

A Regular Meeting of the Town Board, Town of Babylon, was held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P>, on Wednesday, the 3rd day of March 2021 at 3:30 P.M., Prevailing Time.

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

Supervisor Schaffer: Please remain standing for a moment of silence and I'd ask that you keep in your thoughts and prayers the brave servicemen and women serving our country both here and abroad as well as those in our town who are dealing with the loss of a loved one or someone who is sick as a result of the Covid-19 pandemic, as well as all those first responders and health care professionals who have been consistently on the job responding to the Covid-19 pandemic.

Thank you, please be seated.

The Town Clerk called the roll:

Councilman Manetta	Present
Councilman Martinez	Present
Councilman McSweeney	Present
Councilman Gregory	Present
Supervisor Schaffer	Present

**RESOLUTION NO. 134 MARCH 3, 2021
ACCEPTING TOWN BOARD MINUTES**

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 the minutes of the following Town Board Meeting be and the same are hereby accepted:

February 17, 2021

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 135 MARCH 3, 2021
AWARDING BID NO. 21G11 MOSQUITO AND FLEA CONTROL PROGRAMS AT VARIOUS LOCATIONS IN THE TOWN OF BABYLON**

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

WHEREAS, the following bids for Bid No. 21G11 Mosquito and Flea Control Programs at Various Locations in the Town of Babylon 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 Environmental Services and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 21G11 be and is hereby awarded to the overall low bidder, Marx Exterminating Wildlife and Pest Control LLC; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a one (1) year contract with Marx Exterminating Wildlife and Pest Control LLC and that the form and content of said contract shall be subject to the approval of the Town Attorney, and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 136 MARCH 3, 2021
AWARDING BID NO. 21G14, REQUIREMENTS CONTRACT FOR ADA IMPROVEMENTS
AND MISCELLANEOUS CONCRETE CONSTRUCTION**

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

WHEREAS, the following bids for Bid No.21G14, Requirements Contract for ADA Improvements and Miscellaneous Concrete Construction

BIDDER	<u>TOTAL BID COMPARISON PRICE</u>
GGG Construction Corp.	\$3,984,960.00
Suffolk Paving Corp.	\$4,488,280.00
Laser Industries, Inc.	\$4,638,555.00
The Landtek Group, Inc.	\$5,430,280.00
Macedo Contracting Services, Inc.	\$5,399,270.00
Roadwork Ahead, Inc.	\$4,458,300.00
Gorilla Contracting Group, LLC	\$3,805,424.00

WHEREAS, the Commissioner of General Services and Commissioner of the Dept. of Public Works recommend disqualifying the low bidder, Gorilla Contracting Group, from Bid No. 21G14 in its entirety as they failed to submit the required documentation of participation in an approved apprenticeship program for all trades pursuant to the bid specifications,

NOW THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and Commissioner of the Dept. of Public Works, the bid submitted by Gorilla Contracting Group, LLC. be and is hereby disqualified from Bid No. 21G14 in its entirety as they failed to provide the required documentation of participation in an approved apprenticeship program for all trades pursuant to the bid specifications, and be it further

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Commissioner of the Department of Public Works and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 21G14 be and is hereby awarded to the lowest responsible bidder, GGG Construction Corp. for a total bid comparison price of THREE MILLION, NINE HUNDRED EIGHTY-FOUR THOUSAND, NINE HUNDRED SIXTY (\$3,984,960.00) DOLLARS and be it further

RESOLVED, that the aforementioned Bid Comparison price is for award purposes only and does not represent the actual contract amount, and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a contract with GGG Construction Corp. which expires December 31, 2021, and that the form and content of said contract shall be subject to the approval of the Town Attorney, and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 137 MARCH 3, 2021
AUTHORIZING A CONTRACT WITH TLC VIRTUAL RESILIENCY

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

WHEREAS, proposals to provide Professional Leadership Training to various Town departments were solicited from the following firms:

<u>PROPOSER</u>	<u>TOTAL FEE</u>
TLC Virtual Resiliency	\$5,000.00
Train Up.Com	\$9,895.00
ERC Services	\$6,300.00
	\$1,025/travel

WHEREAS, the Professional Consultant Evaluation Committee convened on March 3, 2021 with the Deputy Supervisor, Town Attorney, Comptroller, the Commissioner of General Services, the Commissioner of Planning & Development and the Commissioner of the Department of Public Works in attendance to review the aforementioned proposal; and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of a contract TLC Virtual Resiliency, the lowest proposer, at a total cost not to exceed FIVE THOUSAND, (\$5,000.00) DOLLARS

