

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
FEBRUARY 6, 2024

PRESENTATION: A Presentation of the Results of the Audit of Fiscal Year 2023 to the City Council will be given during the City Manager's Report

PUBLIC HEARING: Local Law Amending the Charter of the City of Long Beach Re: City Officers.

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1. Approval of Minutes of Prior Meeting of January 16, 2024
2. Local Law Amending the Charter of the City of Long Beach Re: City Officers.
3. Local Law Amending the Charter of the City of Long Beach Re: City Officers.
4. Resolution Confirming the Appointment of a Fire Commissioner.
5. Resolution Confirming the Appointment of a City Engineer.
6. Resolution Authorizing the City Council to Enter into an Employment Contract with the City Manager.
7. Resolution Requiring Certain Individuals to File an Annual Statement of Financial and Ethical Disclosure for the 2023 Calendar Year.
8. Resolution Authorizing the City Manager to Enter into an Agreement for the Preparation of Plans, Specifications and Contract Documents for the Rehabilitation of the Long Beach Police Auxiliary Building.
9. Resolution Authorizing the City Manager to Enter into an Agreement for the Downtown Resilient Connectivity for East Park Avenue Riverside Boulevard to Long Beach Road Project Phase II.

10. Resolution Authorizing the City Manager to Enter into a Contract for Emergency Sanitary Sewer Replacement at East Pine Street between Clark Street and Harmon Street with the Lowest Bidder.
11. Resolution Authorizing Publication of a Notice of Public Hearing for the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, and Title II of the National Affordable Housing Act of 1990, as Amended, for Inclusion in the City's Community Development Program for 2024-2025 (50th Year).
12. Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 1024 West Beech Street (street floor), Long Beach, New York.
13. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Appendix A – Zoning.

February 6, 2024

Item No. 2
Local Law No.

The following Local Law was moved by
and seconded by :

Introductory No. 378
Introduced by:

CITY OF LONG BEACH

CHAPTER I LAWS OF 2024

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF LONG
BEACH RE: CITY OFFICERS.

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

Sec. 1. Article 2, Section 18(5) of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same is hereby amended to read as follows:

“Sec. 18. Board of ethics

...

5. *Board of ethics.* There is hereby created and established a board of ethics consisting of ~~eight (8)~~ **five (5)** members to be appointed by the city council, a majority of whom shall not be employees or officers of this city, all of whom shall reside in the City of Long Beach and who shall serve without compensation. Members of the board of ethics shall serve at the pleasure of the city council. The members of the board shall elect a chairman. **In addition to the five (5) members appointed by the city council,** the corporation counsel shall be a member ex officio of the board, **but shall maintain no legislative and voting powers.,** ~~and at least one member of said board shall be an elected or appointed municipal officer or employee.”~~

...

Sec. 2. This Local Law shall take effect immediately upon being filed in the Office of the New York Secretary of State.

February 6, 2024

Item No. 3
Local Law No.

The following Local Law was moved by
and seconded by :

Introductory No. 379
Introduced by:

CITY OF LONG BEACH

CHAPTER II LAWS OF 2024

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF LONG
BEACH RE: CITY OFFICERS.

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

Sec. 1. Article 2, Section 15-a of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same is hereby amended to read as follows:

"Sec. 15-a. Defense and indemnification of city officers and employees.
...

(2) *Definitions.* As used in this section, the following terms shall have the meanings indicated:

- (a) EMPLOYEE -- Any person, whether or not compensated, holding a position by election, appointment or employment as a non-bargaining unit employee in the service of the City, **any person serving as a neutral hearing officer for any City department or agency** or a volunteer expressly authorized by the appropriate City official to act for the benefit of the City, including any of its agencies, boards or commissions, but shall not include an independent contractor or any member of any district or authority created by the City. **For purposes of this section only, a person serving as a neutral hearing officer for any City department or agency shall not be considered an independent contractor.** The term "employee" shall include a former non-bargaining unit employee, a non-bargaining unit employee's estate, or a judicially appointed personal representative."

...

Sec. 2. This Local Law shall take effect immediately upon being filed in the Office of the New York Secretary of State.

February 6, 2024

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Confirming the Appointment of a Fire Commissioner.

WHEREAS, the City Manager desires to appoint Joseph Miller as the Fire Commissioner of the City of Long Beach; and

WHEREAS, pursuant to Article 2, Section 11(A) of the Charter of the City of Long Beach, the Fire Commissioner is an appointive officer of the City, and shall be appointed by the City Manager upon confirmation of the City Council;

NOW, THEREFORE, be it

RESOLVED, that the City Council of the City of Long Beach, New York hereby confirms the City Manager's appointment of Joseph Miller as the Fire Commissioner of the City of Long Beach.

February 6, 2024

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Confirming the Appointment of a City Engineer.

