

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
JUNE 7, 2022

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic.

1. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic.
2. Resolution Authorizing Settlement of Certiorari Proceedings.
3. Resolution Authorizing the City Manager to Retain the Services of CDM Smith.
4. Resolution Establishing Base Proportions in Accordance with Provisions of Article 19 of the Real Property Tax Law.
5. Resolution Authorizing the City Manager to Enter into an Agreement for Engineering Services in Conjunction with the Resilient Connectivity for Park Avenue Project-Phase I & II.
6. Resolution Authorizing the City Manager to Enter into an Agreement for the Installation of New Air Conditioning/Heat Pump Split Units in the Ice Arena on the Second Floor.
7. Resolution Authorizing the City Manager to Purchase Five (5) Tablet Chlorinators with a Feeding System for the Water Purification Plant.
8. Resolution Authorizing the Purchase and Installation of Physical Access Controls for the City's Police Department Headquarters through a New York State Office of General Services Contract.
9. Resolution Authorizing the Purchase of Ten Routers and Antennas for the City's Police Patrol Vehicles through a New York State Office of General Services Contract.
10. Resolution Authorizing the City Manager to Enter into a Contract for the Towing and Storage of Vehicles from Locations Within the City of Long Beach.

11. Resolution Authorizing Transfer of Funds for the 2022-2023 Fiscal Year.
12. Resolution Authorizing and Adopting Post Issuance Compliance Policies and Procedures Related to the City's Tax-Exempt Obligations, Such Policies and Procedures Intended to Ensure that the Requirements Imposed Upon the City of Long Beach, Pursuant to the Internal Revenue Code of 1986, as Amended, Will be Satisfied.
13. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Ocean Beach Park.
14. Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing of the Cost of the Acquisition and Installation of Water Meters for the City, Appropriating \$666,667 for Such Purpose and Authorizing the Issuance of Up to \$666,667 Bonds to Finance Said Appropriation.
15. Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 1050 West Beech Street (street floor), Long Beach, New York.
Re: Beach Themed Apparel, Jewelry and Accessories Store with Arts & Crafts Classes
16. Approval of Minutes of Prior Meeting of May 3, 2022.

June 7, 2022

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: MOTOR VEHICLES AND TRAFFIC.

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

Sec. 1. Chapter 15, Article V, Division 1, Section 15-175.3 of the Code of
Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby
added to read as follows:

“DIVISION 1. GENERALLY

...

Sec. 15-175.3. Angled Parking Spaces; Head-In Parking.

**All vehicles in angled parking spaces shall park front end first. Any violation of this
section shall be punishable in accordance with Section 15-22 of this chapter.”**

Sec. 2. This Ordinance shall take effect immediately.

June 7, 2022

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Settlement of Certiorari Proceedings.

WHEREAS, 55 Monroe Boulevard Owners Corp., represented by Koeppel Martone & Leistman, LLP, 155 First Street, Mineola, New York 11501 has commenced an action in the Supreme Court, Nassau County, against the City of Long Beach to compel a reduction in the assessed valuation of the property known as Section 59, Block 130, Lots 36-45 on the Land and Tax Map of the County of Nassau, and also known as 55 Monroe Boulevard, Long Beach, New York for the fiscal years of 2016/17 through 2022/23; and

WHEREAS, the Tax Assessor and Counsel for the City of Long Beach have reviewed petitioner's legal papers, the income and expenses for the subject property and after extensive negotiation have agreed to settle the certiorari proceedings for a lump sum payment of \$120,000.00 covering the fiscal years 2016/17 through 2022/23 and a reduction of the assessed valuation from \$360,000 to \$270,000 on condition that no grievance and/or petition be filed for the tax years 2023/24, 2024/2025 and 2025/2026; and

WHEREAS, 333 East Broadway Owner's Corporation, represented by Koeppel Martone & Leistman, LLP, 155 First Street, Mineola, New York 11501 has commenced an action in the Supreme Court, Nassau County, against the City of Long Beach to compel a reduction in the assessed valuation of the property known as Section 59, Block 144, Lots 51-60 on the Land and Tax Map of the County of Nassau, and also known as 333 East Broadway, Long Beach, New York for the fiscal years of 2016/17 through 2022/23; and

