21, 2023, from 6:30 a.m. to 12:00 p.m. within the Town of Babylon;

<p>INDIVIDUAL: Joy Neumann 377 N. Broadway Lindenhurst, NY 11757 (516) 476-4666</p>	<p>ORGANIZATION: The Beat Lives On, Inc. 377 N. Broadway Lindenhurst, NY 11757 (516) 476-4666</p>
<p>DATES & TIMES: Date(s): 5/21/2023 to: Time: 6:30 a.m. to 12:00 p.m. Rain Date: n/a</p>	<p>STARTING: Venetian Shores Park, Lindenhurst</p> <p>ENDING: Venetian Shores Park, Lindenhurst</p>

<p>ROUTE: Leaving Venetian Shores Park, head north on Grenada Pkwy., turning west on Harding Ave., then proceeding north on East Shore Rd., turning right on Perry Pl., turning south on Wyona Ave., heading east on Schley Ave. that turns into Elm St., heading north on Lido Pkwy., turning east on Maple Ave., heading south on West Lake Dr., proceeding south on Verona Pkwy, turning west on Oak Ave., turning south on Riviera Pkwy., turning west on Beach Pl., turning south on Venetian Blvd., then proceeding west into the Venetian Shores Park.</p>
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NOW, THEREFORE, be it

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

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

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 351 APRIL 26, 2023
AUTHORIZING PERMISSION FOR A RUNNER RELAY ON JUNE 18, 2023
IN THE TOWN OF BABYLON
FOR DEPUTY CHIEF RAY DOWNEY SCHOLARSHIP FUND**

WHEREAS, the Deputy Chief Ray Downey Scholarship Fund has requested permission to hold a runner relay on Sunday, June 18, 2023, from 9:00 a.m. to 12:00 p.m. within the Town of Babylon;

<p>INDIVIDUAL: Kathy Ugalde 32 Oak St. Deer Park, NY 11729 (631) 495-4026 Joe Downey: (631) 877-0310 Kathy Ugalde: (631) 495- 4026</p>	<p>ORGANIZATION: Deputy Chief Ray Downey Scholarship Fund 32 Oak St. Deer Park, NY 11729 (631) 495-4026 Joe Downey: (631) 877-0310 Kathy Ugalde: (631) 495- 4026</p>
<p>DATES & TIMES: Date(s): 6/18/2023 to: Time: 9:00 a.m. to 12:00 p.m. Rain Date: n/a</p>	<p>STARTING/ENDING: Deer Park Fire Dept. Training Center 973 Nicolls Rd. Deer Park, NY 11729</p>

ROUTE:
Leaving the parking lot of the Deer Park Fire Dept. Training Center parking lot, traveling east. Continuing to Pine Acres Blvd and turning right, head north to Liberty St., turn left on Liberty St. and head east to Deer Park Rd., turn left and head south in northbound lane on Deer Park Rd. to Oak St., turn left and head west on Oak St. to Patricia Ave., turn right and head south on Patricia Ave., to Nicolls Rd., turn left onto Nichols Rd., head east, move to the right/westbound side before gradually reaching Pine Acres Blvd. (*at this point runners will be going east & westbound), continuing on Nicolls Rd. to Villa Ave., turn left and head north on Villa Ave. to St. Clair St., turn right and head east on St. Clair St. for (1) block to Homer St., turn right and head south on Homer St. to Nicolls Rd., turn left and head east on Nicolls Rd. to Old Commack Rd., then turn left into the Deer Park Fire Dept. Training Center on Old Commack Rd.

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

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

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

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

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 352 APRIL 26, 2023
AUTHORIZING PERMISSION FOR A BICYCLE RIDE ON FRIDAY, JULY 14, 2023
IN THE TOWN OF BABYLON FOR THE WOUNDED WARRIOR PROJECT**

WHEREAS, the Wounded Warrior Project has requested permission to hold a bicycle ride on Friday, July 14, 2023 within the Town of Babylon;

<p>INDIVIDUAL: Sharda Perez 4899 Belfort Road – Suite: 300 Jacksonville, FL 32256 (904) 405-1201</p>	<p>ORGANIZATION: Wounded Warrior Project 4899 Belfort Road – Suite: 300 Jacksonville, FL 32256 (904) 874-7884</p>
<p>DATES & TIMES: Date(s): 7/14/2023 to: Time: 8:00 a.m. to 12:00 p.m. Rain Date: n/a</p>	<p>STARTING: Town of Babylon, 200 E. Sunrise Highway, Lindenhurst, NY</p> <p>ENDING: Overlook Beach, Ocean Parkway, Babylon, NY</p>
<p>ROUTE: Leaving Town of Babylon Town Hall, proceed west on Sunrise Highway to Wellwood Avenue; then south on Wellwood Avenue to West Hoffman Avenue; west on West Hoffman Avenue to Oak Street; west on Oak Street to Route 110; south on Route 110 to Montauk Highway/Merrick Road; east on Montauk Highway/Merrick Road to South Wellwood Avenue; [Rest Stop at Lindenhurst Middle School]; north on South Wellwood Avenue to East Hoffman Avenue; east on East Hoffman Avenue/Railroad Avenue to Route 109/Little East Neck Road; south on Route 109/Little East Neck Road to Montauk Highway; east on Montauk Highway to Robert Moses Causeway; [Rest Stop at St. John the Baptist High School]; south on Robert Moses Causeway to Ocean Parkway; east on Ocean Parkway to and ending at Overlook Beach.</p>	

NOW, THEREFORE, be it

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

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

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

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

The above resolution was thereupon declared duly adopted.

