

**PROCEEDINGS OF THE CITY COUNCIL  
CITY OF LONG BEACH  
MEETING OF DECEMBER 7, 2020**

Present: Council President Bendo and Council Members Delury, Mandel, McInnis and Treston.

1. Resolution Authorizing Settlement of an Action Brought by Wenger Construction Company, Inc. against the City of Long Beach

The City Manager is authorized to enter into a settlement agreement and mutual release with Wenger to settle the above referenced action entitled Wenger Construction Co., Inc. v. City of Long Beach, Supreme Court, Nassau County, Index No. 12643/11, for the sum of \$750,000.00 in full settlement of all claims and counterclaims in this matter, inclusive of costs and attorneys' fees, with prejudice, which is to be paid on or before March 1, 2021. Funds will be available in Account No. C1930.54434 (Judgments and Claims-Insurance) through future bonding.

Adopted Unanimously

2. Resolution Authorizing Settlement of an Action Brought by Herzel Alon against the City of Long Beach

The Corporation Counsel is authorized to settle the above referenced action entitled "Herzel Alon against the City of Long Beach", for the sum of \$200,000 in settlement of all claims of said Plaintiff, including Plaintiff's claims in the Supreme Court of the State of New York, County of Nassau, Index No. 601436/19, inclusive of costs and attorneys' fees, with prejudice, and the City Comptroller is hereby authorized to make payments to the Plaintiff in full payment of the City's settlement, upon the Corporation Counsel's execution of said settlement.

Adopted Unanimously

3. Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for the Cost of Payment of Settled Claims Against the City in the Matter of Wenger Construction Company, Inc. v. City of Long Beach, Stating the Estimated Total Cost Thereof is \$750,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$750,000 Bonds of Said City to Finance Said Appropriation

object or purpose: to finance the cost of payment of settled claims against the City in the matter of Wenger Construction Company, Inc. v. City of Long Beach, Nassau County Index No. 0012643/2011

period of probable usefulness: five (5) years

amount of obligations to be issued: \$750,000

A complete copy of the Bond Ordinance summarized above shall be available for public inspection during normal business hours at the office of the City Clerk, in Long Beach, New York or on line at [www.longbeachny.gov/councilmeetings](http://www.longbeachny.gov/councilmeetings)

A Public Hearing will be held on December 15, 2020 at 7:00 p.m. Due to public health and safety concerns related to COVID-19, the City Council may not be meeting in-person. In accordance with the Governor's Executive Order 202.60, the December 15, 2020 City Council meeting and this public hearing may be held via videoconferencing at 7:00 p.m., at which time the public will be given an opportunity to observe and participate in the virtual meeting by registering for the hearing at [longbeachny.gov/councilmeetings](http://longbeachny.gov/councilmeetings).

Adopted Unanimously

4. Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for Phases I and II of the Flood Protection for Major Critical Infrastructure Project, Stating the Estimated Total Cost Thereof is \$33,500,395, Appropriating Said Amount Therefor, Authorizing the Issuance of Not to Exceed \$33,500,395

Bonds of Said City to Finance Said Appropriation, and Further Authorizing Any Amounts Received from the United States of America and/or the State of New York to be Expended Towards the Cost of Such Project, or Redemption of any Notes and Bonds Issued Therefor or to be Budgeted as an Offset to the Taxes for Payment of the Principal of and Interest on Said Bonds and Any Notes Issued in Anticipation Thereof

“ORDINANCE AUTHORIZING FINANCING FOR PHASES I AND II OF THE FLOOD PROTECTION FOR MAJOR CRITICAL INFRASTRUCTURE PROJECT, STATING THE ESTIMATED TOTAL COST THEREOF IS \$33,500,395, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$33,500,395 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SUCH PROJECT, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS AND NOTES ISSUED IN ANTICIPATION THEREOF.