WHEREAS, the Tax Assessor and Counsel for the City of Long Beach have reviewed petitioner's legal papers, the income and expenses for the subject property and after extensive negotiation have agreed to settle the certiorari proceedings for a lump sum payment of \$40,000.00 covering the fiscal years 2016/17 through 2022/23 and a reduction of the assessed valuation from \$300,000 to \$260,000 on condition that no grievance and/or petition be filed for the tax years 2023/24, 2024/2025 and 2025/2026; and

WHEREAS, Granada Towers Condominium, represented by Certilman Balin Adler & Hyman, LLP, 90 Merrick Avenue, East Meadow, New York 11554, has commenced an action in the Supreme Court, Nassau County, against the City of Long Beach to compel a reduction in the assessed valuation of the property known as Section 59, Block 98, Lots 36-41 and Section 59, Block 110, Lot 141 (units 1-70) on the Land and Tax Map of the County of Nassau, and also known as 310 Riverside Boulevard (and the parking lot on the corner of East Walnut), Long Beach, New York for the fiscal years of 2018/19 through 2022/23; and

WHEREAS, the Tax Assessor and Counsel for the City of Long Beach have reviewed petitioner's legal papers, the income and expenses for the subject property and after extensive negotiation have agreed to settle the certiorari proceedings for a lump sum payment of \$40,000.00 covering the fiscal years 2018/19 through 2022/23 and a reduction of the assessed valuation from \$328,200 to \$275,000 on condition that no grievance and/or petition be filed for the tax years 2023/24, 2024/2025 and 2025/2026; and

WHEREAS, the Board of Assessors of the City of Long Beach has determined that the settlement, without further litigation, is in the best interests of the City of Long Beach;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Corporation Counsel be and he hereby is authorized and directed to enter into a stipulation with 55 Monroe Boulevard Owners Corp., 55 Monroe Boulevard, Long Beach, New York 11561 settling the certiorari proceedings covering fiscal years 2016/17 through 2022/23 for a lump sum payment of \$120,000.00 and a reduction of the assessed valuation from \$360,000 to \$270,000 on condition that no grievance and/or petition be filed for the tax years 2023/24, 2024/2025 and 2025/2026; and be it further

RESOLVED, by the City Council of the City of Long Beach, New York that the Corporation Counsel be and he hereby is authorized and directed to enter into a stipulation with 333 East Broadway Owner's Corporation, 333 East Broadway, Long Beach, New York 11561 settling the certiorari proceedings covering fiscal years 2016/17 through 2022/23 for a lump sum payment of \$40,000.00 and a reduction of the assessed valuation from \$300,000 to \$260,000 on condition that no grievance and/or petition be filed for the tax years 2023/24, 2024/2025 and 2025/2026; and be it further

RESOLVED, by the City Council of the City of Long Beach, New York that the Corporation Counsel be and he hereby is authorized and directed to enter into a stipulation with Granada Towers Condominium, 310 Riverside Boulevard, Long Beach, New York 11561 settling the certiorari proceedings covering fiscal years 2018/19 through 2022/23 for a lump sum payment of \$40,000.00 and a reduction of the assessed valuation from \$328,200 to \$275,000 on condition that no grievance and/or petition be filed for the tax years 2023/24, 2024/2025 and 2025/2026. Funds are available in Account No. A1930.54403 (Judgments and Claims).

June 7, 2022

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Retain the
Services of CDM Smith.

WHEREAS, the City of Long Beach owns and operates a facility at 859 East Park Avenue, Long Beach, New York and is considering the potential sale and/or rehabilitation of the property, requiring an engineering evaluation to determine what steps would be necessary to prepare the property for further use; and

WHEREAS, the property was originally operated as a water treatment plant and was outfitted with various treatment equipment, the majority of which was removed when the facility was repurposed and prior to Superstorm Sandy it was used as the Police Auxiliary building; and

WHEREAS, the property is now used for document storage by various City Departments, Auxiliary Police vehicle storage and serves as the City's Sign Shop; and

WHEREAS, although the facility no longer has the water treatment process equipment on the premises, the original electrical switchgear remains as well as underground utilities, and the City would like to better understand the impacts and the investment needed to prepare the site for a potential ownership transfer or rehabilitation; and

WHEREAS, the City of Long Beach desires to retain the professional services of CDM Smith, 60 Crossways Park Drive West, Woodbury, New York 11720, to conduct an engineering assessment of the property, at a cost of \$31,900;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and is hereby authorized to retain CDM Smith, 60 Crossways Park Drive West, Woodbury, New York 11720 to conduct an engineering assessment of 859 East Park Avenue, Long Beach, New York at a cost of \$31,900. Funds are available in Account No. A1355.54453 (Tax Assessor Consultants).

