

**CALENDAR**  
**for**  
**REGULAR MEETING OF THE COUNCIL**  
**of the**  
**CITY OF LONG BEACH**  
**held**  
**APRIL 19, 2022**

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

1. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Ocean Beach Park.
2. Resolution Authorizing the City Manager to Enter into a Settlement Agreement Between the City of Long Beach, Commissioner of Buildings and Property Conservation Scott Kemins, the City of Long Beach Zoning Board of Appeals, Sinclair Haberman and Belair Building, LLC.
3. Resolution Authorizing the City's Corporation Counsel to Enter Into a Stipulation of Settlement Between the City of Long Beach, Tax Assessor Raymond Flammer, and Pacifica Building, LLC.
4. Resolution Authorizing the City Manager to Purchase a New Ambulance for the City's Fire Department Under a Sourcewell Contract.
5. Resolution Authorizing the City Manager to Purchase Various Chemicals on an "As Needed Basis" for the Water Purification Plant from the Lowest Responsible Bidders.
6. Resolution Authorizing the City Manager to Purchase Sodium Hypochlorite from the Lowest Responsible Bidder.
7. Resolution Authorizing the City Manager to Enter into a Contract for Masonry Work at Various Locations Throughout the City of Long Beach on an "As-Needed" Basis with the Lowest Responsible Bidder.
8. Resolution Authorizing the City Manager to Purchase an Inter-Operable Video Management and Integrated Surveillance System through New York State Office of General Services Contracts.
9. Resolution Authorizing the City Manager and the City Comptroller to Transfer Funds within the 2021-2022 Budget.

10. Resolution Authorizing the City Manager to Enter into a Joint Promotion Agreement with the Metropolitan Transportation Authority for the “MTA Away Package”.
11. Resolution Authorizing Publication of the General Summary of the Capital Improvement Program for the Next Five Years, and Authorizing Publication of the General Summary of the Proposed Budget for Year July 1, 2022 through June 30, 2023, and Notice of Public Hearings Thereon.
12. Resolution Authorizing the City Council to Have Confidential Correspondence Prepared on Behalf of the City Council and to Have Such Correspondence Delivered to Certain Persons, Known to the Council, Regarding Pending Litigation.

April 19, 2022

Item No. 1  
Ordinance No.

The following Ordinance was moved by  
and seconded by :

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

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

Sec.1. Chapter 18, Article II, Division II, Section 18-30 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended to read as follows:

“Sec. 18-30. Admittance fees and passes.

(A) No person shall be permitted in or upon the Ocean Beach Park or shall be permitted to wade, bathe or swim in the waters adjacent thereto unless he has paid the charges fixed by this section.

(B) The following shall be the charges or price for admission to Ocean Beach Park:

(1) *Season admission charges*: Season admission charges to the beach on Monday through Sunday of each week and on holidays and days celebrated as holidays:

(a) *Family Plan*: Resident families and their children who have not yet reached their eighteenth birthday on the first day of the season may elect to purchase season passes for such families and children at a total cost of **one hundred and fifteen dollars (\$115.00)**. Non-resident families and their children who have not reached their eighteenth birthday on the first day of the season may elect to purchase season passes for such families and children at a total cost of **two hundred and thirty dollars (\$230.00)**.

(b) *Children Ages 13-17*: Resident children between the ages of thirteen (13) and seventeen (17) may purchase an individual season pass at a cost of **thirty dollars (\$30.00)**. Non-resident children between the ages of thirteen (13) and seventeen (17) may purchase an individual season pass at a cost of **sixty dollars (\$60.00)**.

(c) *Adults Ages 18-61*: Resident adults between the ages of eighteen (18) and sixty- one (61) may purchase a season pass at a cost of **eighty five dollars (\$85.00)**. Non-resident adults between the ages of eighteen (18) and sixty-one (61) may purchase a season pass at a cost of **one hundred and seventy dollars (\$170.00)**.

(d) *Resident Senior Citizens*: Resident senior citizens, sixty-two years of age or over, may purchase a season pass at a cost of **thirty dollars (\$30.00)**.

