

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

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Housing and Property Rehabilitation and Conservation Code: Mortgage-in-Default Registry.

1. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Housing and Property Rehabilitation and Conservation Code: Mortgage-in-Default Registry.
2. Resolution Authorizing the Acting City Manager to Purchase Industrial and Commercial Equipment and Supplies Under Two Sourcewell Contracts.
3. Resolution Authorizing Budget Amendments to the General Fund Budget and the Sewer Fund Budget for the 2022-2023 Fiscal Year.
4. Resolution Authorizing Budget Amendments to the Community Development Fund for the 45th Program Year.
5. Resolution Authorizing Annual Allocation of Community Development Funds for the 48th Program Year.
6. Resolution Authorizing Transfer of Funds for the 2022-2023 Fiscal Year.
7. Resolution Authorizing Transfer of Funds for the 2022-2023 Fiscal Year.
8. Resolution Authorizing Transfer of Funds for the 2022-2023 Fiscal Year.
9. Resolution Authorizing Settlement of Certiorari Proceedings.
10. Resolution Authorizing the Acting City Manager to Purchase Assessment Software for the City.

11. Resolution Declaring the City Council of the City of Long Beach Lead Agency for the Pacific Park Playground Improvement Project, Declaring said Project to Constitute an Unlisted Action and Authorizing the Acting City Manager to Execute and Accept a Grant for the Renovation of Pacific Playground with the New York State Office of Parks, Recreation and Historic Preservation.
12. Resolution Authorizing the Acting City Manager to Accept a Donation for the Repair or Replacement of a Zamboni Electric Charging Station for the Long Beach Ice Arena.
13. Resolution Authorizing the Acting City Manager to Purchase a Fire Alarm Management System with the Sole Responsible Bidder.
14. Resolution Authorizing City Membership for The Interlocal Purchasing System and the Retention of Troy & Banks Consultants LLC as Independent Auditors to Perform Gross Receipt Tax and Franchise Fee Audits.
15. Resolution Authorizing Publication of a Notice of Public Hearing for the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, and Title II of the National Affordable Housing Act of 1990, as Amended, for Inclusion in the City's Community Development Program for 2023-2024 (49th Year).
16. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Special Events, Offenses-Miscellaneous and Parks and Recreation.
17. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Ocean Beach Park.
18. Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises:
Re: 776 West Beech Street (street floor), Long Beach, New York.
19. Approval of Minutes of Prior Meeting of January 17, 2023.

The following Ordinance was moved by
and seconded by :

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: HOUSING AND
PROPERTY REHABILITATION AND CONSERVATION
CODE: MORTGAGE-IN-DEFAULT REGISTRY.

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

Sec.1. Chapter 13, Article II, Section 13-29(d)(2) and (d)(4) of the Code of
Ordinances of the City of Long Beach, shall be and the same is hereby amended to read as
follows:

“Sec. 13-29. Mortgage-in-Default Registry.

...

(d) *Registration of real property with mortgage-in-default.*

...

(2) Within ten (10) days of the date that the mortgagee declares its mortgage
on a particular parcel of real property to be in default, **and following the
mortgagee filing a notice of pendency in a court of competent jurisdiction,**
the mortgagee shall inspect and register the real property with the City’s
mortgage-in-default registry. The mortgagee shall include in the registration if
the property is vacant or occupied.

...

(4) An annual non-refundable registration fee in the amount of **\$75** per
property shall accompany the mortgage-in-default registration form(s).
Subsequent annual registrations of defaulted properties and fees in the
amount of **\$75** are due within ten (10) days of the expiration of the
previous registration.”

Sec. 2. This Ordinance shall take effect immediately.

February 7, 2023

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Purchase Industrial
and Commercial Equipment and Supplies Under Two Sourcewell Contracts.

WHEREAS, the City, in its normal course of business, regularly purchases
a variety of industrial and commercial equipment and supplies on an as-needed basis; and

WHEREAS, the contract the City previously used to purchase industrial and
commercial equipment and supplies, New York State Office of General Services Award #22918,
expired on December 31, 2022; and

WHEREAS, Fastenal Company, 2001 Theurer Blvd., Winona, MN 55987 and
W.W. Grainger, Inc., d/b/a Grainger North America, 100 Grainger Parkway, Lake Forest, IL
60045 are awarded vendors through Sourcewell (RFP#091422-FAS) and Sourcewell
(RFP#101320-WWG), respectively, affording the City favorable rates on same and/or similar
industrial and commercial equipment and supplies formerly available in New York State Office
of General Services Award #22918;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, that the Acting City
Manager be and hereby is authorized to purchase Industrial and Commercial Equipment and
Supplies from Fastenal Company, 2001 Theurer Blvd., Winona, MN 55987 under Sourcewell
(RFP#091422-FAS), on and as needed basis, effective February 7, 2023 through November 8,
2026, and from W.W. Grainger, Inc., d/b/a Grainger North America, 100 Grainger Parkway,
Lake Forest, IL 60045 under Sourcewell (RFP#101320-WWG), on an as needed basis, effective
February 7, 2023 through November 16, 2024.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Budget Amendments to the
General Fund Budget and the Sewer Fund Budget for
the 2022-2023 Fiscal Year.

