

**CALENDAR**  
**for**  
**REGULAR MEETING OF THE COUNCIL**  
**of the**  
**CITY OF LONG BEACH**  
**held**  
**DECEMBER 1, 2015**

---

**PUBLIC HEARING:** Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 225 East Park Avenue, (street floor), Long Beach, New York.

Re: Laundromat

**PUBLIC HEARING:** Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 227 East Park Avenue, (street floor), Long Beach, New York.

Re: Nutritional Supplements/Smoothie Shop

1. Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 225 East Park Avenue, (street floor), Long Beach, New York.  
Re: Laundromat
2. Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 227 East Park Avenue, (street floor), Long Beach, New York.  
Re: Nutritional Supplements/Smoothie Shop
3. Resolution Authorizing the City Manager to Enter into a Contract with the Incorporated Village of Island Park for the Performance of Fire Alarm Dispatching Services.

Legislative Memo: The City answers emergency phone calls and dispatches Island Park fire and EMS apparatus to fire and/or rescue call locations, for an annual fee. We have provided this service for over 30 years. Annual payments shall increase 3% each year.

4. Resolution Authorizing the City Manager to Enter into a Contract with the Lawrence-Cedarhurst Fire Department for the Performance of Fire Alarm Dispatching Services.

Legislative Memo: The City answers emergency phone calls and dispatches Lawrence-Cedarhurst fire and EMS apparatus to fire and/or rescue call locations, for an annual fee. We have provided this service since 2010. Annual payments shall increase 3% each year.

5. Resolution Authorizing the City Manager to Enter into a Contract for Beach Chair and Umbrella Rental Services at the Ocean Beach Park.

Legislative Memo: Beach Comfort Inc. has successfully provided beach chair and umbrella rental services on the Ocean Beach Park for the past six years. They were the sole proposer for the continued providing of this service.

6. Resolution Authorizing the City Manager to Purchase Hopper Spreaders from the Lowest Responsible Bidder.

Legislative Memo: These stainless steel hopper spreaders are used to coat and spread salt and dirt on the City's streets during weather events. Funding is provided through the Capital Improvement Plan.

7. Resolution Authorizing Budget Amendments to the General Fund, Community Development and Capital Budgets for the 2014-2015 and 2015-2016 Fiscal Years.

Legislative Memo: This amendment appropriates additional funding received by the City which will be used to accelerate work in and around the City. Specifically, a New York State Youth Grant for City programs, a New York State Public Safety Grant for dedicated patrols and DWI enforcement, appropriation of masonry fees collected from contractors, funds from the Governor's Office for Storm Recovery to pay for trees and replenishing the CDBG lines that were used to outlay the cost, appropriation of towing revenue and State funds to buy a new fingerprinting machine, in compliance with New York State.

8. Resolution Delegating Power to the City Comptroller of the City of Long Beach, Nassau County, New York, to Authorize the Issuance of \$15,000,000 Revenue Anticipation Notes, or So Much Thereof as May Be Necessary, in Anticipation of the Receipt of Certain Revenues for the Fiscal Year Ending June 30, 2016 and Maturing Within One Year of the Issuance Date of Such Notes, and to Prescribe the Terms, Form and Contents, and Provide for the Sale and Credit Enhancement of Such Notes.

Legislative Memo: This is a short term cash flow note to finance Superstorm Sandy recovery projects and is expected to be 100% reimbursed by State and Federal (FEMA) revenues and provide additional cash flow to the City to enable our ongoing recovery efforts. Some of the projects to be included are: Various Parks and Playgrounds; New Sandfilter; Dunes and Grass Replacement. Any monies borrowed in association with this are required to be repaid within 3 years. Federal/ State funding is expected to be used fully to redeem this RAN. This RAN does not add to our long term debt.

9. Resolution Authorizing Settlement of Certiorari Proceedings.

Legislative Memo: These are anticipated settlements and were budgeted for in the current fiscal year.

10. Resolution Authorizing Publication for Hearing of a Bond Ordinance Authorizing Financing for the Cost of Extraordinary Expenses Resulting From Superstorm Sandy, Stating the Estimated Total Cost Thereof is \$10,000,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$10,000,000 Bonds of Said City to Finance Said Appropriation.

