

CALENDAR

for

REGULAR MEETING OF THE COUNCIL

of the

CITY OF LONG BEACH

held

DECEMBER 5, 2017

PUBLIC HEARING: Ordinance Authorizing Financing for the Cost of Payment of Settled Claims Against the City in the Matter of Marshall Starkman v. City of Long Beach, Stating the Estimated Total Cost Thereof is \$656,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$656,000 Bonds of Said City to Finance Said Appropriation.

PUBLIC HEARING: For the purpose of giving citizens an adequate opportunity to publicly present their views on the application of the owner of 350 East Market Street for designation of this property as a City landmark.

PUBLIC HEARING: Local Law Amending Subpart C of Related Acts Relating to the Charter of the City of Long Beach Re: A Local Law to Prohibit the Sale of Tobacco Products, Liquid Nicotine and Electronic Cigarettes to Persons Under 21.

1. Ordinance Authorizing Financing for the Cost of Payment of Settled Claims Against the City in the Matter of Marshall Starkman v. City of Long Beach, Stating the Estimated Total Cost Thereof is \$656,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$656,000 Bonds of Said City to Finance Said Appropriation.

Legislative Memo: This payment will satisfy a judgment in connection with personal injuries sustained by Plaintiff. The City is obligated to make this payment pursuant to a Decision and Order of the Appellate Division of the Supreme Court for the Second Judicial Department.

2. Resolution Approving the Application to the Landmarks Preservation Commission to Designate 350 East Market Street as a City Landmark.

Legislative Memo: An application has been submitted by the owner of 350 East Market Street for approval as a designated City Landmark.

3. Local Law Amending Subpart C of Related Acts Relating to the Charter of the City of Long Beach Re: A Local Law to Prohibit the Sale of Tobacco Products, Liquid Nicotine and Electronic Cigarettes to Persons Under 21.

Legislative Memo: The City Council wishes to protect the public interest, welfare and health of all persons through the adoption of this law. To help ensure that the sale of tobacco products to individuals under 21 will be prohibited, and thereby help delay or prevent tobacco use, as tobacco use is a leading cause of preventable death and disease in New York State and the United States.

4. Resolution Authorizing Settlement of Certiorari Proceedings.

Legislative Memo: These are anticipated settlements and were budgeted for in the current fiscal year.

5. Resolution Authorizing a Correction of Error Appearing on the 2017/18 Assessment Rolls of the City of Long Beach.

Legislative Memo: It has been identified by the City's Tax Assessor that a clerical error exists on the assessment/tax rolls for a property, requiring the City to authorize a refund and to make a correction.

6. Resolution Authorizing the Retention of Expert Consultants and Witnesses.

Legislative Memo: The Court has ordered a damages inquest (a/k/a damages trial) in the matter of *Sinclair Haberman and Belair Building, LLC against the Zoning Board of Appeals of the City of Long Beach et. al.* The City has determined after careful consideration that its long-term financial interests are best served by engaging two firms that possess both the expertise and resources, in a broad array of disciplines, to manage and present these defenses at trial.

7. Resolution Authorizing the City Manager to Amend the Agreement with LiRo Engineers for Construction Supervision Services for Street Tree Planting.

Legislative Memo: Over the course of the project, the scope of professional services was expanded requiring additional work to be performed. Funds are available in the Capital Improvement Plan.

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Item No. 1
Ordinance No.

The following Ordinance was moved by
and seconded by :

AN ORDINANCE AUTHORIZING FINANCING FOR THE COST OF PAYMENT OF SETTLED CLAIMS AGAINST THE CITY IN THE MATTER OF MARSHALL STARKMAN v. CITY OF LONG BEACH, STATING THE ESTIMATED TOTAL COST THEREOF IS \$656,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$656,000 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 payment of settled claims against the City in the matter of Marshall Starkman v. City of Long Beach, at the estimated maximum cost of \$656,000. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$656,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$656,000 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 \$656,000 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 \$656,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 33(a)(1) 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 shall 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 §81.00 of the Local Finance Law.

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Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Approving the Application to the Landmarks
Preservation Commission to Designate 350 East Market Street
as a City Landmark.

