

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
APRIL 16, 2019

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Intentional Release of Balloons.

PUBLIC HEARING: Bond Ordinance Authorizing Financing for the Cost of Fiscal Year 2018-2019 Separation Payments To or For the Benefit of Employees of the City Upon Separation from Employment, Stating the Estimated Total Cost Thereof is \$400,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$400,000 Bonds of Said City to Finance Said Appropriation.

1. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Intentional Release of Balloons.

Legislative Memo: It is the desire of this City Council and this Administration to ban the intentional release of balloons and to enact this legislation in our continuing efforts to improve the quality of life for our residents, wildlife and marine animals, and to care for our local environment.

2. Bond Ordinance Authorizing Financing for the Cost of Fiscal Year 2018-2019 Separation Payments To or For the Benefit of Employees of the City Upon Separation from Employment, Stating the Estimated Total Cost Thereof is \$400,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$400,000 Bonds of Said City to Finance Said Appropriation.

Legislative Memo:

On July 3, 2018, the City noticed for publication a bond authorization, in the amount of \$2,500,000, for anticipated separation payment costs in the upcoming fiscal year (FY 2018-19). On the date of the public hearing, however, the City Council adopted a floor motion, which reduced this figure to \$1,803,600 (Ord. #3022/18).

With the fiscal year nearing completion, the City is now able to more accurately calculate *actual* separation payment costs incurred during the fiscal year.

Due to a number of unanticipated retirements, particularly in the Police Department, the City is now aware that its separation pay obligation in the current fiscal year (\$2,143,573.54) exceeds the authorized amount of \$1,803,600. This leaves a shortfall of \$339,973.54. Therefore, to account for the possibility of additional retirements between April 2019 and June 2019, and in an abundance of caution, the City wishes to borrow the total amount of \$400,000 in order to satisfy its separation pay obligations in FY 2018-19.

As it did with the original bond authorization in July 2018, and in the interest of transparency, an itemized list of employees who received separation pay in FY 2018-19 is appended to the resolution. This list includes the amounts paid to employees in addition to FICA and Medicare contributions, which must also be borrowed. F Fund (Water/Sewer) employees are also included in this list (for purposes of transparency), notwithstanding that the City satisfied its separation pay obligations to these employees without any borrowing.

3. Resolution Authorizing the Acting City Manager to Enter into an Agreement for Strategic Consulting Services.
4. Resolution Authorizing the Acting City Manager to Enter into a Contract with the Inwood Fire District for the Performance of Fire Alarm Dispatching Services.
5. Resolution Authorizing the Acting City Manager to Enter into a Contract for the Rental of Portable Restroom Trailers for the Ocean Beach Park with the Lowest Responsive Responsible Bidder.
6. Resolution Authorizing Publication for Hearing of a Local Law Amending Subpart C of Related Acts Relating to the Charter of the City of Long Beach Re: A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c.
7. Resolution Authorizing Publication of the General Summary of the Capital Improvement Program for the Next Five Years, and Authorizing Publication of the General Summary of the Proposed Budget for Year July 1, 2019 through June 30, 2020, and Notice of Public Hearings Thereon.

April 16, 2019

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: INTENTIONAL RELEASE
OF BALLOONS.**

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

Sec. 1. Chapter 17, Section 17-12 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 to read as
follows:

“ CHAPTER 17. OFFENSES-MISCELLANEOUS

Section 17-12. Intentional Release of Balloons.

**(a) *Legislative intent.* It is the purpose of this section to protect the environment
and particularly the marine and wildlife of the City of Long Beach by prohibiting
the intentional release of helium or lighter-than-air balloons into the atmosphere
above the City of Long Beach, including latex and Mylar.**

**(b) *Prohibited Releases.* It shall be unlawful for any person, nonprofit organization,
firm or corporation to intentionally release or organize the release of balloons
(any amount) inflated with helium or a gas that is lighter-than-air within the City of
Long Beach.**

**(c) *Allowable Releases.* Balloons released on behalf of a governmental agency or
pursuant to a government contract for scientific or meteorological purposes.**

**(d) *Violations and Penalties.* Any person found in violation of this Section shall be
fined an amount not to exceed the sum of two hundred fifty dollars (\$250).”**

Sec. 2. This Ordinance shall take effect immediately.

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Item No. 2
Ordinance No.

