

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
NOVEMBER 3, 2021

1. Approval of Minutes of Prior Meetings of October 5, 2021 and October 19, 2021.
2. Resolution Authorizing the City Manager to Enter into an Agreement with a Planning Consultant for the Preparation of an Update to the City's Comprehensive Plan.
3. Resolution Authorizing the City Manager to Enter into an Agreement for Engineering Services in Conjunction with the Transit Oriented Development Project.
4. Resolution Authorizing the City Manager to Purchase Vehicles for the City's Sanitation Department through New York State Office of General Services from the Lowest Responsible Bidder.
5. Resolution Authorizing the City Manager to Purchase Vehicles for the City Under an Onandaga County Contract.
6. Resolution Authorizing Settlement of Certiorari Proceedings.
7. Resolution Authorizing Transfer of Funds for the 2021-2022 Fiscal Year.
8. Resolution Authorizing Budget Amendment to the General Fund Budget.
9. Resolution Authorizing Budget Amendment to the General Fund Budget.
10. Resolution Authorizing Annual Allocation of Community Development Funds for the 47th Program Year.
11. Resolution Authorizing the City Manager to Amend the Current Agreement for Asphalt Overlay Work at Various Locations Throughout the City on an "As-Needed" Basis.
12. Resolution Authorizing the City Manager to Apply for a Grant from the New York State Environmental Facilities Corporation for the Construction of the New Elevated Water Storage Tank in the City.

13. Resolution Authorizing the City Manager to Apply for two Grants from the New York State Environmental Facilities Corporation for the Construction of the Replacement of Well No. 16A.
14. Resolution Authorizing Publication for Hearing of a Local Law Amending Subpart C of Related Acts Relating to the Charter of the City of Long Beach Re: A Local Law Opting Out of Licensing and Establishing On-Site Cannabis Consumption Establishments within the City of Long Beach Pursuant to Cannabis Law §131.
15. Resolution Authorizing Publication for Hearing of a Local Law Amending Subpart C of Related Acts Relating to the Charter of the City of Long Beach Re: A Local Law Opting Out of Licensing and Establishing Retail Cannabis Dispensaries within the City of Long Beach Pursuant to Cannabis Law §131.

November 3, 2021

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an
Agreement with a Planning Consultant for the Preparation of
an Update to the City's Comprehensive Plan.

WHEREAS, after due advertisement therefore, three proposals were received in the Office of the City Purchasing Agent on September 24, 2021 from planning consultant firms for the preparation of a comprehensive review, rewrite and update to the City's Comprehensive Plan; and

WHEREAS, the three proposals were reviewed, and meetings were held with all three respondents by the City's review team, which rated the proposals on various criteria; and

WHEREAS, the City's goals and objectives are to produce a modern planning document which will include both short term (5years) and long term (25 years) recommendations and strategies, utilize maps, graphs and other imagery tools to analyze, assess and recommend best practices for value-based planning, economic development, housing, infrastructure, and other improvements, while responding to the priorities, values and requirements of Long Beach residents, safeguarding the City's history, community character and environmental resources; and

WHEREAS, said proposals were scored and evaluated for expertise and understanding of the services required, and based upon the overall scores, it was determined that SLR Engineering Landscape Architecture & Land Surveying, P.C., 245 East 40th Street, New York, New York 10016 submitted the proposal that best meets the needs of the City of Long Beach, at a cost of \$95,000;

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 SLR Engineering Landscape Architecture & Land Surveying, P.C., 245 East 40th Street, New York, New York 10016 for the preparation of a comprehensive review, rewrite and update to the City's Comprehensive Plan, at a cost of \$95,000. Funding was approved by Bond Resolution 3005/16 and funds will be available once borrowed in February of 2022.

November 3, 2021

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an
Agreement for Engineering Services in Conjunction with the
Transit Oriented Development Project.

