

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
NOVEMBER 1, 2016

1. Resolution Authorizing Settlement of an Action Brought by the City of Long Beach Against Lexington Insurance Company and American International Group, Inc.

Legislative Memo: The Office of the Corporation Counsel filed an action against the Lexington Insurance Company, a subsidiary of American International Group, Inc. (AIG), for breach of contract, specifically an insurance policy, wherein it requested compensation for business interruption costs (e.g., reduced revenue streams, etc.) in the wake of the devastation wrought by Superstorm Sandy. After years of legal work, it was voluntarily agreed upon by both parties to mediate this dispute through the dispute resolution program of the United States District Court for the Eastern District of New York. On October 19, 2016 during a mediation conducted by Michael A. Levy, Esq., it was determined that it would be in the best interest of both parties to settle the above action in the amount of \$800,000 to be paid by Lexington/AIG to the City of Long Beach.

2. Resolution Authorizing the City Manager to Amend the Contract for Plans and Specifications (Phase I) for the Installation of Flood Protection Infrastructure along the Northern Waterfront of the City of Long Beach and to Amend the City's Budget.

Legislative Memo: After meetings with the US Army Corps of Engineers, the Department of Environmental Conservation and other regulatory agencies, it was agreed upon that further consulting, engineering and architectural services are needed to amend and re-design detailed plans and specifications (Phase I) for the installation of flood protection infrastructure along the northern waterfront of the City, to include additional areas of work, in accordance with approval and funding from FEMA.

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

Legislative Memo: The City of Long Beach was awarded a grant in the amount of \$500,000 in November of 2015, received a letter of official award notice in February of 2016 and received contract documents in early October of 2016 from the New York State Department of State allowing for the design and construction of improvements along Park Avenue, for the project known as Downtown Long Beach : Resilient Connectivity for Park Avenue – Phase I, to create a more resilient and connected commercial corridor. This project shall address significant access and safety issues by reducing conflicts between motorists, pedestrians and cyclists, through the creation of bicycle lanes and traffic calming measures. A public meeting will be held to obtain input for this project from residents and businesses.

4. Resolution Authorizing Budget Amendments to the General Fund for the 2016-2017 Fiscal Year.

Legislative Memo: This amendment appropriates additional revenue received by the City from a state grant, DPW permit fees, an insurance reimbursement and funds from the Nassau County District Attorney's Office for DWI enforcement.

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Plumbing.

5. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Plumbing.

Legislative Memo: This item was tabled from the October 18, 2016 meeting to allow for further review and discussion. More review and discussion may be required. In 1979 the City amended the Code of Ordinances to allow reciprocal agreements for licensed plumbers with other towns, cities and villages located within Nassau County. In the months following Superstorm Sandy, the demand for plumbers in Long Beach was tremendous due to saltwater intrusion in homes and businesses throughout the City. That demand was also evident in so many other areas across Long Island hit hard by the storm. This amendment shall allow reciprocal agreements to be entered into with other towns, cities and villages within Nassau and Suffolk. This affords residents the ability to hire from a greater pool of licensed plumbers without resorting to unlicensed and/or inadequately supervised plumbers, and conversely allowing Long Beach licensed plumbers to work in such other entities.

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Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Settlement of an Action Brought by
the City of Long Beach Against Lexington Insurance Company
and American International Group, Inc.

WHEREAS, on October 29, 2012, Superstorm Sandy struck the City of Long Beach, resulting in widespread damage to City properties and facilities; and

WHEREAS, the City, represented by the Office of the Corporation Counsel, submitted a claim to its property/casualty insurance carrier, Lexington Insurance Company, for the full value of the sublimit for flood damage (which occurs during a named storm); and

WHEREAS, after numerous inspections of City properties and facilities, and after intense negotiations, the Office of the Corporation Counsel secured the full value of the above flood sublimit, \$10,000,000, on November 27, 2012; and

WHEREAS, on April 1, 2013, Corporation Counsel submitted a second claim for business interruption costs (e.g., reduced revenue streams, etc.) in connection with damages to City properties and facilities in the wake of Superstorm Sandy; and

