

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
SEPTEMBER 20, 2022

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 60 West Park Avenue, (second floor), Long Beach, New York.

Re: Escape Room

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 220 West Park Avenue, (street floor), Long Beach, New York.

Re: Coffee Shop with a Golf Simulator

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

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Automatic Alarm Systems.

PUBLIC HEARING: Local Law Amending the Charter of the City of Long Beach Re: Zoning Board of Appeals.

1. Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 60 West Park Avenue, (second floor), Long Beach, New York.
Re: Escape Room
2. Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 220 West Park Avenue, (street floor), Long Beach, New York.
Re: Coffee Shop with a Golf Simulator
3. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic.
4. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Automatic Alarm Systems.
5. Local Law Amending the Charter of the City of Long Beach Re: Zoning Board of Appeals.

6. Resolution Concurring With the Long Beach Local Development Corporation's Recommendation to Dissolve the Long Beach Local Development Corporation.
7. Resolution Authorizing the Continued Retention of The Bonadio Group as Independent Auditors for Fiscal Years Ending June 30, 2022, 2023 and 2024.
8. Resolution Authorizing the City Manager to Enter into an Agreement for Public Relations Consulting Services for the City of Long Beach.
9. Resolution Reappointing a Civil Service Commission Member for the City of Long Beach.
10. Resolution Confirming the Appointment of a Member to the Zoning Board of Appeals of the City of Long Beach.
11. Resolution Authorizing the City Manager to Approve a Purchase Order for the Replacement of the Rusted Undercarriage of Beach Maintenance Truck 939C.
12. Resolution Authorizing the City Manager to Enter into an Agreement for Construction Services for the Transit Oriented Development Project.
13. Resolution Authorizing the City Manager to Enter into an Agreement for Water/Sewer Testing at the Water Treatment Plant with the Sole Responsible Bidder.
14. Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach Re: Assessment; Levy; Collection of Taxes.
15. Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach Re: Assessment; Levy; Collection of Taxes.
16. Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach Re: Assessment; Levy; Collection of Taxes.
17. Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach Re: Assessment; Levy; Collection of Taxes.
18. Approval of Minutes of Prior Meeting of August 2, 2022 and August 16, 2022.

September 20, 2022

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Granting Waiver of Off-Street Parking Requirements
Re: Premises 60 West Park Avenue, (second 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 60 West Park Avenue (second floor), Long Beach, New York (Section 59, Block 84, Lot 9, 10) between Edwards and National Boulevards, having frontage of less than 20 feet, on behalf of the owner Merrick United Properties LLC, 1975 Hempstead Turnpike, East Meadow, New York 11554 to be used as an Escape Room:

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 Merrick United Properties LLC, 1975 Hempstead Turnpike, East Meadow, New York 11554 for exemption with respect to the requirements for off-street parking at premises 60 West Park Avenue (second floor), having frontage of less than 20 feet, be and the same hereby is granted, only and during the time that such premises shall be used as an Escape Room.

September 20, 2022

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Granting Waiver of Off-Street Parking Requirements
Re: Premises 220 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 220 West Park Avenue (street floor), Long Beach, New York (Section 59, Block 59, Lot 25) between Magnolia and Laurelton Boulevards, having frontage of 20 feet, on behalf of the owner Long Beach West LLC, 48E Old Country Road, Mineola, New York 11501 to be used as a Coffee Shop with a Golf Simulator:

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 Long Beach West LLC, 48E Old Country Road, Mineola, New York 11501 for exemption with respect to the requirements for off-street parking at premises 220 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 as a Coffee Shop with a Golf Simulator.

The following Ordinance was moved by
and seconded by :

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:

Sec.1. Chapter 15, Article VI, Division 2, Section 15-210(a)(5),15-212(a), 15-212(b) and 15-212(c)(1) 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. 15-210. Grounds For Removal and/or Immobilization; General Provisions.

(a) Grounds for Immobilization/Removal. The following vehicles shall be subject to removal and/or immobilization:

...

