

**CALENDAR**  
**for**  
**REGULAR MEETING OF THE COUNCIL**  
**of the**  
**CITY OF LONG BEACH**  
**held**  
**MARCH 19, 2019**

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**PUBLIC HEARING:** For the purpose of providing all persons and representatives of organizations with significant social, economic and environmental interests an adequate opportunity to publicly present their views on and propose activities for the City's Community Development Program for the 2019-2020 (45th Year).

1. Resolution Authorizing the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, and Title II of the National Affordable Housing Act of 1990, as Amended, for Inclusion in the City's Community Development Program for 2019-2020 (45<sup>th</sup> Year).
2. Resolution Authorizing a Budget Amendment to the Community Development Fund for the 42<sup>nd</sup> Program Year.
3. Resolution to Allow the Corporation Counsel to Execute a Settlement Agreement and Release.
4. Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for HVAC Improvements for the Police and Fire Departments Located at One West Chester Street in the City, 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: The HVAC system that supplies both heat and air conditioning to the Police and Fire Departments is non-functional and beyond repair. The cost to replace the entire system is \$637,000. The cost to rent a system, for just one summer season, is approximately \$200,000. Therefore, it is financially prudent to replace the entire system now, without adding to the overall cost of replacement by implementing a temporary, short-lived solution.

March 19, 2019

Item No. 1  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, and Title II of the National Affordable Housing Act of 1990, as Amended, for Inclusion in the City's Community Development Program for 2019-2020 (45<sup>th</sup> Year).

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development is authorized to make grants to states and other units of general local government to help finance Community Development and Housing Programs; and

WHEREAS, the U.S. Department of Housing and Urban Development requires various assurances that the City will comply in all respects with State and Federal Laws, Rules and Regulations; and

WHEREAS, a Public Hearing was held before the City Council on the 19<sup>th</sup> day of March, 2019 at which time all persons and representatives of organizations with significant social, economic and environmental interests were given an adequate opportunity to publicly present their views on and propose activities for said program;

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 execute and file an application on behalf of the City of Long Beach with the County of Nassau for the purpose of undertaking a Community Development and Housing Program for the 2019-2020 Program (45<sup>th</sup> Year); and be it further

RESOLVED, that the City Manager be and he hereby is authorized to furnish such additional information as may be required in connection with the application, to execute appropriate assurances, to comply in all respects with the State and Federal Laws, Rules and Regulations.

March 19, 2019

Item No. 2  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing a Budget Amendment to the  
Community Development Fund for the 42<sup>nd</sup> Program Year.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,  
that the following amendment to the Community Development Fund for the 42<sup>nd</sup> Program Year  
is hereby authorized:

**COMMUNITY DEVELOPMENT FUND**  
**42<sup>nd</sup> Program Year**

<b><u>Budget Code</u></b>	<b><u>Description</u></b>	<b><u>Transfer From:</u></b>	<b><u>Transfer To:</u></b>
S9922.54813	PF&I MLK Improvements	\$16,147.12	
S9922.54805	PF&I City Hall ADA		\$16,147.12

March 19, 2019

Item No. 3  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution to Allow the Corporation Counsel to Execute a  
Settlement Agreement and Release.

WHEREAS, in December of 1985, Edward Thursland was hired by the City as a  
firefighter in the City's Fire Department; and

WHEREAS, in October of 2014, the City submitted an application for Accidental  
Disability Retirement to the New York State & Local Retirement System on Mr. Thursland's  
behalf; and

WHEREAS, the Retirement System denied his application twice, in both  
December of 2014 and November 2015; and

WHEREAS, in October of 2014, the City submitted an application for  
Performance of Duty Disabled Retirement to the Retirement System on Mr. Thursland's behalf;  
and

WHEREAS, the Retirement System granted said application in August of 2016;  
and

WHEREAS, Mr. Thursland's retirement as a Firefighter-EMT commenced on  
August 11, 2016 and he then submitted an application for supplemental disability benefits to the  
City pursuant to General Municipal Law Section 207-a(2); and

WHEREAS, Mr. Thursland requested back pay extending back to the date when  
he first applied for 207-a(2) benefits in 2014, in the amount of \$133,950.18; and

WHEREAS, Mr. Thursland and the City, and their respective counsel, after  
meeting and participating in extensive settlement negotiations, have determined that everyone's  
best interests are best served by resolution of said matter, with prejudice, and that Mr. Thursland  
agrees to accept the sum of \$87,067.61 in back pay (subject to applicable withholdings), which  
the City is obligated to pay as a condition of this settlement; and

WHEREAS, the schedule of payments is as follows:

- (a) \$25,000 within sixty (60) days of the passage of this resolution; and
- (b) \$25,000 within thirty calendar (30) days of July 1, 2019; and
- (c) the remaining \$37,067.71 shall be added in equal bi-weekly installments into Mr.  
Thursland's prospective monthly 207-a(2) entitlement for a period of forty-eight  
(48) months, after which it will return to his regular monthly 207-a(2) entitlement  
(\$2,126.19/bi-weekly), until he reaches his mandatory retirement age.

March 19, 2019

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Item No. 3  
Resolution No.

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Corporation Counsel be and he hereby is authorized to execute a Settlement Agreement and Release with Edward Thursland, with prejudice, for the amounts and in the increments and installments set forth above, available in Account No. C1930.54435 (Judgments & Claims Workers' Comp.); and be it further

RESOLVED, that said agreement shall contain such other terms and conditions as deemed appropriate by the Corporation Counsel.

March 19, 2019

Item No. 4  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for HVAC Improvements for the Police and Fire Departments Located at One West Chester Street in the City, 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.

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

“BOND ORDINANCE DATED APRIL 2, 2019.

ORDINANCE AUTHORIZING FINANCING HVAC

IMPROVEMENTS FOR THE POLICE AND FIRE DEPARTMENTS LOCATED AT ONE WEST CHESTER STREET IN THE CITY, 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.”

(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 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, in the City of Long Beach, New York, on April 2, 2019 at 7:00 p.m. on that day.

BOND ORDINANCE AUTHORIZING FINANCING FOR HVAC IMPROVMENTS FOR THE POLICE AND FIRE DEPARTMENTS LOCATED AT ONE WEST CHESTER STREET IN THE CITY, 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 HVAC improvements for the Police and Fire Departments located at One West Chester Street in the City. 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 ten (10) 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.