

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
MARCH 5, 2019

1. Resolution Establishing Base Proportions in Accordance with Provisions of Article 19 of the Real Property Tax Law.
2. Resolution Authorizing the Approval of a List of Eligible Volunteer Firefighters for Length of Service Award Program (LOSAP) Service Credit.
3. Resolution Authorizing Settlement of an Action Brought by E&A Restoration, Inc. Against the City of Long Beach.
4. 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 (45th Year).

March 5, 2019

Item No. 1
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 - 0.75883648

Non-Homestead Base Proportion - 0.24116352

Said base proportions shall apply to taxes levied on the 2018-2019 final assessment roll and to taxes levied on subsequent rolls until the Local Law adopting base proportions is amended or repealed.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Approval of a List of Eligible
Volunteer Firefighters for Length of Service Award Program
(LOSAP) Service Credit.

WHEREAS, the City Council of the City of Long Beach passed Resolution No. 291/93 on December 7, 1993, approving the establishment of a Service Award Program for the Volunteer Fire Department pursuant to Section 216 of the General Municipal Law, subject to public referendum; and

WHEREAS, a public referendum was held on February 8, 1994 by which the electorate of the City of Long Beach approved the establishment of the aforesaid Service Award Program; and

WHEREAS, pursuant to New York State General Municipal Law, Article 11-A, Section 217, one year of firefighting service must be credited under a service award program for each calendar year in which an active volunteer firefighter accumulates at least 50 points; and

WHEREAS, the LOSAP point system must include activities that are specified in the General Municipal Law, such as participation in department responses, training, drills, standbys, meetings and miscellaneous activities as defined in the law; and

WHEREAS, the following members of the Long Beach Volunteer Fire Department earned at least 50 points:

| | | |
|----------------------|------------------------|--------------------|
| Allen, Terry | Almeyda, Michael | Babich, Marc |
| Bailey, Tristan | Bedia, Leigh | Bernstein, Kevin |
| Bowden, Brandon | Burkard, Robert | Corbett, Richard |
| Costigan, John | Cronolly, Michelle | Cuevas, Elizabeth |
| Cuevas, Jr., Antonio | Davis, Jeffrey | DelPrete, Robert |
| DiBari, Eileen | DiBari, Krystin | DiBari, Richard |
| DiGiacomo, Richard | Ellmer, Raymond | Field, Joseph |
| Fraser, John | Fraser, Stephen | Freudenberg, Emily |
| Gargan, John | Geoghegan, Kevin | Glickman, Austin |
| Grossman, Peter | Grunther, Zach | Guido, Eric |
| Guido, Richard | Healy, Corey | Herbert, George |
| Hocheiser, Brian | Hollingshead, Keith | Horowitz, Ralph |
| Isaacs, Ralph | Jacobi, James | Kemins, Scott |
| Levitt, Jordan | Llobell, Paul | Lovrich, Romano |
| Maldonado, Gavin | Mara, Michael | Marino, John |
| Marquez, Nicholas | Mastracchio, Salvatore | Mathews, Thomas |
| Mazziotti, Chris | McCullough, Devin | McQuade, Edmund |
| Miah, Mohammad | Miller, Joseph | Mugan, Thomas |
| Notholt, William | Phelan, Bruce | Prophett, Herman |

Quinnie, Devon
Reinhard, Theodore
Ross, Joe
Schroeder, Thomas
Seiden, Paul
Tuccillo, Ralph
Wagner, David
Waters, Owen

Ray, Deon
Rivera, David
Salinas, Patricia
Schuh, Richard
Sheinberg, Kyle
Tuccillo, Robert
Waine, Steven
Weiser, Jaclyn

Ray, Hadrick
Roesler, Tiffany
Santoro, Richard
Schwimmer, Joshua
Tubbs, Michael
Vargas, Luis
Walpole, Francis
Woolfe, David

NOW, THEREFORE, be it

RESOLVED, that the City Council of the City of Long Beach, New York hereby approves, pursuant to the requirements of the Service Award Program (LOSAP), the above list of individuals submitted and certified by the Commissioner of the Long Beach Fire Department, for participation in the 2018 Service Award Program (LOSAP).

March 5, 2019

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Settlement of an Action Brought
by E&A Restoration, Inc. Against the City of Long Beach.

WHEREAS, pursuant to Resolution No. 10/09, duly adopted by the City Council on January 20, 2009, the City Manager was authorized to enter into an agreement with E&A Restoration, Inc., 40 Willis Avenue, Syosset, New York 11791 (“E&A”) for the general construction of the New York Avenue sewer pump station, including demolition of the existing structure; the construction, maintenance and operation of an interim pump for bypassing the existing pumping station; and the construction of a new pumping station (hereinafter collectively referred to as “the Project”); and

WHEREAS, on or about August 2014, E&A commenced a lawsuit against the City of Long Beach in the Supreme Court of the State of New York, County of Nassau, Index No. 604006/2014, alleging various causes of action sounding in breach of contract related to the Project; and

WHEREAS, E&A made numerous settlement demands ranging from \$800,000.00 to \$250,000.00; and

WHEREAS, E&A is owed approximately \$76,823.68 for work performed pursuant to the contract between E&A and the City of Long Beach, which to date has not been paid to E&A; and

WHEREAS, estimated future expenses in this complex construction delay litigation, including attorneys’ fees and retaining various expert witnesses, are estimated to easily exceed \$200,000.00; and

WHEREAS, the attorneys on behalf of the City negotiated an agreement to settle all claims and demands of E&A against the City for the sum of \$150,000.00, inclusive of the \$76,823.68 set forth above, to be paid in two installments, which sum said attorneys for the City have recommended as a reasonable settlement of the claim of the Plaintiff, and which the City is obligated to pay as a condition of the settlement; and

WHEREAS, the schedule of payments is as follows:

- (a) \$75,000 within thirty (30) days of the passage of this resolution; and
- (b) \$75,000 payable on or before March 2, 2020;

NOW, THEREFORE, be it

March 5, 2019

Page 2
Item No. 3
Resolution No.

RESOLVED, by the City Council of the City of Long Beach, New York that the Corporation Counsel be and he hereby is authorized to settle the above referenced action entitled "E&A Restoration, Inc. against the City of Long Beach" for the sum of \$150,000.00 in settlement of all claims of said Plaintiff, including Plaintiff's claims in the Supreme Court of the State of New York, County of Nassau, Index No. 604006/2014, inclusive of costs and attorneys' fees, with prejudice, in accordance with the installment schedule set forth above, and the City Comptroller is hereby authorized to make payments to the Plaintiff in full payment of the City's settlement, upon the Corporation Counsel's execution of said settlement. Funds for the first installment payment are available in Account No. C1930.54434 (Judgments and Claims – Insurance Reserve).

March 5, 2019

Item No. 4
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 (45th 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;

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 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 (45th Year); and be it further

RESOLVED, that the Acting 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; and be it further

RESOLVED, that the City Clerk shall cause to be published in the official newspaper of the City of Long Beach, a notice of Public Hearing to be held on March 19, 2019 at 7:00 p.m. on the 6th floor of City Hall, 1 West Chester Street, Long Beach, New York 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 said program.