- (1) Vehicles which have **three (3)** or more outstanding and unpaid parking violations issued against them and which, after mailing to the registered owner a final notice, at the address provided by the Department of Motor Vehicles records, are found operated or parked on any public street, public highway, roadway, any portion of the entire width between the boundary lines of any way publicly maintained or on any property owned, leased by, or in the possession and control of, the City of Long Beach. A parking violation is deemed outstanding when said violation has not been answered by the required appearance date.”

“Sec. 15-212. Procedure for Redemption; Release; Charges.

(a) Before the owner or any other person entitled to possession of a vehicle removed or immobilized pursuant to this division shall be permitted to repossession thereof, that person or authorized agent shall furnish satisfactory evidence of his or her identity and ownership or authorization from the owner to obtain the release of such motor vehicle, and shall make payment to the **City of Long Beach** for charges incurred in the immobilization or removal of such vehicle, as well as applicable administrative charges under this division. No such vehicle shall be released until the owner or authorized agent has established his or her identity and right to possession and has signed a proper receipt therefor.

(b) Charges for Removal. The owner or other person entitled to possession of a vehicle removed pursuant to this division shall pay to the **City of Long Beach** a fee of one hundred twenty dollars (\$120.00) to cover administrative costs, as well as towing and storage charges in accordance with the following schedule:

...

(c) Charges for Immobilization.

- (1) An owner or other person entitled to possession of an immobilized vehicle pursuant to this division shall pay a two hundred and fifty dollar (\$250.00) immobilization charge to the **City of Long Beach.**”

Section 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: AUTOMATIC ALARM SYSTEMS.

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

Sec. 1. Chapter 22, Article III, Sections 22-38, 22-39, 22-40, 22-40 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, and Sections 22-41 and 22-42 are hereby added to said Article, to
read as follows:

“ARTICLE III. AUTOMATIC ALARM SYSTEMS

Sec. 22-38. Fees.

- (a) Each applicant for an alarm installer's mercantile license shall pay to the appropriate agency of the State of New York by postal money order the required fee for the search and report on his fingerprints.
- (b) Each new applicant for a permit to install and maintain an automatic alarm system for a residential property shall pay to the City a fee of **seventy-five dollars (\$75.00)** for said permit, valid for one (1) year. Permits are to be renewed every year at said rate.
- (c) **Each new applicant for a permit to install and maintain an automatic alarm system for a commercial property shall pay to the City a fee of one hundred fifty dollars (\$150.00) for said permit, valid for one (1) year. Permits are to be renewed every year at said rate.**
- (d) **Residential properties with existing permits shall pay to the city a fee of fifty dollars (\$50.00) for said permit, valid for one (1) year. Commercial properties with existing permits shall pay to the City a fee of one hundred dollars (\$100.00), valid for one (1) year. Permits are to be renewed every year at said rate.**

Sec. 22-39. False Alarm Notifications and Penalties.

- (a) The holder of an alarm permit or the person in control of an alarm system shall be subject to warnings, penalties and suspension or revocation of an alarm permit contingent upon the number of false alarm notifications transmitted from an alarm system within any one (1) calendar year, in accordance with the following graduated penalty schedule for each occurrence. More than one false alarm notification in any one day shall be counted as one (1) occurrence.

Residential / Permit Holder:

Alarm:	Penalty:
1 st	Warning
2 nd	\$50.00
3 rd	\$100.00
4 th	\$125.00
5 th	\$150.00
6 th	\$175.00
7 th	\$200.00
8 th	\$225.00
9 th	\$250.00
10 th or More	\$275.00

Residential / Non-Permit Holder:

False Alarm:	Penalty:
1 st	\$100.00
2 nd	\$125.00
3 rd	\$150.00
4 th	\$200.00
5 th	\$250.00
6 th	\$300.00
7 th	\$350.00
8 th	\$400.00
9 th	\$450.00
10 th or More	\$500.00

Commercial / Permit Holder:

Alarm:	Penalty:
1 st	Warning
2 nd	\$100.00
3 rd	\$150.00
4 th	\$200.00
5 th	\$250.00
6 th	\$300.00
7 th	\$350.00
8 th	\$400.00
9 th	\$450.00
10 th or More	\$500.00

