

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
NOVEMBER 8, 2017

1. Resolution Authorizing the City Manager to Enter into an Agreement for Cleaning Repairs to the Digesters at the Wastewater Treatment Plant.

Legislative Memo: This work is required in order to keep the City's Plant in compliance with DEC Regulations. Funding is provided through the Capital Improvement Plan.

2. Resolution Authorizing the City Manager to Enter into an Agreement for the Reconstruction of the Bathroom/Locker Rooms at the Ice Arena with the Sole Responsible Bidder.

Legislative Memo: The bathroom/locker rooms have outlived their useful lives and are in need of rehabilitation and reconstruction. Funding is provided through the Capital Improvement Plan.

3. Resolution Authorizing Publication for Hearing of a Local Law Amending Subpart C of Related Acts Relating to the Charter of the City of Long Beach Re: A Local Law to Prohibit the Sale of Tobacco Products, Liquid Nicotine and Electronic Cigarettes to Persons Under 21.

Legislative Memo: The City Council wishes to introduce this Local Law in order to begin a local dialogue in advance of the adoption of legislation. Our objective is to protect the public interest, welfare and health of all persons through the adoption of this law. To help ensure that the sale of tobacco products to individuals under 21 will be prohibited, and thereby help delay or prevent tobacco use, as tobacco use is a leading cause of preventable death and disease in New York State and the United States.

November 8, 2017

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an
Agreement for Cleaning Repairs to the Digesters at the
Wastewater Treatment Plant.

WHEREAS, after due advertisement therefore, two bids were received in
the Office of the Commissioner of Public Works on October 26, 2017 for the removal, cleanout
and disposal of all contents within the primary and secondary digesters at the Wastewater
Treatment Plant, in a manner as to allow continuous operation of the plant; and

WHEREAS, SpectraServ, Inc., 75 Jacobus Avenue, Kearny, New Jersey 07032
was the lowest responsible bidder for said project at a cost of \$1,005,245.05;

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 an agreement with SpectraServ, Inc.,
75 Jacobus Avenue, Kearny, New Jersey 07032 for the removal, cleanout and disposal of all
contents within the primary and secondary digesters at the Wastewater Treatment Plant, at a cost
of \$1,005,245.05. Funds in the amount of \$55,245.05 are available in H3015.52277 (Sewer
Digester Cleanout) and funds in the amount of \$950,000 are available in Account No.
H3018.52277 (Sewer Digester Cleanout).

November 8, 2017

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an
Agreement for the Reconstruction of the Bathroom/Locker Rooms
at the Ice Arena with the Sole Responsible Bidder.

WHEREAS, after due advertisement therefore, one bid was received in the Office of the Commissioner of Public Works on October 26, 2017 for the demolition and reconstruction of the men's and women's bathroom/locker rooms at the City's Ice Arena, to include new plumbing for the bathrooms and showers, an HVAC system, electric, ceiling and fixtures; and

WHEREAS, East Coast Construction, Inc., 87-11 118th Street, Richmond Hill, New York 11418 was the sole responsible bidder at a cost of \$321,000,00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and he hereby is authorized to enter into an agreement with East Coast Construction, Inc., 87-11 118th Street, Richmond Hill, New York 11418 for the demolition and reconstruction of the men's and women's bathroom/locker rooms at the City's Ice Arena, at a cost of \$321,000.00. Funds are available in Account No. H1018.52272 (Ice Arena Improvements).

November 8, 2017

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of a Local Law Amending Subpart C of Related Acts Relating to the Charter of the City of Long Beach Re: A Local Law to Prohibit the Sale of Tobacco Products, Liquid Nicotine and Electronic Cigarettes to Persons Under 21.

WHEREAS, the City of Long Beach desires to protect the public interest, welfare and health of all persons by the adoption of this local law, which will help ensure that the sale of tobacco products to individuals under 21 will be prohibited, and thereby help delay or prevent tobacco use, as tobacco use is a leading cause of preventable death and disease in New York State and the United States; and

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

“A LOCAL LAW

AMENDING SUBPART C OF RELATED ACTS RELATING
TO THE CHARTER OF THE CITY OF LONG BEACH,
RE: A LOCAL LAW TO PROHIBIT THE SALE OF TOBACCO PRODUCTS,
LIQUID NICOTINE AND ELECTRONIC CIGARETTES TO
PERSONS UNDER 21.”

(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 November 21, 2017 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. 350
Introduced by:

CITY OF LONG BEACH

CHAPTER I LAWS OF 2017

A LOCAL LAW

AMENDING SUBPART C OF RELATED ACTS RELATING
TO THE CHARTER OF THE CITY OF LONG BEACH,
RE: A LOCAL LAW TO PROHIBIT THE SALE OF TOBACCO PRODUCTS,
LIQUID NICOTINE AND ELECTRONIC CIGARETTES TO
PERSONS UNDER 21

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

Section 1. Subpart C of Related Local Laws relating to the Charter of the City of Long Beach, New York, enacted as Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same is hereby amended to read as follows:

“ARTICLE X. PROHIBITION OF THE SALE OF TOBACCO PRODUCTS, LIQUID NICOTINE AND ELECTRONIC CIGARETTES TO PERSONS UNDER 21

Sec. 86. Legislative Intent.

It is the intent of this Local Law to prohibit any person operating a place of business wherein tobacco, tobacco products, liquid nicotine and electronic cigarettes are sold or offered for sale, from selling such products to individuals under 21 years of age.