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a contract with TLC Virtual Resiliency at a total contract amount not to exceed FIVE THOUSAND, (\$5,000.00) DOLLARS and that said contract shall be subject to the approval of the Town Attorney as to form and content.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 138 MARCH 3, 2021
AUTHORIZING A CONTRACT WITH TLC VIRTUAL RESILIENCY

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

WHEREAS, a proposal to provide workforce resiliency and support services for the Town of Babylon Administrative staff was solicited from TLC Virtual Resiliency

WHEREAS, the Professional Consultant Evaluation Committee convened on March 3, 2021 with the Deputy Supervisor, Town Attorney, Comptroller, the Commissioner of Planning & Development the Commissioner of General Services, and the Commissioner of the Department of Public Works in attendance to review the aforementioned proposal; and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of a contract, commencing January 1, 2021, to TLC Virtual Resiliency at a cost of TWO HUNDRED FIFTY (\$250.00) PER GROUP PER WEEK,

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, commencing January 1, 2021, with TLC Virtual Resiliency at a cost of TWO HUNDRED FIFTY (\$250.00) PER GROUP PER WEEK, and that said contract shall be subject to the approval of the Town Attorney as to form and content.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 139 MARCH 3, 2021
AUTHORIZING A CONTRACT WITH CAMERON ENGINEERING & ASSOCIATES, L.L.P.

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

WHEREAS, a proposal for Traffic Engineering Services was solicited from Cameron Engineering & Associates, L.L.P. to attend project meetings with New York State Dept. of Transportation in connection with a Traffic Study at the intersection of Montauk Highway and Baylawn Avenue in Copiague, and

WHEREAS, the Professional Consultant Evaluation Committee convened on March 3, 2021 with the Deputy Supervisor, Town Attorney, Comptroller, the Commissioner of General Services, and the Commissioner of the Department of Public Works in attendance to review the aforementioned proposal; and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of a contract Cameron Engineering & Associates, L.L.P., at a total cost not to exceed SEVEN HUNDRED FIFTY (\$750.00) DOLLARS

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a contract with Cameron Engineering & Associates, L.L.P. at a total contract amount not to exceed SEVEN HUNDRED FIFTY (\$750.00) DOLLARS

and that said contract shall be subject to the approval of the Town Attorney as to form and content.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 140 MARCH 3, 2021
AUTHORIZING A CONTRACT WITH MAXIMUM ENVIRONMENTAL MANAGEMENT, INC.

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

WHEREAS, a proposal for consulting services was solicited from Maximum Environmental Management, Inc. in connection with water quality testing and water quality reports for the Lawrence Dougherty, McCarren, McCrodden and Community Wells at Oak Beach and,

WHEREAS, the Professional Consultant Evaluation Committee convened on March 3, 2021 with the Deputy Supervisor, Town Attorney, Comptroller, the Commissioner of General Services, Commissioner of Planning & Development and the Commissioner of the Department of Public Works in attendance to review the aforementioned proposal; and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of an annual contract to Maximum Environmental Management, Inc. at the fees set forth in the attached Schedule A

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a one year contract with Maximum Environmental Management, Inc. at the fees set forth in the attached Schedule A 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.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

SCHEDULE A
MAXIMUM ENVIRONMENTAL
ENVIRONMENTAL

Total Coliform/Ecoli- Distribution	\$104.50/sample
Total Coliform/Ecoli- Distribution	\$104.50/sample
Inorganics – Well	\$495.00/sample
Inorganics – Distribution	\$495.00/sample
Principal Organic Compounds	\$325.00/sample
Nitrate & Nitrite	\$45.00/sample
1,4 Dioxane & Perfluoroalkyl Substances	\$500.00/sample
Completion of Annual Report	\$500.00/report
Sample Collection	\$75.00/sample
Consultant & Emergency Response Rate During normal business hours	\$75.00/hour
Consultant & Emergency Response Rate Outside normal business hours	\$100.00/hour

RESOLUTION NO. 141 MARCH 3, 2021
AUTHORIZING A CONTRACT WITH USI CONSULTING GROUP

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

WHEREAS, a proposal for GASB 45/75 Actuarial Evaluation Services was solicited from USI Consulting Group, and
WHEREAS, the Professional Consultant Evaluation Committee convened on March 3, 2021 with Deputy Supervisor, the Comptroller, the Commissioner of General Services, the Commissioner of Planning & Development and the Commissioner of the Department of Public Works in attendance to review the aforementioned proposal; and

WHEREAS, after a thorough review of the proposals, the Committee recommends the award of a contract to USI Consulting Group for a total contract amount not to exceed the following fees:

Biennial GAS 45/75 Valuation & Report 2021 & 2022	\$7,900.00	
FYI 2021 Disclosure		\$750.00
FYI 2022 Disclosure		\$750.00
Additional services		\$355.00/hour