WHEREAS, the City engaged in the appropriate planning for Sewer Plant
consolidation; and

WHEREAS, there were multiple retirements in the Sewer Maintenance
Department after the 2022-2023 Fiscal Year Operating Budget was adopted; and

WHEREAS, currently, some of the functions previously performed by said retired
staff in the Sewer Maintenance Department are now performed by the staff working for the
departments compensated by the General Fund of the City of Long Beach; and

WHEREAS, additional funds to be received in the General Fund are to be
expended in the Central Garage Department and Beach Maintenance Department where
additional need occurred after the 2022-2023 Fiscal Year Operating Budget was adopted; and

WHEREAS, the City plans to continue performing these functions previously
done by the Sewer Maintenance Department out of various departments that are compensated by
the General Fund; and

WHEREAS, to compensate the General Fund for the work performed and
properly allocate funds, the Sewer Fund must have funds transferred to the General Fund, and
the General Fund and Sewer Fund budgets must be amended;

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,
that the following amendments to the General Fund Budget and the Sewer Fund Budget for the
2022-2023 Fiscal Year are hereby authorized:

SEWER FUND
2022-2023 Fiscal Year

Decrease Appropriations:	G20960	\$125,000.00	
G8540.51101	Sewer Maintenance-Regular Salaries		\$125,000.00
Increase Appropriations:	G20960	\$125,000.00	
G9915.59907	Interfund Transfer-General Fund		\$125,000.00

GENERAL FUND
2022-2023 Fiscal Year

Increase Estimated Revenue: A10510	\$125,000.00	
A0045.45034 Interfund Transfer Sewer		\$125,000.00
Increase Appropriations G20960	\$125,000.00	
A1640.51101 Central Garage-Regular Salaries		\$25,000.00
A1990.54406 Contingency		\$82,000.00
A8172.51101 Beach Maintenance-Regular Salaries		\$18,000.00

February 7, 2023

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Budget Amendments to the
Community Development Fund for the 45th Program Year.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,
that the following amendments to the Community Development Fund for the 45th Program Year
are hereby authorized:

COMMUNITY DEVELOPMENT FUND
45th Program Year

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
S9925.54479	PF&I Rec. Center Upgrades	\$29,947.62	
S9925.54810	Residential Rehabilitation		\$13,000.00
S9925.54847	Special Economic Development-LB Rise		\$10,000.00
S9925.54826	TOD Street and Sidewalk Improvement		\$6,947.62
S9925.51102	Youth Employment Training-Summer	\$ 24,000.00	
S9925.54808	Youth Employment Training		\$24,000.00
S9925.54845	Soup Kitchen	\$3,250.00	
S9925.54808	Youth Employment Training		\$ 3,250.00

February 7, 2023

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Annual Allocation of Community
Development Funds for the 48th Program Year.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,
that the following allocation to the Community Development Fund for the 48th Program Year is
hereby authorized:

COMMUNITY DEVELOPMENT FUND
48th Program Year

Increase Estimated Revenues: SG10510	\$280,050.00	
SG070.47100 Nassau County Grants		\$280,050.00
Increase Appropriations: SG20960		\$280,050.00
S9928.51101 Administration- Salaries	\$ 42,500.00	
S9928.54512 PF&I- Ice Hockey	\$100,000.00	
S9928.54513 PF&I- Fire Station Upgrades	\$ 87,550.00	
S9928.54826 PF&I-Transit Oriented Development (TOD)	\$ 1,000.00	
S9928.54817 PS- Senior Services Program	\$ 20,000.00	
S9928.54808 PS- Youth Services Program	\$ 20,000.00	
S9928.54827 PS- Adult Services	\$ 8,000.00	
S9928.54810 Residential Rehabilitation	\$ 1,000.00	

February 7, 2023

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

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

WHEREAS, the City's Civil Service Department recently conducted medical
screenings for 52 potential Police Department candidates at the request of the Police Department;
and

WHEREAS, a transfer of funds is required for the City's Civil Service
Department to replenish funds that were used related to said medical screenings;

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>
A3120.54450	Police-Fees for Services	\$2,522.00	
A1430.54420	Civil Service-Exam Fees		\$2,522.00

February 7, 2023

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

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

WHEREAS, the City's Tax Department desires to purchase a letter opener and
cash counter; and

WHEREAS, a transfer of funds is required for the City's Tax Department to
replenish funds that will be used to purchase said letter opener and cash counter;

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	\$4,320.92	
A1325.54410	Tax Receiver-Supplies & Materials		\$4,320.92

February 7, 2023

Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

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

WHEREAS, a transfer of funds is required for the Tax Assessor Department to replenish their overtime budget due to unexpected events, including but not limited to, health events and the resignation of a part time employee;

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>
A1355.54453	Tax Assessor-Consultants	\$10,000.00	
A1355.51103	Tax Assessor-Overtime Salaries		\$10,000.00

February 7, 2023

Item No. 9
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Settlement of Certiorari Proceedings.

