

**CALENDAR**  
**for**  
**REGULAR MEETING OF THE COUNCIL**  
**of the**  
**CITY OF LONG BEACH**  
**held**  
**JUNE 19, 2018**

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**PUBLIC HEARING:** Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Garbage and Refuse.

**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: Garbage and Refuse.
2. Resolution Authorizing the City Manager to Purchase Miscellaneous Plumbing Supplies and Materials on an “As Needed Basis” from the Lowest Responsible Bidders.
3. Resolution Authorizing the City Manager to Enter into an Agreement to Purchase Fire Hydrants on an As Needed Basis from the Sole Responsible Bidder.
4. Resolution Authorizing Annual Allocation of Community Development Funds for the 43<sup>rd</sup> Program Year.
5. Resolution Authorizing the City Manager to Amend the Contract for the Demolition and Replacement of Bathrooms in City Hall.
6. Resolution Authorizing the Use of Community Development Block Grant Funds to Furnish the Labor and Materials to Make the Food Pantry at the New Life Church of Christ ADA Accessible and the Transfer of Funds.
7. Resolution Authorizing the City Manager to Enter into a Contract for Credit Card Processing Services with the Sole Responsible Bidder.

8. Resolution Authorizing Publication for Hearing on a Special Noise Variance.
9. 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 \$2,500,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$2,500,000 Bonds of Said City to Finance Said Appropriation.

Legislative Memo: The City is budgeted to borrow \$1.8 million in the 2018-2019 annual budget for separation payments. The City now has 27 CSEA, PBA and LBPFA retirees who will receive their separation payments bi-weekly, totaling \$1,486,331.49, annually. In light of this encumbrance, and given the uncertainties surrounding new retirees in Fiscal Year 2018-2019, the City believes it prudent to act in an abundance of caution by increasing the bond authorization to \$2.5 million. The City's decision, in that regard, is guided by past separation payouts to employees, particularly the obligations due to and owing to Police and Fire Department employees, an average composite of which is as follows:

Fire Fighter -	\$296,197.37
Fire Lieutenant -	\$409,560.25
Police Officer -	\$316,033.79
Police Lieutenant -	\$421,750.44
Police Sergeant -	\$619,183.01

Therefore, if even two or three employees from the above categories were to retire, the City would require additional funding.

As a reminder, the City is not obligated to actually borrow the full amount of the bond authorized, only that portion which is needed.

June 19, 2018

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: GARBAGE AND REFUSE.

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

Sec.1. Chapter 12, Article II, Division 1, Section 12-24(a) of the Code of  
Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby  
amended to read as follows:

“Sec. 12-24. Sanitation charges for collection of garbage imposed on  
residential properties.

(a) The owner or owners of every parcel of real property in the city in which  
one (1) or more residential units is or are located shall pay to the city annually in advance one-  
half ( 1/2) on July 1 of each year, beginning **July 1, 2018**, and one-half ( 1/2) on January 1 of  
each year, beginning **January 1, 2019**, sanitation charges in the amount of **six hundred and five  
dollars (\$605.00)** for each residential unit contained in such parcel of property for the collection  
of garbage, paper and refuse from said premises.”

Sec. 2. This Ordinance shall take effect immediately.

The following Ordinance was moved by  
and seconded by :

ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF LONG BEACH RE: 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 of the Code of Ordinances of the City of Long  
Beach, as heretofore amended, shall be and the same is hereby repealed, revoked and rescinded,  
and the following Article XV is hereby adopted and enacted in place and stead of said Article, to  
read as follows:

**“ARTICLE XV. SPECIAL EVENTS**

**Sec. 14-310. Legislative intent.**

**The intent and purpose of this Article is to establish a process for permitting the use  
of City property, streets, facilities or services and to establish reasonable regulations  
governing the time, place and manner for the holding of certain activities defined as  
“special events”.**

**It is the intent of the City to regulate special events; to provide a coordinated  
process for applicants in regard to the granting or denial of a special event permit; to  
protect the rights and interests of the residents of the City; and to recoup any costs borne  
by the City during the special event, to include, but not be limited to: the use of personnel,  
consultants, equipment and supplies, sanitation (litter and debris clean-up) and utilities.**

**Sec. 14-311. Definitions.**

**As used in this article the following words and phrases shall have the meanings  
assigned:**

*Amusement ride.* Any kind of machine, apparatus or device which is designed or used to  
propel, project or move a person through the air, along the ground or otherwise, and shall include  
a carousel, Ferris wheel, gravity steeplechase, scenic railway, parachute jump and other similar  
machinery and rides customarily associated with amusements or carnivals.

