

**CALENDAR**  
**for**  
**REGULAR MEETING OF THE COUNCIL**  
**of the**  
**CITY OF LONG BEACH**  
**held**  
**MARCH 7, 2023**

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**PUBLIC HEARING:** Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic.

1. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic.
2. Resolution Authorizing and Approving a Master Agreement with BusPatrol America LLC.
3. Resolution Ratifying the Collective Bargaining Agreement Between the Long Beach Civil Service Employees Association Part-Timer Unit and the City of Long Beach and Authorizing the Acting City Manager to Execute Same.
4. Resolution Authorizing the Approval of a List of Eligible Volunteer Firefighters for 2022 Length of Service Award Program (LOSAP) Service Credit.
5. Resolution Authorizing Settlement of an Action Brought by Julia Lopez-Motherway Against the City of Long Beach, et al.
6. Resolution Authorizing Transfer of Funds for the 2022-2023 Fiscal Year.
7. Resolution Authorizing Transfer of Funds for the 2022-2023 Fiscal Year.
8. Resolution Authorizing the Retention of Consulting Services.
9. Resolution Authorizing the Acting City Manager to Amend the Contract for Asphalt Overlay Work at Various Locations Throughout the City.
10. Resolution Authorizing the Acting City Manager to Enter into a Contract for the Rehabilitation of the High Pressure Sand Gravel Filters at the Water Purification Plant.

11. Resolution Authorizing the Acting City Manager to Enter into a Contract for Engineering Services, Inclusive of Alternate Analysis, Recommendation, and Implementation of Advanced Metering Infrastructure Water Meters from the Lowest Responsible Bidder.
12. Resolution Authorizing the Acting City Manager to Purchase Various T-Shirts and Athletic Apparel with Imprints from the Lowest Responsible Bidders.
13. Resolution Authorizing the Acting City Manager to Purchase Miscellaneous General Hardware Items on an “As Needed” Basis.
14. Resolution Authorizing the Acting City Manager to Purchase Various Vehicles for Various City Departments.
15. Resolution Authorizing a Salary Increase And Corresponding Personnel Action.
16. Resolution Requesting the State of New York for the Authority to Discontinue the Use as Parkland of a Portion of Ocean Beach Park and Alienate the Lands Described, and to Convey Property Interests in Such Lands to EW Offshore Transport Corporation.
17. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Special Events.
18. Approval of Minutes of Prior Meeting of February 21, 2023.

**ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE  
CITY OF LONG BEACH RE: MOTOR VEHICLES AND TRAFFIC.**

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

Section 1. Chapter 15 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended to add a new Article VII, Sections 15-215, 15-216, 15-217, 15-218, 15-219, 15-220, 15-221, 15-222, 15-223, and 15-224 to said Chapter with the rest of the Chapter remaining in full force and effect, to read as follows:

**“ARTICLE VII. SCHOOL BUS PHOTO VIOLATION MONITORING SYSTEM**

**Sec. 15-215. Legislative Intent.**

**It is the intent of this ordinance to discourage motor vehicle operators from unlawfully passing stopped school buses in order to increase safety for school children travelling on school buses within the City of Long Beach. The City shall impose monetary liability on the owners of vehicles that fail to stop for a school bus displaying a red visual signal and stop-arm, in compliance with §1174 of the New York State Vehicle and Traffic Law when passing a school bus marked and equipped as provided in Subdivisions 20 and 21-c of §375 of the New York State Vehicle and Traffic Law.**

**Sec. 15-216. Authority.**

**This ordinance is enacted in accordance with §1174-a of the New York State Vehicle and Traffic Law.**

**Section 15-217. Program.**

- A. For the purposes of this Article, a school bus photo violation monitoring system is a device that is capable of operating independently of an enforcement officer which is installed to work in conjunction with a school bus stop-arm and which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operated in violation of Subdivision (a) of §1174 of the New York Vehicle and Traffic Law.**
- B. There is hereby established, pursuant to § 1174-a of the New York State Vehicle and Traffic Law, a demonstration program imposing monetary liability on owners of vehicles for failure of the operators thereof to comply with § 1174 of the New York State Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in Subdivisions 20 and 21-c of § 375 of the New York State Vehicle and Traffic Law in the City of Long Beach.**
- C. To carry out the demonstration program, the City is authorized to enter into an agreement with the Long Beach City school district for the installation,**

**maintenance, and use of school bus photo violation monitoring systems as well as proper handling and custody of data received by the school bus cameras, subject to the provisions of § 1174-a of the New York Vehicle and Traffic Law. Once the school district has entered into an agreement with the City, cameras shall be installed on school buses owned or operated by that school district or privately owned and operated for compensation under a contract with such school district.**

**D. Cost of program and reports relating thereto.**

**(1) The total cost to the school district of the installation, maintenance and use of school bus photo violation monitoring systems pursuant to an agreement authorized by this ordinance shall be borne entirely by the City.**

**(2) The school district shall provide any report required of the district, pursuant to § 1174-a of the Vehicle and Traffic Law, to the State or any official thereof.**

**(3) To the extent that the City shall be required to issue any report to the state or any official thereof as a result of the adoption of this article and/or § 1174-a of the Vehicle and Traffic Law, the City shall cause the same to be prepared pursuant to this article or applicable state law.**

**E. Pursuant to § 1174-a (a)(3)(i) of the Vehicle and Traffic Law, any school district participating in the demonstration program shall be prohibited from accessing any photographs, microphotographs, videotapes, other recorded images and data from school bus photo violation monitoring systems but shall provide, pursuant to the agreement with the City, as provided in this article, for the proper handling and custody of such photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the City for the purpose of determining whether a motor vehicle was operated in violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law and imposing monetary liability on the owner of such motor vehicle therefor.**