(e) *Non-resident Senior Citizens*: Non-resident senior citizens, sixty-two years of age or over, may purchase a season pass at a cost of **sixty dollars (\$60.00)**.

(f) *Access Pass*: Resident and non-resident individuals with documentation of disability, as that term is defined in the Americans with Disabilities Act, may purchase a season pass at a cost of **thirty dollars (\$30.00)**.

(g) *Military Pass*: Resident and non-resident individuals possessing Government ID indicating that the holder is a current member or has been honorably discharged from a branch of the United States Armed Forces may purchase a season pass at a cost of **thirty dollars (\$30.00)**.”

Sec. 2. This Ordinance shall take effect immediately.

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Item No. 2  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Enter Into a Formal Agreement and Stipulation of Settlement Between the City of Long Beach, Commissioner of Buildings and Property Conservation Scott Kemins, the City of Long Beach Zoning Board of Appeals, Sinclair Haberman and Belair Building, LLC.

WHEREAS, by City Council Resolution No. 200/21, the City approved and authorized the execution of a Letter of Intent between the City of Long Beach, Sinclair Haberman and Belair Building, LLC, the key terms of which include, inter alia, a cash payment of \$75 million, zoning relief in the form of amendments to the City's Code of Ordinances, and a ninety (90) day period in which to negotiate a formal settlement agreement to resolve the decades-long litigation known as *Sinclair Haberman and Belair Building, LLC v. City of Long Beach, et al.* (Nassau County Index No. 001138/04) ("Haberman Litigation"); and

WHEREAS, by City Council Resolution No. 35/22, the City agreed to extend the terms of the Letter of Intent with the goal of finalizing and completing a formal settlement agreement; and

WHEREAS, through engaged and extensive negotiations, the City's representatives and the plaintiffs' representatives in the Haberman Litigation have reached a proposed formal agreement and stipulation of settlement and recommend the execution of same; and

WHEREAS, plaintiffs have reviewed this proposed agreement and stipulation, have agreed to its terms, and have executed same;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the City Manager be and she hereby is authorized to execute and enter into the aforementioned formal agreement and stipulation of settlement on behalf of the City of Long Beach and Commissioner of Buildings and Property Conservation Scott Kemins; and be it further

RESOLVED, by the City Council of the City of Long Beach, New York that further meetings and/or public hearings required for the implementation of the terms and conditions of the formal agreement and stipulation of settlement shall be noticed in accordance with applicable law and held at future time(s) and date(s).

April 19, 2022

Item No. 3  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City's Corporation Counsel to Enter Into a Stipulation of Settlement Between the City of Long Beach, Tax Assessor Raymond Flammer, and Pacifica Building, LLC.

WHEREAS, on or about October 13, 2020, Pacifica Building, LLC, through Sinclair Haberman, as Petitioner/Plaintiff, represented by Jaspán Schlessinger, LLP, 300 Garden City Plaza, Garden City, New York 11530, filed a hybrid proceeding against the City of Long Beach and the Assessor of the City of Long Beach Raymond Flammer in the Supreme Court of the State of New York, County of Nassau (Nassau County Index No. 610288/2020), seeking inter alia, a declaratory judgment regarding special assessments made to Petitioner/Plaintiff's real property, and a money judgment for an alleged breach of contract ("Pacifica Litigation"); and

WHEREAS, the parties have engaged in pre-answer motion practice and are currently in discovery in the Pacifica Litigation; and

WHEREAS, a condition of the final settlement reached in the decades-old litigation known as *Sinclair Haberman and Belair Building, LLC v. City of Long Beach, et al.* (Nassau County Index No. 001138/04) ("Haberman Litigation") requires the settlement of the Pacifica Litigation; and

WHEREAS, the attorneys on behalf of the City negotiated a stipulation of settlement to compromise and settle all claims and demands of the Petitioner/Plaintiff against the City for no monetary sum in exchange for the cessation of the special assessment at issue for a 9 year period, which attorneys for the City have recommended as reasonable settlement of the Pacifica Litigation, and which the City is obligated to satisfy as a condition of settlement in the Haberman Litigation; and

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 Pacifica Litigation, for the consideration described above, with such other terms and conditions as shall be necessary in settlement of the Pacifica Litigation, inclusive of costs and attorneys' fees, with prejudice, and the Tax Assessor is hereby authorized to commence the cessation of the special assessment in accordance with the stipulation of settlement, upon the Corporation Counsel's execution of said stipulation.