WHEREAS, on February 21, 2014, Corporation Counsel submitted a third claim for wind damage to City properties and facilities arguing that wind damages were not subject to the aforementioned sublimit; and

WHEREAS, by letter dated February 26, 2014, Lexington and/or AIG denied coverage for said business interruption costs; and

WHEREAS, on March 5, 2014, Lexington compensated the City for the full-value of said wind damages, in the amount of \$131,616.00; and

WHEREAS, on or about October 23, 2014, the City of Long Beach, as Plaintiff, represented by the Office of the Corporation Counsel, filed an action against the Lexington Insurance Company, a subsidiary of American International Group, Inc. (AIG), as Defendant, in the Supreme Court of the State of New York, County of Nassau, for breach of contract, specifically an insurance policy, wherein it requested compensation for business interruption costs (reduced revenue streams, etc.) in the wake of the devastation wrought by Superstorm Sandy; and

WHEREAS, Defendants removed this action to federal court in November of 2014; and

WHEREAS, the parties have remained in a protracted dispute regarding jurisdictional issues ever since; and

WHEREAS, after years of legal work, it was voluntarily agreed upon by both parties to mediate this dispute through the dispute resolution program of the United States District Court for the Eastern District of New York ; and

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Item No. 1
Resolution No.

WHEREAS, on October 19, 2016 a mediation was held before Michael A. Levy, Esq., and it was determined that it would be in the best interest of both parties to settle the City's claim against Lexington Insurance Company and AIG, in the amount of \$800,000; and

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 "City of Long Beach v. Lexington Insurance Company, American International Group, Inc.", for the sum of \$800,000 to be paid to the City of Long Beach within fifteen days of full execution of the Settlement Agreement, in settlement of all claims of the City of Long Beach.

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Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Amend the Contract for Plans and Specifications (Phase I) for the Installation of Flood Protection Infrastructure along the Northern Waterfront of the City of Long Beach and to Amend the City's Budget.

WHEREAS, as a result of Superstorm Sandy, critical infrastructure, such as the City's Water Purification Plant, the Wastewater Treatment Plant, Electrical and Gas Substations, suffered considerable damage due to the severe tide surges and extreme flooding; and

WHEREAS, the City, in an effort to protect this infrastructure filed a Hazard Mitigation Grant Application with the State of New York for funding of this project, which was awarded to the City; and

WHEREAS, pursuant to Resolution No. 104/14, duly adopted on August 5, 2014, the City entered into an agreement with D&B Engineers and Architects, P.C., 330 Crossways Park Drive, Woodbury, New York 11797 for consulting engineering/architectural services to provide detailed plans and specifications (Phase I), construction administration and on-site inspection services (Phase II) for the installation of flood protection infrastructure along the northern waterfront of the City of Long Beach, in accordance with plans and specifications on file in the Department of Public Works; and

WHEREAS, after meetings with the U.S. Army Corps of Engineers, the New York State Department of Environmental Conservation, the New York State Department of State, the New York State Office of General Services, the United State Environmental Protection Agency and FEMA, it was agreed upon that certain details of the initial design (Phase I) need to be re-designed; and

WHEREAS, the re-design will include the re-alignment of approximately 1800 linear feet of the proposed bulkhead to bring the structure as close as practicable to the Mean High Water line; prepare design documents for a portion of the bulkhead to be placed on the Long Island Rail Road property, (which was previously planned to be undertaken by the LIRR) – which is a critical component in maintaining a continual line of protection along the shoreline; submit revised permit applications and cost estimates, and to finalize and submit Phase I requirements to FEMA by June, 2017;

WHEREAS, as per correspondence from FEMA on September 16, 2016, the City was granted a Period of Performance (POP) Extension of twenty-four months, allowing the project re-design and was granted the reallocation of study and design funding for the engineering services required;

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 amend the contract with D&B Engineers and