WHEREAS, after due advertisement therefore, three proposals were received in the Office of Public Works on June 25, 2021 for engineering services to provide preliminary design services, final design services, and construction administration for the Transit Oriented Development Project - Complete Streets Initiative Improvements, in the area surrounding the City's Multimodal Transit Center, which includes the Long Beach LIRR station, commuter parking, bus station, taxi stand, and infrastructure for bicyclists; and

WHEREAS, the three proposals were scored and evaluated for expertise, experience, understanding of the project and scheduling availability and based upon the overall score, NV5, 40 Marcus Drive, Melville, New York 11747 submitted the proposal that best meets the City's needs, at a cost of \$108,000, which is 100% grant funded;

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 a contract with NV5, 40 Marcus Drive, Melville, New York 11747 for engineering services to provide preliminary design services, final design services, and construction administration for the Transit Oriented Development Project - Complete Streets Initiative Improvements in the area surrounding the City's Multimodal Transit Center, at a cost of \$108,000, which is 100% grant funded. Funds are available in Account No. S9925.54826 (45th Program Year-Transit Oriented Development) and Account No. S8501.54826 (Transit Oriented Development).

November 3, 2021

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Purchase Vehicles
for the City's Sanitation Department through New York State Office
of General Services from the Lowest Responsible Bidder.

WHEREAS, the City's Sanitation Department has three (3) pick-up trucks that
have outlived their useful lives, as they are twenty years old; and

WHEREAS, Van Bortel Ford, 71 Marsh Road East, East Rochester, New York
14445, an awarded vendor through New York State Office of General Services for mini-bids
8167 and 8171, was the lowest responsible bidder; and

WHEREAS, the City desires to purchase one (1) Ford F-350 XL Crew Cab 4x4
8.0 Box 176 WB at a cost of \$43,689.20 and two (2) Ford F-350 XL Reg Crew Cab 4x4 8.0 Box
142 WB at a cost of \$40,034.31 each; and

WHEREAS, it is in the City's best financial interest to obtain financing for said
pick-up trucks from a banking institution whose terms of lending will be deemed most
advantageous by the City Comptroller, with an option to buy the three (3) pieces of equipment at
the end of the lease term for the sum of one (\$1.00) dollar each;

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 one (1) Ford F-350 XL Crew Cab 4x4 8.0
Box 176 WB at a cost of \$43,689.20 and two (2) Ford F-350 XL Reg Crew Cab 4x4 8.0 Box 142
WB at a cost of \$40,034.31 each, for the City's Sanitation Department from Van Bortel Ford, 71
Marsh Road East, East Rochester, New York 14445 through New York State Office of General
Services, at a total cost of \$123,757.82; and be if further

RESOLVED, that the City Comptroller be and is hereby authorized to obtain
financing from a banking institution whose terms of lending will be deemed most advantageous
for the City, with an option to buy the three (3) vehicles the end of the lease term for the sum of
one (\$1.00) dollar each Funds will be available in Account No. A8160.54509 (Sanitation
Department – Equipment Leases).

November 3, 2021

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Purchase
Vehicles for the City Under an Onandaga County Contract.

WHEREAS, Onondaga County entered into Contract #8996 pursuant to which municipalities of the State are given the opportunity to purchase vehicles from designated dealers at favorable specified prices; and

WHEREAS, the City's Sanitation Department currently has four sanitation trucks that have outlived their useful lives, as they are over twenty years old, and now desires to replace those trucks; and

WHEREAS, Syosset Truck Sales, Inc. (a Navistar Inc. dealer), 1561 Stewart Avenue, Westbury, New York 11590 is an awarded vendor under Onondaga County Contract #8996 affording the City favorable rates on the sanitation trucks; and

WHEREAS, the City desires to purchase two (2) new 25 yard Packer garbage trucks (Model HV607), with 5 year/100,000 mile warranty coverage on the engine and transmissions, at a cost of \$206,820 per vehicle; and

WHEREAS, the City desires to purchase two (2) new 32 New Way Cobra Magnum garbage trucks (Model HV607), with 5 year/100,000 mile warranty coverage on the engine and transmissions, at a cost of \$212,950 per vehicle; and