June 7, 2022

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Establishing Base Proportions in Accordance
with Provisions of Article 19 of the Real Property Tax Law.

WHEREAS, on October 16, 1990, the City of Long Beach amended Article 6 of Chapter 635 of the Laws of 1922, by adding at the end of said Section 103 a new subsection, which was numbered subsection 5, and which reads as follows:

“5. The provisions of Real Property Tax Law, Section 1903 concerning homestead base proportions, are hereby adopted.”

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach that the Homestead Base Proportions shall be as follows:

Homestead Base Proportion - 0.7313330059

Non-Homestead Base Proportion - 0.2686669941

Said base proportions shall apply to taxes levied on the 2022-2023 final assessment roll and to taxes levied on subsequent rolls until the Local Law adopting base proportions is amended or repealed.

June 7, 2022

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an
Agreement for Engineering Services in Conjunction with the
Resilient Connectivity for Park Avenue Project-Phase I & II.

WHEREAS, after due advertisement therefore, ten (10) proposals were received in the Office of Public Works on January 14, 2022 for engineering services to design and oversee the construction of streetscape improvements along approximately five (5) blocks of Park Avenue for the Resilient Connectivity for Park Avenue Project – Phase I & II; and

WHEREAS, the City seeks to improve walkability, accessibility and safety; make general streetscape and beautification improvements; introduce traffic calming measures; and increase the City’s resiliency to future storms; and

WHEREAS, the ten (10) proposals were scored and evaluated for expertise, experience, understanding of the project and scheduling availability and based upon the overall score, NV5, 40 Marcus Drive, Melville, New York 11747 submitted the proposal that best meets the City’s needs and was the lowest proposer at a cost of \$375,109; and

WHEREAS, partial funding for this Project is provided by two New York State Department of State Grants under the Local Waterfront Revitalization Program, in the amounts of \$500,000 and \$775,000, which require a cash match from the City in the same amounts;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and is hereby authorized to enter into a contract with NV5, 40 Marcus Drive, Melville, New York 11747 to provide engineering services to design and oversee the construction of streetscape improvements along approximately five (5) blocks of Park Avenue for the Resilient Connectivity for Park Avenue Project – Phase I & II, at a cost of \$375,109. Funds in the amount of \$350,000 are available in Account No. H1018.52344 (Park Avenue Resiliency) and funds in the amount of \$25,109 are available in Account No. H1022.52344 (Park Avenue Resiliency).

June 7, 2022

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an
Agreement for the Installation of New Air Conditioning/Heat
Pump Split Units in the Ice Arena on the Second Floor.

WHEREAS, on October 19, 2021 the County of Suffolk entered into Contract #ACRI101921-P, pursuant to which municipalities of the State were given the opportunity to purchase and have installed HVAC units from specified dealers who Suffolk County awarded as the lowest responsible bidder; and

WHEREAS, the City desires to purchase and have installed a new air conditioning/heat pump split unit to service the second floor of the City's Ice Arena from Premier Mechanical Services Inc., 1493 Church Street, Holbrook, New York 11741, at a cost of \$103,326.25;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and is hereby authorized to enter into an agreement with Premier Mechanical Services Inc., 1493 Church Street, Holbrook, New York 11741 for the purchase and installation of a new air conditioning/heat pump split unit to service the second floor of the City's Ice Arena, at a cost of \$103,326.25, under Suffolk County Contract #ACRI101921-P. Funds are available in Account No. H1019.52272 (Ice Arena Design & Construction).

June 7, 2022

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Purchase
Five (5) Tablet Chlorinators with a Feeding System for the
Water Purification Plant.