**F. The agreement between the City and the school district shall provide that photographs, microphotographs, videotapes, other recorded images and data produced by school bus photo violation monitoring systems shall be destroyed (a) 90 days after the date of the alleged imposition of liability if a notice of liability is not issued for such alleged imposition of liability pursuant to this article or (b) upon final disposition of a notice of liability issued pursuant to this article.**

**G. The City shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo monitoring device. Such measures shall include:**

**(1) Utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school photo violation monitoring systems shall not include images that identify the driver, the passengers, the contents of the**

- vehicle, pedestrians and cyclists; provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that the City has made a reasonable effort to comply with the provisions of this subsection;
- (2) A prohibition of the use or dissemination of vehicles' license plate information and other information and images captured by school bus photo violation monitoring systems except: (a) as required to establish liability under this section or collect payment of penalties; (b) as required by court order; or (c) as otherwise required by law;
- (3) Oversight procedures to ensure compliance with the privacy protection measures required herein.
- H. The City shall also undertake the installation of signage in conformance with standards established in the Manual of Uniform Traffic Control Devices. Such signage shall be installed at each roadway entrance of the jurisdictional boundaries of the City giving notice that school bus photo violation monitoring systems are used to enforce restrictions on vehicles violating § 1174 of the New York Vehicle and Traffic Law. For the purposes of this subsection, the term "roadway" shall not include state expressway routes or state interstate routes but shall include controlled-access highway exit ramps that enter the boundaries of the City.

**Sec. 15-218. Penalties for offenses.**

An owner liable for a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this article shall be liable for monetary penalties in accordance with the following schedule of fines and penalties:

- A. \$250 for a first violation;
- B. \$275 for a second violation committed within 18 months of the first violation;
- C. \$300 for a third violation or subsequent violation all of which were committed within 18 months from the first violation;
- D. An additional penalty of \$25 for each violation for the failure to respond to a notice of liability within the prescribed time period;
- E. An imposition of liability under this article shall not be deemed a conviction and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

**Sec. 15-219. Notice of liability.**

- A. A notice of liability shall be sent as provided by state law by first-class mail to each person alleged to be liable as an owner for a violation of Subdivision (a) of § 1174 of

**the New York Vehicle and Traffic Law. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein. To the extent that state law does not preclude the City from causing such mailing to be made, the City shall undertake or cause to be undertaken such mailing.**

- B. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.**
- C. (i) A notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.**
  - (ii) The notice of liability may contain such other information as the entity causing such notice of liability to be mailed deems appropriate to communicate the law, the adjudicatory process if the addressee of the notice wishes to contest the notice of liability.**

**Sec. 15-220. Owner liability.**

- A. The owner of a vehicle shall be liable for a penalty imposed pursuant to this article if such vehicle was used or operated with the permission of the owner, express or implied, in violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law and such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided, however, that no owner of a vehicle shall be liable for a penalty imposed pursuant to this article where the operator of such vehicle has been convicted of the underlying violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law. For purpose of (i) this section; and (ii) this article, there shall be a presumption that such vehicle was used and operated with the consent of the owner at the time it was used and operated in violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law.**
- B. If the owner receives a notice of liability pursuant to this article for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this article that the vehicle had been reported to the police as stolen prior to the time the violation occurred and**

had not been recovered by such time. For purposes of asserting the defense provided by this subsection, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent or delivered to a court of competent jurisdiction or parking violations bureau having jurisdiction where any contested notice of liability would otherwise be determined.

- C. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to this article shall not be liable for the violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law, provided that he or she complies with the provisions of § 1174-a of the New York Vehicle and Traffic Law and otherwise sends to the Court of competent jurisdiction, or other adjudicatory bureau or agency of competent jurisdiction, a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within 37 days after receiving notice from the agency or entity which caused such notice of liability to be issued, together with the information contained in the original notice of liability. Failure to send such information within thirty-seven-day time period shall render the owner liable for the penalty prescribed by this article. Where the lessor complies with the provisions of this subsection, the lessee of such vehicle for purposes of this section, shall be deemed to be the owner of such vehicle on the date of such violation for the purposes of this section, shall be subject to liability for the violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this article and shall be sent a notice of liability pursuant to Section 15-219 of this article.
- D. A certificate, sworn to or affirmed by a technician employed by the City, or a facsimile thereof, upon inspection of photographs, microphotographs, videotapes, other recorded images produced by a school bus photo violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation.
- E. It shall be a defense to any prosecution for or allegation of a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this article that such school bus stop-arms were malfunctioning at the time of the alleged violation.

**Sec. 15-221. Adjudication of liability.**

Liability pursuant to the demonstration program established hereunder shall be imposed upon owners by the Court of competent jurisdiction in the City of Long Beach or in another manner pursuant to the New York State Vehicle and Traffic Law.

**Sec. 15-222. Action for indemnification.**

**If the owner held liable for a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this article was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.**

**Sec. 15-223. Reporting requirements.**

- A. The City shall develop and cause to be submitted an annual report on the results of the use of a school bus photo violation monitoring system to the Governor, the temporary president of the Senate and the speaker of the Assembly on or before June 1 of each year in which the demonstration program is operable. Such report shall include any information required by § 1174-a(m) of the New York Vehicle and Traffic Law to be included as a result of the enactment of this article.**
  
- B. Pursuant to the requirements of § 1174-a of the New York State Vehicle and Traffic Law, courts, bureaus, and agencies conducting adjudications as a result of this article shall report at least annually to the City on the quality of the adjudication process and its results including the total number of hearings scheduled, rescheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where fines were paid on or before the hearing date; and the total number of default judgments entered.**

**Sec. 15-224. Severability.**

**If any clause, sentence, paragraph, subdivision, section, or part of this article or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this article, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.”**

Section 2. This Ordinance shall take effect immediately.



