

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
AUGUST 17, 2021

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

1. Approval of Minutes of Prior Meetings of May 18, 2021 and June 15, 2021.
2. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic.
3. Resolution Authorizing the City Manager to Enter into an Agreement with Core BTS, a Partner of Cisco Systems.
4. Resolution Authorizing the City Manager to Enter into an Inter-Municipal Cooperation Agreement with the County of Nassau to Receive Funding for the Procurement of Emergency Communications Equipment and Related Items.
5. Resolution Authorizing the City Manager to Enter into an Agreement for the Providing of Comprehensive Banking Services.
6. Resolution Authorizing Budget Amendment to the General Fund Budget.
7. Resolution Authorizing Transfer of Funds for the 2021-2022 Fiscal Year.
8. Resolution to Reschedule the First Regular Council Meeting of September for Thursday, September 9, 2021.

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15, Article VI, Division 2, of the Code of Ordinances of the City of Long Beach, as heretofore amended, is hereby repealed, revoked and rescinded, and new language shall be enacted in the place and stead of said Division, to read as follows:

“DIVISION 2. Immobilization and Removal of Illegally Parked Vehicles

Sec. 15-209. Definitions

- (a) "Immobilize" or "immobilization" shall mean the act of placing on a parked motor vehicle a mechanical device known as a boot, designed to be attached to the wheel or tire or other part of such vehicle so as to prohibit its usual manner of movement.**
- (b) "Remove" or "removal" shall mean the act of towing a parked motor vehicle, which shall be placed and stored in a location designated by the Police Department or Fire Department and shall be held until it is released or disposed of pursuant to applicable law.**

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) Any vehicle found parked or standing in violation of any of the provisions of this chapter or other city ordinance.**
 - (2) Any vehicle found parked or abandoned on public highways during a snowstorm, flood, fire or other public emergency.**
 - (3) Any vehicle left parked or standing on a public highway for two (2) days or more without proper registration plates.**
 - (4) Any vehicle taken into custody by law enforcement officials having probable cause to believe that it is being used in the commission of a crime. Removal of such vehicle shall be made to the city yard or to such other place as the Commissioner of Police may direct and such removal shall be at the risk of the owner of said vehicle.**
 - (5) Vehicles which have four (4) 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.

- (6) Vehicles operated by an individual in violation of Articles 19 or Article 20 of the New York State Vehicle and Traffic Law (e.g., unlicensed operation, aggravated unlicensed operation).**
- (7) Vehicles operated by an individual in violation of Article 31 of the New York State Vehicle and Traffic Law where no likelihood of vehicle forfeiture exists (e.g., operating a vehicle under the influence of alcohol or drugs or driving while ability impaired).**
- (8) The Police Department, at the direction of the Commissioner of Police, may immobilize and/or remove, any vehicle parked illegally or in violation of any city code, county ordinance, state law or regulation, or where such removal and/or immobilization is required for public safety.**
- (b) Removal following immobilization. Where a vehicle is immobilized and the owner or other person entitled to possession of the vehicle is properly notified pursuant to this division, if all fees are not paid, thereby releasing the vehicle within seventy-two (72) hours, the vehicle may be removed and conveyed, by or under the direction of a member of the police department or the fire department, by means of towing, or otherwise, to the city yard or to such other place as the commissioner of police may direct and there stored; and such removal, conveyance and storage shall be at the risk of the owner of the vehicle.**
- (c) Place of storage; Removal without Notice. The Police Department may transport to, and store, any immobilized vehicle to the City yard, or other such location as directed by the Commissioner of Police, without notice pursuant to this section if said vehicle poses a risk to public safety. Thereafter, the Police Department shall document the reason any such vehicle was transported and/or stored and provide notification pursuant to this division as soon as practicable.**
- (d) Custody. For the purpose of custody, any vehicle removed or immobilized pursuant to this division shall be deemed to be in the custody of the Commissioner of Police.**

Sec. 15-211. Immobilization and/or Removal; Notice and Penalties.

- (a) Within twenty-four (24) hours after towing, the Police Department shall notify the owner of such vehicle by telephone or by registered mail, of the fact of its towing or immobilization, the place where it may be recovered and the conditions under which it will be released.**

