

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
DECEMBER 18, 2018

PUBLIC HEARING: Local Law Amending the Charter of the City of Long Beach Re: Assessment; Levy; Collection of Taxes.

1. Local Law Amending the Charter of the City of Long Beach Re: Assessment; Levy; Collection of Taxes.
2. Resolution Authorizing Settlement of an Action Brought by Ben Lewak Against the City of Long Beach.
3. Resolution Authorizing Settlement of an Action Brought by Margaret E. Trela Against the City of Long Beach, et al.
4. Resolution Authorizing Budget Amendments to the Urban Development Fund Budget Year 2019.
5. Resolution Authorizing Budget Amendments to Urban Development Fund Budget Years 2016 and 2017.
6. Resolution Authorizing Budget Amendments to Community Development Budget Funds.
7. Resolution Authorizing the City Manager to Purchase a Vehicle for the City's Police Department and to Transfer Funds.

December 18, 2018

Item No. 1
Local Law No.

The following Local Law was moved by
and seconded by :

Introductory No. 354
Introduced by:

CITY OF LONG BEACH

CHAPTER IV LAWS OF 2018

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: ASSESSMENT; LEVY; COLLECTION OF TAXES

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

Sec. 1. Article 6, Sections 103-a, 103-aa, 104-b and 104-d of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same are hereby amended and added to read as follows:

“Sec. 103-a. Real property of certain nonprofit organizations taxable.

Real property owned by a corporation or association which is not organized or conducted exclusively for religious, charitable, hospital, educational, moral or mental improvement of men, women or children or cemetery purposes, or for two (2) or more such purposes, but which is organized or conducted exclusively for bible, tract, missionary, infirmary, public playground, scientific, literary, bar association, medical society, library, patriotic purposes, for the enforcement of laws relating to children or animals, or for two (2) or more such purposes, and used exclusively for carrying out thereupon one or more of such purposes either by the owning corporation or association, or by another such corporation or association as Subpart hereinafter provided, shall not be exempt from taxation.

State law references: Non-profit organizations, Real Property Tax Law, § 420-b.

Sec. 103-aa. Real property of certain nonprofit organizations exempt (not taxable).

Real property owned by a corporation or association which is not organized or conducted exclusively for religious, charitable, hospital, educational, moral or mental improvement of men, women or children or cemetery purposes, or for two (2) or more such purposes, but which is organized or conducted exclusively for benevolent or historic purposes or for two (2) or more purposes, and used exclusively for carrying out thereupon one or more of such purposes either by the owning corporation or association, or by another such corporation or association as hereinafter provided, shall be exempt from taxation.

State law references: Non-profit organizations, Real Property Tax Law, § 420-b.”

...

“Sec. 104-b. Exemption for persons who are sixty-five years of age or over.

1. Pursuant to the provisions of Section 467 of the Real Property Tax Law of the State of New York, as amended and as therein provided, real property owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife, one (1) to whom is sixty-five (65) years of age or over, shall be exempt from taxation, which exemption shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed, to the extent set forth in the following schedule:

TABLE INSET:

<u>Annual Income</u>	<u>Percentage Assessed Valuation Exemption from Taxation</u>
Less than \$24,000	50
\$24,000 but less than \$25,000	45
\$25,000 but less than \$26,000	40
\$26,000 but less than \$27,000	35
\$27,000 but less than \$27,900	30
\$27,900 but less than \$28,800	25
\$28,800 but less than \$29,700	20
\$29,700 but less than \$30,600	15
\$30,600 but less than \$31,500	10
\$31,500 but less than \$32,400	5

2. No exemption shall be granted if the income of the owner or the combined income of the owners of the property exceeds the sum of thirty-two thousand three hundred ninety-nine dollars and ninety-nine cents (\$32,399.99). The income of the owner or the combined income of the owners of the property shall be calculated in accordance with Section 467 of the Real Property Tax Law of the State of New York, and any such income shall be offset by up to three thousand (\$3,000.00) dollars of the owners' combined medical and prescription drug expenses actually paid by the owner or owners and not reimbursed or paid for by insurance or other non-owner.
3. Application for such exemption must be made by the owner or all of the owners of the property annually on forms to be furnished by the tax assessor of the City of Long Beach, and such owner or owners shall furnish the information required by such forms and shall execute such forms in the manner prescribed in such forms, and shall file such forms in said assessor's office annually, on or during the ninety (90) days immediately preceding the appropriate taxable status date.
4. **For the purpose of this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his/her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder and shall be subject to exemption from taxation, to the extent such tenant-stockholder is eligible and qualifies in**

accordance with and pursuant to the provisions of § 467, as may be applicable, of the Real Property Tax Law.

