

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
OCTOBER 5, 2016

1. Resolution Authorizing the City Manager to Enter into a Contract for the Furnishing and Installation of Wardrobe and Box Lockers at the City's Ice Arena

Legislative Memo: Flood waters from Superstorm Sandy caused significant damage to the City's Ice Arena, destroying the lockers used by skaters. Funding for this rehabilitation is being provided through public assistance grant monies from FEMA and through the Capital improvement Plan.

2. Resolution Establishing Base Proportions in Accordance with Provisions of Article 19 of the Real Property Tax Law.

Legislative Memo: This is an annual resolution which provides the Tax Assessor's Office with the formula necessary to calculate property tax rates, pursuant to the Real Property Tax Law, which is levied upon homestead (residential) and non-homestead (commercial) properties as directed by the State of New York. This legislation was passed by the State Legislature and signed by the Governor.

3. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Carryout Bags.

Legislative Memo: The intent of this ordinance is to promote the use of reusable bags over carryout bags, in order to reduce the negative environmental and economic impacts associated with carryout bags. It is our finding that imposing a bag fee on the customer can create a shift in consumer behavior toward the use of reusable bags and significantly reduce the amount of carryout bags within our City.

4. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Plumbing.

Legislative Memo: In 1979 the City amended the Code of Ordinances to allow reciprocal agreements for licensed plumbers with other towns, cities and villages located within Nassau County. In the months following Superstorm Sandy, the demand for plumbers in Long Beach was tremendous due to saltwater intrusion in homes and businesses throughout the City. That demand was also evident in so many other areas across Long Island hit hard by the storm. This amendment shall allow reciprocal agreements to be entered into with other towns, cities and villages within Nassau and Suffolk. This affords residents the ability to hire from a greater pool of licensed plumbers without resorting to unlicensed and/or inadequately supervised plumbers, and conversely allowing Long Beach licensed plumbers to work in such other entities.

5. Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 58 West Park Avenue (street floor), Long Beach, New York.
Re: Retail Store and Wine Bar

October 5, 2016

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into a
Contract for the Furnishing and Installation of Wardrobe and
Box Lockers at the City's Ice Arena.

WHEREAS, as a result of Superstorm Sandy, flood waters destroyed all of the lockers at the Ice Arena that are used by patrons to store their shoes and other personal items while they are skating; and

WHEREAS, after due advertisement therefore, one bid was received in the Office of the Commissioner of Public Works on August 18, 2016 for the furnishing and installation of 430 coin collect lockers in various sizes, in accordance with plans and specifications on file in the Department of Public Works; and

WHEREAS, Nickerson Corporation, 11 Moffit Boulevard, Bay Shore, New York 11706 was the sole responsible bidder at a cost of \$150,776.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and he hereby authorized to enter into a contract with Nickerson Corporation, 11 Moffit Boulevard, Bay Shore, New York 11706 for the furnishing and installation of 430 coin collect lockers at the Ice Arena, in accordance with plans and specifications on file in the Office of the Commissioner of Public Works, at a cost of \$150,776.00. Funds are available in P1000.52700 (Sandy FEMA-Recreation Capital Outlay).

October 5, 2016

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Establishing Base Proportions in Accordance
with Provisions of Article 19 of the Real Property Tax Law.

WHEREAS, on October 16, 1990, the City of Long Beach amended Article 6 of Chapter 635 of the Laws of 1922, by adding at the end of said Section 103 a new subsection, which was numbered subsection 5, and which reads as follows:

“5. The provisions of Real Property Tax Law, Section 1903 concerning homestead base proportions, are hereby adopted.”

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach that the Homestead Base Proportions shall be as follows:

Homestead Base Proportion - .76177825

Non-Homestead Base Proportion - .23822175

Said base proportions shall apply to taxes levied on the 2016-2017 final assessment roll and to taxes levied on subsequent rolls until the Local Law adopting base proportions is amended or repealed.

October 5, 2016

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an
Ordinance to Amend the Code of Ordinances of the City
of Long Beach Re: Carryout Bags.

WHEREAS, the intent of this ordinance is to promote the use of reusable bags over carryout bags, in order to reduce the negative environmental and economic impacts associated with carryout bags; and

WHEREAS, most carryout bags made from either plastic, paper or other materials do not readily decompose and contribute to problematic litter because of their lightweight, allowing them to be blown onto sidewalks, into trees, into the ocean and onto the beaches, as well as into the streets blocking storm drains; and

WHEREAS, it is our finding that imposing a bag fee on the customer can create a shift in consumer behavior toward the use of reusable bags and significantly reduce the amount of carryout bags within our City; and

WHEREAS, it is the desire of this City Council and this Administration to join in this growing national environmental movement and to be the first municipality in Nassau County to enact this important green initiative, in our continuing efforts to improve the quality of life for our residents and to care for our local environment; and

WHEREAS, there has been presented to this Council the following proposed Ordinance:

“ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: CARRYOUT BAGS.”
(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, that the City Council adopts this resolution making a SEQRA environmental determination that the proposed Code Amendment will not have a significant effect on the environment and issues a negative declaration; and be it further

RESOLVED, by the City Council of the City of Long Beach, New York, that the City Clerk shall cause to be published in the official newspaper of the City of Long Beach the title, and a summary or the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach, New York, on October 18, 2016 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: CARRYOUT BAGS.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as follows:

Sec.1. Chapter 14, Article VII, entitled “Television Sales and Services” of the Code of Ordinances of the City of Long Beach, shall be repealed, rescinded and revoked, as this Article was codified in 1957 and is no longer germane and applicable, and shall be replaced with a new Article VII entitled “Carryout Bags”, to be added to Chapter 14, to read as follows:

“Chapter 14. LICENSES AND BUSINESS REGULATIONS.

