

CALENDAR

for

REGULAR MEETING OF THE COUNCIL

of the

CITY OF LONG BEACH

held

AUGUST 21, 2018

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

(THERE IS NO VOTE SCHEDULED ON THIS ITEM)

1. Resolution Authorizing the City Manager to Enter into a Commercial Lease for the Operation of the Tennis Center at Monroe Boulevard and Reynolds Channel with the Most Responsible Bidder.
2. Resolution to Allow the City Manager to Execute a Settlement Agreement and Release.
3. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Housing and Property Rehabilitation and Conservation Code: Mortgage-in-Default Registry.

August 21, 2018

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into a
Commercial Lease for the Operation of the Tennis Center at
Monroe Boulevard and Reynolds Channel with the Most
Responsible Bidder.

WHEREAS, after due advertisement therefore, two proposals were received in the
Office of the City Purchasing Agent on Tuesday, August 14, 2018 at 2:00 p.m. for the leasing
and operation of the tennis courts located at Monroe Boulevard and Reynolds Channel, together
with the existing clubhouse facility; and

WHEREAS, NY Tennis at Long Beach, Inc., 899 Monroe Boulevard, Long
Beach, New York 11561 was the highest and most responsible proposer, as per specifications on
file in the Office of the City Purchasing Agent;

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 commercial lease with NY Tennis at
Long Beach, Inc., 899 Monroe Boulevard, Long Beach, New York 11561 for the operation of the
tennis courts located at Monroe Boulevard and Reynolds Channel, together with the existing
clubhouse facility, for an annual fee of \$102,000 payable to the City, for a period of five (5)
years, with an option for the City Manager to renew for an additional five year term; and be it
further

RESOLVED, that said commercial lease shall contain such other provisions,
requirements and conditions as the City Manager shall deem proper and advisable.

August 21, 2018

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution to Allow the City Manager to Execute a Settlement
Agreement and Release.

WHEREAS, in September 2005, the City of Long Beach (“City”) and the Long Beach Patrolmen’s Benevolent Association (“PBA”) entered into a Collective Bargaining Agreement covering the period from July 1, 2003 to June 30, 2008 (expired “CBA”); and

WHEREAS, after the expiration of the Expired CBA, the City and the PBA subsequently filed a Declaration of Impasse with the New York State Public Employment Relations Board (PERB); and

WHEREAS, on August 9, 2010, PERB designated Arbitrator Arthur A. Riegel to serve as neutral Chair for the Compulsory Interest Arbitration panel; and

WHEREAS, after presiding over 13 hearings from April 26, 2011 to March 5, 2013, Arbitrator Riegel issued his award in the interest Arbitration on May 29, 2013 (“Riegel Award”); and

WHEREAS, Eric Cregeen (“Cregeen”) was hired by the City to serve in the Police Department in the civil service rank of Police Officer in June of 1988, was promoted to civil service rank of Sergeant on May 7, 2001 and after the expiration of the Expired CBA but prior to the issuance of the Riegel Award, was promoted to the civil service rank of Lieutenant on December 20, 2012; and

WHEREAS, upon Cregeen’s promotion into the civil service rank of Lieutenant, he remained a member of the PBA, until April 12, 2013, when he became a member of the Long Beach Commanding Officers Association (“COA”), which was certified as the bargaining representative for the ranks of Lieutenant and Lieutenant-Detective as of that date; and

WHEREAS, in or about January 2014, the City paid retroactive annual base wage increases pursuant to the Riegel Award; and

WHEREAS, Cregeen did not receive any such retroactive increases for the period of time that he served in the civil service rank of Sergeant from July 1, 2008 to December 20, 2012; and

WHEREAS, Cregeen and the City, and their respective counsel, after meeting and participating in extensive settlement negotiations, have determined that everyone’s best interests are best served by resolution of the foregoing disputes, with prejudice, and that Cregeen agrees to accept the sum of \$67,000 in back pay (subject to applicable withholdings) for the above period of time; and