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

Section 1. The City is hereby authorized to finance the cost of the Phases I and II of the Flood Protection for Major Critical Infrastructure Project, along the north side of Park Place, West Pine St, and East State St from the western boundary of the water treatment plant to the eastern edge of the tennis courts/Monroe Boulevard, including construction of new steel bulkheading and backfill with clean, upland fill; an armored slope around the existing natural gas pipeline; installation of tangent pile bulkhead adjacent to the Long Beach Boulevard bridge abutments; and construction of a pump station and stormwater infrastructure upgrades to mitigate acres of littoral zone tidal wetlands which will be filled by the approved bulkhead and backfill, all as more particularly set forth in the Phase II Approval Letter for Project #4085-0016 dated October 20, 2020 from the Federal Emergency Management Agency Region II Office and on file for public inspection in the City Clerk’s Office. The total estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$33,500,395 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$33,500,395 bonds of the City to finance said appropriation, the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and any notes issued in anticipation thereof and the interest thereon as the same shall become due and payable. Any amounts received by the City from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the such project or the redemption of any notes and bonds issued therefor, or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the City in the aggregate principal amount of \$33,500,395 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 \$33,500,395 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 85-e of the Law, is thirty (30) 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
- (c) 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.”

A Public Hearing will be held on December 15, 2020 at 7:00 p.m. Due to public health and safety concerns related to COVID-19, the City Council may not be meeting in-person. In accordance with the Governor’s Executive Order 202.60, the December 15, 2020 City Council meeting and this public hearing may be held via videoconferencing at 7:00 p.m., at which time the public will be given an opportunity to observe and participate in the virtual meeting by registering for the hearing at [longbeachny.gov/councilmeetings](http://longbeachny.gov/councilmeetings).

Adopted Unanimously

5. Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for Various Capital Projects in and for the City, Stating the Estimated Total Cost Thereof is \$6,330,000, Appropriating Said Amount Therefor, Including the Expenditure of \$1,450,000 Expected to be Received in State or Federal Aid, Authorizing the Issuance of Not to Exceed \$4,880,000 Bonds of Said City to Finance the Balance of Said Appropriation; and Further Authorizing Any Amounts Received from the United States of America and/or the State of New York to be Expended Towards the Cost of Certain of Such Capital Projects as Indicated Herein, or Redemption of any Notes and Bonds Issued Therefor or to be Budgeted as an Offset to the Taxes for Payment of the Principal of and Interest on Said Notes and Bonds

“ORDINANCE AUTHORIZING FINANCING FOR VARIOUS CAPITAL PROJECTS IN AND FOR THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$6,330,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$1,450,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,880,000 BONDS OF SAID CITY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

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 costs of construction, acquisition or undertaking of the various capital projects as described in column B of Schedule I attached hereto and hereby made a part hereof, at the estimated maximum costs indicated in column C of such Schedule I. The total estimated cost of such projects, including preliminary costs and costs incidental thereto and to the financing thereof, is \$6,330,000 and said amount is hereby appropriated therefor. The plan of financing includes the expenditure of \$1,450,000 in State and Federal aid expected to be received in the amounts indicated in column E such Schedule I, the issuance of not to exceed \$4,880,000 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. Any amounts received by the City from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the City in the aggregate principal amount of not to exceed \$4,880,000 are hereby authorized to be issued in the respective principal amounts indicated in column D of Schedule I for each of the respective objects or purposes indicated in column B of such Schedule I, 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 respective periods of probable usefulness of the specific objects or purposes and classes of objects or purposes as referenced in column I of the attached Schedule I, for which said bonds are authorized are to be issued, within the limitations of §11.00 a. of the Law, are set forth in column G of the attached Schedule I.

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.”

A Public Hearing will be held on December 15, 2020 at 7:00 p.m. Due to public health and safety concerns related to COVID-19, the City Council may not be meeting in-person. In accordance with the Governor’s Executive Order 202.60, the December 15, 2020 City Council meeting and this public hearing may be held via videoconferencing at 7:00 p.m., at which time the public will be given an opportunity to observe and participate in the virtual meeting by registering for the hearing at [longbeachny.gov/councilmeetings](http://longbeachny.gov/councilmeetings).