**RESOLUTION NO. 353 APRIL 26, 2023
AUTHORIZING TANGER DEER PARK AND HOSTED BY
ARSENAL PRODUCTIONS, LLC TO HOLD AN OUTDOOR PUBLIC ASSEMBLY
ON MAY 20, 2023 IN THE TOWN OF BABYLON**

WHEREAS, the Tanger Deer Park/Arsenal Productions, LLC has requested permission to hold an outdoor public assembly on Saturday, May 20, 2023 between the hours of 1:00 p.m. and 5:00 p.m., within the Town of Babylon at the overflow parking lot of Tanger Outlets, 152 The Arches Circle, Deer Park, NY 11729; and

WHEREAS, the Tanger Deer Park/Arsenal Productions, LLC has obtained sufficient insurance to protect the interests of the Town of Babylon; subject to Schedule “A” attached hereto;

<p>INDIVIDUAL: Evan Berman 17 Winthrop Drive Dix Hills, NY 11746 (631) 807-8494 (631) 807-8495</p>	<p>ORGANIZATION: Arsenal Productions, LLC 1034 Route 109 Lindenhurst, NY 11757 (631) 807-8494 (631) 807-8495</p>
<p>DATES & TIMES: Date(s): 5/20/2023 to: Time: 1:00 p.m. to 5:00 p.m. Rain Date: 6/3/2023</p>	<p>LOCATION: Tanger Outlets (overflow parking lot) 152 The Arches Circle Deer Park, NY 11729</p>
<p>SPECIAL REQUIREMENTS: Event Details: Long Island Wine, Beer and Spirits Tasting Purpose: To drive foot traffic and business to the area and promote shopping Tents: Yes; (34) 10x10 only Amusement Rides and/or Bouncy Rides: No Sound Equipment: Yes; DJ & Speakers Toilet/Water Facilities: 9 Bathroom Facilities; 72 Stalls with Hot Running Water; 5 Porta Potties and Hand Sanitizing Stations Approximate # of Participants: 500 – 999 expected throughout the event</p>	

NOW, THEREFORE, be it

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

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

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

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

The above resolution was thereupon declared duly adopted.

F A I R S - SCHEDULE "A"

Pursuant to Section 79-2 of the Code of the Town of Babylon, you are hereby advised that the Town Board of the Town of Babylon, pursuant to the powers contained in the aforesaid Section 79-2, will impose the following requirements upon any permit granted pursuant to this article:

1. Opening and Closing Times. All amusements provided pursuant to a permit issued under this article shall not have an opening time prior to 6:00 p.m. during the days of Monday through Friday and 10:00 a.m. on Saturdays and Sundays, and shall close not later than 8:00 p.m. on any day.

2. No portable or movable living accommodations shall be allowed on the site of the amusement or elsewhere within the Town in connection with said amusement, unless allowed pursuant to the Building Zone Ordinance of the Town of Babylon.

3. No games shall be permitted which will violate State Law.

4. Any person or organization seeking permission to conduct any game of chance shall file the proper application with the Town Clerk and shall comply with all provisions of Chapter 130 of the Code of the Town of Babylon.

5. Adequate sanitary facilities shall be provided, based upon the size and scope of the event.

6. Any person employed by any organization working in connection with the Amusement found to be undesirable by the Town Board, the Commissioner of Planning and Development or the Suffolk County Police Department, shall be summarily dismissed.

7. Proper liability insurance shall be provided, at time of application.

8. All rides or other amusements which may require it, shall have proper State safety certification prior to any use thereof.

9. All necessary permits required by the Suffolk County Department of Health for the sale of food and other consumables shall be obtained prior to the commencement of operations.

10. Any violation of the above conditions shall result in the summary revocation of the permit issued hereunder. For purposes of this provision, the Commissioner of Planning and Development, or the Suffolk County Police Department, as well as the Town Board, may summarily revoke a permit.

11. Live animal acts or exhibitions are prohibited.

All requirements hereunder must be met prior to the opening of any event required to be licensed pursuant to this article.

RESOLUTION NO. 354 APRIL 26, 2023
AUTHORIZING ST. NICHOLAS SHRINE GREEK ORTHODOX CHURCH TO HOLD A
CARNIVAL, USE SOUND EQUIPMENT AND ERECT TENTS FROM
JUNE 1, 2023 THROUGH AND INCLUDING JUNE 4, 2023

WHEREAS, St. Nicholas Shrine Greek Orthodox Church has applied for permission to hold their annual Grecian Festival/Carnival with sound equipment and tents from June 1, 2023 through and including June 4, 2023 with a rain date of June 8, 2023 through and including June 11, 2023 at 200 Great East Neck Road, West Babylon, New York, subject to Schedule “A” attached hereto; and

WHEREAS, St. Nicholas Shrine Greek Orthodox Church has obtained sufficient insurance to protect the interests of the Town of Babylon;

