

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
APRIL 3, 2018

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 68 West Park Avenue, (street floor), Long Beach, New York.

Re: Tobacco/Vape Convenience Store

1. Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 68 West Park Avenue, (street floor), Long Beach, New York.
Re: Tobacco/Vape Convenience Store
2. Resolution Authorizing Settlement of an Action Brought by the City of Long Beach Against Ilya Kagan and Polina Kagan.

Legislative Memo: The Corporation Counsel brought suit against Ilya Kagan and Polina Kagan for property damage sustained by a City vehicle in an accident. The attorneys on behalf of the City have reviewed said action and have negotiated a settlement in the amount of \$40,000 to be paid to the City.

3. Resolution Authorizing the City Manager to Enter into an Agreement for Engineering Services for the Long Beach Drainage Improvements Project and to Amend the Budget.

Legislative Memo: Specific areas within Long Beach were identified by the New York Rising Community Reconstruction Program as chronic flood areas. The City has been notified of funding approval for this project. The purpose of this resolution is to: 1. Select an engineering services firm; 2. Establish a new appropriations line to enable payment of GOSR funds to the engineering services firm; and 3. Amend the budget in anticipation of and contingent upon receipt of said funds.

4. Resolution Authorizing the City Manager to Enter into an Agreement for Construction Administration and Inspection Services for the Establishment of an Office of Emergency Management for the City of Long Beach and to Amend the Budget.

Legislative Memo: The New York Rising Community Reconstruction Program identified the need for an OEM to be established within our City. The purpose of this resolution is to: 1. Select an engineering services firm; 2. Establish a new appropriations line to enable payment of GOSR funds to the engineering services firm; and 3. Amend the budget in anticipation of and contingent upon receipt of said funds.

5. Resolution Authorizing the City Manager and the City Comptroller to Transfer Funds within the 2017-2018 Budget.

Legislative Memo: Every year in order to prepare for the closing of the budget cycle, a Council resolution is placed on the Agenda giving the City Manager and the City Comptroller the authority to transfer unexpended funds within the current fiscal year.

6. Resolution Delegating to the City Comptroller of the City of Long Beach, Nassau County, New York the Powers to Authorize the Issuance of \$4,000,000 Tax Anticipation Notes of Said City, or So Much Thereof as May be Necessary, in Anticipation of the Collection of Taxes Levied for the Fiscal Year Commencing July 1, 2018, and to Prescribe the Terms, Form and Contents, and Provide for the Sale and Credit Enhancement of Such Notes.

Legislative Memo: The City's recovery from Superstorm Sandy is still felt today. This short term cash flow note is in anticipation of the receipt of approved FEMA and New York State funds associated with the boardwalk reconstruction.

7. Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for Cost of Separation Payments To or For the Benefit of Employees of the City, Stating the Estimated Total Cost Thereof is \$2,100,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$2,100,000 Bonds of Said City to Finance Said Appropriation.

Legislative Memo: This bond issue funds separation payouts due and owing to employees, and to otherwise fund early retirement incentive programs, among other financial commitments and obligations.

April 3, 2018

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Granting Waiver of Off-Street Parking Requirements Re:
Premises 68 West 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 68 West Park Avenue (street floor), Long Beach, New York (Section 59, Block 84, Lot 6), between Edwards and National Boulevards, having frontage of 20 feet, on behalf of the owner Mohammad Sharif, 2260 New York Avenue, Huntington, New York 11746 to be used as a Tobacco/Vape Convenience Store;

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 Mohammad Sharif, 2260 New York Avenue, Huntington, New York 11746 for exemption with respect to the requirements for off-street parking at premises 68 West 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 Tobacco/Vape Convenience Store.

April 3, 2018

Item No. 2
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 Ilya Kagan and Polina Kagan.

WHEREAS, on June 23, 2014, an automobile accident between a City of Long Beach vehicle and a vehicle owned and operated by Ilya Kagan and Polina Kagan occurred; and

WHEREAS, on April 12, 2016, the City of Long Beach, represented by the Office of the Corporation Counsel, brought suit against Ilya Kagan and Polina Kagan for property damage sustained by the City's vehicle in said accident; and

WHEREAS, the attorneys on behalf of the City have reviewed said action and have negotiated a settlement of said action with representatives for the defendants;

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 "The City of Long Beach v. Ilya Kagan and Polina Kagan" for the sum of \$40,000.00 to be paid to the City of Long Beach within the timeframe set forth in the New York Civil Practice Law and Rules 5003-A.

April 3, 2018

Item No.3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an Agreement for Engineering Services for the Long Beach Drainage Improvements Project, and to Amend the Budget.

WHEREAS, specific areas within Long Beach were identified by the New York Rising Community Reconstruction Program as chronic flood areas; and

WHEREAS, after due advertisement therefore, five proposals were received in the Office of the Commissioner of Public Works on January 19, 2018 for engineering services to address these chronic flood areas, to include survey, design and construction administration and inspection services, as per specifications on file in the Office of the Commissioner of Public Works; and

WHEREAS, D&B Engineers and Architects, PC, 330 Crossways Park Drive, Woodbury, New York 11797 was the most qualified as well as the lowest responsible proposer, at a cost of \$405,890.00; and

WHEREAS, final approval for funding for this project was received by the Department of Public Works on March 27, 2018 from HGA, LLC, retained by GOSR to administrator the New York Rising Community Reconstruction Program (NYRCRP); and

WHEREAS, upon completion of the work D&B Engineers and Architects will invoice the City, the City then forwards the invoice to GOSR. GOSR then electronically deposits the funds into revenue Account No. H0040.44097 (Federal Aid-Capital Projects) and within five days of receipt of said funds, payment is sent to D&B Engineers and Architects; and