WHEREAS, it is in the City's best financial interest to obtain financing for said garbage trucks from a banking institution whose terms of lending will be deemed most advantageous by the City Comptroller, with an option to buy the four (4) pieces of equipment at the end of the lease term for the sum of one (\$1.00) dollar each;

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 is authorized to purchase two (2) new 25 yard Packer garbage trucks (Model HV607), with 5 year/100,000 mile warranty coverage on the engine and transmissions, at a cost of \$206,820 per vehicle and two (2) new 32 New Way Cobra Magnum garbage trucks (Model HV607), with 5 year/100,000 mile warranty coverage on the engine and transmissions, at a cost of \$212,950 per vehicle, from Syosset Truck Sales, Inc. (a Navistar Inc. dealer), 1561 Stewart Avenue, Westbury, New York 11590 under Onondaga County Contract #8996, payable to Navistar, Inc., 399 Albany Shaker Road, Loudonville, New York 12211; and be it further

RESOLVED, that the City Comptroller be and is hereby authorized to obtain financing from a banking institution whose terms of lending will be deemed most advantageous for the City, with an option to buy the four (4) pieces of equipment at the end of the lease term for the sum of one (\$1.00) dollar each. Funds will be available in Account No. A8160.54509 (Sanitation Department – Equipment Leases).

November 3, 2021

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Settlement of Certiorari Proceedings.

WHEREAS, Maidenbaum & Sternberg, LLP, 132 Spruce Street, Cedarhurst, New York 11516 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 278, Lots 1, 22-25, 27 & 31, on the Land and Tax Map of the County of Nassau, and also known as Whitbread's Sons Lumber Company of Long Beach Inc., 600 Magnolia Boulevard, Long Beach, New York 11561 for the fiscal years of 2014/15 through 2021/22; 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 have agreed to settle the certiorari proceedings for a lump sum payment of \$36,400 covering the fiscal years of 2014/15 through 2021/22 and a reduction of the assessed valuation from \$56,500 to \$35,000 for 2022/23 tax year tax on condition that no grievance and/or petition be filed for the tax years 2022/23, 2023/24 and 2024/25; and

WHEREAS, the Board of Assessors of the City of Long Beach has determined that the above 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 Whitbread's Sons Lumber Company of Long Beach Inc., 600 Magnolia Boulevard, Long Beach, New York 11561 settling the certiorari proceedings covering fiscal years 2014/15 through 2021/22 for a lump sum payment of \$36,400 and a reduction of the assessed valuation from \$56,500 to \$35,000 for 2022/23 tax year tax on condition that no grievance and/or petition be filed for the tax years 2022/23, 2023/24 and 2024/25. Funds for this settlement are available in Account No. A1930.54403 (Tax Certiorari-Judgments and Claims).

November 3, 2021

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

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

WHEREAS, funding is required for the payment of the Police Department's
Shotspotter maintenance agreement, thereby necessitating the following transfer of funds:

NOW, THEREFORE, be it

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

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
A3120.51101	Police-Regular Salaries	\$32,819.00	
A3120.54445	Police-Maintenance Contracts		\$32,819.00

November 3, 2021

Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Budget Amendment to the
General Fund Budget.

WHEREAS, pursuant to Resolution No. 68/21, a charitable donation in the
amount of \$300,000 was given to the City of Long Beach by John A. Carbona; and

WHEREAS, \$150,000 of this donation shall be used for purchases for the
Lifeguard Department this fiscal year, with the remaining \$150,000 to be reserved for future
Lifeguard Departmental operations;

NOW, THEREFORE, be it

RESOLVED, that the remaining \$150,000 is to be reserved for future Lifeguard
Departmental operations; and be it further

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

GENERAL FUND

Increase Estimated Revenues:	A10510		\$150,000
A0027.42705 Gifts and Donations		\$150,000	
Increase Appropriations:	A20960		\$150,000
A7186.52220 Lifeguards, Machinery and Equipment		\$150,000	

November 3, 2021

Item No. 9
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Budget Amendment to the
General Fund Budget.