Commercial / Non-Permit Holder:

False Alarm:	Penalty:
1 st	\$200.00
2 nd	\$250.00
3 rd	\$300.00
4 th	\$350.00
5 th	\$400.00
6 th	\$500.00
7 th	\$600.00
8 th	\$700.00
9 th	\$750.00
10 th or More	\$800.00

- (b) **Newly installed alarm systems shall not be subject to false alarm notifications during the first ninety (90) days immediately following the completion of installation, subject to a maximum of three (3) false alarm notifications and provided that an alarm permit has been issued by the Police Department.**
- (c) **All residential alarm notifications must include an attempted telephone notification with two (2) calls back to the residence or secondary number by the privately operated central station before the Police Department is notified.**
- (d) **Any location/premises that fails to pay any fee or fine set forth in this chapter shall be issued a letter of warning prescribing a date certain that any outstanding fees or fines must be paid by the permit holder. Any location/premises that fails to pay such fees and/or fines timely, as prescribed in the letter of warning, may be subject to permit revocation, pursuant to Section 22-40, at the sole discretion of the Police Commissioner.**

Sec. 22-40. Revocation and reissuance of permit.

(a) The Police Department may revoke an alarm permit if it determines that:

- (1) There is a false statement made in the application for a permit; or
- (2) The permit holder has violated any provision of this Article; or
- (3) The permit holder has failed to make timely payments of any penalty fee pursuant to Section 22-39 within **thirty (30)** business days of receiving notice of said penalty fee; or
- (4) A permit paid by an applicant by check is dishonored; or
- (5) **There are ten (10) or more false alarm activations in any twelve (12) month period and satisfactory documentation of repair of the alarm system has not been submitted; or**
- (6) **The location/premises creates persistent false alarms. Persistent false alarms means ten (10) or more false alarms in any twelve (12) month period or five (5) false alarms in any thirty (30) day period.**

(b) **A permit holder whose alarm permit for a particular location/premises has been revoked may be issued a new permit only if that person:**

- (1) **Submits an updated permit application and pays a permit reinstatement fee of one hundred dollars (\$100.00) for residential premises or two hundred dollars (\$200.00) for commercial premises; and**
- (2) **Any permit that has been revoked for any reason, must pay the reinstatement fee prior to a permit being issued; and**
- (3) Pays or otherwise disposes of all penalties issued to the person pursuant to this Article; and
- (4) Submits proof that the alarm system has been inspected and properly maintained.

(c) **A permit holder whose alarm permit has been revoked at any location may not be issued an alarm permit for any other location unless and until they have fulfilled the requirements of subsections (b)(1) through (b)(4) above.**

Sec. 22-41. **Opportunity to be heard upon permit denial or revocation.**

A person whose alarm permit application has been denied in accordance with this title or a person whose alarm permit has been revoked in accordance with the provisions of Section 22-40 may request reconsideration of the Police Department's determination. Such request must be made within fifteen (15) calendar days of the denial or revocation and submitted in writing to the attention of the Commissioner of Police, who shall then consider all information submitted and make a final determination as soon as practicable.

Sec. 22-42. Penalties and fines.

Any person operating an alarm system without a permit and who does not apply for an alarm permit within thirty (30) days after a false alarm notification shall be subject to a penalty fee as provided for in subsection (a) of Section 22-39. Any person operating an alarm system without a permit due to a prior revocation and who has not applied for a new alarm permit shall be subject to a penalty fee as provided for in section 22-39 as a non-permit holder. Any penalty assessed pursuant to this subdivision shall be payable to the City of Long Beach.”

Section 2. This Ordinance shall take effect immediately.

September 20, 2022

Item No. 5
Local Law No.

The following Local Law was moved by
and seconded by :

Introductory No. 364
Introduced by:

CITY OF LONG BEACH

CHAPTER V LAWS OF 2022

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: ZONING BOARD OF APPEALS.