WHEREAS, the City Manager desires to appoint Russell Darress as the City Engineer of the City of Long Beach; and

WHEREAS, pursuant to Article 2, Section 11(A) of the Charter of the City of Long Beach, the City Engineer is an appointive officer of the City, and shall be appointed by the City Manager upon confirmation of the City Council;

NOW, THEREFORE, be it

RESOLVED, that the City Council of the City of Long Beach, New York hereby confirms the City Manager's appointment of Russell Darress as the City Engineer of the City of Long Beach.

February 6, 2024

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Council to Enter
into an Employment Contract with the City Manager.

WHEREAS, pursuant to Article 3, Section 20(3)(a) of the Charter of the City of Long Beach, the City Council may enter into a written employment contract with the City Manager for a term not to exceed three years and upon such terms and conditions as the City Council shall agree;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Article 3, Section 20(3)(a) of the Charter of the City of Long Beach, the City Council is hereby authorized to enter into an employment contract with Daniel Creighton, for a term of two years, at an annual salary of \$220,000.00, together with such other terms as the City Council shall deem appropriate.

February 6, 2024

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Requiring Certain Individuals to File an
Annual Statement of Financial and Ethical Disclosure
for the 2023 Calendar Year.

WHEREAS, pursuant to Section 19(1)(a) of the Charter of the City of Long Beach, New York, “[e]very elected official, officer or employee and political party official and every candidate for city elected office shall file an annual statement of financial and ethical disclosure containing such information and in such form as is set forth in subdivision 3 of this section”; and

WHEREAS, pursuant to Section 19(2)(c) of the Charter of the City of Long Beach, New York, “[t]he term ‘officer or employee’ shall mean such heads, deputies, assistants and employees of the departments, agencies, boards or commissions of the city (other than local elected officials), who hold policy-making positions as annually determined by the city council and set forth in a resolution of said city council which shall be filed with the board of ethics on or about February 15th of each year”; and

WHEREAS, on October 24, 2023, the Board of Ethics of the City of Long Beach, New York unanimously approved a list of individuals that should be required to file an annual statement of financial and ethical disclosure, on or before May 15, 2024, with respect to the 2023 calendar year, in accordance with Section 19 of the Charter of the City of Long Beach, New York; and

WHEREAS, the City Council has reviewed and considered the list of individuals recommended by the Board of Ethics and has modifications to the list;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the following individuals shall be required to file an annual statement of financial and ethical disclosure, on or before May 15, 2024, with respect to the 2023 calendar year, in accordance with Section 19 of the Charter of the City of Long Beach: elected officials, political party officials, and City of Long Beach policy-making positions, including all City of Long Beach department heads, the City Comptroller, the City Treasurer, the Purchasing Agent, the Police Commissioner, the Fire Commissioner and attorneys employed in the Corporation Counsel office; and be it further

RESOLVED, by the City Council of the City of Long Beach, New York that the City Clerk shall file an official copy of this resolution with the Board of Ethics of the City of Long Beach, New York on or before February 15, 2024.

February 6, 2024

Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an Agreement for the Preparation of Plans, Specifications and Contract Documents for the Rehabilitation of the Long Beach Police Auxiliary Building.

WHEREAS, after due advertisement therefore, three (3) proposals were received in the Office of the Commissioner of Public Works on December 15, 2023 for qualified professional consulting engineering firms to prepare plans, specifications and contract documents, along with construction administration and part-time inspection services, for the rehabilitation of the Long Beach Police Auxiliary Building; and

WHEREAS, AI-ALT PLLC, 25 Melville Park Road, Melville, New York 11747 was the firm whose proposal was most advantageous for said project at a cost of \$168,000.00;

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 is authorized to enter into a contract with AI-ALT PLLC, 25 Melville Park Road, Melville, New York for the preparation of plans, specifications and contract documents, along with construction administration and part-time inspection services, for the rehabilitation of the Long Beach Police Auxiliary Building, at a cost of \$168,000.00. Funds in the amount of \$163,026.46 are available in Account No. H1024.53101 (City Building Rehab, Various) and funds in the amount of \$4,973.54 are available in Account No. H1018.52349 (Various Building Improvements).

February 6, 2024

Item No. 9
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an Agreement for the Downtown Resilient Connectivity for East Park Avenue Riverside Boulevard to Long Beach Road Project Phase II.

WHEREAS, the City seeks to improve walkability, accessibility, safety, streetscape and beautification, as well as to replace curbs, sidewalks, and street lighting, and planting new trees for East Park Avenue Riverside Boulevard to Long Beach Road; and

WHEREAS, after due advertisement therefore, six (6) bids were received in the Office of the Commissioner of Public Works on January 18, 2024 for the improvement of walkability, accessibility, safety, streetscape and beautification, as well as to replace curbs, sidewalks, and street lighting, and planting new trees for East Park Avenue Riverside Boulevard to Long Beach Road, as per specifications on file in the Office of the Commissioner of Public Works; and

WHEREAS, Roadwork Ahead, Inc., 2186 Kirby Lane, Syosset, New York 11791 was the lowest responsible bidder at a cost of \$1,183,533.10;

