

**REGULAR MEETING OF THE COUNCIL**

**of the**

**CITY OF LONG BEACH**

**held**

**MARCH 17, 2020**

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**Please note:**

In light of current health concerns and as per Gov. Cuomo's Executive Order 202.1 we are making the following changes for this Council Meeting:

- **Public attendance for this meeting will be suspended.** A live Stream of the meeting will be available on our YouTube channel. Please visit [longbeachny.gov/councilmeetings](https://www.longbeachny.gov/councilmeetings) for the link to our YouTube channel.
- If you have any questions about any of the agenda items, please email them in advance to [info@longbeachny.gov](mailto:info@longbeachny.gov) with CITY COUNCIL MEETING QUESTION in the subject line.
- Since there will be no public attendance for this meeting, there will not be any good and welfare during this meeting. If you have a concern, please email it to [info@longbeachny.gov](mailto:info@longbeachny.gov), or call (516) 431-1000

**CALENDAR**  
**for**  
**REGULAR MEETING OF THE COUNCIL**  
**of the**  
**CITY OF LONG BEACH**  
**held**  
**MARCH 17, 2020**

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1. Resolution Authorizing 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 2020-2021 (46<sup>th</sup> Year).

2. Resolution Authorizing the City Manager to Purchase Various Groceries for the City's Daycare Programs and the Ice Arena Snack Bar from the Lowest Responsible Bidders.

Legislative Memo: This item gives the City the ability to purchase these items, on an as needed basis, at the lowest pricing available to the City.

3. Resolution Authorizing Payment to GovTemps USA and the Transfer of Funds.

Legislative Memo: GovTemps USA was retained by the City Council for the City Manager search.

4. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Carryout Bags.

Legislative Memo: The State of New York has enacted new plastic bag legislation banning the distribution of plastic carryout bags (other than those that are exempt). The City must repeal its current plastic bag legislation, and adopt the mandated State paper carryout bag legislation.

March 17, 2020

Item No. 1  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing 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 2020-2021 (46<sup>th</sup> 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; and

WHEREAS, a Public Hearing was held before the City Council on the 3<sup>rd</sup> day of March, 2020 at which time all persons and representatives of organizations with significant social, economic and environmental interests were given an adequate opportunity to publicly present their views on and propose activities for said program;

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 execute and file an application on behalf of the City of Long Beach with the County of Nassau for the purpose of undertaking a Community Development and Housing Program for the 2020-2021 Program (46<sup>th</sup> Year); and be it further

RESOLVED, that the City Manager be and is hereby authorized to furnish such additional information as may be required in connection with the application, to execute appropriate assurances, to comply in all respects with the State and Federal Laws, Rules and Regulations.

March 17, 2020

Item No. 2  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Purchase Various Groceries for the City's Daycare Programs and the Ice Arena Snack Bar from the Lowest Responsible Bidders.

WHEREAS, after due advertising therefore, bids were received in the Office of the City Purchasing on Thursday, February 20, 2020 at 11:00 a.m. for the purchase of various groceries for the City's Daycare Programs and the Ice Arena Snack Bar on an "as needed" basis, as per specifications on file in the Office of the City Purchasing Agent; and

WHEREAS, due to the numerous amounts of items within the bid specifications, six vendors were the lowest responsible bidders on different grocery items: APPCO Paper & Plastic Corp., 3949 Austin Blvd., Island Park, New York 11558; American Classic Specialties Corp., 1565 Fifth Industrial Court, Bay Shore, New York 11706; Triple Crown Food, Magic Sauce, 26A Main Street, Kings Park, New York 11754; Mrs. Baking Distributors, 18-25 127<sup>th</sup> Street, College Park, New York 11776; Sara Provisions, 19 North Columbia Street, Pt. Jefferson, New York 11776; and Jay Bee Distributors, 175 Central Avenue, Bethpage, New York 11714;

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 various groceries for the City's Daycare Programs and the Ice Arena Snack Bar on an "as needed" basis from APPCO Paper & Plastic Corp., 3949 Austin Blvd., Island Park, New York 11558; American Classic Specialties Corp., 1565 Fifth Industrial Court, Bay Shore, New York 11706; Triple Crown Foods, Inc., 26A Main Street, Kings Park, New York 11754; Mrs. Baking Distributors, 18-25 127<sup>th</sup> Street, College Park, New York 11776; Sara Provisions, 19 North Columbia Street, Pt. Jefferson, New York 11776; and Jay Bee Distributors, 175 Central Avenue, Bethpage, New York 11714 for a period of two (2) years, with the option to renew for one additional year with no increase in pricing. Funds are available in Account No. A7330.54437 (Child Care Program – Food Supplies) and Account No. A7141.54410 (Ice Arena-Supplies & Materials).

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Item No. 3  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Payment to GovTemps USA  
and the Transfer of Funds.

WHEREAS, the City Council of the City of Long Beach retained the search firm of GovTemps USA, 630 Dundee Road, Suite 130, Northbrook, Illinois 60062 to undertake the identification of a candidate for an Interim City Manager for the City of Long Beach; and

WHEREAS, the City Council and GovTemps USA agreed upon a one-time fee of \$7,500 for the placement of Donna Gayden as the Interim City Manager;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that payment of \$7,500 to GovTemps USA, 630 Dundee Road, Suite 130, Northbrook, Illinois 60062 for the above services rendered, is hereby authorized; and be it further

RESOLVED, that funds in the amount of \$7,500 will be available in Account No. A1010.54440 (City Council –Contracted Services) after the following transfer is authorized:

<b><u>Budget Code</u></b>	<b><u>Description</u></b>	<b><u>Transfer From:</u></b>	<b><u>Transfer To:</u></b>
A1990.54406	Contingency	\$7,500	
A1010.54440	City Council –Contracted Services		\$7,500

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Item No. 4  
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: Carryout Bags.

