

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
SEPTEMBER 3, 2024

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Emergency Ambulance Services.

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Building Code, Housing and Property Rehabilitation and Conservation Code and Appendix A Zoning.

1. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Emergency Ambulance Services.
2. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Building Code, Housing and Property Rehabilitation and Conservation Code and Appendix A Zoning.
3. Resolution Authorizing the City Manager to Approve a Purchase Order for the Rental of Various Amusement Rides for the City of Long Beach 26th Annual Fall Festival.
4. Resolution Authorizing Transfer of Funds for the 2024-2025 Fiscal Year.
5. Resolution Authorizing Settlement of an Action Brought by Zoe Papetti Against the City of Long Beach.
6. Resolution Authorizing the City Manager to Purchase a Polaris Ranger ATV Under a Sourcewell Contract.
7. Resolution Authorizing the City Manager to Extend and Renew the City's Agreement with ShotSpotter, Inc.
8. Resolution Authorizing the City Manager to Purchase Time & Attendance Management Software.
9. Resolution Authorizing the City Manager to Enter into a Contract for On-Call Sewer Maintenance Services with the Sole Responsible Bidder.
10. Resolution Authorizing Budget Amendment to the Capital Projects Fund Budget.

11. Resolution Authorizing the City Manager to Accept a Charitable Donation.
12. Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach Re: Assessment; Levy; Collection of Taxes.
13. Approval of Minutes of Prior Meeting of August 20, 2024.

The following Ordinance was moved by
and seconded by :

**ORDINANCE TO AMEND THE CODE OF ORDINANCES OF
THE CITY OF LONG BEACH RE: EMERGENCY AMBULANCE
SERVICES.**

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

Sec. 1. Chapter 11, Article VI, Section 11-79 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby added to and amended to read as follows:

“Sec. 11-79. Establishing a fee schedule for emergency ambulance services provided by the city fire department.

(a) The following fees are heretofore established for emergency ambulance services provided by the city fire department involving basic life support (BLS):

- Transportation **\$2,025.00** [\$1,445.00]
- Emergency Care provided at scene (non-transport) **\$450.00** [\$100.00]
- Mileage, per mile . . . **\$36.75** [\$32.00]

(b) The following fees are heretofore established for emergency ambulance services provided by the Long Beach Fire Department involving advanced life support (ALS) level 1:

- Transportation, including oxygen, oxygen immobilizing devices, defibrillator/monitor use **\$2,175.00** [\$2,025.00]
- Mileage, per mile **\$36.75** [\$32.00]

(c) The following fees are heretofore established for emergency ambulance services provided by the city fire department involving advanced life support (ALS) level 2:

- Transportation, including oxygen, oxygen immobilizing devices, defibrillator/monitor use/cardioversion, endotracheal intubation, central venous line, cardiac pacing, chest decompression, surgical airway, intraosseous line **\$2,500.00** [\$2,150.00]
- Mileage, per mile **\$36.75** [\$32.00]”

Sec. 2. This Ordinance shall take effect immediately.

The following Ordinance was moved by
and seconded by :

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: BUILDING CODE,
HOUSING AND PROPERTY REHABILITATION AND
CONSERVATION CODE AND APPENDIX A ZONING.

Sec.1. Chapter 7, Article I, Section 7-24 of the Code of Ordinances of the City of Long Beach as heretofore amended, shall be and the same is hereby amended to read as follows; Chapter 13, Article I, Section 13-10 of the Code of Ordinances of the City of Long Beach as heretofore amended, shall be and the same is hereby amended to read as follows; and Appendix A Zoning, Section 9-116, as heretofore amended, shall be and the same is hereby amended to read as follows:

“Sec. 7-24. Violation of chapter provisions; penalties; persons liable.

(a) The violation of any provision of this chapter or the failure to comply therewith shall constitute a violation, except where another **non-civil** penalty is provided, punishable by a fine which shall not exceed five hundred dollars (\$500.00), and for all multiple dwellings that exceed twenty-five (25) or more dwelling units, the fine shall not exceed two thousand dollars (\$2,000.00) or imprisonment not exceeding fifteen (15) days, or both such fine and imprisonment, and the owner of any building, structure or part thereof, or wall, platform, staging or flooring to be used for standing or seating purposes, against which any violations of this chapter shall be placed, or shall exist, and any architect, professional engineer, builder, plumber, carpenter, mason, contractor, sub-contractor, foreman or any other person who may be employed or assist in the commission of any such violation and, who shall violate any provision of this chapter, or fail to comply therewith, or any requirement thereof or any regulation or order made thereunder, or who shall build in violation of any detailed statement of specifications or plans, submitted and approved thereunder, or of any certificate or permit issued thereunder, shall be severally liable for each and every violation and noncompliance. Each day on which a violation continues shall constitute a separate offense.