<p>INDIVIDUAL: Athan Vorilas 11 Constance Court West Islip, NY 11795 (516) 238-7745</p>	<p>ORGANIZATION: St. Nicholas Shrine Greek Orthodox Church 200 Great East Neck Road West Babylon, NY 11704 (631) 587-1150 (631) 358-2850 (516) 807-2058</p>
<p>DATES & TIMES: Thursday, June 1, 2023 5:00 p.m. to 8:00 p.m. Friday, June 2, 2023 5:00 p.m. to 8:00 p.m. Saturday, June 3, 2023 12:00 p.m. to 8:00 p.m. Sunday, June 4, 2023 12:00 p.m. to 8:00 p.m.</p>	<p>LOCATION: 200 Great East Neck Road West Babylon, NY 11704</p>
<p>SPECIAL REQUIREMENTS: Event Details: Annual Grecian Festival Tent(s): Yes; (1) 16x16, (1) 30x75, (2) 20x20, (1) 40x80 Sound Equipment: Yes; Type: Band & House Speakers Amusement Rides and/or Bouncy Rides: Yes; Quantity: 5-6 Toilet & Water Facilities: Bathroom facilities available inside church and hand sanitizing stations</p>	

NOW, THEREFORE, be it

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

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

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

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

The above resolution was thereupon declared duly adopted.

F A I R S - SCHEDULE "A"

Pursuant to Section 79-2 of the Code of the Town of Babylon, you are hereby advised that the Town Board of the Town of Babylon, pursuant to the powers contained in the aforesaid Section 79-2, will impose the following requirements upon any permit granted pursuant to this article:

1. Opening and Closing Times. All amusements provided pursuant to a permit issued under this article shall not have an opening time prior to 6:00 p.m. during the days of Monday through Friday and 10:00 a.m. on Saturdays and Sundays, and shall close not later than 8:00 p.m. on any day.

2. No portable or movable living accommodations shall be allowed on the site of the amusement or elsewhere within the Town in connection with said amusement, unless allowed pursuant to the Building Zone Ordinance of the Town of Babylon.

3. No games shall be permitted which will violate State Law.

4. Any person or organization seeking permission to conduct any game of chance shall file the proper application with the Town Clerk and shall comply with all provisions of Chapter 130 of the Code of the Town of Babylon.

5. Adequate sanitary facilities shall be provided, based upon the size and scope of the event.

6. Any person employed by any organization working in connection with the Amusement found to be undesirable by the Town Board, the Commissioner of Planning and Development or the Suffolk County Police Department, shall be summarily dismissed.

7. Proper liability insurance shall be provided, at time of application.

8. All rides or other amusements which may require it, shall have proper State safety certification prior to any use thereof.

9. All necessary permits required by the Suffolk County Department of Health for the sale of food and other consumables shall be obtained prior to the commencement of operations.

10. Any violation of the above conditions shall result in the summary revocation of the permit issued hereunder. For purposes of this provision, the Commissioner of Planning and Development, or the Suffolk County Police Department, as well as the Town Board, may summarily revoke a permit.

11. Live animal acts or exhibitions are prohibited.

All requirements hereunder must be met prior to the opening of any event required to be licensed pursuant to this article.

RESOLUTION NO. 355 APRIL 26, 2023
SCHEDULING A PUBLIC HEARING ON DESIGNATING THE PREMISES KNOWN AS 43 W.
NEPTUNE AVE., LINDENHURST, NY 11757, SCTM#0100-186.00-01.00-085.001, A PUBLIC
NUISANCE, AUTHORIZING THE BOARDING UP OF SAID PREMISES AND AUTHORIZING THE
TOWN ATTORNEY TO COMMENCE LITIGATION

BE IT RESOLVED, by the Town Board of the Town of Babylon that a Public Hearing be held on the 10th day of May, 2023 at 3:00 p.m., prevailing time, at Babylon Town Hall, 200 E. Sunrise Hwy, N. Lindenhurst, NY 11757, to consider whether the premises located at 43 W. Neptune Ave., Lindenhurst, NY 11757, SCTM#0100-186.00-01.00-085.001 is a public nuisance pursuant to the Town Code of the Town of Babylon Article III, Chapter 165, Public Nuisances; 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.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 356 APRIL 26, 2023
SCHEDULING A PUBLIC HEARING ON DESIGNATING THE PREMISES KNOWN AS 48 WILSON AVENUE, AMITYVILLE, NY 11701, SCTM#0100-181.00-03.00-125.000, A PUBLIC NUISANCE, AUTHORIZING THE BOARDING UP OF SAID PREMISES AND AUTHORIZING THE TOWN ATTORNEY TO COMMENCE LITIGATION

BE IT RESOLVED, by the Town Board of the Town of Babylon that a Public Hearing be held on the 10th day of May, 2023 at 3:00 p.m., prevailing time, at Babylon Town Hall, 200 E. Sunrise Hwy, N. Lindenhurst, NY 11757, to consider whether the premises located at 48 Wilson Avenue, Amityville, NY 11701, SCTM#0100-181.00-03.00-125.000, is a public nuisance pursuant to the Town Code of the Town of Babylon Article III, Chapter 165, Public Nuisances; 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.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 357 APRIL 26, 2023
SCHEDULING A PUBLIC HEARING IN REFERENCE TO
AMENDING THE CODE OF THE TOWN OF BABYLON,
CHAPTER 106 (DOGS AND OTHER ANIMALS),
ARTICLE I (DOGS)

