

PUBLIC HEARING  
OF THE  
TOWN BOARD  
TOWN OF BABYLON

Held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P>,  
on Wednesday, the 31st day of March 2021 at 3:30 P.M., Prevailing Time.

-----  
*A PUBLIC HEARING IN REFERENCE TO DETERMINING WHETHER THE PREMISES LOCATED AT  
163 W 18TH STREET, DEER PARK, NY 11729, SCTM#0100-059.00-03.00-155.000 IS A PUBLIC NUISANCE PURSUANT  
TO THE CODE OF THE TOWN OF BABYLON, ARTICLE III, CHAPTER 165 PUBLIC NUISANCES*  
-----

PRESENT:

ANTHONY MANETTA	COUNCILMAN
ANTONIO A. MARTINEZ	COUNCILMAN
TERENCE MC SWEENEY	COUNCILMAN
DUWAYNE GREGORY	COUNCILMAN
RICHARD SCHAFFER	SUPERVISOR
GERALDINE COMPITELLO	TOWN CLERK
JOSEPH WILSON	TOWN ATTORNEY
JENNIFER TAUS	RECORDING SECRETARY

ABSENT: NO ONE

-----  
The Town Clerk read the Notices of Public Hearing

PLEASE TAKE NOTICE, that the Town Board of the Town of Babylon will hold a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 31<sup>st</sup> day of March, 2021 at 3:30 p.m., prevailing time, to determining whether premises are a public nuisance pursuant to the Code of the Town of Babylon, Article III, Chapter 165 Public Nuisances as set forth in the annexed resolution:

RESOLUTION NO. 181 MARCH 17, 2021  
SCHEDULING A PUBLIC HEARING IN REFERENCE TO DETERMINING WHETHER THE PREMISES LOCATED AT  
163 W 18<sup>TH</sup> STREET, DEER PARK, NY 11729, SCTM#0100-059.00-03.00-155.000 IS A PUBLIC NUISANCE PURSUANT  
TO THE CODE OF THE TOWN OF BABYLON, ARTICLE III, CHAPTER 165 PUBLIC NUISANCES

BE IT RESOLVED, by the Town Board of the Town of Babylon that a Public Hearing be held on the 31<sup>st</sup> 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](http://townofbabylon.com) and click on the "How Do I..." link, and then "Participate in a Public Hearing" to order to participate), to consider the whether the premises located at 163 W 18<sup>th</sup> Street, Deer Park, NY 11729, SCTM#0100-059.00-03.00-155.000 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.

Dated: March 17, 2021, Town of Babylon

BY ORDER OF THE TOWN BOARD, TOWN OF BABYLON  
GERALDINE COMPITELLO, TOWN CLERK

Joanne Darmenio  
163 West 18<sup>th</sup> Street, Deer Park, NY 11729  
I've been here since October 2010 and my brother was alive then, he has since passed.

Supervisor Schaffer: Is your brother Anthony?

Ms. Darmenio: Yes.

Supervisor Schaffer: Okay, so he's the listed owner of the house?

Ms. Darmenio: Correct, because when he passed, he had a subprime loan mortgage and it was in negotiations but he didn't tell us until the end and then when he did pass, he had left me and my two sisters everything and my older sister is the executrix.

Supervisor Schaffer: So, Joanne just if I could ask, when did he pass?

Ms. Darmenio: In 2013.

Supervisor Schaffer: And, so you just stated you use the word executrix, so there's a probate proceeding that has been conducted in Suffolk County surrogates court?

Ms. Dardenio: Yes

Supervisor Schaffer: And has that proceeding been wrapped up?

Ms. Dardenio: Yes, I assume so, we've been in communication with the bank, but the problem was he was \$285,000 behind at that time, so that was just underwater not even subprime anymore

Supervisor Schaffer: right, but the question I have is so if he passed away in 2013 which is about eight years ago and your sister, what's your sister's name, who's the executrix?

Ms. Dardenio: Annette Andrews.

Supervisor Schaffer: Okay, so Annette has the responsibility of wrapping up the estate based on I assume a will that was admitted to probate and she was appointed as an executrix by the Suffolk County surrogates court.

Ms. Dardenio: She never put the will in because her husband had passed away like four months after and she was dealing with her stuff and she never put it in, but the lawyer said it's valid. It's real.

Supervisor Schaffer: Right, so my guess, the reason why we're asking the questions is because we're still showing as the listed owner Anthony and what would happen during a probate is once the will is admitted and common is as he left, you said he left all of his property and belongings to you and your two sisters and Annette was responsible for making sure that that was completed and conducted as of right now we're still showing Anthony as the listed owner so we didn't even know that he had passed away. So with Anthony being the listed owner and Annette not probating so even though he passed away in 2013 and her husband passed away you said four months after Anthony or so she had a lot going on in 2013 and 14 obviously, but I guess the question is, the will yes is valid if an attorney's told you that, but we need to get the will probated in order to have you three listed as the owners. Now that's not really at issue here during this public hearing, what's at issue here during this public hearing is the fact that under our town code we have enough evidence now to declare this property a public nuisance and to remove you and any other occupants of the property and board up the house.

Ms. Dardenio: There was only one arrest, which was too much as far as I'm concerned, there was only one on the 20th and it wasn't at the house.

Supervisor Schaffer: Well we have information that differs from that but a woman named Jacqueline Burrows.

Ms. Dardenio: That's my daughter she came to stay here because during the pandemics she got laid off and she needed a place to stay.

Supervisor Schaffer: Okay.

Ms. Dardenio: It was the one time and I told her at that point that because she didn't disrupt the neighborhood when she came in she disrupted my household I work from home I'm on the phone with my members most of the day and it was just chaos and I finally told her either you have to stop or you had to leave and it stopped, she's not allowed to hang out in the garage, not allowed to have anybody over. I let her know you're here because you need a place to stay and so you can get on your feet again and she's barely here because of it, but that's been taken care of months ago it's been resolved. I keep the utilities paid, I maintained the property; I had the cesspools not one but both of them pumped so the next person doesn't have to go through it. I mean I'm maintaining the house and she was just the exception.

Supervisor Schaffer: Okay, you've lost me there for a second, you're pumping the cesspools for the next person?

Ms. Dardenio: Well no when I noticed that there was green stuff coming up and I had them come because I realized they hadn't been pumped since either right before or right after I moved in, so when they came they said they could have just done one but I told them no do the second one so that the next person because I'm not expecting to be here forever but I just you know didn't want the next person to have to deal with that right away so while they were here I had them both done. So, I'm saying I do maintain the property. I'm trying to keep it as it is, it is going to be foreclosed that's not a doubt, because like I said there was no way I could overcome a \$285,000 past due, plus the regular mortgage that brought the house up to over \$700,000 and it's definitely not worth it.

Supervisor Schaffer: Wait, so let me just go back, so what you're saying is that right now there's \$700,000 outstanding on the mortgage?

Ms. Dardenio: Yeah at least, it was like I said, \$285,000 behind. We found out after which we didn't know he hadn't paid the mortgage because it was in the subprime, so when he passed, he was already \$285,000 passed due

Supervisor Schaffer: Okay, who is the lender or who's the bank or what's the name of them?

Ms. Dardenio: I mean they there was a whole stack of ones when we got the papers because they have put it through probate but because she hadn't put the will in they told me, talk to his children and you know they did all that work today.

Supervisor Schaffer: Talk to whose children?

Ms. Dardenio: Anthony, my brother, because he did have kids but he was not you know he was estranged from them at that time.

Supervisor Schaffer: Okay all right.

Ms. Dardenio: The bank had done all that, that's why I'm surprised that he's still listed. The mortgage notes come in the estate of Anthony Dardenio. So, they are aware.

Supervisor Schaffer: Right well officially he's still listed as the owner. We'll I'm just curious we're going to do a little more research on that, but in the meantime here's what we've got. So is Jacqueline Burrows and she's also known as Jacqueline Johnson?

Ms. Dardenio: Yes, her name is Jacqueline Burrows but she was married so Jacqueline Johnson's her married name.

Supervisor Schaffer: And is she still married?

Ms. Darmenio: She's in the process of getting a divorce.

Supervisor Schaffer: Okay, so is she still living at the property?

Ms. Darmenio: She is here, but she's rarely here because like I said, I told her she cannot hang out and have people over, it's not the reason she's here to have a place to sleep, so that all stopped months ago that she's rarely here now.

Supervisor Schaffer: Right, so she cannot live there anymore. She can't sleep there, she can't be there, because based on her conduct and like I said we've got the two arrests, one was an arrest criminal possession of a controlled substance her next court date is July 16, 2021.

Ms. Darmenio: That was the only arrest on the 20<sup>th</sup>, it's the only arrest she had I checked the courts I checked everything.

Supervisor Schaffer: Well I'm going to give you more information, so why don't I just read this off for you so that you know what she's been arrested for. So, she was arrested right she's 20-578155, criminal possession of marijuana third which is a felony over three ounces the marijuana was found in her garage in a statement she implicated herself as the sole possessor of said marijuana 20-578151. Second violation of marijuana in her pocket she was arrested at another location but was observed leaving her residence prior to the stop 20-573197 criminal sale of control substance fifth degree she sold ecstasy to another the incident date for this arrest was November 17, 2020 located at 163 West, 18th Street, Deer Park 20-571421 criminal sale of control substance in the fifth degree sold ecstasy to another incident date November 16, 2020 that was incident to this location where she had left there and conducted the transaction in Bayshore 20-541535 criminal sale of control substance in the third degree sold cocaine to another incident date October 29, 2020 that was after she had left and been followed to 1 Marriott Plaza in Farmingdale, Suffolk County. So these are all by the way all of this is as a result of several neighbors contacting me and several other town board members and us requesting the police's crime control section unit out of the first precinct to both surveil the address 163 West 18th street, as well as surveil her for her activities so I feel bad that she's your daughter, I'm sorry to see that either she's got an issue with drugs herself or she's just wrapped up with the wrong people if she's just conducting the transactions, but from what we've gathered from the neighborhood and I'm sorry you're in the middle of this, but it has been an ongoing thing that we just are not going to stand for anymore. People who live on your street don't deserve it, you don't deserve it, but I'm going to leave that up to you, you're an adult and you'll have to deal with this issue be happy to help you in any way we can, but I can tell you and I can't speak for the Town Board, but based on everything that I've been told, everything that I've been shown and the length of time that we've been dealing with this, we're going to have to take action on this and it's going to involve her not being able to live there, because I believe that she has issues that she's got to straighten out and we're not going to be letting her straightening them out at that location, because she is a big part of the problem here. I don't know who else lives there at this point beside her.

Ms. Darmenio: Her kids

Supervisor Schaffer: And who are her kids, what are her kid's names?

Ms. Darmenio: Juliana and John.

Supervisor Schaffer: And they have the same last name Borrows or Johnson?

Ms. Darmenio: Johnson.

Supervisor Schaffer: And how old are they?

Ms. Darmenio: 12 and 14.

Supervisor Schaffer: So, they're teenagers and they attend Deer Park schools?

Ms. Darmenio: No, they're still in Islip schools from where she had to leave.

Supervisor Schaffer: Islip hamlet?

Ms. Darmenio: Yes

Supervisor Schaffer: Okay, so they say they live there but they attend so they're transported or they're obviously a lot of virtual activity going on with schools but so and she has custody of the children or there's a joint custody.

Ms. Darmenio: There's joint custody with the father?

Supervisor Schaffer: With the father?

Ms. Darmenio: Yes.

Supervisor Schaffer: Does the father still live in Islip?

Ms. Darmenio: No, he lives in North Babylon now.

Supervisor Schaffer: He's in North Babylon, what's his name?

Ms. Darmenio: John Johnson

Supervisor Schaffer: Okay, we're not taking action today, but I think we need to talk further and we need to figure this out, but she cannot live there, that's going to be my recommendation to the town board and we're going to have to figure out what she's going to do and again what she's going to do in terms of the kids, because we don't have a track record to trust her to do the right thing and so in fact I don't know where she is now, is she at work?