(b) **In addition to the penalties provided in this section and chapter, any violation of any provision of this chapter shall subject the violator to a civil penalty in the amount of one thousand dollars (\$1,000.00) for each day that the violation shall continue, collectible by and in the name of the city. Each day on which a violation continues shall constitute a separate violation. Any civil penalty imposed shall be in addition to any fine and/or imprisonment imposed as a result of a criminal prosecution provided for in the City of Long Beach Code of Ordinances or any state or local law. There is no requirement of notice prior to the commencement of a civil action. Personal knowledge of the existence of a violation is not required, no mens rea (intent) is required, and any violation charged herein shall be one of strict liability. There shall be a presumption that a violation continues from the day the City of Long Beach establishes that said violation existed until the violation's existence is rebutted. In addition to the above-provided penalties and punishment, the city also may maintain an action or special proceeding in the name of the city in a court of competent jurisdiction to compel compliance with the provisions of this chapter or to restrain by injunction an offense against this chapter.**

...

Sec. 13-10. Penalties for violations.

(a) Any person who shall violate any provision of this chapter, or commit any nuisance, shall be guilty of a violation punishable for each violation by a fine not exceeding two hundred fifty dollars (\$250.00), or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment. Each day such violation continues shall constitute a separate violation.

(b) In addition to the penalties provided in this section, any person who shall violate any provision of this chapter, or commit any nuisance, shall be liable for a civil penalty in the amount of one thousand dollars (\$1,000.00) for each day that the violation shall continue, collectible by and in the name of the city. Each day such violation continues shall constitute a separate violation. Any civil penalty imposed shall be in addition to any fine and/or imprisonment imposed as a result of a criminal prosecution provided for in the City of Long Beach Code of Ordinances or any state or local law. There is no requirement of notice prior to the commencement of a civil action. Personal knowledge of the existence of a violation is not required, no mens rea (intent) is required, and any violation charged herein shall be one of strict liability. There shall be a presumption that a violation continues from the day the City of Long Beach establishes that said violation existed until the violation's existence is rebutted. In addition to the above-provided penalties and punishment, the city also may maintain an action or special proceeding in the name of the city in a court of competent jurisdiction to compel compliance with the provisions of this chapter or to restrain by injunction an offense against this chapter.

(c) The term "person" as used in subsection (a) **and subsection (b)** shall include the owner, occupant, mortgagee or vendee in possession, operator, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the premises or part thereof.

...

Sec. 9-116. Penalties.

A violation of any of the provisions of this Appendix A (Zoning Law), unless otherwise specially provided herein, or a violation of any condition or conditions imposed by the zoning board of appeals, shall constitute and be deemed a violation, and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding fifteen (15) days, or both. Each day that any such violation shall continue or exist shall constitute a separate offense.

A use violation in any Residence District shall constitute and be deemed a violation and shall be punishable by a fine in an amount up to the equivalent of two (2) years rent, or by imprisonment not exceeding fifteen (15) days, or both.

In addition to the penalties provided in this section, any violation of this Appendix A (Zoning Law) shall subject the violator to a civil penalty in the amount of one thousand dollars (\$1,000.00) for each day that the violation shall continue, collectible by and in the name of the city. Each day on which a violation continues shall constitute a separate violation. Any civil penalty imposed shall be in addition to any fine and/or imprisonment imposed as a result of a criminal prosecution provided for in the City of Long Beach Code of Ordinances or any state or local law. There is no requirement of notice prior to the

commencement of a civil action. Personal knowledge of the existence of a violation is not required, no mens rea (intent) is required, and any violation charged herein shall be one of strict liability. There shall be a presumption that a violation continues from the day the City of Long Beach establishes that said violation existed until the violation's existence is rebutted. In addition to the above-provided penalties and punishment, the city also may maintain an action or special proceeding in the name of the city in a court of competent jurisdiction to compel compliance with the provisions of this Appendix A (Zoning Law) or to restrain by injunction an offense against this Appendix A (Zoning Law)."

Sec. 2. This Ordinance shall take effect immediately.

September 3, 2024

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Approve a Purchase Order for the Rental of Various Amusement Rides for the City of Long Beach 26th Annual Fall Festival.