5. **Homeowners who did not file a renewal application on or before Taxable Status Date may submit a written request to the Assessor asking the Assessor to extend the filing deadline and to grant the exemption. The homeowner must be able to show good cause for the failure to timely file the renewal application, and must submit the written request to the Assessor no later than the last day for paying taxes without incurring interest or penalty. The request must contain an explanation of why the deadline was missed and a renewal application that reflects the facts and circumstances as they existed on Taxable Status Date. The Assessor may (at his/her discretion) grant or deny this request, and must notify the owner of the determination. Whenever the request is denied, the Assessor must set forth the reason(s) for the denial in the determination. Any determination rendered pursuant to this section shall be final and binding upon the owner, and not subject to further review.**
6. Any conviction of having made any willful false statement in the application for such exemption shall be punishable by a fine of not more than one hundred dollars (\$100.00) and shall disqualify the applicant or applicants from further exemption for a period of five (5) years.”

...

“Sec. 104-d. Exemptions for persons with disabilities and limited incomes.

1. Pursuant to the provisions of Section 459-c of the Real Property Tax Law of the State of New York, as amended and as therein provided, adopted herein, real property owned by one or more persons with disabilities, or real property owned by a husband, wife or both, or by siblings, at least one of whom has a disability, or real property owned by one or more persons, some of whom qualify under this section and others of whom qualify under Section 467 of the Real Property Tax Law of the State of New York and Section 104-b of the Charter of the City of Long Beach, and whose income as hereafter defined is limited by reason of such disability, shall be exempt from taxation to the extent of fifty percent (50%) of the assessed valuation thereof, as here and after provided.
2. The income of the owner or the combined incomes of the owners of the property for the income tax year immediately preceding the date of making application for exemption shall be as follows: no more than twenty-seven thousand dollars (\$27,000.00) for the income tax year ending December 31, 2007; no more than twenty-eight thousand dollars (\$28,000.00) for the income tax year ending December 31, 2008; and no more than twenty-nine thousand dollars (\$29,000.00) for the income tax year ending December 31, 2009.
3. Application for such exemption must be made by the owner or all of the owners of the property annually on forms to be furnished by the tax assessor of the City of Long Beach, and such owner or owners shall furnish the information required by such forms and shall execute such forms in the manner prescribed in such forms, and shall file such forms in

said assessor's office annually, on or during the ninety (90) days immediately preceding the appropriate taxable status date.

- 4. For the purpose of this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his/her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder and shall be subject to exemption from taxation, to the extent such tenant-stockholder is eligible and qualifies in accordance with and pursuant to the provisions of § 459-c, as may be applicable, of the Real Property Tax Law.**
5. Any conviction of having made any willful false statement in the application for such exemption shall be punishable by a fine of not more than one hundred dollars (\$100.00) and shall disqualify the applicant or applicants from further exemption for a period of five (5) years.”

Sec. 2. This Local Law shall take effect immediately.

December 18, 2018

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Settlement of an Action Brought by
Ben Lewak Against the City of Long Beach.

WHEREAS, on or about March 28, 2013, Ben Lewak, as Plaintiff, represented by Edelman, Krasin & Jaye, PLLC, 7001 Brush Hollow Road, Westbury, New York 11570, filed a civil action against the City of Long Beach in the Supreme Court of the State of New York, County of Nassau, for damages arising from personal injuries allegedly sustained by the Plaintiff; and

WHEREAS, throughout the course of the litigation and leading up to the trial, Plaintiff's demand for a settlement was between \$700,000 and \$800,000; and

WHEREAS, pursuant to a pre-trial settlement conference held in Nassau Supreme, the Court recommended a settlement of \$425,000; and

WHEREAS, upon careful review of the law and facts, the City instead determined that its interests were best served by proceeding to trial; and

WHEREAS, between April 18, 2018 and May 3, 2018, a liability trial was conducted before a jury and the Honorable George R. Peck, wherein the jury found the accident at issue was 70% the fault of the Plaintiff and 30% the fault of the City; and

WHEREAS, the attorneys on behalf of the City negotiated an agreement to compromise and settle all claims and demands of the Plaintiff against the City for the sum of \$80,000, which sum said attorneys for the City have recommended as a reasonable settlement of the claim of the Plaintiff, and which the City is obligated to pay as a condition of settlement;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Corporation Counsel be and he hereby is authorized to settle the above referenced action entitled "Ben Lewak against the City of Long Beach", for the sum of \$80,000 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. 600798/13, inclusive of costs and attorneys' fees, with prejudice, and the City Comptroller is hereby authorized to pay \$80,000 to the Plaintiff in full payment of the City's settlement upon the Corporation Counsel's execution of said settlement. Funds are available in Account No. C1930.54434 (Judgments and Claims-Insurance Reserve).

The following Resolution was moved by
and seconded by :

Resolution Authorizing Settlement of an Action Brought by
Margaret E. Trela Against the City of Long Beach, et al.

