

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
MAY 18, 2021

PUBLIC HEARING: Local Law Amending Subpart C of Related Acts Relating to the Charter of the City of Long Beach Re: A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c.

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Water and Water Distribution.

1. Local Law Amending Subpart C of Related Acts Relating to the Charter of the City of Long Beach Re: A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c.
2. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Water and Water Distribution.
3. Resolution Authorizing the Adoption of a Capital Improvement Program for Five Years from July 1, 2021 to June 30, 2026, Inclusive.
4. Resolution Authorizing the City Manager to Enter into an Inter-Municipal Cooperation Agreement with the County of Nassau to Receive Funding for the Purchase of an Office Trailer and Related Items.
5. Resolution Authorizing a Modification to the Collective Bargaining Agreement between the City of Long Beach and the Long Beach Civil Service Employees Association.
6. Resolution to Schedule a Special Meeting of the City Council for Monday, May 24, 2021, Authorizing the Adoption of the Operating Budget for Fiscal Year Commencing July 1, 2021 and Ending June 30, 2022, Appropriating Sums Set Forth Therein and Determining and Fixing the Real Estate Tax Levy.
7. Resolution Authorizing the City Manager to Accept and Execute a Grant on Behalf of the City of Long Beach from the New York State Department of State.

8. Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach.
9. Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 154 East Park Avenue (street floor), Long Beach, New York.
Re: Holistic Alternative Products Store

The City Clerk shall present to the City Council the Letter of Review performed by the Office of the State Comptroller, within ten days after the filing of said report.

May 18, 2021

Item No. 1
Local Law No.

The following Local Law was moved by
and seconded by :

Introductory No. 358
Introduced by:

CITY OF LONG BEACH

CHAPTER II LAWS OF 2021

A LOCAL LAW

AMENDING SUBPART C OF RELATED ACTS RELATING
TO THE CHARTER OF THE CITY OF LONG BEACH,
RE: A LOCAL LAW TO OVERRRIDE THE TAX LEVY LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c.

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

Section 1. Subpart C 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, as heretofore amended,
shall be and the same is hereby amended to read as follows:

“Article IX. Override of the Tax Levy Limit Established in General Municipal Law § 3-c.

Sec. 80. Legislative Intent.

It is the intent of this Local Law to override the limit on the amount of real property taxes
that may be levied by the City of Long Beach, County of Nassau, pursuant to General Municipal
Law § 3-c, and to allow the City of Long Beach to adopt a City budget for the Fiscal Year 2021-
2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by General
Municipal Law § 3-c.

Sec. 81. Authority.

This Local Law is adopted pursuant to subdivision 5 of the General Municipal Law § 3-c,
which expressly authorizes the City Council to override the tax levy limit by the adoption of a
Local Law approved by vote of sixty percent (60%) of the City Council.

Sec. 82. Tax Levy Limit Override.

The City Council of the City of Long Beach, County of Nassau, is hereby authorized to
adopt a budget for the Fiscal Year 2021-2022 that requires a real property tax levy in excess of
the limit specified in General Municipal Law §3-c.

Sec. 83. Severability.

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, 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.”

Sec. 2. This Local Law shall take effect immediately upon being filed in the Office of the New York Secretary of State.

The following Ordinance was moved by
and seconded by :

**ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: WATER AND WATER
DISTRIBUTION.**

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

Sec.1. Chapter 25, Article II, Division 2, Section 25-26 (a) and (b) of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended, to read as follows:

“Sec. 25-26. Water charges and sewer rents.

(a) *Water rates:*

- (1) On and after **July 1, 2021**, the charge for water furnished by the city shall be **four dollars and sixty-eight cents (\$4.68)** for each one thousand (1,000) gallons used or consumed upon each parcel of real estate in the city, as recorded by water meters or as estimated by the water/sewer administration at the city's discretion, and bills shall be rendered on the basis of said rate and shall be billed quarterly.
- (2) A minimum charge per quarter will be based on twelve thousand (12,000) gallons and a fee of **fifty six dollars and sixteen cents (\$56.16)**.
- (3) The following rates are applied to water usage per quarter:

<u>Usage:</u>	<u>Water Rate:</u>
12,001--150,000 gallons	\$5.00
150,001--300,000 gallons	\$5.09
300,001--600,000 gallons	\$5.31
600,001 and above	\$5.83

(b) *Charges for firematic systems:* On or after **July 1, 2021**, the charges for firematic systems shall be billed quarterly in advance, shall be due and payable when billed and entered, and shall be computed as follows:

<u>Size of Firematic Supply</u>	<u>Quarterly Charge</u>
Up to and including 2”	\$114.91
Over 2” but not over 3”	\$210.26
Over 4”	\$740.01
Each standpipe not connected to a firematic system	\$220.63”

...

