

**CALENDAR**  
**for**  
**REGULAR MEETING OF THE COUNCIL**  
**of the**  
**CITY OF LONG BEACH**  
**held**  
**May 3, 2022**

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**PUBLIC HEARING:** For the purpose of giving citizens an adequate opportunity to publicly present their views on the General Summary of the Proposed Budget for the year July 1, 2021 through June 30, 2022.

**PUBLIC HEARING:** Bond Ordinance Authorizing Financing of the Construction and Reconstruction of Improvements to the City's Wastewater Treatment Plant, Appropriating \$1,600,000 for Such Purpose and Authorizing the Issuance of Up to \$1,600,000 Bonds to Finance Said Appropriation.

1. Resolution Authorizing the City Comptroller to Close Completed Capital Projects and to Transfer the Remaining Unexpended Funds.
2. Bond Ordinance Authorizing Financing of the Construction and Reconstruction of Improvements to the City's Wastewater Treatment Plant, Appropriating \$1,600,000 for Such Purpose and Authorizing the Issuance of Up to \$1,600,000 Bonds to Finance Said Appropriation.
3. Resolution Authorizing the City Manager to Amend the Existing Agreement with CDM Smith for Support Services Related to the Emergency Secondary Digester Cover Removal, Sludge Removal and Tank Cleaning at the Water Pollution Control Plant, as well as Sludge Hauling Services.
4. Resolution Authorizing the City Manager to Enter into a Contract for the Hauling and Disposal of Undigested Sludge from the City's Wastewater Treatment Plant.
5. Resolution Authorizing the City Manager to Enter into a Contract for Emergency Removal and Disposal of the Secondary Digester Cover, Removal and Disposal of Sludge and Cleaning of the Tank at the City's Wastewater Treatment Plant.
6. 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.

7. Resolution Authorizing Publication for Hearing of a Local Law Amending Subpart C of Related Acts Relating to the Charter of the City of Long Beach Re: A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c.
8. Resolution Establishing a Standard Work Day for Elected Members of the City Council of the City of Long Beach for Purposes of Determining and Reporting Days Worked to the New York State and Local Employees' Retirement System.
9. Resolution Authorizing the City Manager to Execute a Two Word Correction Regarding the Formal Agreement and Stipulation of Settlement Between the City of Long Beach, Commissioner of Buildings and Property Conservation Scott Kemins, the City of Long Beach Zoning Board of Appeals, Sinclair Haberman and Belair Buildings, LLC.
10. Resolution Fixing and Providing for the 2022 Season of the Ocean Beach Park.
11. Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Ocean Beach Park.
12. Resolution Authorizing Budget Amendment to the General Fund Budget.
13. Resolution Authorizing Publication for Hearing of an Ordinance 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 \$123,095,799, Appropriating Said Amount Therefor, Authorizing the Issuance of Not to Exceed \$123,095,799 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.

14. Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for the Costs of a Settled Claim Against the City in the Matter of Sinclair Haberman, LLC v. The Zoning Board of Appeals of the City of Long Beach, the City of Long Beach, and Scott A. Kemins, as Commissioner of the Department of Buildings of the City, Stating the Estimated Total Cost Thereof is \$75,000,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$75,000,000 Bonds of Said City to Finance Said Appropriation.
15. Approval of Minutes of Prior Meetings of April 5, 2022 and April 8, 2022.

May 3, 2022

Item No. 1  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Comptroller to Close  
Completed Capital Projects and to Transfer the Remaining  
Unexpended Funds.