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 USI Consulting Group at the aforementioned fees 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 Comptroller.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 142 MARCH 3, 2021
AUTHORIZING CHANGE ORDER NO. 1 IN THE CONTRACT WITH MACCARONE PLUMBING, INC. FOR BID NO. 19G3P,
INSTALLATION OF NEW HVAC SYSTEM AT TOWN HALL, PLUMBING CONSTRUCTION

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

WHEREAS, Bid No. 19G31P, Installation of New HVAC System at Town Hall, Plumbing Construction was awarded to Maccarone Plumbing, Inc. pursuant to Resolution No. 52 of January 2, 2020, for a total contract amount of ONE HUNDRED FIFTY-FOUR THOUSAND (\$154,000.00) DOLLARS, and

WHEREAS, a credit was approved pursuant to Resolution No. 505 of July 20, 2020 decreasing the total contract amount to ONE HUNDRED FORTY-SEVEN THOUSAND, NINE HUNDRED NINETY-FIVE DOLLARS AND 31/100 (\$147, 995.31), and

WHEREAS, the Change Order Committee convened on March 1, 2021 with the Town Attorney, Comptroller, Commissioner of Planning & Development and the Commissioner of General Services in attendance to review Change Order No. 1 as follows:

WHEREAS, the Change Order Review Committee and Cashin Associates, P.C. recommend the approval of Change Order Nos. 1 & 2 as follows:

Change Order No. 1 core drill through tax office for RPZ incoming fire line, core drilled for RPZ drain, installed ductile grooved pipe and fittings, per the Fire Marshall	\$21,224.80
Credit to deduct gas piping and hot box from contract	(\$18,500.00)
Credit to Contingency	(\$5,000.00)
TOTAL CHANGE ORDER NO. 1	(\$2,275.20)

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Change Order Review Committee and Cashin Associates P.C., the Supervisor be and he is hereby authorized to execute Change Order No. 1 for a credit amount of TWO THOUSAND, TWO HUNDRED TWENTY SEVEN DOLLARS AND 20/100 (-\$2,275.20,) DOLLARS, decreasing the total contract amount to ONE HUNDRED FORTY FIVE THOUSAND, SEVEN HUNDRED TWENTY DOLLARS AND 11/100.

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	Abstain

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 143 MARCH 3, 2021
AUTHORIZING 2021 INTERFUND TRANSFER**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon recommendation of the Town Comptroller that the following 2021 Interfund Transfer is hereby authorized:

	<u>Increase</u>	<u>Decrease</u>
Special Revenue Fund		
Copiague Park Improvements		
Interfund Transfer		
CM.0000-5031	\$ 4,602.62	
Program Operations		
CM.7198-47	\$ 4,602.62	
Capital Project Fund		
Transfer from Capital Project Fund		
Interfund Transfer		
H135.9950.90	\$ 4,602.62	
Recreation, Equipment and Capital Outlay		
Program Operations		
H135.7197-.26		\$ 4,602.62

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

**RESOLUTION NO. 144 MARCH 3, 2021
AUTHORIZING 2021 BUDGET MODIFICATION**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Comptroller, that the following 2021 Budget Modification is hereby authorized:

	<u>Increase</u>	<u>Decrease</u>
Highway Fund		
Street Administration		
Professional and Technical Services		
DB.5010-44	\$ 60,000	
Program Operations		
DB.5010-47		\$ 60,000

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

**RESOLUTION NO. 145 MARCH 3, 2021
AUTHORIZING REFUND OF FEES**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following fee be refunded:

NAME ADDRESS	TYPE	AMOUNT	REASON	RECOMMENDED BY
Mehmet Akdag 76 West 2nd Street Deer Park, New York 11729	Accessory Apartment Application Sctm# 0100-63-1-43	\$300.00	Applicant is no longer building an apartment	Commissioner of Planning and Development
Arenia Miller 256 Fulton St., West Babylon, New York 11704	Green Homes Benefit Assessment	\$344.49	Overpayment	Long Island Green Homes

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

**RESOLUTION NO. 146 MARCH 3, 2021
AUTHORIZING ACCEPTANCE OF PERFORMANCE BOND**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Commissioner of Planning and Development, that the following incomplete site work bond be accepted:

PAYEE	PROPERTY LOCATION	APPLICATION/PERMIT #	AMOUNT DUE
Babylon Hellenic Community 200 Great East Neck Rd. West Babylon, New York 11704	n/w/c/o Great Neck Rd. and Nill St.	App No. 91622	\$2,486.25
Merit Oil of N.Y. Inc. C/O Amerada Hess Corp. 1285 Sunrise Highway Copiague, New York a/k/a Speedway Gas Station, Copiague	1285 Sunrise Hwy. Copiague, NY 11726 SCTM: 0100-201-4-3.002	App No. 136002 Building Permit 2020-1167	\$14,160.00