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Item No. 4  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Purchase a New  
Ambulance for the City's Fire Department Under a Sourcewell Contract.

WHEREAS, the City is a member of Sourcewell, a State of Minnesota local government agency and service cooperative that offers cooperative procurement solutions to government entities by combining the buying power of 50,000 government, education, and nonprofit organizations; and

WHEREAS, the City's Fire Department desires to purchase a new primary ambulance to replace a 2004 ambulance that is nearing the end of its useful life; and

WHEREAS, an ambulance committee was created, consisting of career and volunteer members, to find the best piece of equipment suitable to the needs of the residents and the City to provide EMS services, responding to approximately 3000 medical alarms each year as well as all fire alarms; and

WHEREAS, through Sourcewell Contract #022118, the City can purchase a PL Custom Classic TI D5500 4x4 Custom Classic Type 1 ambulance, with specified options, from Hendrickson Fire Rescue Equipment, 140 Hoffman Lane, Islandia, New York 11749 at a cost of \$329,929;

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 a PL Custom Classic TI D5500 4x4 Custom Classic Type 1 ambulance, with specified options, at a cost of \$329,929, for the City's Fire Department through Sourcewell Service Cooperative, Contract #1022118, from Hendrickson Fire Rescue Equipment, 140 Hoffman Lane, Islandia, New York 11749. Funds should be made available in fiscal year 2023 in Account No. A3410.54509 (Fire Protection-Equipment Leases).

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Item No. 5  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Purchase  
Various Chemicals on an “As Needed Basis” for the  
Water Purification Plant from the Lowest Responsible Bidders.

WHEREAS, after due advertising therefore, bids were received in the Office of the City Purchasing Agent on Thursday, March 31, 2022 at 11:30 a.m. for the purchase of various chemicals on an “as needed basis” for the Water Purification Plant 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 as follows, for a period of one (1) year:

Item 1. Aluminum Sulfate Liquid – Chemtrade Chemicals, 90 East Halsey Road, Parsippany, NJ 07054, at a bid price of \$1.3851 per gallon; and

Item 2. Hydrated Lime Bulk – Graymont, 194 Match Factory Place, Bellefonte, PA 16823 at a bid price of \$210.88 per ton. Approximately \$32,318 is available for the remainder of fiscal year 2022 and approximately \$141,500 should be made available in fiscal year 2023 in Account No. F8330.54416 (Water Purification – Chemicals).



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Item No. 6  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Purchase  
Sodium Hypochlorite from the Lowest Responsible Bidder.

WHEREAS, after due advertising therefore, five (5) bids were received in the Office of the City Purchasing Agent on Thursday, March 31, 2022 at 11:00 a.m. for the purchase of sodium hypochlorite to be used at the Water Pollution Control Plant; and

WHEREAS, Twin County Swimming Pool Maintenance & Supply Co., Inc., 797 Conklin Street, Farmingdale, New York 11735 was the lowest responsible bidder at a cost of \$1.29 per gallon;

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 Sodium Hypochlorite from Twin County Swimming Pool Maintenance & Supply Co., Inc., 797 Conklin Street, Farmingdale, New York 11735, for a period of two years, with the option to renew for an additional year, at a cost of \$1.29 per gallon, for approximately 70,000 gallons per year. Funds in the amount of \$26,750 are available for the remainder of fiscal year 2022 and funds in the amount of \$170,000 should be made available in fiscal year 2023 in Account No. G8130.54416 (Water Pollution Control - Chemicals)

April 19, 2022

Item No. 7  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Enter into a Contract for Masonry Work at Various Locations Throughout the City of Long Beach on an “As-Needed” Basis with the Lowest Responsible Bidder.