WHEREAS, in its 2019 audit, the City's auditors issued a repeat finding regarding the City's Capital Project Fund, which noted that the City had negative residual balances in its Capital Projects Fund and was unable to fully reconcile to their original funding source(s); and

WHEREAS, the 2019 audit further noted that the City has over-expended on certain capital projects; and

WHEREAS, the City, with the help of its consultant, reviewed and reconciled various capital projects from fiscal years 2004 through 2016 which were within the Capital Projects Fund; and

WHEREAS, in its review, the City's consultant advised that certain projects needed to be closed and funds transferred from the Capital Projects Fund, while others needed additional funding; and

WHEREAS, this review and reconciliation project by the City's consultant was further reviewed by the City's auditors, who will include same in their upcoming report and recommendations letter; and

WHEREAS, the aforementioned capital projects were in excess of ten years old and require adjustments to record amounts due to and from other funds, while also increasing or decreasing fund balances;

NOW, THEREFORE, be it

RESOLVED, that the City Council of the City of Long Beach, New York hereby directs the City Comptroller to close the following completed Capital Projects, complete the following transfers of funds, and adjust balances accordingly:

<u>Short GL Code</u>	<u>Project Description</u>	<u>Fund</u>	<u>Amount</u>	
<b><u>Close Projects to Debt Service Fund</u></b>		<b><u>H20960</u></b>		<b>1,153,110.26</b>
<b><u>DECREASE APPROPRIATIONS</u></b>				
H1000.52136	PINE ST MAINT-GARAGE IMPROVE	A	2,685.10	
H1000.52164	CLARK STREET REHAB	A	9,179.50	

	H1000.53010	CANAL TIMBER BULKHEAD REPLACE	A	6,660.00	
	H1000.53020	MUNI BLDG ROOF	A	17,049.00	
	H1000.53021	CLARK STREET BULKHEADING	A	6,415.00	
	H1000.53023	KERRIGAN TO CHESTER ST	A	16,170.98	
	H1000.53024	DESIGN FEE MISC	A	6,741.91	
	H1000.53030	BOARDWALK RECONSTRUCTION	A	15,364.70	
	H1000.53039	HUDSON-GRAND TO LINDELL	A	6,675.09	
	H1000.53040	CITY HALL	A	20,498.63	
	H1000.53055	200 BLOCK EAST CHESTER	A	4,480.66	
	H1000.53060	CONCRETE REPLACEMENT/ROAD REHA	A	4,999.30	
	H1000.53069	ROADWAY DESIGN- VARIOUS	A	11,224.72	
	H1015.52259	ROAD RECON-NEPTUNE PARK TO BAY	A	1,439.47	
	H1015.52283	ROAD RECON-200 E CHESTER	A	8,434.36	
	H1016.52259	ROAD RECON-NEPTUNE PARK TO BAY	A	47,276.32	
	H1016.52269	BLDG RECON-CITY HALL ROOF	A	8,536.00	
	H1016.52306	MAPLE FH GENERAL	A	7,576.72	
	H1016.52315	INFO TECH- MACH & EQUIP	A	308.70	
	H1016.52167	Fire Department - Ambulance	A	1,360.05	
	H1017.52315	Various Technology Equipment	A	585.25	
	H3016.52324	SEWER-OFFICE TRAILER	A	38,885.00	
	H1100.52250	500 BLK OF STATE & CLEVELAND	A	3,628.85	
	H1100.52257	EAST BROADWAY	A	199,925.65	

	H2017.52297	Water Distribution - Equipment/Vehicles	F	548.62	
	H2000.52125	REPLACEMENT OF ELEVATED TANKS	F	9,438.10	
	H3016.52279	ACQ OF SEWER EQUIP & VEHICLES	G	180,000.00	
	H3000.53017	NY AVE PUMPING STATION REHAB	G	439,423.92	
	H3000.52305	WASTEWATER TREATMENT PLANT	G	3,819.94	
	H3000.53034	WWTP VSD UPGRADES	G	6,453.84	
	H3000.53047	WWTP INDIANA LIFT STATION	G	50,000.00	
	H3000.53048	CHEMICAL TANKS	G	9,100.00	
	H3000.53049	SEWER UPGRADES	G	8,224.88	
	<b><u>INCREASE (ADJUST) REVENUES</u></b>		<b><u>H10510</u></b>		<b>(87,165.70)</b>
	H0030.43501	STATE AID CHIPS PROGRAM	A	(122,165.70)	
	H0050.45833	BANS REDEEMED- WATER	F	10,000.00	
	H0050.45832	BANS REDEEMED- SEWER	G	25,000.00	
	<b><u>INCREASE APPROPRIATIONS</u></b>		<b><u>H20960</u></b>		<b>1,065,944.56</b>
	H9955.59906	INTERFUND TRSFR DEBT SERVICE	A	323,935.26	
	H9955.59906	INTERFUND TRSFR DEBT SERVICE	F	19,986.72	
	H9955.59906	INTERFUND TRSFR DEBT SERVICE	G	722,022.58	-
	<b><u>INCREASE REVENUES</u></b>		<b><u>V10510</u></b>		<b>323,935.26</b>
	V0045.45037	INTERFUND TRSFR CAPITAL (from A)	V	323,935.26	
	V0045.45037	INTERFUND TRSFR CAPITAL (from F)	V	19,986.72	
	V0045.45037	INTERFUND TRSFR CAPITAL (from G)	V	722,022.58	