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

**RESOLUTION NO. 147 MARCH 3, 2021
ACCEPTING A DONATION**

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

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

DONATOR	ITEM AND VALUE	RECOMMENDED BY	USE
Ocean State Job Lot	Various PPE estimated value of \$6,000-\$7,000	Special Projects Director Marcus Duffin	For School Districts

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 148 MARCH 3, 2021
APPOINTING BOARD MEMBERS AND SETTING SALARIES
OF ZONING BOARD OF APPEALS**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following appointments/reappointments effective March 3rd, 2021 are made to certain Municipal Board positions and administrative personnel who serve at the pleasure of Town Board; and be it further

RESOLVED, that the salaries are hereby set effective March 3rd, 2021 for the below listed administrative personnel and Municipal Board Members who serve at the pleasure of the Town Board, and Municipal Board Members who have been appointed for specific terms as set forth hereinbelow:

ZONING BOARD OF APPEALS

NAME	TITLE	TERM EXP.	SALARY
Michael Kane	Chairperson	12/31/2027	19,000/ann.
John Carecia	Vice Chair	12/31/2024	16,000/ann.
Steven Dellavechia	Member	12/31/2023	15,000/ann.
John Shepard	Member	12/31/2021	15,000/ann.
Nicholas Rigney	Member	12/31/2022	15,000/ann.
Delores Quintyne	Member	12/31/2022	15,000/ann.
Charniece McCullogh	Member	12/31/2024	15,000/ann.
David Bishop	1 st Alternate		316/mtg
Marco Parodi	2 nd Alternate		316/mtg
Colleen Farrell	Secretary		350/mtg.
Carolyn Bivona	Alternate Secretary		350/mtg.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 149 MARCH 3, 2021
APPOINTING BOARD MEMBERS AND SETTING SALARIES OF THE ACCESSORY APARTMENT REVIEW BOARD**

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that the following appointments/reappointments effective March 3rd, 2021 are made to certain Municipal Board positions and administrative personnel who serve at the pleasure of Town Board; and be it further

RESOLVED, that the salaries are hereby set effective March 3rd, 2021 for the below listed administrative personnel and Municipal Board Members who serve at the pleasure of the Town Board, and Municipal Board Members who have been appointed for specific terms as set forth hereinbelow:

ACCESSORY APARTMENTS REVIEW BOARD

NAME	TITLE	SALARY
Sandy Thomas	Chairperson	10,000/ann.
Harold L. Wade	Vice Chair	9,000/ann.
Saba Mchunguzi	Member	8,000/ann.
Peter DeNegriz	Member	8,000/ann.
Keith Hayward	Member	8,000/ann.
Stephanie Harris	Member	8,000/ann.
Carrie Vasiluth	Member	8,000/ann.
Lamont Wilson	Member	8,000/ann.
Carolyn Bivona	Member	8,000/ann.
Andrea McGurk	Secretary	200/mtg.
Lorraine Ludson	Alt. Secretary	200/mtg.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 150 MARCH 3, 2021

ADOPTING LOCAL LAW NO. 3 OF 2021 AMENDING CHAPTER 153 OF THE BABYLON TOWN CODE (MULTIPLE DWELLINGS)

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

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 17th day of February 2021 upon the question of enactment of Local Law No. 3 of 2021 of the Town of Babylon, Suffolk County, New York, being a Local Law adding the Code of the Town of Babylon, Chapter 153 (Multiple Dwellings);

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 No. 3 of 2021, of the Town of Babylon, Suffolk County, New York, is hereby enacted as follows and effective upon its filing with the New York State Department of State:

**LOCAL LAW NO. 3 of 2021
AMENDING THE CODE OF THE TOWN OF BABYLON, CHAPTER 153**

Section 1. **AMEND** as follows:

CHAPTER 153
MULTIPLE DWELLINGS

§ 153-3 Rental Permit Review Board; issuance of rental permit.

The Rental Permit Review Board shall consist of seven members who shall be appointed by and serve at the pleasure of the Town Board. The seven-member Rental Permit Review Board (referred to in this Article as the "Rental Board" or "Board") shall henceforth hear all new Class I and Class II applications and make a final determination as to whether the applicant should be granted any such permit. It shall be a violation of this Chapter to rent a residential dwelling unit in any premises or to rent the entirety of the premises without first obtaining a valid rental permit.

§ 153-4 Application for permit; term of permit, public hearing required, posting.