WHEREAS, the City's Division of Water Purification is responsible for providing
and maintaining the City's drinking water; and

WHEREAS, the City needs five (5) Arch/Sigura MC4-50 Lite Tablet Chlorinators
with feeding systems, which disinfect the drinking water, eases containment challenges,
mitigates risks from accidental release and uses a chemical briquette combined with a patented
feeder that produces a fresh, concentrated liquid chlorine solution that controls bacteria and algae
and prevents organic contaminants, at a cost of \$13,000 each; and

WHEREAS, Eagle Control Corporation, 23 Old Dock Road, Yaphank, New York
11980 has exclusive rights to sell and service the above in the both Nassau and Suffolk County;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
City Manager be and is hereby authorized to purchase five (5) Arch/Sigura MC4-50 Lite Tablet
Chlorinators with feeding systems, at a cost of \$13,000 each, for a total cost of \$65,000, from
Eagle Control Corporation, 23 Old Dock Road, Yaphank, New York 11980. Funds in the
amount of \$61,772 are available in Account H2022.53046 (Various Plant Improvements) and
funds in the amount of \$3,228 are available in Account H2020.53046 (Various Plant
Improvements).

June 7, 2022

Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Purchase and Installation of Physical Access Controls for the City's Police Department Headquarters through a New York State Office of General Services Contract.

WHEREAS, the City's Police Department does not have any sufficient way to lock most doors in headquarters and has no ability to remotely track who enters and leaves the building; and

WHEREAS, the Police Department does not currently have the ability to properly secure areas that contain controlled items and other Police Department equipment; and

WHEREAS, the City desires to install physical access controls on all existing internal and external doors at Police headquarters, that require control, which also incorporates a cloud-based solution allowing for ease of remote management and software protection in the event of an emergency; and

WHEREAS, this expenditure would provide the Police Department with a much needed security enhancement for both employees of the Police Department and City Hall, as this system will also provide future integration into the City Hall complex; and

WHEREAS, Virsig LLC, 95 Seaview Boulevard, Port Washington, New York 11050 is an awarded vendor through New York State Office of General Services Contract #PT68881SB, that can furnish and install the required equipment for the above project, at a cost of \$33,443.87;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and is hereby authorized to purchase and have installed physical access controls for the City's Police Department Headquarters from Virsig LLC, 95 Seaview Boulevard, Port Washington, New York 11050 through New York State Office of General Services Contract #PT68881SB, at a cost of \$33,443.87. Funds are available in Account No. H1017.52293 (Technology Improvements).

June 7, 2022

Item No. 9
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Purchase of Ten Routers and
Antennas for the City's Police Patrol Vehicles through a
New York State Office of General Services Contract.

WHEREAS, the City's Police Department desires to upgrade its ten (10) patrol
vehicle routers and antennas to products with better connectivity, remote management features
and future 5G options, as the current equipment is only 3G with no connectivity enhancement
options or remote management of any kind; and

WHEREAS, the City can purchase the routers and antennas from Island Tech
Services LLC, 980 South 2nd Street, Ronkonkama, New York 11779, an awarded vendor through
New York State Office of General Services Contract, Award #23141, at a total cost of \$24,550;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
City Manager be and is hereby authorized to purchase routers and antennas for ten (10) City
Police Department patrol vehicles from Island Tech Services LLC, 980 South 2nd Street,
Ronkonkama, New York 11779, an awarded vendor through New York State Office of General
Services Contract, Award #23141, at a total cost of \$24,550. Funds are available in Account No.
H1022.53098 (Vehicle Computer & Printer Replacement).

June 7, 2022

Item No. 10
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into a Contract
for the Towing and Storage of Vehicles from Locations Within the
City of Long Beach.

WHEREAS, after due advertising therefore, one proposal was received in the
Office of the City Purchasing Agent on Thursday, April 21, 2022 at 11:00 a.m. for the towing
and storage of vehicles from City streets, parking fields or other locations where the City has
jurisdiction, as per specifications on file in the Office of the City Purchasing Agent; and

WHEREAS, All County Hook-Up Towing, Inc., 66 East Merrick Road, Freeport,
New York 11520 was the sole responsible proposer; and

WHEREAS, a committee was established to review and evaluate the proposal
and the committee unanimously recommends awarding the contract to All County Hook-Up
Towing, Inc.; and;

WHEREAS, All County Hook-Up Towing, Inc. shall pay \$225.00 per tow to the
City, for a term of up to three (3) years, with an option for two (2) extensions of up to three (3)
years each, at the sole discretion of the City, with all unit prices remaining in effect for the
extension of the contract;

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 enter into a contract with All County Hook-Up
Towing, Inc., 66 East Merrick Road, Freeport, New York 11520 for the towing and storage of
vehicles from locations within the City of Long Beach, for a payment of \$225.00 per tow, for a
term of up to three (3) years, with an option for two (2) extensions of up to three (3) years each,
at the sole discretion of the City, with all unit prices remaining in effect for the extension of the
contract; and be it further

RESOLVED, that said contract shall contain such other terms, conditions and
provisions as the City Manager and Corporation Counsel shall deem necessary and proper.