Sec. 2. This Ordinance shall take effect immediately.

May 18, 2021

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Adoption of a Capital Improvement
Program for Five Years from July 1, 2021 to June 30, 2026, Inclusive.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,
that the Capital Improvement Program for the five year period from July 1, 2021 to June 30,
2026, inclusive, which is on file in the Office of the City Clerk, be and the same is hereby
adopted.

May 18, 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 Purchase of an Office Trailer 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 5-G of the General Municipal Law of the State of New York, to purchase an office trailer and related items to assist the Fire Department of the City of Long Beach in providing emergency services for the Department and in furtherance of the County Fire Mutual Aid Plan (“Project”); and

WHEREAS, pursuant to said Agreement, the County will provide funding to reimburse the City in the amount of \$35,400.00 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.

May 18, 2021

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing a Modification to the Collective
Bargaining Agreement between the City of Long Beach and
the Long Beach Civil Service Employees Association.

WHEREAS, the City of Long Beach and the Long Beach Civil Service
Employees Association (“CSEA”) entered into a Collective Bargaining Agreement (“CBA”),
effective July 1, 2018 to June 30, 2025; and

WHEREAS, it is the desire of the City and the CSEA to agree to modify the CBA,
including amendments to Article VII, Section 7-6.0 - Clothing/Uniforms and Appendix Q; and

WHEREAS, the City shall pay to employees, as listed in Appendix Q, an annual
uniform allowance of six hundred fifty dollars (\$650.00) within the first sixty (60) calendar days
of the City’s fiscal year; and

WHEREAS, as a condition of receiving this benefit, employees must provide
proof of their annual uniform purchases to the City within ninety (90) days of receiving their
uniform allowance; and

WHEREAS, the membership of the CSEA have voted and have duly approved of
said modification to the CBA;

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 to modify the Collective
Bargaining Agreement with the Long Beach Civil Service Employees Association, effective
through June 30, 2025, and to file said Agreement in the Office of the City Clerk.

May 18, 2021

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution to Schedule a Special Meeting of the City Council for Monday, May 24, 2021, Authorizing the Adoption of the Operating Budget for Fiscal Year Commencing July 1, 2021 and Ending June 30, 2022, Appropriating Sums Set Forth Therein and Determining and Fixing the Real Estate Tax Levy.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York that a Special Meeting of this Council for the month of May be and the same is hereby scheduled for Monday, May 24, 2021 at 6:00 p.m.; and be it further

RESOLVED, the public will be given an opportunity to observe and participate in the virtual meeting by registering for the hearing at longbeachny.gov/councilmeetings.

May 18, 2021

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Accept and Execute
a Grant on Behalf of the City of Long Beach from the New York
State Department of State.

WHEREAS, pursuant to Resolution No. 108/13, duly adopted on July 16, 2013,
the City adopted a Complete Street Program Policy to provide safe, comfortable and convenient
access and mobility for users of all abilities within the City of Long Beach as well as support
economic development by helping to create a walkable, vibrant community where businesses can
thrive; and

WHEREAS, pursuant to Resolution No. 106/16, duly adopted on November 1,
2016, the City Manager accepted a grant in the amount of \$500,000 from the New York State
Department of State (Contract #C1000697) for the project known as Downtown Long Beach :
Resilient Connectivity for Park Avenue – Phase I; and

WHEREAS, the City has been notified of the approval of a second grant in the
amount of \$775,000 for Phase II of the Project from the New York State Department of State
(Contract #C1000947), to be used for the design and construction of sidewalk improvements
along Park Avenue, including permeable pavement, utility strips, the addition of rain gardens,
solar street lighting and the further expansion of the City's Streetscape Initiative (more bicycle
racks, trash/recycling receptacles, sidewalk planters and street signage); and