Article VII. Carryout Bags.

Sec. 14-133. Legislative Intent

This Article is enacted to promote the use of reusable bags over carryout bags, in order to reduce the negative environmental and economic impacts associated with carryout bags. Most carryout bags made from either plastic, paper or other materials do not readily decompose and contribute to problematic litter because of their lightweight, allowing them to be blown onto sidewalks, into trees, into the ocean and onto the beach, as well as into the streets blocking storm drains. The City finds that imposing a bag fee on the customer can create a shift in consumer behavior toward the use of reusable bags and significantly reduce the amount of carryout bags within our City.

Sec. 14-134. Definitions.

As used in this Article, the following terms shall be defined as follows:

Business Establishment shall mean any business required to be licensed pursuant to Section 14-15 of this Chapter that provides carryout bags to its customers.

Carryout Bag shall mean a bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases.

Exempt Bag shall mean any of the following: (i) a bag without handles that is used to carry produce, meats, loose baked goods, loose dry goods, dry cleaning, newspaper delivery bags, liquor store sales, flowers or other non-prepackaged food items to the point of sale within a store or market, or to prevent such items from coming in direct contact with other purchased items or (ii) a bag provided by a doctor, pharmacist or veterinarian to carry prescription drugs.

Reusable Carryout Bag shall mean a carryout bag with handles that is specifically designed and manufactured for multiple reuse and is either (i) made of cloth or other machine washable fabric or (ii) made of durable plastic that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.

Sec. 14-135. Fee and Fee Exemptions.

(a) Fee: Business establishments shall charge a fee of not less than five (5) cents for each carryout bag provided to any person. City run facilities, City sponsored events and any event held on City property shall also charge a fee of not less than five (5) cents for each carryout bag provided to any person.

No business establishment shall charge this fee for an exempt bag. All monies collected shall be retained by the business establishment.

(b) Fee Exemptions:

(1) All business establishments that provide carryout bags to customers shall provide said bags free of charge for items purchased by any person using the New York State Supplemental Nutrition Assistance Program (SNAP) or New York State Special Supplemental Nutrition Program for Women, Infants and Children (WIC), as full or partial payment.

(2) No business establishment shall charge a fee or prevent a customer from using a bag of any kind that they have brought for the purposes of carrying goods from such business establishment.

Sec. 14.136. Regulations.

(a) All business establishments shall post signs at or near points of sale located in such establishments to notify customers of the provisions of this Article.

Sec. 14-137. Penalties for offenses.

(a) A fine may be imposed upon any business establishment that has provided a carryout bag to a customer in violation of this Article, as follows:

- (1) A fine not exceeding one hundred dollars (\$100.00) for a first violation;
- (2) A fine not exceeding two hundred dollars (\$200.00) for a second violation;
- (3) A fine not exceeding two hundred fifty dollars (\$250.00) for a third violation and subsequent violations.

(b) In the event of a continuing violation, each day such offense continues shall constitute a separate additional violation.”

Sec. 2. This Ordinance shall take effect April 22, 2017 (Earth Day).

October 5, 2016

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an
Ordinance to Amend the Code of Ordinances of the City
of Long Beach Re: Plumbing.

WHEREAS, there has been presented to this Council the following proposed
Ordinance:

“ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: PLUMBING.”
(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the
City Clerk shall cause to be published in the official newspaper of the City of Long Beach the
title, and a summary or the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a
meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach, New
York, on October 18, 2016 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: PLUMBING.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as follows:

Sec.1. Chapter 21, Article I, Section 21-3.2 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby added to and amended to read as follows:

“Sec. 21-3.2. Reciprocal agreements with other municipalities.

Anything contained in this chapter to the contrary notwithstanding, the city manager may enter into a reciprocal agreement with any other town, city or incorporated village in the County of Nassau **and/or in the County of Suffolk**, which agreement shall provide that any person who holds a valid license to conduct the trade or business of an employing or master plumber issued by such other municipality, after having passed an examination given by the examining board of plumbers of such other municipality, shall be deemed to be competent to conduct that business in the City of Long Beach, New York, and shall not be required to take such examination given by the examining board of plumbers of the City of Long Beach, New York, as a prerequisite to conducting that business in the City of Long Beach, New York, but he must comply with and shall be subject to and bound by all other provisions and requirements of this chapter, and by all rules and regulations adopted pursuant thereto, and he must have a valid certificate of competency issued by the examining board of plumbers of the City of Long Beach, New York. Such agreement must provide that such other municipality shall extend to any person who holds a valid master plumber's license issued by the City of Long Beach, after having passed an examination given by the examining board of plumbers of the City of Long Beach, reciprocal and equal rights and privileges in such other municipality.”

Sec. 2. This Ordinance shall take effect immediately.

October 5, 2016

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 58 West Park Avenue (street floor), Long Beach, New York.

WHEREAS, there has been presented to this Council an application pursuant to Section 9-112(18)(c) of Appendix A (Zoning Law) of the Long Beach Code of Ordinances, for waiver of off-street parking requirements for the premises located at 58 West Park Avenue (street floor), Long Beach, New York (Section 59, Block 84, Lot 11) between Edwards and National Boulevards, having frontage of 20 feet, on behalf of the owner 58 WPA LLC, 107 Northern Boulevard, Staten Island, New York 10301 be used as a Retail Store and Wine Bar;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that a public hearing will be had before this Council upon said application at City Hall, 1 West Chester Street, in the City of Long Beach, New York, on October 18, 2016 at 7:00 p.m. on that date; and be it further

RESOLVED, that the City Clerk be and he hereby is authorized to cause a notice of said hearing to be published in the official newspaper of the City of Long Beach.