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 NY 11757 on the 7th day of June, 2023 at 3:00 p.m., prevailing time, to consider adopting a local law to amend the Babylon Town Code as set forth in Exhibit "A" annexed hereto; 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.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

Exhibit "A"

AMEND as follows:

CHAPTER 106
DOGS AND OTHER ANIMALS
ARTICLE I
DOGS

§ 106-3. Dogs at large; tethering of dogs; dogs in unattended vehicles

- F. Notwithstanding the provisions of this section, no person shall tether, leash, fasten, secure, restrain, chain, tie, pen or otherwise confine or leave a dog unattended outdoors for more than 30 minutes in inclement weather or under other conditions or for such a period of time as may endanger the health or well-being of such dog due to heat, lack of potable water or such other circumstances, such as a weather advisory by any federal, state, county, or town government or as reasonably may be expected to cause suffering, disability or death. It shall be a rebuttable presumption that any temperature below 32° F. or above 90° F. constitutes inclement weather.
- G. Notwithstanding the provisions of this section, no person shall allow a tethered, leashed, fastened, chained, tied, secured or restrained dog to be taunted, prod, hit, harassed, threatened, attacked or otherwise harmed by humans or other animals.
- H. Dogs in unattended vehicles.
- (1) It shall be a violation of this section for any person to place or confine a dog or permit a dog to be placed or confined or remain in an unattended vehicle without sufficient ventilation or under other conditions or for such a period of time as may endanger the health or well-being of the dog due to heat, lack of water or such other circumstances as reasonably may be expected to cause suffering, disability or death.
 - (2) Any police officer, peace officer, animal control officer or other law enforcement officer of the Town of Babylon who finds a dog in a motor vehicle in violation of Subsection 1 hereof may enter the motor vehicle, without civil or criminal liability, to remove the animal. Once removed, the dog shall be taken to the Town animal shelter.
 - (3) In the event that the owner or custodian of the dog cannot otherwise be located, the officer shall leave in a prominent place on or in the vehicle a written notice bearing his name and department

and the address of the Town shelter where the dog may be claimed by the owner thereof. The Town shelter shall make reasonable efforts to contact the owner and give notice that the dog is in its custody. The dog shall be surrendered to the owner if the owner claims the dog within 10 days from the time the dog was removed from the vehicle and pays all reasonable charges which have accrued for the maintenance of the dog. If the owner does not claim the dog within the specified time, the Town shelter may place the dog for adoption in accordance with provisions of this chapter and the Agriculture and Markets Law of the State of New York.

- I. ~~H.~~ Upon a finding of any violation(s) of this section, any dog seized pursuant to the provisions of this chapter or any other state or federal law, shall be returned to the owner or custodian only upon proof that the violation(s) have been cured.
- J. ~~I.~~ Violations of this section may be supported by evidence, including, but not limited to, time-stamped photographs and video, records of complaints, and sworn witness statements.
- K. ~~J.~~ The provisions of this section shall not be construed to prohibit the department, the American Society for the Prevention of Cruelty to Animals, the Suffolk County Society for the Prevention of Cruelty to Animals or any law enforcement officer or peace officer from enforcing any other law, rule or regulation regarding the humane treatment of animals.
- L. ~~M.~~ The provisions of Subsection A of this section shall not apply to the officers or employees of any federal, state or city law enforcement agency using dogs in the scope of their employment.
- M. ~~N.~~ Nothing in this section shall be construed to affect any other protections afforded to animals under any provision of law, including, but not limited to, the requirement of adequate shelter pursuant to § 353-b of the New York State Agriculture and Markets Law.
- N. ~~Ø.~~ If any clause, sentence, paragraph, subdivision, or part of this section, or the application thereof to a particular person, animal or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this section directly involved in the controversy in which such judgment shall have been rendered.

RESOLUTION NO. 358 APRIL 26, 2023
SCHEDULING A PUBLIC HEARING IN REFERENCE TO
AMENDING THE CODE OF THE TOWN OF BABYLON,
CHAPTER 165 (PEACE AND GOOD ORDER),
ARTICLE IX (DISORDERLY CONDUCT)

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 NY 11757 on the 7th day of June, 2023 at 3:00 p.m., prevailing time, to consider adopting a local law to amend the Babylon Town Code as set forth in Exhibit "A" annexed hereto; 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.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

Exhibit "A"

ADD as follows:

CHAPTER 165
PEACE AND GOOD ORDER
ARTICLE IX
DISORDERLY CONDUCT

§ 165-37. Violation of Disorderly Conduct.

In addition to any other violation of applicable laws, it shall be a violation of this Article for any person to engage in any of the following conduct:

1. To disobey the order of a Suffolk County Police Officer, or a Town of Babylon Bay Constable, Fire Marshall, Park Ranger, Public Safety Officer, Ordinance Inspector, Zoning Inspector, Code Enforcement Officer or any other law enforcement officer employed by the Town of Babylon;
2. To engage in, instigate, aid or encourage a fight, whether or not a ring or prizefight;
3. To assault another person or to engage in any other violent, tumultuous or threatening behavior;
4. To engage in any act causing or amounting to a breach of the peace;
5. To use threatening, abusive or menacing language directed at another person;
6. To throw stones or other dangerous objects;
7. To perform an unlawfully obscene or indecent act;
8. To interfere with, encumber, obstruct or render dangerous any part of a Town facility;
9. To introduce, carry or use any firecrackers, torpedoes or fireworks;
10. To urinate and/or defecate at any public place, except through utilization of facilities in an available public restroom;
11. To make unreasonable noise with an intent to cause public inconvenience, annoyance or alarm;
12. To obstruct vehicular or pedestrian traffic; or
13. To create a hazardous or physically offensive condition by any act which serves no legitimate purpose.