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

Section 1. Subpart A, Article 9A, Section 140 of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922 as enacted as Local Law No. 4 of 1989 and amended by Local Law No. 2 of 2004, shall be and the same is hereby repealed, revoked and rescinded, and the following Section 140 is hereby adopted and enacted in the place and stead of said Section, to read as follows:

“ARTICLE 9A. ZONING BOARD OF APPEALS

Sec. 140. Composition, appointments; term of office; vacancies.

Following the initial establishment of the City’s Zoning Board of Appeals and subsequent to its members serving their initial staggered terms, it is the intent of this local law to establish a collaborative process with checks and balances by which the City Manager and the City Council appoint and remove members of the Zoning Board of Appeals. The City Council finds that it is in the City’s best interests to establish an appointment process which is designed to fill vacancies and reduce holdover appointments to the extent practicable.

The City’s Zoning Board of Appeals shall consist of seven (7) members. Each member shall be appointed by the City Manager, subject to the City Council’s approval. Members shall receive such salary as is fixed by the City Council. The term of office of such members shall be three (3) years. An appointment to a vacancy occurring prior to the expiration of a member’s term shall be for the remainder of the unexpired term. Any member may be removed by the City Manager in accordance with applicable law, subject to the City Council’s approval. At least forty-five (45) days prior to the expiration of any given member’s term, the City Manager shall present to the City Council candidates to fill said vacancies. In the event any vacancy is not filled by the end of that forty-five (45) day period, the City Council may make an appointment to fill said vacancy.”

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

September 20, 2022

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Concurring With the Long Beach Local
Development Corporation's Recommendation to Dissolve
the Long Beach Local Development Corporation.

WHEREAS, by Resolution Nos. 33/12 and 108/12, the City Council of the City of Long Beach authorized the creation and formation of a local development corporation in accordance with New York State Law; and

WHEREAS, on November 13, 2012, the Long Beach Local Development Corporation ("LBLDC") was formed, inter alia, "[t]o relieve and reduce unemployment, promote and provide for additional and maximum employment, improve and maintain job opportunities, and lessen the burden of government and act in the public interest"; and

WHEREAS, the LBLDC is currently composed of a three (3) member board of directors and the City Manager is designated as the sole member of the LBLDC; and

WHEREAS, since its formation, the LBLDC has been underutilized and its activity has been such that it cannot cover the costs of its own mandated annual financial audits, resulting in the City's coverage of said costs over several years; and

WHEREAS, on June 8, 2022 the LBLDC, through a resolution of its board of directors, recommended to the City Manager and City Council that the LBLDC be dissolved and requested that the City take the necessary steps to accomplish said dissolution; and

WHEREAS, the City Council has determined that the LBLDC should be dissolved due to its underutilization and in order to avoid covering the further costs of mandated annual financial audits;

NOW, THEREFORE, be it

RESOLVED by the City Council of the City of Long Beach, New York, that it concurs with the LBLDC's recommendation of dissolution, and be it further

RESOLVED, that the City Council hereby directs the City Manager take the necessary steps to accomplish said dissolution and requests that the board of directors of the LBLDC provide its cooperation to accomplish said dissolution.

September 20, 2022

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Continued Retention of
The Bonadio Group as Independent Auditors for Fiscal
Years Ending June 30, 2022, 2023 and 2024.

WHEREAS, pursuant to Resolution No. 86/19, duly adopted by the City Council on October 16, 2019, the City retained The Bonadio Group, 488 Madison Avenue, 23rd floor, New York, New York 10022, engaging said firm as independent auditors for the City of Long Beach and its component unit Long Beach Local Development Corporation for the fiscal year audits ending June 30, 2019, 2020 and 2021; and

WHEREAS, the City of Long Beach is required by the Federal Single Audit Act of 1984 and 1996, and the provisions of Title 2 U. S. Code of Federal Regulations Part 200, Uniform Administration Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Guidance), to have an annual audit of the financial statements of their entity and additional compliance, internal control and other audit and reporting requirements of the federal programs; and