Ms. Darmenio: No, she's out I don't know where she is. So, I said she's very rarely here anyway okay she can't have people here.

Supervisor Schaffer: What I would suggest some Jerry Guarino is on here as well as Joe Wilson. So

Joe Wilson's our Town Attorney, Jerry Guarino is our Assistant Town Attorney, Deputy Town Attorney and I'm going to suggest that we schedule a separate Zoom call with her and her mom Joanne in the next day or so. The next town board meeting is April 14<sup>th</sup>, so we have to come to some resolution, because the board will take action on April 14<sup>th</sup> after we close this public hearing today, so I want to hear from her. How old is she?

Ms. Darmenio: She'll be 37

Supervisor Schaffer: Okay, so we're not talking about a kid here, so then we have to have a conversation with her and it's a little unfortunate that this is being put on you and we're going to, we need to have a chat with her. So, you find out when she's available in the next two days and I want to have a chat with her before Friday. I can tell you, you can give her the tea up on this that she's not going to be able to stay there, now she's got to develop a track record of responsibility and we need to figure out what's going on with her because it's been a mess and I'm also aware of a lot of social media that she's on. I don't want to get into that now, but we need to have a conversation with her and she's really put you in a bad position, she's put her kids in a bad position, and I want the 37-year-old Jacqueline Borrows to start accepting some responsibility here. I don't want to tell you this, but it's BS that she's not here today to address all of the issues that she's created, and she should be ashamed of herself and I hope embarrassed that she's put her mother in this situation. All right so we have your phone number Joanne?

Ms. Darmenio: Yes.

Supervisor Schaffer: Okay we'll be in touch with you to arrange the Zoom call.

Ms. Darmenio: Okay thank you very much.

Supervisor Schaffer: Thank you. Joe and Jerry, would you follow up with Joanne and let me know when we can get that call scheduled for tomorrow or Friday.

Supervisor Schaffer: I move that the hearing be CLOSED and decision reserved.

Councilman Martinez: Second

ALL IN FAVOR: AYE

HEARING CLOSED DECISION RESERVED.

/jt

PUBLIC HEARING

OF THE

TOWN BOARD

TOWN OF BABYLON

Held via Zoom and streamed live over the internet at the Town of Babylon YouTube channel - <https://bit.ly/3aNSG2P>, on Wednesday, the 31st day of March 2021 at 3:30 P.M., Prevailing Time.

-----  
*A PUBLIC HEARING IN REFERENCE TO AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-8  
OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES*  
-----

PRESENT:

ANTHONY MANETTA	COUNCILMAN
ANTONIO A. MARTINEZ	COUNCILMAN
TERENCE MC SWEENEY	COUNCILMAN
DUWAYNE GREGORY	COUNCILMAN
RICHARD SCHAFFER	SUPERVISOR
GERALDINE COMPITELLO	TOWN CLERK
JOSEPH WILSON	TOWN ATTORNEY
JENNIFER TAUS	RECORDING SECRETARY

ABSENT: NO ONE

-----  
The Town Clerk read the Notices of Public Hearing

PLEASE TAKE NOTICE that the Town Board of the Town of Babylon will hold a Public Hearing on the 31<sup>st</sup> 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](http://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".

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>
Shelton Street at Feustal Street	WB	Stop	South on Shelton Street
Frankie Lane at Magro Drive	NB	Stop	South on Frankie Lane
Frankie Lane at Frankie Lane	NB	Yield	West on Frankie Lane

Dated: March 3, 2021, Town of Babylon

BY ORDER OF THE TOWN BOARD, TOWN OF BABYLON  
GERALDINE COMPITELLO, TOWN CLERK

Councilman Manetta: I move that the hearing be CLOSED and decision reserved.

Councilman Gregory: Second

ALL IN FAVOR: AYE

HEARING CLOSED DECISION RESERVED.

/jt

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 31st 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 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 still serving all of us in the fight against the Covid-19 pandemic, particularly first responders and health care professionals as well as those in our town who are suffering from the Covid-19 pandemic and those especially who've lost loved ones..*

*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

1. ***PUBLIC HEARING IN REFERENCE TO DETERMINING WHETHER THE PREMISES LOCATED AT 163 W 18TH STREET, DEER PARK, NY 11729, SCTM#0100-059.00-03.00-155.000 IS A PUBLIC NUISANCE PURSUANT TO THE CODE OF THE TOWN OF BABYLON, ARTICLE III, CHAPTER 165 PUBLIC NUISANCES***
2. ***PUBLIC HEARING ON AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-8 OF THE TOWN OF BABYLON UNIFORM CODE OF TRAFFIC ORDINANCES***

Agenda speakers:

Raymond Baierlein - Counsel for Corey Jackson  
85 West Main Street, Bay Shore, NY – 516-741-2100  
[Ray@RCBLawfirm.com](mailto:Ray@RCBLawfirm.com)

Regarding removal of nuisance notice for 318 W 22nd Street Deer park, NY

I represent a gentleman by the name of Corey Jackson and I would like to speak with you today about the nuisance notice and the shuttering of the property known as 318 West 22<sup>nd</sup> Street, Deer Park. I'll start out he is the current titled owner of the premises that I've just described and I did forward to Mr. Guarino this morning by email a copy of the deed and all the associated documents that Mr. Guarino graciously offered to forward to the members of the board and I hope that you did all receive that and you'll see that contained in this packet is the certificate from the County Clerk indicating that the deed has been validly recorded and it is the last deed

of record for this property and the deed is dated in May of 2020 and it was recorded in December of 2020. Now I'll begin, I don't know how much the board members may know of this property.

Supervisor Schaffer: More than they would like to know.

Mr. Baierlein: I just don't want to be presumptuous.

Supervisor Schaffer: So why don't we let's cut to the chase.

Mr. Baierlein: Ok.

Supervisor Schaffer: So, board members we are all aware of this property because we conducted a public hearing, we made a declaration, Mr. Baierlein is here to request us to lift the public nuisance, the designation that the board approved for this property. As you know and some of you might have known just in conversation, the former occupant/owner of the property passed away in early December. There were some questions that came up as to the status of his estate. We were contacted and spoke with a couple of his siblings who live in the area still, there was some back and forth with Mr. Jackson in him presenting the quit claim deed that he had that was signed in May, that was recorded in December, short circuit everything Steve Bartolino who represented the family contacted me recently and told me that the family has moved on from this, the house does have some financial issues going on with Bethpage Federal credit union, which I'm assuming will be left up to Mr. Jackson to deal with. At this point the family is satisfied with all the actions that the town has taken as you know a lot of this was taken because of the neighbors surrounding the house and all of the antics and crazy illegal activities that were taking place at the house. So, all that's been resolved obviously sadly by the previous owners passing and us removing all of the occupants who were in the house at the time. Mr. Baierlein represents Mr. Jackson who is now the owner it's represented to us and that Mr. Jackson is going to be living there he shares custody of I guess one child is it?

Mr. Baierlein: He has a 19-month-old son.

Supervisor Schaffer: That he shares custody with and he's going to be living there. He's not buying it to fix it up and rent it, he's living there as his primary residence is that correct Mr. Baierlein?

Mr. Baierlein: That is correct.

Supervisor Schaffer: Right, and it's also my understanding that he spent some time visiting with some of the neighbors who rightly so have been very concerned about what's gone on at that address.

Mr. Baierlein: Yes, my client was aware of the former condition, he wasn't associated of course with the former owner in that way. He was presented with the opportunity to purchase the house from the owner and when he did, he was aware of this history, knew that it was shuttered and took the proactive approach of introducing himself to the neighbors to tell them, hey I just bought this and I intend to live here. I want you to know this condition that you've had to live with is not going to continue and that was why he approached the neighbors at that time.

Supervisor Schaffer: And if you can add to his list that I would suggest he contacts the neighbors whose properties back up onto the property so these would be people who live on I believe, what side of the street is he on?

Mr. Baierlein: He's not sure but of course the people from the backyards whose backyards have joined his.

Supervisor Schaffer: Okay, oh is he there with you?

Mr. Baierlein: He's with me.

Supervisor Schaffer: Oh, very good. Good afternoon Mr. Jackson.

Mr. Jackson: Good afternoon.

Supervisor Schaffer: Thank you for following up with all of this, and looking forward to having you as a full-time resident now.

Mr. Jackson: Thank you.

Supervisor Schaffer: We'll send the welcome wagon.

Mr. Jackson: All right thank you. I appreciate it.

Supervisor Schaffer: You're not old enough to know, Mr. Baierlein is old enough to know what the welcome wagon is.

Mr. Baierlein: It's called a tax bill.

Supervisor Schaffer: Yeah that's right the tax bill will be there. Yes so we're very satisfied and we appreciate you working with us to make sure that the neighborhood now is happy with knowing that they have a nice young family man who's going to be living there, that none of the activities that were there before, they were just very upset with that and we're grateful to you for bringing this all to a conclusion.

Mr. Jackson: Thank you very much Supervisor Schaffer.

Supervisor Schaffer: So, Joe what I'm going to do is make a motion to have the town board lift the public nuisance designation now based on the representations from Mr. Baierlein and us saying hello to Mr. Jackson so that he can begin his new life in his new house with would you say a son, you're 19-month-old son.

Mr. Jackson: Yes

Supervisor Schaffer: What's his name?

Mr. Jackson: Carter Roosevelt.

Supervisor Schaffer: Excellent. Are those your favorite presidents?

Mr. Jackson: Well my father's name was Roosevelt and I just named him after him with his middle name. My dad was an inspiration to me.

Supervisor Schaffer: Awesome.

Mr. Jackson: So, he passed away two years ago.

Supervisor Schaffer: So, his was in honor of your dad.

Mr. Jackson: Correct.

Supervisor Schaffer: Awesome, well that's great and we wish you the best and if you need anything from us you know where to reach us.

Mr. Jackson: Thank you I appreciate it.

Supervisor Schaffer: Okay, so I'll make a motion.

Joe Wilson: Supervisor Schaffer before you do that, I'll add resolution 235 to the agenda and you can go ahead and introduce the motion.

Supervisor Schaffer: So, I'll introduce resolution 235 which will in sum and substance after the town attorney helps me out by putting a draft together that lifts the public nuisance designation to 318 West 22<sup>nd</sup> Street, Deer Park, based on the representations that we've heard today, second by Councilman Martinez. I ask the Clerk to pole the board.

Joe will provide us with the draft that will be added to the agenda, but in the meantime you guys are good to go and we appreciate you working with us on that.

Mr. Baierlein: Supervisor Schaffer, members of the board, thank you very much for your consideration. On behalf of myself and Mr. Jackson you very much appreciate your consideration in the matter.

Supervisor Schaffer: Thank you, good luck.

Mr. Baierlein: Thank you, have a great day everyone.

Supervisor Schaffer: You too.