WHEREAS, pursuant to Section 7-274 of the Code of Ordinances, a Public
Hearing regarding the proposed landmarks designation was held; and

WHEREAS, after review of the application, the Landmarks Preservation
Commission recommended approval of said designation;

NOW, THEREFORE, be it

RESOLVED, that the City Council of the City of Long Beach, New York hereby
approves said designation of the Commission's recommendation; and be it further

RESOLVED, that the City Clerk shall notify in writing the owner of the subject
property, the Building Department Commissioner and the Landmarks Preservation Commission
of said landmark designation approval.

December 5, 2017

Item No. 3
Local Law No.

The following Local Law was moved by
and seconded by :

Introductory No. 350
Introduced by:

CITY OF LONG BEACH

CHAPTER I LAWS OF 2017

A LOCAL LAW

AMENDING SUBPART C OF RELATED ACTS RELATING
TO THE CHARTER OF THE CITY OF LONG BEACH,
RE: A LOCAL LAW TO PROHIBIT THE SALE OF TOBACCO PRODUCTS,
LIQUID NICOTINE AND ELECTRONIC CIGARETTES TO
PERSONS UNDER 21

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

Section 1. Subpart C of Related Local Laws relating to the Charter of the City of
Long Beach, New York, enacted as Chapter 635 of the Laws of 1922, as heretofore amended,
shall be and the same is hereby amended to read as follows:

**“ARTICLE X. PROHIBITION OF THE SALE OF TOBACCO PRODUCTS, LIQUID
NICOTINE AND ELECTRONIC CIGARETTES TO PERSONS
UNDER 21**

Sec. 86. Legislative Intent.

**It is the intent of this Local Law to prohibit any person operating a place of business
wherein tobacco, tobacco products, liquid nicotine and electronic cigarettes are sold or
offered for sale, from selling such products to individuals under 21 years of age.**

Sec. 87. Findings

**a. Tobacco is a leading cause of preventable death and disease in New York
State and the United States.**

**b. According to a report prepared by the *Institute of Medicine*, entitled “Public
Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products”,
the following was concluded and suggested:**

- 1. Adolescent brains are uniquely vulnerable to the effects of nicotine;**
- 2. A younger age of initiation is strongly associated with greater nicotine
dependence and is also associated with greater intensity and persistence of
smoking beyond adolescence and into adulthood;**

- 3. Almost one in five high school seniors is a cigarette smoker;**
 - 4. Underage users rely primarily on social sources, such as friends and family, to acquire tobacco, and most of these sources are likely to be between eighteen and twenty years old;**
 - 5. Raising the minimum legal age to twenty-one will mean that those who can legally obtain tobacco are less likely to be in the same social networks as high school seniors;**
 - 6. Delaying initiation rates will likely decrease the prevalence of tobacco users in the United States population;**
 - 7. Raising the minimum legal age will likely immediately improve the health of adolescents and young adults by reducing the number who suffer with adverse physiological effects.**
- c. Most of those addicted to tobacco (nearly 90%), start using tobacco before twenty-one years of age.**
- d. There is a growing rate of electronic cigarette use among youth, exposing users to unhealthy levels of nicotine and other unknown harmful chemicals.**
- e. The parts of the brain most responsible for cognitive and psychosocial maturity continue to develop and change through young adulthood, and adolescent brains are uniquely vulnerable to the effects of nicotine.**
- f. The application of evidence based strategies to address the public health issues that result from tobacco use, including but not limited to, cancer, heart disease and lung disease.**
- g. E-cigarettes and similar devices pose health hazards and may contribute to youth smoking and reduced cessation, regardless of nicotine and content since the devices contain or produce chemicals other than nicotine that are known to be toxic, carcinogenic and causative of respiratory and heart disease. E-cigarette and similar devices look identical whether they contain nicotine or not, and as a result, their use not only normalizes e-cigarette use, but also renormalizes tobacco addiction and use of tobacco products, like combustible cigarettes.**
- h. Smokeless tobacco products, which according to the *Centers for Disease Control and Prevention*, are known to cause lung, larynx, esophageal, oral and pancreatic cancers. According to the *National Institute on Drug Abuse*, a dip of smokeless tobacco typically contains 3-5 times more nicotine than a cigarette.**

Sec. 88. Definitions.