*Athletic event.* **An organized competitive or recreational event in which a group of  
people collectively engage in a sport or comparable activity on any City street or other City  
property.**

*Building.* **A structure wholly or partially enclosed within exterior or party walls,  
containing a roof and a single standalone foundation, affording shelter to persons, animals  
or property.**

*Charitable or religious event or activity.* Any special event conducted by a charitable or nonprofit organization which is either duly registered or exempt from registration with the Board of Social Welfare of the State of New York in accordance with the provisions of the Social Welfare Law, or by a religious corporation or property owned or leased by it for its own charitable fund-raising purposes and utilizing its own members as operating personnel and conducted in compliance with all rules and regulations of the State of New York, or any subdivision thereof, and the applicable provisions of this article.

*City.* The land area located within the boundary of the City of Long Beach under the jurisdiction of the Long Beach City Council.

*City Clerk.* The City Clerk of the City of Long Beach, **and/or his or her designee.**

***Festival.* A thematic, organized celebration, performance, exhibition or competition occurring upon public or private property, or a combination of private and public property, as a result of a private non-governmental event organizer, during which commerce may occur, for a defined period of time, advertised and promoted inside or outside the City, that will, in the determination of the City, have an impact on City resources, due to the anticipated amount of people attending.**

***Parade.* Any march, race, presentation, ceremony, pageant or procession of any persons and conveyances of any sort moving upon any public street or sidewalk of the City, which is inconsistent with normal traffic regulations.**

*Person.* Any individual, firm, partnership, corporation, association, company or organization of any kind.

***Special event.* Any athletic event, entertainment event, filming event, demonstration (political or otherwise) or other organized event, whether held for profit, nonprofit, or charitable purposes, that involves the use of streets, sidewalks, parks or other City property in a way that is inconsistent with normal or usual traffic, pedestrian, park or similar laws, rules, regulations or controls. A special event has a specific start and stop date. Examples of special events include, but are not limited to: concerts, parades, circuses, fairs, festivals, filming, automobile or motorcycle shows, community events, marathons and running events, bicycle races or tours, as well as participant and/or spectator sports, such as volleyball, surfing, boat races, beach polo, beach soccer, beach tennis, football, basketball, baseball and hockey games.**

***Special event permit.* A permit or instrument granted or issued by the City Clerk pursuant to the provisions of this article.**

***Temporary structure.* Structures built or erected for shelter, shade or enclosure of persons, animals, or property of any kind, including but not limited to tents.**

**Sec. 14-312. Permit required.**

**It shall be unlawful for any person, corporation, partnership, association or other entity, public or private, to conduct a special event in the City unless there is compliance with the following provisions:**

(a) A special event permit issued by the City Clerk shall be required in order to conduct a special event, except that no such permit shall be required for a charitable or religious event or activity conducted wholly within a building which complies with the provisions of the building and zoning requirements of the City's Code of Ordinances and the **New York State** laws, rules and regulations relating to places of public assembly.

**(b) Amusement rides may be permitted in any special event, including a charitable or religious event or activity, only upon compliance with the following:**

- (1) Amusement rides shall not exceed six (6) per acre of vacant land.**
- (2) Compliance with the applicable provisions of the New York State Labor Law and Industrial Board.**
- (3) Compliance with the applicable provisions of the City's Code of Ordinances.**
- (4) Any time, place and manner restrictions set forth in the relevant permit, including but not limited to any restrictions relating to duration.**

**(c) Notwithstanding Section 9-112 of the Code of Ordinances, the City Clerk may issue a permit allowing for the temporary placement of tents in parking lots during Special Events, considering the impact (if any) said tent(s) may or will have on public safety, and other quality of life concerns. Issuance of such permits is subject to and conditioned upon:**