**RESOLUTION NO. 193 MARCH 31, 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: March 24, 2021

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 194 MARCH 31, 2021  
AUTHORIZING A CREDIT AND ACCEPTING THE CONTRACT AS COMPLETED WITH CORPORATE ELECTRICAL TECHNOLOGIES, INC. FOR  
BID NO. 20G34, ELECTRICAL IMPROVEMENTS & UPGRADE AT  
CEDAR BEACH PAVILION**

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

WHEREAS, Bid No. 20G34, Electrical Improvements & Upgrades at Cedar Beach Pavilion was awarded to Corporate Electrical Technologies, Inc. pursuant to Resolution No. 561 of September 2, 2020 for a total contract amount of NINETY-SIX THOUSAND, SIX HUNDRED SIXTY-SIX (\$96,666.00) DOLLARS, and WHEREAS, Change Order Nos. 1 & 2 were approved pursuant to Resolution No. 797 of December 23, 2020 which resulted in no change to the contract amount, and WHEREAS, a credit is due from Corporate Electrical Technologies, Inc. as follows:

Credit for Unused Contingency	(\$14,776.00)
-------------------------------	---------------

WHEREAS, the Commissioner of General Services, the Commissioner of the Department of Public Works and Nelson + Pope have deemed all work performed by Corporate Electrical Technologies, Inc. pursuant to Bid No. 20G34 as complete and acceptable,

NOW, therefore be it

RESOLVED, that unused contingency from Corporate Electrical Technologies, Inc. be and is hereby accepted for a credit amount of FOURTEEN THOUSAND, SEVEN HUNDRED SEVENTY-SIX (-\$14,776.00) DOLLARS, thereby reducing the total contract amount to EIGHTY-ONE THOUSAND, EIGHT HUNDRED NINETY (\$81,890.00) DOLLARS, and be it further

RESOLVED, that based upon the recommendations Commissioner of General Services, the Commissioner of the Department of Public Works and Nelson + Pope, all work performed by Corporate Electrical Technologies, Inc. pursuant to Bid No. 20G34, be and is hereby accepted as satisfactorily complete at a final contract price of EIGHTY ONE THOUSAND, EIGHT HUNDRED NINETY (\$81,890.00) DOLLARS

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 195 MARCH 31, 2021  
AUTHORIZING A CREDITS AND ACCEPTING THE CONTRACT AS COMPLETED WITH ADJO CONTRACTING CORP.**

**FOR BID NO.20G59 GEIGER PARK SANITARY EXTENSION, PHASE 2**

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

WHEREAS, Bid No. 20G59, Geiger Park Force Main was awarded to Adjo Contracting Corp. pursuant to Resolution No. 501 of July 20, 2020 for a total contract amount of TWO HUNDRED EIGHTEEN THOUSAND, FOUR HUNDRED FIFTY (\$ 218,450.00) DOLLARS, and

WHEREAS, credits are due from Corporate Electrical Technologies, Inc. as follows:

Elimination of the grease trap	(\$29,000.00)
Elimination of piping for grease trap	(\$9,960.00)
Elimination of Cleanout	(\$10,000.00)
Elimination of unclassified excavation	(\$1,000.00)
Elimination of Select Fill	(\$3,150.00)
Elimination of Precast Manholes	(\$2,700.00)
Credit for unused contingency	(\$20,000.00)
<b>Total Credits</b>	<b>(\$75,810.00)</b>

WHEREAS, the Commissioner of General Services, the Commissioner of the Department of Public Works and Liro Engineers, Inc. have deemed all work performed by Adjo Contracting Corp. pursuant to Bid No. 20G59 as complete and acceptable,

NOW, therefore be it

RESOLVED, that the credits from Adjo Contracting Corp. be and are hereby accepted for a total the amount of SEVENTY-FIVE THOUSAND, EIGHT HUNDRED TEN (-\$75,810.00) DOLLARS, thereby reducing the total contract amount to ONE HUNDRED FORTY-TWO (\$142,640.00) DOLLARS, and be it further

RESOLVED, that based upon the recommendations Commissioner of General Services, the Commissioner of the Department of Public Works and Liro Engineers, Inc., all work performed by Corporate Electrical Technologies, Inc. pursuant to Bid No. 20G59, be and is hereby accepted as satisfactorily complete at a final contract price of to ONE HUNDRED FORTY TWO (\$142,640.00) DOLLARS.

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

Councilman Manetta	Voting	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. 196 MARCH 31, 2021**

**AWARDING BID NO. 21G02 CAP & CLOSURE OF LOWER & LOWER MIDDLE WALLS OF CELL NO. 7**

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

WHEREAS, the following bids for Bid No.21G02, Requirements Contract for Drainage Construction

<b><u>BIDDER</u></b>	<b><u>TOTAL BID COMPARISION PRICE</u></b>
<b>Grace Industries, LLC</b>	<b>\$7,929,850.00</b>
Galvin Bros/Madhue Contracting, Inc. a JV	\$9,324,250.00
Terry Contracting	\$9,385,203.00
G & M Earth Moving, Inc.	\$12,543,000.00
Posillico/Bove JV	\$15,454,800.00

NOW THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services the Commissioner of the Environmental Control and Kosuri Engineering, Inc. and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 21G02 be and is hereby awarded to the lowest bidder, Grace Industries, LLC for a total contract amount of SEVEN MILLION NINE HUNDRED TWENTY NINE ETHOUSAND, EIGHT HUNDRED FIFTY ((\$7,929,850.00) DOLLARS and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a contract with Grace Industries, LLC, and that the form and content of said contract shall be subject to the approval of the Town Attorney.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 197 MARCH 31, 2021**

**ACCEPTING THE CONTRACT WITH CASCELLA AND SONS CONSTRUCTION CORP. FOR BID NO. 21G03 DEMOLITION OF PROPERTY LOCATED AT; 37 COOLIDGE AVE, AMITYVILLE**

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

WHEREAS, Bid No. 21G03 Demolition of Property located at; 37 Coolidge Ave. Amityville was awarded to Cascella and Sons Construction Corp. pursuant to Resolution No. 80 of February 3, 2021, in the amount of TWENTY-SIX THOUSAND EIGHT HUNDRED SEVENTY-FIVE (\$26,875.00) DOLLARS and

WHEREAS, the Commissioner of General Services recommends that all work performed by Cascella and Sons Construction Corp. pursuant to Bid No. 21G03 be deemed as satisfactorily complete,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services, all work performed by Cascella and Sons Construction Corp., be and is hereby deemed satisfactorily complete for a final contract amount of TWENTY-SIX THOUSAND EIGHT HUNDRED SEVENTY-FIVE (\$26,875.00) DOLLARS

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 198 MARCH 31, 2021**

**AUTHORIZING CHANGE ORDER NO. 1 IN THE CONTRACT WITH NORBERTO CONSTRUCTION, INC. FOR BID NO. 21G05 REPLASTERING OF SAWYER AVENUE MAIN POOL & WADING POOL**

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

WHEREAS, Bid No. 21G05, Replastering of Sawyer Avenue Main Pool & Wading Pool was awarded to Norberto Construction, Inc. pursuant to Resolution No. 85 of February 3, 2021 for a total contract amount of FIVE HUNDRED THIRTY-THREE THOUSAND, (\$533,000.00) DOLLARS, and

WHEREAS, the Change Order Committee convened on March 29, 2021 with the Chief of Staff, Town Attorney, Comptroller, and Commissioner of General Services, in attendance to review Change Order No.1 and

WHEREAS, the Change Order Review Committee and Nelson + Pope recommend the approval of Change Order No. 1 as follows

Change Order No. 1 to furnish and install new waterline tile below the gutter of the main pool	\$12,162.77
Credit to Contingency	(\$12,162.77)
Total Change Order No. 1	0

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Change Order Committee and Luigi Pascarella, P.C., the Supervisor be and he is hereby authorized to execute Change Order No. 1 which has resulted in no change to the total contract amount of amount FIVE HUNDRED THIRTY-THREE THOUSAND, (\$533,000.00) DOLLARS.

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

Councilman Manetta	Voting	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. 199 MARCH 31, 2021**  
**AWARDING BID NO. 21G17, FURNISH & INSTALL SOLID PLASTIC TOILET PARTITIONS & SCREENS, METPAR OR EQUAL**

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

WHEREAS, the following bids for Bid No. 21G17, Furnish & Install Solid Plastic Toilet Partitions & Screens, Metpar 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 recommendations of the Commissioner of General Services and upon their finding the aforementioned bids fair and reasonable, Bid No. 21G17 be and is hereby awarded to the overall low bidder Cascella and Sons Construction Corporation and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 200 MARCH 31, 2021**  
**AWARDING BID NO. 21G18, REQUIREMENTS CONTRACT FOR DRAINAGE CONSTRUCTION**

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

WHEREAS, the following bids for Bid No.21G18, Requirements Contract for Drainage Construction

<b><u>BIDDER</u></b>	<b><u>TOTAL BID COMPARISION PRICE</u></b>
<b>The Landtek Group, Inc.</b>	<b>\$7,096,250.00</b>
DP-Civil, Inc.	\$7,761,350.00
Laser Industries, Inc.	\$7,994,750.00
GGG Construction Corp.	\$8,459,950.00
Suffolk Paving Corp.	\$10,710,500.00
DeAl Concrete Corp.	\$17,795,750.00

NOW THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Commissioner of the Department of Public Works and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 21G18 be and is hereby awarded to the lowest responsible bidder, The Landtek Group, Inc. for a total bid comparison price SEVEN MILLION NINETY SIX THOUSAND, TWO HUNDRED FIFTY (\$7,096,250.00) 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 The Landtek Group, Inc. 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. 201 MARCH 31, 2021**  
**AWARDING BID NO. 21G19, REQUIREMENTS CONTRACT FOR PAVEMENT REPAIR AND/OR REGRADES ON VARIOUS TOWN ROADS**

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

WHEREAS, the following bids for Bid No.21G19, Requirements Contract for Pavement Repairs and/or Regrades on Various Town Roads

<b><u>BIDDER</u></b>	<b><u>TOTAL BID COMPARISION PRICE</u></b>
<b>Suffolk Paving Corp.</b>	<b>\$2,279,618.50</b>
Rosemar Contracting, Inc.	\$2,354,982.00
United Paving Corp.	\$2,004,412.50

WHEREAS, United Paving Corp. has requested to withdraw their bid in its entirety due to a clerical error, and

WHEREAS, the Commissioner of General Services and the Commissioner of the Department of Public Works recommend approving the withdrawal of United Paving Corp., in its entirety without penalty

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 United Paving Corp. pursuant to Bid No. 21G19 be and is hereby withdrawn in its entirety without penalty, 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. 21G19 be and is hereby awarded to the lowest responsible bidder, Suffolk Paving Corp. for a total bid comparison price of TWO MILLION TWO HUNDRED SEVENTY NINE THOUSAND, SIX HUNDRED EIGHTEEN DOLLARS AND 50/100 (\$2,279,618.50) 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 Suffolk Paving 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. 202 MARCH 31, 2021**  
**AWARDING BID NO. 21G21 ABATEMENT OF ASBESTOS FLOOR TILES AND/OR WINDOW CAULKING AT VARIOUS TOWN LOCATIONS**

The following resolution was offered by Councilman Martinez

and seconded by Councilman Manetta

WHEREAS, the following bids for Bid No.21G21, Abatement of Asbestos Floor Tiles and/or Window Caulking at Various Town Locations were received, opened and publicly read:

**SPREADSHEET ON FILE IN DEPT. OF GENERAL SERVICES, and**

WHEREAS, Gramercy Group Inc. and Unitech Services Group Inc. offered the same price for Item No. 2,

WHEREAS, pursuant to the Town of Babylon’s Procurement Policy a coin toss shall be used to break a tie bid, and

WHEREAS, a coin toss was performed on March 18, 2021 to determine the low bidder, with the Commissioner of General Services, Administrative Assistant of General Services, Secretary of General Services, Deputy Commissioner of the Department of Public Works, Public Works Facilities Coordinator, and a representative from Gramercy Group Inc., and

WHEREAS, Unitech Services Group, Inc. chose not to attend the coin toss and

WHEREAS, Gramercy Group, Inc. won the coin toss for Item No. 2,

NOW, therefore, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Deputy Commissioner of the Department of Public Works and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 21G21 be and is hereby awarded to the low bidder for each item, Wedge Wood Building Services, Inc. for Item No. 1 and Gramercy Group, Inc. for Item No. 2 and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute one (1) year contracts with Wedge Wood Building Services, Inc. and Gramercy Group, Inc. and that the form and content of said contracts shall be subject to the approval of the Town Attorney; and be it further

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

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

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

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 203 MARCH 31, 2021**

**AWARDING BID NO. 21G22 TOWING SERVICES: REMOVAL OF ABANDONED VEHICLES FROM TOWN ROADWAYS & PRIVATE PROPERTY AND REMOVAL OF VEHICLES FOR ROADWORK**