Legislative Memo: To finance the cost of extraordinary expenses resulting from Superstorm Sandy, the City submitted three Home Rule Requests in order to allow the City to issue serial bonds to finance extraordinary expenses resulting from the storm, which was passed by the Assembly and Senate, and subsequently signed by the Governor. These expenses included those incurred for flood relief projects associated with Superstorm Sandy. In compliance with Local Finance Law, this bond provides the City with additional funding, if needed. At this time we have no projects and we are authorizing this out of abundance of caution. This bond covers the City for costs associated with Sandy, (if any) that are not reimbursable by State/Federal Government grants.

11. Resolution Authorizing Publication for Hearing of a Bond Ordinance Authorizing Financing for the Cost of Payment of the Two Judgments Against the City in the Matter of the Application of the City of Long Beach v. Sun NLF Limited Partnership et al., Stating the Estimated Total Cost Thereof is \$20,500,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$20,500,000 Bonds of Said City to Finance Said Appropriation.

Legislative Memo: To finance the cost of payment of two judgments against the City in the matter of The Application of the City of Long Beach v. Sun NLF Limited Partnership et al., pursuant to the two decisions of New York Supreme Court Justice Thomas A. Adams, which were upheld on appeal.

December 1, 2015

Item No. 1  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Granting Waiver of Off-Street Parking Requirements  
Re: Premises 225 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 225 East Park Avenue (street floor), Long Beach, New York (Section 59, Block 124, Lot 14) between Long Beach and Monroe Boulevards, having frontage of 20 feet, on behalf of the owner Benito Ferranti, 2700 Two Brothers Court, Oceanside, New York 11572 to be used as a Laundromat;

WHEREAS, a Public Hearing was held on this date;

NOW, THEREFORE, after due deliberation, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the application of the owner Benito Ferranti, 2700 Two Brothers Court, Oceanside, New York 11572 for exemption with respect to the requirements for off-street parking at premises 225 East Park Avenue (street floor), having frontage of 20 feet, be and the same hereby is granted, only and during the time that such premises shall be used as a Laundromat.

December 1, 2015

Item No. 2  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Granting Waiver of Off-Street Parking Requirements  
Re: Premises 227 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 227 East Park Avenue (street floor), Long Beach, New York (Section 59, Block 124, Lot 16) between Long Beach and Monroe Boulevards, having frontage of 20 feet, on behalf of the owner Benito Ferranti, 2700 Two Brothers Court, Oceanside, New York 11572 to be used as a Nutritional Supplements/ Smoothie Shop;

WHEREAS, a Public Hearing was held on this date;

NOW, THEREFORE, after due deliberation, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the application of the owner Benito Ferranti, 2700 Two Brothers Court, Oceanside, New York 11572 for exemption with respect to the requirements for off-street parking at premises 227 East Park Avenue (street floor), having frontage of 20 feet, be and the same hereby is granted, only and during the time that such premises shall be used as a Nutritional Supplements/Smoothie Shop.

December 1, 2015

Item No. 3  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Enter into a  
Contract with the Incorporated Village of Island Park for the  
Performance of Fire Alarm Dispatching Services.

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 renew the five year contract with the Incorporated Village of Island Park to provide fire alarm dispatch services, for an additional period of five (5) years, commencing January 1, 2016 and ending December 31, 2020 at an annual fee of \$18,549 for the first year; \$19,106 for the second year; \$19,679 for the third year; \$20,269 for the fourth year and \$20,877 for the fifth year; and be it further

RESOLVED, that the agreement shall contain such other provisions as the City Manager shall deem proper and advisable.

December 1, 2015

Item No. 4  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Enter into a  
Contract with the Lawrence-Cedarhurst Fire Department for the  
Performance of Fire Alarm Dispatching Services.

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 enter into a contract with the Lawrence-Cedarhurst Fire Department, Inc., 75 Washington Avenue, Lawrence, New York 11559 to provide fire alarm dispatch services, for a period of five (5) years, commencing January 1, 2015 and ending December 31, 2020 at an annual fee of \$16,902 for the first year; \$17,409 for the second year; \$17,932 for the third year; \$18,470 for the fourth year and \$19,024 for the fifth year; and be it further

RESOLVED, that the agreement shall contain such other provisions as the City Manager shall deem proper and advisable.

December 1, 2015

Item No. 5  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Enter into a  
Contract for Beach Chair and Umbrella Rental Services  
at the Ocean Beach Park.