- (1) the Building Commissioner's separate determination that the proposed tent(s) is/are fully compliant with all applicable New York State and/or City of Long Beach laws, rules and regulations; and**
- (2) any time, place and manner restrictions that are set forth in the relevant permit, including but not limited to any restrictions relating to duration.**

**Sec. 14-313. Permit application procedures.**

**(a) All requests for special event permits shall be made on a special event permit application form prescribed by the City and shall include the following information:**

- 1. Type and description of the special event;**
- 2. Name of the organizer and the organizer's contact person, and such contact person's address and telephone number;**
- 3. A certification that the applicant will be jointly and severally liable for any City fees or costs that may be imposed for the event;**
- 4. Services requested from the City, such as (for example) police, fire, sanitation, public services, water, stage, sound system, bandwagon, bleachers, commercial vehicles, parking, tables, beach admission;**
- 5. Proposed date of the special event, together with beginning and ending times;**
- 6. Proposed location(s);**

7. Estimated numbers of event staff, security personnel, participants, spectators, structures and/or vehicles;
8. Proposed use of any alcoholic beverages during or in the conduct of the event (see Subsection e below);
9. Insurance and surety bond information;
10. Signature of applicant.

(b) **Submission Time:** Applicants must submit a completed application to the City forty-five (45) days prior to the event in order to allow adequate time for review.

(c) **Notwithstanding anything contained in this Article, any application for a filming event may be submitted to the City two (2) weeks before the filming event is scheduled to occur.**

(d) **Application Fee:** Each initial application for a special event permit shall be accompanied by a processing fee of two hundred and fifty dollars (\$250). Payment of the processing fee does *not* guarantee a Final Permit. The processing fee is strictly for entering an application into the permit process for further review. This fee is non-refundable.

(e) **Application for Use of Alcohol:** Whenever an applicant wishes to sell or serve alcohol at a Special Event, an additional application for a separate Special Event Permit for the use of alcohol shall be submitted to the City Clerk, along with an additional application fee of one hundred fifty (\$150.00) dollars. The City Clerk shall then determine whether the character, size and location of the proposed event is consonant with the public safety, health, character, and general welfare of the surrounding neighborhood. Such permit, if issued, is subject to and conditioned upon the applicant's written agreement to comply with the terms of such permit, and provide such additional insurance, and defense and/or indemnification protections that may be necessary to safeguard the City's interests. Sales and service of alcohol at Special Events is strictly prohibited absent such permit.

**Sec. 14-314. Issuance of a special event permit does not obligate City services.**

Issuance of a special event permit does not obligate or require the City to provide or contribute services, equipment or personnel in support of an event. Consistent with applicable law, the City Manager may, in his/her sole discretion, provide or contribute City services, equipment, or personnel, contingent upon whatever terms and conditions the City Manager deems just.

**Sec. 14-315. Consideration of approval and reasons for denial of a special event permit.**

No applicant will be given less favorable treatment as to time, manner or place on account of any message or viewpoint that may be conveyed at an event, or on account of identity or associational relationships of the applicant.

The City Clerk shall deny a special event permit to an applicant who has not:

- 1) Provided complete responses on the City's application;
- 2) Provided all ancillary documentation as requested on the City's application;
- 3) Demonstrated an ability or willingness to conduct an event pursuant to the terms and conditions of this Article;

**4) Not complied with any term of this Article, or with any condition of a special event permit previously issued to the applicant; and**

**A permit may also be denied when:**

**5) The event, as proposed, will violate public health or safety laws;**

**6) The event fails to conform to the requirements of law;**

**7) The event or events create an unreasonable demand on City staff and services or pose an unreasonable burden upon the City, or its residents;**

**8) The applicant failed to provide sufficient evidence of insurance coverage; or**

**9) The applicant is in arrears or has defaulted on any payment obligation to the City.**

**Sec. 14-316. Insurance required to conduct a Special Event; hold harmless.**

**The event organizer must possess or obtain comprehensive general liability insurance to protect the City against loss from liability imposed by law for damages on account of bodily injury or property damage. Such insurance shall name the City of Long Beach as the certificate holder and additional named insured. Defense, indemnification, and hold harmless provisions may also be required, in the discretion of the City. Insurance coverage must be maintained for the duration of the event in accordance with the following conditions:**