March 7, 2023

Item No. 2  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing and Approving a Master Agreement with  
BusPatrol America LLC.

WHEREAS, on August 6, 2019, the Governor of the State of New York signed into law amendments to the New York Vehicle and Traffic Law that authorize a New York county, city, town or village, by local law or ordinance, to install and operate photo violation monitoring systems on school buses for the purpose of recording violations; and

WHEREAS, pursuant to Section 1174-a of the New York Vehicle and Traffic Law, the governing body of a county, city, town or village located within a County is authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with section eleven hundred seventy-four of the Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter and operated in such county, city, town or village, in accordance with the provisions of such Section 1174-a; and

WHEREAS, pursuant to and, in accordance with, such Section 1174-a, the City intends to adopt a new Article VII, Chapter 15 of the Code of Ordinances of the City of Long Beach (the “Ordinance”), authorizing the City to install and operate school bus photo violation monitoring systems on school buses within the City (collectively with Section 1174-a, “the Law” or “the Stop Arm Law”); and

WHEREAS, the City intends to enter into agreement(s) with school districts (“Participating School Districts”) within the City authorizing the City to contract with BusPatrol to install camera systems on school buses operated by or for such Participating School District(s), in order to use video monitoring of vehicles passing school buses to impose civil or other penalties on vehicle owners for violating any of the aforesaid provisions of law; and

WHEREAS, the Stop Arm Law further requires that vehicle owners who illegally overtake or pass stopped school buses are issued a notice of liability with a fine amount determined in accordance with the applicable law; and

WHEREAS, the installation of school bus monitoring cameras on school buses deters vehicle owners from overtaking and passing stopped school buses and reduces the incidence of possible injuries to students when riding school buses; and

WHEREAS, BusPatrol, LLC, 8540 Cinder Bed Road, Suite 400, Lorton, VA 22079 (“BusPatrol”) is able to provide an innovative, turn-key, and comprehensive school bus camera system to protect students when riding school buses on customary routes; and

WHEREAS, pursuant to New York’s “piggybacking” law, Section 103(16) of the New York General Municipal Law, the City “may contract for such services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, as may required by such political subdivision or district therein through the use of a contract let by the United States of America or any agency thereof, any state or any other political subdivision or

district therein if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section and made available for use by other governmental entities”; and

WHEREAS, the City of Long Beach Purchasing Guidelines establishes procedures for the award of contracts by the Town, consistent with the requirements in Section 103 of the New York General Municipal Law; and

WHEREAS the City determined that the Master Agreement between BusPatrol and Dutchess County, New York, dated September 24, 2021, (“Dutchess County Agreement”) is for the same or similar services as the City desires from BusPatrol, is for the same or better pricing, and otherwise meets the criteria under Section 103(16) and the Town’s Purchasing Guidelines; and

WHEREAS, BusPatrol agrees to enter into a master agreement (the “Master Agreement”) with the City under the terms and conditions that are the same or better than those set forth in the Dutchess County Agreement, except as expressly modified herein; and

WHEREAS the City represents that it will have the authority, in accordance with the Ordinance, to enter into this Master Agreement with BusPatrol on behalf of the Participating School Districts within the City, to establish the terms and conditions upon which counties may elect to allow BusPatrol to install, maintain and operate school bus photo monitoring systems within such counties, and does hereby award such Master Agreement to BusPatrol; and

WHEREAS pursuant to the Local Law, City will authorize BusPatrol to process violations as authorized by such Local Law and Section 1174-a; and

WHEREAS City reviewed the business and financial terms of this Master Agreement and confirms that the said terms and conditions are beneficial to the public interest and enhanced safety and security for the children and community at large;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Master Agreement is authorized and approved, and the Acting City Manager is authorized to execute the Master Agreement and any other documents necessary to effectuate the Master Agreement.

March 7, 2023

Item No. 3  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Ratifying the Collective Bargaining Agreement  
Between the Long Beach Civil Service Employees Association  
Part-Timer Unit and the City of Long Beach and Authorizing the  
Acting City Manager to Execute Same.

WHEREAS, pursuant to Resolution No. 191/22, dated December 20, 2022, the City Council of the City of Long Beach, New York voluntarily recognized the Long Beach Civil Service Employees Association Part-Timer Unit (“CSEA Part-Timer Unit”) as the exclusive representative of the City’s permanent part-time employees for the purposes of collective bargaining and authorized the City Manager to enter into a Memorandum of Understanding with the CSEA Part-Timer Unit; and

WHEREAS, the City Manager entered into a Memorandum of Understanding (“MOU”) with the CSEA Part-Timer Unit on December 21, 2022; and

WHEREAS, the terms of the MOU included a provision wherein the parties agreed to include housekeeping (*i.e.*, non-substantive) changes and/or edits to the formal collective bargaining agreement before its presentation to both parties for final signature and/or ratification; and

WHEREAS, those changes and/or edits have been completed and integrated into the final collective bargaining agreement, which is now ready for final execution;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City hereby ratifies the final collective bargaining agreement between the City and the CSEA Part-Timer Unit and that the Acting City Manager be and is hereby authorized to execute same, and to file said agreement in the Office of the City Clerk.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the Approval of a List of Eligible  
Volunteer Firefighters for 2022 Length of Service Award  
Program (LOSAP) Service Credit.