As used in this article, the following terms and expressions shall have the following meanings:

Age-Prohibited Products. Cigarettes, cigars, chewing tobacco, powdered tobacco, shisha, bidis, gutka, other tobacco products, nicotine water, herbal cigarettes, electronic cigarettes, liquid nicotine, snuff, smoking paraphernalia (any pipe, water pipe, hookah, rolling papers, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco), as those terms are defined in the New York State Public Health Law Article 13-F and, all other products which are prohibited from being sold to minors by New York State Public Health Law Article 13-F, as the same may be amended from time to time.

Enforcement Officer. Any police officer, building code enforcement officer or other employee of the City of Long Beach authorized to enforce this code.

Sec. 89. Policy.

- a. No person shall sell or permit the sale of age-prohibited products to any person under the age of twenty-one.
- b. The identification requirements contained in New York State Public Health Law Article 13-F, Section 1399-cc(3), as the same may be amended from time to time, are hereby incorporated into this law by reference, except that the age to be proven by such identification shall be twenty-one.
- c. No person operating a place of business wherein age-prohibited products are sold or offered for sale shall sell, permit to be sold, offer for sale or display for sale any age-prohibited product in any manner, unless such age-prohibited product is stored for sale (a) behind a counter in an area accessible only to the personnel of such business, or (b) in a locked container/cabinet; provided, however, such restriction shall not apply to tobacco businesses as defined in subdivision eight of §1399-aa of New York State Public Health Law Article 13-F, as the same may be amended from time to time, and to places to which admission is restricted to persons twenty-one years of age or older.

Sec. 90. Posting of Signs.

Vendors of age-prohibited products shall post a sign in a conspicuous place, which shall state: **“SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, SHISHA, BIDIS, GUTKA OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, LIQUID NICOTINE, ELECTRONIC CIGARETTES, ROLLING PAPERS, OR SMOKING PARAPHERNALIA, TO PERSONS UNDER TWENTY-ONE YEARS OF AGE, IS PROHIBITED BY LOCAL LAW.”**

Sec. 91. Enforcement

- a. The enforcement officer is charged with ensuring compliance with this Article. The enforcement officer shall be authorized to serve official notices of violation of this Article.

Sec. 92. Penalties.

Any person who violated any provision of this Article shall be deemed guilty of an offense and, upon conviction thereof, shall be subject to penalties in the following manner:

(1) Upon a first conviction, by a fine not less than fifty dollars (\$50.00) and not more than two-hundred fifty dollars (\$250.00) or by imprisonment for a period not to exceed seven (7) days or by both such fine and imprisonment.

(2) Upon a second conviction, by a fine not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed ten (10) days or by both such fine and imprisonment.

(3) Upon a third or subsequent conviction, by a fine not less than two hundred fifty dollars (\$250.00) and not more than three thousand dollars (\$3,000.00) or by imprisonment for a period not to exceed fifteen (15) days or by both such fine and imprisonment.

(4) If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.

Sec. 93. Severability.

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.”

Sec. 2. This Local Law shall take effect March 1, 2018 upon being filed in the Office of the New York Secretary of State.

December 5, 2017

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Settlement of Certiorari Proceedings.

WHEREAS, Monroe Beach, Inc., represented by Koeppl Martone & Leistman, LLP, 155 First Street, Mineola, New York 11501, has commenced an action in the Supreme Court, Nassau County against the City of Long Beach to compel a reduction in the assessed valuation of the property known as Section 59, Block 131, Lots 23-25 on the Land and Tax Map of the County of Nassau, and also known as 270 Shore Road, Long Beach, New York for the fiscal years of 2013/14 through 2017/18; and

WHEREAS, the Tax Assessor of the City of Long Beach has reviewed petitioner's legal papers, the income and expenses for the subject property and after extensive negotiation has agreed to settle the certiorari proceedings for a lump sum payment of \$45,000 covering the fiscal years 2013/14 through 2017/18 and a reduction of the assessed valuation from \$270,000 to \$240,000 for the 2018/19 tax year and that no grievance and/or petition be filed for the tax years 2018/19, 2019/20 and 2020/21 subject to the conditions of the stipulation; and