WHEREAS, 700 Shore Road Waters Edge Inc., represented by Koeppel, Martone & Leistman, LLC, a wholly owned subsidiary of Forchelli Deegan Terrana LLP, 333 Earle Ovington Blvd., Suite 1010, Uniondale, New York 11553, has commenced an action in the Supreme Court, Nassau County against the City of Long Beach to compel a reduction in the assessed valuation of the property known as Section 59, Block 206, Lots 1-13 on the Land and Tax Map of the County of Nassau, and also known as 700 Shore Road, Long Beach, New York for the fiscal years of 2018/19 through 2022/23; and

WHEREAS, the Tax Assessor and Counsel for the City of Long Beach have reviewed petitioner's legal papers, the income and expenses for the subject property and after extensive negotiation has agreed to settle the certiorari proceedings for a lump sum payment of \$85,000 covering the fiscal years 2018/19 through 2022/23 and a reduction of the assessed valuation from \$680,000 to \$585,000 on condition that no grievance and/or petition be filed for the tax years 2023/24, 2024/25 and 2025/26; and

WHEREAS, the Board of Assessors of the City of Long Beach has determined that the settlement, without further litigation, is in the best interests of the City of Long Beach;

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 and directed to enter into a stipulation with 700 Shore Road Waters Edge Inc. settling the certiorari proceedings covering fiscal years 2018/19 through 2022/23 for a lump sum payment of \$85,000.00 and a reduction of the assessed valuation from \$680,000 to \$585,000 on condition that no grievance and/or petition be filed for the tax years 2023/24, 2024/25 and 2025/26. Funds are available in Account No. A1930.54403 (Judgments and Claims).

February 7, 2023

Item No. 10
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Purchase Assessment
Software for the City.

WHEREAS, the City's Department of Assessment desires to purchase and use
assessment software; and

WHEREAS, Tyler Technologies, 5101 Tennyson Pkwy., Plano, Texas 75024 a
company that provides professional service systems and solutions, has afforded the City
favorable rates on assessment software, with specified options, at a total cost of \$121,000.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
Acting City Manager be and is hereby authorized to purchase assessment software with specified
options from Tyler Technologies, 5101 Tennyson Pkwy., Plano, Texas 75024, at total cost of
\$121,000.00. Funding for this purchase will be available in February of 2023, pursuant to Bond
Authorization No. 3072/23, approved by the City Council on January 17, 2023.

February 7, 2023

Item No. 11
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Declaring the City Council of the City of Long Beach Lead Agency for the Pacific Park Playground Improvement Project, Declaring said Project to Constitute an Unlisted Action and Authorizing the Acting City Manager to Execute and Accept a Grant for the Renovation of Pacific Playground with the New York State Office of Parks, Recreation and Historic Preservation.

WHEREAS, the City of Long Beach applied for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) under Title 9 of the Environmental Protection Act of 1993 for the purpose of funding the Pacific Park Playground Improvement Project; and

WHEREAS, the City of Long Beach has been notified of the approval of a grant in the amount of \$335,350.00 (Contract #C20216GG), from the New York State Office of Parks, Recreation and Historic Preservation for the project known as the Pacific Park Playground Improvement Project; and

WHEREAS, said grant will reimburse the City for funds expended for the Pacific Park Playground Improvement Project; and

WHEREAS, the City of Long Beach is a Municipal Corporation and pursuant to Section 3 of the Charter of the City of Long Beach, the City may take by gift, grant, bequest and devise said grant; and

WHEREAS, the City Council of the City of Long Beach desires to declare itself Lead Agency as defined by the State Environmental Quality Review Act (“SEQRA”) and desires to assess the environmental impact and significance of the Pacific Park Playground Improvement Project;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the Acting City Manager be and is hereby authorized to accept and execute a grant with the New York State Office of Parks, Recreation and Historic Preservation (Contract #C20216GG) in the amount of \$335,350.00, to reimburse the City for funds expended for the Pacific Park Playground Improvement Project; and be it further

RESOLVED, that the City Council is declared Lead Agency for the City of Long Beach in this matter, and hereby adopts this Resolution and determines that the Pacific Park Playground Improvement Project constitutes an Unlisted Action pursuant to SEQRA; and be it further

RESOLVED, that the City Council adopts this resolution making a SEQRA environmental determination that the proposed Pacific Park Playground Improvement Project will not have a significant effect on the environment and issues a negative declaration.

February 7, 2023

Item No. 12
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Accept a
Donation for the Repair or Replacement of a Zamboni Electric
Charging Station for the Long Beach Ice Arena.