- (b) **Additionally, when a vehicle is immobilized, the Police Department shall cause to be attached to the immobilized vehicle a notice containing the following information, in such form as directed by the Commissioner of Police:**
- (1) **The location and identifying characteristics of the vehicle;**
 - (2) **The dates and time of placement of the devices and the signature of the installer of the device;**
 - (3) **Notice that further parking penalties will be waived while the vehicle is immobilized;**
 - (4) **Notice that any person tampering with the device or vehicle will be subject to criminal prosecution as provided in paragraph (ii) of this subsection, as well as civil liability for any loss to the City of Long Beach due to damage to or theft of the device;**
 - (5) **The steps that the owner must take to obtain release of the vehicle; and**
 - (6) **Such other information, statements, notices and/or warnings as the Police Department may from time to time determine.**
- (c) **Any person who tampers with, defaces, damages, removes or destroys an immobilization device or moves by any means a vehicle immobilized as herein provided shall be guilty of a violation and subject to the penalty provided for in Section 15-22 of this Chapter. The owner of such vehicle may, as a defense, plead and prove that at the time of such removal or damage, such vehicle was stolen, but only if, prior to such act or acts, notice of a stolen vehicle has been given to the applicable police authority.**

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 Police Department 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 Police Department 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:

- (1) For the pickup with standard equipment and towing, two hundred dollars (\$200.00).**
 - (2) For the pickup with required flatbed towing, and towing, two hundred dollars (\$200.00).**
 - (3) Outside storage charges shall be at the rate of twenty-five dollars (\$25.00) for each twenty-four (24) hours or part thereof. This charge shall also apply during any period in which a vehicle is being held as evidence or in anticipation of forfeiture.**
 - (4) Inside storage charges shall be at the rate of thirty dollars (\$30.00) for each twenty-four (24) hours or part thereof.**
- (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 Police Department.**
 - (2) Once properly removed in accordance with this division, immobilization devices shall returned to the Police Department within twenty four (24) hours, where applicable. Failure to do so shall result in a twenty five dollar (\$25.00) per day fee for the delayed return of the immobilization device.**
 - (3) In the event an immobilization device is not returned or is damaged, the owner or other person entitled to possession of the vehicle shall be responsible for the cost of repair or replacement of the immobilization device.**
- (d) Computation of Daily Charges. For the purpose of computing the charges imposed by subsections (b) and (c), the day shall be deemed to commence at 12:01 a.m. The charges shall be a lien upon the vehicle.**
- (e) Release of Vehicle.**
- (1) Before the owner or person in charge of any vehicle taken into custody, or immobilized as above provided, shall be allowed to repossess or to secure the release of said vehicle, the owner or his/her agent shall:**
 - a) Pay any and all sums legally due for any city parking violations issued and outstanding against such vehicle, including fines and penalties;**
 - b) Pay any and all outstanding parking summonses issued in the city against any motor vehicles registered in the name of the registered owner of the impounded motor vehicle, including fines and penalties;**
 - c) Comply with all procedures for redemption as provided in section 15-212; and**
 - d) Pay all charges as provided in section 15-212.**

(2) Inability to comply with subsections (1)(a) and (b) – If, after paying applicable charges for removal and/or immobilization of a vehicle, the owner or person in charge of any such vehicle is unable to comply with subsections (1)(a) and (b), that individual shall be entitled to post a bond in an amount sufficient to cover such fines and/or penalties. Such bond may be posted in cash, or by credit card via the Police Department payment kiosk. A three percent (3%) non-refundable processing cost shall be applied to credit card payments. As soon as practicable thereafter, such individual must comply with subsections (1)(a) and (b) in order to be eligible to receive a return of the posted bond.

Sec. 15-213. Sale of unredeemed vehicles.

Should a vehicle impounded pursuant to this division remain unclaimed or should the lien thereon remain unredeemed for a period of one month from the date of its removal, the Commissioner of Police may sell the vehicle at public sale upon publication of notice thereof by posting conspicuously in three (3) public places in the City at least six (6) days before the sale. The proceeds on the sale shall be applied first to the cost of said sale and advertisement thereof, then to the cost of storage and towage, and any surplus shall be held for the account for the owner of the vehicle by the City for a period of one year without interest.

Sec. 15-214. Severability.

If any part of or provisions of this division or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this division, or the application thereof to other persons or circumstances.”

Sec. 2. This Ordinance shall take effect immediately.

August 17, 2021

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an
Agreement with Core BTS, a Partner of Cisco Systems.

WHEREAS, the City desires to convert our current telephone system from an on-premises system to a cloud based system, in order to ensure that there will be continual service in the event of an internet disruption or an emergency; and

WHEREAS, a cloud based system eliminates the need to maintain or replace expensive equipment, apart from phones and switches; and

WHEREAS, Cisco Systems is the City's current telephone system provider and is the sole source for the items required for the conversion; and

WHEREAS, Core BTS, 1393 Veterans Memorial Hwy #408n, Hauppauge, NY 11788, a partner of Cisco Systems, shall provide the necessary items and services needed to convert the City's current phone system at a cost of \$38,192;

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 Core BTS, 1393 Veterans Memorial Hwy #408n, Hauppauge, NY 11788, a partner of Cisco Systems, for the necessary items and services needed to convert the City's current phone system to a cloud based system, at a cost of \$38,192. Funds are available in Account No. H1017.52339 (Info. Tech - Phone Upgrades).

