

**CALENDAR**  
**for**  
**REGULAR MEETING OF THE COUNCIL**  
**of the**  
**CITY OF LONG BEACH**  
**held**  
**APRIL 4, 2023**

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**PUBLIC HEARING:** Ordinance Amending and Restating Bond Ordinance Adopted May 17, 2022 in the Amount of \$165,759,695.

**PUBLIC HEARING:** Resolution Granting Waiver of Off-Street Parking Granting Waiver of Off-Street Parking Requirements for Premises:  
Re: 917 West Beech Street (street floor), Long Beach, New York.

**PUBLIC HEARING:** Local Law Amending the Charter of the City of Long Beach Re: City Officers: Their General Powers and Duties.

1. Ordinance Amending and Restating Bond Ordinance Adopted May 17, 2022 in the Amount of \$165,759,695.

Legislative Memo: The Project was not able to be bid prior to the adoption of the Original Bond Ordinance. At the time, the estimated maximum cost of the Project was \$123,095,7991. Unfortunately, since the Original Bond Ordinance was adopted, market conditions have substantially changed and, once bid, the cost of the Project has substantially increased by \$46,157,182 to \$169,252,9812. Such costs shall be paid with \$165,759,695 in serial bonds and \$3,493,286 in EFC grants. As such, the Original Bond Ordinance will need to be amended to reflect such change. It is important to note that the increase will not affect the reimbursement grants from FEMA and GOSR. The grants are based on the maximum cost of the Project, regardless of the amount. As such, the City will not have to pay out-of-pocket for such increased costs.

2. Resolution Granting Waiver of Off-Street Parking Requirements for Premises:  
Re: 917 West Beech Street (street floor), Long Beach, New York.
3. Local Law Amending the Charter of the City of the City of Long Beach  
Re: City Officers: Their General Powers and Duties.
4. Resolution Authorizing the Retention of Outside Counsel.

5. Resolution Authorizing the Retention of Outside Counsel.
6. Resolution Authorizing the Retention of Outside Counsel.
7. Resolution Authorizing the Retention of Consulting Services.
8. Resolution Authorizing Transfer of Funds for the 2022-2023 Fiscal Year.
9. Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises:  
Re: 511 Long Beach Boulevard (street floor), Long Beach,  
New York.
10. Approval of Minutes of Prior Meetings of March 7, 2023 and March 21, 2023.

April 4, 2023

Item No. 1  
Ordinance No.

The following Ordinance was moved by  
and seconded by :

AMENDED AND RESTATED BOND ORDINANCE OF THE CITY OF LONG BEACH, NEW YORK, AMENDING AND RESTATING A BOND ORDINANCE ADOPTED MAY 17, 2022, AUTHORIZING FINANCING FOR THE COSTS OF THE CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO THE CITY'S LONG BEACH WATER POLLUTION CONTROL PLANT AND SOUTH SHORE RECLAMATION FACILITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$169,252,981, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$165,759,695 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.

Legislative Memo: As the Project was not able to be bid prior to the adoption of the Original Bond Ordinance, the City, the County of Nassau and its project managers and consultants estimated that the likely maximum cost of the Project would not exceed \$123,095,799. Unfortunately, after the Original Bond Ordinance was adopted, market conditions have substantially changed and, once bids were received and other additional costs were calculated and incorporated, the estimated cost of the Project has substantially increased by \$46,157,182 to an estimated \$169,252,981. Such costs shall be paid with \$165,759,695 in serial bonds and \$3,493,286 in EFC grants. As such, the Original Bond Ordinance will need to be amended to reflect such change. It is important to note that the increase will not affect the reimbursement grants from FEMA and GOSR. The grants are based on the maximum cost of the Project, regardless of the amount. As such, the City will not have to pay out-of-pocket for such increased costs.

WHEREAS, the City of Long Beach (the "City") owns and operates the Long Beach Water Pollution Control Plant (the "LBWPCP") and the County of Nassau (the "County") owns and operates the South Shore Water Reclamation Facility (the "SSWRF", and together with the LBWPCP, "Facilities"); and

WHEREAS, on October 29, 2012, Superstorm Sandy did substantial damage to the Facilities and their collection systems, and as such, the Facilities require major construction and reconstruction improvements (the "Project"); and

WHEREAS, to address the financing and implementation of such improvements, on July 25, 2019, the City and the County entered into an Intermunicipal Agreement (as amended and including any administrative memoranda applicable thereto, the "IMA") in order to further describe the Project, the City's financing thereof and the transfer of the Project to the County upon its completion; and