WHEREAS, it is the desire of B2K Development LLC, the developer and owner of The Breeze at Long Beach, LLC and Isla Blu at Long Beach LLC, 300 Jericho Turnpike, Jericho, New York 11753, to make a monetary donation of \$5,000.00 to the City of Long Beach for the repair or replacement of a Zamboni electric charging station for the Long Beach Ice Arena; and

WHEREAS, the repair or replacement of said Zamboni electric charging station for the Long Beach Ice Arena will help service the Long Beach Ice Arena, as said Arena currently has a Zamboni electrical charging station that is been out of order; and

WHEREAS, the City of Long Beach is a Municipal Corporation and pursuant to Section 3 of the Charter of the City of Long Beach, the City may take by gift, grant, bequest and devise said financial donation;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the Acting City Manager be and is hereby authorized to accept the donation of \$5,000.00 to the City of Long Beach for the repair or replacement of a Zamboni electric charging station for the Long Beach Ice Arena, from B2K Development LLC, the developer and owner of The Breeze at Long Beach, LLC and Isla Blu at Long Beach LLC, 300 Jericho Turnpike, Jericho, New York 11753.

February 7, 2023

Item No. 13
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Purchase a
Fire Alarm Management System with the Sole Responsible Bidder.

WHEREAS, after due advertisement therefore, one (1) bid was received in the
Office of the Commissioner of Public Works on January 26, 2023 for Fire Alarm Management
System services to assist the City's Fire Department; and

WHEREAS, said services shall include a fire alarm system software; and

WHEREAS, All Service Controls Corp., P.O. Box 216, Oceanside, New York
was the sole responsible bidder, for a one-year contract estimated at a cost not to exceed
\$51,617.00, inclusive of the Keltron LS7000 Fire Alarm Management System at a unit price of
\$46,817.00 and a 24/7 Service Contract Option for onsite emergency and non-emergency repairs
at a unit price of \$4,800.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
Acting City Manager be and is hereby authorized to enter into a contract with All Service
Controls Corp., P.O. Box 216, Oceanside, New York for a one-year contract estimated at a cost
not to exceed \$51,617.00. Funds are available in Account No. S9928.54513 (PF&I 48th Yr. –
Fire Station Upgrades) made available through a Community Development Block Grant.

February 7, 2023

Item No. 14
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing City Membership for
The Interlocal Purchasing System and the Retention
of Troy & Banks Inc. as Independent Auditors to
Perform Gross Receipt Tax and Franchise Fee Audits.

WHEREAS, The Interlocal Purchasing System, 4845 US Hwy. 271 North, Pittsburg, TX 75686 is a national purchasing cooperative offering competitively solicited contracts to education, government, and nonprofit agencies, and said agencies can acquire free membership for The Interlocal Purchasing System with no purchasing obligation or liability to gain immediate access to competitively procured; and

WHEREAS, the City of Long Beach desires to become a member of The Interlocal Purchasing System; and

WHEREAS, upon the acquisition of membership to The Interlocal Purchasing System, the City of Long Beach desires to retain Troy & Banks Inc., 2216 Kensington Avenue, Buffalo, New York 14226 to conduct a one-time audit of the City's collection of Gross Receipt Tax, cable franchise fees, gas, electric and telecom operator franchise fees and electric, gas, propane, water/sewer, and telecommunications account invoices, for the purpose of collecting fees and securing refunds, credits, recoveries and cost reductions for the City;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and is hereby authorized to enter into an agreement with 4845 US Hwy. 271 North, Pittsburg, TX 75686 to acquire membership with The Interlocal Purchasing System, and to enter into a separate agreement with Troy & Banks Inc., 2216 Kensington Avenue, Buffalo, New York 14226, to conduct a one-time audit of the City's collection of Gross Receipt Tax, cable franchise fees, gas, electric and telecom operator franchise fees and electric, gas, propane, water/sewer, and telecommunications account invoices, for the purpose of collecting fees and securing refunds, credits, recoveries and cost reductions for the City. Troy & Banks Inc., 2216 Kensington Avenue, Buffalo, New York 14226 will be compensated on a contingency fee basis, and in the event the City of Long Beach does not receive any refunds, credits, reductions, and/or recoverable underpayments, there will be no fee for said services.

February 7, 2023

Item No. 15
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication of a Notice of Public Hearing for the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, and Title II of the National Affordable Housing Act of 1990, as Amended, for Inclusion in the City's Community Development Program for 2023-2024 (49th Year).

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development is authorized to make grants to states and other units of general local government to help finance Community Development and Housing Programs; and

WHEREAS, the U.S. Department of Housing and Urban Development requires various assurances that the City will comply in all respects with State and Federal Laws, Rules and Regulations;

NOW, THEREFORE, be it

RESOLVED, that the City Clerk shall cause to be published in the official newspaper of the City of Long Beach, a notice of Public Hearing which may be held at City Hall, 1 West Chester Street, Long Beach, New York on February 21, 2023 at 7:00 p.m., for the purpose of providing all persons and representatives of organizations with significant social, economic, and environmental interests an adequate opportunity to publicly present their views on and propose activities for said programs.

