

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
JULY 5, 2022

1. Resolution Authorizing the City Manager to Purchase a Sanitation Truck for the City Under a Sourcewell Contract.
2. Resolution Authorizing the City Manager to Enter into an Agreement for the Performing of Fire Safety Services.
3. Resolution Authorizing the City Manager to Accept a Donation of Two Pull-Up Bars to be Placed on the City's Boardwalk.
4. Resolution Ratifying the Collective Bargaining Agreement Between the Civil Service Employees Association Lifeguard Officers Unit and the City of Long Beach and Authorizing the City Manager to Execute Same.
5. Resolution Authorizing Publication for Hearing of a Local Law Amending Subpart A of Related Acts Relating to the Charter of the City of Long Beach Re: Authorization to Conduct Public Meetings Using Videoconference Technology.
6. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Ocean Beach Park.
7. Approval of Minutes of Prior Meetings of May 17, 2022 and May 24, 2022.

July 5, 2022

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Purchase a
Sanitation Truck for the City Under a Sourcewell Contract.

WHEREAS, the City's Beach Maintenance Department, in an effort to reduce overtime and summer staff, desires to purchase a new sanitation truck to be used on the boardwalk and the Ocean Beach Park; and

WHEREAS, Scranton Manufacturing Company/New Way Trucks, 101 State Street, Scranton, IA 51462 is an awarded vendor through Sourcewell (RFP#091219), affording the City favorable rates on New Way trucks and Long Island Sanitation Equipment, 1670 New Highway, Farmingdale, New York 11735, is the exclusive distributor on Long Island for New Way waste and recycling collection equipment; and

WHEREAS, the City can purchase a New Way 8-Yard Diamondback Rear Loader Refuse vehicle mounted on a Dodge Ram 5500 4x4 at a cost of \$129,924.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and is hereby authorized to purchase a New Way 8-Yard Diamondback Rear Loader Refuse vehicle mounted on a Dodge Ram 5500 4x4 for the City's Beach Maintenance Department through Sourcewell service cooperative (RFP#091219) from Long Island Sanitation Equipment, 1670 New Highway, Farmingdale, New York 11735, the exclusive distributor for New Way trucks on Long Island, at a cost of \$129,924.00. Funds are available in Account No. A8172.54509 (Beach Maintenance- Equipment Leases).

July 5, 2022

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into
an Agreement for the Performing of Fire Safety Services.

WHEREAS, after due advertising therefore, one proposal was received in the Office of the City Purchasing on Thursday, June 9, 2022 at 11:00 a.m. for the performing of fire safety services at various locations throughout the City; and

WHEREAS, said services shall include testing, inspections and scheduled maintenance for fire suppression systems for gas/diesel pumps, AES fire suppression systems, fire alarm systems, sprinkler systems (wet and dry), portable fire extinguishers, trip tests of the dry sprinkler systems and sprinkler flow tests, as well as the changing of fusible links and hood cleanings in locations with kitchens, at 41 various locations throughout the City, in accordance with the Nassau County Fire Protection Ordinance; and

WHEREAS, the contractor may be asked to undertake various special projects that vary in scope from or are not covered herein above, and in such circumstances, the City will request a detailed cost proposal from the contractor to address the specific action, which will be subject to negotiation; and

WHEREAS, Fire Command Co., 475 Long Beach Boulevard, Long Beach, New York 11561 is the current provider and the sole respondent, at a cost of \$27,000;

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 Fire Command Co., 475 Long Beach Boulevard, Long Beach, New York 11561 for the performing of fire safety services at various locations throughout the City in accordance with the Nassau County Fire Protection Ordinance, at a cost of \$27,000, unless a special project is required which shall be subject to separate negotiation, for a period of one year, with two subsequent one year renewals upon mutual and written agreement between the parties, commencing July 1, 2022. Funds are available in Account No. A1620.54445 (Municipal Buildings- Maintenance Contracts).

July 5, 2022

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Accept a Donation
of Two Pull-Up Bars to be Placed on the City's Boardwalk.