WHEREAS, after due advertisement therefore, four bids were received in the Office of the Commissioner of Public Works on April 7, 2022 for “as-needed” concrete work and asphalt installations at quantities and at unit prices in accordance with plans and specifications on file in the Office of the Commissioner of Public Works, which fall outside the normal scope and availability of the City’s in-house staff; and

WHEREAS, said work shall include, but not be limited to, 4” sidewalks at a unit price of \$7.50 per square foot; 6” sidewalk ramps at a unit price of \$13.00 per square foot; 6” driveway ramps at a unit price of \$10.00 per square foot and the excavation and restoration of roadways at a unit price of \$15.00 per square foot; and

WHEREAS, Castle Industries, Inc., 220 Madison Avenue, Garden City, New York 11040 was the lowest responsible bidder at the above stated unit prices;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and is hereby authorized to enter into a contract with Castle Industries, Inc., 220 Madison Avenue, Garden City, New York 11040 for “as-needed” masonry work at unit prices in accordance with specifications on file in the Office of the Commissioner of Public Works, for a period of one year, with an option for a one year extension upon the same terms and conditions, at a cost not to exceed \$201,500. Funds are available in the current fiscal year and in the proposed 2023 budget in Account No. A8170.54449 (Street Maintenance-Masonry Repairs).

April 19, 2022

Item No. 8  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Purchase an  
Inter-Operable Video Management and Integrated Surveillance  
System through New York State Office of General Services Contracts.

WHEREAS, the City is undertaking a multi-year project to enhance the Closed  
Circuit Television (CCTV) Camera Network across the City; and

WHEREAS, the project includes the City Hall complex, the Long Island Rail  
Road garage, the Recreation Center, the Ocean Beach Park, the Boardwalk, and other areas in  
the City where CCTV capability would prove helpful for public safety and security needs; and

WHEREAS, the project includes the purchase and installation of new cameras,  
replacing outmoded technology, maintenance and the monitoring and retrieving all video feeds  
in a centralized location; and

WHEREAS, Virsig LLC, 95 Seaview Boulevard, Port Washington, New York  
11050 is an awarded vendor through New York State Office of General Services Contract  
#PT68881SB, that can furnish the equipment, installation, integration and maintenance for the  
above project, at a total cost of \$232,843.70;

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 an inter-operable video management and  
integrated surveillance system to enhance the Closed Circuit Television Camera Network across  
the City, from Virsig LLC, 95 Seaview Boulevard, Port Washington, New York 11050 through  
New York State Office of General Services Contract #PT68881SB, at a total cost of  
\$232,843.70. Funds in the amount of \$40,000 are available in Account No. H1020.52374 (Rec.  
Center-City Wide Cameras); funds in the amount of \$50,000 are available in Account No.  
A7186.52220 (Lifeguards-Machinery & Equipment); and funds in the amount of \$142,843.70  
are available in Account No. H1022.53096 (PD Video & Recording System).

April 19, 2022

Item No. 9  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager and the City  
Comptroller to Transfer Funds within the 2021-2022 Budget.

WHEREAS, it has been determined that there are unexpended funds in various accounts, and that other accounts require funds to be transferred to them for the remainder of the 2021-2022 fiscal year; and

WHEREAS, Section 101(c)(d) of the City Charter states that the City Council only, may approve transfers exceeding \$1,500.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager and the City Comptroller are hereby authorized to transfer any funds exceeding \$1,500.00 within the 2021-2022 budget as required, and that no funds so transferred shall be used to pay any allotment or appropriation or obligation except as in keeping with Section 102-a(2) of the Charter of the City of Long Beach; and be it further

RESOLVED, that the City Council shall be furnished with a report of all transfers made by August 31, 2022.

April 19, 2022

Item No. 10  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Enter into a Joint  
Promotion Agreement with the Metropolitan Transportation Authority  
for the “MTA Away Package”.