The following Ordinance was moved by
and seconded by :

BOND ORDINANCE AUTHORIZING FINANCING FOR THE COST OF FISCAL YEAR 2018-2019 SEPARATION PAYMENTS TO OR FOR THE BENEFIT OF EMPLOYEES OF THE CITY UPON SEPARATION FROM EMPLOYMENT, STATING THE ESTIMATED TOTAL COST THEREOF IS \$400,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$400,000 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 fiscal year 2018-2019 separation payments to or for the benefit of employees of the City upon separation from employment, pursuant to Chapter 258 of the 2012 Laws of New York, at the estimated maximum cost of \$400,000. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$400,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$400,000 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 \$400,000 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 \$400,000 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.

Employee Last Name	Employee First Name	Total FY19	Total F Fund FY19
AMAYA	MIGUEL	\$ 15,445.42	
ANGST	MATTHEW	\$ 30,663.73	
APPLE	KENNETH	\$ 91,332.94	
BERMUDEZ	STEVEN	\$ 57,438.43	
BURKARD	ROBERT	\$ 44,416.96	
CALCAGNO	JOSEPH	\$ 29,826.97	
CANGEMI	KIM	\$ 8,498.51	
CAREY	KEVIN	\$ 42,787.38	
CHULBI	PHILIP	\$ 21,431.68	
COLLINS	ARTHUR	\$ 43,116.03	
COMPTON	MARK	\$ 50,756.71	
CREGEEN	ERIC	\$ 163,851.64	
DEMEREST	GENEVIEVE	\$ 29,991.09	
FARRELL	GAIL	\$ 37,125.41	
FORESTIER	JOANNE	\$ 1,981.93	
FRASER	PEGGY	\$ 69,771.14	
HAEGELE	HOWARD	\$ 47,062.67	
HAYES	KARL	\$ 25,580.04	
HERBST	ROBERT	\$ 27,749.25	
HIRSCHFELD	RODNEY	\$ 48,154.30	
HOUGH	JOSEPH	\$ 11,507.61	
KELLY	MICHAEL	\$ -	\$ 20,717.99
KOHUT	DIANE	\$ -	\$ 56,493.05
LANGLOIS	MICHAEL	\$ 105,774.26	
MCMOORE	MARVIN	\$ 5,702.13	
MIGUEZ	JOSE	\$ 213,209.74	
MOLZON	WARREN	\$ 58,624.03	
MORIARTY	THOMAS	\$ 6,825.71	
MORRISSEY	CHRISTOPHER	\$ 60,494.07	
NOTHOLT	WILLIAM	\$ 87,124.55	
ONEILL	ANTHONY	\$ 58,708.22	
ORLANDO	DOMINIC	\$ 7,164.46	
PAGANINI	RONALD	\$ 50,405.91	
PARCHMENT	DONALD	\$ 12,504.66	
PEPPE	ANGELO	\$ 145,400.87	
PETRILLO	JOSEPH	\$ 42,220.79	
RITTER	EDWIN	\$ 131.47	
ROLL	JOHN	\$ 66,990.65	
SCULLY	JOHN	\$ -	\$ 48,791.04
STAHL	WILLIAM	\$ 2,172.54	
STARK	MARK	\$ 124,873.25	
TALFORD	ROBERT	\$ 14,246.07	
TEPPER	GORDON	\$ 34,373.10	
THURSLAND	EDWARD	\$ 114,189.58	
VEGH	ROBERT	\$ -	\$ 52,095.67
WILDES	DONNA	\$ 33,947.63	
TOTAL:		\$ 2,143,573.54	

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Enter
into an Agreement for Strategic Consulting Services.

WHEREAS, the City of Long Beach desires to retain the professional services of Capital Markets Advisors, LLC (“CMA”), an independent registered municipal advisor, to provide on-site consulting services to assist the City in improving the efficiency and effectiveness of our day-to-day operations; and

WHEREAS, CMA shall study and comprehensively analyze the City’s fiscal condition, which will provide valuable information on the current state of the City’s finances, seeking to identify the root causes of structural imbalances and provide a foundation for the development of a Strategic Multiyear Fiscal Improvement Plan; and

WHEREAS, during the course of this engagement, CMA shall also provide the following services:

1. Work closely with the City Comptroller, while reporting directly to the Acting City Manager, to restructure the City’s daily money-management and financial problem-solving approach, in order to optimize return on investments on individual transactions and to build the foundation for financial stability in the near term, and growth in the long term; and
2. Evaluate minor and large-scale transactions from the perspective of a credit-rating agency, while balancing the need to provide essential municipal services to residents and cash flow considerations; and
3. Recognize short and long term investment opportunities that may otherwise go unnoticed by accountants/auditors and provide the finance “counterpoint” in situations where opportunities are identified but disregarded due to other pressing, financial concerns; and
4. Participate in regular meetings with all major department heads and DPW division leaders to evaluate emergency and routine transactions and review solutions to problems and the City’s approach to future problems in a manner that stresses financial conservation; and
5. Help determine the optimal financing mix for large scale transactions, for example, cash from the operating budget, borrowing (capital plan), grants, etc. and develop detailed plans, with benchmarks, to help key personnel follow through on objectives; and

WHEREAS, Capital Markets Advisors, LLC (“CMA”), 11 Grace Avenue, Suite 308, Great Neck, New York 11021, has agreed to act as consultant on behalf of the City, providing expertise in the services as outlined above, for a term of one year, at a cost of \$10,000 per month through May 31, 2019, and \$12,000 per month for the remainder of the contractual term;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager may retain Capital Markets Advisors, LLC (“CMA”), 11 Grace Avenue, Suite 308, Great Neck, New York 11021 to perform professional municipal consulting services on behalf of the City, including but not limited to on-site services; a written Fiscal Conditions Analysis; a written Strategic Multiyear Fiscal Improvement Plan; and all of the additional services as outlined above, reporting directly to the Acting City Manager, for a term of one year, at a cost of \$10,000 per month through May 31, 2019, and \$12,000 per month for the remainder of the contractual term. Funds are available in Account No. A1210.54440 (City Manager’s Contracted Services); and be it further

RESOLVED, that said agreement shall contain such other terms and conditions as the Acting City Manager shall deem proper.

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Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Enter into a
Contract with the Inwood Fire District for the Performance
of Fire Alarm Dispatching Services.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and he hereby is authorized to enter into a contract with the Inwood Fire District, 188 Doughty Boulevard, Inwood, New York 11096 to provide fire alarm dispatching services on a 24 hour per day, 7 day per week basis for a period of five (5) years, commencing June 1, 2019 and ending May 31, 2025 at an annual fee of \$28,000 for the first year; \$28,840 for the second year; \$29,705.20 for the third year; \$30,596.35 for the fourth year and \$31,514.24 for the fifth year; and be it further

RESOLVED, that said agreement shall contain such other provisions as the Acting City Manager shall deem proper and advisable.

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Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Enter
into a Contract for the Rental of Portable Restroom Trailers for
the Ocean Beach Park with the Lowest Responsive Responsible Bidder.

WHEREAS, as a result of Superstorm Sandy, the bathrooms on Ocean Beach
Park were completely destroyed by the storm surge, requiring the City to rent portable restroom
trailers for the 2013, 2014, 2015, 2016, 2017 and 2018 seasons; and

WHEREAS, the City has rebuilt five comfort stations located at Grand, National,
Edwards, Riverside and Lincoln Boulevards, making them more resilient by elevating them and
placing them on the north side of the boardwalk in compliance with FEMA regulations and
guidelines, as well as ADA compliant, and is currently working on permanent ADA compliant
restrooms in three other locations; and

WHEREAS, there will be four trailer bathrooms, three with five women's stalls
on one side and two men's stalls with three urinals on the other side, to be located at Long Beach
Blvd., Neptune Blvd. and New York Avenue, with one ADA/unisex bathroom to be located at
Neptune Blvd.; and

WHEREAS, there is a provision within the contract to provide a trailer bathroom,
if needed, at Minnesota Avenue, should the construction of the new comfort station not be
completed by Memorial Day weekend, which is included in the total bid cost and which will be
subtracted from the total cost if not needed; and

WHEREAS, after due advertisement therefore, two bids were received in the
Office of the Commissioner of Public Works on April 11, 2019 for the rental of and the pumping
of portable restroom trailers for the Ocean Beach Park; and

WHEREAS, Direct Drainage, 363 N. Dunton Avenue, East Patchogue, New York
11772 has provided said service for the last six summer seasons efficiently and responsibly, and
was the lowest responsive responsible bidder based upon the criteria required for all of the above
units, from May 1, 2019 through September 30, 2019, at a total cost of \$220,000.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
Acting City Manager be and he hereby is authorized to enter into a contract with Direct
Drainage, 363 N. Dunton Avenue, East Patchogue, New York 11772 for the rental of and
pumping of four portable restroom trailers for the Ocean Beach Park (at Long Beach Blvd.,
Neptune Blvd. and New York Ave.) for a period of five months, and the Acting City Manager is
directed and limited to spend a total of not to exceed \$195,000.00 for the four trailers; and be it
further

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Item No.5
Resolution No.