WHEREAS, the City has solicited quotation from S&S Amusements, 201-B Freeman Avenue, Islip, New York 11751, for a professional service in compliance with the City's Procurement Policy, more specifically the rental of various amusement rides for the City's 26th Annual Fall Festival to be held on Saturday, October 12th and Sunday, October 13th, 2024; and

WHEREAS, on August 20, 2024, S&S Amusements, 201-B Freeman Avenue, Islip, New York 11751, quoted the cost for the rental of various amusement rides, including the required insurance, generators, fencing for all of the rides and ride operators, at a cost of \$36,252.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and is hereby authorized to approve a purchase order for S&S Amusements, 201-B Freeman Avenue, Islip, New York 11751 for the rental of various amusement rides, including the required insurance, generators, fencing for all of the rides and ride operators for the City's 26th Annual Fall Festival to be held on Saturday, October 12th and Sunday, October 13th, 2024, at a cost of \$36,252.00. Funds are available in Account No. A7550.54440 (Celebrations-Contracted Services).

September 3, 2024

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Transfer of Funds for the
2024-2025 Fiscal Year.

WHEREAS, a transfer of funds is needed to cover the salary increases of two
Water Purification employees;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
following transfer of funds be and are hereby authorized for the 2024-2025 Fiscal Year:

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
F1990.54406	Contingency	\$8,996.15	
F8330.51101	Water Purification – Regular Salaries		\$8,996.15

September 3, 2024

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Settlement of an Action Brought
by Zoe Papetti Against the City of Long Beach.

WHEREAS, on or about November 14, 2019, Zoe Papetti, as Plaintiff, represented by Denis G. Kelly & Associates, P.C., 120 West Park Avenue, Suite 311, Long Beach, New York 11561, filed a civil action against the City of Long Beach in the Supreme Court of the State of New York, County of Nassau, for damages arising from personal injuries allegedly sustained by the Plaintiff; and

WHEREAS, after numerous years of litigation, the attorneys on behalf of the City have reviewed said action and have negotiated an agreement to compromise and settle all claims and demands of the Plaintiff against the City for the sum of \$350,000.00, which sum said attorneys for the City have recommended as reasonable settlement of the claim of the Plaintiff, and which the City is obligated to pay as a condition of settlement;

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 to settle the above referenced action entitled "Zoe Papetti against the City of Long Beach", for the sum of \$350,000.00 in settlement of all claims of said Plaintiff, including Plaintiff's claims in the Supreme Court of the State of New York, County of Nassau, Index No. 615905/2019, and the City Comptroller is hereby authorized to pay \$350,000.00 to the Plaintiff in full payment of the City's settlement upon the Corporation Counsel's execution of said settlement. Funds are available in Account No. C1930.54434 (Judgments and Claims-Insurance Reserve).

September 3, 2024

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Purchase
a Polaris Ranger ATV Under a Sourcewell Contract.

WHEREAS, the City is a member of Sourcewell, a State of Minnesota local government agency and service cooperative that offers cooperative procurement solutions to government entities by combining the buying power of 50,000 government, education, and nonprofit organizations; and

WHEREAS, the City's Police Department desires to purchase a Polaris Ranger ATV, to replace a Kawasaki Mule ATV that has outlived its useful life; and

WHEREAS, Polaris Sales Inc., 2100 Highway 55, Medina, Minnesota 55340, an awarded vendor through Sourcewell, quoted the new Polaris Ranger ATV at a cost of \$21,140.14;

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 Polaris Sales Inc., 2100 Highway 55, Medina, Minnesota 55340 through Sourcewell service cooperative, Contract # 12220-PSI, for the purchase of a new Polaris Ranger ATV, at a cost of \$21,200.14. Funds are available in Account No. H1022.52267, H1023.52267 and H1024.52267.

September 3, 2024

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Extend and
Renew the City's Agreement with ShotSpotter, Inc.

WHEREAS, pursuant to Resolution No. 123/15, duly adopted on November 17, 2015, the City entered into an agreement with Shotspotter, Inc. (now known as SoundThinking, Inc.) for the Shotspotter's Flex gunshot detection, location and forensic services; and

WHEREAS, the City desires to continue said services and to extend the agreement for a coverage area of one (1) square mile, for a period of one (1) year, for an annual subscription fee of \$49,500.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and he hereby is authorized to extend the agreement with Shotspotter, Inc. (now known as SoundThinking, Inc.), for a period of one year, to provide gunshot detection, location and forensic services, at a cost of \$49,500.00. Funds are available in Account No. A3120.54440 (Police-Contracted Services).

September 3, 2024

Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Purchase
Time & Attendance Management Software.

WHEREAS, the City Manager desires to purchase time and attendance
management software to supplement the City's recordkeeping process; and

WHEREAS, the City desires to purchase time and attendance management
software, with specified options, at a cost of \$64,872.76, from Tyler Technologies, Inc., One
Tyler Drive, Yarmouth, ME 04096;

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 time and attendance management software,
with specified options, from Tyler Technologies, Inc., One Tyler Drive, Yarmouth, ME 04096 at a
cost of \$64,872.76. Funds are available in Account No. H1023.53107 (Time Management
Software [FRB]).