WHEREAS, the City Council of the City of Long Beach passed Resolution No. 291/93 on December 7, 1993, approving the establishment of a Service Award Program for the Volunteer Fire Department pursuant to Section 216 of the General Municipal Law, subject to public referendum; and

WHEREAS, a public referendum was held on February 8, 1994 by which the electorate of the City of Long Beach approved the establishment of the aforesaid Service Award Program; and

WHEREAS, pursuant to New York State General Municipal Law, Article 11-A, Section 217, one year of firefighting service must be credited under a service award program for each calendar year in which an active volunteer firefighter accumulates at least 50 points; and

WHEREAS, the LOSAP point system must include activities that are specified in the General Municipal Law, such as participation in department responses, training, drills, standbys, meetings and miscellaneous activities as defined in the law; and

WHEREAS, the following members of the Long Beach Volunteer Fire Department earned at least 50 points in 2022:

Babich, Marc	Bailey, Tristan	Bernstein, Jeremy
Biordi, Nicholas	Brecciano, Michael	Brucker, Michael
Burkard, Robert	Cuevas, Elizabeth	Davis, Jeffrey
DelPrete, Robert	DiBari, Eileen	DiBari, Krystin
DiGiacomo, Richard	Ellmer, Raymond	Field, Joseph
Foley, Connor	Gibaldi, Christopher	Glazer, Andrew
Glazer, Scott	Gomez, Xavier	Gopie, Haresh
Grunther, Zach	Guerrisi, Matthew	Harris, Terrance
Herbert, George	Hocheiser, Brian	Horowitz, Ralph
Jacobi, James	Kelly, James	Kemins, Scott
King, Danielle	Krzeminski, Alex	Lent, Connor
Leonard, Patrick	Llewellyn, Craig	Llobell, Paul
Lovrich, Romano	Maiello, Anthony	Maldonado, Gavin
Malone, Paul	Marino, John	Mastracchio, Salvatore
Mazziotti, Chris	McLoughlin, Austin	Miah, Mohammad
Miller, Joseph	Nicpon, Francis	Norton, Ross
Oleynik, Sergey	Pennolino, Carla	Perez, Robert
Phelan, Bruce	Potter, Devon	Powers, Brian
Prophett, Herman	Quinnie, Devon	Ray, Deon
Ray, Hadrick	Reinhard, Theodore	Richards, Jack
Ross, Joe	Rozycki, Stanley	Rubin, Charles
Russo, Ryan	Salinas, Patricia	Scarfone, Mark

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Item No. 4  
Resolution No.

Schwimmer, Joshua  
Tuccillo, Joseph  
Vargas, Luis  
Walpole, Francis  
Woolfe, David

Seiden, Paul  
Tuccillo, Ralph  
Wagner, David  
Winakor, Mathew  
Zucker, Erik

Shatri, Blerim  
Tuccillo, Robert  
Waine, Steven  
Wisnieski, Nema

NOW, THEREFORE, be it

RESOLVED, that the City Council of the City of Long Beach, New York hereby approves, pursuant to the requirements of the Service Award Program (LOSAP), the above list of individuals submitted and certified by the Commissioner of the Long Beach Fire Department, for participation in the 2022 Service Award Program (LOSAP).

March 7, 2023

Item No. 5  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Settlement of an Action Brought by  
Julia Lopez-Motherway Against the City of Long Beach, et al.

WHEREAS, in 2018, Plaintiff Julia Lopez-Motherway filed a civil action against the City of Long Beach in the United States District Court for the Eastern District of New York (20-cv-05652), asserting various state law claims and federal constitutional claims against the City of Long Beach and other Defendants, which claims allegedly arose on July 14, 2018 and continued thereafter; and

WHEREAS, after numerous years of litigation and damages demands beginning at \$1 million, the attorneys on behalf of the City have reviewed said action and have negotiated an agreement to compromise and settle all claims and demands of the Plaintiff against the City for the sum of \$65,000, which sum said attorneys for the City have recommended as reasonable settlement of the claim of the Plaintiff, and which the City is obligated to pay as a condition of settlement;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Corporation Counsel be and he hereby is authorized to settle the above referenced action entitled “Julia Lopez-Motherway against the City of Long Beach, et al.”, for the sum of \$65,000 in settlement of all claims of said Plaintiff, including Plaintiff’s claims in the United States District Court for the Eastern District of New York No. 20-cv-05652 and the City Comptroller is hereby authorized to pay \$65,000 to the Plaintiff in full payment of the City’s settlement upon the Corporation Counsel’s execution of said settlement. Funds are available in Account No. C1930.54434 (Judgments and Claims-Insurance Reserve).

March 7, 2023

Item No. 6  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Transfer of Funds for the  
2022-2023 Fiscal Year.

WHEREAS, the City of Long Beach desires to transition to cashless Ocean Beach  
Park operations; and

WHEREAS, the City seeks to hard-wire select ticket booths and equip said booths  
with telephone lines to enable said booths the ability to process credit card transactions; and

WHEREAS, combined with the City’s existing mobile application (“LBNY”),  
hard-wiring select ticket booths will enable the City to complete its cashless Ocean Beach Park  
transition; and

WHEREAS, hard-wiring said booths will help avoid potential cell and wireless  
reception issues following the cashless transition; and

WHEREAS, a transfer of funds is required to cover the costs associated with this  
hard-wiring of select ticket booths and equipping of said booths with telephone lines;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the  
following transfer of funds be and are hereby authorized:

<b><u>Budget Code</u></b>	<b><u>Description</u></b>	<b><u>Transfer From:</u></b>	<b><u>Transfer To:</u></b>
A1990.54406	Contingency	\$31,777.15	
A1680.54421	Telephone and Communications - IT		\$3,463.84
A8172.54444	Beach Maintenance – Building Repairs		\$28,313.31

March 7, 2023

Item No. 7  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Transfer of Funds for the  
2022-2023 Fiscal Year.

