

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
MARCH 21, 2023

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

1. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Special Events.
2. Resolution Authorizing the Retention of Consulting Services.
3. Resolution Authorizing the Acting City Manager to Enter into an Inter-Municipal Cooperation Agreement with the County of Nassau to Receive Funding for the Purchase of a Zamboni and Related Items.
4. Resolution Authorizing Publication for Hearing of an Ordinance Amending and Restating Bond Ordinance Adopted May 17, 2022 in the Amount of \$165,759,695.

Legislative Memo: The Project was not able to be bid prior to the adoption of the Original Bond Ordinance. At the time, the estimated maximum cost of the Project was \$123,095,7991. Unfortunately, since the Original Bond Ordinance was adopted, market conditions have substantially changed and, once bid, the cost of the Project has substantially increased by \$46,157,182 to \$169,252,9812. Such costs shall be paid with \$165,759,695 in serial bonds and \$3,493,286 in EFC grants. As such, the Original Bond Ordinance will need to be amended to reflect such change. It is important to note that the increase will not affect the reimbursement grants from FEMA and GOSR. The grants are based on the maximum cost of the Project, regardless of the amount. As such, the City will not have to pay out-of-pocket for such increased costs.

5. Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 917 West Beech Street (street floor), Long Beach, New York.
6. Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach Re: City Officers: Their General Powers and Duties.

March 21, 2023

Item No. 1
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: SPECIAL EVENTS.

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

Sec.1. Chapter 14, Article XV, Section 14-317 of the Code of Ordinances of the
of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended, to
read as follows:

“Sec. 14-317. Cost recovery for special events.

...

The process involves providing an estimate of the costs to the applicant and suggested
changes that may lower projected costs. The City shall require payment of a reasonable estimate
of costs, in full, before a permit will be issued, **but may waive or modify this requirement in
its sole discretion.**"

...

Sec. 2. This Ordinance shall take effect immediately.

March 21, 2023

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Retention of Consulting Services.

WHEREAS, the City of Long Beach desires to retain the professional services of ProNexus, LLC who specialize in accounting support services; and

WHEREAS, ProNexus, LLC will provide accounting support services to the City;
and

WHEREAS, ProNexus, LLC, 115 Sully's Trail, Pittsford, New York 14534 has agreed to act as consultant on behalf of the City, providing accounting support services for a one-year duration, with the City retaining the right to terminate use of said services with thirty-days' notice to ProNexus, LLC at a cost not to exceed \$75,000;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager may retain ProNexus, LLC, 115 Sully's Trail, Pittsford, New York 14534 to provide accounting support services for a one-year duration, with the City retaining the right to terminate use of said services with thirty-days' notice to ProNexus, LLC at a cost not to exceed \$75,000. Funds are available in Account No. A1315.54440 (Comptroller's Department – Contracted Services).

March 21, 2023

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Enter into an Inter-Municipal Cooperation Agreement with the County of Nassau to Receive Funding for the Purchase of a Zamboni and Related Items.

WHEREAS, the City of Long Beach desires to enter into an Inter-Municipal Cooperation Agreement with the County of Nassau as authorized by Article 5-G of the General Municipal Law of the State of New York, to purchase a Zamboni and related items to assist the Recreation Department of the City of Long Beach and for use at the Long Beach Ice Arena (“Project”); and

WHEREAS, pursuant to said Agreement, the County will provide funding to reimburse the City in the amount of \$115,000.00 for the purchase of the goods and services in connection with the Project;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and is hereby authorized to enter into an Inter-Municipal Cooperation Agreement with the County of Nassau for the above said project; and be it further

RESOLVED, that the City Council adopts this resolution making a SEQRA environmental determination that the proposed Inter-Municipal Cooperation Agreement and Project will not have a significant effect on the environment and issues a negative declaration.