WHEREAS, the City estimated that it would receive one hundred percent of American Rescue Plan (ARPA) funds by June 30, 2021, which was to be used in Fiscal Year 2022 as a revenue from the Fund Balance Appropriation; and

WHEREAS, the City received only fifty percent of the anticipated amount as of June 30, 2021, and now anticipates receiving the balance in May or June of 2022; and

WHEREAS, the City needs to recognize this via a budget amendment and reclassification of a revenue source in the Fiscal Year 2022 budget from Fund Balance Appropriation to Federal Aid, Other;

NOW, THEREFORE, be it

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

GENERAL FUND

Increase Appropriations:	A20960	
A0040.44089	Federal Aid, Other	\$1,708,608.74
Decrease Appropriations:	A20960	
A0090.49909	Fund Balance Appropriations	\$1,708,608.74

November 3, 2021

Item No. 10
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Annual Allocation of Community
Development Funds for the 47th 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 47th Program Year is
hereby authorized:

COMMUNITY DEVELOPMENT FUND
47th Program Year

Increase Estimated Revenues: SG10510	\$275,000	
SG070.47100 Nassau County Grants		\$275,000.00
Increase Appropriations: SG20960		\$275,000.00
S9927.51101 Administration- Salaries	\$ 45,000.00	
S9927.58030 Social Security	\$ 5,400.00	
S9927.54479 PF&I- Park & Playground	\$ 60,000.00	
S9927.54826 Transit Oriented Development	\$120,000.00	
S9927.54807 PS- Senior Services Program	\$ 20,000.00	
S9927.54808 PS- Youth Services Program	\$ 20,000.00	
S9927.54827 PS- Adult Preventive Services	\$ 20,000.00	

November 3, 2021

Item No. 11
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Amend the
Current Agreement for Asphalt Overlay Work at Various
Locations Throughout the City on an “As-Needed” Basis.

WHEREAS, pursuant to Resolution No. 25/20, duly adopted on April 21, 2020, the City amended its agreement with Roadwork Ahead, Inc., 2186 Kirby Lane, Syosset, New York 11791 for additional asphalt overlay work/roadway resurfacing, at various locations throughout the City; and

WHEREAS, it was determined that additional roads and parking lots could be added for overlays with funds in the amount of \$41,534.50 that were available and remaining in prior Capital budget lines;

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 amend the agreement with Roadwork Ahead, Inc., 2186 Kirby Lane, Syosset, New York 11791 for additional asphalt overlay work to roads and parking lots, at a cost of \$41,534.50. Funds in the amount of \$5,823.30 are available in Account No. H1016.52299 (Capital-Road Overlays); funds in the amount of \$18,576.00 are available in Account No. H1016.52249 (Capital-Road Reconstruction); funds in the amount of \$13,378.50 are available in Account No. H1017.52299 (Capital-Road Overlays); and funds in the amount of \$3,756.70 are available in Account No. H1021.52249 (Capital-Road Reconstruction).

November 3, 2021

Item No. 12
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a New York State Environmental Facilities Corporation Water Infrastructure Improvement Act Grant for the 1.25 Million Gallon Elevated Water Storage Tank Project.

WHEREAS, the New York State Environmental Facilities Corporation (“EFC”) is offering \$400 million in grants for clean and drinking water projects during the 2021-2022 state fiscal year to selected municipalities with infrastructure projects that protect public health and/or improve water; and

WHEREAS, by Resolution No. 75/15, duly adopted on July 7, 2015, the City entered into an agreement with D&B Engineers & Architects, to prepare the plans and specifications for the decommissioning, removal and replacement of the water storage tank and the engineering report to support the City’s EFC funding application for the 1.25 Million Gallon Elevated Water Storage Tank Project; and

WHEREAS, the City intends to undertake the 1.25 Million Gallon Elevated Water Storage Tank Project at a maximum total project cost of \$9,240,540 with EFC providing up to 60% of the project amount in grant funding, not to exceed \$3,000,000, if successfully awarded; and