February 7, 2023

Item No. 16
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an
Ordinance to Amend the Code of Ordinances of the City
of Long Beach Re: Special Events, Offenses-Miscellaneous
and Parks and Recreation.

WHEREAS, pursuant to the City's Charter, all Code amendments require
publication in the official newspaper of the City and a public hearing to be held following said
publication, thereby requiring two council meetings to amend the City Code; and

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

“ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: SPECIAL EVENTS,
OFFENSES-MISCELLANEOUS AND PARKS AND RECREATION.”
(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the
City Clerk shall cause to be published in the official newspaper of the City of Long Beach the
title, and a summary or the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a
meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach, New
York, on February 21, 2023 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: SPECIAL EVENTS,
OFFENSES-MISCELLANEOUS AND PARKS AND RECREATION.

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

Sec.1. Chapter 14, Article XV of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby repealed, revoked and rescinded, and the following Article XV is hereby adopted and enacted in place and stead of said Article, to read as follows:

“ARTICLE XV. SPECIAL EVENTS

Sec. 14-310. Legislative intent.

The intent and purpose of this Article is to establish a process for permitting the use of City property, streets, facilities or services and to establish reasonable regulations governing the time, place and manner for the holding of certain activities defined as “special events”.

It is the intent of the City to regulate special events; to provide a coordinated process for applicants in regard to the granting or denial of a special event permit; to protect the rights and interests of the residents of the City; and to recoup any costs borne by the City during the special event, to include, but not be limited to: the use of personnel, consultants, equipment and supplies, sanitation (litter and debris clean-up) and utilities.

Sec. 14-311. Definitions.

As used in this article the following words and phrases shall have the meanings assigned:

***Amusement ride.* Any kind of machine, apparatus or device which is designed or used to propel, project or move a person through the air, along the ground or otherwise, and shall include a carousel, Ferris wheel, gravity steeplechase, scenic railway, parachute jump and other similar machinery and rides customarily associated with amusements or carnivals.**

***Athletic event.* An organized competitive or recreational event in which a group of people collectively engage in a sport or comparable activity on any City street or other City property.**

***Building.* A structure wholly or partially enclosed within exterior or party walls, containing a roof and a single standalone foundation, affording shelter to persons, animals or property.**

***Charitable or religious event or activity.* Any special event conducted by a charitable or nonprofit organization which is either duly registered or exempt from registration with the Board of Social Welfare of the State of New York in accordance with the provisions of**

the Social Welfare Law, or by a religious corporation or property owned or leased by it for its own charitable fund-raising purposes and utilizing its own members as operating personnel and conducted in compliance with all rules and regulations of the State of New York, or any subdivision thereof, and the applicable provisions of this article. Proof of 501c(3) status is required with submission of an application.

City. The land area located within the boundary of the City of Long Beach under the jurisdiction of the Long Beach City Council.

City Clerk. The City Clerk of the City of Long Beach, and/or his or her designee.

Festival. A thematic, organized celebration, performance, exhibition or competition occurring upon public or private property, or a combination of private and public property, as a result of a private non-governmental event organizer, during which commerce may occur, for a defined period of time, advertised and promoted inside or outside the City, that will, in the determination of the City, have an impact on City resources, due to the anticipated amount of people attending.

Parade. Any march, race, presentation, ceremony, pageant or procession of any persons and conveyances of any sort moving upon any public street, sidewalk or the boardwalk, which is inconsistent with normal traffic regulations.

Person. Any individual, firm, partnership, corporation, association, company or organization of any kind.

Special event. Any athletic event, entertainment event, filming event, demonstration (political or otherwise) or other organized event, whether held for profit, nonprofit, or charitable purposes, that involves the use of streets, sidewalks, parks or other City property in a way that is inconsistent with normal or usual traffic, pedestrian, park or similar laws, rules, regulations or controls. A special event has a specific start and stop date. Examples of special events include, but are not limited to: concerts, parades, circuses, fairs, festivals, filming, automobile or motorcycle shows, beach parties over 100 people, community events, marathons and running events, bicycle races or tours, as well as participant and/or spectator sports, such as volleyball, surfing, boat races, beach polo, beach soccer, beach tennis, football, basketball, baseball and hockey games.

Special event permit. A permit or instrument granted or issued by the City Clerk and/or his or her designee pursuant to the provisions of this article.

Temporary structure. Structures built or erected for shelter, shade or enclosure of persons, animals, or property of any kind, including but not limited to tents.

Sec. 14-312. Permit required.