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

WHEREAS, the following bids for Bid No. 21G22 Towing Services: Removal of Abandoned Vehicles from Town Roadways & Private Property and Removal of Vehicles for Roadwork were received, opened and publicly read:

<b><u>RATE PER VEHICLE</u></b>	<b><u>BIDDER</u></b>	<b><u>BID PRICE</u></b>
1. Passenger Vehicles, Van, Sports Utility Vehicle & Pick-ups		
	Roll-Rite Towing Div. of Sunrise Transporters, Inc.	\$99.00
	<b>Bangs Towing, Inc.</b>	<b>\$75.00</b>
2. Six-Wheelers, Campers		
	<b>Roll-Rite Towing Div. of Sunrise Transporters, Inc.</b>	<b>\$99.00</b>
	Bangs Towing, Inc.	\$250.00
3. Ten-Wheelers and above		
	<b>Roll-Rite Towing Div. of Sunrise Transporters, Inc.</b>	<b>\$99.00</b>
	Bangs Towing, Inc.	\$275.00
<b><u>Additional Charges:</u></b>		
4. Weekend and holidays		
	<b>Roll-Rite Towing Div. of Sunrise Transporters, Inc.</b>	<b>\$25.00</b>
	<b>Bangs Towing, Inc.</b>	<b>\$50.00</b>
5. Extraordinary towing and rigging (such as winching from deep within a wooded area or winching a vehicle out of water)		
	<b>Roll-Rite Towing Div. of Sunrise Transporters, Inc.</b>	<b>\$99.00</b>
	<b>Bangs Towing, Inc.</b>	<b>\$250.00</b>

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Deputy Commissioner of D.P.W. and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 21G22 be and is hereby awarded to the low bidder per item, Bang’s Towing, Inc. for Item No. 1, Roll Rite Towing, a div. of Sunrise Transporters for Item Nos. 2 and 3 and be it further

RESOLVED, Item Nos. 4 and 5 are awarded to both Bang’s Towing, Inc. and Roll Rite Towing, a div. of Sunrise Transporters as Item Nos. 4 and 5 are used in conjunction with Item Nos. 1 and 2; and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to execute a one (1) year contract with Bang’s Towing, Inc. and Roll Rite Towing Div. of Sunrise Transporters, Inc., and that the form and content of said contract shall be subject to the approval of the Town Attorney, and be it further

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 204 MARCH 31, 2021**

**AWARDING BID NO. 21G23 TOWING SERVICES FOR THE TOWN OF BABYLON VEHICLES & HEAVY EQUIPMENT**

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

WHEREAS, the following bids for Bid No.21G23, Towing Services for the Town of Babylon Vehicles & Heavy Equipment were received, opened and publicly read:

**A. TOWING WITHIN BOUNDARIES OF TOWN OF BABYLON (flat rate per vehicle)**

1. Light Duty Tow Truck (Pass Vehicles/Vans/SUVs/Pick-ups) <b>Bang's Towing, Inc.</b>	<b>\$75.00</b>
2. Medium Duty Tow Truck (Six-Wheelers) <b>Bang's Towing, Inc.</b>	<b>\$250.00</b>
3. Heavy Duty Tow Truck (Ten-Wheelers & above) <b>Bang's Towing, Inc.</b>	<b>\$275.00</b>
4. Trailer, Flat Bed, Light Duty Bang's Towing, Inc.	no bid
5. Trailer, Flat Bed, Medium Duty Bang's Towing, Inc.	no bid
6. Trailer, Flat Bed, Heavy Duty Bang's Towing, Inc.	no bid

**B. TOWING OUT OF THE TOWN BABYLON BOUNDARIES (addl. chg. per mile)**

1. Light Duty Tow Truck (Pass Vehicles/Vans/SUVs/Pick-ups) <b>Bang's Towing, Inc.</b>	<b>\$6.00</b>
2. Medium Duty Tow Truck (Six-Wheelers) <b>Bang's Towing, Inc.</b>	<b>\$9.00</b>
3. Heavy Duty Tow Truck (Ten-Wheelers & above) <b>Bang's Towing, Inc.</b>	<b>\$10.00</b>
4. Trailer, Flat Bed, Light Duty Bang's Towing, Inc.	no bid
5. Trailer, Flat Bed, Medium Duty Bang's Towing, Inc.	no bid
6. Trailer, Flat Bed, Heavy Duty Bang's Towing, Inc.	no bid

**C. EXTRAORDINARY TOWING & RIGGING**

<b>Bang's Towing, Inc.</b>	<b>\$250.00</b>
----------------------------	-----------------

**D. LABOR TO DISCONNECT AXEL**

<b>Bang's Towing, Inc.</b>	<b>\$65.00</b>
----------------------------	----------------

WHEREAS, the Commissioner of General Services and the Deputy Commissioner of D.P.W. recommend that Item Nos. A4, - A6 and B4 – B6 not be awarded as no bids were received for those items;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Deputy Commissioner of D.P.W. and upon their finding the aforementioned bids to be fair and reasonable, Bid No. 21G23 be and is hereby awarded to the sole bidder, Bang's Towing, Inc. for Item Nos. A1-A3, B1-B3, C & D and be it further

RESOLVED, that based upon the recommendations of the Commissioner of General Services and the Deputy Commissioner of D.P.W., Item Nos. A4, A5, A6, B4, B5 and B6 be and are hereby not awarded as no bids were received for those items, and be it further

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

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

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 205 MARCH 31, 2021  
AUTHORIZING AUSTIN DRYWALL CORP. TO PERFORM CONSTRUCTION SERVICES**

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

WHEREAS, the County of Suffolk, through competitive bidding and procurement, awarded Contract No. GCS-080917 for General Contracting Services, to Austin Drywall Corp., 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 upgrade site lighting in the right of way for Wyandanch Rising and would like to utilize Austin Drywall Corp. to provide all labor, equipment and materials, pursuant to Suffolk County Contract No. GCS-080917 as allowed by General Municipal Law 103(16), and

WHEREAS, the Commissioner of General Services and the Deputy Commissioner of the Department of Public Works solicited a proposal to upgrade the site lighting in the right of way for Wyandanch Rising for a total contract amount not to exceed ONE HUNDRED THIRTY-THREE THOUSAND, FIVE HUNDRED THIRTY-TWO DOLLARS AND 60/100 (\$133,532.60)

NOW THEREFORE be it

RESOLVED, that based upon the recommendation of the Commissioner of General Services and the Deputy Commissioner of the Department of Public Works, Austin Drywall Corp. be and is hereby authorized to perform the work to upgrade the site lighting in the right of way for Wyandanch Rising for a total contract amount not to exceed ONE HUNDRED THIRTY-THREE THOUSAND, FIVE HUNDRED THIRTY-TWO DOLLARS AND 60/100 (\$133,532.60).

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 206 MARCH 31, 2021  
AUTHORIZING A CONTRACT WITH BBS ARCHITECTS**

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

WHEREAS, proposals for engineering, design, bid phase services and construction inspection and observation services in connection with the replacement of Roof/Cupola at Overlook Beach Pavilion solicited from the following firms:

<b>BBS Architects</b>	<b>\$11,445.00</b>
Nelson + Pope	\$24,800.00
P.W. Grosser	\$47,575.00

WHEREAS, the Professional Consultant Evaluation Committee convened on March 29, 2021 with the Chief of Staff, 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 to the lowest proposer, BBS Architects at a total cost not to exceed ELEVEN THOUSAND, FOUR HUNDRED FORTY-FIVE (\$11,445.00) 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 BBS Architects at a total contract amount not to exceed ELEVEN THOUSAND, FOUR HUNDRED FORTY FIVE (\$11,445.00) 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. 207 MARCH 31, 2021  
AUTHORIZING A CONTRACT WITH COMPUTER SI**

The following resolution was offered by Councilman Manetta

and seconded by Councilman Martinez

WHEREAS, a proposal for OnBase Services was solicited from Computer si and

WHEREAS, the Professional Consultant Evaluation Committee convened on March 29, 2021 with the Chief of Staff, 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 one (1) year contract to Computer si not to exceed FOUR THOUSAND, FIVE HUNDRED (\$4,500.00) DOLLARS PER ANNUM

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 (1) year contract to Computer si not to exceed FOUR THOUSAND FIVE HUNDRED (\$4,500.00) DOLLARS PER ANNUM 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) periods at the discretion of the Director of IT.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 208 MARCH 31, 2021  
AUTHORIZING A CONTRACT WITH MATT DEMAR III, INC.**

The following resolution was offered by Councilman Martinez

and seconded by Councilman Manetta

WHEREAS, a proposal for consulting services was solicited from Matt Demar III, Inc. in connection, and

WHEREAS, the Professional Consultant Evaluation Committee convened on March 29, 2021 with the Chief of Staff, 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 one (1) contract Matt Demar III, Inc. at an hourly rate of ONE HUNDRED TWENTY-FIVE (\$125.00) DOLLARS, not to exceed a total contract amount of TWENTY-FIVE THOUSAND (\$25,000.00) PER ANNUM

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 (1) year contract Matt Demar III, Inc. at an hourly rate of ONE HUNDRED TWENTY FIVE (\$125.00) DOLLARS, not to exceed TWENTY FIVE THOUSAND (\$25,000.00) PER ANNUM 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 Commissioner of Planning and Development.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 209 MARCH 31, 2021  
AUTHORIZING A CONTRACT WITH FIVE NINES WIRELESS**

The following resolution was offered by Councilman McSweeney

and seconded by Councilman Gregory

WHEREAS, a proposal to install a new Siklu microwave radios with 1' antennas at Town Hall, Building & Grounds Buildings 1 and 2, Gas Pumps, Tire Shop and Dept. of Public Works was solicited from Five Nines Wireless, and

WHEREAS, the Professional Consultant Evaluation Committee convened on March 29, 2021 with the Chief of Staff, 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 Five Nines Wireless at a total cost not to exceed SIXTEEN THOUSAND, (\$16,000.00) 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 Five Nines Wireless, at a total contract amount not to exceed SIXTEEN THOUSAND (\$16,000.00) 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. 210 MARCH 31, 2021  
AUTHORIZING A CONTRACT WITH LIRO ENGINEERS, INC.**

The following resolution was offered by Councilman Gregory

and seconded by Councilman McSweeney

WHEREAS, a proposal for Engineering Services in was solicited from Liro Engineers, Inc. in connection with the design of new fire-water service for a new fire hydrant and main house sprinkler service and feasibility study of an upgrade to the PSEG feasibility study for Geiger Park, Phase I, and WHEREAS, the Professional Consultant Evaluation Committee convened on March 29, 2021 with the Chief of Staff, 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 Liro Engineers, Inc. at a total cost not to exceed SEVEN THOUSAND FIVE HUNDRED (\$7,500.00) 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 Liro Engineers, Inc. at a total contract amount not to exceed SEVEN THOUSAND FIVE HUNDRED (\$7,500.00) 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. 211 MARCH 31, 2021**  
**AUTHORIZING A CONTRACT WITH M & J ENGINEERING, P.C. FOR CONSTRUCTION OBSERVATION SERVICES**  
**FOR TOWN OF BABYLON ROADWAY IMPROVEMENT PROGRAM**

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

WHEREAS, proposals for Construction Observation Services for the Town of Babylon Roadway Improvement Program were solicited from the following firms:

<u>PROPOSER</u>	<u>HOURLY RATE</u>
M & J Engineering, P.C.	\$66.00
Cashin Associates, P.C.	\$75.00
Greenman Pederson, Inc.	\$114.75
Lockwood, Kessler, Bartlett, Inc	\$120.00
VHB Engineering	Declined to submit
Hayduk Engineering, LLC	Declined to submit
Bohler Engineering	Declined to submit
P.W. Grosser	Declined to submit