§ 165-38. Separate violations.

Each such act committed during the same occurrence or series of occurrences shall constitute a separate and distinct commission of an act of disorderly conduct and a separate violation of this Article.

§ 165-39. Penalties.

Any person committing a violation of this Article is guilty of an offense punishable upon conviction by a fine of not less than \$100 nor more than \$500. Any person found by the Bureau of Administrative Adjudication to have violated this section shall likewise be subject to a monetary penalty in an amount within the range of fines authorized herein.

RESOLUTION NO. 359 APRIL 26, 2023
AUTHORIZING STANDARD WORKDAY AND REPORTING RESOLUTION

WHEREAS, the New York State Comptroller's Office in New York State Retirement System Reporting Regulation Section 315.4, requires that a standard workday be established for elected and appointed officials not already subject to present hours and workdays for the purpose of reporting service credit to the retirement system; and

WHEREAS, the purpose of establishing such a standard workday is to enable the New York State Comptroller's Office to equitably review and enforce eligibility requirements for the New York State and Local Retirement System; and

WHEREAS, the New York State Comptroller's Office also requires that when establishing such standard workday, the Town shall list the expiration of each such elected and appointed official, and the Town shall maintain daily records of time worked and the total number of days per month to be reported for each official. The term for certain Commissioners and Deputy Commissioners is being established solely for the purpose of the resolution.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Babylon hereby establishes a standard workday as set forth on the Attachment on file in the Office of the Town Clerk for all elected and appointed officials not already subject to present hours and workdays which Attachment details the standard workday and term expiration for those elected and appointed officials, in accordance with the guidelines provided by the New York State Comptroller's Office in New York State Retirement System Reporting Regulation Section 315.4 for the purpose of reporting service credit to the retirement system; and be it further

RESOLVED, by the Town Board of The Town of Babylon, that the standard workday to be reported to the New York State and Local Employees' Retirement System for elected and appointed officials not already subject to present hours and workdays shall take effect immediately; and be it further

RESOLVED, by the Town Board of the Town of Babylon, that this resolution shall be posted for a minimum of 30 days on the Town's official website or on an official sign board at the main entrance to the Town Clerk's office; and

RESOLVED, by the Town Board of the Town of Babylon, that within 45 days of the date of this resolution, the Town Clerk shall file a certified copy of the resolution and an affidavit of posting with the Office of the New York State Comptroller.

The above **Consensus Agenda Resolution** was offered by Councilman Manetta and seconded by Councilman Martinez

VOTES: 5 YEAS: 5 NAYS: 0

The above resolution was thereupon declared duly adopted.

RESOLUTION NO. 360 APRIL 26, 2023
AUTHORIZING THE GRANT OF AMERICAN RESCUE PLAN MONEY
TO QUALIFIED ENTITIES PROVIDING PROGRAMATIC SUPPORT

The following resolution was offered by Councilman McSweeney
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 entities that provide programs to the Town of Babylon and its resident is in the public good; and

WHEREAS, Viscel C. Moore has been appointed by the Town Board to collect and review applications of such entities; and

WHEREAS, based on the application of the below entity which was designated as a FEMA emergency shelter needing to bring its facility into compliance, Mrs. Moore recommends the corresponding grant award:

American Legion Babylon Post No.94	\$60,734.00
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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 SLRF allotment to the businesses listed above not in excess of the amounts so established for the purposes

applied for and is authorized to transfer such funds from the American Rescue Plan Act bank account to the appropriate Town Fund and associated bank account; 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 that the Director of DSP is hereby authorized to execute any and all documents on behalf of the Town; 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.

RESOLUTION NO. 361 APRIL 26, 2023
ADOPTING LOCAL LAW 11 OF 2023
AMENDING THE CODE OF THE TOWN OF BABYLON,
CHAPTER 67 (CARLLS RIVER BOTANICAL GARDEN BOARD)

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

WHEREAS, the Town Board of the Town of Babylon duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst NY 11757 on the 12th day of April, 2023 upon the question of the enactment of Local Law No. 11 of 2023 of the Town of Babylon, Suffolk County, New York, being such a local law; and

WHEREAS, in accordance with Part 617.5(c)(26), State Environmental Quality Review (SEQR), the adoption of this local law is classified a Type II Action and not subject to environmental review under SEQR; and

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Babylon, that Local Law 11 of 2023 of the Town of Babylon, Suffolk County, New York, is hereby enacted as follows and is effective upon its filing with the New York State Department of State:

LOCAL LAW 11 OF 2023
AMENDING THE CODE OF THE TOWN OF BABYLON

ADD as follows:

CHAPTER 67
CARLLS RIVER BOTANICAL GARDEN BOARD

§ 67-01. Establishment of Carlls River Botanical Garden Board.