WHEREAS, in furtherance of the search for a permanent City Manager, the City  
Council wishes to retain the services of a consultant;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the  
following transfer of funds be and are hereby authorized:

<b><u>Budget Code</u></b>	<b><u>Description</u></b>	<b><u>Transfer From:</u></b>	<b><u>Transfer To:</u></b>
A1990.54406	Contingency	\$5,000.00	
A1010.54440	City Council – Contracted Services		\$5,000.00



March 7, 2023

Item No. 8  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the Retention of Consulting Services.

WHEREAS, the City of Long Beach desires to retain the professional services of Pracademic Partners, LLC who specialize in consulting services related to executive searches for public-sector organizations; and

WHEREAS, Pracademic Partners, LLC will provide assistance in the executive search for the position of City Manager position; and

WHEREAS, Pracademic Partners, LLC, 6534 Florence Lane, Livonia, New York 14487 has agreed to act as consultant on behalf of the City, providing expertise in the profile development, needs assessment and preparatory/readiness strategy related to the executive search for the position of City Manager for an initial 30-day phase, at a cost not to exceed \$5,000;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager may retain Pracademic Partners, LLC, 6534 Florence Lane, Livonia, New York 14487 to provide assistance in the executive search for the position of City Manager position for an initial 30 day phase, at a cost not to exceed \$5,000. Funds are available in Account No. A1010.54440 (City Council – Contracted Services).

March 7, 2023

Item No. 9  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the Acting City Manager to Amend the  
Contract for Asphalt Overlay Work at Various Locations  
Throughout the City.

WHEREAS, pursuant to Resolution No. 106/21, duly adopted on July 6, 2021, the City entered into an agreement with Roadwork Ahead, Inc., 2186 Kirby Lance, Syosset, New York 11791 for “as-needed” asphalt overlay work at various locations throughout the City for a total of \$469,400.00; and

WHEREAS, Resolution No. 68/22, duly adopted on May 7, 2022, authorized the City to exceed the contract value for asphalt overlays at various locations by \$208,044.00, making the total contract value \$677,444.00; and

WHEREAS, the Spring Asphalt Overlay Project will exceed the current authorized contract amount by \$625,000.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and is hereby authorized to amend the contract with Roadwork Ahead, Inc., 2186 Kirby Lance, Syosset, New York 11791 for additional work required by the Spring Asphalt Overlay Project, at an additional cost of \$625,000.00. Funds in the amount of \$362,028.00 are available in Account No. H1022.52299 (Asphalt Overlays) and funds in the amount of \$262,972.00 are available in Account No. H1023.52299 (Asphalt Overlays).

March 7, 2023

Item No. 10  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the Acting City Manager to Enter into a Contract for the Rehabilitation of the High Pressure Sand Gravel Filters at the Water Purification Plant.

WHEREAS, the City requested proposals from qualified professional consulting engineering firms to inspect, prepare a technical report describing the existing conditions, include a description of proposed alternatives for restoration of the filters, prepare plans, specifications and contract documents for the rehabilitation of the high pressure sand gravel filters at the City's Water Purification Plant; and

WHEREAS, after due advertisement therefore for this highly specialized work, three (3) proposals were received in the Office of the Commissioner of Public Works on October 28, 2022 for the providing of professional consulting engineering services to inspect, prepare, a technical report describing the existing conditions, include a description of proposed alternatives for restoration of the filters, prepare plans, specifications and contract documents for the rehabilitation of the high pressure sand gravel filters at the City's Water Purification Plant; and

WHEREAS, H2M Engineers and Architects, 538 Broadhollow Road, Melville, New York 11747 was the lowest responsible bidder at a cost of \$131,116.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and is hereby authorized to enter into a contract with H2M Engineers and Architects, 538 Broadhollow Road, Melville, New York 11747 for the providing of professional consulting engineering services to inspect, prepare, a technical report describing the existing conditions, include a description of proposed alternatives for restoration of the filters, prepare plans, specifications and contract documents for the rehabilitation of the high pressure sand gravel filters at the City's Water Purification Plant at a cost of \$131,116.00. Funds are available in Account No. H2022.53103 (Water Treatment Plant Pressure Filter Rehabilitation) and will be reimbursed at a rate of 100% to the City through the United States Environmental Protection Agency ("EPA").

March 7, 2023

Item No. 11  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the Acting City Manager to Enter into a Contract for Engineering Services, Inclusive of Alternate Analysis, Recommendation, and Implementation of Advanced Metering Infrastructure Water Meters from the Lowest Responsible Bidder.

WHEREAS, the City requested proposals from qualified professional consulting engineering firms to perform a comprehensive analysis of current technology available for water meters, make a recommendation on the meter and associated software that best suits the City of Long Beach, conduct a minimum of two presentations regarding the recommended alternative, prepare plans, specifications and contract documents for the selected water meter, perform construction administration and manage the respective project; and

WHEREAS, after due advertisement therefore for this highly specialized bid, two (2) proposals were received in the Office of the Commissioner of Public Works on December 16, 2022 and reviewed by the City Selection Committee for expertise, experience, understanding of the project, qualifications and scheduling; and

WHEREAS, H2M Engineers and Architects, 538 Broadhollow Road, Melville, New York 11747 was the lowest responsible bidder at a cost of \$211,105.00; and

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and is hereby authorized to enter into a contract with H2M Engineers and Architects, 538 Broadhollow Road, Melville, New York 11747 for the providing of professional consulting engineering services to perform a comprehensive analysis of current technology available for water meters, make a recommendation on the meter and associated software that best suits the City of Long Beach, conduct a minimum of two presentations regarding the recommended alternative, prepare plans, specifications and contract documents for the selected water meter, perform construction administration and manage the respective project, at a cost of \$211,105.00. Funds are available in Account No. H2023.52380 and will be reimbursed at a rate of 100% to the City through the Environmental Facilities Corporation (“EFC”) Green Initiatives Program (“GIGP”) grant awarded to the City.