WHEREAS, the City agrees that it will fund its portion of the cost of the Project
and shall make a local match in the amount of \$775,000;

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 sign legal documents on behalf of the City of Long
Beach and that such signature is acknowledgement of the acceptance by the City of Long Beach
of compliance with all terms and conditions of Contract #C1000947 to be executed for the grant
with the New York State Department of State; and be it further

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

RESOLVED, that the City of Long Beach agrees that it has \$350,000 available
for the City match in Account No. H1018.52344 (Park Avenue Resiliency) and that it will
provide funding equal to the balance of \$925,000 necessary to satisfy the City's match of the
grant award; which balance is included in the 2021-2026 Capital Improvement Program to be
funded through future borrowing.

May 18, 2021

Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of a Local
Law Amending the Charter of the City of Long Beach.

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

“A LOCAL LAW

AMENDING THE CHARTER OF THE
CITY OF LONG BEACH ”.

(See Local Law Attached)

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the
City Clerk be and hereby is authorized and directed to cause a notice of said hearing to be
published in the official newspaper of the City of Long Beach, containing the title of such
proposed Local Law and an explanatory statement thereof; and be it further

RESOLVED, that due to public health and safety concerns related to COVID-19,
the City Council may not be meeting in-person. In accordance with the Governor’s Executive
Order 202.60, the June 1, 2021 City Council meeting and this hearing may be held via
videoconferencing; and be it further

RESOLVED, the public will be given an opportunity to observe and participate in
the virtual meeting by registering for the hearing at longbeachny.gov/councilmeetings.

Introductory No. 359
Introduced by:

CITY OF LONG BEACH

CHAPTER III LAWS OF 2021
A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH.

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

Sec. 1. Article 2, Section 15-a, Section 18, Section 19 of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same are hereby amended to read as follows:

“Sec. 15-a. Defense and indemnification of city officers and employees.

...

C. Intent; definitions; defense and indemnification; conditions; limitations.

...

(3) *City to provide for defense of employees.*

...

(b) Subject to the conditions set forth in Subsection (a) of this subsection, the employee shall be entitled in such action or proceeding to be represented by the Corporation Counsel, or counsel designated by the Corporation Counsel, at no cost to the employee. The employee shall be entitled to representation by private counsel of his or her choice in such action or proceeding at the expense of the City whenever the Corporation Counsel determines, based upon an investigation and review of the facts and circumstances of the case and of the prevailing law, that a conflict of interest exists between the employee and the City, or whenever a Court of competent jurisdiction determines that a conflict of interest exists and that the employee is entitled to be represented by counsel of his or her choice at the expense of the City. Upon such a determination, the Corporation Counsel shall notify the employee in writing that the employee is entitled to be represented by private counsel of his or her choice at the expense of the City. The Corporation Counsel may require, as a condition of the payment of the fees and expenses of such private counsel, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel under the provisions of this section at the expense of the City, the Corporation Counsel shall so certify this to the City Manager. Attorney fees and litigation expenses shall be paid to such private counsel only to the extent of appropriate and reasonable rates prevailing in Nassau County, as determined by the Corporation Counsel. Such attorney fees and litigation expenses shall be paid by the City **to such** private counsel from time to time while such action or proceeding is pending, upon submission by the

private attorney of a detailed bill itemizing a description of the work performed, the hours worked, the rate per hour, and disbursements. However, no extraordinary disbursements or fees shall be paid to such private counsel unless prior written consent of the Corporation Counsel was obtained. Such private counsel shall conform to all record keeping and notifications required by the Corporation Counsel.

Sec. 18. Code of ethics.

...

2. *Definitions.*

(a) "Municipal officer or employee" means an officer or employee of the City of Long Beach, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a **fire chief or assistant fire chief.**

(b) "Interest" means **a direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this article a municipal officer or employee shall be deemed to have an interest in the contract of (a) his spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves, (b) a firm, partnership or association of which such officer or employee is a member or employee, (c) a corporation of which such officer or employee is an officer, director or employee and (d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.**

(c) "Contract" means any claim, account or demand against or agreement with **a municipality, express or implied, and shall include the designation of a depository of public funds and the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance, or other proceeding where such publication is required or authorized by law.**

Sec. 19. Financial and ethical disclosure

...