WHEREAS, Beach Comfort Inc., 74 West Park Avenue, Suite 2, Long Beach, New York  
11561 has successfully provided beach chair and umbrella rental services on the Ocean Beach Park for  
the past six years; and

WHEREAS, after due advertising therefore, Beach Comfort Inc., was the sole proposer  
for the continued providing of this service; and

WHEREAS, Beach Comfort Inc. will pay an annual license fee of \$8,000 with a  
5% yearly increase, as well as the providing of in-kind services: such as the supplying of 50  
chairs and umbrellas for Wounded Warriors Weeklong Beach Events and chairs and umbrellas  
for Special Needs Surf Event (valued at \$4,740), for a contract period of five years beginning  
December 2, 2015 through December 1, 2020, with two renewal option periods;

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 enter into a contract with Beach Comfort Inc., 74  
West Park Avenue, Suite 2, Long Beach, New York 11561 for the providing of beach chairs and  
umbrellas as well as in-kind services (valued at \$4,740), for an annual license fee of \$8,000 with  
a 5% yearly increase for a contract period of five years beginning December 2, 2015 through  
December 1, 2020, with two renewal option periods; and be it further

RESOLVED, that said agreement shall contain such other terms and conditions as  
the City Manager shall deem proper.

December 1, 2015

Item No. 6  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Purchase  
Hopper Spreaders from the Lowest Responsible Bidder.

WHEREAS, after due advertisement therefore, five bids were received in the Office of the City Purchasing Agent on Thursday, November 12, 2015 at 11:00 a.m. for the purchase of Hopper Spreaders for the Street Maintenance Department; and

WHEREAS, Brake Service, 179 Herricks Road, Garden City Park, New York 11040 was the lowest responsible bidder for Buyers Product Salt-Dogg 8- cubic yard Stainless Steel Municipal Hopper spreaders at a cost of \$9,525 each and for Buyers Product Salt-Dogg 4- cubic yard Stainless Steel Municipal Hopper spreaders at a cost of \$7,247 each, at a total cost of \$57,563.00 for the purchase of seven units;

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 purchase three (3) Buyers Product Salt-Dogg 8- cubic yard Stainless Steel Municipal Hopper spreaders at a cost of \$9,525 each and four (4) Buyers Product Salt-Dogg 4- cubic yard Stainless Steel Municipal Hopper spreaders at a cost of \$7,247 each, for a total cost of \$57,563.00. Funds in the amount of \$47,000.00 are available in H1016.52103 (Heavy Equipment) and funds in the amount of \$10,563.00 are available in Account No. H1015.52276 (Acquisition of Machinery & Equipment).

December 1, 2015

Item No. 7  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Budget Amendments to the General Fund,  
Community Development and Capital Budgets for the 2014-2015  
and 2015-2016 Fiscal Years.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,  
that the following amendments to the General Fund, Community Development and Capital  
Budgets for the 2014-2015 and 2015-2016 Fiscal Years be and is hereby authorized:

GENERAL FUND  
2015-2016 Fiscal Year

Increase Estimated Revenues:	A10510		\$167,463.23
A0030.43801	State Aid, Prog for Elderly	\$4,186.00	
A0030.43889	State Aid, Other Public Safety	\$10,000.00	
A0027.42770	Misc, Other Unclassified Revenue	\$143,277.23	
A0012.41520	Police Fees	\$10,000.00	
Increase Appropriations:	A20960		\$167,463.23
A7310.54440	Youth, Contracted Services	\$4,186.00	
A3120.51103	Police, Salaries	\$17,907.23	
A9030.58030	Social Security	\$370.00	
A8170.54449	Masonry	\$125,000.00	
A9950.59903	Interfund Transfer, Capital	\$10,000.00	
A3120.52220	Police, Machinery & Equipment	\$10,000.00	

GENERAL FUND  
2014-2015 Fiscal Year

Increase Estimated Revenues:	A10510		\$22,500.00
A0027.42770	Misc, Other Unclassified Revenue	\$22,500.00	
Increase Appropriations:	A20960		\$22,500.00
A8170.54449	Masonry	\$22,500.00	