WHEREAS, pursuant to Ordinance No. 3009/16, duly adopted on October 18, 2016, the City amended the Code of Ordinances to promote the use of reusable bags over carryout bags, in order to reduce the negative environmental and economic impacts associated with both plastic and paper carryout bags; and

WHEREAS, on April 22, 2017, business establishments within the City began imposing a fee of five cents for plastic and paper carryout bags provided to customers at the point of sale, and those five cents were retained by the charging establishment; and

WHEREAS, starting March 1, 2020, the State of New York has enacted new plastic bag legislation, whereby all plastic carryout bags (other than those that are exempt) are banned from distribution by anyone required to collect New York State sales tax; and

WHEREAS, cities are authorized to adopt a five-cent paper carryout bag reduction fee which will be charged at the point of check out for every paper carryout bag provided; and

WHEREAS, the five-cent reduction fee imposed will be administered and collected by the New York State Commissioner of Taxation and Finance and thereafter the New York State Comptroller will pay to the City, on a monthly basis, an amount equal to forty percent of the paper carryout bag reduction fee monies collected, to be used for the purchasing and distributing of reusable bags within Long Beach, with priority given to low and fixed income communities; 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: CARRYOUT BAGS.”  
(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, that the City Council adopts this resolution making a SEQRA environmental determination that the proposed Code Amendment will not have a significant effect on the environment and issues a negative declaration; and be it further

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

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Item No. 4  
Resolution No.

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 April 7, 2020 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF LONG BEACH RE: CARRYOUT BAGS.

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

Sec.1. Chapter 14, Article VII, Carryout Bags, as heretofore amended, is hereby repealed, revoked and rescinded and the following Article VII, entitled “ Paper Carryout Bag Reduction Fee” is hereby adopted and enacted in place and stead of said Article, and shall read as follows:

Chapter 14. LICENSES AND BUSINESS REGULATIONS.

**“Article VII. Paper Carryout Bag Reduction Fee.  
Sec. 14-133. Definitions.**

**For the purposes of this Article, the following definitions shall apply:**

***Paper carryout bag* means a paper bag, other than an exempt bag, that is provided to a customer by a person required to collect tax to be used by the customer to carry tangible personal property, regardless of whether such person required to collect tax sells any tangible personal property or service to the customer, and regardless of whether any tangible personal property or service sold is exempt from tax under article twenty-eight of the Tax Law of the State of New York (hereinafter “Tax Law”).**

***Exempt bag* means a bag:**

- a. Used solely to contain or wrap uncooked meat, fish or poultry;**
- b. Bags used by a customer solely to package bulk items such as fruits, vegetables, grains, or candy;**
- c. Bags used solely to contain foods sliced or prepared to order;**
- d. Bags used solely to contain a newspaper for delivery to a subscriber;**
- e. Bags sold in bulk to a consumer at the point of sale;**
- f. Trash bags;**
- g. Food storage bags;**
- h. Garment bags;**
- i. Bags prepackaged for sale to a customer;**
- j. Plastic carryout bags provided by a restaurant, tavern, or similar food service establishment, as defined in the state sanitary code, to carryout or deliver food; or**
- k. Bags provided by a pharmacy to carry prescription drugs.**

**Sec.14.134. Imposition of paper carryout bag reduction fee.**

Pursuant to the authority of section 27-2805 of the Environmental Conservation Law of the State of New York, on and after June 1, 2020, there is hereby imposed and there shall be paid a fee of five cents on each paper carryout bag provided to a customer within the territorial limits of the City of Long Beach by every vendor of tangible personal property subject to tax under subdivision (a) of section 1105 of the tax law. The paper carryout bag reduction fee must be collected from the customer by the vendor at the time such bag is provided and must be reflected and made payable on the sales slip, invoice, receipt or other statement of the price rendered to the customer.

**Sec. 14.135. Exemptions.**

(a) The paper carryout bag reduction fee imposed by section 14.134 shall not apply to any customer using the supplemental nutritional assistance program, special supplemental nutrition programs for women, infants, and children, or any successor programs used as full or partial payment for the items purchased.

(b) Entities described in paragraphs (1) through (3) of subdivision (a) of section 1116 of the Tax Law of the State of New York shall be exempt from the fee imposed by section 14.134 of this Article.

**Sec. 14.136. Administration and collection.**

(a) The fee imposed shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in Subdivision (6) of § 27-2805 of the Environmental Conservation Law and in a like manner as the taxes imposed under Articles 28 and 29 of the Tax Law; provided, however that: (i) the vendor credit provided in subdivision (f) of § 1137 of the Tax Law shall not apply to this enactment; and (ii) the exemptions provided in section 1116 of the Tax Law, other than the exemptions in paragraphs one, two and three of subdivision (a) of such section, shall not apply to the fee imposed by this Article.

(b) Any monies received by the City of Long Beach from the Comptroller in respect of the fee imposed by this act shall be expended only in accordance with subdivision 7 of §27-2805. Any monies not expended by the City for such purposes shall be returned to the Comptroller at the end of the fiscal year.

**Sec. 14.137. Applicability of State Laws.**

All the provisions of § 27-2805 shall apply to the paper carryout reduction fee imposed by this Article with the same force and effect as if those provisions had been incorporated in full into this Ordinance.”

Sec. 2. This Ordinance shall take effect immediately. Any portion of this Ordinance that requires a waiver or other approval from the New York State Commissioner of Taxation and Finance shall take effect upon the prescribed date of such waiver/approval, or as otherwise prescribed by law.