WHEREAS, Waldbaum's Inc. #7658, as Tenant/A & P Real Property, LLC/The Stop & Shop Supermarket Company, LLC, represented by Cronin, Cronin & Harris, P.C., 200 Old Country Road, Mineola, New York 11501, has commenced an action in the Supreme Court, Nassau County against the City of Long Beach to compel a reduction in the assessed valuation of the property known as Section 59, Block 96, Lot 210 on the Land and Tax Map of the County of Nassau, and also known as 34-41 Long Beach Plaza and 11-55 E. Park Avenue, Long Beach, New York for the fiscal years of 2011/12 through 2016/17; and

WHEREAS, the Tax Assessor of the City of Long Beach has reviewed petitioner's legal papers, the income and expenses for the subject property and after extensive negotiation has agreed to settle the certiorari proceedings for a lump sum payment of \$80,000 covering the fiscal years 2011/12 through 2016/17; and

WHEREAS, the Board of Assessors of the City of Long Beach has determined that the above settlements, without further litigation, are in the best interests of the City of Long Beach;

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 and directed to enter into a stipulation with Monroe Beach, Inc., settling the certiorari proceedings covering fiscal years 2013/14 through 2017/18 for a lump sum payment of \$45,000 and a reduction of the assessed valuation to \$240,000 on condition that no grievance and/or petition be filed for the tax years 2018/19, 2019/20 and 2020/21; and be it further

RESOLVED, by the City Council of the City of Long Beach, New York that the Corporation Counsel be and he hereby is authorized and directed to enter into a stipulation with Waldbaum's Inc. #7658, as Tenant/A & P Real Property, LLC/The Stop & Shop Supermarket Company, LLC, settling the certiorari proceedings covering fiscal years 2011/12 through

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Item No.4
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2016/17 for a lump sum payment of \$80,000. Funds are available for the above settlements in Account No. A1930.54403 (Judgments and Claims).

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Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing a Correction of Error Appearing on
the 2017/18 Assessment/Tax Rolls of the City of Long Beach.

WHEREAS, the property known as Section 59, Block 6, Lot 26 on the Land and
Tax Map of the County of Nassau, also known as 718 West Beech Street, Long Beach, New
York, appears upon the assessment/tax rolls of the City of Long Beach; and

WHEREAS, it has been identified by the City's Tax Assessor that a clerical error
exists on the assessment/tax rolls for the above said property which needs to be corrected; and

WHEREAS, it is recommended by the Tax Assessor that a refund in the amount
of \$14,366.66 be directed to the owner of said property; and

WHEREAS, pursuant to Section 554 of the Real Property Tax Law, correction of
errors must be authorized by the governing body, which is the City Council;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
Tax Assessor of the City of Long Beach is hereby authorized and directed to correct the
assessment/tax rolls and to refund the owner of the property known as Section 59, Block 6, Lot
26 on the Land and Tax Map of the County of Nassau, also known as 718 West Beech Street,
Long Beach, New York, the amount of \$14,366.66, to refund the amount of taxes erroneously
received. Funds are available in Account No. A1930.54403 (Judgments and Claims).

December 5, 2017

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Retention of Expert Consultants and Witnesses.

WHEREAS, the Court has ordered a damages inquest (a/k/a damages trial) in the matter of *Sinclair Haberman and Belair Building, LLC against the Zoning Board of Appeals of the City of Long Beach et. al.* (Index No. 1138/04); and

WHEREAS, the Plaintiffs/Petitioners have alleged that they are entitled to damages in excess of \$50 million; and

WHEREAS, to date, Plaintiffs/Petitioners have adduced no evidence that substantiates, or purports to substantiate, this otherwise conclusory allegation; and

WHEREAS, the sheer size of the foregoing claim has nonetheless forced the City to meticulously examine its defenses thereto; and

WHEREAS, the City has determined that it possesses many viable defenses in this matter, which extend across multiple fields and subject matter areas; and