WHEREAS, on or about March 18, 2015, Margaret E. Trela, as Plaintiff, represented by Sullivan, Papain, Block, McGrath & Cannavo, P.C., 1140 Franklin Avenue, Garden City, New York 11530, filed a civil action against the City of Long Beach in the Supreme Court of the State of New York, County of Nassau, for damages arising from personal injuries allegedly sustained by the Plaintiff; and

WHEREAS, after numerous years of litigation, the Plaintiff made a settlement demand of \$475,000; and

WHEREAS, on or about August 2, 2018, a mediation was conducted and it was determined that it would be in the best interest of all parties, based on the fact pattern and the severity of the injury, that the claim of the Plaintiff against the City be settled; and

WHEREAS, the attorneys on behalf of the City negotiated an agreement to compromise and settle all claims and demands of the Plaintiff against the City for the sum of \$125,000, to be paid in installments over the next four years, which sum said attorneys for the City have recommended as reasonable settlement of the claim of the Plaintiff, and which the City is obligated to pay as a condition of settlement; and

WHEREAS, the schedule of payments is as follows:

- (a) \$25,000 within thirty (30) days of the passage of this resolution; and
- (b) \$33,333.33 payable on January 19, 2020; and
- (c) \$33,333.33 payable on January 19, 2021; and
- (d) \$33,333.33 payable on January 19, 2022;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Corporation Counsel be and he hereby is authorized to settle the above referenced action entitled "Margaret E. Trela against the City of Long Beach", for the sum of \$125,000 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. 2532/15, 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. Funds for the first installment payment are available in Account No. C1930.54434 (Judgments and Claims-Insurance Reserve).

December 18, 2018

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Budget Amendments to the
Urban Development Fund Budget Year 2019.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,
that the following amendment to the Urban Development Fund budget for the 2019 Fiscal Year
is hereby authorized:

URBAN DEVELOPMENT FUND
2019 YEAR

Increase Estimated Revenues: SG10510	\$92,400.00
SG080.48300 Urban Development Rental Income	\$92,400.00
Increase Appropriations: SG20960	\$92,400.00
S8624.51102 Temporary Salaries	\$30,000.00
S8624.54410 Supplies & Materials	\$ 6,000.00
S8624.54440 Contracted Services	\$50,000.00
S8624.54422 Gas & Electric	\$ 4,000.00
S8624.58030 Social Security	\$ 2,400.00

December 18, 2018

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Budget Amendments to Urban
Development Fund Budget Years 2016 and 2017.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,
that the following amendment to the Urban Development Fund budget is hereby authorized:

URBAN DEVELOPMENT FUND
2016 YEAR

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
S8621.51102	Temporary Salaries	\$31,856.02	
S8621.58030	Social Security	\$ 2,498.53	
S8621.54440	Contract Services		\$34,354.55

URBAN DEVELOPMENT FUND
2017 YEAR

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
S8622.51102	Temporary Salaries	\$38,370.00	
S8622.54440	Contract Services		\$38,370.00

The following Resolution was moved by
and seconded by :

Resolution Authorizing Budget Amendments to
Community Development Budget Funds.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,
that the following amendments to the Community Development Budgets be and are hereby
authorized:

COMMUNITY DEVELOPMENT FUND

41st Program Year

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
S9921.54810	Residential Rehabilitation	\$20,000.00	
S9921.54804	PF&I LB Recreational Center		\$20,000.00

COMMUNITY DEVELOPMENT FUND

42nd Program Year

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
S9922.54810	Residential Rehabilitation	\$20,000.00	
S9922.54432	Code Enforcement	\$20,000.00	
S9922.54804	PF&I Community Center		\$40,000.00

COMMUNITY DEVELOPMENT FUND

43rd Program Year

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
S9923.54818	Micro-Enterprise	\$130,000.00	
S9923.54808	PS Youth Groups	\$30,000.00	
S9923.51102	PS Youth Employment		\$30,000.00
S9923.54805	PF&I City Hall ADA		\$55,000.00
S9923.54822	Acquisition		\$75,000.00

December 18, 2018

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Purchase a Vehicle
for the City's Police Department and to Transfer Funds.

WHEREAS, the City's Police Department is in need of an additional interceptor
vehicle, as they are used 24 hours/7days a week; and

WHEREAS, it has come to the City's attention that a 2016 Ford Taurus Police
Interceptor with low mileage, light bars, radio mounts and other features, is available for
purchase at a price of \$19,000; and

WHEREAS, the City received two other quotes for a comparable vehicle and
determined that said vehicle offers the best value for the City, optimizing quality, cost and useful
lifespan;

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 a 2016 Ford Taurus Police Interceptor
from John Vilardi, 127 Mount Moriah Road, Ball Ground, Georgia 30107, at a cost of \$19,000.
Funds will be available in Account No. A3120.52223 (Lease/Purchase Police Vehicles) after the
following transfer of funds is approved:

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
A1990.54406	Contingency	\$19,000	
A3120.52223	Lease/Purchase Police Vehicles		\$19,000