CAPITAL FUND  
2014-2015 Fiscal Year

Increase Estimated Revenues:	H10510		\$892,385.00
H0040.44911	Federal Aid, CDBG-DR		
Increase Appropriations:	H20960		\$892,385.00
H1015.52273	Planting of New Trees City Wide	\$892,385.00	

CAPITAL FUND  
2014-2015 Fiscal Year

<u>Budget Code</u>	<u>Description</u>	Transfer <u>From:</u>	Transfer <u>To:</u>
H0045.45036	Interfund Transfer, Community Dev	\$351,000.00	
H0045.45033	Interfund Transfer, General	\$22,000.00	
H0045.45040	Interfund Transfer, P Fund	\$75,000.00	
H0027.42770	Other Revenues	\$50,000.00	
H0040.44911	Federal Aid, CDBG-DR		\$498,000.00

COMMUNITY DEVELOPMENT FUND  
2014-2015 Fiscal Year

<u>Budget Code</u>	<u>Description</u>	Transfer <u>From:</u>	Transfer <u>To:</u>
S9920.59903	Interfund Transfer- Capital	\$160,000.00	
S9920.54808	Youth Groups		\$5,000.00
S9920.54804	PF&I Community Center		\$65,000.00
S9920.54806	PF&I Parks		\$30,000.00
S9920.54805	PF&I City Hall ADA Improvements		\$30,000.00
S9920.54801	PF&I Streetscapes		\$30,000.00
S9911.59903	Interfund Transfer- Capital	\$50,000.00	
S9911.54479	36 <sup>th</sup> Yr CDBG- Park Improvement		\$50,000.00
S9914.59903	Interfund Transfer- Capital	\$121,000.00	
S9914.54479	39 <sup>th</sup> Yr CDBG- Park Improvement		\$121,000.00

GENERAL FUND  
2015-2016 Fiscal Year

<u>Budget Code</u>	<u>Description</u>	Transfer <u>From:</u>	Transfer <u>To:</u>
A7310.54467	Youth, Special Programs	\$5,814.00	
A7310.54440	Youth, Contracted Services		\$5,814.00
A3120.54445	Maintenance Contracts	\$5,000.00	
A3120.54410	Supplies and Materials		\$5,000.00
A7187.54410	Beach Park, Supplies and Materials	\$9,400.00	
A7187.52220	Beach Park, Machinery & Equipment		\$9,400.00
A8170.51101	Street Maint, Regular Salaries	\$9,662.00	
A7140.51101	Recreation, Regular Salaries		\$9,662.00
A1990.54406	Contingency	\$18,341.00	
A3120.52220	Police, Machinery & Equipment		\$18,341.00
A1990.54406	Contingency	\$24,650.00	
A1430.54440	Civil Service		\$24,650.00
A1930.54403	Assessor, Tax Cert Claims	\$2,090.00	
A1930.54404	Assessor, Judiciary Claims		\$2,090.00

The following Resolution was moved by  
and seconded by :

Resolution Delegating Power to the City Comptroller of the City of Long Beach, Nassau County, New York, to Authorize the Issuance of \$15,000,000 Revenue Anticipation Notes, or So Much Thereof as May Be Necessary, in Anticipation of the Receipt of Certain Revenues for the Fiscal Year Ending June 30, 2016 and Maturing Within One Year of the Issuance Date of Such Notes, and to Prescribe the Terms, Form and Contents, and Provide for the Sale and Credit Enhancement of Such Notes.

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

Section 1. Pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the City of Long Beach, Nassau County, New York (herein called the "City"), in the aggregate principal amount of not to exceed \$15,000,000, and any notes in renewal thereof, is hereby delegated to the City Comptroller, as chief fiscal officer of the City.

Section 2. The following additional matters are hereby determined and declared:

(a) The Notes shall be issued in anticipation of the collection or receipt of revenues due and payable to the City in the fiscal year ending June 30, 2016 from (i) revenues to be received from the Federal government for relief of Superstorm Sandy costs, including FEMA mitigation grants; and (ii) revenues to be received from the State of New York for relief of Superstorm Sandy costs; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the City for said fiscal year payable from the revenues in anticipation of which they are issued.

(b) The Notes shall mature within the period of one year from the date of their issuance.

(c) The Notes are not issued in renewal of other notes.

