

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
FEBRUARY 21, 2017

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 78 West Park Avenue, (street floor), Long Beach, New York.

Re: Restaurant

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements for Premises: 143 East Park Avenue (street floor), Long Beach, New York.

Re: Clothing/Shoe Store

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Fire Prevention and Protection.

1. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Fire Prevention and Protection.

Legislative Memo: This amendment allows the City to create a position for a third assistant chief (which is an unpaid position) within the Fire Department, in order to continue best practice methods for the department.

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Ocean Beach Park.

PUBLIC HEARING: Ordinance Authorizing Financing for Cost of Separation Payments To or For the Benefit of Employees of the City, Stating the Estimated Total Cost Thereof is \$2,450,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$2,450,000 Bonds of Said City to Finance Said Appropriation.

2. Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 78 West Park Avenue, (street floor), Long Beach, New York.
Re: Restaurant
3. Resolution Granting Waiver of Off-Street Parking Requirements for Premises: 143 East Park Avenue (street floor), Long Beach, New York.
Re: Clothing/Shoe Store

4. Ordinance to Amend the Code of Ordinances of the City of Long Beach
Re: Ocean Beach Park.

Legislative Memo: This amendment would allow for the sale of limited alcoholic beverages at the concession stands adjacent to the boardwalk, pursuant to the strict terms and conditions to be placed in their concession leases with the City.

5. Ordinance Authorizing Financing for Cost of Separation Payments To or For the Benefit of Employees of the City, Stating the Estimated Total Cost Thereof is \$2,450,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$2,450,000 Bonds of Said City to Finance Said Appropriation.

Legislative Memo: From time to time the City offers Early Retirement Incentives in an effort to right-size our workforce. This bond issue funds those early retirees as well as employees that have met the City's established retirement requirements.

6. Resolution Authorizing the City Manager to Enter into a Contract for the Removal, Furnishing and Installation of a Sludge Collection System at the City's Water Pollution Control Plant with the Lowest Responsible Bidder.

Legislative Memo: The sludge collection system has outlived its useful life and must be replaced as it is the mechanism used for the removal of settled solids in the facility. Funding is provided through the Capital Improvement Plan.

7. Resolution Authorizing the City Manager to Purchase Miscellaneous General Hardware Items on an "As Needed" Basis.

Legislative Memo: This item provides the City with the ability to make hardware purchases "as needed" during the course of performing daily jobs, which require no delivery and are limited to "pick-up" at the local supplier's place of business.

8. Resolution Authorizing the Publication of a Notice of Joint Public Hearing to Discuss the Adoption of a Comprehensive Plan and Environmental Assessment for the City of Long Beach Pursuant to Requirements of New York State General City Law and New York State Environmental Quality Review Act (SEQRA).

Legislative Memo: The Comprehensive Plan provides an overall guide for the City over the next twenty years, encompassing elements such as transportation, infrastructure, housing, land use and the economy. After the devastating effects of Superstorm Sandy, and the economic recession prior to the storm, it was apparent that an updated Comprehensive Plan was needed with a focus on resiliency and economic sustainability measures and to insure good development decisions to protect against over

development. Over the past two years, extensive City-wide public outreach was undertaken. The City held ten public meetings; five community advisory committee meetings; four high need area meetings; and two focus group meetings on arts/culture and the economy. Grant funding was awarded for this project from New York Energy Research and Development Authority (NYSERDA) and the Department of State (DOS).

February 21, 2017

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Granting Waiver of Off-Street Parking Requirements
Re: Premises 78 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 78 West Park Avenue (street floor), Long Beach, New York (Section 59, Block 84, Lot 161), between National and Edwards Boulevards, having frontage of 20 feet, on behalf of the owner GTM Realty Three LLC, 84 East Park Avenue, Long Beach, New York 11561 to be used as a Restaurant;

WHEREAS, a Public Hearing was held on this date;

NOW, THEREFORE, after due deliberation, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the application of the owner GTM Realty Three LLC, 84 East Park Avenue, Long Beach, New York 11561 for exemption with respect to the requirements for off-street parking at premises 78 West Park Avenue (street floor), having frontage of 20 feet, be and the same hereby is granted, only and during the time that such premises shall be used a Restaurant.