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 execute a Settlement Agreement and Release with Eric Cregeen for the sum of \$67,000 in back pay (subject to applicable withholdings) for all claims/issues asserted, relative to this dispute; and be it further

RESOLVED, that in exchange for the City's agreement to resolve this matter, with prejudice, Cregeen hereby agrees to accept the sum of \$67,000 in three (3) annual installments payable on or before September 7, 2018 (\$23,333.33), September 7, 2019 (\$23,333.33) and September 7, 2020 (\$23,333.34), which funds are available in Account No. C1930.54434 (Judgments and Claims); and be it further

RESOLVED, that said agreement shall contain such other terms and conditions as deemed appropriate by the City Manager.

August 21, 2018

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Housing and Property Rehabilitation and Conservation Code: Mortgage-in-Default Registry.

WHEREAS, it is the purpose and intent of this Section to establish a process to limit and reduce the amount of deteriorating properties located within the City of Long Beach, specifically when a property is subject to a mortgage which is in default; and

WHEREAS, it is the City's further intent to specifically establish a defaulted mortgage registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties subject to a mortgage or properties subject to mortgages which are in default; and

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

“ ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LONG BEACH RE: HOUSING AND PROPERTY REHABILITATION AND CONSERVATION CODE: MORTGAGE-IN-DEFAULT REGISTRY.”

(See Ordinance Attached)

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 a summary or 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, Long Beach, New York, on September 4, 2018 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF
THE CITY OF LONG BEACH RE: HOUSING AND PROPERTY
REHABILITATION AND CONSERVATION CODE: MORTGAGE-
IN-DEFAULT REGISTRY.

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

Sec.1. Chapter 13, Article II, Section 13-29 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby added to said Chapter and amended to read as follows:

“Sec. 13-29. Mortgage-in-Default Registry

(a) ***Legislative Intent.*** It is the purpose and intent of this Section to establish a process to limit and reduce the number of deteriorating and/or dilapidated properties located within the City of Long Beach, specifically when a property is subject to a mortgage which is in default. It is the City’s further intent to specifically establish a defaulted mortgage registration program as a mechanism to protect neighborhoods from blight due to lack of adequate maintenance and security of abandoned properties which are in default.

(b) ***Definitions.*** (Applicable to this Section only)

Abandoned Real Property in Default. Any real property that is under a current notice of default and/or notice of mortgagee’s sale, pending tax assessor’s lien sale and/or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

Enforcement Officer. Shall mean the Commissioner of Buildings or his/her designee.

Evidence of Vacancy. Any condition that, on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown and/or dead vegetation, electricity, water or other utilities turned off, stagnant swimming pool, statements by neighbors, passers-by, delivery agents or government agents, among other evidence that the property is vacant.

Foreclosure. The process by which a property, placed as security for a mortgage loan, after a judicial process is to be sold at an auction to satisfy a debt upon which the borrower has defaulted.

Vacant. Any building or structure shall be deemed to be vacant if no person or persons actually currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s) on a permanent, non-transient basis.

(c) *Applicability.*

This Section shall be considered cumulative and not superseding or subject to any other law or provision for same, but shall rather be an additional remedy available to the City above and beyond any other state, county and/or local provisions for same. This Section relates to property subject to a mortgage which has been determined by the mortgagee to be in default.

(d) *Registration of real property with mortgage-in-default.*

- 1. If the property is occupied but remains in default, it shall be inspected by the mortgagee, or said mortgagee's designee, monthly until the mortgagor or other party remedies the default.**
- 2. Within ten (10) days of the date that the mortgagee declares its mortgage on a particular parcel of real property to be in default, the mortgagee shall inspect and register the real property with the City's mortgage-in-default registry. The mortgagee shall include in the registration if the property is vacant or occupied.**
- 3. Mortgage-in-default registration. Registration pursuant to this Section shall contain the name of the mortgagee and mortgage servicer; the direct mailing address of the mortgagee and servicer, e-mail address and telephone number; the name and address, e-mail and telephone number of a local property manager who shall be responsible for the inspection, security and maintenance of the property. The local property manager named in the registration shall be available Monday through Friday between 9:00 a.m. and 5:00 p.m., as the City's primary contact.**
- 4. A semi-annual non-refundable registration fee in the amount of \$250 per property shall accompany the mortgage-in-default registration form(s). Subsequent semi-annual registrations of defaulted properties and fees in the amount of \$250 are due within ten (10) days of the expiration of the previous registration.**
- 5. This Section shall also apply to properties that have been the subject of foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure, and any properties transferred under a deed in lieu of foreclosure/sale.**
- 6. Properties subject to this section shall remain under the semi-annual mortgage-in-default registration requirement, inspection, security and maintenance standards of this Section as long as they remain in default.**
- 7. Any person or other legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.**