March 7, 2023

Item No. 12  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the Acting City Manager to Purchase Various  
T-Shirts and Athletic Apparel with Imprints from the Lowest  
Responsible Bidders.

WHEREAS, after due advertising therefore, bids were received in the Office of the City Purchasing Agenton Thursday, February 9, 2023 at 11:00 a.m. for the purchase of various t-shirts and athletic apparel with imprints for multiple Departments, as per specifications on file in the Office of the City Purchasing Agent and the following named firms were the lowest responsible bidders in each instance;

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 purchase from the following lowest responsible bidders in accordance with specifications on file in the Office of the City Purchasing Agent, on an “as needed” basis for a period of one-year, various t-shirts and athletic apparel with imprints at various prices according to sizes and artwork, as per bid:

Ink Stitch Club, 39 Jefry Lane, Hicksville, NY 11801 –100% cotton colored short sleeve t-shirts; 100% cotton white long sleeve t-shirts; 100% cotton colored long sleeve t-shirts; Yupoong knit caps; Yupoong flexfit pro style “or equal” baseball caps; Charles River pack-n-go pullovers “or equal”; yellow short sleeve t-shirts Fruit of the Loom Best “or equal”; Gildan dry blend adult jersey sport shirts #8800 “or equal”; Soffee Low-Rise Women’s shorts “or equal”; Liberty Bags #8882 Large Drawstring Backpack “or equal”; Port & Company PC78H “or equal” Hooded Sweatshirt; Port & Company PC78P “or equal” Core Fleece Adult Pocketed Sweatpants; Charles River #9199 “or equal” “New Englander Rain Jacket”; Charles River #9199 “or equal” “New Englander Pants”; Performance Hoodie #TT41; FeatherLite #0469 “or equal”; FeatherLite #0569 “or equal”.

Original Waterman, 8645 Kiokiea Road, Kekaha, Hawaii 96752 –Waterman Maverick swim suits; original lifeguard aloha stretch shorts “or equal”.

Loreman’s Sales Center, 1599 Route 9 S, Keesville, NY 12944-3510 –100% cotton white tank top; 100% cotton colored tank top; Yupoong 6677 Flexfit Pro Style “or equal” baseball cap; Gildan 6.1 oz. “or equal” short sleeve t-shirt; Gildan 6.1 oz. “or equal” long sleeve t-shirt; Yupoong Snapback Trucker Cap #91309 “or equal”;

Triangle Sports, Inc., 209 South Ninth Avenue, La Puente, CA 91746 –Burnside Men’s Solid Board Shorts #B9301 “or equal”; Yupoong 6677 Flexfit Pro Style “or equal” baseball cap; Gildan 6.1 oz. “or equal” short sleeve t-shirt; Gildan 6.1 oz. “or equal” long sleeve t-shirt; Yupoong Snapback Trucker Cap #91309 “or equal”;

Van Vliet Enterprises, d/b/a Special Tees, 57 Main Street, Geneseo, NY 14454 –100% cotton white short sleeve t-shirts; Athletic Knit H6000 “or equal” Practice Hockey Jerseys; Tote Bag “13 x “13.

March 7, 2023

Page 2

Item No. 12

Resolution No.

Funds are available now and will be available in fiscal year 2023-2024 in Account Nos. A7140.54410 (Recreation-Supplies & Materials), A7310.54410 (Youth & Family Services-Supplies & Materials); A7186.54419 (Lifeguards-Uniforms); A7185.54410 (Junior Lifeguards-Supplies & Materials); and A1982.54405 (Perpetual Inventory & Control).

March 7, 2023

Item No. 13  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the Acting 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 16, 2023 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 three vendors:

1. Centre Millwork & Supply Co., Inc., 669 Long Beach Boulevard, Long Beach, New York 11561, will give the City a 10% discount at store level; and
2. Whitbread’s & Sons Lumber Co. of Long Beach, Inc., 600 Magnolia Boulevard, Long Beach, New York 11561, will give the City a 5% discount at store level and a 10% discount from Reiss Wholesale Hardware, Orgill, Ivy Classic and Prime Source catalogs at a 10% discount; and
3. TCS Marine Services Co., 2933 Judith Drive, Bellmore, New York 11710, will give the City a 12% off the TCS Marine/Boatimpulse.com 2022 catalog;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting 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, Whitbread’s & Sons Lumber Co. of Long Beach, Inc., 600 Magnolia Boulevard, Long Beach, New York 11561 and TCS Marine Services Co., 2933 Judith Drive, Bellmore, New York 11710 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) within the limits of the various annual department budgets.

March 7, 2023

Item No. 14  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the Acting City Manager to Purchase Various  
Vehicles for Various City Departments.

WHEREAS, various City departments desire to purchase new vehicles to bring the City's fleet closer to the number that it should maintain and to replace old vehicles that require substantial repair and maintenance costs; and

WHEREAS, Commander Fleet Corp., 1385 Akron Street, Copiague, New York 11726, on behalf of the Whitmoyer Auto Group, is an awarded vendor through New York State Office of General Services Contract #PC69160, for the purchase of the three (3) 2023 Chevrolet Tahoe Sport Utility Vehicles at the cost of \$55,263.00 each and the one (1) 2023 Ford Transit-250 Cargo RWD Low Roof Van the cost of \$49,986.00; and