**(a) For events where the City (in its estimate) anticipates that a Special Event will attract less than 15,000 individuals:**

**the City requires general liability insurance (CGL), or GGL with excess umbrella coverage, or special event insurance, in amounts not less than \$1,000,000 per person and \$1,000,000 per occurrence and property damage liability insurance in an amount not less than \$300,000/\$1,000,000 per occurrence; or**

**the City requires minimum coverage of \$1,000,000 per occurrence with a \$2,000,000 general aggregate, equaling a total aggregate of \$3,000,000.**

**(b) For events where the City (in its estimate) anticipates that a Special Event will attract 15,000 individuals or more:**

**the City requires general liability insurance (CGL), or GGL with excess umbrella coverage, or special event insurance, in amounts not less than \$5,000,000 per person and \$5,000,000 per occurrence and property damage liability insurance in an amount not less than \$1,500,000/\$5,000,000 per occurrence; or**

**the City requires minimum coverage of \$5,000,000 per occurrence with a \$10,000,000 general aggregate, equaling a total aggregate of \$10,000,000.**

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

Cost recovery is a method by which the City can recover costs expended. Cost recovery is established to reimburse City departments for services they provide before, during and after a special event, or in any way related to special events, and to ensure that residents are not unduly financially burdened by 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.

The City shall charge for the actual cost of the salaries of City personnel, including but not limited to, policing, fire safety, emergency medical services, clean-up or other facility or event support, consultant costs, and for the use of City equipment and other non-personnel expenses related to the event(s). A final accounting document will be generated that will contain the actual costs and could result in a zero balance, refund or invoice.

Shortly after the conclusion of an event, the City Comptroller will prepare an official accounting of services provided for the event. The City Clerk will distribute to the permit holder the final accounting document within thirty (30) days of the event, and an invoice for additional funds should that be necessary, in the case of additional costs incurred during the event, which shall be payable to the City no later than thirty (30) days following the date of invoice. In the event that the permit holder is owed a refund, the City shall make said payment within sixty (60) days of the event.

Sometimes an event incurs additional costs because of issues including, but not limited to, changes made during the event planning phase, problems encountered during the event or extra services deemed necessary to maintain health and safety by City officials. While some costs can be projected and submitted to the applicant early, others may be charged due to an emergent need. The applicant is responsible for any cost recovery associated with emergent issues that arise from any part of the activity, including but not limited to property damaged by attendees. Such additional costs shall be itemized and distributed to the permit holder within thirty (30) days of the event, and may be: (i) invoiced and made payable to the City within thirty (30) of the date of invoice; (ii) used by the City as an offset against any refund(s) owed to the permit holder; or (iii) any combination of the above.

**Sec. 14-318. Closing hour.**

No special event shall be operated beyond or after 11:00 p.m. That notwithstanding, the City Clerk may set forth earlier closing hours in the permit, which shall be binding and enforceable on the permit holder.

**Sec. 14-319. Dismantling or removal of equipment.**

No equipment used in connection with a special event shall be dismantled or removed after 11:30 p.m.

Sec. 14-320. Noise.

The provisions of Chapter 16 of the Long Beach Code of Ordinances, entitled "Noise," shall be applicable to every special event, including charitable and religious events and activities.

Sec. 14-321. Penalties for offenses.

(a) Any person who violates any provision of this article shall be guilty of a violation punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment, for each such offense.

(b) In the event of a continuing violation, each day such offense continues shall constitute a separate additional violation.

(c) In addition to the foregoing penalties, the license or licenses issued for the special event shall be subject to revocation by the issuing city official or officials.”

**and**

Sec.2. Chapter 17, Section 17-2(g) of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended to read as follows:

“Chapter 17. Offenses-Miscellaneous

Sec. 17-2. Possession and consumption of alcoholic beverages in public places.

...

**(g) *Permits for special events. Refer to Chapter 14, Article XV, Section 14-313 (e).***”

June 19, 2018

Item No. 2  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Purchase  
Miscellaneous Plumbing Supplies and Materials on an  
“As Needed Basis” from the Lowest Responsible Bidders.