WHEREAS, the Professional Consultant Evaluation Committee convened on March 29, 2021 with the Chief of Staff, 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 proposals, the Committee recommends the award of a one (1) year contract to the lowest proposer, M & J Engineering, P.C. at an hourly rate of SIXTY SIX (\$66.00) DOLLARS, for a total contract amount not to exceed NINETY NINE THOUSAND, FIVE HUNDRED (\$99,500.00 ) DOLLARS PER ANNUM

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 (1) year contract with

M & J Engineering, P.C. at an hourly rate of SIXTY-SIX (\$66.00) DOLLARS, for a total contract amount not to exceed NINETY-NINE THOUSAND, FIVE HUNDRED (\$99,500.00) DOLLARS

DOLLARS PER ANNUM 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 Commissioner of the Department of Public Works.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 212 MARCH 31, 2021**  
**AUTHORIZING A CONTRACT WITH LISA MCQUILKEN LAND SURVEYING**

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

WHEREAS, a proposal for Surveying Services at 17 Shore Drive, Babylon was solicited from Lisa McQuilken Land Surveying and

WHEREAS, the Professional Consultant Evaluation Committee convened on March 29, 2021 with the Chief of Staff, 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, the Town Attorney has abstained from casting a vote for this proposal, and

WHEREAS, after a thorough review of the proposal, the Committee recommends the award of a contract with Lisa McQuilken Land Surveying at a total cost not to exceed NINE HUNDRED FIFTY (\$950.00) DOLLARS

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Professional Consultant Evaluation Committee, the Supervisor be and he is hereby authorized to execute a contract with Lisa McQuilken Land Surveying at a total contract amount not to exceed NINE HUNDRED FIFTY (\$950.00) DOLLARS and that said contract shall be subject to the approval of the Town Attorney as to form and content.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 213 MARCH 31, 2021  
AUTHORIZING A CONTRACT WITH  
SAVIK & MURRAY, A DIV. OF DCAK MSA**

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

WHEREAS, proposals for engineering, design, bid phase services and construction inspection and observation services in connection with the Tanner Park Shoreline Stabilization was solicited from the following firms:

<u>PROPOSER</u>	<u>TOTAL COST</u>
<b>Savik &amp; Murray, a div. of DCAK MSA</b>	<b>\$24,125.00 for Surveying Engineering, Design, Bid Services, Permitting, Etc. \$21,600.00 for Inspection</b>
L.K. McLean Associates, P.C.	\$22,900.00 Prelim. Design, Engineering, Bid Services, Permitting, \$11,000.00 for Final Design Inspection – Fee upon request

WHEREAS, the Professional Consultant Evaluation Committee convened on March 29, 2021 with the Chief of Staff, 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 to proposer, Savik & Murray, a div. of DCAK MSA at the aforementioned fees,

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 Savik & Murray, a div. of DCAK MSA at a total contract amount not to exceed FORTY FIVE THOUSAND, SEVEN HUNDRED TWENTY FIVE (\$45,725.00) 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. 214 MARCH 31, 2021  
AUTHORIZING A CONTRACT WITH SOUTHAMPTON ANIMAL SHELTER FOUNDATION**

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

WHEREAS, a proposal for Spay/Neuter and Other Services for Feral Cats was solicited from Southampton Animal Shelter Foundation, and

WHEREAS, the Professional Consultant Evaluation Committee convened on March 29, 2021 with the Chief of Staff, Town Attorney, Comptroller, 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 Southampton Animal Shelter Foundation at fees listed on 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 contract with Southampton Animal Shelter Foundation at fees listed on the attached Schedule A not to 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) periods at the discretion of the Director of the Animal Shelter

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

**SCHEDULE A**

<b>DOGS:</b>	<b>Neuter:</b>	Under 60 lbs. and under 1 year:	\$120
		Under 50 lbs. and over 1 year:	\$130
		Over 60 lbs. and under 1 year:	\$145
		Over 50 lbs. and over 1 year:	\$165
	<b>Spay:</b>	Under 20 lbs. and under 1 year:	\$125
		Under 20 lbs. and over 1 year:	\$145
		21-39 lbs. and under 1 year:	\$140
		21-39 lbs. and over 1 year:	\$165
		40-60 lbs. and under 1 year:	\$150
		40-60 lbs. and over 1 year:	\$170
		Over 60 lbs. and under 1 year:	\$175
		Over 60 lbs. and over 1 year:	\$195
		Pain Medication Required	\$15
			\$70
<b>CATS:</b>	<b>Spay or Neuter</b>		
	<ul style="list-style-type: none"> <li>• No extra charge for in heat/pregnant/crypt-orchid</li> <li>• Rabies and FVRCP vaccinations included</li> <li>• Ear Tipping included</li> </ul>		
	Town FEMALE Cat		\$65
	Town MALE Cat		\$50
	\$25 T N R Voucher		\$45
	\$0 T N R Voucher	& Feral Cats	\$70
Sedation ONLY		\$35	

Any additional procedures deemed necessary will be performed prorated rate of \$200/hour with the Approval of the Shelter Director.

**RESOLUTION NO. 215 MARCH 31, 2021  
AUTHORIZING A CONTRACT WITH DUDE SOLUTIONS, INC.**

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

WHEREAS, a proposal a proposals for Asset Essential Enterprise Software to include Facilities/Physical Plant Module, Fleet Module, Dude Analytics and Asset Essentials Inventory was solicited from Dude Solutions, and

WHEREAS, the Professional Consultant Evaluation Committee convened on March 29, 2021, with the Chief of Staff, 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 to Dude Solutions for contract term ending February 1,2022 for a total contract amount of THIRTY-SIX THOUSAND, EIGHT HUNDRED FIFTY-SEVEN (\$36,857.00) 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 DUDE SOLUTIONS, INC. for a contracting term ending February 1, 20222 for at a total contract amount not to exceed THIRTY-SIX THOUSAND, EIGHT HUNDRED FIFTY-SEVEN (\$36,857.00) 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. 216 MARCH 31, 2021  
AUTHORIZING A CONTRACT WITH TLC VIRTUAL RESILIENCY**

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

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

WHEREAS, the Professional Consultant Evaluation Committee convened on March 29, 2021 with the 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 as per the attached fee schedule,

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 as per the attached fee schedule, 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.

**FEE SCHEDULE**

**TLC**

Number of Employees	Number of Groups	Price Per Group
1-25	1	\$650.00
26 - 50	2	\$600.00
51-75	3	\$550.00
76 -100	4	\$500.00
101 - 125	5	\$450.00
126 -150	6	\$420.00

**RESOLUTION NO. 217 MARCH 31 2021  
AUTHORIZING THE SUPERVISOR OF THE TOWN OF BABYLON TO ENTER INTO A RIDER AGREEMENT WITH KOOSA'S KINGDOM INC. d/b/a MARKS OF EXCELLENCE FOR THE LEASE AGREEMENT FOR 455 ALBANY AVE., N. AMITYVILLE**

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

WHEREAS, the Town of Babylon is engaged in the economic and community development of North Amityville; and,

WHEREAS, the Town of Babylon is desirous of Koosa's Kingdom Inc. d/b/a Marks of Excellence executing a rider agreement to the Lease Agreement with for the space it leases as a day care center in North Amityville; and,

WHEREAS, on April 30, 2015, the Town and Marks of Excellence entered into a Lease Agreement (the "Agreement") for 455 Albany Avenue, North Amityville, NY 11701 identified by Suffolk County Tax Map Nos. 0100-171.00-03.00-113.000 and 114.000 to include 8,500 square feet within the building and 5,000 square feet of exterior space (the "Facility") in consideration of monthly rent; and,

WHEREAS, Marks of Excellence is a licensed child care center operating the Facility for the benefit of around one hundred and sixty (160) children and their families, the Facility is subject to local, state and federal regulation around the operation of a child care center. Additionally, Marks of Excellence solely depends financially on subsidies from local, state and federal agencies to both the center and families that use its services in order to fund its operation; and,

WHEREAS, on March 7, 2020, the Governor of the State of New York, Andrew M. Cuomo, issued Executive Order 202, declaring a State disaster emergency for the entire State of New York due to COVID-19. As a result of subsequent executive orders issued by the Governor Marks of Excellence was closed for businesses from March to the end of September 2020. Additionally, federal and state approved guidelines for the reopening of the facility have increased operating costs and decreased the number of attendees and therefore operating revenue. Finally, because of the fear of community spread of COVID-19 and the likelihood that children under the age of sixteen (16) will not be inoculated with an FDA-approved vaccine under federal and state vaccination protocols; and,

WHEREAS, in furtherance of that initial Executive Order referenced above, the Governor subsequently issued Executive Orders 202.8, 202.28 and 202.48, among others, which granted certain relief to commercial tenants due to the financial hardship caused by COVID-19. The most recent, Executive Order 202.95, extends until March 24, 2021 certain protections that allow commercial tenants additional time to catch up on rent and/or renegotiate lease terms to avoid eviction moving forward; and,

WHEREAS, pursuant to Section 27 of the Agreement, the Agreement may not be changed, modified, discharged or terminated orally.

NOW, THEREFORE, BE IT DETERMINED, APPROVED, AND RESOLVED by the members of the Town Board as follows:

RESOLVED, that the Town of Babylon and Koosa's Kingdom Inc. d/b/a Marks of Excellence shall enter into a rider agreement, guided by Executive Order 202.95, in order to cure the default of Marks of Excellence who experienced financial hardship due to COVID-19; and be it further,

RESOLVED, that for the year 2020, Marks of Excellence has paid the arrears and rent for the months of January, February, March and April and agrees to pay the Town as follows: (1) the arrears for May through December totaling SIXTEEN THOUSAND 00/100 DOLLARS (\$16,000.00) and (2) the rent for October through December totaling THIRTY THOUSAND 00/100 DOLLARS (\$30,000.00); and be it further,

RESOLVED, that the Town recognizes that as of the date of this Rider Marks of Excellence has paid TWENTY-EIGHT THOUSAND DOLLARS 00/100 (\$28,000.00). The first SIXTEEN THOUSAND 00/100 DOLLARS (\$16,000.00) will be credited towards the arrears owed in Paragraph 1 of this Rider. The remaining TWELVE THOUSAND 00/100 DOLLARS (\$12,000.00) will be credited towards the rent owed in Paragraph 1 of this Rider. After the credit, Marks of Excellence owes the Town EIGHTEEN THOUSAND 00/100 DOLLARS (\$18,000.00) in rent; and be it further,

RESOLVED, that Marks of Excellence owes the Town (1) SIX THOUSAND 00/100 DOLLARS (\$6,000.00) in arrears and (2) FORTY-EIGHT THOUSAND 00/100 DOLLARS (\$48,000.00) in rent; and be it further,

RESOLVED, that starting April 1, 2021: (a) SUMMER PAYMENTS. For the months of July and August, Marks of Excellence must make a payment of FIVE THOUSAND DOLLARS 00/100 (\$5,000.00). That payment shall be applied as follows: (1) the first TWO THOUSAND 00/100 DOLLARS (\$2,000.00) shall be applied to the arrears due under the Agreement; (2) the next ONE HUNDRED SIXTY-SIX DOLLARS 67/100 (\$166.67) shall be applied to the Arrears Due; (3) the next ONE THOUSAND ONE HUNDRED THIRTY-THREE DOLLARS 34/100 (\$1,133.34) shall be applied to the Rent Due; and (4) the remaining amount shall be the rent to the Town. (b) REMAINING MONTHS. For the other months of the year, the monthly rent shall be TWELVE THOUSAND 00/100 DOLLARS (\$12,000.00) and

shall be applied as follows: (1) the first TWO THOUSAND 00/100 DOLLARS (\$2,000.00) shall be applied to the arrears due under the Agreement; (2) the next ONE HUNDRED SIXTY-SIX DOLLARS 67/100 (\$166.67) shall be applied to the Arrears Due; (3) the next ONE THOUSAND ONE HUNDRED THIRTY-THREE DOLLARS 34/100 (\$1,133.34) shall be applied to the Rent Due; and (4) the remaining amount shall be the rent to the Town; and be it further,