There shall be in the Town of Babylon a Carlls River Botanical Garden (CRBG) Board consisting of five members. Said members shall be the Deputy Supervisor, who shall act as Chairperson; the Town Horticulturalist; the Commissioner of Public Works; the Commissioner of Environmental Control; and a community CRBG Board member who is appointed by the Town Board. These members shall serve without compensation.

§ 67-02. Powers and Duties.

The CRBG Board shall meet from time to time as needed, and shall adopt such policies and procedures as deemed necessary for the orderly operation of the Carlls River Botanical Garden. In addition, the CRBG Board shall make recommendations and advise the Town Board from time to time on issues concerning the operation of the CRBG.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 362 APRIL 26, 2023
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING
THE CODE OF THE TOWN OF BABYLON, CHAPTER 213 (ZONING),
ARTICLE XVIII (SUPPLEMENTARY REGULATIONS)

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, that a Public Hearing be held at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst NY 11757 on the 7th day of June, 2023 at 3:00 p.m., prevailing time, to consider adopting a local law to amend the Babylon Town Code as set forth in Exhibit "A" annexed hereto; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

Exhibit "A"

AMEND as follows:

CHAPTER 213
ZONING
ARTICLE XVIII
SUPPLEMENTARY REGULATIONS

§ 213-236. Repair of damaged buildings; registration of vacant buildings; demolition of abandoned and deteriorated buildings

[Amended 9-21-2004 by L.L. No. 27-2004; 10-6-2009 by L.L. No. 22-2009]

The Town Board finds that the proliferation of vacant and abandoned buildings, structures and dwellings in the Town of Babylon causes a deterioration of communities and areas within the Town of Babylon and has a negative impact on the value of property in close proximity to the vacant and abandoned buildings, structures and dwellings. ***

- A. No building or other structure which has been damaged by fire or other causes to the extent of more than 50% of its value, exclusive of foundation, shall be repaired or rebuilt except in conformity with the regulations of this chapter and the Building Code.
- B. Vacant or abandoned buildings, structures and dwellings may not be boarded up, or have the doors, windows, entrances and exits concealed, covered, obscured or hidden in any manner, except in an emergency and then for a period not to exceed 30 days.
- C. Annual registration of vacant buildings and registration fees.

D. Demolition of Abandoned or Deteriorated Buildings

- 1. Notwithstanding the foregoing, the owner of any building or structure which becomes vacant or abandoned for a period of at least five years, or which becomes dilapidated, deteriorated or decayed from any cause so as to endanger the health, safety, or welfare of the public, shall correct the condition by causing the building to be occupied and/or repairing or demolishing the building or structure. In the event that any such condition is not corrected by the owner, the Town of Babylon shall have the right to demolish the building or structure.
- 2. Prior to any demolition of a building or structure by the Town, the Chief Building Inspector shall serve a notice to the owner, by certified mail return receipt requested and by regular mail to his, her or its latest address on file with the Town. The notice shall order that the abandoned building shall be occupied and/or that the dangerous structure shall be repaired or demolished, and shall contain a statement that if the owner fails to do so within 30 days from the service of the notice, the Town of Babylon shall have the right to demolish the building or structure and that any and all demolition costs incurred by the Town will be assessed against the property.

3. Such notice shall also set forth the time and place at which a hearing will be conducted by the Town Board during which the owner will be afforded the opportunity to present evidence regarding the conditions described in the aforementioned notice. The hearing shall be conducted no sooner than five days and no later than 20 days after service of the notice unless the Town Board agrees to adjourn the hearing to a later date.
4. If the owner or any person having an interest in the property or structure submits evidence at the hearing, the Town Board shall thereafter make a determination which shall either affirm the initial determination of the Chief Building Inspector, modify the initial determination or vacate the original notice. Unless the original notice is vacated, the Town of Babylon is authorized to demolish the building as provided in the initial notice, provided that more than 30 days has elapsed since service of the notice. Where appropriate, the Town Board is authorized to grant the owner additional time to repair or demolish the building or cause the building to be occupied, in which case the Town shall not demolish the building unless the owner fails to do so within the extended time period.
5. The owner shall be liable and responsible for the Town's costs in demolishing the abandoned or deteriorated building. Such costs may be assessed against the property as a tax payable by the owner in the event such costs remain unpaid more than 30 days after demand for payment has been made by the Town.

RESOLUTION NO. 363 APRIL 26, 2023
AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE,
LOCATED AT 1175 STAIGHT PATH, WEST BABYLON, NY 11704
SCTM NO. 0100-102.00-01.00-014.000

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

WHEREAS, a certain structure(s) located at **1175 Straight Path, West Babylon, NY 11704**, bearing **SCTM# 0100-102.00-01.00-014.000** the windows and doors are wide open and accessible and the property is full of debris, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and the electric will be turned off by the Fire Marshall and the water will be turned off by Code Enforcement.