WHEREAS, after due advertisement therefore, one bid was received in the Office of the City Purchasing Agent on Thursday, October 13, 2022 at 11:00 a.m. from Commander Fleet Corp., 1385 Akron Street, Copiague, New York 11726, on behalf of Northshore Chevrolet of Smithtown for the purchase of two (2) 2021 Chevrolet Silverado MD 6500 4WD Crew Cab Dump Trucks at the cost of \$105,944.00 each; two (2) 2022 Chevrolet Silverado 2500 HD 4WD Crew Cab 159" Work Truck at the cost of \$64,494.00 each; and two (2) 2022 Chevrolet Silverado 2500 HD 4WD Regular Cab 142" Work Truck at the cost of \$55,494.00 each; and

WHEREAS, it is in the City's best financial interest to obtain financing for said vehicles from Community Leasing Partners, Manhattan, KS 66502, based on the financing quotes provided to the City on February 13, 2023, with an option to buy the ten (10) vehicles at the end of the lease term for the sum of one (\$1.00) dollar each; and

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and is hereby authorized to purchase three (3) 2023 Chevrolet Tahoe Sport Utility Vehicles at the cost of \$55,263.00 each and the one (1) 2023 Ford Transit-250 Cargo RWD Low Roof Van the cost of \$49,986.00 from Commander Fleet Corp., 1385 Akron Street, Copiague, New York 11726, on behalf of the Whitmoyer Auto Group, is an awarded vendor through New York State Office of General Services Contract #PC69160 and two (2) 2021 Chevrolet Silverado MD 6500 4WD Crew Cab Dump Trucks at the cost of \$105,944.00 each; two (2) 2022 Chevrolet Silverado 2500 HD 4WD Crew Cab 159" Work Truck at the cost of \$64,494.00 each; and two (2) 2022 Chevrolet Silverado 2500 HD 4WD Regular Cab 142" Work Truck at the cost of \$55,494.00 each, from Commander Fleet Corp., 1385 Akron Street, Copiague, New York 11726, on behalf of Northshore Chevrolet of Smithtown. Funds to pay 1<sup>st</sup> annual lease installment are available in A8160.54509 (Sanitation Equipment Leases) and in Account No. A8170.54509 (Street Maintenance Equipment Leases). Budget transfers as follows are necessary to the following accounts: F8340.54509 (Water Distribution Equipment Leases); A1490.54509 (Public Works Equipment Leases); A1671.54509 (Central Administrative Services Equipment Leases)



<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
F8340.54442	Water Distribution Equipment Rentals	\$20,686.00	
F8340.54509	Water Distribution Equipment Leases		\$20,686.00
A1490.54440	Public Works Contracted Services	\$4,410.00	
A1490.54509	Public Works Equipment Leases		\$4,410.00
A1990.54406	Contingency	\$12,410.00	
A1671.54509	Central Administrative Services Equipment Leases		\$12,410.00

Account F8330.54509 Water Purification – Equipment Leases needs a transfer of \$1,225.00, which is under \$1,500.00 transfer threshold that requires City Council approval.

RESOLVED, that the City Comptroller be and is hereby authorized to obtain financing from Community Leasing Partners, Manhattan, KS 66502, based on the financing quotes provided to the City on February 13, 2023, with an option to buy the ten (10) vehicles at the end of the lease term for the sum of one (\$1.00) dollar each.

March 7, 2023

Item No.  
Resolution No. 15

The following Resolution was moved by  
and seconded by :

Resolution Authorizing a Salary Increase  
And Corresponding Personnel Action.

WHEREAS, the position of Police Commissioner is a City officer under Section 8 of the Charter of the City of Long Beach; and

WHEREAS, the City Council appointed the Police Commissioner Acting City Manager on January 3, 2023; and

WHEREAS, the City Council wishes to authorize a salary increase for the Police Commissioner and corresponding personnel action for increased responsibilities in the role, including the oversight of the Office of Emergency Management and the coordination of all public safety concerns for the City;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that a salary increase of \$17,000.00, along with the corresponding personnel action reflecting same, is hereby authorized for the Police Commissioner.

March 7, 2023

Item No. 16  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Requesting the State of New York for the Authority to Discontinue the Use as Parkland of a Portion of Ocean Beach Park and Alienate the Lands Described, and to Convey Property Interests in Such Lands to EW Offshore Transport Corporation.

WHEREAS, the City of Long Beach owns and maintains parkland located at Ocean Beach Park, designated on the City of Long Beach Tax Map as Section 59, Block A, Lot 2 (or Lots 1 – 6); and

WHEREAS, EW Offshore Wind Transport Corporation has requested the City of Long Beach to (a) temporarily discontinue the use of a portion of said parkland; and (b) permanently discontinue the subsurface use of a portion of said parkland and alienate the lands, and to convey property interests in such lands to EW Offshore Wind Transport Corporation for the purpose of constructing, maintaining and operating a subterranean conduit and electrical distribution cable system, together with subterranean transition joint bays and link boxes, and appurtenances thereto, under said parkland; and

WHEREAS, City of Long Beach must obtain State Authorization to (a) temporarily discontinue the use of a portion of said parkland; and (b) permanently discontinue the subsurface use of a portion of said parkland and alienate the lands, and to convey property interests in such lands to EW Offshore Wind Transport Corporation, as required by Municipal Home Rule Law § 40 and in furtherance of the Empire Wind 2 Project; and

WHEREAS, upon the State authorizing the parkland alienation (*i.e.*, enacting legislation signed by the Governor), the City may then use that portion of the Ocean Beach Park and convey property interests to EW Offshore Wind Transport Corporation by future agreements and City Council resolutions;

NOW, THEREFORE, be it

RESOLVED, that the City Council of the City of Long Beach, New York hereby requests the State of New York to enact Senate Bill No. S.5364 and the future corresponding Assembly Bill, to authorize the City of Long Beach to temporarily and permanently discontinue the use of certain lands as described on Exhibit “A” attached hereto and made a part hereof, and to convey its interests in said property to EW Offshore Wind Transport Corporation, for the purpose of constructing, maintaining and operating a subterranean conduit and electrical distribution cable system, together with subterranean transition joint bays and link boxes, and appurtenances thereto, under said parkland; and be it further

RESOLVED, that the Clerk of the City of Long Beach is hereby directed to forward copies of this Resolution to Governor Kathy Hochul; to the Majority Leader of the New York State Senate Andrea Stewart-Cousins; to the Speaker of the New York State Assembly Carl E. Heastie; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

### EXHIBIT A

The parklands proposed to be temporarily discontinued as parkland for construction are described as follows:

DESCRIPTION OF A PROPOSED LIMITED USE AREA ACROSS A PORTION OF TAX LOT 2, BLOCK A, CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK.