RESOLVED, that Marks of Excellences shall remit thirty-six (36) payments made payable to the "Town of Babylon" as stated in Section 5 of this Rider starting on April 1, 2021 until March 31, 2024; and be it further,

RESOLVED, that this resolution takes effect immediately and the Town Supervisor is authorized to execute such rider agreement; and be it further,

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

RESOLVED, that this resolution is subject to the Town's Policies pertaining to Property and New York State Law.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 218 MARCH 31, 2021**  
**AUTHORIZING THE TOWN ATTORNEY TO SIGN RETAINER AGREEMENT WITH SCOTT DESIMONE P.C.**

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 Town of Babylon and the Scott DeSimone P.C., are hereby authorized to enter into a retainer agreement, effective as of March 1, 2020 to February 28, 2023. The agreement shall be reviewed and signed by the Town Attorney; and be it further, RESOLVED, that the term of the prior agreement shall be deemed to have been extended from November, 1, 2020 to March 21, 2021.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 219 MARCH 31, 2021**  
**AUTHORIZING THE SUPERVISOR TO EXECUTE A LEASE AGREEMENT WITH THE TOWN OF BABYLON INDUSTRIAL DEVELOPMENT AGENCY**

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

WHEREAS, the Town of Babylon is desirous of executing a lease agreement with the Town of Babylon Industrial Development Agency for a portion of the premises located at 47 West Main Street, Babylon, New York, and known as Old Town Hall, for a period of five (5) years, to commence from the 1<sup>st</sup> day of January 2020 through the 31<sup>st</sup> day of December, 2025 with an option at the Town of Babylon's discretion to renew for a subsequent five (5) year period;

WHEREAS, Town of Babylon Industrial Development Agency has been paying monthly rent at the rate of Two Thousand Four Hundred and 00/100 (\$2,400.00) per month from January 1, 2020 to August 31, 2020 for the then current space; and shall be expanding said space as of September 1, 2020; the monthly rent to be paid from September 1, 2020 to December 31, 2020 shall be monthly payments of Four Thousand Three Hundred and 00/100 (\$4,300.00) Dollars per month for a prorated annual rent of Thirty-six Thousand Four Hundred and 00/100 (\$36,400.00); and

WHEREAS, beginning January 1, 2021 Town of Babylon Industrial Development Agency shall pay the annual rent of Fifty-One Thousand Six Hundred and 00/100 (\$51,600.00) Dollars and said rent to be paid in equal monthly payment of Four Thousand Three Hundred and 00/100 (\$4,300.00) Dollars in advance on the 1<sup>st</sup> day of each and every month.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon that the Supervisor be and he is hereby authorized to execute a lease agreement with the Town of Babylon Industrial Development Agency for a period of five (5) years, to commence from the 1<sup>st</sup> day of January 2020 through the 31<sup>st</sup> day of December, 2025 with an option at the Town of Babylon's discretion to renew for a subsequent five (5) year period; at a prorated annual rent of Thirty-six Thousand Four Hundred and 00/100 (\$36,400.00) for the period of January 1, 2020 to December 31, 2020; and at annual rent of Fifty-One Thousand Six Hundred and 00/100 (\$51,600.00) Dollars and said rent to be paid in equal monthly payment of Four Thousand Three Hundred and 00/100 (\$4,300.00) Dollars in advance on the 1<sup>st</sup> day of each and every month; and be it further

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

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

RESOLVED, that this resolution is subject to a permissive referendum and the Town Clerk is hereby directed to publish notice of adoption of this resolution in an official newspaper of the Town.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 220 MARCH 31, 2021**  
**AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF BABYLON AND EASTERN SUFFOLK BOCES TO JOIN THE JOINT MUNICIPAL COOPERATIVE BIDDING PROGRAM**

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

WHEREAS, the Commissioner of General Services recommends the Town of Babylon to enter into an annual agreement with Eastern Suffolk Boces to participate in their cooperative bidding program for an annual fee of TWO THOUSAND NINE HUNDRED (\$2,900.00) and

WHEREAS, various educational and municipal corporations located within the State of New York desire to bid jointly for generally needed services and standardized supply and equipment items; and

WHEREAS, the Town of Babylon, an educational/municipal corporation is desirous of selectively participating with other educational and/or municipal corporations in the State of New York in joint bidding in the areas mentioned above pursuant to General Municipal Law § 119-o and Education Law Section 1950; and

WHEREAS, the Town of Babylon is a municipality within the meaning of General Municipal Law § 119-n and is eligible to participate in the Board of Cooperative Educational Services, First Supervisory District of Suffolk County (hereinafter Eastern Suffolk BOCES) Joint Municipal Cooperative Bidding Program (hereinafter the "Program") in the areas mentioned above; and

WHEREAS, the Town of Babylon acknowledges receipt of the Program description inclusive of Eastern Suffolk BOCES' standard bid packet and the general conditions relating to said Program; and

WHEREAS, with respect to all activities conducted by the Program, the Town of Babylon wishes to delegate to Eastern Suffolk BOCES the responsibility for drafting of bid specifications, advertising for bids, accepting and opening bids, tabulating bids, awarding the bids, and reporting the results to the Town of Babylon.

NOW THEREFORE, be it

RESOLVED that based on the recommendation of the Commissioner of General Services, the Supervisor be and he is hereby authorized to execute an agreement between the Town of Babylon and Eastern Suffolk Boces, at an annual fee of TWO THOUSAND NINE HUNDRED (\$2,900.00); and

BE IT FURTHER RESOLVED that said contract will expire on June 30, 2022; and

BE IT FURTHER RESOLVED that the Town of Babylon hereby appoints Eastern Suffolk BOCES to represent it and to act as the lead agent in all matters related to the Program as described above; and

BE IT FURTHER RESOLVED that the Town of Babylon hereby authorizes Eastern Suffolk BOCES to place all legal advertisements for any required cooperative bidding in Newsday, which is designated as the official newspaper for the Program; and

BE IT FURTHER RESOLVED that a Town of Babylon Meeting shall be held annually consisting of a representative from each Program Town of Babylon. Notice of the meeting shall be given to each representative at least five (5) days prior to such meeting; and

BE IT FURTHER RESOLVED that an Advisory Committee will be formed consisting of five to ten representatives of Program Town of Babylon's for a term of three (3) years as authorized by General Municipal Law §119-o.2.j.

BE IT FURTHER RESOLVED that this Agreement with the Town of Babylon shall be for a term of one (1) year as authorized by General Municipal Law §119-o.2.j.

BE IT FURTHER RESOLVED that the Town of Babylon agrees to pay Eastern Suffolk BOCES an annual fee as determined annually by Eastern Suffolk BOCES to act as the lead agent for the Program.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 221 MARCH 31, 2021
RESCINDING RESOLUTION NO.45 OF 2021
AUTHORIZING A CONTRACT WITH SAFE LINE CONSULTING

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 Resolution No. 45-2021, entitled "AUTHORIZING A CONTRACT WITH SAFE LINE CONSULTING." is hereby rescinded.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 222 MARCH 31, 2021
AMENDING RESOLUTIONS

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

NOW, THERE BE IT RESOLVED, that the following resolutions be amended due to a scrivener's error:

Table with 4 columns: ORIGINAL RESOLUTION, DATE ADOPTED, ORIGINAL TEXT, AMENDED TEXT. Rows include No. 545 and No. 138 with details on order changes and weekly costs.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 223 MARCH 31, 2021
AUTHORIZING THE PURCHASE OF VEHICLES FROM SMITHTOWN CHEVROLET

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

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, Passenger Cars, Vans & Trucks pursuant to Resolution 616 of September 23, 2020, 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, Passenger Cars, Vans & Trucks

Table with 2 columns: EQUIPMENT DESCRIPTION/DEPARTMENT, COST. Row 1: 1 - 2021 White Chevrolet 6500HD Silverado Chassis with 20' Jerrdan Car Carrier Steel Body, with Weldbuilt Body, \$96,994.00

WHEREAS, the Commissioner of General Services recommends issuing a Purchase Order 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 Order to Chevrolet of Smithtown for the aforementioned equipment.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 224 MARCH 31, 2021
DECLARING EQUIPMENT SURPLUS

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, upon the recommendation of the Commissioner of the Department of Public Works, that the obsolete equipment on the attached Schedule "A" be declared surplus and auctioned.

VOTES: 5 YEAS: 5 NAYS: 0

The resolution was thereupon declared duly adopted.

SCHEDULE 'A'

Table with 4 columns: VEHICLE #/ LOT, MAKE, VEHICLE #ID, REASON

8-4	2009 Freight Liner 6-Wheeler	1FVAC3DJ89HAK2348	Frame Rot
1063	2005 Honda Accord	JHMCN36485C007065	Bad Tranny-Batteries
1073	2005 Honda Accord	JHMCN36495C010511	Bad Tranny-Batteries
1097	2007 Jeep Cherokee	1J8GR48K87C622915	Blown Motor
1152	2008 Chevrolet Silverado	1GCHK24K88E206864	Blown Motor
1159	2008 Chevrolet Silverado	1GCHK24K58E207194	Frame Rot
1161	2008 Chevrolet Silverado	1GCHK23K68F216742	Frame Rot
1163	2008 Chevrolet Silverado	1GCHK23K68F217566	Blown Motor
1167	2008 Chevrolet Silverado	1GBJK39698E217007	Blown Motor
1170	2008 Chevrolet Silverado	1GBJK39648E218064	Blown Motor
1174	2008 Chevrolet Colorado	1GCDT33E888203328	Blown Motor
1247	2010 Ford 4DC Bus	1FDFE4FP9ADA13116	Blown Motor
1258	2011 Chevrolet Silverado	1GC4KZCG9BF115673	Blown Motor
1431	2016 Chevrolet Cruz	1G1PC5SG7G7147312	Blown Motor
1486	2004 Acura MDX	2HNYD18764H504532	Blown Motor

**RESOLUTION NO. 225 MARCH 31, 2021  
AUTHORIZING 2020 BUDGET MODIFICATION**

The following resolution was offered by Councilman McSweeney

and seconded by Councilman Gregory

BE IT RESOLVED, by the Town Board of the Town of Babylon, upon the recommendation of the Town Comptroller, that the following 2020 Budget Modification is hereby authorized:

	<u>Increase</u>	<u>Decrease</u>
<b><u>General Fund</u></b>		
<b>Clerk</b>		
Elected Official		
A.1410.10	\$ 2,355	
Administrative		
A.1410.13	\$ 878	
Full Time Clerical		
A.1410.14	\$ 14,872	
Part Time Clerical		
A.1410.16		\$ 11,071
Office Supplies		
A.1410.41		\$ 2,470
Program Operations		
A.1410.47		\$ 250
Miscellaneous		
A.1410.49		\$ 2,000
<b>Records Management</b>		
Full Time Clerical		
A.1460.14		\$ 980
Equipment		
A.1460.20		\$ 1,000
Office Supplies		
A.1460.41		\$ 50
Repairs and Maintenance		
A.1460.46		\$ 284
<b>Purchasing</b>		
Administrative		
A.1345.13	\$ 2,619	
Full Time Clerical		
A.1345.14	\$ 3,264	
<b>Buildings</b>		
Full Time Clerical		
A.1620.14	\$ 768	
Full Time Labor		
A.1620.15	\$ 14,069	
Part Time Clerical		
A.1620.16	\$ 4,090	
Overtime		
A.1620.19	\$ 154	
Repairs and Maintenance		
A.1620.46		\$ 26,627
<b>Central Printing and Mailing</b>		
Full Time Clerical		
A.1670.14	\$ 946	
Program Operations		
A.1670.47	\$ 717	
<b>Historian</b>		
Administrative		
A.7510.13	\$ 470	
Grants		
A.7510.30	\$ 9,805	
<b>Playground and Recreation Centers</b>		
Program Operations		
A.7140.47		\$ 10,275
<b>Narcotics Addiction Control</b>		
Full Time Clerical		
A.4220.14	\$ 11,700	
Professional and Technical Services		
A.4220.44	\$ 4,910	
Part Time Clerical		
A.4220.16		\$ 16,610