Sec. 87. Findings

a. Tobacco is a leading cause of preventable death and disease in New York State and the United States.

b. According to a report prepared by the *Institute of Medicine*, entitled “Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products”, the following was concluded and suggested:

- 1. Adolescent brains are uniquely vulnerable to the effects of nicotine;**
- 2. A younger age of initiation is strongly associated with greater nicotine dependence and is also associated with greater intensity and persistence of smoking beyond adolescence and into adulthood;**
- 3. Almost one in five high school seniors is a cigarette smoker;**

- 4. Underage users rely primarily on social sources, such as friends and family, to acquire tobacco, and most of these sources are likely to be between eighteen and twenty years old;**
- 5. Raising the minimum legal age to twenty-one will mean that those who can legally obtain tobacco are less likely to be in the same social networks as high school seniors;**
- 6. Delaying initiation rates will likely decrease the prevalence of tobacco users in the United States population;**
- 7. Raising the minimum legal age will likely immediately improve the health of adolescents and young adults by reducing the number who suffer with adverse physiological effects.**

c. Most of those addicted to tobacco (nearly 90%), start using tobacco before twenty-one years of age.

d. There is a growing rate of electronic cigarette use among youth, exposing users to unhealthy levels of nicotine and other unknown harmful chemicals.

e. The parts of the brain most responsible for cognitive and psychosocial maturity continue to develop and change through young adulthood, and adolescent brains are uniquely vulnerable to the effects of nicotine.

f. The application of evidence based strategies to address the public health issues that result from tobacco use, including but not limited to, cancer, heart disease and lung disease.

g. E-cigarettes and similar devices pose health hazards and may contribute to youth smoking and reduced cessation, regardless of nicotine and content since the devices contain or produce chemicals other than nicotine that are known to be toxic, carcinogenic and causative of respiratory and heart disease. E-cigarette and similar devices look identical whether they contain nicotine or not, and as a result, their use not only normalizes e-cigarette use, but also renormalizes tobacco addiction and use of tobacco products, like combustible cigarettes.

h. Smokeless tobacco products, which according to the *Centers for Disease Control and Prevention*, are known to cause lung, larynx, esophageal, oral and pancreatic cancers. According to the *National Institute on Drug Abuse*, a dip of smokeless tobacco typically contains 3-5 times more nicotine than a cigarette.

Sec. 88. Definitions.

As used in this article, the following terms and expressions shall have the following meanings:

Age-Prohibited Products. Cigarettes, cigars, chewing tobacco, powdered tobacco, shisha, bidis, gutka, other tobacco products, nicotine water, herbal cigarettes, electronic cigarettes, liquid nicotine, snuff, smoking paraphernalia (any pipe, water pipe, hookah, rolling papers, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco), as those terms are defined in the New York State Public Health Law Article 13-F and, all other products which are prohibited from being sold to minors by New York State Public Health Law Article 13-F, as the same may be amended from time to time.

Enforcement Officer. Any police officer, building code enforcement officer or other employee of the City of Long Beach authorized to enforce this code.

Sec. 89. Policy.

- a. No person shall sell or permit the sale of age-prohibited products to any person under the age of twenty-one.
- b. The identification requirements contained in New York State Public Health Law Article 13-F, Section 1399-cc(3), as the same may be amended from time to time, are hereby incorporated into this law by reference, except that the age to be proven by such identification shall be twenty-one.
- c. No person operating a place of business wherein age-prohibited products are sold or offered for sale shall sell, permit to be sold, offer for sale or display for sale any age-prohibited product in any manner, unless such age-prohibited product is stored for sale (a) behind a counter in an area accessible only to the personnel of such business, or (b) in a locked container/cabinet; provided, however, such restriction shall not apply to tobacco businesses as defined in subdivision eight of §1399-aa of New York State Public Health Law Article 13-F, as the same may be amended from time to time, and to places to which admission is restricted to persons twenty-one years of age or older.

Sec. 90. Posting of Signs.

Vendors of age-prohibited products shall post a sign in a conspicuous place, which shall state: **“SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, SHISHA, BIDIS, GUTKA OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, LIQUID NICOTINE, ELECTRONIC CIGARETTES, ROLLING PAPERS, OR SMOKING PARAPHERNALIA, TO PERSONS UNDER TWENTY-ONE YEARS OF AGE, IS PROHIBITED BY LOCAL LAW.”**

Sec. 91. Enforcement

- a. The enforcement officer is charged with ensuring compliance with this Article. The enforcement officer shall be authorized to serve official notices of violation of this Article.

Sec. 92. Penalties.

Any person who violated any provision of this Article shall be deemed guilty of an offense and, upon conviction thereof, shall be subject to penalties in the following manner:

(1) Upon a first conviction, by a fine not less than fifty dollars (\$50.00) and not more than two-hundred fifty dollars (\$250.00) or by imprisonment for a period not to exceed seven (7) days or by both such fine and imprisonment.

(2) Upon a second conviction, by a fine not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed ten (10) days or by both such fine and imprisonment.

(3) Upon a third or subsequent conviction, by a fine not less than two hundred fifty dollars (\$250.00) and not more than three thousand dollars (\$3,000.00) or by imprisonment for a period not to exceed fifteen (15) days or by both such fine and imprisonment.

(4) If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.

Sec. 93. Severability.

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted 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 or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.”

Sec. 2. This Local Law shall take effect March 1, 2018 upon being filed in the Office of the New York Secretary of State.