It shall be unlawful for any person, corporation, partnership, association or other entity, public or private, to conduct a special event in the City, except those events

conducted or sponsored by the City, unless there is compliance with the following provisions:

(a) Amusement rides may be permitted in any special event, including a charitable or religious event or activity, only upon compliance with the following:

- (1) Amusement rides shall not exceed six (6) per acre of vacant land.
- (2) All rides must be set up in a manner to allow adequate access, both ingress and egress, for police, fire and EMS personnel for public safety concerns.
- (3) Compliance with the applicable provisions of the New York State Labor Law and Industrial Board, and any other applicable county, state and federal laws, rules and/or regulations.
- (4) Compliance with the applicable provisions of the City's Code of Ordinances.
- (5) Any time, place and manner restrictions set forth in the relevant permit, including but not limited to any restrictions relating to duration.

(b) Notwithstanding Section 9-112 of the Code of Ordinances, the City Clerk may issue a permit allowing for the temporary placement of tents in parking lots during Special Events, considering the impact (if any) said tent(s) may or will have on public safety, and other quality of life concerns. Issuance of such permits is subject to and conditioned upon:

- (1) the Building Commissioner's separate determination that the proposed tent(s) is/are fully compliant with all applicable New York State, Nassau County and/or City of Long Beach laws, rules and regulations; and
- (2) Tents larger than 200 square feet require a permit from the Nassau County Fire Marshall, pursuant to Nassau County Fire Prevention Ordinance Section 14.8.1; and
- (3) any time, place and manner restrictions that are set forth in the relevant permit, including but not limited to any restrictions relating to duration.

Sec. 14-313. Permit application procedures.

(a) All requests for special event permits shall be made on a special event permit application form prescribed by the City and shall include the following information:

1. Type and description of the special event;
2. Name of the organizer and the organizer's contact person, and such contact person's address and telephone number;
3. A certification that the applicant will be jointly and severally liable for any City fees or costs that may be imposed for the event;
4. Services requested from the City, such as (for example) police, fire, sanitation, public services, water, stage, sound system, bandwagon, bleachers, commercial vehicles, parking, tables, or beach admission;
5. Proposed date(s) of the special event, together with beginning and ending times;
6. Proposed location(s);
7. Estimated numbers of event staff, security personnel, participants, spectators, structures and/or vehicles;
8. Proposed use of any alcoholic beverages during or in the conduct of the event (see Subsection e below);

9. **Proof of a special event permit application with the Nassau County Department of Health if the proposed special event includes food service and/or public gathering(s) for a period greater than 24 hours or if attendance is expected to exceed 5,000 persons;**
10. **Insurance and surety bond information;**
11. **Notarized Signature of applicant.**

(b) Submission Time: Applicants must submit a completed application to the City forty-five (45) days prior to the event in order to allow adequate time for review.

(c) Notwithstanding anything contained in this Article, any application for a filming event may be submitted to the City two (2) weeks before the filming event is scheduled to occur.

(d) Application Fee: Each initial application for a special event permit shall be accompanied by a processing fee of one hundred dollars (\$100). Payment of the processing fee does *not* guarantee a Final Permit. The processing fee is strictly for entering an application into the permit process for further review. This fee is non-refundable.

(e) Application for Use of Alcohol: Whenever an applicant wishes to sell or serve alcohol at a Special Event, an additional application for a separate Special Event Permit for the use of alcohol shall be submitted to the City Clerk, along with an additional application fee of five hundred (\$500) dollars. The City Clerk shall then determine whether the character, size and location of the proposed event is consonant with the public safety, health, character, and general welfare of the surrounding neighborhood. Such permit, if issued, is subject to and conditioned upon the applicant's written agreement to comply with the terms of such permit, and provide such additional insurance, and defense and/or indemnification protections that may be necessary to safeguard the City's interests. Sales and service of alcohol at Special Events is strictly prohibited absent such permit. All Special Event Permits issued by the City which allow for the use of alcohol are conditioned upon compliance with all City, Nassau County and New York State Liquor Authority laws, rules, regulations and/or requirements, with failure to adhere to said requirements being grounds to revoke said Special Event Permit.

(f) The City Manager shall promulgate rules concerning the issuance, denial, cancellation and revocation of special events permits, and may amend same from time to time.

Sec. 14-314. Issuance of a special event permit does not obligate City services.

Issuance of a special event permit does not obligate or require the City to provide or contribute services, equipment or personnel in support of an event. Consistent with applicable law, the City Manager may, in his/her sole discretion, provide or contribute City services, equipment, or personnel, contingent upon whatever terms and conditions the City Manager deems just.

Sec. 14-315. Consideration of approval and reasons for denial of a special event permit.

No applicant will be given less favorable treatment as to time, manner or place on account of any message or viewpoint that may be conveyed at an event, or on account of identity or associational relationships of the applicant.

The City Clerk and/or his or her designee, shall deny a special event permit to an applicant who has not:

- 1) Provided complete responses on the City's application;**
- 2) Provided all ancillary documentation as requested on the City's application;**
- 3) Demonstrated an ability or willingness to conduct an event pursuant to the terms and conditions of this Article;**
- 4) Not complied with any term of this Article, or with any condition of a special event permit previously issued to the applicant; and**

A permit may also be denied when:

- 5) The event, as proposed, will violate public health or safety laws, and/or pose an unreasonable burden on public health or safety;**
- 6) The event fails to conform to the requirements of law;**
- 7) The event or events create an unreasonable demand on City staff and services or pose an unreasonable burden upon the City, or its residents;**
- 8) The applicant failed to provide sufficient evidence of insurance coverage; or**
- 9) The applicant is in arrears or has defaulted on any payment obligation to the City.**

The City Clerk and/or his or her designee, shall maintain a written record stating the reason or reasons for denying the issuance of a special event permit to an applicant.