March 21, 2023

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an Ordinance Amending and Restating Bond Ordinance Adopted May 17, 2022, Authorizing Financing for the Costs of the Construction and Reconstruction of Improvements to the City's Long Beach Water Pollution Control Plant and South Shore Reclamation Facility, Stating the Estimated Total Cost Thereof is \$169,252,981, Appropriating Said Amount Therefor, Authorizing the Issuance of Not to Exceed \$165,759,695 Bonds of Said City to Finance Said Appropriation, and Further Authorizing Any Amounts Received from the United States of America and/or the State of New York to be Expended Towards the Cost of Such Project, or Redemption of Any Notes and Bonds Issued Therefor or to be Budgeted as an Offset to the Taxes for Payment of the Principal of and Interest on Said Bonds and Any Notes Issued in Anticipation Thereof.

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

“BOND ORDINANCE DATED APRIL 4, 2023.

AMENDED AND RESTATED BOND ORDINANCE OF THE CITY OF LONG BEACH, NEW YORK, AMENDING AND RESTATING A BOND ORDINANCE ADOPTED MAY 17, 2022, AUTHORIZING FINANCING FOR THE COSTS OF THE CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO THE CITY'S LONG BEACH WATER POLLUTION CONTROL PLANT AND SOUTH SHORE RECLAMATION FACILITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$169,252,981, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$165,759,695 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SUCH PROJECT, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS AND ANY NOTES ISSUED IN ANTICIPATION THEREOF.”

(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 summary form 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 April 4, 2023 at 7:00 p.m. on that day.

AMENDED AND RESTATED BOND ORDINANCE OF THE CITY OF LONG BEACH, NEW YORK, AMENDING AND RESTATING A BOND ORDINANCE ADOPTED MAY 17, 2022, AUTHORIZING FINANCING FOR THE COSTS OF THE CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO THE CITY'S LONG BEACH WATER POLLUTION CONTROL PLANT AND SOUTH SHORE RECLAMATION FACILITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$169,252,981, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$165,759,695 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SUCH PROJECT, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS AND ANY NOTES ISSUED IN ANTICIPATION THEREOF.

Legislative Memo: As the Project was not able to be bid prior to the adoption of the Original Bond Ordinance, the City, the County of Nassau and its project managers and consultants estimated that the likely maximum cost of the Project would not exceed \$123,095,799. Unfortunately, after the Original Bond Ordinance was adopted, market conditions have substantially changed and, once bids were received and other additional costs were calculated and incorporated, the estimated cost of the Project has substantially increased by \$46,157,182 to an estimated \$169,252,981. Such costs shall be paid with \$165,759,695 in serial bonds and \$3,493,286 in EFC grants. As such, the Original Bond Ordinance will need to be amended to reflect such change. It is important to note that the increase will not affect the reimbursement grants from FEMA and GOSR. The grants are based on the maximum cost of the Project, regardless of the amount. As such, the City will not have to pay out-of-pocket for such increased costs.

WHEREAS, the City of Long Beach (the "City") owns and operates the Long Beach Water Pollution Control Plant (the "LBWPCP") and the County of Nassau (the "County") owns and operates the South Shore Water Reclamation Facility (the "SSWRF", and together with the LBWPCP, "Facilities"); and

WHEREAS, on October 29, 2012, Superstorm Sandy did substantial damage to the Facilities and their collection systems, and as such, the Facilities require major construction and reconstruction improvements (the "Project"); and

WHEREAS, to address the financing and implementation of such improvements, on July 25, 2019, the City and the County entered into an Intermunicipal Agreement (as amended and including any administrative memoranda applicable thereto, the "IMA") in order to further describe the Project, the City's financing thereof and the transfer of the Project to the County upon its completion; and

WHEREAS, the City has received preliminary approval to receive certain grants to finance a portion of the Project from the United States of America and the State of New York, including, but not limited to, monies from the Federal Emergency Management Agency ("FEMA") and the Governor's Office of Storm Recovery ("GOSR"); and

WHEREAS, to finance the remaining portion of the Project, the City has submitted a loan application to the New York State Environmental Facilities Corporation (“EFC”) seeking to issue bonds and/or bond anticipation notes through its State Revolving Fund Program; and

WHEREAS, on May 17, 2022, the City Council of the City adopted a bond ordinance authorizing the issuance of serial bonds in the principal amount of \$123,095,799 to finance the costs of the Project (the “Original Bond Ordinance”); and