5. The board of ethics shall have the following additional powers when dealing with financial and ethical disclosure as set forth in this section.

...

(j) The board shall inspect all financial and ethical disclosure statements filed with the board to ascertain whether any person subject to the reporting requirements has failed to **file** such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of the code of ethics or this section."

Sec. 2. Article 3, Section 28 of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same is hereby amended to read as follows, and Section 29 is hereby repealed, revoked and rescinded:

“Sec. 28. Continuity of government.

1. *Intent.* The New York State Defense Emergency Act, in section twenty-nine-a thereof, authorizes political subdivisions of the state to provide for the continuity of their governments in the event of an actual or imminent attack upon the United States by an enemy or foreign nation. The General Municipal Law, in section **twenty seven** thereof, authorizes political subdivisions to provide for the continuity of their governments in the event of other public disasters, catastrophes or emergencies. Based on the authority contained in such laws this local law is adopted so that on such occasions the government of the City of Long Beach, New York, may continue to function properly and efficiently under emergency circumstances.”

{Sec. 29. Office of consumer protection.

- A. *[Created.] There shall be an office of consumer protection, the head of which shall be the director of consumer protection, who shall be appointed by the city manager.*
- B. *Powers and duties of the director. The director of consumer protection shall:*
 1. *Receive and investigate complaints and initiate his own investigation of fraud or unfair dealings against consumers; hold hearings, compel the attendance of witnesses, administer oaths, take the testimony of any persons under oath, and in connection therewith require the production of any evidence relating to any matter of investigation; represent the interest of consumers before administrative and regulatory agencies and legislative groups; protect and promote the interest of the City of Long Beach consumer public; report to the appropriate law enforcement officers any information concerning violations of any consumer protection law; assign, develop and conduct programs of consumer education and information through publications and other informational and educational material prepared for dissemination to the consumer public of the City of Long Beach in order to increase the competence of consumers and to raise the general standard of living; undertake activities to encourage local business and industry to meet high standards of honesty, fair business practices and public responsibilities in the production, promotion and sale of consumer goods and services.*
 2. *Render each year to the city manager a written report of the activities and recommendations of his office.*
 3. *Have all the power, duties and responsibilities of a city sealer under the Agriculture and Markets Law.}*

Sec. 3. Article 5, Section 71, Section 74 and Section 96 of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same are hereby amended to read as follows,

“Sec. 71. Meetings, president and temporary president.

...

- 5. Every resolution, local law or ordinance passed by the council must be signed by the president of the council, by the temporary president in the absence of the president, or by three councilmen. The record kept by the city clerk shall constitute a journal of the proceedings of the council meeting and the city clerk shall cause a summary or the full text of the item together with its disposition to be **published on the City’s website**.

...

Sec. 74. Additional authority conferred on council.

The council shall, in addition to the authority conferred under general laws, from time to time enact ordinances:

...

- 3. To regulate the height and bulk of buildings and the area of yards, courts and other open spaces, and to regulate and restrict the location of trades and industries and the location of buildings designed for specific uses, and to fix the street line of all buildings; to prescribe general regulations for the erection of all buildings in the city; to define the limits within which wooden buildings shall not be erected, placed or rebuilt, and the manner in which, and the materials of which, all buildings shall be constructed within such limits, and also to define outer limits in which wooden buildings may be constructed, placed or rebuilt, under such regulations as may be imposed by ordinance, special permission from the council being required therefor. Every building erected or placed contrary to any ordinance passed under the above provisions shall be deemed a common nuisance, and may be abated as such; to regulate and prevent the use of fireworks and firearms in the city; to prevent bonfires in the streets and public grounds, and to require fire-escapes [*sic*] to be placed upon buildings when and as directed by the commissioner; to punish the willful making of a false alarm of fire or willfully calling **the police** without cause.

...

Sec. 96. Council may establish board.