WHEREAS, the opinion rendered by an independent auditor provides assurance on the financial position of government activities, business-type activities, each major fund and the aggregate remaining fund information of the City of Long Beach, and the respective changes in financial position and, where applicable, cash flows thereof, for the year under audit in accordance with accounting principles generally accepted in the United States of America and the Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States; and

WHEREAS, it is the desire of the City to continue the retention of The Bonadio Group as independent auditors for the City of Long Beach and its component unit Long Beach Local Development Corporation for fiscal year audits ending June 30, 2022, 2023 and 2024 at a cost of \$118,000 for FY 2022; \$121,000 for FY 2023 and \$124,500 for FY 2024;

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 an agreement with The Bonadio Group, 488 Madison Avenue, 23rd floor, New York, New York 10022, engaging said firm as independent auditors for the City of Long Beach and its component unit Long Beach Local Development Corporation, for fiscal year audits ending June 30, 2022, 2023 and 2024 at a cost of \$118,000 for FY 2022; \$121,000 for FY 2023 and \$124,500 for FY 2024. Funds are available and will be available in Account No. A1315.54452 (City Comptroller -Auditing Fees).

September 20, 2022

Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Retention of a Public
Relations Consultant.

WHEREAS, the City of Long Beach desires to retain the services of Life is Sweet Media, LLC, (“Consultant”) P.O. Box 241, Atlantic Beach, New York 11509 for Public Relations Services; and

WHEREAS, such services will include: strategic communication services and assistance with press, media, and public relations; working with in-house public and media relations teams to guide and build content and strategy across all media platforms; identify feature stories for earned media and/or City platforms and present said stories to local and regional news/media organizations to obtain media coverage of same; and identify and attract sponsorship opportunities for programs, projects, and events; and

WHEREAS, in consideration for said services, the City shall pay the Consultant an annual fee of \$25,000 to be payable monthly, for an initial term of October 1, 2022 through September 30, 2023, renewable for two (2) additional one (1) year terms upon mutual consent of both parties, subject to City Council approval; and

WHEREAS, the Consultant will be entitled to fifteen percent (15%) of any gross revenue that the Consultant secures;

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 retain Life is Sweet Media, LLC, P.O. Box 241, Atlantic Beach, New York 11509 for Public Relations Consulting Services, for an initial term of October 1, 2022 through September 30, 2023, renewable for two (2) additional one (1) year terms upon mutual consent of both parties, subject to City Council approval, at an annual fee of \$25,000, as well as fifteen percent (15%) of any gross revenue that the Consultant secures. Funds are available in Account No. A6410.54440 (Public Relations-Contracted Services).

September 20, 2022

Item No. 9
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Reappointing a Civil Service Commission Member
for the City of Long Beach.

WHEREAS, it is imperative that the City have a duly constituted Civil Service Commission to transact business on behalf of the City, the Long Beach School District, the Long Beach Housing Authority and the Long Beach Public Library; and

WHEREAS, the City Manager desires to reappoint Susan Mackston Solomon to the Civil Service Commission of the City of Long Beach; and

WHEREAS, pursuant to Section 95 of the Charter of the City of Long Beach and Civil Service Law Section 15, the term of office shall be six (6) years effective June 1, 2022;

NOW, THEREFORE, be it

RESOLVED, that the City Council of the City of Long Beach, New York hereby confirms the reappointment of Susan Mackston Solomon to the Civil Service Commission, for a term of six years effective June 1, 2022 until May 31, 2028

September 20, 2022

Item No. 10
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Confirming the Appointment of a Member
to the Zoning Board of Appeals of the City of Long Beach.

WHEREAS, the City Manager desires to appoint Vincent Leis to the Zoning Board of Appeals of the City of Long Beach to fill the expired term of Erica Rechner; and

WHEREAS, pursuant to Section 140 of the Charter of the City of Long Beach, the term of office for Mr. Leis shall be three (3) years, commencing September 21, 2022 and expiring August 15, 2023;

NOW, THEREFORE, be it

RESOLVED, that the City Council of the City of Long Beach, New York hereby confirms the appointment of Vincent Leis to the Zoning Board of Appeals of the City of Long Beach for three years, commencing September 21, 2022 and expiring August 15, 2023, without compensation.