WHEREAS, after the adoption of the Original Bond Ordinance, the City was informed by the County that the maximum estimated cost of the Project has increased by \$46,157,182 to \$169,252,981, and as such, the amount of serial bonds authorized shall need to be increased to \$165,759,695 in conjunction therewith (the remaining difference to be paid by \$3,493,286 in EFC grants); and

WHEREAS, the City now intends to amend and restate the Original Bond Ordinance in its entirety pursuant to the terms of this ordinance for the purpose of increasing the maximum estimated cost of the Project, and the amount of serial bonds authorized to finance the Project, from \$123,095,799 to \$165,759,695; and

WHEREAS, any bonds and/or bond anticipation notes approved hereinbelow shall only be issued upon the receipt by the City of certain assurances, subject to the City’s satisfaction, that such FEMA or GOSR grants will be paid to the City during the course of the Project; and

WHEREAS, should the City deem such assurances unsatisfactory, the City may determine not to finance the Project as authorized below.

NOW, THEREFORE,

BE IT ENACTED, by the Council of the City of Long Beach, Nassau County, New York, to amend and restate the original bond ordinance in its entirety, to read as follows:

Section 1. The City is hereby authorized to finance the cost of the Project, as further described in the documents between the City, FEMA and GOSR, the EFC documents and as set forth in the IMA. The total estimated maximum cost of said Project, including preliminary costs and costs incidental thereto and to the financing thereof, is \$169,252,981 and said amount is hereby appropriated therefor. The plan of financing includes (i) the issuance of not to exceed \$165,759,695 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 any notes issued in anticipation thereof and the interest thereon as the same shall become due and payable, subject to the conditions set forth above, (ii) certain United States of America and State of New York grants, including but not limited to FEMA and GOSR funds, and (iii) any other sources as further provided for in the IMA. Any amounts received by the City from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the Project or the redemption of any notes and bonds issued therefor, or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the City in the aggregate principal amount of \$165,759,695 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 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may 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. To the extent applicable, the City Comptroller is hereby authorized to execute and deliver in the name and on behalf of the City (i) a project financing agreement prepared by EFC (the “Project Financing Agreement”) and (ii) any third party agreement for the administration of the Project (the “Third Party Agreement”), and, to the extent applicable, the City Comptroller and the City Clerk and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this bond resolution or any document or agreement approved hereby, including, but not limited to, the Project Financing Agreement and the Third Party Agreement.

Section 8. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may 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

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. 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 §81.00 of the Local Finance Law.

March 21, 2023

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication of a Notice of Public
Hearing of an Application to Waive the Off-Street Parking
Requirements for Premises: 917 West Beech Street (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 917 West Beech Street
(street floor), Long Beach, New York (Section 59, Block 234, Lots 22, 23, 24, 25 and 49),
between Virginia Avenue and Wisconsin Street, having frontage of less than 20 feet, on behalf of
the owner 917 W Long Beach Corp., 917 West Beech Street, Long Beach, New York 11561 to
be used as a medical office;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that a
public hearing will be had before this Council upon said application at City Hall, 1 West Chester
Street, in the City of Long Beach, New York, on April 4, 2023 at 7:00 p.m. on that date; and be it
further

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

March 21, 2023

Item No. 6
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: City Officers:
Their General Powers and Duties.

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

"A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF LONG
RE: CITY OFFICERS: THEIR GENERAL POWERS AND DUTIES."

(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 April 4,
2023 at 7:00 p.m.; and be it further

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

Introductory No. 375
Introduced by:

CITY OF LONG BEACH

CHAPTER I LAWS OF 2023

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF LONG
BEACH RE: CITY OFFICERS: THEIR GENERAL POWERS AND DUTIES.

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

Sec. 1. Article 3, Section 20(2) of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same is hereby amended to read as follows:

"Sec. 20. City Manager

...

2. The City Manager shall be appointed by vote of a majority of all the council persons for an indefinite term. He/she shall be chosen solely on the basis of his/her executive and administrative qualifications with special reference to his/her actual experience in, or his/her knowledge of, accepted practice in respect to the duties of his/her office as herein set forth. During his/her term of office he/she shall reside within **fifteen (15) miles of the City of Long Beach or within the County of Nassau** within ninety (90) days of his/her appointment."

...

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