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 is authorized to enter into a contract with Roadwork Ahead, Inc., 2186 Kirby Lane, Syosset, New York 11791 for the improvement of walkability, accessibility, safety, streetscape and beautification, as well as to replace curbs, sidewalks, and street lighting, and planting new trees for East Park Avenue Riverside Boulevard to Long Beach Road, at a cost of \$1,183,533.10. Funds in the amount of \$1,038,296.89 are available in Account No. H1018.52343 (Edwards Avenue Overlay), which funds may be used for this project based on the opinion of bond counsel, and funds in the amount of \$145,236.21 are available in Account No. H1023.52344 (Park Avenue Resiliency). A Capital Projects Fund budget amendment will be presented to the City Council at a later date for approval to increase State Grant revenue and expense budgets in Account No. H1018.52343 (Edwards Avenue Overlay) once grant reimbursement is received by the City.

February 6, 2024

Item No. 10
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into a Contract
for Sanitary Sewer Replacement at East Pine Street between
Clark Street and Harmon Street with the Lowest Bidder.

WHEREAS, replacement is required at East Pine Street between Clark Street
and Harmon Street, due to the collapse of sections of the sanitary sewer; and

WHEREAS, seven (7) bids were received in the Office of the Commissioner of
Public Works on Thursday, February 1, 2024 for the furnishing and installation of approximately
150 linear feet of sanitary sewer pipe; and

WHEREAS, Macedo Contracting Services, Inc., 39 Lawrence Drive, Nesconset,
New York 11767 was the lowest responsible bidder at a cost of \$85,410.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York
that the City Manager be and is hereby authorized to enter into a contract with Macedo
Contracting Services, Inc., 39 Lawrence Drive, Nesconset, New York 11767 for sanitary sewer
replacement on East Pine Street between Clark Street and Harmon Street, at a cost of
\$85,410.00. Funds in the amount of \$85,410.00 are available in Account No. H3017.52341
(Grease Removal System Improvements).

February 6, 2024

Item No. 11
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication of a Notice of Public Hearing for the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, and Title II of the National Affordable Housing Act of 1990, as Amended, for Inclusion in the City's Community Development Program for 2024-2025 (50th Year).

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development is authorized to make grants to states and other units of general local government to help finance Community Development and Housing Programs; and

WHEREAS, the U.S. Department of Housing and Urban Development requires various assurances that the City will comply in all respects with State and Federal Laws, Rules and Regulations;

NOW, THEREFORE, be it

RESOLVED, that the City Clerk shall cause to be published in the official newspaper of the City of Long Beach, a notice of Public Hearing which may be held at City Hall, 1 West Chester Street, Long Beach, New York on February 20, 2024 at 7:00 p.m., for the purpose of providing all persons and representatives of organizations with significant social, economic, and environmental interests an adequate opportunity to publicly present their views on and propose activities for said programs.

February 6, 2024

Item No. 12
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: 1024 West Beech Street (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 1024 West Beech Street
(street floor), Long Beach, New York (Section 59, Block 107, Lot 1), between Kentucky Street
and Indiana Avenue, having frontage 20 feet or less, on behalf of the owner Janet Chung Kim,
1024 West Beech Street, Long Beach, New York 11561 to be used as a bubble tea shop;

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 February 20, 2024 at 7:00 p.m. on that date; and
be it further

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

February 6, 2023

Item No. 13
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: Appendix A – Zoning.

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: APPENDIX A – ZONING.”
(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 February 20, 2024 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: APPENDIX A – ZONING.

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

Sec.1. Appendix A, Section 9-112 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby added to and amended to read as follows:

“Sec. 9-112. Minimum off-street parking space requirements for passenger motor vehicles in all districts.

Off-street parking space shall be provided in connection with the erection, construction, alteration, change of use, additional use, or additional business enterprise, of or within any building or structure, in the following amounts:

...

(18) For general business, commercial and personal service establishments, the following:

a. Buildings or premises having a frontage of less than sixty-five (65) feet: One space for each thousand (1,000) square feet of floor space contained within said buildings or premises, plus such additional spaces as the building commissioner shall deem necessary by reason of all the parking-generating factors involved.

b. Buildings or premises having a frontage of sixty-five (65) feet or more: One space for each five hundred (500) square feet of floor space contained within said buildings or premises, plus such additional spaces as the building commissioner shall deem necessary by reason of all parking-generating factors involved.

c. Upon a showing by the owner of any building or premises having a frontage of twenty (20) feet or less that the provisions of this subdivision cannot reasonably be complied with because of location or unusual shape, physical condition or use, or where the requirements of this section would lead to practical difficulty or unnecessary hardship, the city council may, upon due application and public hearing, exempt such buildings or premises from the provisions of this section. **The aforementioned exemption shall not be required where a previous exemption has been granted by the City Council and the change of use does not result in additional parking spaces being required pursuant to Section 9-112 herein.**”

Section 2. This Ordinance shall take effect immediately.