June 7, 2022

Item No. 11
Resolution No.

The following Resolution was moved by
and seconded by :

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

WHEREAS, a personnel reassignment requires the following transfer of funds;

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:

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
A1445.51101	Building Department-Regular Salaries	\$63,996.83	
A7310.51101	Youth & Family Services-Regular Salaries		\$63,996.83

June 7, 2022

Item No. 12
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing and Adopting Post Issuance Compliance Policies and Procedures Related to the City's Tax-Exempt Obligations, Such Policies and Procedures Intended to Ensure that the Requirements Imposed Upon the City of Long Beach, Pursuant to the Internal Revenue Code of 1986, as Amended, Will be Satisfied.

WHEREAS, the City of Long Beach, Nassau County, New York, previously has issued bond and notes ("Tax-Exempt Obligations"), the interest on which is excluded from gross income of the owners thereof pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the City intends to issue additional series of Tax-Exempt Obligations in the future; and

WHEREAS, in order to ensure that the interest on the City's Tax-Exempt Obligations will continue to be excluded from gross income of the owners thereof for purposes of federal income taxation, and that the City complies with its tax certifications relating to the Tax-Exempt Obligations, the City Council has determined, based on the advice of the City's Bond Counsel, to adopt certain written Post-Issuance Compliance Policies and Procedures in the form attached hereto and made a part hereof (the "Post-Issuance Compliance Procedures");

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, the following:

1. The City Council hereby approves and adopts the Post-Issuance Compliance Procedures; and
2. The City Council hereby appoints the City Comptroller of the City to serve as the "Designated Tax Compliance Official" under the Post-Issuance Compliance Procedures and hereby authorizes and directs the City Comptroller, acting in such capacity, to take such actions, after appropriate consultation with Bond Counsel to the City, as the City Comptroller deems necessary, appropriate or desirable to effect the implementation of the Post Issuance Compliance Procedures, and hereby further authorizes the City Comptroller, as such Designated Tax Compliance Official, to delegate to such other City officials or employees as the City Comptroller shall determine is necessary or appropriate, the responsibility to take certain specific actions called for by the Post-Issuance Compliance Procedures; and
3. This Resolution shall take effect immediately.

CITY OF LONG BEACH

POST-ISSUANCE COMPLIANCE POLICIES AND PROCEDURES Related to Tax-Exempt Obligations

These Post-Issuance Compliance Policies and Procedures (the “Procedures”) are adopted by the CITY OF LONG BEACH, Nassau County, New York (the “City”) to ensure that interest on tax-exempt obligations of the City (the “Bonds”) remains excludable from gross income under Section 103 of the Internal Revenue Code of 1986 (the “Code”).

In order to ensure continued compliance with requirements of the Code and the applicable regulations (the “Applicable Federal Tax Law”) associated with the issuance of Bonds, the City will consult with the City’s bond counsel, in advance, regarding deviations from the facts and expectations set forth in the closing certifications relating to any issue of Bonds.

If as a result of changes to the Applicable Federal Tax Law or the New York State Local Finance Law these Procedures are in conflict with such laws, the City will consult with Bond Counsel regarding the proper course of action, including amending these Guidelines.

I. Procedures

The City Comptroller of the City (the “Designated Tax Compliance Official”) is the primary person to consult with the City’s bond counsel (“Bond Counsel”), financial advisor and other advisors on a continual basis for the entire term of the Bonds. The Designated Tax Compliance Official may delegate to his or her staff or other District personnel or contract with independent contractors (such as an arbitrage/rebate consultant) responsibility for different aspects of post-issuance tax compliance. However, the Designated Tax Compliance Official will be ultimately responsible for implementing the procedures described herein.

II. Securing Closing Documents

Following each issuance of Bonds, the Designated Tax Compliance Official or his or her designee will:

- a. Confirm the filing of the Form 8038 or Form 8038-G (or applicable successor form) with Internal Revenue Service (“IRS”). Filing of the applicable Form 8038 is usually undertaken or overseen by Bond Counsel at or soon after the closing of a bond issue.
- b. Obtain and store the Transcript of Proceedings prepared by Bond Counsel (which typically includes the applicable Form 8038 and the Arbitrage and Tax Certificate containing the City’s expectations as of the date of issuance of the bond issue).