WHEREAS, the source of funding for the Project shall be derived from a 2019 bond authorization #3035/19 of September 3, 2019; and

WHEREAS, this Council has determined that undertaking the 1.25 Million Gallon Elevated Water Storage Tank Project and applying for and accepting, if awarded, the New York State Environmental Facilities Corporation New York State Water Infrastructure Improvement Act Grant is in the best interests of the City of Long Beach; and

WHEREAS, the grant submission process requires the completion of the New York State Environmental Quality Review Act (SEQRA), which will be completed by the City’s consultant firm, H2M Architects and Engineers;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the 1.25 Million Gallon Elevated Water Storage Tank Project is hereby approved at the maximum total cost of \$9,240,540; and be it further

RESOLVED, that the City Manager be and is hereby authorized to apply for and accept if awarded, the New York State Environmental Facilities Corporation New York State Water Infrastructure Improvement Act Grant for the 1.25 Million Gallon Elevated Water Storage Tank Project; and be it further

RESOLVED, that the estimated City of Long Beach match in the amount of \$6,240,540 will be available once funds are borrowed, pursuant to bond authorization #3035/19 of September 3, 2019 in the amount of \$9,000,000, of which \$8,500,000 remains authorized and unissued; and be it further

RESOLVED, that the City Manager be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests on behalf of the City of Long Beach and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby; and be is further

RESOLVED, that H2M Architects and Engineers, on behalf of the City, is hereby authorized to prepare and apply for, the New York State Environmental Facilities Corporation New York State Water Infrastructure Improvement Grant Application for the 1.25 Million Gallon Elevated Water Storage Tank Project.

November 3, 2021

Item No. 13
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Apply for and
Accept, if Awarded, a New York State Environmental Facilities
Corporation Water Infrastructure Improvement Act Grant for the
Replacement of Well No. 16.

WHEREAS, the New York State Environmental Facilities Corporation (“EFC”) is offering \$400 million in grants for clean and drinking water projects during the 2021-2022 state fiscal year to selected municipalities with infrastructure projects that protect public health and/or improve water; and

WHEREAS, Well No. 16 collapsed and it will be necessary to replace this well to maintain a viable water supply; and

WHEREAS, it is the intent of the City to install a new well and well house in the immediate vicinity of Well No. 16, at a maximum total project cost of \$4,000,000, which will be designated Well No. 16A; and

WHEREAS, by Resolution No. 42/21, duly adopted on March 16, 2021, the City entered into an agreement with H2M Architects and Engineers, to prepare the plans and specifications for the this project; and

WHEREAS, the City intends to undertake this project, with EFC providing up to 60% of the project amount in grant funding, not to exceed \$3,000,000, if successfully awarded; and

WHEREAS, the source of funding for the Project shall be derived from the bond authorization #3053/21 of July 6, 2021; and

WHEREAS, this Council has determined that undertaking the replacement of Well No. 16 and applying for and accepting, if awarded, the New York State Environmental Facilities Corporation New York State Water Infrastructure Improvement Act Grant is in the best interests of the City of Long Beach; and

WHEREAS, the grant submission process requires the completion of the New York State Environmental Quality Review Act (SEQRA), which will be completed by the City’s consultant firm, H2M Architects and Engineers;

NOW, THEREFORE, be it

RESOLVED, that the City Manager be and is hereby authorized to apply for and accept if awarded, the New York State Environmental Facilities Corporation New York State Water Infrastructure Improvement Act Grant for the replacement of Well No. 16, in the amount not to exceed \$4,000,000; and be it further

RESOLVED, that the estimated City of Long Beach match in the amount of 1.6 million will be available once funds are borrowed, pursuant to authorization #3053/21 of July 6, 2021, in the amount of \$4,000,000; and be it further

RESOLVED, that H2M Architects and Engineers, on behalf of the City, is hereby authorized to prepare and apply for, the New York State Environmental Facilities Corporation New York State Water Infrastructure Improvement Grant Application for the replacement of Well No. 16; and be it further

RESOLVED, that the City Manager be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests on behalf of the City of Long Beach and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to accept such grant and administer the program funded thereby.