WHEREAS, the City has received preliminary approval to receive certain grants to finance a portion of the Project from the United States of America and the State of New York, including,

but not limited to, monies from the Federal Emergency Management Agency (“FEMA”) and the Governor’s Office of Storm Recovery (“GOSR”); and

WHEREAS, to finance the remaining portion of the Project, the City has submitted a loan application to the New York State Environmental Facilities Corporation (“EFC”) seeking to issue bonds and/or bond anticipation notes through its State Revolving Fund Program; and

WHEREAS, on May 17, 2022, the City Council of the City adopted a bond ordinance authorizing the issuance of serial bonds in the principal amount of \$123,095,799 to finance the costs of the Project (the “Original Bond Ordinance”); and

WHEREAS, after the adoption of the Original Bond Ordinance, the City was informed by the County that the maximum estimated cost of the Project has increased by \$46,157,182 to \$169,252,981, and as such, the amount of serial bonds authorized shall need to be increased to \$165,759,695 in conjunction therewith (the remaining difference to be paid by \$3,493,286 in EFC grants); and

WHEREAS, the City now intends to amend and restate the Original Bond Ordinance in its entirety pursuant to the terms of this ordinance for the purpose of increasing the maximum estimated cost of the Project, and the amount of serial bonds authorized to finance the Project, from \$123,095,799 to \$165,759,695; and

WHEREAS, any bonds and/or bond anticipation notes approved hereinbelow shall only be issued upon the receipt by the City of certain assurances, subject to the City’s satisfaction, that such FEMA or GOSR grants will be paid to the City during the course of the Project; and

WHEREAS, should the City deem such assurances unsatisfactory, the City may determine not to finance the Project as authorized below.

NOW, THEREFORE,

BE IT ENACTED, by the Council of the City of Long Beach, Nassau County, New York, to amend and restate the original bond ordinance in its entirety, to read as follows:

Section 1. The City is hereby authorized to finance the cost of the Project, as further described in the documents between the City, FEMA and GOSR, the EFC documents and as set forth in the IMA. The total estimated maximum cost of said Project, including preliminary costs and costs incidental thereto and to the financing thereof, is \$169,252,981 and said amount is hereby appropriated therefor. The plan of financing includes (i) the issuance of not to exceed \$165,759,695 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 any notes issued in anticipation thereof and the interest thereon as the same shall become due and payable, subject to the conditions set forth above, (ii) certain United States of America and State of New York grants, including but not limited to FEMA and GOSR funds, and (iii) any other sources as further provided for in the IMA. 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 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 \$165,759,695 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 objects or purposes for which said bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) 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. To the extent applicable, the City Comptroller is hereby authorized to execute and deliver in the name and on behalf of the City (i) a project financing agreement prepared by EFC (the “Project Financing Agreement”) and (ii) any third party agreement for the administration of the Project (the “Third Party Agreement”), and, to the extent applicable, the City Comptroller and the City Clerk and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this bond resolution or any document or agreement approved hereby, including, but not limited to, the Project Financing Agreement and the Third Party Agreement.

Section 8. 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 9. 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.

April 4, 2023

Item No. 2  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Granting Waiver of Off-Street Parking Requirements  
Re: Premises 917 West Beech Street (street floor), Long Beach, New York.

WHEREAS, there has been presented to this Council an application pursuant to Section 9-112(18)(c) of Appendix A (Zoning Law) of the Long Beach Code of Ordinances, for waiver of off-street parking requirements for the premises located at 917 West Beech Street (street floor), Long Beach, New York (Section 59, Block 234, Lots 22, 23, 24, 25 and 49), between Virginia Avenue and Wisconsin Street, having frontage of less than 20 feet, on behalf of the owner 917 W Long Beach Corp., 917 West Beech Street, Long Beach, New York 11561 to be used as a medical office;

WHEREAS, a Public Hearing was held on this date;

NOW, THEREFORE, after due deliberation, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the application of owner 917 W Long Beach Corp., 917 West Beech Street, Long Beach, New York 11561 for exemption with respect to the requirements for off-street parking at premises 917 West Beech Street (street floor), having frontage of less than 20 feet, be and the same hereby is granted, only and during the time that such premises shall be used as a medical office.

April 4, 2023

Item No. 3  
Local Law No.

The following Local Law was moved by  
and seconded by :

Introductory No. 375  
Introduced by:

CITY OF LONG BEACH

CHAPTER I LAWS OF 2023

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF LONG  
BEACH RE: CITY OFFICERS: THEIR GENERAL POWERS AND DUTIES.