III. Recordkeeping

The Designated Tax Compliance Official or his or her designee will:

- a. Establish a plan for keeping relevant books and records as to the investment and the expenditure of bond proceeds.
- b. Keep accurate records including:
 - (i) Basic records relating to the bond transactions (including the bond resolutions, closing documents, and the Bond Counsel Opinion (see Securing Closing Documents, above);
 - (ii) Documentation evidencing the expenditure of bond proceeds;
 - (iii) Documentation evidencing use of bond-financed property by public and private sources (*i.e.*, copies of leases, management contracts);
 - (iv) Documentation evidencing all sources of payment or security for the bonds; and
 - (v) Documentation pertaining to any investment of bond proceeds (including the purchase and sale of securities, subscriptions for United States Treasury Securities-State and Local Government Series (“SLGs”), yield calculations for each class of investments, actual investment income received from the investment of proceeds, guaranteed investment contracts and rebate calculations).
- c. Keep all records in a manner that ensures their complete access to the IRS so long as they are material.
- d. Keep the relevant records for each issue of bonds for as long as such issue of bonds is outstanding (including any bonds issued to refund such issue of bonds) plus three years after the final redemption date of the bonds.

IV. Arbitrage Rebate and Arbitrage Yield Restriction

The Designated Tax Compliance Official or his or her designee will:

- a. Engage the services of the City’s financial advisor or an arbitrage/rebate consultant for assistance in compliance with arbitrage related issues.
- b. Consult with the City’s bond counsel, and/or financial advisor to determine if an issue of Bonds is exempt from the rebate requirement under the exception for “small issuers” (Section 147(f)(4)(D) of the Code).
- c. Work with the City’s bond counsel, financial advisor and/or arbitrage/rebate consultant to monitor compliance with “temporary period exceptions” for expenditure of bond proceeds, typically three years for new money bonds and provide for yield restriction of investments or “yield reduction payments” if exceptions are not satisfied.
- d. Work with the City’s bond counsel and financial advisor to ensure investments acquired with bond proceeds are purchased at fair market value. This may include use of bidding procedures under the regulatory safe harbor (Section 1.148-5(d) of the Regulations).
- e. Consult with the City’s bond counsel or arbitrage rebate consultant prior to the creation of funds which would reasonably be expected to be used to pay debt service on tax-exempt bonds to determine in advance whether such funds must be invested at a restricted yield (*i.e.*, yield restricted).
- f. Consult with the City’s bond counsel and financial advisor before engaging in post issuance credit enhancement transactions (*e.g.*, bond insurance, letter of credit) or hedging transactions (*e.g.*, interest rate swap, cap).

- g. Consult with the City's bond counsel, financial advisor, and/or arbitrage rebate consultant to identify situations in which compliance with applicable yield restrictions depends upon subsequent investments (*e.g.*, purchase of 0% SLGS from the U.S. Treasury) and monitor implementation.
- h. Work with an arbitrage rebate consultant to arrange for timely computation of any rebate/yield reduction payment liability and, if an amount is payable, for the timely filing of Form 8038-T, Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate (or applicable successor form), and payment of such liability. Rebate/Yield Reduction payments are ordinarily due at 5-year intervals.
- i. Consult with the City's bond counsel to ensure that any remedial action required with respect to nonqualified bonds meets the requirements set forth in the Code and the Regulations and review the need to enter into a closing agreement with the IRS pursuant to the voluntary closing agreement program set forth in the Internal Revenue Manual.

V. Private Use of Bond-Financed Facilities

The Designated Tax Compliance Official or his or her designee will:

- a. Create and maintain records regarding which bond or note issues were used to finance which facilities. These records shall incorporate the refunding or partial refunding of any bond issues.
- b. Record the allocation of bond proceeds to expenditures, including reimbursements. These records will be consistent with the expenditures used for arbitrage purposes.
- c. Record the allocation of bond proceeds and funds from other sources in connection with any bond funded project. Review expenditure of bond proceeds with bond counsel to ensure bond proceeds are used for qualifying costs.
- d. Review with bond counsel prior to the sale or lease of a bond-financed facility, or the granting of a license or management contract, or any other arrangement allowing private use of a bond financed facility, the terms of such arrangement.
- e. Keep records of private use, if any, of bond financed facilities to monitor the amount of private use of bond financed facilities. Private use of bond-financed facilities shall be reviewed no less frequently than once a year (in connection with the preparation of the annual financial statements). If a change in private use occurs, bond counsel will be consulted to determine if remedial action is necessary.