Architects, P.C., 330 Crossways Park Drive, Woodbury, New York 11797 to re-design detailed plans and specifications for Phase I of the above referenced project, at an additional cost of \$558,220.00, which is being provided from the Department of Homeland Security's Federal Emergency Management Agency Hazard Mitigation Grant Program. Funds will be available in Account No. H1015.52298 (Flood Protection Infrastructure) after the following budget amendment is approved:

Increase Estimated Revenues: H10510	\$558,220.00
H0040.44097 Fed Aid, Capital Projects	\$558,220.00
Increase Appropriations: H20960	\$558,220.00
H1015.52298 Flood Protection Infrastructure	\$558,220.00

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Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

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

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

WHEREAS, after applying for, the City of Long Beach has been notified of the
approval of a grant in the amount of \$500,000 from the New York State Department of State
(Contract #C1000697) for the project known as Downtown Long Beach : Resilient Connectivity
for Park Avenue – Phase I; and

WHEREAS, said grant shall be used for the design and construction of
improvements along Park Avenue to create a more resilient and connected commercial corridor,
addressing significant access and safety issues by reducing conflicts between motorists,
pedestrians and cyclists, through the creation of bicycle lanes and traffic calming measures,
thereby alleviating parking demand and generating essential economic activity while
encouraging alternative, more environmentally friendly modes of transportation and transit-
oriented development; and

WHEREAS, the City agrees that it will fund its portion of the cost of the Project
and shall make a local match in the amount of \$500,000;

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 sign legal documents on behalf of the City of
Long Beach and that such signature is acknowledgement of the acceptance by the City of Long
Beach of compliance with all terms and conditions of Contract #C1000697 to be executed for the
grant with the New York State Department of State; and be it further

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

RESOLVED, that the City of Long Beach agrees that it will provide funding
equal to the amount of the grant award and that funds will be available to initiate the Project in
Account No. H1015.52342 (Econ Dev-Infrastructure Improvements).

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Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Budget Amendments to the
General Fund for the 2016-2017 Fiscal Year.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,
that the following amendments to General Fund for the 2016-2017 Fiscal Year be and is hereby
authorized:

GENERAL FUND
2016-2017 Fiscal Year

Increase Estimated Revenues: A10510	\$134,028.00
A0025.42595 Masonry Charges	\$75,000.00
A0030.43060 State Aid, Records Management	\$38,695.00
A0026.42680 Insurance Reimbursements	\$4,075.00
A0027.42770 Other Unclassified Revenues	\$16,258.00
Increase Appropriations: A20960	\$134,028.00
A1490.54449 Masonry Repairs	\$75,000.00
A1410.54440 City Clerk, Contracted Services	\$38,695.00
A5630.54499 Transportation, Vehicle Repairs	\$4,075.00
A3120.51103 Police, OT	\$16,258.00

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Item No. 5
Ordinance No.

The following Ordinance was moved by
and seconded by :

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

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

Sec.1. Chapter 21, Article I, Section 21-3.2 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. 21-3.2. Reciprocal agreements with other municipalities.

Anything contained in this chapter to the contrary notwithstanding, the city
manager may enter into a reciprocal agreement with any other town, city or incorporated
village in the County of Nassau **and/or in the County of Suffolk**, which agreement shall
provide that any person who holds a valid license to conduct the trade or business of an
employing or master plumber issued by such other municipality, after having passed an
examination given by the examining board of plumbers of such other municipality, shall be
deemed to be competent to conduct that business in the City of Long Beach, New York, and
shall not be required to take such examination given by the examining board of plumbers of the
City of Long Beach, New York, as a prerequisite to conducting that business in the City
of Long Beach, New York, but he must comply with and shall be subject to and bound by
all other provisions and requirements of this chapter, and by all rules and regulations
adopted pursuant thereto, and he must have a valid certificate of competency issued by
the examining board of plumbers of the City of Long Beach, New York. Such agreement
must provide that such other municipality shall extend to any person who holds a valid
master plumber's license issued by the City of Long Beach, after having passed an
examination given by the examining board of plumbers of the City of Long Beach,
reciprocal and equal rights and privileges in such other municipality.”

Sec. 2. This Ordinance shall take effect immediately.