September 20, 2022

Item No. 11
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Approve a Purchase Order for the Replacement of the Rusted Undercarriage of Beach Maintenance Truck 939C.

WHEREAS, Beach Maintenance Caterpillar truck 939C requires replacement of a rusted and rotted undercarriage, and as this truck is in good working condition, it is more cost effective to repair it than to replace it with a new vehicle; and

WHEREAS, in order for truck 939C to continue working on the Beach Park Dunes Project, repairs in the amount of \$38,099.36 are required at this time; and

WHEREAS, H.O. Penn Machinery Co., 122 Nixon Road, Poughkeepsie, New York 12603 is Caterpillar's sole source for machines, parts and service in the New York/Long Island area;

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 approve a purchase order for H.O. Penn Machinery Co., 122 Nixon Road, Poughkeepsie, New York 12603 for the required replacement of the rusted and rotted undercarriage of Beach Maintenance Caterpillar truck 939C, at a cost of \$38,099.36. Funds are available in Account No. A1640.54499 (Beach Maintenance-Vehicle Repairs).

September 20, 2022

Item No. 12
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an
Agreement for Construction Services for the Transit Oriented
Development Project.

WHEREAS, after due advertisement therefore, two (2) bids were received in the Office of the Commissioner of Public Works on September 8, 2022 for construction services for the Transit Oriented Development Project, with the base bid to include the construction of a safe pedestrian corridor connecting the LIRR/City Parking Garage to Kennedy Plaza on Centre Street between Park Avenue and Chester Street, a decorative red dyed imprinted crosswalk with striping, solar powered signage, catch basins to facilitate drainage, new concrete ADA compliant sidewalk ramps, and landscaping, plus the alternate bid to include the replacement of the sidewalk ramps at the northwest and southwest corner of Chester and Centre Street, as well as restriping the crosswalk that connects the ramps, in accordance with plans and specifications on file in the Department of Public Works; and

WHEREAS, Allen Industries, Inc., 510 Broadway, Amityville, New York 11779 was the lowest responsible bidder for the base bid plus alternate 1, at a total cost of \$324,556; and

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 Allen Industries, Inc., 510 Broadway, Amityville, New York 11779 for construction services for the Transit Oriented Development Project, for the work included in the base bid plus alternate 1, at a total cost of \$324,556. Funds are available as follows: \$58,000 in S9926.54801 (PF&I Street & Sidewalk IMP [CD 46th year]); \$58,000 in S9927.54826 (Transit Oriented Development [CD 47th year]); \$142,000 in S8501.54826 (Transit Oriented Development); and \$66,556 in A1620.54444.

September 20, 2022

Item No. 13
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an
Agreement for Water/Sewer Testing at the Water Treatment
Plant with the Sole Responsible Bidder.

WHEREAS, after due advertising therefore, one bid was received in the Office of the City Purchasing Agent on Thursday, September 1, 2022 at 11:00 a.m. for the testing of water/ sewer at the City's Water Treatment Plant for a period of one year as per specifications on file in the Office of the City Purchasing Agent; and

WHEREAS, Pace Analytical Services, 575 Broad Hollow Road, Melville, New York 11747 the provider of this service since 2009, was the sole responsible bidder at a total cost of \$67,955.00;

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 an agreement with Pace Analytical Services, 575 Broad Hollow Road, Melville, New York 11747 for the testing of water/sewer at the City's Water Treatment Plant for a period of one year, at a total cost of \$67,955.00. Funds in the amount of \$44,325.00 for water testing are available in Account No. F8330.54440 (Water Treatment Plant – Contracted Services) and funds in the amount of \$23,630.00 for sewer testing are available in Account No. G8130.54440 (Water Pollution-Contracted Services).

September 20, 2022

Item No. 14
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of a Local
Law Amending the Charter of the City of Long Beach
Re: Assessment; Levy; Collection of Taxes.

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

“A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: ASSESSMENT; LEVY; COLLECTION OF TAXES”.