Sec. 14-316. Insurance required to conduct a Special Event; hold harmless.

The event organizer must possess or obtain comprehensive general liability insurance to protect the City against loss from liability imposed by law for damages on account of bodily injury or property damage. Such insurance shall name the City of Long Beach as the certificate holder and additional named insured. Defense, indemnification, and hold harmless provisions may also be required, in the discretion of the City. Insurance coverage must be maintained for the duration of the event in accordance with the following conditions:

- (a) For all Special Events:
the City requires general liability insurance (CGL), or GGL with excess umbrella coverage, or special event insurance, in amounts not less than \$1,000,000 per person and \$1,000,000 per occurrence with an excess liability umbrella policy with a single limit of \$5,000,000. A certificate of insurance must accompany all special events, and all certificates of insurance applicable to special events must explicitly name and state City of Long Beach as an additional insured.**

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

Cost recovery is a method by which the City can recover costs expended. Cost recovery is established to reimburse the City for departmental services they provide before, during and after a special event, or in any way related to special events, and to ensure that residents are not unduly financially burdened by special events.

The process involves providing an estimate of the costs to the applicant and suggested changes that may lower projected costs. The City shall require payment of a reasonable estimate of costs, in full, before a permit will be issued.

The City shall charge for the actual cost of the salaries of City personnel, including but not limited to, policing, fire safety, emergency medical services, clean-up or other facility or event support, consultant costs, and for the use of City equipment and other non-personnel expenses related to the event(s). A final accounting document will be generated that will contain the actual costs and could result in a zero balance, refund or invoice.

Shortly after the conclusion of an event, the City Comptroller will prepare an official accounting of services provided for the event. The City Comptroller will distribute to the permit holder the final accounting document within forty-five (45) days of the event, and an invoice for additional funds should that be necessary, in the case of additional costs incurred during the event, which shall be payable to the City no later than thirty (30) days following the date of invoice. In the event that the permit holder is owed a refund, the City shall make said payment within sixty (60) days of the event.

Sometimes an event incurs additional costs because of issues including, but not limited to, changes made during the event planning phase, problems encountered during the event or extra services deemed necessary to maintain health and safety by City officials. While some costs can be projected and submitted to the applicant early, others may be charged due to an emergent need. The applicant is responsible for any cost recovery associated with emergent issues that arise from any part of the activity, including but not limited to property damaged by attendees. Such additional costs shall be itemized and distributed to the permit holder within thirty (30) days of the event, and may be:

- (i) invoiced and made payable to the City within thirty (30) day of the date of invoice; (ii) used by the City as an offset against any refund(s) owed to the permit holder; or (iii) any combination of the above.**

Sec. 14-318. Closing hour.

No special event shall be operated beyond or after 11:00 p.m. That notwithstanding, the City Clerk and/or his or her designee, may set forth earlier closing hours in the permit, which shall be binding and enforceable on the permit holder.

Sec. 14-319. Dismantling or removal of equipment.

No equipment used in connection with a special event shall be dismantled or removed after 11:30 p.m.

Sec. 14-320. Noise.

The provisions of Chapter 16 of the Long Beach Code of Ordinances, entitled "Noise," shall be applicable to every special event, including charitable and religious events and activities.

Sec. 14-321. Penalties for offenses.

(a) Any person who violates any provision of this article shall be guilty of a violation punishable by a fine not less than the minimum issuance fee of a special events permit and not more than the costs incurred as a result of said special event, plus one thousand

(\$1,000) dollars, or imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment, for each such offense.

(b) In the event of a continuing violation, each day such offense continues shall constitute a separate additional violation.

(c) In addition to the foregoing penalties, the license or licenses issued for the special event shall be subject to revocation by the issuing city official or officials.”

Sec.2. Chapter 17, Section 17-2(g) of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended and added to, to read as follows:

“Chapter 17. Offenses-Miscellaneous

Sec. 17-2. Possession and consumption of alcoholic beverages in public places.

...

(g) *Permits for special events. Refer to Chapter 14, Article XV, Section 14-313(e).*”

Sec.3. Chapter 18, Article II, Division 2, Section 18-35 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended and added to, to read as follows:

“Sec. 18-35. Organized picnics and outings.