BEGINNING AT A POINT IN THE DIVIDING LINE BETWEEN TAX LOT 2 BLOCK A AND THE SOUTHERLY TERMINUS OF RIVERSIDE BOULEVARD (100' WIDE R.O.W.), SAID POINT BEING DISTANT SOUTH 86 DEGREES 49 MINUTES 59 SECONDS EAST, 8.57 FEET FROM WHERE THE SAME IS INTERSECTED BY TAX LOT 203 BLOCK 272, AND RUNS THENCE 1. ALONG SAID DIVIDING LINE BETWEEN TAX LOT 2 BLOCK A AND THE SOUTHERLY TERMINUS OF SAID RIVERSIDE BOULEVARD, SOUTH 86 DEGREES 49 MINUTES 59 SECONDS EAST 84.49 FEET TO A POINT, THENCE 2. ACROSS TAX LOT 2 BLOCK A, SOUTH 01 DEGREES 31 MINUTES 22 SECONDS EAST, 488.93 FEET TO A POINT, THENCE 3. STILL ACROSS TAX LOT 2 BLOCK A, ALONG THE MEAN HIGH-WATER LINE OF THE ATLANTIC OCEAN, 157.1+/- FEET TO A POINT, THENCE 4. STILL ACROSS TAX LOT 2 BLOCK A, NORTH 00 DEGREES 23 MINUTES 41 SECONDS WEST, 424.50 FEET TO THE PLACE OF BEGINNING. CONTAINING 43,990 SQUARE FEET OR 1.0099 ACRES OF LAND. BEING SHOWN IN ACCORDANCE WITH A PLAN ENTITLED "LIMITED USE AREA EXHIBIT, PORTION OF TAX LOT 2, BLOCK A, BEACH AT LONG BEACH, CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK "PREPARED BY DPK LAND SURVEYING, LLC, DATED FEBRUARY 17, 2023. The foregoing metes and bounds description include the surface and subsurface of the temporarily discontinued parkland for construction.

The subsurface portion of land proposed to be permanently discontinued as parkland is described as follows:

DESCRIPTION OF A PROPOSED LIMITED USE AREA ACROSS A PORTION OF TAX LOT 2, BLOCK A, CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK. BEGINNING AT A POINT IN THE DIVIDING LINE BETWEEN TAX LOT 2 BLOCK A AND THE SOUTHERLY TERMINUS OF RIVERSIDE BOULEVARD (100' WIDE R.O.W.), SAID POINT BEING DISTANT SOUTH 86 DEGREES 49 MINUTES 59 SECONDS EAST, 8.57 FEET FROM WHERE THE SAME IS INTERSECTED BY TAX LOT 203 BLOCK 272, AND RUNS THENCE 1. ALONG SAID DIVIDING LINE BETWEEN TAX LOT 2 BLOCK A AND THE SOUTHERLY TERMINUS OF SAID RIVERSIDE BOULEVARD, SOUTH 86 DEGREES 49 MINUTES 59 SECONDS EAST 84.49 FEET TO A POINT, THENCE 2. ACROSS TAX LOT 2 BLOCK A, SOUTH 01 DEGREES 31 MINUTES 22 SECONDS EAST, 488.93 FEET TO A POINT, THENCE 3. STILL ACROSS TAX LOT 2 BLOCK A, ALONG THE MEAN HIGH-WATER LINE OF THE ATLANTIC OCEAN, 157.1+/- FEET TO A POINT, THENCE 4. STILL ACROSS TAX LOT 2 BLOCK A, NORTH 00 DEGREES 23 MINUTES 41 SECONDS WEST, 424.50 FEET TO THE PLACE OF BEGINNING. CONTAINING 43,990 SQUARE FEET OR 1.0099 ACRES OF LAND. BEING SHOWN IN ACCORDANCE WITH A PLAN ENTITLED "LIMITED USE AREA EXHIBIT, PORTION OF TAX LOT 2, BLOCK A, BEACH AT LONG BEACH, CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK "PREPARED BY DPK LAND SURVEYING, LLC, DATED FEBRUARY 17, 2023. The portion of the property subject to the permanently discontinued parkland will be below the surface of the Earth, with the vertical extents no higher than elevation -30 (Feet, North American Vertical Datum of 1988); the intent being that the proposed cable route will not interfere with or affect the existing boardwalk, boardwalk piles, or jetty on the subject property.

March 7, 2023

Item No. 17  
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: Special Events.

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: SPECIAL EVENTS.”  
(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 March 21, 2023 at 7:00 p.m. on that day.

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

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

Sec.1. Chapter 14, Article XV, Section 14-317 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended, to read as follows:

“Sec. 14-317. Cost recovery for special events.

...

The process involves providing an estimate of the costs to the applicant and suggested changes that may lower projected costs. The City shall require payment of a reasonable estimate of costs, in full, before a permit will be issued, **but may waive or modify this requirement in its sole discretion.**"

...

Sec. 2. This Ordinance shall take effect immediately.