(See Local Law Attached)

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be had before this Council at City Hall, 1
West Chester Street, Long Beach, New York, concerning the aforesaid Local Law, on October 6,
2022 at 7:00 p.m.; and be it further

RESOLVED, that the City Clerk be and hereby is authorized and directed to
cause a notice of said hearing to be published in the official newspaper of the City of Long
Beach, containing the title of such proposed Local Law and an explanatory statement thereof.

Introductory No. 365
Introduced by:

CITY OF LONG BEACH

CHAPTER VI LAWS OF 2022

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: ASSESSMENT; LEVY; COLLECTION OF TAXES

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

Sec. 1. Article 6, Section 104-b(1) and (2) 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 and added to read as follows:

“Sec. 104-b. Exemption for persons who are sixty-five years of age or over.

1. Pursuant to the provisions of Section 467 of the Real Property Tax Law of the State of New York, as amended and as therein provided, real property owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by **spouses**, one (1) **of** whom is sixty-five (65) years of age or over, shall be exempt from taxation, which exemption shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed, to the extent set forth in the following schedule:

TABLE INSET:

<u>Annual Income</u>	<u>Percentage Assessed Valuation Exemption from Taxation</u>
Less than \$35,000	50
\$35,000 but less than \$36,000	45
\$36,000 but less than \$37,000	40
\$37,000 but less than \$38,000	35
\$38,000 but less than \$38,900	30
\$38,900 but less than \$39,800	25
\$39,800 but less than \$40,700	20
\$40,700 but less than \$41,600	15
\$41,600 but less than \$42,500	10
\$42,500 but less than \$43,400	5

2. No exemption shall be granted if the income of the owner or the combined income of the owners of the property exceeds the sum of **forty-three thousand three hundred ninety-nine dollars and ninety-nine cents (\$43,399.99)**. The income of the owner or the combined income of the owners of the property shall be calculated in accordance with Section 467 of the Real Property Tax Law of the State of New York, and any such income shall be offset by **the owners' combined medical and prescription drug expenses actually paid by the owner or owners and not reimbursed or paid for by insurance or other non-owner.**”

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

September 20, 2022

Item No. 15
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of a Local
Law Amending the Charter of the City of Long Beach
Re: Assessment; Levy; Collection of Taxes.

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

“A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: ASSESSMENT; LEVY; COLLECTION OF TAXES”.

(See Local Law Attached)

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be had before this Council at City Hall, 1
West Chester Street, Long Beach, New York, concerning the aforesaid Local Law, on October 6,
2022 at 7:00 p.m.; and be it further

RESOLVED, that the City Clerk be and hereby is authorized and directed to
cause a notice of said hearing to be published in the official newspaper of the City of Long
Beach, containing the title of such proposed Local Law and an explanatory statement thereof.

Introductory No. 366
Introduced by:

CITY OF LONG BEACH

CHAPTER VII LAWS OF 2022

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: ASSESSMENT; LEVY; COLLECTION OF TAXES

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

Sec. 1. Article 6, Section 104-d 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 and added to read as follows:

“Sec. 104-d. Exemptions for persons with disabilities and limited incomes.

...

2. The income of the owner or the combined incomes of the owners of the property for the income tax year immediately preceding the date of making application for exemption shall be as follows: no more than twenty-seven thousand dollars (\$27,000.00) for the income tax year ending December 31, 2007; no more than twenty-eight thousand dollars (\$28,000.00) for the income tax year ending December 31, 2008; and no more than twenty-nine thousand dollars (\$29,000.00) for the income tax year ending December 31, 2009; **commencing with the income tax year ending on December 31, 2021, the combined income of the owners shall be no more than thirty-seven thousand dollars (\$37,000.00).**”

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

September 20, 2022

Item No. 16
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of a Local
Law Amending the Charter of the City of Long Beach
Re: Assessment; Levy; Collection of Taxes.

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

“A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: ASSESSMENT; LEVY; COLLECTION OF TAXES”.