WHEREAS, said property is improperly secured and cleaned up of debris, it 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 property is cleaned up of debris, 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 emergency securing, board up and clean up of the premises located at **1175 Straight Path., West Babylon, NY bearing SCTM # 0100-102.00-01.00-014.000** 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 April 12, 2023 located 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. 364 APRIL 26, 2023
AUTHORIZING THE EMERGENCY DEMOLITION, BOARD UP AND SECURING OF UNSAFE
STRUCTURE, LOCATED AT 29 S. 29TH ST, WYANDANCH, NY 11798
SCTM NO. 0100-054.00-02.00-064.000

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

WHEREAS, a certain structure(s) located at **29 S. 29th Street, Wyandanch, New York**, bearing **SCTM# 0100-054.00-02.00-064.000** has no running water as per a communication with the Suffolk County Water Authority and the structures have become so deteriorated and/or dilapidated and become so out of repair as to be dangerous and unsafe thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

WHEREAS, the architect/professional engineer's report dated **April 12, 2023** indicates the structure should be demolished including the removal of the foundation which is the most likely and prudent course of action

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the demolition and removal of the structures located at **29 S. 29th Street, Wyandanch, New York**, bearing **SCTM# 0100-054.00-02.00-064.000** to eliminate safety hazard, in order to rectify the above noted problems and abolish any public nuisance resulting from the unsafe condition of said structure, in accordance with the Conclusions and Recommendations set forth in the architect/professional engineer's report dated **April 12, 2023** attached hereto; and be it further

RESOLVED, that the Comptroller is hereby authorized to pay the architect/professional engineer the cost of the inspection report in the amount of Three Hundred Dollars (\$300.00) for said promises from the appropriate fund; 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. 365 APRIL 26, 2023
ADOPTING AMENDMENTS TO 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 Town Hall, 200 E. Sunrise Hwy., N. Lindenhurst, 11757, on the 12th day of April, 2023 at 3:00 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; and therefore, be it

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>
South Great Neck Road at Nicole Court/Schmeelk Place	CO	Stop	North/South on South Great Neck Road

RESOLUTION NO. 366 APRIL 26, 2023
ADOPTING AMENDMENTS TO CHAPTER 2, ARTICLE IV, SECTION 2-8 OF THE TOWN OF
BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES

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

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Town Hall, 200 E. Sunrise Hwy., N. Lindenhurst, 11757, on the 12th day of April, 2023 at 3:00 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; and therefore, be it

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>
Arnold Avenue at Pioneer Place/Puritan Place	WB	Stop	Northwest/Southeast on Arnold Avenue
Puritan Place at Rosella Court	WB	Stop	Northeast on Puritan Place
Parkway Avenue at Jefferson Street	NA	Stop	East/West on Parkway Avenue
Parkway Avenue at Dunbar Street	NA	Stop	East/West on Parkway Avenue
Weeks Road at Primrose Lane	NB	Stop	East/West on Weeks Road
Hawthorne Avenue at Beverly Road	WB	Stop	North/South on Hawthorne Avenue
Brookvale Avenue at Pratt Street(south intersection)	WB	Stop	North/South on Brookvale Avenue
Briarwood Road at Norwood Place	WH	Stop	North/South on Briarwood Road
Norwood Place at Briarwood Road	WH	Stop	East on Norwood Place
Homestead Drive at Bennington Place	WH	Stop	East/West on Homestead Drive
Bennington Place at Homestead Drive	WH	Stop	North on Bennington Place

RESOLUTION NO. 367 APRIL 26, 2023

AUTHORIZING THE SALE OF TOWN OWNED PROPERTY ON THE NORTHERLY SIDE OF COMMONWEALTH DRIVE, WYANDANCH, NEW YORK (SITE N), APPROXIMATELY 400 FEET EASTERLY FROM THE NORTHEAST CORNER OF STRAIGHT PATH AND COMMONWEALTH DRIVE, PART OF MULTIPLE TAX LOTS IN DISTRICT 0100, SECTION 057.00, BLOCK 01.00, TO WR COMMUNITIES – N, LLC

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

WHEREAS, in furtherance of the objectives of Articles 15 and 15-A of the General Municipal Law of the State of New York, as amended (the “GML”), the Town of Babylon (the “Town”) has undertaken a program for the acquisition, clearance, building demolition, replanning, reconstruction and neighborhood rehabilitation of blighted areas in the Town, and has been engaged in carrying out a neighborhood development program and urban renewal program, as more particularly set forth in the Wyandanch Transit Oriented Development Conceptual Design by Torti Gallas and Partners, Inc., dated October 26, 2010 (“Conceptual Design”), and in connection therewith, the Town has prepared and adopted the Town of Babylon Final Wyandanch Revitalization Plan (i.e. Final Generic Environmental Impact Statement/Final Urban Renewal Plan/Final NYS Brownfield Opportunity Areas Program Nomination) (hereinafter referred to as the “Wyandanch Revitalization Plan”), which was adopted by resolution on May 22, 2010, which resolution approved a Statement of Environmental Findings with respect to the Wyandanch Revitalization Plan; and

WHEREAS, on July 12, 2011, the Town adopted draft zoning provisions applicable to the Wyandanch Revitalization Plan site, entitled Chapter 212: Downtown Wyandanch and Straight Path Corridor Form-Based Code, Torti Gallas and Partners Inc., 3 January 2010 (“Form-Based Code”), and adopted final Form-Based Code provisions substantially in such form, on November 17, 2011; and

WHEREAS, the Town has diligently pursued planning efforts with respect to the Wyandanch Revitalization Plan, first adopting a Vision for Wyandanch Rising on September 7, 2004, then designating Wyandanch Rising an Urban Renewal Area on June 25, 2008, and then making Environmental Findings and Determinations for the Wyandanch Downtown Revitalization Area Plan/Urban Renewal Plan for Wyandanch on May 22, 2009; and