The applicant must file with the Department of Planning and Development the following items in duplicate:

A. Application for Permit

- 1) Application for such permit shall be made, in writing, to the Department of Planning and Development on a form provided therefor and shall contain the name of the property owner, the location of the premises and the number of units to be rented.
- 2) Each application shall be accompanied by a floor plan to scale of each dwelling unit and accommodation.
- 3) Each application shall be executed by and sworn to by the owner of the premises.
- 4) Property survey (40 feet to one-inch minimum scale) shall be provided.
- 5) A copy of the certificate of occupancy or certificate of compliance for the dwelling unit.
- 6) Copy of recorded deed.
- 7) Full disclosure affidavit.
- 8) 200-foot radius mailing.
- 9) Local Agent Contact Form. If the owner or authorized agent of a dwelling unit resides or has his principal place of business located outside the County of Suffolk, he is required to designate an agent who resides in the County of Suffolk for the service of process of any notices set forth in this article or for the service of process of a violation of this article. The failure to provide the name and address of an agent for service of process, or failing to provide updated contact information should the authorizing agent's information change, shall be deemed a violation of this Article.
- 10) Each application shall accompanied by a Property Maintenance Certification Form, sworn to by the owner of the premises

B. Term of permit

- 1) The permit shall be valid for a period of two years from the date of issuance.

C. Public hearing required

1) A public hearing shall be held for all new Class I and Class II applications, and all Class I and Class II renewal applications after the effective date of this Article. The Board shall fix a time and give public notice thereof by the publication in the official newspaper of such hearing at least five days prior to the date of the public hearing. The applicant may appear in person or by an authorized agent at the hearing. The applicant's agent shall be appointed by the applicant through a limited power of attorney upon a form to be provided to the applicant by the Town and submitted to the Board prior to the commencement of the hearing.

2) Renewal Application. Subsequent to the first renewal after the effective date of this Article, which first renewal shall require a public hearing, if there have been no Town Code violations or sworn complaints by the applicant's neighbors relating to the permit granted herein during the permit period, a renewal applicant shall not be required to appear at a public hearing, provided that he shall file an affidavit with the Board stating that he has in all respects been in compliance with the Town Code during the permit period. If there has been a Town Code violation by the applicant relating to the permits granted under this Article, a renewal applicant may be required to appear in person at a public hearing upon request by the Board.

D. Posting

1) Subject property is to be posted for a period of not less than 10 days immediately preceding the public hearing or an adjourned date thereof.

2) The posting of signs on subject property shall be made in the following manner:

(a) The petitioner shall erect on the affected property a sign or signs of blue printing on a white background, measuring 30 inches high and 40 inches wide, which shall be prominently displayed on the premises facing each public street, centered on each area of street frontage, on which the affected property abuts, set back not less than 10 feet from the property line, and not less than two feet nor more than six feet above the grade of the property line, giving notice that the application for rental permit is pending and the date, time and place when the public hearing will be held.

(b) An affidavit is to be filed not later than 48 hours prior to the public hearing on the petition stating that identical posters not more than 200 feet apart have been conspicuously posted along the street frontage at least 10 days prior to the date set for the public hearing.

3) Applicants for renewal of the permit provided for pursuant to this article shall not be required to post a sign on the property pursuant to § 153-4D(1), herein nor shall the applicant for renewal be required to file the affidavit of posting provided for in § 153-4D(2)(b) and as further required by § 153-4A8 herein.

§ 153-5 Permit fees; late charge for overdue permit renewals.

A. Permit fees, inspection fees, and sign posting fees, shall be pursuant to the fee schedule set by resolution of the Town Board and shall be amended from time to time, in the Town Board's discretion, as follows:

- (1) Class I: one- or two-family homes; homes providing up to two units.
- (2) Class II: homes containing four or fewer dwelling units;
- (3) Class III: multi-residential zoned properties.

B. Based upon the recommendation of the Commissioner of Planning and Development, a late charge for permit fees required by § 153-5 of the Babylon Town Code equal to two times the amount of said fees, shall be charged by the Commissioner for any and all permit renewals required by Town Code Chapter 153 which are overdue and filed after the permit is expired.

§ 153-6 Compliance required; revocation of permit.

A. No permit or renewal thereof shall be issued for any application unless the property shall be in compliance with all the provisions of the Code of the Town of Babylon, the New York State Building Code, New York State Property Maintenance Code, the sanitary and housing regulations of the County of Suffolk and the laws of the County of Suffolk and State of New York.

B. Prior to the issuance of any such permit or renewal thereof, the dwelling unit(s) shall be subject to an on-site inspection by a Town Chief Building Inspector or his/her designee who shall be satisfied that the property which is the subject of the application is in compliance with all the provisions of the Code of the Town of Babylon, all applicable housing, sanitary, building, electrical and fire codes, rules and regulations. All Rental units shall meet the following requirements:

1. Battery-operated smoke detectors are required in each bedroom. Battery operated smoke detectors are required for any hallway leading to a bedroom. One battery-operated smoke detector is required for each level of the building including the basement/cellar and attic. For new construction, all smoke detectors must be electronically hardwired with battery backup; no battery-operated smoke detectors are permitted.
2. CO detectors must be installed on each sleeping level and the boiler area.
3. Outside stoops which are 24" inches high must have railings.