**Part Town Fund**

**Planning**

Utilities	B.8020.42	\$	256
Full Time Clerical	B.8020.14	\$	4,334
Overtime	B.8020.19	\$	76

**Safety Inspection**

Utilities	B.3620.42	\$	983
Member of a Board	B.3620.12	\$	3,453

**Zoning**

Member of a Board	B.8010.12	\$	2,466
-------------------	-----------	----	-------

**Engineer**

Utilities	B.1440.42	\$	258
Overtime	B.1440.19	\$	1,181
Full Time Labor	B.1440.15	\$	6,178

**Other Home and Community Services**

Member of a Board	B.8989.12	\$	7,176
-------------------	-----------	----	-------

**Safety Inspection**

Office Supplies	B.3620.41	\$	1,497
Full Time Clerical	B.3620.14	\$	14,963
Overtime	B.3620.19	\$	1,257
Full Time Labor	B.3620.15	\$	6,178

**Planning Board**

Member of a Board	B.8025.12	\$	2,466
-------------------	-----------	----	-------

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 226 MARCH 31, 2021  
AUTHORIZING 2021 BUDGET MODIFICATION**

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

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

**Increase                      Decrease**

**General Fund**

**Parks & recreation admin**

Miscellaneous	A.7020.49	\$	9,450
---------------	-----------	----	-------

**Playgrounds & recreation centers**

Program Operations	A.7140-47	\$	9,450
--------------------	-----------	----	-------

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 227 MARCH 31, 2021  
AUTHORIZING REFUND OF FEES**

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 fees be refunded:

NAME and ADDRESS	TYPE	AMOUNT	RECOMMENDED BY
Brianne Krasnicki 610 10 <sup>th</sup> Street West Babylon, NY 11704	Building Permit Renewal Fee 0100-132-1-25 BP# 2020-0615	\$693.00	Commissioner of Planning and Development
Oak Street Realty 132 S. Wellwood Ave.	Rental renewal refund for: SCTM: 0100-157-2-16.006	\$550.00	Commissioner of Planning and Development

Lindenhurst, New York 11757	432 Sunrise Hwy. West Babylon		
Carol Colas P.O. Box 10322 Westbury, New York 11590	Rental renewal refund for: 0100-55-3-26 19 Mount Ave., Wyandanch	\$200.00	Commissioner of Planning and Development
Valerie Schmidt 302 Heathcote Rd Lindenhurst, NY 11757	Commuter Parking Permits CO- 58 & 59	\$130.00	Town Attorney

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

**RESOLUTION NO. 228 MARCH 31, 2021  
AUTHORIZING EMPLOYEE REIMBURSEMENT**

The following resolution was offered by Councilman Gregory and seconded by McSweeney  
BE IT RESOLVED, by the Town Board of the Town of Babylon, that the Comptroller is hereby authorized to issue reimbursement to the following employee(s):

EMPLOYEE	AMOUNT
Victoria Marotta	\$54.70 postage fees

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

**RESOLUTION NO. 229 MARCH 31, 2021  
APPOINTING PERSONNEL TO ADDITIONAL POSITIONS AND SETTING SALARIES**

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 employees are appointed to the additional positions listed below at the annual salaries indicated herein and that the same are hereby effective as of this date:

NAME	TITLE	SALARY
Anthony Borrero	p/t Stock Clerk	5,000
Brian Dowdell (until 12/31/21)	Remote Work Station IT	1,500
Cathy Sesselman	Scanning Technician	2,500
Cathy Hyde	Assistant to Town Board	9,000
Celeste Kusmierski	Events Planning Chairperson	9,000
Casey Schnapp (until 12/31/21)	Remote Work Station IT	1,500
Dawn Carberry	Sub registrar	2,500
Denise Graziano	p/t Clerk	32,500
Donna Somma	Diversity Officer	4,500
Geraldine Compitello	Clerk Advisory Chairperson	10,000
Gilbert Hanse	Emergency Preparedness Coordinator	10,000
Jennifer Montiglio	Tax Warrant Coordinator	10,000
Jen Taus	Secretary to Town Board	6,000
Jorge Rosario	Public Safety Coordinator	44,000
Joseph Coyle (until 12/31/21)	Remote Work Station IT	1,500
Joseph Olmedo	Drug & Alcohol Coordinator	3,500
Joseph Wilson	Sanitation Commission Chairman	2,000
Katherine Lynch	p/t Purchasing Technician	32,500
Lori Lynn Hansen	Deputy Registrar	3,150
Madeline Quintyne-McConney	Special Events Coordinator	5,000
Marianne Hunt	Part-time Executive Assistant to Assessor	2,000
Patrick Farrell	Task Force Director	5,000
Peter Russo	Plumbing Regulation Liaison to NYS	9,500
Rachel Scelfo	Workforce Housing Coordinator	8,500
Ronald Kluesener	Solid Waste Administrator	8,500
Stephen Greenwald	Traffic Safety Coordinator/Secretary	5,200
Stephen Greenwald	Grant Writer	5,000
Susanne Boltz	HUD Coordinator	7,000
Thomas Stay	Drainage Coordinator	2,000
Umeko Healy	Deputy Assistant to Town Board	4,000
Stephanie Brennan	Part Time Citizens Advocate	3,000
Victoria Marotta	Director of Community Development	4,000
Thomas Vetri	Assistant Solid Waste Coordinator	6,000
Edward Buturla	Solid Waste Billing Coordinator	4,500
Noreen Wood	Tax Receiver Transition Coordinator	1,500
Mary Sullivan	Tax IDA Coordinator	2,500
Linda Murphy-Puglia	Tax IT Coordinator	2,500
Kevin Bonner	COVID-19 Response Coordinator	15,000
Kelly Medwig	Demolition Coordinator	5,000

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

**RESOLUTION NO. 230 MARCH 31, 2021**  
**TOWN BOARD ENVIRONMENTAL DETERMINATION REZONING APPLICATION OF GAETANO PINELLO FOR THE PREMISES IDENTIFIED BY**  
**SCTM#: 0100-193-04-55, 56, 57, & 58 LOCATED ON THE N/W/C/O MONTAUK HIGHWAY & HAWKINS BLVD, COPIAGUE WILL NOT HAVE A**  
**SIGNIFICANT EFFECT ON THE ENVIRONMENT**

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

WHEREAS, Gaetano Pinello. (the "Petitioner") has heretofore petitioned this Board for a change of zone of certain property which is located on the n/w/c/o Montauk Highway and Hawkins Blvd, Copiague, New York, SCTM No. 0100-193-04-55, 56, 57, & 58, and further described on the annexed Schedule A, from E-Business District to MR-Multiple Residence District; and

and WHEREAS, this proposal involves a change of zone in order to construct one (1) building, with twelve (12) one-bedroom units and associated site improvements,

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

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

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

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

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

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

1. The project site is located within 100' of the on surface waters that is part of the Great Neck Creek Watershed. The applicant will amend their existing New York Department of Environmental Conservation NYSDEC Freshwater Wetlands permit for both demolition and the new construction for the original development. Compliance with permit conditions developed by the NYSDEC will address potential impacts to the adjacent surface waters.
2. The project will be developed in conformance with Chapter 189 of the Code of the Town of Babylon Stormwater Management and Erosion and Sediment Control requirements. This will be address stormwater management and erosion and sediment control during construction. Post construction stormwater management will address long term maintenance of the stormwater infrastructure.
3. The subject site is located completely in the 100 Year Flood Zone. The development will be in conformance with all applicable Chapter 125 Flood Damage Control flood standards and all State Building Code requirements that pertain to Flood Damage Control.
4. Noise mitigation will be utilized for the construction of the multiple residence units.
5. The applicant will be following the Town of Babylon Policy on the Composition Placement of Fill in the Town of Babylon to insure that any material brought on the site meets environmental standards.
6. The project will not create significant increase in traffic.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Babylon as lead agency hereby determines that the proposal by Gaetano Pinello will not have a significant adverse impact on the environment.

AND FURTHER, be it

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

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

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

The resolution was thereupon declared duly adopted.

**SCHEDULE A**

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

BEGINNING at a point on the northerly side of Montauk Highway (S.R. 27A) (Merrick Road) at the southerly end of a line connecting the northerly side of said Montauk Highway and the westerly side of Hawkins Boulevard;

RUNNING THENCE along the southerly side of said Montauk Highway, the following three (3) courses and distances:

1. South 83 degrees 00 minutes 02 seconds West, 52.35 feet;
2. North 13 degrees 07 minutes 20 seconds West, 3.03 feet;
3. South 83 degrees 00 minutes 02 seconds West, 151.37 feet;
- 4.

THENCE North 13 degrees 07 minutes 20 seconds West, 88.61 feet;

THENCE North 76 degrees 52 minutes 40 seconds East, 210.50 feet to the westerly side of Hawkins Boulevard to the northerly end of said line connecting the northerly side of said Montauk Highway and the westerly side of said Hawkins Boulevard;

THENCE South 34 degrees 58 minutes 15 seconds West, 10.68 feet along said line to the northerly side of said Montauk Highway, at THE POINT OR PLACE OF BEGINNING.

**RESOLUTION NO. 231 MARCH 31, 2021  
GRANTING REZONING APPLICATION OF GAETANO PINELLO FOR THE PREMISES IDENTIFIED  
BY SCTM#: 0100-193-04-55, 56, 57, & 58 LOCATED ON THE N/W/C/O MONTAUK HIGHWAY & HAWKINS BLVD, COPIAGUE**

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

WHEREAS, Gaetano Pinello. (the "Petitioner") has heretofore petitioned this Board for a change of zone of certain property which is located on the n/w/c/o Montauk Highway and Hawkins Blvd, Copiague, New York, SCTM No. 0100-193-04-55, 56, 57, & 58, and further described on the annexed Schedule A, from E-Business District to MR-Multiple Residence District; and

WHEREAS, a public hearing was held on said petition on the 24<sup>th</sup> day of March, 2021; and

WHEREAS, in accordance with Section 617.5(c)(9) State Environmental Quality Review (SEQR), this proposal involves a change of zone in order to construct one (1) building, with twelve (12) one-bedroom units, and the Board has adopted a Negative Declaration and no further action is required pursuant to SEQR; and

WHEREAS, this proposed change of zone conforms to the Town of Babylon Comprehensive Plan,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Babylon that the application of Gaetano Pinello., for Job No. 20-06AE for a change of zone from E-Business District to MR-Multiple Residence District for the premises described in the attached Schedule A, be and the same hereby is granted, and further that the Zone Map of the Town of Babylon be and the same hereby shall be amended to reflect the zone change subject to the following conditions:

Conditions:

1. Subject to final site plan approval from the Planning Board.
2. Subject to ZBA approval.
3. Subject to SCPC approval.
4. Subject to NYSDOT approval.
5. Subject to NYS DEC approval.
6. Subject to SCDHS approval.
7. Owner/applicant shall comply with the Town of Babylon Stormwater Code (Chapter 189).
  - a. An Industrial Agreement must be signed.
  - b. Stormwater application fee must be submitted.
  - c. Contain all stormwater runoff on-site to Engineering requirements.
8. Address number, building number, or approved building identification to be placed in a position visible from the street.
9. As a minimum measure to reduce noise levels, applicant/owner to install sound insulation panels around all air-conditioning units, chillers, refrigeration units and sound insulation blankets around all air-handling units if required by the Town.
10. Owner to contribute to the fund for the installation and maintenance of emergency vehicle optical pre-emption equipment on traffic signals in the area. Estimated cost to be \$2,000.00.
11. All regulatory and warning signs are to adhere to the Manual of Uniform Traffic Control Devices for Streets and Highways specifications. All signs must also be fabricated using high-intensity retro reflective sheeting.
12. Construction will be conducted between the hours of 7am and 8pm on weekdays and between the hours of 9am and 4pm on Saturdays. No exterior construction will be permitted on Sundays, only interior construction. Construction activities on the site shall be in strict conformance with Chapter 156-9D of the Noise Code of the Town of Babylon.
13. The location of new transformers and water service devices shall be approved by the Town of Babylon Planning Department prior to installation and shall not be located adjacent to any roadways.
14. Sewer district and water saving plumbing fixtures to be utilized.
15. Subject to Highway, Engineering, and Fire Marshal requirements.
16. Audio/visual notifications for all alarms to be installed in all units.
17. All development on the site shall conform to Chapter 125 of the Code of the Town of Babylon Flood Damage Control and any applicable New York State Building Code flood standards. The applicant must construct the first-floor multiple residence units and proposed generators to no less than two feet above base flood elevation and follow all applicable Chapter 125 Flood Damage Control flood standards including but not limited to; properly located and adequate number of flood vents, elevation and or flood proof utilities, etc. During construction and prior to framing, the architect shall verify that the top of foundations are at proper elevation to meet required first floor elevations. File elevation certificate with the Town of Babylon Building Department upon completion of construction.
18. A New York State Department of Environmental Conservation NYSDEC Freshwater Wetlands permit must be secured for both the demolition and new construction.
19. Follow standard HUD noise mitigation for housing construction on NYS 27A.