Adopted: June 7, 2022

June 7, 2022

Item No. 13
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an
Ordinance to Amend the Code of Ordinances of the City
of Long Beach Re: Ocean Beach Park.

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

“ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: OCEAN BEACH PARK.”
(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the
City Clerk shall cause to be published in the official newspaper of the City of Long Beach the
title, and a summary or the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a
meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach, New
York, on June 21, 2022 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: OCEAN BEACH PARK.

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

Sec.1. Chapter 18, Article II, Division II, Section 18-30(b)(2)(d) of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby repealed, revoked and rescinded:

Sec. 18-30. Admittance fees and passes.

...

(B) The following shall be the charges or price for admission to Ocean Beach Park:

(2) Daily admission charges:

...

[(d) Twilight daily passes. Commencing at 4:00 p.m., seven (7) days per week during the Ocean Beach Park season, residents and non-residents who do not otherwise have a valid entry pass for entry onto the Ocean Beach Park, shall pay a six dollar (\$6.00) entry fee.]

Sec. 2. This Ordinance shall take effect immediately.

June 7, 2022

Item No. 14
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an Ordinance
Authorizing Financing of the Cost of the Acquisition and Installation
of Water Meters for the City, Appropriating \$666,667 for Such
Purpose and Authorizing the Issuance of Up to \$666,667 Bonds to
Finance Said Appropriation.

WHEREAS, there has been presented to this Council the following proposed
Bond Ordinance:

“BOND ORDINANCE DATED JUNE 21, 2022.

ORDINANCE AUTHORIZING FINANCING OF THE COST OF THE
ACQUISITION AND INSTALLATION OF WATER METERS FOR THE
CITY, APPROPRIATING \$666,667 FOR SUCH PURPOSE AND
AUTHORIZING THE ISSUANCE OF UP TO \$666,667 BONDS TO FINANCE
SAID APPROPRIATION.”

(See Proposed Ordinance)

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the
City Clerk shall cause to be published in the official newspaper of the City of Long Beach, the title
and the summary form of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a
meeting of the City Council to be held at City Hall, 1 West Chester Street, in the City of Long
Beach, New York, on June 21, 2022 at 7:00 p.m. on that day.

ORDINANCE AUTHORIZING FINANCING OF THE COST OF THE ACQUISITION AND INSTALLATION OF WATER METERS FOR THE CITY, APPROPRIATING \$666,667 FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF UP TO \$666,667 BONDS TO FINANCE SAID APPROPRIATION.

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

Section 1. Based upon the review of this action, the City Council of the City of Long Beach hereby determines that the specific object or purpose authorized to be financed pursuant to this resolution constitutes a Type II Action pursuant to the State Environmental Quality Review Act (“SEQRA”) regulations 6 CRR-NY 617.5(c)(2); and requires no further proceedings under SEQRA.

Section 2. The City of Long Beach, Nassau County, New York (herein called the “City”), is hereby authorized to finance the cost of the acquisition and installation of water meters for the City, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto. The estimated maximum cost of said object or purpose is \$2,666,667 and \$666,667 is hereby appropriated therefor. The plan of financing includes (i) the issuance of not to exceed \$666,667 bonds of the City, and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, (ii) certain New York State grants, and (iii) the levy and collection of taxes on all the taxable real property in the City if necessary to pay the principal of and interest on said bonds and notes.

Section 3. Bonds of the City in the aggregate principal amount not to exceed \$666,667 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 4. The period of probable usefulness of the specific object or purpose for which said \$2,666,667 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 30 of the Law, is twenty (20) years.

Section 5. 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 6. 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 7. 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 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 Section 81.00 of the Local Finance Law.

June 7, 2022

Item No. 15
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: 1050 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 1050 West Beech Street (street floor), Long Beach, New York (Section 58, Block 105, Lots 1-3, 17-19) between Georgia Avenue and Florida Street, having frontage of less than 20 feet, on behalf of the owner 1042 West Beech Street LLC, PO Box 365, New York, New York 10018 to be used as a Beach Themed Apparel, Jewelry and Accessories Store with Arts & Crafts Classes;

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 June 21, 2022 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.