The council may establish a separate board [*sic*; probably should be "boards"] of fire, water, light, sewer, park, playground and boulevard, **planning and zoning**, recreation, public welfare or other boards or a board possessing the powers of two or more such boards and prescribe the duties of such board or boards and provide for the appointment of commissioner thereof which may by ordinance authorize, empower and direct such board or boards to audit and order paid all bills and accounts incurred by such board or boards and which are payable out of the funds within the jurisdiction of such board or boards. [The] council may give names to the streets, parks and public places and numbers to the lots [*sic*].”

Sec. 4. Article 6, Section 102-a, Section 102-b, Section 103, Section 103-c, Section 104-c, Section 104-e, Section 114- d and Section 118 of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same are hereby amended to read as follows:

“Sec. 102-a. Administration of budget.

- (1) *Work program and allotments.* At such time as the manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section **101(c)**.

...

Sec. 102-b. Levying of taxes and enforcement thereof.

- 1. The tax assessor shall follow the assessment procedure for the preparation and completion of the assessment roll for the purpose of levying a tax as provided by this local law on December 1, 1974, as presently set forth in the Charter of the City of Long Beach in sections 103, 104, 104-a, 105, {105-a, 106}, 107, but not limited thereto, except that the assessment roll so prepared and taxes, water taxes and sewer rents so levied and imposed shall be for a seven (7) month period from December 1, 1974 to June 30, 1975, and all taxes, water taxes and sewer rents for the aforesaid period of time and for the purpose of this local law shall be a lien on December 1, 1974, and the enforcement of said lien and the interests and penalties all shall be in accordance with the present Charter of the City of Long Beach.

...

Sec. 103. Tax district; tax assessor; board of assessors.

...

The homestead base proportions shall be established by resolution of the City Council of the City of Long Beach in accordance with the provisions of Article 19 of the Real Property Tax Law and the Rules of the **State Board of Real Property Tax Services** and shall apply to taxes levied on the 1991-92 final assessment roll and to taxes levied on subsequent rolls until this local law shall be repealed.

...

Sec. 103-c. Real property alternative tax exemption for veterans.

...

- 2. The application for exemption must be made by the owner or all of the owners of the property on a form prescribed by the **State Board of Real Property Tax Services**.

...

Sec. 104-c. Exemption of capital improvements.

...

6. *Application for exemption:*

- (a) Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the **State Board of Real Property Tax Services**. The original of the application shall be filed with the assessor on or before December 1st which is the taxable status date.

...

Sec. 104-e. Exemptions for persons who rendered active military service to the United States during the Cold War.

1. Pursuant to the provisions of Section 458-b of the Real Property Tax Law of the State of New York, as amended and as therein provided, adopted herein, real property owned by persons including real property owned by a cooperative corporation, who rendered active military service to the United States during the Cold War (any person who served on active duty for a period of more than three hundred sixty-five days in the United States Armed Forces during the period from September 2, 1945 to December 26, 1991, and was discharged or released therefrom under honorable conditions) shall be exempt from taxation to the extent of 10 percent of the assessed value of such property provided however that such exemption shall not exceed four thousand dollars (\$4,000.00) or the product of four thousand dollars (\$4,000.00) multiplied by the **latest class ratio**, whichever is less.
2. Additional exemption. In addition to the exemption provided by subdivision 1., where the Cold War veteran received a compensation rating from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed twenty thousand dollars (\$20,000.00), or the product of twenty thousand dollars (\$20,000.00) multiplied by the **latest class ratio**, whichever is less.

...

Sec. 114-d. Sale of property for unpaid taxes, assessments, residential sanitation charges and/or relieved water and/or sewer charges

If the owner, mortgagee or occupant of, or party in interest in, such real estate does not pay such unpaid taxes, assessments, residential sanitation charges and/or relieved water and/or sewer charges, with the costs, additions and charges, within the period stated in such advertisement, then the treasurer **may**, without further notice, commence the sale of lands specified in such notice of sale on the day set for that purpose and continue the sale from day to day until every such lot or parcel is sold. Such lands **may** be sold for an amount sufficient to pay all the taxes, assessments, residential sanitation charges and/or relieved water and/or sewer charges required by section 114 to be listed as unpaid with interest thereon to the time of sale, and all costs, expenses and charges accrued thereon. Subject to reductions as herein provided, said amount paid for such property shall carry and bear the maximum interest and penalties as follows: Ten (10) percentum on the purchase

price, if redeemed within six (6) months of date of sale. An additional ten (10) percentum on the purchase price if redeemed after the expiration of six (6) months and within twelve (12) months of the date of sale. The rate of interest at which any person or persons shall offer to take the lot or parcel of land to be sold shall be established by his bid. The rate thus established shall be the rate of interest up to the time of the redemption of the property purchased and until the expiration of one year from the date of sale.