8. **Failure of the mortgagee and/or property owner of record to properly register or to revise from time to time the registration to reflect a change of circumstances as required by the Section is a violation of the City's Code, and subject to the penalties as set forth herein.**
- (e) *Maintenance requirements.*
1. **Properties subject to this Section shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building and construction materials left idle for an unreasonable period of time, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items, including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned or not being properly maintained.**
 2. **The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that substantially matches the color of the exterior structure, or by replacement with substantially similar materials in substantially similar colors and/or designs.**
 3. **Yards shall be landscaped and maintained pursuant to the standards previously established in the Code of Ordinances.**
 4. **Pools and spas shall be kept in working order so that pool and spa water remains free and clear of algae, pollutants and debris. Pools and spas shall comply with the enclosure requirements and any other requirements of this Code and the New York State Building Code and New York State Property Maintenance Code, as amended from time to time.**
 5. **Failure of the mortgagee and/or property owner of record to properly maintain the property is a violation of the City's Code, and subject to the penalties as set forth herein.**
- (f) *Security requirements.*
1. **Properties subject to this Section shall be maintained in a "secure manner" so as not to be accessible to unauthorized persons.**
 2. **A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property and/or structure. Broken windows shall be secured by re-glazing or boarding of the window.**
 3. **If a mortgage on property is in default and has become vacant, the local property manager or mortgagee must perform weekly inspections to verify compliance with the requirements of this section and any other applicable laws and City ordinances.**

- 4. Failure of the mortgagee and/or the property owner of record to properly inspect and secure the property, and post and maintain the signage noted in this Section, is a violation of this Code, and subject to the penalties as set forth herein.**

- (g) *Opposing, obstructing enforcement officer; penalty.***

Whoever opposes, obstructs or resists any enforcement officer, zoning inspector, building inspector, fire marshal or any person authorized by the Building Department, in the discharged of duties as provided in this Section, upon conviction may be punished as provided in New York State Penal Code § 195.05.

- (h) *Immunity of enforcement officer.***

Any enforcement officer, or person authorized by the Building Department, shall be immune from prosecution, civil or criminal, for reasonable, good faith entrance upon real property while in the discharge of duties imposed by this Section.

- (i) *Additional authority.***

The Code Enforcement Officer shall have authority to require the mortgagee and/or owner of record of any property affected by this section to implement additional maintenance and/or security measures, including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard, or other measures as may be reasonably required to prevent a decline of the property. Nothing contained in this Section shall prohibit the City from enforcing its Code of Ordinances by any other means.

- (j) *Violations and penalties.***

Any person, corporation, or entity who shall violate any of the provisions of this Section or who shall fail to comply therewith or with any of the requirements shall be guilty of a violation and, upon conviction thereof, a fine of not less than \$250 nor more than \$1,000 must be imposed or a term of imprisonment for a period not to exceed 15 days may be imposed, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, shall be guilty of a violation, and upon conviction, a fine of not less than \$1,000 nor more than \$2,500 must be imposed or a term of imprisonment for a period not to exceed 15 days may be imposed, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, shall be guilty of a violation, and a fine of not less than \$2,500 nor more than \$5,000 must be imposed or a term of imprisonment for a period not to exceed 15 days may be imposed, or both.”

Sec. 2. This Ordinance shall take effect immediately.