<b><u>Close Projects for General Transfers #1</u></b>					
	<b><u>DECREASE APPROPRIATIONS</u></b>		<b><u>H20960</u></b>	<b>2,047,744.44</b>	
	H1000.53042	PLAYGROUND EQUIPMENT REPL	A	30,819.07	
	H2000.52122	WATER TK & LIME TOWER REP	F	509,088.85	C
	H3000.52229	WASTE TREATMENT PLT RECON	G	1,507,836.52	D
	<b><u>INCREASE(ADJUST) REVENUES</u></b>		<b><u>H10510</u></b>	<b>382,450.16</b>	
	H0045.45039	INTERFUND TRSFR INS RESERVE	G	(50,555.00)	
	H0030.43080	STATE AID REC CENTER	A	433,005.16	
	<b><u>INCREASE APPROPRIATIONS</u></b>		<b><u>H20960</u></b>	<b>2,430,194.60</b>	
	H1000.52063	BULKHEAD WATERFRONT PARK	A	23,576.70	
	H1000.52157	MAGNOLIA PLAYGROUND	A	102,151.60	
	H1000.52165	CLARK STREET PARK	A	89,365.71	
	H1000.53018	GEORGIA AVENUE SPRAY PARK	A	176,300.00	
	H2000.53044	REHABILITATION WELL 15	A	399,329.96	
	H9956.59907	INTERFUND TRSFR GENERAL	A	72,430.22	
	H9955.59909	INTERFUND TRSFR (WATER)	A	109,758.89	
	H9955.59909	INTERFUND TRSFR (SEWER)	A	1,457,281.52	
					-
<b><u>Close Projects for General Transfers #2</u></b>					
	<b><u>DECREASE APPROPRIATIONS</u></b>		<b><u>H20960</u></b>	<b>611,246.73</b>	
	H.1000.52023	PURCH POLICE VEHICLES	A	95,319.03	
	H1000.52030	PURCH OF AMBULANCE	A	126,184.00	
	H1000.52075	PURCHASE OF TRACTORS	A	45,656.37	





	H0045.45039	INTERFUND TRSFR INS RESERVE	A	(75,000.00)	
	H0050.45711	SERIAL BONDS GENERAL FUND	A	181,174.38	
	H0050.45731	BOND ANTIC NOTES-GENERAL FUND	A	(663,000.00)	
	H0040.45033	INTERFUND TRSFR GENERAL	A	1,291,828.30	
	<b><u>INCREASE APPROPRIATIONS</u></b>		<b><u>H20960</u></b>		<b>2,289,322.37</b>
	H1100.52097	REHAB CENTRAL BUS GARAGE	A	58,621.43	
	H1000.52021	PURCH FIRE PUMPER TRUCK	A	15,000.00	
	H1000.52088	STREET & SIDEWALK RECONST	A	122,886.17	
	H1000.52111	CONSTRUCTION OF PARKING LOTS	A	150,000.04	
	H1000.52173	2014 PURCH SANITATION TRUCK	A	2,175.00	
	H1000.53012	BROWNFIELD OPPORT GRANT	A	7,877.12	
	H1000.53013	SUPERBLOCK COMPENSATION	A	320,158.14	
	H1000.53027	RECONSTR OF CTR PARKING MALL	A	2,693.34	
	H1000.53029	STREET LIGHT NYSERDA UPGRADE	A	5,673.78	
	H1015.52276	ACQUISITION OF MACH & EQUIPMEN	A	3,641.56	
	H1100.52004	PURCH TRANSIT BUSES	A	1,184,431.94	
	H1100.52174	2015 EMERG VEHICLE- FTA GRANT	A	5,843.63	
	H1100.52253	COASTAL PLANNING & ENGINEERING	A	65,750.00	
	H9956.59907	INTERFUND TRSFR GENERAL	A	66,961.92	
	H9710.56000	PRINCIPAL ON INDEBTEDNESS	A	161,099.00	
	H9710.57000	INTEREST ON INDEBTEDNESS	A	116,509.30	