...

Sec. 118. Conveyance of property not redeemed.

If such real estate, or any part thereof, be not redeemed as herein provided, the treasurer **may** execute to the purchaser, its' or his heirs, successors or assigns, upon performance by such purchaser of the conditions herein provided, and upon surrender of said certificate of sale or upon delivery of a release of such real estate to the grantee as herein provided and upon the purchaser's paying for and taking an assignment of all outstanding prior liens held by the city upon the premises and upon the filing of proof of service of notice upon the owners and other interested persons as herein provided, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an absolute estate in fee, subject to all claims which the city may have thereon for tax or other liens or encumbrances. The city treasurer shall be entitled to demand and receive from such grantee, for the use of the city, the sum of one dollar (\$1.00) for preparing such conveyance. Every such conveyance shall be signed by the treasurer and the seal of the city shall be affixed thereto, and attested by the city clerk, and when so executed shall be presumptive evidence that the sale was regular and also presumptive evidence that all proceedings prior to the sale, including the assessment of the lands sold, and all notices required by law to be given previous to the expiration of the time allowed by law for the redemption thereof, were regular and according to law. After six (6) years from the date of record of any such conveyance in the Nassau County Clerk's office, such presumption shall be conclusive. Every certificate of sale or conveyance executed in pursuance of this act may be recorded in the same manner and with like effect as a deed if acknowledged or proved before an officer authorized by law to take proof and acknowledgement of deeds. Two (2) or more lots or parcels of real estate sold to the same person may be included in the same tax deed."

Sec. 5. Article 8, Section 125 of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same is hereby amended to read as follows, and Section 128 and 130 are hereby repealed, revoked and rescinded:

"Sec. 125. City elections.

A general municipal election for the choice of a city judge shall be held on the first Tuesday after the first Monday in November in the year that a city judge's term will expire, and for the choice of three councilmen on the first Tuesday after the first Monday in November in every second year, in the odd-numbered years. All other elections held under the provisions of this charter, except primary elections, shall be known as special municipal elections.

{Sec. 128. General city elections, how conducted.

The council shall provide polling places, ballot boxes and other necessary apparatus and material in each election district in said city for all elections in said city, and the manner of conducting such elections shall in all respects conform to and be governed by the general laws of this state in respect of elections in cities of the third class, not inconsistent with this act. At each such election, other than as herein provided, a successor shall be elected to each elective city officer whose term of office shall expire with the year in which such election is held. Public notice of every election under this act, except the first election and except as hereinafter provided, shall be given by the council, the notice thereof to be published in the official newspaper of said city at least once in each week for two successive weeks immediately preceding the holding of such election, which notice shall designate the officers to be voted for at such election and the location of each polling place, or by such notice and in such manner as may be required by the Election Law. The polls of each general election and of each special election in said city at which one or more city officials are to be elected shall be opened and kept open and closed in each district as provided by the election law for general elections, and the inspectors shall canvass all votes cast for city officers and declare and make a statement of the result in the same manner as required by the general laws of the state, and file the same immediately with the city clerk, except as otherwise provided in this act. The city clerk shall at least one week before the date fixed by law for the first meeting of the board of registry for a city election, notify each inspector of election in writing of his appointment as such inspector, and of each day for the meeting of the board of registry in each election district of the city and the date of such election. Every inhabitant of said city who shall, at the time and place of offering his vote, be qualified to vote for member of assembly shall then and there be entitled to vote for all officers to be elected by the city. To entitle any elector to vote upon a proposition to raise money by tax he must be entitled to vote for a city officer and must also be the owner of property in the city assessed upon the last preceding assessment roll thereof. Such proposition to raise money by tax shall be deemed carried if it receives the affirmative vote of a majority of the entire number of votes cast thereon at said election. No elector of said city shall vote in any election district except that in which he shall reside at the time he offers his vote and shall have so resided for at least thirty days immediately prior to the election at which he offers his vote.}

...