WHEREAS, an appropriate revenue line exists in the current budget to capture the increased revenue set forth above, but no appropriation line exists to allow for the proper disbursement of said funds; and

WHEREAS, the City herein establishes Account No. "H1018.52359 –Drainage Improvement" in anticipation of receipt of funds; and

WHEREAS, contingent upon receipt of the above funds, monies associated with this transaction shall be allocated as follows:

Increase Estimated Revenues:	H10510		\$405,890.00
	H0040.44097 Federal Aid, Capital Projects	\$405,890.00	
Increase Appropriations:	H20960		\$405,890.00
	H1018.52359 Drainage Improvement	\$405,890.00	

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 enter into an agreement with D&B Engineers and Architects, PC, 330 Crossways Park Drive, Woodbury, NY 11797 for engineering services

April 3, 2018

Page 2
Item No. 3
Resolution No.

for the Long Beach Drainage Improvements Project, at a cost of \$405,890.00.

April 3, 2018

Item No.4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an Agreement for Construction Administration and Inspection Services for the Establishment of an Office of Emergency Management for the City of Long Beach, and to Amend the Budget.

WHEREAS, after due advertisement therefore, four proposals were received in the Office of the Commissioner of Public Works on January 12, 2018 for construction administration and inspection services for the establishment of an Office of Emergency Management, as per specifications on file in the Office of the Commissioner of Public Works; and

WHEREAS, Cameron Engineering and Associates, LLP, 177 Crossways Park Drive, Woodbury, New York 11797 was the most qualified and best suited to undertake this project at a cost of \$144,094.89; and

WHEREAS, upon completion of the work Cameron Engineering and Associates will invoice the City, the City then forwards the invoice to GOSR. GOSR then electronically deposits the funds into revenue Account No. H0040.44097 (Federal Aid-Capital Projects) and within five days of receipt of said funds, payment is sent to Cameron Engineering and Associates; and

WHEREAS, an appropriate revenue line exists in the current budget to capture the increased revenue set forth above, but no appropriation line exists to allow for the proper disbursement of said funds; and

WHEREAS, the City herein establishes Account No. "H1018.52360 –Office of Emergency Management Establishment" in anticipation of receipt of funds; and

WHEREAS, GOSR has directed the City to retain engineering services for this project before May 1st; and

WHEREAS, contingent upon final approval of the Governor’s Office of Storm Recovery and receipt of the above funds, monies associated with this transaction shall be allocated as follows:

Increase Estimated Revenues: H10510		\$144,094.89
H0040.44097 Federal Aid, Capital Projects	\$144,094.89	
Increase Appropriations: H20960		\$144,094.89
H1018.52360 Office of Emergency Mgmt. Estab.	\$144,094.89	

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 an agreement with Cameron Engineering and Associates, LLP, 177 Crossways Park Drive, Woodbury, New York 11797 for construction administration and inspection services for the establishment of an Office of Emergency Management, at a cost of \$144,094.89.

April 3, 2018

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager and the City
Comptroller to Transfer Funds within the 2017-2018 Budget.

WHEREAS, it has been determined that there are unexpended funds in various accounts, and that other accounts require funds to be transferred to them for the remainder of the 2017-2018 fiscal year; and

WHEREAS, Section 101(c)(d) of the City Charter states that the City Council only, may approve transfers exceeding \$1,500.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager and the City Comptroller are hereby authorized to transfer any funds exceeding \$1,500.00 within the 2017-2018 budget as required, and that no funds so transferred shall be used to pay any allotment or appropriation or obligation except as in keeping with Section 102-a(2) of the Charter of the City of Long Beach.

April 3, 2018

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Delegating to the City Comptroller of the City of Long Beach, Nassau County, New York the Powers to Authorize the Issuance of \$4,000,000 Tax Anticipation Notes of Said City, or So Much Thereof as May be Necessary, in Anticipation of the Collection of Taxes Levied for the Fiscal Year Commencing July 1, 2018, 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. Subject 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"), the power to authorize the issuance of Tax 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 \$4,000,000, 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 of real estate taxes levied for City purposes in the fiscal year commencing July 1, 2018 and ending June 30, 2019, and the proceeds of the Notes shall be used only for the purposes for which said taxes are to be levied.

(b) The Notes shall mature within the period of one year from the date of their issuance, and may be renewed from time to time in accordance with the provisions of the Law.

(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 taxes.

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

April 3, 2018

Page 2
Item No. 6
Resolution No.

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.

April 3, 2018

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for Cost of Separation Payments To or For the Benefit of Employees of the City, Stating the Estimated Total Cost Thereof is \$2,100,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$2,100,000 Bonds of Said City to Finance Said Appropriation.

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

“BOND ORDINANCE DATED APRIL 17, 2018.

ORDINANCE AUTHORIZING FINANCING FOR THE COST OF SEPARATION PAYMENTS TO OR FOR THE BENEFIT OF EMPLOYEES OF THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$2,100,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,100,000 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 April 17, 2018 at 7:00 p.m. on that day.

BOND ORDINANCE AUTHORIZING FINANCING FOR THE COST OF SEPARATION PAYMENTS TO OR FOR THE BENEFIT OF EMPLOYEES OF THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$2,100,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,100,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.

BE IT ENACTED, by the 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 separation payments to or for the benefit of employees of the City pursuant to Chapter 258 of the 2012 Laws of New York, at the estimated maximum cost of \$2,100,000. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$2,100,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$2,100,000 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 \$2,100,000 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 specific object or purpose for which said \$2,100,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 85-e of the Law, is five (5) 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. 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 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.