WHEREAS, it is the desire of Harrison Davis of Athlete Protocol LLC to donate to the City two Rogue Fitness Power Cage Rack Pull-Up Stations, with 2x2 heavy duty steel frames and overhead stabilizer kit and floor angle stabilizers; and

WHEREAS, the two pull-up bar structures shall be installed by the City on the boardwalk at the Ocean Beach Park; 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 donations;

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 accept the donation of two Rogue Fitness Power Cage Rack Pull-Up Stations, with 2x2 heavy duty steel frames and overhead stabilizer kit and floor angle stabilizers, valued at \$875 per structure, to be placed on the City's boardwalk at the Ocean Beach Park, from Harrison Davis of Athlete Protocol LLC.

July 5, 2022

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Ratifying the Collective Bargaining Agreement
Between the Long Beach Civil Service Employees Association
Lifeguard Officers Unit and the City of Long Beach and
Authorizing the City Manager to Execute Same.

WHEREAS, the current collective bargaining agreement between the City of Long Beach (“City”) and the Long Beach Civil Service Employees Association Lifeguard Officers Unit (“LG Officers”) was set to expire on June 30, 2022; and

WHEREAS, after collective bargaining negotiations and pursuant to Resolution No. 102/22, dated June 21, 2022, the City and the LG Officers entered into a Memorandum of Understanding, which modified, amended and extended the collective bargaining agreement for a period of 3 years, from July 1, 2022 to June 30, 2025 with raises of 1.5%, 2%, and 2% respectively (“MOU”); and

WHEREAS, the terms of the MOU included a provision wherein the parties agreed to include housekeeping (*i.e.*, non-substantive) changes and/or edits to the formal collective bargaining agreement before its presentation to both parties for final signature and/or ratification; and

WHEREAS, those changes and/or edits have been completed and integrated into the final collective bargaining agreement, which is now ready for final execution;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City hereby ratifies the final collective bargaining agreement between the City and the LG Officers and that the City Manager be and is hereby authorized to execute same, and to file said agreement in the Office of the City Clerk.

July 5, 2022

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of a Local Law
Amending Subpart A of Related Acts Relating to the Charter of
the City of Long Beach Re: Authorization to Conduct Public
Meetings Using Videoconference Technology.

WHEREAS, pursuant to Public Officers Law § 103-a public bodies are authorized to conduct meetings using videoconference technology so long as a quorum of the public body is physically present at one or more of the locations where the public can also attend in person. This requirement can be satisfied, for example, if three members of a five-member public body are physically present in the municipal hall and the public is allowed to attend at that location, or if three members of a five-member public body are participating via videoconference from three different locations and the public is allowed to be physically present at each of those locations; and

WHEREAS, a member of a public body may participate in a meeting of a public body without allowing members of the public to be physically present at the location from which they are participating in the meeting if extraordinary circumstances exist such as disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting; and

WHEREAS, if a public body broadcasts its meetings or conducts its meetings via videoconference, it must use technology that permits members of the public with disabilities to access the video in a manner consistent with the 1990 Americans with Disabilities Act (ADA). Information on how meetings can be made accessible to attendees with disabilities can be found online at www.section508.gov/create/accessible-meetings/. In addition, local officials should consult with their municipal attorney to ensure compliance with this requirement; and

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

“A LOCAL LAW

AMENDING SUBPART A OF RELATED ACTS RELATING
TO THE CHARTER OF THE CITY OF LONG BEACH,
RE: AUTHORIZATION TO CONDUCT PUBLIC
MEETINGS USING VIDEOCONFERENCE TECHNOLOGY.”

(See Local Law Attached)

July 5, 2022

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Item No. 5
Resolution No.

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 July 19, 2022 at 7:00 p.m. on that day.

Introductory No. 363
Introduced by:

CITY OF LONG BEACH

CHAPTER IV

LAWS OF 2022

A LOCAL LAW

AMENDING SUBPART A OF RELATED ACTS RELATING
TO THE CHARTER OF THE CITY OF LONG BEACH,
RE: AUTHORIZATION TO CONDUCT PUBLIC
MEETINGS USING VIDEOCONFERENCE TECHNOLOGY

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

Section 1. Subpart A of Related Local Laws relating to the Charter of the City of Long Beach, New York, enacted as Chapter 635 of the Laws of 1922, shall be amended to add Article 19 to said Subpart A and the same is hereby added to and amended to read as follows:

**“ARTICLE 19. AUTHORIZATION TO CONDUCT PUBLIC MEETINGS
USING VIDEOCONFERENCE TECHNOLOGY**

Section 350. Legislative Intent

It is the intent of this local law to authorize the City of Long Beach to conduct various meetings consistent with the videoconferencing provisions of Public Officers Law § 103-a and the videoconferencing polices adopted by the City Council.