(d) No Notes have heretofore been authorized or issued in anticipation of the collection of said revenues.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the City, and the faith and credit of the City shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the City and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this resolution and the Law, and pursuant to Sections 50.00, 56.00, 60.00 and 168.00 of the Law, inclusive, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, including the power to determine the respective amounts of Notes to be issued in anticipation of said respective revenues specified in Section 2 hereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the City Comptroller, as chief fiscal officer of the City.

Section 5. This Resolution shall take effect immediately.

December 1, 2015

Item No. 9  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Settlement of Certiorari Proceedings.

WHEREAS, PL Long Beach, LLC, represented by Herman Katz Cangemi & Clyne, LLP, 538 Broad Hollow Road, Melville, New York 11747, 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 109, Lots 32-36, 66-67, 68-72 on the Land and Tax Map of the County of Nassau, and also known as 181 E. Park Avenue, Long Beach, New York for the fiscal years of 2008/09 through 2015/16; and

WHEREAS, the Tax Assessor of the City of Long Beach has reviewed petitioner's legal papers, the income and expenses for the subject property and after extensive negotiation has agreed to settle the certiorari proceedings for a lump sum payment of \$30,000 covering the fiscal years 2008/09 through 2015/16 and a reduction of the assessed valuation from \$95,250 to \$52,000 for the 2016/17 tax year and that no grievance and/or petition be filed for the tax years 2016/17, 2017/18 and 2018/19 subject to the conditions of the stipulation; and

WHEREAS, Xander Corp, represented by Herman Katz Cangemi & Clyne, LLP, 538 Broad Hollow Road, Melville, New York 11747, 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 146, Lot 45 on the Land and Tax Map of the County of Nassau, and also known as 360 Shore Road, Long Beach, New York for the fiscal years of 2007/08 through 2015/16; and

WHEREAS, the Tax Assessor of the City of Long Beach has reviewed petitioner's legal papers, the income and expenses for the subject property and after extensive negotiation has agreed to settle the certiorari proceedings for a lump sum payment of \$128,000 covering the fiscal years 2007/08 through 2015/16; and

WHEREAS, Riverside Beach LLC, represented by Koeppel Martone & Leistman, LLP, 155 First Street, Mineola, New York 11501, 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 114, Lots 6-10, 51-65, 147 & 149 on the Land and Tax Map of the County of Nassau, and also known as 125 East Broadway, Long Beach, New York for the fiscal years of 2009/10 through 2015/16; and

WHEREAS, the Tax Assessor of the City of Long Beach has reviewed petitioner's legal papers, the income and expenses for the subject property and after extensive negotiation has agreed to settle the certiorari proceedings for a lump sum payment of \$35,000 covering the fiscal years 2009/10 through 2015/16; and

WHEREAS, 465 Shore Road, LLC, represented by Koeppel Martone & Leistman, LLP, 155 First Street, Mineola, New York 11501, 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 160, Lots 41-45, 60, 162, 164, 167 & 169 on the Land and Tax Map of the County of Nassau, and also known as 465 Shore Road, Long Beach, New York for the fiscal years of 2009/10 through 2015/16; and

WHEREAS, the Tax Assessor of the City of Long Beach has reviewed petitioner's legal papers, the income and expenses for the subject property and after extensive negotiation has agreed to settle the certiorari proceedings for a lump sum payment of \$40,000 covering the fiscal years 2009/10 through 2015/16 and a reduction of the assessed valuation from \$400,000 to \$375,000 for the 2016/17 tax year and that no grievance and/or petition be filed for the tax years 2016/17, 2017/18 and 2018/19 subject to the conditions of the stipulation; and

WHEREAS, 25 Franklin Blvd, LLC, represented by Koeppel Martone & Leistman, LLP, 155 First Street, Mineola, New York 11501, 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 161, Lots 29-35 on the Land and Tax Map of the County of Nassau, and also known as 25 Franklin Boulevard, Long Beach, New York for the fiscal years of 2009/10 through 2015/16; and

WHEREAS, the Tax Assessor of the City of Long Beach has reviewed petitioner's legal papers, the income and expenses for the subject property and after extensive negotiation has agreed to settle the certiorari proceedings for a lump sum payment of \$30,000 covering the fiscal years 2009/10 through 2015/16 and a reduction of the assessed valuation from \$440,000 to \$420,000 for the 2016/17 tax year and that no grievance and/or petition be filed for the tax years 2016/17, 2017/18 and 2018/19 subject to the conditions of the stipulation; and