Adopted Unanimously

6. Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for the Cost of Payment of Settled Claims Against the City in the Matter of Herzel Alon v. City of Long Beach, Stating the Estimated Total Cost Thereof is \$200,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$200,000 Bonds of Said City to Finance Said Appropriation.

object or purpose: to finance the cost of payment of settled claims against the City in the matter of Herzel Alon v. City of Long Beach, Nassau County Index No. 601436/19

period of probable usefulness: five (5) years

amount of obligations to be issued: \$200,000

A complete copy of the Bond Ordinance summarized above shall be available for public inspection during normal business hours at the office of the City Clerk, in Long Beach, New York or on line at [www.longbeachny.gov/councilmeetings](http://www.longbeachny.gov/councilmeetings)

A Public Hearing will be held on December 15, 2020 at 7:00 p.m. Due to public health and safety concerns related to COVID-19, the City Council may not be meeting in-person. In accordance with the Governor's Executive Order 202.60, the December 15, 2020 City Council meeting and this public hearing may be held via videoconferencing at 7:00 p.m., at which time the public will be given an opportunity to observe and participate in the virtual meeting by registering for the hearing at [longbeachny.gov/councilmeetings](http://longbeachny.gov/councilmeetings).

Adopted Unanimously

All Resolutions are available for inspection in the Office of the City Clerk during regular business hours.

Dated: December 8, 2020

David W Fraser  
City Clerk

SCHEDULE I

A Category	B Project Name	C Estimated Maximum Cost	D Bond Authorization	E Grant Funding	F Project Type	G PP U	H LFL Paragraph	I Specific, Classes & Combination	SEQR A TYPE
<b>GENERAL FUND</b>									
Roads	Roadway Reconstruction - Various(Designed)	\$ 520,000.00	\$ 520,000.00	\$ -	Reconstruction	15	Par. 20	C	TYPE II
Roads	Road Overlays	\$ 400,000.00	\$ 200,000.00	\$ 200,000.00	Reconstruction	15	Par. 20	C	TYPE II
Roads	Park Avenue Resiliency	\$ 1,500,000.00	\$ 250,000.00	1,250,000.00	Design/Reconstruction	15	Par. 20	S	UNLISTED
	<b>Total - Roads</b>	<b>\$ 2,420,000.00</b>		<b>\$ 1,450,000.00</b>					
Transportation	Bus Station Rehabilitation	\$ 500,000.00	\$ 500,000.00		Construction	15	Par. 12(a)(2)	S	TYPE II
	<b>Total - Transportation</b>	<b>\$ 500,000.00</b>		<b>\$ -</b>					
Buildings	City Hall Façade Rehabilitation	750,000.00	750,000.00	\$ -	Design/Construction	15	Par. 12(a)(2)	S	TYPE II
	<b>Total - Buildings</b>	<b>\$ 750,000.00</b>		<b>\$ -</b>					
	<b>Total General Funds</b>	<b>\$ 3,670,000.00</b>		<b>\$ 1,450,000.00</b>					
<b>F &amp; G FUNDS</b>									
Sewer	WWTP - Misc. Bldg Repairs	320,000.00	320,000.00	\$ -	Construction	15	Par. 12(a)(2)	S	TYPE II
Sewer	Sewer System Upgrades-Compliance	\$ 190,000.00	\$ 190,000.00	\$ -	Engineering	5	Par. 62(2nd)	S	TYPE II
Sewer	Sewer Upgrades	\$ 600,000.00	\$ 600,000.00	\$ -	Construction	40	Par. 4	C	TYPE II
	<b>Total - Sewer Fund</b>	<b>\$ 1,110,000.00</b>		<b>\$ -</b>					
Water	Park Place WTP/Cover Separation Tanks	\$ 200,000.00	\$ 200,000.00	\$ -	Design/Reconstruction	40	Par. 1	C	TYPE II
Water	Installation of Well #19	\$ 150,000.00	\$ 150,000.00	\$ -	Design/Reconstruction	40	Par. 1	S	TYPE II
Water	System Upgrades - Various	\$ 1,000,000.00	\$ 1,000,000.00	\$ -	Construction	40	Par. 1	C	TYPE II
Water	Hydrant & Water Service	\$ 200,000.00	\$ 200,000.00		Construction	15	Par. 1	C	TYPE II

	Replacement								II
	<b>Total - Water Fund</b>	<b>\$ 1,550,000.00</b>		<b>\$ -</b>					
	<b>Total - All Funds</b>	<b>\$ 6,330,000.00</b>	<b>\$ 4,880,000.00</b>	<b>\$ 1,450,000.00</b>					