WHEREAS, after due advertising therefore, bids were received in the Office of the City Purchasing on Thursday, May 31, 2018 at 11:00 a.m. for the purchase of miscellaneous plumbing supplies and materials for use throughout the City, on an as needed basis, as per specifications on file in the Office of the City Purchasing Agent; and

WHEREAS, due to the numerous amounts of items within the bid specifications, three vendors were the lowest responsible bidders on different items: Blackman Plumbing Supplies Co., 348 Broadway, Lynbrook, New York 11563; Ferguson Waterworks, 200 Atlantic Avenue, New Hyde Park, New York 11040 and T-Mina Supply Inc., 44-41 Douglaston Parkway, Douglaston, New York 11363, for a period of one year with the option to renew for two additional one year periods with no increase in pricing;

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 miscellaneous plumbing supplies and materials for use throughout the City on an as needed basis from Blackman Plumbing Supplies Co., 348 Broadway, Lynbrook, New York 11563; Ferguson Waterworks, 200 Atlantic Avenue, New Hyde Park, New York 11040 and T-Mina Supply Inc., 44-41 Douglaston Parkway, Douglaston, New York 11363, with an additional 10% discount off-shelf or catalogue items not listed in the bid purchased from T-Mina Supply Inc., for a period of one year with the option to renew for two additional one year periods with no increase in pricing. Funds have been allocated to numerous Departmental Accounts within the City’s budget which was unanimously adopted on May 30, 2018 - Accounts F8340.54410 (Water Transmission-Supplies & Materials), A8172.54410 (Beach Maintenance-Supplies & Materials); G8540.54410 (Sewer Maintenance-Supplies & Materials); A1640.54410 (Municipal Building-Supplies & Materials); A7140.54410 (Recreation Center-Supplies & Materials); G8130.54410 (Water Pollution-Supplies & Materials); and F8330.54410 (Water Purification-Supplies & Materials).

June 19, 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 to Purchase Fire Hydrants on an As Needed Basis  
from the Sole Responsible Bidder.

WHEREAS, after due advertising therefore, one bid was received in the Office of the City Purchasing Agent on Thursday, February 15, 2018 at 11:00 a.m. for the purchase of fire hydrants as per specifications on file; and

WHEREAS, Blackman Plumbing Supply, 2700 Route 112, Medford, New York 11763 was the sole responsible bidder and the exclusive distributor of Sigelock Spartan Hydrants (Traffic Style) at the following prices: the 3 ½ foot bury at a cost of \$2,730.90; the 3 ¾ foot bury at a cost of \$2,715.90; the 4 foot bury at a cost of \$2,761.70; the 4 ¼ foot bury at a cost of \$2,777.00; the 4 ½ foot bury at a cost of \$2,782.50; the 4 ¾ bury at a cost of \$2,780.00 and the 5 foot bury at a cost of \$2,823.30;

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 Blackman Plumbing Supply, 2700 Route 112, Medford, New York 11763 to purchase fire hydrants at the above stated rates, on an as needed basis, for a period of one year with the option to renew for an additional one year period at the same rates. Funds have been allocated into Account No. F8340.54410 (Water Distribution – Supplies and Materials) in the City's budget, which was unanimously adopted on May 30, 2018.

June 19, 2018

Item No. 4  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Annual Allocation of Community  
Development Funds for the 43<sup>rd</sup> Program Year.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,  
that the following allocation to the Community Development Fund for the 43<sup>rd</sup> Program Year is  
hereby authorized:

**COMMUNITY DEVELOPMENT FUND**  
**43rd Program Year**

Increase Estimated Revenues: SG10510	\$330,000.00	
SG070.47100 Nassau County Grants		\$330,000.00
Increase Appropriations: SG20960		\$330,000.00
S9923.51101 Administration- Salaries	\$48,249.00	
S9923.52141 Leroy Conyers Park	\$15,000.00	
S9923.54802 PF&I Tree Planting	\$10,000.00	
S9923.54807 Public Svs- Senior Programs	\$50,000.00	
S9923.54808 Public Svs- Youth Groups	\$30,000.00	
S9923.54817 Senior Program- MLK	\$20,000.00	
S9923.54818 Micro Enterprise Assistance	\$130,000.00	
S9923.54820 PS MLK Center Youth Program	\$10,000.00	
S9923.54821 PS Latino Civic Ctr. Youth Program	\$10,000.00	
S9923.58030 Social Security	\$ 6,751.00	

June 19, 2018

Item No. 5  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Amend the Contract  
for the Demolition and Replacement of Bathrooms in City Hall.