WHEREAS, 770 West Beech St. FLP, represented by Koeppel Martone & Leistman, LLP, 155 First Street, Mineola, New York 11501, 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 6, Lot 235 on the Land and Tax Map of the County of Nassau, and also known as 768-780 West Beech Street, Long Beach, New York for the fiscal years of 2009/10 through 2015/16; and

WHEREAS, the Tax Assessor of the City of Long Beach has reviewed petitioner's legal papers, the income and expenses for the subject property and after extensive negotiation has agreed to settle the certiorari proceedings for a lump sum payment of \$30,000 covering the fiscal years 2009/10 through 2015/16 and a reduction of the assessed valuation from \$55,000 to \$31,000 for the 2016/17 tax year and that no grievance and/or petition be filed for the tax years 2016/17, 2017/18 and 2018/19 subject to the conditions of the stipulation; and

WHEREAS, Park Avenue Extended Care, LLC, represented by Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP, 333 Earle Ovington Blvd., Uniondale, New York 11553, 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 69, Lots 36-45 on the Land and Tax Map of the County of Nassau, and also known as 425 National Boulevard, Long Beach, New York for the fiscal years of 2006/07 through 2014/15; and

WHEREAS, the Tax Assessor of the City of Long Beach has reviewed petitioner's legal papers, the income and expenses for the subject property and after extensive negotiation has agreed to settle the certiorari proceedings for a lump sum payment of \$360,000 covering the fiscal years 2006/07 through 2014/15 and a reduction of the assessed valuation from \$950,000 to \$776,000 for the 2014/15 tax year and that no grievance and/or petition be filed for the tax years 2015/16, 2016/17 and 2017/18 subject to the conditions of the stipulation; and

WHEREAS, the Board of Assessors of the City of Long Beach has determined that the above settlements, without further litigation, are 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 PL Long Beach, LLC settling the certiorari proceedings covering fiscal years 2008/09 through 2015/16 for a lump sum payment of \$30,000 and a reduction of the assessed valuation to \$52,000 on condition that no grievance and/or petition be filed for the tax years 2015/16, 2016/17 and 2017/18; and be it further

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 Xander Corp settling the certiorari proceedings covering fiscal years 2007/08 through 2015/16 for a lump sum payment of \$128,000; and be it further

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 Riverside Beach LLC settling the certiorari proceedings covering fiscal years 2009/10 through 2015/16 for a lump sum payment of \$35,000; and be it further

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 465 Shore Road, LLC settling the certiorari proceedings covering fiscal years 2009/10 through 2015/16 for a lump sum payment of \$40,000 and a reduction of the assessed valuation to \$375,000 on condition that no grievance and/or petition be filed for the tax years 2015/16, 2016/17 and 2017/18; and be it further

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 25 Franklin Blvd, LLC settling the certiorari proceedings covering fiscal years 2009/10 through 2015/16 for a lump sum payment of \$30,000 and a reduction of the assessed valuation to \$420,000 on condition that no grievance and/or petition be filed for the tax years 2015/16, 2016/17 and 2017/18; and be it further

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 770 West Beech St. FLP settling the certiorari proceedings covering fiscal years 2009/10 through 2015/16 for a lump sum payment of \$30,000 and a reduction of the assessed valuation to \$31,000 on condition that no grievance and/or petition be filed for the tax years 2015/16, 2016/17 and 2017/18; and be it further

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 Park Avenue Extended Care, LLC settling the certiorari proceedings covering fiscal years 2006/07 through 2014/15 for a lump sum payment of \$360,000 and a reduction of the assessed

December 1, 2015

Page 4  
Item No. 9  
Resolution No.

valuation to \$776,000 on condition that no grievance and/or petition be filed for the tax years 2015/16, 2016/17 and 2017/18. Funds are available for all of the above settlements in Account No. A1930.54403 (Judgments and Claims).

December 1, 2015

Item No. 10  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Publication for Hearing of a Bond Ordinance Authorizing Financing for the Cost of Extraordinary Expenses Resulting From Superstorm Sandy, Stating the Estimated Total Cost Thereof is \$10,000,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$10,000,000 Bonds of Said City to Finance Said Appropriation.