No organized picnics, outings, **gatherings or parties of one hundred (100) people or more** shall be conducted in the Ocean Beach Park unless a special **event** permit therefor is issued by the City Clerk **and/or his or her designee**, upon payment to the City Clerk of the following sums:

- (a) A nonrefundable permit fee of **one hundred dollars (\$100.00)**.
- (b) A deposit of **one hundred dollars (\$100.00)**, refundable upon written certification of the superintendent of the Ocean Beach Park that the area involved has been left in clean, orderly and sanitary condition.
- (c) **A nonrefundable permit fee of five hundred dollars (\$500) for an organized picnic, outing, gathering or party applicants that wish to sell, serve and/or use alcohol in any capacity, and shall be subject to the requirements set forth in Chapter 14, Article XV, Section 14-313(e) of the Code of Ordinances of the City of Long Beach.”**

Sec. 4. This Ordinance shall take effect immediately.

February 7, 2023

Item No. 17
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an
Ordinance to Amend the Code of Ordinances of the City
of Long Beach Re: Ocean Beach Park.

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

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

(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the
City Clerk shall cause to be published in the official newspaper of the City of Long Beach the
title, and a summary or the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a
meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach, New
York, on February 21, 2023 at 7:00 p.m. on that day.

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. Effective immediately, Chapter 18, Article II, Division 1, Section 18-19 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended, to read as follows:

“Sec. 18-19. Food and beverage sales and service.

(a) Any restaurant, luncheonette, **stand** or **other business** situated adjacent to the north boundary of the Ocean Beach Park (*i.e.*, **facing the boardwalk**) may be permitted to have an opening facing the park upon the payment of the charges provided in this section. The opening shall be used exclusively for the sale of food and/or nonalcoholic beverages to persons using the park, and shall not at any time be used for entrance to or exit from the park or the waters adjacent thereto. The charge for such an opening shall be **five hundred** dollars (\$500.00) per season, payable on or before the first day of July in each year. **This charge shall not apply to any person, firm or corporation who is a lessee or licensee of City property on or immediately adjacent to the boundaries of the Ocean Beach Park.**

(b) No person, firm or corporation **operating such business** shall place or cause to be placed any table or chair anywhere on the boardwalk, other than the benches placed thereon by the City, **without the express written permission of the City, nor without City Council approval. In the case of a person, firm or corporation with a valid lease or license of City property on or adjacent to the boundaries of the Ocean Beach Park, such permission shall be set forth in the respective lease or license. For all other persons, firms or corporations with property situated adjacent to the north boundary of the Ocean Beach Park, such permission shall be set forth in a separate license or agreement. Notwithstanding any written permissions granted herein, all permitted tables and/or chairs under this Section shall be removed from November 15th through March 15th, unless otherwise specifically outlined in the respective lease, license, or agreement.**

(c) Whenever soft drinks are served at authorized stands or concessions in the Ocean Beach Park, the vendor shall furnish paper cups and is prohibited from providing to any person bottles, containers or receptacles made of glass.

(d) Any establishment dispensing food or beverages in the Ocean Beach Park or abutting upon the park or the Boardwalk shall be required to post a notice clearly indicating the price of merchandise sold therein, in a conspicuous place clearly legible and visible to customers making purchases.

(e) Any **person, firm or corporation** violating this **section** shall be subject to the penalties provided for in **Section 18-104.**”

Sec.2. Effective December 31, 2025, Chapter 18, Article II, Division 1, Section 18-19 (b) the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby repealed, revoked and rescinded with all other Articles in said Chapter remaining in full force and effect, and the following is hereby adopted and enacted in the place and stead of said Chapter 18, Article II, Division 1, Section 18-19 (b) to read as follows:

“Sec. 18-19. Food and beverage sales and service.

.....

(b) No person, firm or corporation operating such business shall place or cause to be placed any table or chair anywhere on the boardwalk, other than the benches placed thereon by the City, without the express written permission of the City, nor without City Council approval. The Commissioner of Parks and Recreation shall promulgate rules concerning the placement of tables, chairs and/or benches on the boardwalk, and may amend same from time to time, with the authorization of the City Council. Permitted persons, firms or corporations under this Section may place tables, chairs and/or benches on the boardwalk in accordance with the promulgated rules and at the discretion of the City. Application shall be made to the Commissioner of Parks and Recreation, who shall approve or deny same, and any appeals shall be made to the City Manager.”

February 7, 2023

Item No. 18
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication of a Notice of Public
Hearing of an Application to Waive the Off-Street Parking
Requirements for Premises: 776 West Beech Street (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 776 West Beech Street
(street floor), Long Beach, New York (Section 59, Block 06, Lot 235), between New York
Avenue and Grand Boulevard, having frontage of less than 20 feet, on behalf of the owner
Arcadia Management LLC, 772 West Beech Street, Long Beach, New York 11561 to be used as
a Bakery;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that a
public hearing will be had before this Council upon said application at City Hall, 1 West Chester
Street, in the City of Long Beach, New York, on February 21, 2023 at 7:00 p.m. on that date; and
be it further

RESOLVED, that the City Clerk be and is hereby authorized to cause a notice of
said hearing to be published in the official newspaper of the City of Long Beach.