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

Sec. 1. Article 3, Section 20(2) 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 is  
hereby amended to read as follows:

"Sec. 20. City Manager

...

2. The City Manager shall be appointed by vote of a majority of all the council  
persons for an indefinite term. He/she shall be chosen solely on the basis of his/her executive and  
administrative qualifications with special reference to his/her actual experience in, or his/her  
knowledge of, accepted practice in respect to the duties of his/her office as herein set forth.  
During his/her term of office he/she shall reside within **fifteen (15) miles of the City of Long  
Beach or within the County of Nassau** within ninety (90) days of his/her appointment."

...

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



April 4, 2023

Item No. 4  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the Retention of Outside Counsel.

WHEREAS, the City of Long Beach desires to retain the services of Certilman Balin Adler & Hyman, LLP (“CBAH”), 100 Motor Parkway, Hauppauge, New York 11788 as special counsel; and

WHEREAS, it is in the City’s best interest to retain said firm to represent the City and City officials on an as needed basis, for legal work and expenses with respect to the “Empire Wind 2 Project” (the “Project”), which is currently the subject of (1) an application by Empire Wind Offshore LLC (“Empire Wind”) to the New York State Public Service Commission for a “Certificate of Environmental Compatibility and Public Need,” pursuant to Article VII of the New York State Public Service Law (“PSL”), for the portions of the Project that lie within New York State, and (2) ongoing environmental impact review by the U.S. Department of the Interior’s Bureau of Ocean Energy Management (“BOEM”), at an hourly rate of between \$467.50 and \$510.00 for partners; \$255.00 and \$403.75 for associates and counsel; and between \$127.50 and \$216.75 for paralegals;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and is hereby authorized to enter into a retainer agreement with the firm of Certilman Balin Adler & Hyman, LLP, 100 Motor Parkway, Hauppauge, New York 11788 as special counsel to perform legal work and expenses with respect to the “Empire Wind 2 Project” on an as needed basis, at an hourly rate of between \$467.50 and \$510.00 for partners; \$255.00 and \$403.75 for associates and counsel; and between \$127.50 and \$216.75 for paralegals. Funds are available in Account No. A1420.54453 (Corporation Counsel-Consultants).

April 4, 2023

Item No. 5  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the Retention of Outside Counsel.

WHEREAS, the City of Long Beach desires to retain the services of Bee Ready Law Group, LLP (“BRLG”), 170 Old Country Road, Suite 200, Mineola, New York 11501 as special counsel; and

WHEREAS, it is in the City’s best interest to retain said firm to represent the City and City officials on an as needed basis, for legal work and expenses with respect to the “Empire Wind 2 Project” (the “Project”), which is currently the subject of (1) an application by Empire Wind Offshore LLC (“Empire Wind”) to the New York State Public Service Commission for a “Certificate of Environmental Compatibility and Public Need,” pursuant to Article VII of the New York State Public Service Law (“PSL”), for the portions of the Project that lie within New York State, and (2) ongoing environmental impact review by the U.S. Department of the Interior’s Bureau of Ocean Energy Management (“BOEM”), at an hourly rate of \$400 for partners; \$350.00 for senior associate attorneys; \$300.00 for associate attorneys; and \$200.00 for paralegals and law clerks;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and is hereby authorized to enter into a retainer agreement with the firm of Bee Ready Law Group, LLP, 170 Old Country Road, Suite 200, Mineola, New York 11501 as special counsel to perform legal work and expenses with respect to the “Empire Wind 2 Project” on an as needed basis, at an hourly rate of \$400 for partners; \$350.00 for senior associate attorneys; \$300.00 for associate attorneys; and \$200.00 for paralegals and law clerks. Funds are available in Account No. A1420.54453 (Corporation Counsel-Consultants).

April 4, 2023

Item No. 6  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the Retention of Outside Counsel.

WHEREAS, the City of Long Beach desires to retain the services of Law Office of Eli D. Eilbott, 4421 North 25<sup>th</sup> Street, Arlington, Virginia 22207 as special counsel; and

WHEREAS, it is in the City's best interest to retain said firm to represent the City and City officials on an as needed basis, for legal work and expenses with respect to the "Empire Wind 2 Project" (the "Project"), which is currently the subject of (1) an application by Empire Wind Offshore LLC ("Empire Wind") to the New York State Public Service Commission for a "Certificate of Environmental Compatibility and Public Need," pursuant to Article VII of the New York State Public Service Law ("PSL"), for the portions of the Project that lie within New York State, and (2) ongoing environmental impact review by the U.S. Department of the Interior's Bureau of Ocean Energy Management ("BOEM"), at an hourly rate of \$400.