Section 351. Authority

This local law is adopted pursuant to Public Officers Law § 103-a, which expressly authorizes the City Council to adopt local legislation, authorizing the use of videoconferencing.

Section 352. Videoconferencing for Public Meetings

The City Council of the City of Long Beach hereby authorizes the City’s use of videoconferencing when conducting meetings of all of its public bodies who are otherwise subject to the requirements of Article 7 of the Public Officers Law, also known as the Open Meetings Law, subject to the following:

- 1. A quorum of the members are physically present at the meeting in one or more physical locations at which members of the public may attend the meeting.**

2. Members are physically present at the meeting location(s) at which the public can attend in person unless a member is unable to be physically present due to extraordinary circumstances:

- a. Extraordinary circumstances is defined to include any disability or illness, caregiving responsibilities, or any significant or unexpected factor or event that precludes the member's physical attendance at such meeting.**
- b. Extraordinary circumstances must be certified by email or other written means to the City Clerk by the member in accordance with the City's videoconferencing policies and procedures and not less than 72 hours prior to any meeting.**

3. Except in the case of executive sessions conducted pursuant to Public Officers Law § 105, members must be able to be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.

4. The minutes of meetings involving videoconferencing must include which, if any, members that participated using videoconferencing technologies.

- a. Such minutes must be made available to the public pursuant to Public Officers Law § 106.**
- b. Any meeting that uses videoconferencing must be recorded and such recordings must be posted to or linked on the City's website within five business days of the meeting. The recordings must remain available for a minimum of five years thereafter and recordings must be transcribed upon request.**

5. The public notice for any meeting involving videoconferencing must:

- a. Inform the public that:**
 - i. videoconferencing will or may be used,**
 - ii. where members of the public can view and/or participate in such meeting via videoconference, and**
 - iii. where required documents and records will be posted or available; and**
- b. Identify the physical location(s) where members will be physically present at the meeting and where members of the public can attend the meeting in person.**

6. Members of the public are able to view the video broadcast of any meeting using videoconferencing simultaneously when the meeting is conducted. Additionally, at meetings where public comment or participation is authorized, members of the public are able to participate in the proceedings using videoconference technologies in real time and with the same opportunities for public participation or testimony as in-person participation or testimony.

7. The City's public bodies may conduct meetings entirely by videoconference, with no in-person requirement, provided that:

- a. A state of emergency is declared by the Governor of the State of New York pursuant to Executive Law § 28, or**
- b. A local state of emergency for the City is declared by the City Manager and/or the Nassau County Executive pursuant to Executive Law § 24, and the City Council determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.**

8. Whenever a Public Body invokes the emergency exception as defined in paragraph 7 and takes action at such meeting without allowing members of the public to be physically present, the Public Body must acknowledge the previous meeting(s) and summarize any action(s) taken thereat at the next immediate meeting where the public is allowed to attend. The Public Body must produce minutes of such emergency meetings pursuant to the requirements of Public Officers Law § 106.

Section 353. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered."

Section 2. This local law shall take effect immediately upon filing with the Secretary of State.

July 5, 2022

Item No. 6
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 July 19, 2022 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. Chapter 18, Article II, Division 2, Section 18-46 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 Section 18-46 is hereby adopted and enacted in the place and stead of said Section, to read as follows:

“Sec. 18-46. Inline skates, roller skates and skateboards on the boardwalk of the Ocean Beach Park.

- (a) Skateboarding on the boardwalk is prohibited at all times.**
- (b) Inline skating and roller skating on the boardwalk is permitted in the center lane (*i.e.*, bicycle lane) only.**
- (c) No person shall inline skate or roller skate at a speed greater than is reasonable and prudent under the conditions, and having regard to the actual and potential hazards then existing.”**

Sec. 2. This Ordinance shall take effect immediately.