WHEREAS, the Metropolitan Transportation Authority (“MTA”) offers “Away  
Packages” to numerous locations, sites and events across Long Island, New York City, Hudson  
Valley and other destinations; and

WHEREAS, the MTA has a desire to partner with the City of Long Beach to  
provide MTA customers with discounted access to the City’s Ocean Beach Park, that is  
accessible by the MTA transportation network, including subways, commuter railroads and  
buses; and

WHEREAS, the Away Package provides discounted access to the Ocean Beach  
Park to MTA adult/senior/child customers on weekends, May 28<sup>th</sup> through June 26, 2022  
(including Memorial Day, May 30), then seven days per week, June 27<sup>th</sup> through Labor Day,  
September 5, 2022, all as weather permits; and

WHEREAS, the City will charge the MTA \$12 for adults, seniors and children’s  
tickets for the Long Beach Away Package, which includes discounted entry to the beach, round trip  
transportation on the trolley to/from the Long Beach train station and the beach and discounts at  
participating vendors throughout Long Beach;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the  
City Manager be and is hereby authorized to enter into a joint promotion agreement with the  
Metropolitan Transportation Authority, with principal offices at 2 Broadway, New York, New  
York 10004, for a “MTA Away Package”, providing discounted access to the Ocean Beach Park  
to MTA adult/senior/child customers on weekends, May 28<sup>th</sup> through June 26, 2022 (including  
Memorial Day, May 30), then seven days per week, June 27<sup>th</sup> through Labor Day, September 5,  
2022.

April 19, 2022

Item No. 11  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Publication of the General Summary  
of the Capital Improvement Program for the Next Five Years,  
and Authorizing Publication of the General Summary  
of the Proposed Budget for Year July 1, 2022 through June  
30, 2023, and Notice of Public Hearings Thereon.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York that the General Summary of the proposed Capital Improvement Program for the five-year period July 1, 2022 to June 30, 2027, inclusive, be published in the official newspaper of the City of Long Beach, together with a Notice of Public Hearing on said Capital Improvement Program, to be held at City Hall, 1 West Chester Street, in the City of Long Beach, New York, on Tuesday, May 17, 2022 at 7:00 p.m. on that day, pursuant to Section 101-d of the City Charter. Copies of said Capital Improvement Program will be made available for inspection by the public at the Office of the City Clerk, daily on business days between the hours of 10:00 a.m. and 3:00 p.m., prior to said hearing. An electronic version of the Capital Improvement Program will be made available on the City's official website [www.longbeachny.gov](http://www.longbeachny.gov), and

BE IT RESOLVED, by the City Council of the City of Long Beach, New York that the City Clerk is hereby authorized and directed to publish in the official newspaper of the City of Long Beach a General Summary of the Proposed Budget for Year July 1, 2022 through June 30, 2023, together with a notice calling for public hearings on such budget to be held on Tuesday, May 3, 2022 and Tuesday, May 17, 2022, at 7:00 p.m., at City Hall, 1 West Chester Street, in the City of Long Beach, New York. City Council work sessions for the Proposed Budget will be held on Tuesday, April 26, 2022 and Tuesday, May 10, 2022 at 7:00 p.m., at City Hall. Copies of the submitted budget and budget message, and all supporting schedules, will be available for inspection on or before April 20, 2022 by the public at the Office of the City Clerk, daily on business days between the hours of 10:00 a.m. and 3:00 p.m., prior to said hearings. An electronic version of the budget and message will be available on the City's official website [www.longbeachny.gov](http://www.longbeachny.gov).

April 19, 2022

Item No. 12  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Council to Have Confidential Correspondence Prepared on Behalf of the City Council and to Have Such Correspondence Delivered to Certain Persons, Known to the Council, Regarding Pending Litigation.

WHEREAS, the City Council wishes to have confidential correspondence prepared and delivered to certain persons, known to the Council, regarding pending litigation;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the the City Council is authorized to have said confidential correspondence prepared and delivered to said persons as soon as possible.