August 17, 2021

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an
Inter-Municipal Cooperation Agreement with the County of
Nassau to Receive Funding for the Procurement of Emergency
Communications Equipment and Related Items.

WHEREAS, the City of Long Beach desires to enter into an Inter-Municipal
Cooperation Agreement with the County of Nassau as authorized by Article 9, § 1 of the New
York State Constitution and Article 5-G of the General Municipal Law of the State of New York,
to purchase emergency communications equipment and related items for the City, which will
work in cooperation with the Nassau County Police Department and the Nassau County Fire
Marshall (“Project”); and

WHEREAS, pursuant to said Agreement, the County will provide funding to
reimburse the City in the amount of \$355,200.00 for the purchase of the goods and services in
connection with the Project;

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 Inter-Municipal Cooperation
Agreement with the County of Nassau for the above said project; and be it further

RESOLVED, that the City Council adopts this resolution making a SEQRA
environmental determination that the proposed Inter-Municipal Cooperation Agreement and
Project will not have a significant effect on the environment and issues a negative declaration
and be it further

RESOLVED, that funds for said goods and services will be reimbursed to the
City, and that the following amendment to the fiscal year 2021-2022 General Fund Budget be
and is hereby authorized:

Increase Estimated Revenues:	A10510	\$355,200.00
A0022.42270	Inter-Governmental Services	
	Other Unclassified Revenue	\$355,200.00
Increase Appropriations:	A20960	\$355,200.00
A3120.54440	Police Contracted Services	\$355,200.00

August 17, 2021

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an
Agreement for the Providing of Comprehensive Banking Services.

WHEREAS, after due advertising therefore, five proposals were received in the Office of the City Purchasing Agent on Thursday, December 10, 2020 for the providing of Comprehensive Banking Services; and

WHEREAS, a committee was established to review and evaluate the five proposals and to meet with each of the five proposers; and

WHEREAS, the City's Investment Policy calls for diversification to eliminate risk of loss resulting from over concentration of assets; and

WHEREAS, the Committee selected three banking institutions for the following services:

1. JPMorgan Chase, with offices located at 395 N. Service Road, Floor 3, Melville, NY 11747, and a local branch at 220 East Park Avenue, Long Beach, NY 11561; and
2. Capital One Commercial Banking, with offices located at 1307 Walt Whitman Road, Melville, NY 11747, and a local branch at 11 East Park Avenue, Long Beach, NY 11561; and
3. TD Bank, with offices located at 324 S. Service Road, Melville, NY 11747, and a local branch at 550 Long Beach Boulevard, Long Beach, NY 11561;

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 agreements for Comprehensive Banking Services with JPMorgan Chase, Capital One Commercial Banking, and TD Bank.

August 17, 2021

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Budget Amendment to the
General Fund Budget.

WHEREAS, a boat capsized in the ocean along Ocean Beach Park, requiring
removal and the professional services of an outside company; and

WHEREAS, the cost of these services will be reimbursed to the City by the
County of Nassau, after the City makes payment of the invoice;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the
following amendment to the fiscal year 2021-2022 General Fund Budget be and is hereby
authorized:

GENERAL FUND

Increase Estimated Revenues:	A10510		\$20,000.00
	A0022.42270	Inter-Governmental Services	
		Other Unclassified Revenue	\$20,000.00
Increase Appropriations:	A20960		\$20,000.00
	A3120.54440	Police Contracted Services	\$20,000.00

August 17, 2021

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Transfer of Funds for the
2021-2022 Fiscal Year.

WHEREAS, funds are required for the payment of the City's cyber insurance
policy, which amount was not available when the annual budget was prepared, thereby
necessitating the following transfer of funds:

NOW, THEREFORE, be it

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

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
A1990.54406	Contingency	\$10,687.58	
A1910.54402	Unallocated Insurance		\$10,687.58

August 17, 2021

Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution to Reschedule the First Regular Council Meeting
of September for Thursday, September 9, 2021.

WHEREAS, the first regular meeting of the City Council for the month of
September would normally be held on the first Tuesday of September pursuant to Section 2-26
of the Code of Ordinances of the City of Long Beach; and

WHEREAS, by reason of the fact that the first Tuesday in September will fall on
a Jewish holiday, the members of the City Council desire to schedule said meeting for Thursday,
September 9, 2021;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
first regular meeting of this Council for the month of September be and the same is hereby
scheduled for Thursday, September 9, 2021 at 7:00 p.m. for all purposes, in place and stead of
Tuesday, September 7, 2021, and shall be held in the auditorium on the sixth floor of City Hall.