WHEREAS, there has been presented to this Council the following proposed Bond Ordinance:

“BOND ORDINANCE DATED DECEMBER 15, 2015.

ORDINANCE AUTHORIZING FINANCING FOR THE COST OF EXTRAORDINARY EXPENSES RESULTING FROM SUPERSTORM SANDY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$10,000,000 APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$10,000,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.

(See Proposed Ordinance)

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 the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a meeting of the City Council to be held at City Hall, 1 West Chester Street, in the City of Long Beach, New York, on December 15, 2015 at 7:00 p.m. on that day.

ORDINANCE AUTHORIZING FINANCING FOR THE COST OF EXTRAORDINARY EXPENSES RESULTING FROM SUPERSTORM SANDY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$10,000,000 APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$10,000,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.

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

Section 1. The City of Long Beach, Nassau County, New York (herein called the "City"), is hereby authorized to finance the cost of extraordinary expenses resulting from Superstorm Sandy, including the expense incurred for flood relief projects involving the public thoroughfares, public places and projects of the City during the last two months of 2012 and in 2013 which are not eligible to be reimbursed from state or federal government grants all as determined by the Council of the City, pursuant to Chapter 3 of the 2014 Laws of New York, at the estimated maximum cost of \$10,000,000. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$10,000,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$10,000,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the aggregate principal amount of \$10,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the appropriation referred to herein.

Section 3. The period of probable usefulness of the objects or purposes for which said \$10,000,000 bonds herein authorized are to be issued, within the limitations of Chapter 3 of the 2014 Laws of New York, is ten (10) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds shall be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, November be contested only if:

- a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or such obligations are authorized in violation of the provisions of the constitution.

Section 8. This ordinance, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

December 1, 2015

Item No. 11  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Publication for Hearing of a Bond Ordinance Authorizing Financing for the Cost of Payment of the Two Judgments Against the City in the Matter of the Application of the City of Long Beach v. Sun NLF Limited Partnership et al., Stating the Estimated Total Cost Thereof is \$20,500,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$20,500,000 Bonds of Said City to Finance Said Appropriation.

WHEREAS, there has been presented to this Council the following proposed Bond Ordinance:

“BOND ORDINANCE DATED DECEMBER 15, 2015.

ORDINANCE AUTHORIZING FINANCING FOR THE COST OF PAYMENTS OF THE TWO JUDGMENTS AGAINST THE CITY IN THE MATTER OF THE APPLICATION OF THE CITY OF LONG BEACH V. SUN NLF LIMITED PARTNERSHIP ET AL., STATING THE ESTIMATED TOTAL COST THEREOF IS \$20,500,000 APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$20,500,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.

(See Proposed Ordinance)

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 the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a meeting of the City Council to be held at City Hall, 1 West Chester Street, in the City of Long Beach, New York, on December 15, 2015 at 7:00 p.m. on that day.

ORDINANCE AUTHORIZING FINANCING FOR THE COST OF PAYMENTS OF THE TWO JUDGMENTS AGAINST THE CITY IN THE MATTER OF THE APPLICATION OF THE CITY OF LONG BEACH V. SUN NLF LIMITED PARTNERSHIP ET AL., STATING THE ESTIMATED TOTAL COST THEREOF IS \$20,500,000 APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$20,500,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.

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

Section 1. The City of Long Beach, Nassau County, New York (herein called the “City”), is hereby authorized to finance the cost of payment of two judgments against the City in the matter of The Application of the City of Long Beach v. Sun NLF Limited Partnership et al., pursuant to the two determinations of New York Supreme Court Justice Thomas A. Adams dated October 3, 2012, at the estimated maximum cost of \$20,500,000. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$20,500,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$20,500,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the aggregate principal amount of \$20,500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called “Law”), to finance the appropriation referred to herein.

Section 3. The period of probable usefulness of the objects or purposes for which said \$20,500,000 bonds herein authorized are to be issued, within the limitations of Section 11 a. 91 of the Law, is fifteen (15) years, the payment of each judgment being determined to be an object or purpose for which the period of probable usefulness is determined to be at least fifteen (15) years pursuant to subdivisions 33. (c) of Section 11 of the Law.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds shall be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and

(b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, November be contested only if:

- a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or such obligations are authorized in violation of the provisions of the constitution.

Section 8. This ordinance, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.