Excessive outside storage and improvements on deeded waterfront parcels may also increase debris fields and the potential release of pollutants and damage during storm events thereby increasing recovery needs and costs for the Town of Babylon.

§213-563 Geographic Area-The geographic area of the Grand Canal Boat Berth District shall be identified on the amendment to the Official Town Zoning Map titled; Grand Canal Boat Berth District, filed in the Town Clerk's Office on _____.

§213-564 Definitions

Deeded Waterfront Parcels-Small vacant parcels of waterfront land intended for the purpose to provide access to the water and boat dockage. Many of these parcels were created along canals and waterways of the Town subordinate to larger parcels with dwellings.

Derelict Vessel-Any vessel, boat barge, or floating structure left, stored or abandoned in a sunk, listing, adrift, wrecked, junked, non-operable or dismantled condition or made fast along the frontage of a deeded waterfront parcel in an inoperable condition. Vessels stored in an inoperable condition continuously on a deeded waterfront parcel or made fast to a deeded waterfront parcel for three or more years shall also be considered a Derelict Vessel. A Derelict Vessel shall be subject to all enforcement actions and procedures of Chapter 133-25 Outdoor deposit or Storage of Waste.

Floating Home- Any vessel designed or, in fact, used or occupied as a dwelling unit, living and sleeping quarters, business office or source of any occupation or for any private or social club of any nature, including but not limited to a structure constructed upon a barge primarily immobile and out of navigation or which functions substantially as a land structure while the same is moored or docked, whether such vessel is self-propelled or not.

Pervious Surface-A treatment that allows water to percolate through the subsoil, such as gravel, stone and paver systems with a pervious subbase.

§ 213-565 Allowable Uses and Improvements

A. On deeded waterfront parcels in the Grand Canal Boat Berth District only the following improvements and uses are permitted without meeting the minimum lot area requirements, the existence of a principal structure on the lot and any and all dimensional requirements of the A, B, and C Residential Zoning districts:

- (1) Bulkhead. Stabilized rip-rap. Floating docks parallel along a bulkhead.
- (2) Boatlifts for the purpose of storing vessels.
- (3) Jet-Ski floats/docks.
- (4) A shed not greater than 100 square feet or
- (5) Gazebo not greater than 100 square feet or
- (6) A pergola with a footprint not greater than 140 square feet. The footprint is calculated by the area created by perimeter of the outer structural members of the pergola.
- (7) Registered boats, watercraft and trailers. For boats not required to display a current registration number and sticker, this documentation shall be provided by the owner of record of the subject parcel at the request of any Town of Babylon inspector.
- (8) Storage of registered boats and watercraft on blocks.
- (9) The docking of registered boats and watercraft.
- (10) Storage and the docking of canoes, dinghies, kayaks and other similar non-motorized craft and duck boats.
- (11) Boats must be docked parallel to the deeded waterfront parcel.
- (12) At grade decks, pavers and concrete slab. At grade is defined as 12" or less finished height above the adjacent grade from as measured from the four corners of the improvement. Pervious treatments such as stone, gravel and pavers are encouraged and may cover up to 50% of the entire parcel. Slabs and decks shall not exceed a maximum of 100 square feet. Up to a 4' wide dock platform running parallel and abutting along a bulkhead is not included in this calculation.
- (13) Fences up to 4' in height. Perimeter fencing shall not be of solid construction; with the exception of the fencing separating parcels or facing a side yard.
- (14) Uses and minor improvements ancillary to the harvest of shell or finfish. This includes the storage of minnow pots, crab pots, cast nets and similar fishing gear.
- (15) All structures and decking must be suitably anchored to prevent floatation and lateral movement during flood events in accordance with Chapter 125 of the Code of the Town of Babylon Flood Damage Control and applicable State and Federal building codes and regulated in connection with floodplain management.

B. Only one accessory structure is permitted on a deeded waterfront parcel, including but not limited to sheds, pergolas and gazebos. All improvements including but not limited to sheds, pergolas, gazebos, fences, electric power and lighting, and boat lifts shall require a building permit. The addition of a pervious surface and or landscaping does not require a building permit.

C. The maximum height of a shed, pergola or gazebo shall be 10' as measured by the average adjacent grade from the four corners of the structure.

D. The lot coverage inclusive of both the accessory structure and any impervious surfaces shall not exceed 50% in any case. Up to a 4' wide dock platform running parallel over the land and abutting a bulkhead shall be exempt from the lot coverage calculation.