<b><u>INCREASE REVENUES</u></b>					<b>6,782,415.08</b>
A0090.49909	APPROPRIATED FUND BALANCE	A		1,291,828.30	
<b><u>INCREASE APPROPRIATIONS</u></b>			<b><u>H20960</u></b>		<b>1,291,828.30</b>
A.9950.59903	INTERFUND TRANSFER CAPITAL			1,291,828.30	
<b><u>INCREASE REVENUES</u></b>			<b><u>V10510</u></b>		<b>2,745,293.39</b>
V0045.45037	INTERFUND TRSFR CAPITAL (from A)	V		728,368.02	
V0045.45037	INTERFUND TRSFR CAPITAL (from F)	V		509,088.85	
V0045.45037	INTERFUND TRSFR CAPITAL (from G)	V		1,507,836.52	
<b><u>INCREASE APPROPRIATIONS</u></b>			<b><u>V20960</u></b>		<b>2,745,293.39</b>
V.9950.59907	INTERFUND TRSFR GENERAL FUND	V		728,368.02	
V.9950.59901	INTERFUND TRSFR WATER	V		509,088.85	
V.9950.59902	INTERFUND TRSFR SEWER	V		1,507,836.52	
<b><u>Close Projects for Capital Reserve</u></b>					
<b><u>DECREASE APPROPRIATIONS</u></b>			<b><u>H20960</u></b>		<b>24,670.63</b>
H1000.52154	STREET CLOCKS	A		6,045.00	
H1000.52160	RECREATION CEFAP	A		15,842.40	
H1000.52025	RECONST BOARDWALK	A		441.39	
H1000.52028	PURCH POLICE VEHICLES	A		344.44	
H1000.52156	Lifeguards ATV	A		290.00	
H1000.52159	NU-VISION TECHNOLOGIES PHONES	A		1.23	
H1000.53016	PURCHASE POLICE VEHICLES	A		0.55	
H1100.52047	TRANSPORTATION VEHICLE	A		783.20	
H1100.52098	RECREATION CENTER REHAB	A		897.42	

	H3000.52234	REPL OF ROOSEVELT SEWER	G	25.00	
	<b><u>DECREASE REVENUES</u></b>		<b><u>H10510</u></b>		<b>283,790.01</b>
	H0027.42779	Skate Park	A	3,190.00	
	H0027.42772	STORM WATER MGMT FUND	A	169,663.35	
	H0027.42773	CAPITAL IMPROVE RESERVE	A	110,936.66	
	<b><u>INCREASE (ADJUST) REVENUES</u></b>		<b><u>H10510</u></b>		<b>(308,460.64)</b>
	H0027.42774	EQUIP CAP RESRV	A	(308,460.64)	
	H0027.42774	EQUIP CAP RESRV	A	(1,371,104.42)	
	H0045.45033	INTERFUND TRSFR GENERAL	A	1,086,829.42	
	H0045.45034	INTERFUND TRSFR SEWER	G	284,275.00	
	<b><u>INCREASE REVENUES</u></b>		<b><u>A10510</u></b>		<b>1,086,829.42</b>
	A0090.49909	APPROPRIATED FUND BALANCE	A	1,086,829.42	
	<b><u>INCREASE APPROPRIATIONS</u></b>		<b><u>A20960</u></b>		<b>1,086,829.42</b>
	A.9950.59903	INTERFUND TRSFR CAPITAL	A	1,086,829.42	
	<b><u>INCREASE REVENUES</u></b>		<b><u>G10510</u></b>		<b>284,275.00</b>
	G0090.49909	APPROPRIATED FUND BALANCE	G	284,275.00	
	<b><u>INCREASE APPROPRIATIONS</u></b>		<b><u>G20960</u></b>		<b>284,275.00</b>
	G9950.59903	INTERFUND TRSFR CAPITAL	G	284,275.00	
	<b><u>INCREASE REVENUES</u></b>		<b><u>H10510</u></b>		<b>\$1,216,640.43</b>
	H0024.42401	INTEREST & EARNINGS	H	629,365.91	
	H0045.45033	INTERFUND TRSFR – GENERAL	H	587,274.52	
	<b><u>INCREASE APPROPRIATIONS</u></b>		<b><u>H20960</u></b>		<b>\$629,365.91</b>
	H9956.59907	INTERFUND TRSFR – GENERAL	H	629,365.91	