{Sec. 130. Canvass of the vote at regular city elections.

The council of said city shall meet as a board of city canvassers on the next Thursday after each regular election. The city clerk shall present to the council at said meeting the certified statements of the result of such election in such election district of the city as delivered to him by the inspectors of election of such district. The council shall canvass such certified statements and declare the whole number cast for all the candidates for each office to be filled at such election, the number of votes cast for each such candidate and what person or persons was or were elected. The person having the greatest number of votes for the respective offices to be filled shall be declared duly elected, except that the five councilmanic candidates having the greatest number of votes shall be declared duly elected. In case of a tie vote the council shall fill such office by appointment for the full term, except that there shall not be a tie vote between candidates for the council unless there shall be a tie vote between the candidates having the fifth and sixth highest vote for that office. The city clerk shall enter such determinations and declarations in the minutes of the meeting of the council.}

Sec. 6. Article 10, Section 160 of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same is hereby amended to read as follows:

“Sec. 160. Fire commissioners.

The city manager may appoint a fire commissioner and a deputy fire commissioner. The board of fire commissioners shall be composed of a fire commissioner, a deputy fire commissioner, **the second deputy fire commissioner**, a member of the city council designated by the city council, the chief of the Long Beach Volunteer Fire Department, **the first deputy chief of the volunteer fire department**, and the **executive officer** in charge of the paid department. The fire commissioner shall be the chairman of the fire board.”

Sec. 6. Article 13, Section 256A(1), Section 256A(2), Section 256A(4) and Section 263 of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same are hereby amended to read as follows:

“Sec. 256A(1). [Notice prerequisite to action against the City for failure to maintain safe public ways and places.]

...

- b. No civil action shall be maintained against the City for damage to property or injury to person or death sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk, or any part or portion of any of the foregoing including any encumbrance thereon or attachments thereto, being out of repair, unsafe, dangerous or obstructed, unless at least 48 hours before prior to the occurrence resulting in such damage, injuries or death, written notice of the defective, unsafe, dangerous or obstructed condition of such street, highway, bridge, culvert, sidewalk or crosswalk shall have been filed in the office of the commissioner of Public Works of the City, and there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of, **or otherwise to make the place reasonably safe.**
- c. No civil action shall be maintained against the City for damage to property or injury to person or death sustained in consequence of any beach, playground or equipment, skating rink, swimming or wading pool or equipment, tennis court, recreational field, hockey rink, skateboard playground, or any other real or personal property owned, operated or maintained by the City of Long Beach or any part or portion of any of the foregoing including any encumbrance thereon or attachments thereto, being out of repair, unsafe, dangerous or obstructed, unless at least 48 hours before prior to the occurrence resulting in such damage or injuries, written notice of the defective, unsafe, dangerous or obstructed condition of such beach, playground or equipment, skating rink, swimming or wading pool or equipment, tennis court, recreational field, hockey rink, skateboard playground, or any other real or personal property owned, operated or maintained by the City relating to that particular place, shall have been filed in the office of the commissioner of Public Works of the City, and there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of, **or otherwise to make the place reasonably safe.**

Sec. 256A(2). [Prerequisites to actions for damages arising from snow and ice accumulations.]

No civil action shall be maintained against the city for damages or injuries to the person or the property sustained in consequence of the existence of snow or ice upon any highway, sidewalk, crosswalk or street, parkway or park approach, boardwalk or boardwalk ramp or approach, unless written notice thereof, relating to the particular place was actually given to the commissioner of public works, and there was a failure or neglect to cause such snow or ice to be removed **or otherwise to make the place reasonably safe**, within a reasonable time after the receipt of such notice.

...

Sec. 256A(4). City tree board.

...

5. *Duties and Responsibilities:* It shall be the responsibility of the board to study, investigate, council, [counsel] and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the **City Council** and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Long Beach, State of New York. The board, when requested by the city manager, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

...

8. *Spacing:* The spacing of street trees will be in accordance with the three (3) species size classes listed in section [subsection] 7 of this local law [section], and no trees may be planted closer together than the following: small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet; except in special plantings designed or approved by a landscape **architect**.

...