February 21, 2017

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Granting Waiver of Off-Street Parking Requirements
Re: Premises 143 East 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 143 East Park Avenue (street floor), Long Beach, New York (Section 59, Block 109, Lot 20) between Long Beach and Riverside Boulevards, having frontage of 20 feet, on behalf of the owner Fae Holdings LLC, 253 West 16th Street, New York, New York 10011 to be used as a Clothing/Shoe Store;

WHEREAS, a Public Hearing was held on this date;

NOW, THEREFORE, after due deliberation, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the application of the owner Fae Holdings LLC, 253 West 16th Street, New York, New York 10011 for exemption with respect to the requirements for off-street parking at premises 143 East Park Avenue (street floor), having frontage of 20 feet, be and the same hereby is granted, only and during the time that such premises shall be used as a Clothing/Shoe Store.

February 21, 2017

Item No. 3
Ordinance No.

The following Ordinance was moved by
and seconded by :

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: FIRE PREVENTION
AND PROTECTION.

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

Sec.1. Chapter 11, Article III, 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:

ARTICLE III. FIRE DEPARTMENT

“Sec. 11-57. Command at fire scenes.

- (a) The ranking officer of the volunteer fire department shall be in complete charge of all members of the force both paid and volunteer as well as in charge of all equipment and apparatus at fires.
- (b) The succession of authority at all fires shall be:
 - (1) The chief of the volunteer department;
 - (2) The first assistant chief;
 - (3) The second assistant chief;
 - (4) The third assistant chief;**
 - (5) A captain or lieutenant of the paid department on duty.”

Sec. 2. This Ordinance shall take effect immediately.

The following Ordinance was moved by
and seconded by :

**ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: OCEAN BEACH PARK.**

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

Sec.1. Chapter 18, Article II, Division 1, Section 18-19 and Section 18-20 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended, to read as follows:

“Sec. 18-19. Food and beverage sales and service.

(a) Any restaurant, luncheonette or stand situated adjacent to the north boundary of the Ocean Beach Park or on the Ocean Beach Park may be permitted to serve food and/or beverages, including alcoholic beverages, subject to the terms and conditions of their lease(s) with the City. No person, firm or corporation shall place or cause to be placed any table or chair anywhere on the boardwalk, other than the benches placed thereon by the city.

(b) Notwithstanding Section 18-44 of this Article, in the event a concession stand should be permitted to serve alcoholic beverages, the City shall have the authority to issue such rules regulating attendant quality of life issues associated with concession stand service of alcoholic beverages, as it deems fit.

(c) Any establishment dispensing food or beverages in the Ocean Beach Park or abutting upon the park or the Boardwalk shall be required to post a notice clearly indicating the price of merchandise sold therein, in a conspicuous place clearly legible and visible to customers making purchases.

(d) Any person, firm or corporation that violates any part of this section shall be subject to the penalties provided for in this Article.

Sec. 18-20. Closure of commercial openings to park for violations.

The violation of any provision of section 18-17 or 18-19 shall be sufficient cause for the summary closing of any such entrance or opening, **restaurant, luncheonette, or concession stand, in, to or upon the Ocean Beach Park.”**

Sec. 2. This Ordinance shall take effect immediately.

The following Ordinance was moved by
and seconded by :

BOND ORDINANCE AUTHORIZING FINANCING FOR THE COST OF SEPARATION PAYMENTS TO OR FOR THE BENEFIT OF EMPLOYEES OF THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$2,450,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,450,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.

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

Section 1. The City of Long Beach, Nassau County, New York (herein called the "City"), is hereby authorized to finance the cost of separation payments to or for the benefit of employees of the City pursuant to Chapter 258 of the 2012 Laws of New York, at the estimated maximum cost of \$2,450,000. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$2,450,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$2,450,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the aggregate principal amount of \$2,450,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the appropriation referred to herein.

Section 3. The period of probable usefulness of the specific object or purpose for which said \$2,450,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 85-e of the Law, is five (5) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or such obligations are authorized in violation of the provisions of the constitution.