RESOLVED, that the Acting City Manager be and he hereby is authorized to rent an additional trailer, only if the construction of the new comfort station at Minnesota Avenue is not completed by Memorial Day weekend, at an additional cost of \$5,000 a month. The City is seeking reimbursement through public assistance grant monies from FEMA. Funds are available in Account No. P1000.54442 (Sandy FEMA-Equipment Rental).

April 16, 2019

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of a Local Law
Amending Subpart C of Related Acts Relating to the Charter of
the City of Long Beach Re: A Local Law to Override the Tax Levy
Limit Established in General Municipal Law § 3-c.

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

“A LOCAL LAW

AMENDING SUBPART C OF RELATED ACTS RELATING
TO THE CHARTER OF THE CITY OF LONG BEACH,
RE: A LOCAL LAW TO OVERRRIDE THE TAX LEVY LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c.”

(See Local Law Attached)

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be had before this Council at City Hall, 1
West Chester Street, Long Beach, New York, concerning the aforesaid Local Law, on May 7,
2019 at 7:00 p.m.; and be it further

RESOLVED, that the City Clerk be and hereby is authorized and directed to
cause a notice of said hearing to be published in the official newspaper of the City of Long
Beach, containing the title of such proposed Local Law and an explanatory statement thereof.

Introductory No. 355
Introduced by:

CITY OF LONG BEACH

CHAPTER I LAWS OF 2019

A LOCAL LAW

AMENDING SUBPART C OF RELATED ACTS RELATING
TO THE CHARTER OF THE CITY OF LONG BEACH,
RE: A LOCAL LAW TO OVERRRIDE THE TAX LEVY LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c.

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 IX. Override of the Tax Levy Limit Established in General Municipal Law § 3-c.

Sec. 80. Legislative Intent.

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the City of Long Beach, County of Nassau, pursuant to General Municipal Law § 3-c, and to allow the City of Long Beach to adopt a City budget for the Fiscal Year 2019-2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Sec. 81. Authority.

This Local Law is adopted pursuant to subdivision 5 of the General Municipal Law § 3-c, which expressly authorizes the City Council to override the tax levy limit by the adoption of a Local Law approved by vote of sixty percent (60%) of the City Council.

Sec. 82. Tax Levy Limit Override.

The City Council of the City of Long Beach, County of Nassau, is hereby authorized to adopt a budget for the Fiscal Year 2019-2020 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Sec. 83. 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 immediately upon being filed in the Office of the New York Secretary of State.

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Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication of the General Summary of the Capital Improvement Program for the Next Five Years, and Authorizing Publication of the General Summary of the Proposed Budget for Year July 1, 2019 through June 30, 2020, and Notice of Public Hearings Thereon.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York that the General Summary of the proposed Capital Improvement Program for the five-year period July 1, 2019 to June 30, 2024, inclusive, be published in the official newspaper of the City of Long Beach, together with a Notice of Public Hearing on said Capital Improvement Program, to be held at City Hall, 1 West Chester Street, in the City of Long Beach, New York, on Tuesday, May 21, 2019 at 7:00 p.m. on that day, pursuant to Section 101-d of the City Charter. Copies of said Capital Improvement Program will be made available for inspection by the public at the Office of the City Clerk, daily on business days between the hours of 10:00 a.m. and 3:00 p.m., prior to said hearing. Copies of said Capital Improvement Program will also be made available for inspection at the Public Library of the City of Long Beach. An electronic version of the Capital Improvement Program will be made available on the City's official website www.longbeachny.gov, and

BE IT RESOLVED, by the City Council of the City of Long Beach, New York that the City Clerk is hereby authorized and directed to publish in the official newspaper of the City of Long Beach a General Summary of the Proposed Budget for Year July 1, 2019 through June 30, 2020, together with a notice calling for public hearings on such budget to be held on Tuesday, May 7, 2019 and Tuesday, May 21, 2019, at 7:00 p.m., at City Hall, 1 West Chester Street, in the City of Long Beach, New York. Copies of the submitted budget and budget message, and all supporting schedules, will be available for inspection on or before April 20, 2019 by the public at the Office of the City Clerk, daily on business days between the hours of 10:00 a.m. and 3:00 p.m., prior to said hearings. Copies of said budget and message will also be available for inspection at the Public Library of the City of Long Beach. An electronic version of the budget and message will be available on the City's official website www.longbeachny.gov.