WHEREAS, the Conceptual Design calls for a transformative mixed-use redevelopment of downtown Wyandanch, in the area adjacent to the Wyandanch station of the Long Island Railroad with a range of housing options built at appropriate transit-oriented development densities, active street-level retail uses, civic buildings, and attractive public spaces (“Wyandanch Rising”), which redevelopment has been organized into five planning areas – A, B, C, F and G as set forth in the Conceptual Design; and

WHEREAS, on or about February 18, 2011, the Town issued a Request for Qualifications (“RFQ”) for a developer to serve as master developer for Wyandanch Rising; and indicated that it would seek proposals for approximately 40 acres in Site Areas A, B, C and G as set forth in the Conceptual Design, and that the phasing of other areas of the Conceptual Design would be subject to negotiation between the Town and the designated developer; and

WHEREAS, Albanese Organization, Inc. (the “Responder”) was among the group of pre-qualified developers/development teams to whom the Town issued a Request for Proposals on or about April 4, 2011 (“RFP”); and

WHEREAS, the Responder submitted a Response to the RFP dated June 17, 2011 (“Responder’s Response”) which has been accepted by the Town as the preferred developer plan; and

WHEREAS, the Town approved the Responder’s designation as master developer on July 21, 2011; and

WHEREAS, certain findings relating to the Master Developer Designation Agreement (as amended from time to time, the “MDDA”) dated as of October 11, 2011 by and among the Town, Wyandanch Rising,

Inc. (predecessor-in-interest to The Town of Babylon L.D. Corporation II) and WR Communities, LLC (“Master Developer”), an affiliate of Responder, as involved agencies in accordance with SEQRA regulations and pursuant to which the parties set forth certain understandings and intentions with respect to the terms and conditions for Master Developer to be designated as “master developer”; and

WHEREAS, the MDDA provides for, among other things, the redevelopment of certain parcels of land located within the Wyandanch Downtown Revitalization Area Plan/Urban Renewal Plan by Master Developer; and

WHEREAS, in connection with the forgoing the Master Developer and the Town intend to develop a certain parcel on the northerly side of Commonwealth Drive, Wyandanch, New York approximately 400 feet easterly from the northeast corner of Straight Path and Commonwealth Drive, part of multiple tax lots in District 0100, Section 057.00, Block 01.00 (“Parcel N”) all within the Wyandanch Downtown Revitalization Area as a charter school for The Academy Charter School 2 (the “School”) for use as a school for children grades kindergarten through eighth grade (the “School Building”) and in connection therewith the Town intends to sell Parcel N to WR Communities – N, LLC, (“WR-N”) an affiliate of Master Developer; and

WHEREAS, WR-N (through its affiliates) is assisting in the development and planning of the School Building and it is intended that WR-N will lease pursuant to a Development Lease Agreement Parcel N to Friends of The Academy, Inc. (“Friends”) an affiliate of the School pursuant to which Friends or the School (collectively the “Institution”) will be required to construct and equip the School Building and in connection therewith WR-N will further transfer Parcel N to the Institution after completion of the School Building; and

WHEREAS, in accordance with GML Article 15 and Article 15A (the “Urban Renewal Law”) the Town desires to authorize the sale of Parcel N to WR-N for further transfer to the School or Friends or any affiliate thereof (collectively the “Institution”); and

WHEREAS, in accordance with the Urban Renewal Law the Town convened a public hearing on April 26, 2023 with respect to the forgoing sale of Parcel N; and

WHEREAS, in connection with the foregoing the Town and the Master Developer desire to waive the provisions of Section 1.1 of the MDDA requiring WR-N to hold a controlling interest in Parcel N and the improvements thereon for a period of two years after the issuance of a certificate of occupancy with respect to the School Building; and

WHEREAS, the development and construction of a charter school in the Wyandanch Downtown Revitalization Area and the transfer of the Parcel N to WR-N for further transfer to the to the Institution are in the vital and best interests of the Town and the health, safety, morals, and welfare of its residents;

WHEREAS, the Town desires to authorize the sale of Parcel N to WR-N for further transfer to the Institution

BE IT RESOLVED, by the Town Board of the Town of Babylon, Suffolk County, New York, as follows:

Section 1. That the sale of Parcel N by the Town to WR-N for further transfer to the Institution is hereby approved.

Section 2. That the total consideration for the sale of Parcel N by the Town to WR- N will be equal to the sum of \$2.53 per square foot of commercial/non-residential space in the building to be constructed thereon by the Institution as determined pursuant to a formula set forth in the Master Developer Designation Agreement entered into between the Town of Babylon, Wyandanch Rising, Inc., predecessor-in-interest to The Town of Babylon L.D. Corporation II, and WR Communities, LLC, as amended.

Section 3. That provisions of Section 1.1 of the MDDA requiring the Master Developer and WR-N to hold a controlling interest for a period of two years after the issuance of a certificate of occupancy with respect to the School Building are hereby waived.

Section 4. That this resolution shall take effect immediately.

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	Yea
Supervisor Schaffer	Voting	Yea

The resolution was thereupon declared duly adopted.