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and is hereby authorized to enter into a retainer agreement with the firm of Law Office of Eli D. Eilbott, 4421 North 25<sup>th</sup> Street, Arlington, Virginia 22207 as special counsel to perform legal work and expenses with respect to the "Empire Wind 2 Project" on an as needed basis, at an hourly rate of \$400. Funds are available in Account No. A1420.54453 (Corporation Counsel-Consultants).

April 4, 2023

Item No. 7  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the Retention of Consulting Services.

WHEREAS, the City of Long Beach desires to retain the professional services of Nelson Pope & Voorhis LLP (“Nelson & Pope”), 70 Maxess Road, Melville, New York 11747 who specialize in environmental and engineering consulting services; and

WHEREAS, Nelson & Pope will provide environmental and engineering consulting services to assist the City in its review of the Article VII application of Empire Offshore Wind LLC for a Certificate of Environmental Compatibility and Public Need for the construction of approximately 12 miles of transmission lines from the boundary of New York State Territorial Waters to a point of interconnection in the Town of Hempstead, Nassau County; and

WHEREAS, Nelson & Pope has agreed to act as consultant on behalf of the City, providing environmental and engineering consulting services to assist the City in its review of the Article VII application of Empire Offshore Wind LLC for a Certificate of Environmental Compatibility and Public Need for the construction of approximately 12 miles of transmission lines from the boundary of New York State Territorial Waters to a point of interconnection in the Town of Hempstead, Nassau County at a cost not to exceed \$51,000;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager may retain Nelson Pope & Voorhis LLP, 70 Maxess Road, Melville, New York 11747 to provide environmental and engineering consulting services to assist the City in its review of the Article VII application of Empire Offshore Wind LLC for a Certificate of Environmental Compatibility and Public Need for the construction of approximately 12 miles of transmission lines from the boundary of New York State Territorial Waters to a point of interconnection in the Town of Hempstead, Nassau County at a cost not to exceed \$51,000. Funds are available in Account No. A1420.54453 (Corporation Counsel-Consultants).

April 4, 2023

Item No. 8  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Transfer of Funds for the  
2022-2023 Fiscal Year.

WHEREAS, the City desires to use funds within Publicity and Celebrations to address the current and anticipated expenses for the remainder of the fiscal year related to certain events, advertisement and staffing; and

WHEREAS, a transfer of funds is required for the City to replenish funds that will be used to address said current and anticipated expenses for the remainder of the fiscal year;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the following transfer of General Funds be and are hereby authorized:

<b><u>Budget Code</u></b>	<b><u>Description</u></b>	<b><u>Transfer From:</u></b>	<b><u>Transfer To:</u></b>
A6410.51102	Publicity-Temporary Salaries	\$30,000.00	
A6410.54440	Publicity-Contracted Services		\$30,000.00
A6410.54469	Publicity-Miscellaneous	\$1,167.00	
A6410.54441	Publicity-Printing		\$1,167.00
A7550.51102	Celebrations-Temporary Salaries	\$20,000.00	
A7550.51103	Celebrations-Overtime Salaries		\$20,000.00
A7550.54461	Celebrations-Advertising	\$10,000.00	
A7550.51103	Celebrations-Overtime Salaries		\$5,000.00
A7550.54440	Celebrations-Contracted Services		\$5,000.00

April 4, 2023

Item No. 9  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Publication of a Notice of Public  
Hearing of an Application to Waive the Off-Street Parking  
Requirements for Premises: 511 Long Beach Boulevard (street floor),  
Long Beach, New York.

WHEREAS, there has been presented to this Council an application pursuant to  
Section 9-112(18)(c) of Appendix A (Zoning Law) of the Long Beach Code of Ordinances, for  
waiver of off-street parking requirements for the premises located at 511 Long Beach Boulevard  
(street floor), Long Beach, New York (Section 59, Block 107, Lot 38), between East Market  
Street and East Hudson Street, having frontage of less than 20 feet, on behalf of the owner L.B.  
Road Enterprises, Inc., 2700 Two Brothers Court, Oceanside, New York 11572 to be used as a  
delicatessen, grocery store and mini market;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that a  
public hearing will be had before this Council upon said application at City Hall, 1 West Chester  
Street, in the City of Long Beach, New York, on April 18, 2023 at 7:00 p.m. on that date; and be  
it further

RESOLVED, that the City Clerk be and is hereby authorized to cause a notice of  
said hearing to be published in the official newspaper of the City of Long Beach.