Section 8. This ordinance, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

February 21, 2017

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into a
Contract for the Removal, Furnishing and Installation of a
Sludge Collection System at the City's Water Pollution Control
Plant with the Lowest Responsible Bidder.

WHEREAS, after due advertising therefore, four bids were received in the Office
of the City Purchasing Agent on Thursday, February 9, 2017 at 11:00 a.m. for the removal,
furnishing and installation of a sludge collection system at the City's Water Pollution Control
Plant, as per specifications on file in the Office of the City Purchasing Agent; and

WHEREAS, the sludge collection system has outlived its useful life and must be
replaced as it is the mechanism used for the removal of settled solids in the facility; and

WHEREAS, Philip Ross Industries, 200 Long Island Avenue, Wyandanch, New
York 11798 was the lowest responsible bidder at a cost of \$350,000.00;

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 Philip Ross Industries,
200 Long Island Avenue, Wyandanch, New York 11798 for the removal, furnishing and
installation of a sludge collection system at the City's Water Pollution Control Plant, at a cost of
\$350,000.00. Funds are available in Account No. H3017.52278 (Sewer Upgrades Citywide).

February 21, 2017

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Purchase
Miscellaneous General Hardware Items on an “As Needed” Basis.

WHEREAS, after due advertisement therefore, two bids were received in the Office of the City Purchasing Agent on Thursday, February 2, 2017 at 11:00 for the purchase of miscellaneous general hardware items on an “as needed” basis, for single purchases below \$1,000; and

WHEREAS, this resolution is not meant to eliminate other vendors that also provide hardware items presently for the City, as it provides the City with the ability to make purchases “as needed” during the course of performing daily jobs, which require no delivery and are limited to “pick-up” at the supplier’s place of business, located in close proximity to City buildings and facilities as specified in the bid document; and

WHEREAS, the City may make multiple awards for this service and it is in the City’s best interest to award this service to the following two vendors:

1. Centre Millwork & Supply Co., Inc., 669 Long Beach Boulevard, Long Beach, New York 11561; and
2. Whitbread’s & Sons Lumber Co. of Long Beach, Inc., 600 Magnolia Boulevard, Long Beach, New York 11561; and

WHEREAS, each will give the City a 10% discount at store level with Whitbread’s offering a 10% discount from certain catalogs as well;

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 purchase miscellaneous general hardware items on an “as needed” basis from Centre Millwork & Supply Co., Inc., 669 Long Beach Boulevard, Long Beach, New York 11561 and Whitbread’s & Sons Lumber Co. of Long Beach, Inc., 600 Magnolia Boulevard, Long Beach, New York 11561 for a period of one year, with the option for two additional one year renewals. Funds are available on an “as needed” basis in all City-wide accounts for Supplies and Materials (54410) and Maintenance Supplies (54412).

February 21, 2017

Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Publication of a Notice of Joint Public Hearing to Discuss the Adoption of a Comprehensive Plan and Environmental Assessment for the City of Long Beach Pursuant to Requirements of New York State General City Law and New York State Environmental Quality Review Act (SEQRA).

WHEREAS, Cameron Engineering & Associates, LLP, the City's consultants in this matter and the City's Department of Economic Development and Planning, have prepared a draft Comprehensive Plan as well as the required Environmental Assessment Form, both of which are currently available to the public on the City's Web Site, at the City Clerk's Office and at the Public Library; and

WHEREAS, the City has facilitated public feedback on the Comprehensive Plan by hosting a series of nine community outreach meetings and providing additional forms for public comment through the City's website, Longbeachlistens.com. and social media; and

WHEREAS, a Joint Public Hearing will give the residents of the City an opportunity to publicly present their views on this matter, with a comment period extending 10 days after the close of said hearing for additional written comments;

NOW, THEREFORE, be it

RESOLVED, that a Joint Public Hearing shall be held before the City Council at City Hall, 1 West Chester Street, Long Beach, New York on March 7, 2017 at 7:00 p.m., for the purpose of giving residents an adequate opportunity to publicly present their views on the Comprehensive Plan and on the Environmental Assessment; 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.