November 3, 2021

Item No. 14
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of a Local Law
Amending Subpart C of Related Acts Relating to the Charter of
the City of Long Beach Re: A Local Law Opting Out of Licensing
and Establishing On-Site Cannabis Consumption Establishments
within the City of Long Beach Pursuant to Cannabis Law §131.

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

“A LOCAL LAW

AMENDING SUBPART C OF RELATED ACTS RELATING
TO THE CHARTER OF THE CITY OF LONG BEACH,
RE: A LOCAL LAW OPTING OUT OF LICENSING AND ESTABLISHING
ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS WITHIN
THE CITY OF LONG BEACH PURSUANT TO CANNABIS LAW §131.”

(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 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 Local Law; and be it further

RESOLVED, that pursuant to Part E of Chapter 417 of the Laws of 2021, public
bodies may conduct meetings and public hearings remotely pursuant to requirements of Chapter
417; 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; and be it
further

RESOLVED, that said Local Law shall be on the calendar for public hearing at a
special meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach,
New York, on November 17, 2021 at 6:30 p.m. on that day.

Introductory No. 359
Introduced by:

CITY OF LONG BEACH

CHAPTER III 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 OPTING OUT OF LICENSING AND ESTABLISHING
ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS WITHIN
THE CITY OF LONG BEACH PURSUANT TO CANNABIS LAW §131.

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 X. OPTING OUT OF LICENSING AND ESTABLISHING ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS

Section 86. Legislative Intent

It is the intent of this local law to opt the City of Long Beach out of hosting on-site cannabis consumption establishments within its boundaries.

Section 87. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 88. Local Cannabis Retail Dispensary and On-Site Consumption Opt-Out

The City Council of the City of Long Beach, County of Nassau, hereby opts-out of allowing on-site cannabis consumption establishments from locating and operating within the boundaries of the City of Long Beach.

Section 89. 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 90. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.”

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

November 3, 2021

Item No. 15
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of a Local Law
Amending Subpart C of Related Acts Relating to the Charter of
the City of Long Beach Re: A Local Law Opting Out of Licensing
and Establishing Retail Cannabis Dispensaries within the City of
Long Beach Pursuant to Cannabis Law §131.

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

“A LOCAL LAW

AMENDING SUBPART C OF RELATED ACTS RELATING
TO THE CHARTER OF THE CITY OF LONG BEACH,
RE: A LOCAL LAW OPTING OUT OF LICENSING AND ESTABLISHING
RETAIL CANNABIS DISPENSARIES WITHIN THE
CITY OF LONG BEACH PURSUANT TO CANNABIS LAW §131.”

(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 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 Local Law; and be it further

RESOLVED, that pursuant to Part E of Chapter 417 of the Laws of 2021, public
bodies may conduct meetings and public hearings remotely pursuant to requirements of Chapter
417; 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; and be it
further

RESOLVED, that said Local Law shall be on the calendar for public hearing at a
special meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach,
New York, on November 17, 2021 at 6:30 p.m. on that day.

Introductory No. 360
Introduced by:

CITY OF LONG BEACH

CHAPTER IV

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 OPTING OUT OF LICENSING AND ESTABLISHING
RETAIL CANNABIS DISPENSARIES WITHIN THE
CITY OF LONG BEACH PURSUANT TO CANNABIS LAW §131.

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 XI. OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES.

Section 94. Legislative Intent

It is the intent of this local law to opt the City of Long Beach out of hosting retail cannabis dispensaries within its boundaries.

Section 95. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 96. Local Cannabis Retail Dispensary and On-Site Consumption Opt-Out

The City Council of the City of Long Beach, County of Nassau, hereby opts-out of allowing retail cannabis dispensaries from locating and operating within the boundaries of the City of Long Beach.

Section 97. 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 98. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.”

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