(See Local Law Attached)

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be had before this Council at City Hall, 1
West Chester Street, Long Beach, New York, concerning the aforesaid Local Law, on October 6,
2022 at 7:00 p.m.; and be it further

RESOLVED, that the City Clerk be and hereby is authorized and directed to
cause a notice of said hearing to be published in the official newspaper of the City of Long
Beach, containing the title of such proposed Local Law and an explanatory statement thereof.

Introductory No. 367
Introduced by:

CITY OF LONG BEACH

CHAPTER VIII LAWS OF 2022

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: ASSESSMENT; LEVY; COLLECTION OF TAXES

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

Sec. 1. Article 6, Section 104-f 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 added to Article 6 to read as follows:

“Sec. 104-f. Opt-Out of Real Property Tax Law §487 Exemption.

The tax exemption made available by Real Property Tax Law §487 shall not be applicable within the boundaries of the City of Long Beach with respect to any solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electric generating system, constructed subsequent to the passage of this Local Law, or any other energy system eligible for the real property tax exemption pursuant to §487 of the Real Property Tax Law.”

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

September 20, 2022

Item No. 17
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of a Local
Law Amending the Charter of the City of Long Beach
Re: Assessment; Levy; Collection of Taxes.

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

“A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: ASSESSMENT; LEVY; COLLECTION OF TAXES”.

(See Local Law Attached)

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be had before this Council at City Hall, 1
West Chester Street, Long Beach, New York, concerning the aforesaid Local Law, on October 6,
2022 at 7:00 p.m.; and be it further

RESOLVED, that the City Clerk be and hereby is authorized and directed to
cause a notice of said hearing to be published in the official newspaper of the City of Long
Beach, containing the title of such proposed Local Law and an explanatory statement thereof.

Introductory No. 368
Introduced by:

CITY OF LONG BEACH

CHAPTER IX LAWS OF 2022

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: ASSESSMENT; LEVY; COLLECTION OF TAXES

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

Sec. 1. Article 6, Section 103-b of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as enacted as Local Law No. 2 of 1985, shall be and the same is hereby repealed, revoked and rescinded, and the following Section 103-b is hereby adopted and enacted in the place and stead of said Section, to read as follows:

“Sec. 103-b. Reduction of exemption of certain real property from taxation.

- 1. Pursuant to Real Property Tax Law Section 485-b, real property constructed, altered, installed or improved subsequent to the first day of January, two thousand twenty three (2023) for the purpose of commercial, business or industrial activity shall be exempt from taxation to the extent hereinafter provided.**
- 2. Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction, alteration, installation or improvement and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional period of nine years and such exemption shall be computed with respect to the "exemption base." The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period, following the filing of an original application, except as provided in subparagraph (2) of this paragraph.**
 - (a) In any year in which a change in the level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the state board, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the**

change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by Title Three of Article 5 of the New York State Real Property Tax Law for the correction of clerical errors.

(b) The following table shall illustrate the computation of the tax exemption:

Year of exemption	Percentage of exemption
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

(c) No such exemption shall be granted unless:

- 1. such construction, alteration, installation or improvement was commenced subsequent to the first day of January, two thousand twenty three (2023);**
- 2. the cost of such construction, alteration, installation or improvement exceeds the sum of ten thousand dollars;**
- 3. such construction, alteration, installation or improvement is completed as may be evidenced by a certificate of occupancy or other appropriate documentation as provided by the owner.**

(d) For purposes of this section the terms construction, alteration, installation and improvement shall not include ordinary maintenance and repairs.

(e) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the ten year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

- 3. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the New York State Office of Real Property Tax Services. Such application shall be filed with the Assessor on or before the December 1st (the taxable status date) and within one year from the date of completion of such construction, alteration, installation or improvement.**
- 4. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and such real property shall thereafter be exempt from taxation as herein provided commencing with the assessment roll prepared after the taxable status date referred to in subdivision three of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.**
- 5. The provisions of this section shall apply to real property used primarily for the buying, selling, storing or developing goods or services, the manufacture or assembly of goods or the processing of raw materials. This section shall not apply to property used primarily for the furnishing of dwelling space or accommodations to either residents or transients other than hotels or motels.**
- 6. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.”**

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