Sec. 263. City included in county mental health board.

Pursuant to the provisions of article **41** of the Mental Hygiene Law, the City of Long Beach does hereby agree to be included in the county mental health board covering the entire county, established under the Mental Hygiene Law of the State of New York.”

Sec. 7. Article 17, Section 330 of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same is hereby amended to read as follows:

“Sec. 330. Environmental Quality Review Act.

...

6. *Definitions.*

a. "Action" means a Type I or unlisted action including:

...

i. "Excluded action" means:

(1) Actions undertaken, funded or approved prior to the effective dates set forth in SEQR (see Chapters 228 of the Laws of 1976, 252 of the Laws of 1977 and 460 of the Laws of 1978), except:

(i) In the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental effects, or to choose a feasible or less environmentally damaging alternative, the **Building Commissioner** may, at the request of any person, or on his own motion, require the preparation of an environmental impact statement; or

(ii) In the case of an action where the responsible agency proposes a modification of the action and the modification may result in a significant adverse effect on the environment, an environmental impact statement shall be prepared with respect to such modification.

(2) Actions requiring a certificate of environmental compatibility and public need under **Article VII** of the Public Service Law and the consideration of, granting or denial of any such certificate; and

...

e. *Determination of Environmental Significance.*

(1) The lead agency must make a determination of environmental significance of the action. This determination must be based on the EAF and on such other information as the lead agency may require. The criteria listed in 6 NYCRR Section **617.7** must be considered by the lead agency in making its determination of significance. The determination must be made within twenty (20) days of the date of lead agency designation, or within twenty (20) days of its receipt of all information required by the lead agency to make the determination of significance, whichever is later.

- f. *Environmental Impact Statements.*
- (1) EIS Preparation and Procedures.
 - (a) When required pursuant to Section 7e of this Chapter, an EIS must be prepared in accordance with:
 - (i) The environmental impact statement procedures as provided under 6 NYCRR Section **617.9** and the requirements for preparation and content of environmental impact statements as provided under 6 NYCRR Section **617.9**.
 - (ii) When the EIS is prepared for a proposed action, it must also contain an identification of the applicable LWRP policy standards and conditions of the City of Long Beach LWRP as required by Section 7h, and a discussion of the effects of the proposed action with regard to such policy standards and conditions.
 - (2) Fees for Review and Preparation of EIS's.
 - (a) The fees for publication of notices and for review or preparation of an EIS involving approval or funding of an action will be fixed from time to time by resolution of the City Council.
 - (b) Fees so fixed will be consistent with the limitations set by 6 NYCRR Section **617.13**. When the EIS is prepared by the applicant, fees will reflect actual expenses of reviewing it and for the publication of notices. When the EIS is prepared by an agency on behalf of the applicant, fees will reflect the cost of preparation, including publication of notices, but not the cost of environmental review by the agency. However, the lead agency may not charge a fee for its determination of significance.
 - (3) Decisions and Findings for Actions Subject to EIS's. Each agency of the City involved in undertaking, approving or funding an action, which is the subject of an EIS, shall make detailed written findings in accordance with the provisions of 6 NYCRR Section **617.11**, prior to making its decision.
- g. *Notices and Filing.* All notices, EAF's, CAF's, Draft EIS's, Final EIS's and all other documents shall be prepared, filed, circulated and made available as prescribed under 6 NYCRR Section **617.12** and this Chapter.”

Sec. 8. This Local Law shall take effect immediately upon being filed in the Office of the New York Secretary of State.

May 18, 2021

Item No. 9
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: 154 East Park Avenue (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 154 East Park Avenue (street floor), Long Beach, New York (Section 59, Block 110, Lot 23) between Riverside and Long Beach Boulevards, having frontage of 20 feet, on behalf of the owner Marc Pietroforte, 256 Reiner Avenue, Oceanside, New York 11572 to be used as a Holistic Alternative Products Store;

NOW, THEREFORE, be it

RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council may not be meeting in-person. In accordance with the Governor's Executive Order 202.60, the June 1, 2021 City Council meeting and this hearing may be held via videoconferencing; and be it further

RESOLVED, the public will be given an opportunity to observe and participate in the virtual meeting by registering for the hearing at longbeachny.gov/councilmeetings.

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