§ 213-566 Prohibited Uses and Improvements

A. On deeded waterfront parcels the following improvements and uses are prohibited:

- (1) Storage of motor vehicles or commercial equipment or vehicles or docking of commercial vessels as defined in Section 86-8 C. of the Code of the Town of Babylon.
- (2) Commercial uses, except those ancillary to the harvest of shell or finfish. All other provisions of Chapter 86 and the Town of Babylon Zoning Code not in conflict with this Chapter apply.
- (3) Floating Homes or the use of a boat or vessel for live aboard occupancy.
- (4) Installation of perpendicular docks and or poles to allow perpendicular docking of vessels.
- (5) The installation of above and below ground tanks and any fuel or chemical storage.
- (6) No improvements or placement of objects shall be constructed within the Town of Babylon right of way (ROW).
- (7) Any uses prohibited in the A, B and C Residence Districts pursuant to Chapter 213 of the Zoning Code of the Town of Babylon.
- (8) Installation of sanitary facilities.
- (9) Habitable space and or occupancy of any type.
- (10) Campers and Motor Homes.
- (11) Tents, canvas or fabric garages or shelters, or other similar pop up structures erected for greater than 24 hours.
- (12) No docked watercraft or permanent or temporary, float, dock or pier or other structure can encroach in the authorized navigation channel.

§ 213-567 Other Approvals Required

A. The following is required for any construction or electrical work:

- (1) As applicable New York State Department of Environmental Conservation and United States Army Corp of Engineers.
- (2) Underwriters Certificate for any electrical Improvements such as dock power, electrical outlets and lighting in connection with any duly authorized Town of Babylon Building Permit.
- (3) Town of Babylon Department of Public Works Engineering Division approval for any bulkhead work if a drainage easement exists on site or for any work above a drainage easement.

§ 213-568 Property Maintenance and Upkeep

A. At all times the owner of a deeded waterfront parcel shall keep its premises and improvements in a safe, sightly, clean, neat and wholesome manner. All improvements and landscaping and turf shall be maintained, including fences, bulkheads, sheds in a manner mindful and respectful of the community. Bulkheads shall be properly maintained to remain in a functional state and not be allowed to rot or deteriorate or so as to create or allow for erosion into the Grand Canal or an adjacent parcel.

§ 213-569 Outside Storage

A. Excessive outside storage of materials defined as greater than 30% lot coverage and 70% lot coverage for boat storage on the parcels shall be prohibited. Only boating, watersport and marine related items shall be stored on a deeded waterfront parcel. With the exception of boats, storage of materials shall not exceed 4' in height. Derelict or abandoned vessels, barges or floating structures shall not be docked or stored on deeded waterfront parcels as defined in this Chapter.

**RESOLUTION NO. 152 MARCH 3, 2021
ADOPTING AMENDMENTS CHAPTER 2, ARTICLE IV, SECTION 2-1
OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES**

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

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 17th day of February, 2020 at 3:30 p.m. prevailing time, upon the question amending Chapter 2, Article IV, Section 2-1 of the Town of Babylon Uniform Code of Traffic Ordinances

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

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

VOTES: 5 _____ YEAS: 5 _____ NAYS: 0 _____

The resolution was thereupon declared duly adopted.

EXHIBIT "A"
Chapter 2, Article IV, Section 2-1
[Traffic Regulations; Installation of Traffic Control Signals]

ADD to Schedule A:

<u>Location</u>	<u>Hamlet</u>	<u>Description of Signal</u>
Bay Shore Road, C.R. 57 at Skidmore Road	DP	Three Color

**RESOLUTION NO. 153 MARCH 3, 2021
ADOPTING AMENDMENTS CHAPTER 2, ARTICLE IV, SECTION 2-8
OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES**

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

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 17th day of February, 2020 at 3:30 p.m. prevailing time, upon the question amending Chapter 2, Article IV, Section 2-8 of the Town of Babylon Uniform Code of Traffic Ordinances

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

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

VOTES: 5 _____ YEAS: 5 _____ NAYS: 0 _____

The resolution was thereupon declared duly adopted.

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

ADD to Schedule H:

<u>Intersection</u>	<u>Hamlet</u>	<u>Sign</u>	<u>Controlling Traffic</u>
Hamilton Avenue at Jenkins Avenue	NB	Stop	East/West on Hamilton Avenue

**RESOLUTION NO. 154 MARCH 3, 2021
ADOPTING AMENDMENTS CHAPTER 2, ARTICLE IV, SECTION 2-8
OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES**

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

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 17th day of February, 2020 at 3:30 p.m. prevailing time, upon the question amending Chapter 2, Article IV, Section 2-8 of the Town of Babylon Uniform Code of Traffic Ordinances

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

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

VOTES: 5 _____ YEAS: 5 _____ NAYS: 0 _____

The resolution was thereupon declared duly adopted.