20. Must follow Town of Babylon Policy on the Composition and Placement of Fill in the Town of Babylon in accordance with Resolution No. 368, April 26, 2017) for any fill material needed for the site development.
21. SCTM #0100-193-04-55, 56, 57, 58, 59, & 60 (Phase I and Phase II) shall be merged.

RESOLVED, that the aforementioned change of zone shall not be effective until there has been filed with the County Clerk of Suffolk County the following Covenants and Restrictions to run with the land, subject to the approval of the Town Attorney:

1. All site lighting to be contained on site and must conform to dark-sky lighting regulations.
2. Fire and smoke detection systems and carbon monoxide detectors should be installed in accordance with NFPA 72.
3. The owner/developer is responsible for maintaining all site development improvements including, but not limited to the following: fire and smoke detection system, automatic fire sprinkler system, building, drainage, curbs, sidewalks, fencing, asphalt, landscaping, etc.
4. Owner/applicant shall comply with all NYS regulations for handicapped accessibility, including but not limited to handicapped ramps and handicapped parking spaces.
5. All noise generating equipment on-sight including but not limited to heating ventilation and air conditioning (HVAC), chillers, refrigeration units, and compressors shall operate in conformance with Chapter 156 Town of Babylon Noise Code. In the event that any such equipment exceeds Chapter 156 standards immediate steps shall be taken to mitigate those noise levels.
6. All buildings, structures, signs, fences, and landscaping shall be maintained in accordance with all applicable codes and ordinances of the Town of Babylon, and violations thereof may be prosecuted and enforced in the same manner as provided therein.
7. No further development of the site without planning board approval.
8. All refuse shall be contained within the perimeter and height of the refuse enclosure as approved by the site plan.
9. Maintenance access shall be in accordance with Section 189-8 of the Code of the Town of Babylon. The Town of Babylon shall be provided with access to the stormwater infrastructure at reasonable times for periodic inspection by the Town of Babylon and its officers to ensure that the infrastructure is maintained in proper working condition to meet design standards and any other provisions established by Chapter 189. This agreement shall be binding on all subsequent landowners.
10. Maintenance after construction shall be in accordance with Section 189-8 of the Code of the Town of Babylon. Stormwater management practices installed in accordance with Chapter 189 shall be operated and maintained to ensure that the goals of Chapter 189 are fully achieved. Proper operation and maintenance includes, at minimum, the following:
  - a. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of Chapter 189. A written record of stormwater management system maintenance activities shall be established and maintained on site and be available for review by the Town of Babylon upon request.
  - b. Written procedures for operation and maintenance and training new maintenance personnel shall be prepared and maintained on site and will be available for review by the Town of Babylon upon request.
  - c. Discharges from SMPs shall not exceed design criteria or contribute to water quality standard violations in accordance with § 189-8B of the Code of the Town of Babylon.
11. Upon completion of construction, any stormwater control structures impacted during construction shall be cleaned by the owner or operator. Routine maintenance of the stormwater infrastructure on the site will include the following:
  - a. Monitoring of the drainage inlets (catch basins) will be completed routinely, particularly after larger storm events and must be kept free from obstruction by leaves, trash, and other debris.
  - b. Drainage grates must be kept free from obstruction by leaves, trash, and other debris.
  - c. Drainage structure shall be inspected annually to determine if sediment removal is necessary to ensure that the drainage structures are properly functioning and that they permit adequate conveyance throughout the system. If applicable, the manufacturer's specifications for maintenance procedures and frequency must be strictly followed.
  - d. The drainage structures must be routinely monitored for the removal of surface sediment and trash.
  - e. Street sweeping of the parking areas shall be conducted at least four times annually to remove sediment that may impact the drainage infrastructure and additionally, as necessary due to storm events.
  - f. The grounds and parking area shall be inspected for litter monthly and any litter shall be removed as necessary.
12. The entire building is to have a fully automatic fire sprinkler system installed pursuant to NFPA 13 and Section 213-235 of the Town Zoning Code and as required by the Fire Marshal.
13. The Town of Babylon is not responsible for any damage to the curbs or light poles on site in connection with solid waste pick up.
14. Twenty percent of units (3 units) shall be designated as workforce/affordable housing. Units to be scattered equally throughout the site. Affordable/workforce units shall be targeted to qualified households making 80% or less than the Suffolk County HUD income limits, which are updated annually. A recognized affordable housing provider shall be engaged by the owner/applicant to oversee the affordable component.
15. Any attic space is not for habitable space and is for storage and utilities only.
16. The existing weir, spillway and culvert on the site must be maintained in perpetuity by the property owner(s). This includes routine maintenance such as debris removal and repair and or replacement as necessary.
17. By virtue of this site plan approval, SCTM #0100-193-04-55, 56, 57, 58, 59, & 60 (Phase I and Phase II), are effectively merged. No parcel shall operate independent of the other parcel(s), since they only function conjointly as one contiguous site.

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

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

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

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

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

The resolution was thereupon declared duly adopted.

**SCHEDULE A**

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

BEGINNING at a point on the northerly side of Montauk Highway (S.R. 27A) (Merrick Road) at the southerly end of a line connecting the northerly side of said Montauk Highway and the westerly side of Hawkins Boulevard;

RUNNING THENCE along the southerly side of said Montauk Highway, the following three (3) courses and distances:

5. South 83 degrees 00 minutes 02 seconds West, 52.35 feet;
6. North 13 degrees 07 minutes 20 seconds West, 3.03 feet;
7. South 83 degrees 00 minutes 02 seconds West, 151.37 feet;
- 8.

THENCE North 13 degrees 07 minutes 20 seconds West, 88.61 feet;

THENCE North 76 degrees 52 minutes 40 seconds East, 210.50 feet to the westerly side of Hawkins Boulevard to the northerly end of said line connecting the northerly side of said Montauk Highway and the westerly side of said Hawkins Boulevard;

THENCE South 34 degrees 58 minutes 15 seconds West, 10.68 feet along said line to the northerly side of said Montauk Highway, at THE POINT OR PLACE OF BEGINNING.

**RESOLUTION NO. 232 MARCH 31, 2021  
AUTHORIZING ISSUANCE OF A BUILDING PERMIT FOR KATHY & EDWARD FINNEGAN  
OUTER BEACH APPLICATION NO. 136408 SCTM #0100-240-1-148**

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

WHEREAS, the Building Division of the Department of Planning and Development of the Town of Babylon has reviewed Outer Beach Application No. 136408 of Kathy & Edward Finnegan, for the premises located at SCTM #0100-240-1-148 (56 Ocean Walk, W. Gilgo Beach) to construct interior and exterior alterations to existing dwelling; 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. 136408 of Kathy & Edward Finnegan, for the premises located at SCTM #0100-240-1-148 (56 Ocean Walk, W. Gilgo Beach), to construct interior and exterior alterations to existing dwelling; 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. 233 MARCH 31, 2021**  
**AUTHORIZING EXECUTION OF A RENTAL AGREEMENT BETWEEN JULIE AND ARTHUR SPORNY**  
**AND THE TOWN OF BABYLON FOR A BOAT SLIP ON NEGUNTATOGUE CREEK**

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

RESOLVED, by the Town of Babylon that the Supervisor be and he hereby is authorized, but not mandated, to execute a rental agreement with Julie and Arthur Sporny, the Landlord, for a boat slip on Neguntatogue Creek behind 752 Shore Walk, Lindenhurst, with water and electric available as needed and included in rental fee, for use by the Department of Environmental Control for one (1) boat twenty (20) feet long and eighty-five (85) inches wide, for the period of April 1, 2021 to November 30, 2021, at a rental fee of eight hundred and fifty dollars (\$850.00), payable in one installment upon processing of lease agreement, and such other terms and conditions as shall be approved by the Town Attorney.

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 234 MARCH 31, 2021**  
**AUTHORIZING THE EMERGENCY BOARD UP AND SECURING OF UNSAFE STRUCTURE, LOCATED AT**  
**4 CHAPEL PLACE, NORTH BABYLON, NY 11703 SCTM NO. 0100-149.00-04.00-001.000**

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

WHEREAS, a certain structure(s) located at **4 Chapel Place, N. Babylon, New York**, bearing **SCTM# 0100-149.00-04.00-001.000** has no running water as per a communication with the Suffolk County Water Authority and the windows and doors are accessible, thereby presenting a nuisance to children and an imminent danger to the safety, health and welfare of the surrounding community residents; and

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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Babylon does hereby order the securing and board up of the premises located at **4 Chapel Place, North Babylon, New York**, bearing **SCTM# 0100-149.00-04.00-001.000** 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 March 23, 2021 on file in the Code Enforcement Department; and be it further

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

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

VOTES: 5                      YEAS: 5                      NAYS: 0

The resolution was thereupon declared duly adopted.

**RESOLUTION NO. 235 MARCH 31, 2020**  
**LIFTING PUBLIC NUISANCE DESIGNATION FOR THE PREMISES KNOWN AS**  
**318 W 22ND STREET DEER PARK NY 11729, SCTM#0100-085.00-02.00-068.000**

The following resolution was offered by Supervisor Schaffer and seconded by Councilman Manetta

WHEREAS, the Town Board made a designation of Public Nuisance for the property located at 318 W 22nd Street, Deer Park, New York, 11729, bearing SCTM# 0100-085.00-02.00-068.000, on May 18<sup>th</sup>, 2020; and

WHEREAS, the new owner of the property, Corey Jackson, represented by Attorney Raymond C. Baierlein, on a Town Board meeting held on March 31st, 2021, represented that the dwelling and any structures located at 318 W 22nd Street, Deer Park, New York, 11729, bearing SCTM# 0100-085.00-02.00-068.000, will no longer present a public nuisance and an imminent danger to the safety, health and welfare of the surrounding community residents, and that no "Prohibited Conduct", as defined by Chapter 165, Article III, Section 6 of the Town Code (Peace and Good Order), will take place at the aforementioned location; now, be it

RESOLVED, the Town Board hereby lifts the designation of Public Nuisance for the property located at 318 W 22nd Street, Deer Park, New York, 11729, bearing SCTM# 0100-085.00-02.00-068.000, now owned by Corey Jackson.

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.

Being no further business before the Board, the meeting adjourned at 4:07 pm on the motion of Councilman Gregory, seconded by Councilman McSweeney.

  
Geraldine Compitello, Town Clerk

/jt