WHEREAS, pursuant to Resolution No. 23/18, duly adopted by the City Council on March 6, 2018, the City entered into a contract with The Patriot Organization, 44 West Jefryn Blvd., Deer Park, New York 11729 for the demolition and replacement of the existing bathrooms on the second floor of City Hall with new bathrooms in compliance with the ADA and in accordance with plans and specifications on file in the Department of Public Works; and

WHEREAS, during the demolition, it was determined that the pipes located behind the existing walls were deteriorated requiring complete removal and replacement, and that asbestos abatement and related air monitoring needs to be performed in order to complete the original contract, at an additional cost of \$44,839.83;

WHEREAS, City Council Resolution (No. 23/18) authorized allocations from three (3) separate budget lines to pay for the ADA-compliant bathrooms: No. H1017.52285 (Building Reconstruction-ADA Bathroom) [\$69,500]; No. H1017.52132 (City Hall) [\$7,916.00] and No. H1018.52132 [\$36,584.00]; and

WHEREAS, the City recently learned that Community Development Block Grant (CDBG) funding, in the total amount of \$70,000, is available and can be used to help defray the costs of the above ADA-compliant bathrooms; and

WHEREAS, utilizing said CDBG funds for this purpose results in a surplus of funds needed to complete the project in the amount of \$25,160.17 (\$70,000 [CDBG funding] - \$44,839.83[change order] = \$25,160); and

WHEREAS, as a result of the foregoing, the total allocation needed from Budget Line No. H1018.52132 (City Hall) can now be reduced proportionately, from \$36,584.00 to \$11,423.83;

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 The Patriot Organization, 44 West Jefryn Blvd., Deer Park, New York 11729 for additional work required for the demolition and replacement of the existing bathrooms on the second floor of City Hall at an additional cost of \$44,839.83; and be it further

RESOLVED, that funds in the amount of \$40,000.00 are available in Account No. S9922.54805 (PF&I City Hall ADA Improvements 42<sup>nd</sup> yr.) and funds in the amount of \$30,000 are available in Account No. S9921.54805 (PF&I City Hall ADA Improvements-41<sup>st</sup> yr.) for the total project; and be it further

RESOLVED, as a result of the above CDBG funding in the amount of \$70,000, Account No. H1018.52132 (City Hall) is hereby reduced from \$36,584.00 to \$11,423.83.

June 19, 2018

Item No. 6  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the Use of Community Development  
Block Grant Funds to Furnish the Labor and Materials to Make  
the Food Pantry at the New Life Church of Christ ADA Accessible  
and the Transfer of Funds.

WHEREAS, each year the City is awarded Community Development Block Grant  
Funds which are then appropriated to help finance different community projects within the City;  
and

WHEREAS, after due advertisement therefore, one bid was received in the Office  
of the Commissioner of Public Works on February 15, 2018 for the furnishing of labor and  
materials to build a ramp from the sidewalk to the doorway and to reconstruct the entranceway  
for wheelchair accessibility into the food pantry at the New Life Church of Christ located at 124  
West Chester Street, in accordance with plans and specifications on file in the Department of  
Public Works; and

WHEREAS, admission and/or use of the pantry must be made available to all  
members of the public, regardless of membership in any protected class as defined by the New  
York State Executive Law, Human Rights Law §290 et seq.; and

WHEREAS, East Coast USA Construction, 87-77 188<sup>th</sup> Street, Richmond Hill,  
New York 11418 was the sole responsible bidder at a cost of \$59,000;

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 enter into a contract with East Coast USA  
Construction, 87-77 188<sup>th</sup> Street, Richmond Hill, New York 11418 for the furnishing of labor  
and materials for the construction of a food pantry at the New Life Church of Christ, at a cost of  
\$59,000. Allocation of said fund is conditioned on New Life Church's written agreement to  
freely admit all members of the public to the food pantry, irrespective of membership in any  
protected class set forth under the New York State Executive Law, Human Rights Law §290 et  
seq. Funds will be available in Account No. S9922.54815 (PF&I-Community Centers 42<sup>nd</sup> yr.)  
after the following transfer is hereby authorized:

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
S9922.54804	PF&I Community Centers (42 <sup>nd</sup> yr)	\$20,700.00	
S9922.54432	Code Enforcement (42 <sup>nd</sup> yr)	\$20,000.00	
S9922.54815	PF&I Community Centers (42 <sup>nd</sup> yr)		\$40,700.00



June 19, 2018

Item No. 7  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Enter into a  
Contract for Credit Card Processing Services with the  
Sole Responsible Bidder.

WHEREAS, after due advertising therefore, proposals were received in the Office of the City Purchasing Agent on Thursday, June 14, 2018 at 11:00 a.m. for credit card processing services for applicable City transactions at various locations throughout the City, as per specifications on file in the Office of the City Purchasing Agent; and

WHEREAS, Vantiv, Now Worldpay, Inc., in partnership with Capital One Merchant Services, 8500 Governors Hill Drive, Cincinnati, Ohio 45249 was the sole responsible bidder proposing the following fees and services; and

Discount Rate Visa/MC	0% Above Interchange
Transaction fee	0.05 per Item
Monthly Service/Statement Fee	\$19.95
FANF Fee	0.15%

WHEREAS, total costs for said services do vary each year and are dependent upon the volume of transactions processed in a given fiscal year;

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 for credit card services with Vantiv, Now Worldpay Inc., in partnership with Capital One Merchant Services, 8500 Governors Hill Drive, Cincinnati, Ohio 45249 for a period of one (1) year, commencing July 1, 2018, with an option to renew for an additional six years, in accordance with the original terms of the contract upon mutual agreement in writing. Funds in the amount of \$75,000.00 are available in Account No. A1375.54424 (Credit Card Fees) in fiscal year 2018-2019.

June 19, 2018

Item No. 8  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Publication for Hearing on a  
Special Noise Variance.

WHEREAS, pursuant to Chapter 16 Noise, Article VI Variances, of the City's Code of Ordinances, any person seeking a special variance shall file an application and a legal form of verification with the City Council; and

WHEREAS, Great Lakes Dredge & Dock Company, LLC, 2122 York Road, Oak Brook, Illinois 60623 is under contract with the US Army Corps of Engineers for the Long Beach Contract 2 for Beach Nourishment and Crossover Construction; and

WHEREAS, Great Lakes Dredge & Dock Company, LLC has applied for a special noise variance to allow for the dredging of sand using a Hydraulic Dredge which will then be pumped through a 30" diameter pipeline directly to the beach, along with the operation of bulldozers, to operate 24 hours per day/seven days a week; and

WHEREAS, among other requirements set forth in Chapter 16 of the Long Beach Code of Ordinances, pursuant to Section 16-15(F), the applicant shall give notice of the application by certified mail return receipt requested to all property owners surrounding the sound source site within a radius of five hundred (500) feet from the borders of said site;

NOW, THEREFORE, be it

RESOLVED, that the City Clerk shall cause to be published in the official newspaper of the City of Long Beach in the manner prescribed in Section 16-16 of the Long Beach Code of Ordinances, a notice of Public Hearing to be held on July 17, 2018 at 7:00 p.m. on the 6<sup>th</sup> floor of City Hall, 1 West Chester Street, Long Beach, New York for the purpose of providing all persons and representatives of organizations with significant social, economic and environmental interests an adequate opportunity to publicly present their views on said application for a special noise variance; and be it further

RESOLVED, that the City Council, upon review of all input from the Public Hearing and any additional information obtained as deemed necessary, shall render a decision to grant or deny the application by Council Resolution.

June 19, 2018

Item No. 9  
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 \$2,500,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$2,500,000 Bonds of Said City to Finance Said Appropriation.

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

“BOND ORDINANCE DATED JULY 3, 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 \$2,500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,500,000 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 July 3, 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 \$2,500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,500,000 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 \$2,500,000. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$2,500,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$2,500,000 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 \$2,500,000 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 specific object or purpose for which said \$2,500,000 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.