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

ADD to Schedule H:

<u>Intersection</u>	<u>Hamlet</u>	<u>Sign</u>	<u>Controlling Traffic</u>
A Street at 15 th Avenue/ Mida Court	WB	Stop	West on A Street

**RESOLUTION NO. 155 MARCH 3, 2021
ADOPTING AMENDMENTS CHAPTER 5, SECTION 5-1
OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES**

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

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 17th day of February, 2020 at 3:30 p.m. prevailing time, upon the question amending Chapter 5, Section 5-1 of the Town of Babylon Uniform Code of Traffic Ordinances

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

EXHIBIT "A"
Chapter 5, Section 5-1
[Commercial Vehicles; Truck Exclusions]

ADD to Schedule N:

Table with 3 columns: Name of Street, Hamlet, Limits. Rows include Glenda Drive (WB, from New York State Route 109 to Joan Place) and Joan Place (WB, from Platt Avenue to Glenda Drive).

RESOLUTION NO. 156 MARCH 3, 2021
SCHEDULING A PUBLIC HEARING IN REFERENCE TO AMENDING
CHAPTER 2, ARTICLE IV, SECTION 2-8 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES

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

BE IT RESOLVED, by the Town Board of the Town of Babylon, that a Public Hearing be held on the 31st day of March, 2021 at 3:30 p.m., prevailing time, at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, or held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - https://bit.ly/3aNSG2P provided Governor Cuomo extends Executive Order 202.1 regarding the "Open Meetings Law", authorizing public meetings to be held remotely by conference call or similar service (If you wish to address the board at the public hearing, visit townofbabylon.com and click on the "How Do I..." link, and then "Participate in a Public Hearing" to order to participate), to consider amending Chapter 2, Article IV, Section 2-8 of the Town of Babylon Uniform Code of Traffic Ordinances as set forth in the annexed Exhibit "A"; and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

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

ADD to Schedule H:

Table with 4 columns: Intersection, Hamlet, Sign, Controlling Traffic. Rows include Shelton Street at Feustal Street (WB, Stop, South on Shelton Street), Frankie Lane at Magro Drive (NB, Stop, South on Frankie Lane), and Frankie Lane at Frankie Lane (NB, Yield, West on Frankie Lane).

RESOLUTION NO. 157 MARCH 3, 2021
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR THOMAS COLLISON
OUTER BEACH APPLICATION NO. 136396 SCTM #0100-240-01-97

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

WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No.136396 of Thomas Collison, for the premises located at SCTM #0100-240-01-97 (8 Bay Walk, W. Gilgo Beach) to construct an elevator addition; and

WHEREAS, the application is a Type II action under the Town of Babylon Environmental Quality Review Act and as such no determination of significance is required; and

WHEREAS, the Department of Environmental Control has reviewed the drawings and has determined that this project will not result in significant environmental impacts,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that upon the recommendation of the Commissioner of Planning and Development, Outer Beach Application No. 136396 of Thomas Collison, for the premises located at SCTM #0100-240-01-97 (8 bay Walk, W. Gilgo Beach), to construct an elevator addition; and be it further

RESOLVED, that the issuance of the Building Permit, in accordance with the plans and the application presently on file, be and the same is hereby approved, subject to the terms and conditions of New York State Department of Environmental Conservation's, Suffolk County Board of Health and/or the United States Army Corps of Engineers' approval, where applicable.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 158 MARCH 3, 2021
AUTHORIZING THE EMERGENCY CLEAN UP OF DEBRIS AND MATERIALS AT THE PREMISES LOCATED AT
152 GRACIE DRIVE, NORTH BABYLON, NY SCTM NO. 0100-120.00-02.00-007.000

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

WHEREAS, a certain structure(s) located at 152 GRACIE DRIVE, NORTH BABYLON, NY, SCTM NO. 0100-120.00-02.00-007.000, the Premises, has an accumulation of debris and materials including vegetation overgrowth on the Premises, including an unregistered motor vehicle, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

WHEREAS, notice of the above stated conditions was previously posted at the Premises; and

WHEREAS, the conditions noted above cause a danger to the health, safety and welfare of the surrounding community.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order cleanup of the Premises located 152 GRACIE DRIVE, NORTH BABYLON, NY, SCTM NO. 0100-120.00-02.00-007.000 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, and be it further

RESOLVED, that the Department of Environmental Control 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 and §133-28.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

Being no further business before the Board, the meeting adjourned at 3:36 pm on the motion of Councilman Gregory, seconded by Councilman McSweeney.

Geraldine Compitello
Geraldine Compitello, Town Clerk