September 3, 2024

Item No. 9
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into a
Contract for On-Call Sewer Maintenance Services with the
Sole Responsible Bidder.

WHEREAS, after due advertisement therefore, one (1) bid was received in the Office of the Commissioner of Public Works on August 15, 2024 for on-call sewer maintenance services to assist the City's Sewer Maintenance Department, which is responsible for providing and maintaining the City's sanitary sewer system, including mains, services, laterals, manholes, storm drains, catch basins and all emergencies; and

WHEREAS, said services shall include the identifying of problems, cleaning and inspecting, and to line in-place sewer mains in a timely manner; and

WHEREAS, National Water Main Cleaning Co., 1806 Newark Turnpike, Kearny New Jersey 07032 was the sole responsible bidder, who has successfully worked with and provided this service to the City, at a cost not to exceed \$177,430.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and is hereby authorized to enter into a contract with National Water Main Cleaning Co., 1806 Newark Turnpike, Kearny New Jersey 07032 for on-call sewer maintenance services, at a cost not to exceed \$177,430.00. Funds in the amount of \$140,518.39 are available in Account No. H3017.52323 (Sewer Main Lining) and funds in the amount of \$100,000.00 are available in Account No. H3020.52323 (Sewer Main Lining).

September 3, 2024

Item No. 10
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Budget Amendment to the
Capital Projects Fund Budget.

WHEREAS, on December 20, 2022 the City was awarded \$39,139,237.81 under
the FEMA 404 Hazard Mitigation Program for the work required under the North Shore Critical
Infrastructure Protection Project; and

WHEREAS, work has commenced and the City requested and received remittance in the
amount of \$3,550,782.94 from New York Division of Homeland Security and Emergency Services
("DHSES"); and

WHEREAS, the Capital Projects Fund Budget must be amended to increase
budgeted revenue and expense amounts in the Capital Projects Fund pertaining to the North
Shore Critical Infrastructure Protection Project;

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 2024/2025 Capital Projects Fund Budget be and is
hereby authorized:

CAPITAL PROJECTS FUND

Increase Estimated Revenues:	H10510		\$3,550,782.94
H0040.43097 State Aid, Capital Projects		\$3,550,782.94	
Increase Appropriations:	H20960		\$3,550,782.94
H1021.52298 Flood Protection Infrastructure		\$3,550,782.94	

September 3, 2024

Item No. 11
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to
Accept a Charitable Donation.

WHEREAS, it is the desire of the Casey Skudin 343 Foundation to donate a 10 ft. P2P Soft Top Surf Rescue Board to the City of Long Beach Fire Department, to be used by the Fire Department as a rescue surfboard, worth an estimated \$985.00; and

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

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the City Manager is hereby authorized to accept the donation of a 10 ft. P2P Soft Top Surf Rescue Board, to be given to the City of Long Beach Fire Department.

September 3, 2024

Item No. 12
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
Re: Assessment; Levy; Collection of Taxes.

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 RE: ASSESSMENT; LEVY; COLLECTION
OF TAXES”

(See Local Law Attached)

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be had before this Council at City Hall, 1
West Chester Street, Long Beach, New York, concerning the aforesaid Local Law, on October 1,
2024 at 7:00 p.m.; and be it further

RESOLVED, that the City Clerk be and he 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.

Introductory No. 384
Introduced by:

CITY OF LONG BEACH

CHAPTER VII

LAWS OF 2024

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: ASSESSMENT; LEVY; COLLECTION
OF TAXES

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

Section 1. Subpart A, Article 6, Section 103-c 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, is hereby further amended, to read as follows:

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

1. Pursuant to the provisions of section 458-a of the Real Property Tax Law of the State of New York, as amended, and as therein provided, residential real property owned by a veteran, **Gold Star Parent**, spouse of a veteran or the unremarried spouse of a veteran shall be exempt from city taxation to the extent set forth in the following schedule:

War veteran - As defined by section 458-a(i)(e) of the Real Property Tax Law of the State of New York, fifteen percent of the assessed value of such property, provided that such exemption shall not exceed the product of \$12,000 multiplied by the last state equalization rate for the city.

Combat veteran - As defined by section 458-a(2)(b) of the Real Property Tax Law of the State of New York, an additional ten percent of the assessed value of such property, provided that such exemption shall not exceed the product of \$8,000 multiplied by the last state equalization rate for the city.

Disabled veteran - As defined by section 458-a(2)(c) of the Real Property Tax Law of the State of New York, an additional fifty percent of the veteran's disability rating, provided that such exemption shall not exceed the product of \$40,000 multiplied by the last state equalization rate for the city.

...”

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