WHEREAS, the City has determined that its long-term financial interests are best served by engaging a large firm that possesses both the expertise and resources, in a broad array of disciplines, to manage and present these defenses at trial; and

WHEREAS, to promote the effective communication of its defenses at trial, the City has further determined that its interests are advanced by retaining an expert witness who, aside from possessing sufficient subject matter expertise, has testified previously; and

WHEREAS, after careful consideration, the City has determined that KPMG LLP, 1350 Avenue of the Americas, New York, New York 10019 possesses the optimal blend of qualifications to serve as its lead expert consultants and witnesses in this matter; and

WHEREAS, during its review, the City also determined that it possesses one or more defenses that require technical expertise in the various subfields associated with construction management; and

WHEREAS, the City previously utilized the firm of Cashin Spinelli & Ferretti LLP (“CSF”), 801 L.I. Motor Parkway, Hauppauge, New York 11788, as its consultant in connection with its insurance claim (for property damages) following Superstorm Sandy; and

WHEREAS, CSF possessed the broad-based expertise needed to survey and prepare separate analyses for over forty (40) distinct and diverse City properties, including but not limited to the boardwalk, Waste Water Treatment Plant, and Water Purification Plant; and

WHEREAS, CSF’s exemplary services led to the City’s recovery of the full, \$10 million insurance sublimit (for flood-related damages) within thirty (30) days of the storm; and

WHEREAS, CSF was instrumental in securing an additional \$800,000 in insurance proceeds, for business interruption expenses, despite the fact that the City's carrier had initially disclaimed coverage for same (see Resolution #104/16); and

WHEREAS, consequently, CSF has already demonstrated that it possesses the unique mixture of technical knowledge and highly-specialized expertise needed to successfully convey the City's defenses at trial; and

WHEREAS, to promote the effective communication of those defenses, the City has further determined that its interests are advanced by retaining an expert witness who, aside from possessing sufficient subject matter expertise, has testified previously; and

WHEREAS, after careful consideration, the City has determined that CSF possesses the optimal blend of qualifications needed to serve as its technical consultants and witnesses in this matter;

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 retain the firm of KPMG LLP, 1350 Avenue of the Americas, New York, New York 10019 to provide expert consultant and witness services on behalf of the City of Long Beach, on an as-needed basis, at discounted government rates; and be it further

RESOLVED, by the City Council of the City of Long Beach, New York that the Corporation Counsel be and he hereby is authorized to retain the firm of Cashin Spinelli & Ferretti, LLP, 801 L.I. Motor Parkway, Hauppauge, New York 11788 to provide expert consultant and witness services on behalf of the City of Long Beach, on an as-needed basis. Funds are available in Account No. A1420.54453 (Corporation Counsel-Consultants).

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Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Amend the
Agreement with LiRo Engineers for Construction Supervision
Services for Street Tree Planting.

WHEREAS, as a result of Superstorm Sandy, over two thousand four hundred
dead and/or dying trees were removed throughout the City as a result of their exposure to salt
water inundation, posing potential hazards to public safety and their surroundings; and

WHEREAS, pursuant to Resolution No. 129/14, the City entered into an
agreement with LiRo Engineers, Three Aerial Way, Syosset, New York 11793 for the design of a
Street Tree Restoration Master Plan, which was the first phase of the project to replace and
replant trees throughout the City; and

WHEREAS, pursuant to Resolution No. 34/15, the City entered into an agreement
with LiRo Engineers, for the second phase of the Restoration Master Plan, which was
construction supervision for the Street Tree Planting; and

WHEREAS, over the course of the project, the scope of professional services was
expanded to include, but were not limited to extensive citywide utility mark-outs, approval of
trees, extension of the overall project, tracking of excavation and planting and meetings with
FEMA and the City, at an additional cost of \$115,000;

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 amend the agreement with LiRo Engineers,
Three Aerial Way, Syosset, New York 11793 for additional services needed for the Street Tree
Restoration Master Plan, at an additional cost of \$115,000. Funds are available in H1015.52273
(Planting of New Trees Citywide).