	<b><u>INCREASE REVENUES</u></b>		<b><u>A10510</u></b>		<b>\$629,365.91</b>
	A0045.40537	INTERFUND TRSFR – CAPITAL	A	629,365.91	
	<b><u>INCREASE APPROPRIATIONS</u></b>		<b><u>A20960</u></b>		<b>\$587,274.52</b>
	A9950.59903	INTERFUND TRSFR – CAPITAL	A	587,274.52	

May 3, 2022

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Item No. 1  
Resolution No.

APPROVED BY:

VOTING:

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City Manager – Donna M. Gayden

Council Member Posterli -

Council Member Lester -

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City Comptroller – Inna Reznik

Council Member Bendo -

APPROVED AS TO FORM & LEGALITY:

Vice President Treston -

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Corporation Counsel – Richard Berrios

President McInnis -

May 3, 2022

Item No. 2  
Ordinance No.

The following Ordinance was moved by  
and seconded by :

BOND ORDINANCE AUTHORIZING FINANCING OF THE  
CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO  
THE CITY'S WASTEWATER TREATMENT PLANT, APPROPRIATING  
\$1,600,000 FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE  
OF UP TO \$1,600,000 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 construction and reconstruction of improvements to the City's Wastewater Treatment Plant, 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 \$1,600,000 and \$1,600,000 is appropriated therefor. The plan of financing includes the issuance of not to exceed \$1,600,000 bonds of the City, and any bond anticipation notes issued in anticipation of the sale of such bonds 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 and interest on said bonds and notes.

Section 3. Bonds of the City in the aggregate principal amount not to exceed \$1,600,000 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 4. The period of probable usefulness of the specific object or purpose for which said \$1,600,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) 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.

May 3, 2022

Item No. 3  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Amend the Existing Agreement with CDM Smith for Support Services Related to the Emergency Secondary Digester Cover Removal, Sludge Removal and Tank Cleaning at the Water Pollution Control Plant, as well as Sludge Hauling Services.

WHEREAS, pursuant to Resolution No. 68/19, duly adopted on August 20, 2019, the City entered into an agreement with CDM Smith, 60 Crossways Park Drive West, Woodbury, New York 11797 for design/engineering services to prepare plans, specifications and contract documents, as well as provide construction administration and inspection services for the replacement of the existing digester cover at the City's Wastewater Treatment Plant; and

WHEREAS, CDM Smith, through the agreement with the City, advocated on the City's behalf to forego replacing the secondary digester cover in as much as the Long Beach Consolidation Project is proceeding and the digester building and the components thereof will be decommissioned; and

WHEREAS, on April 18<sup>th</sup> /19<sup>th</sup>, 2022, it was observed that the secondary digester cover was listing/tilting at a forty-five degree angle and the City reached out to CDM Smith to assist the City with developing contract documents for sludge hauling services as well as removal of the secondary digester cover, removal and disposal of the sludge, and cleaning of the tank; and

WHEREAS, additional supportive activities will include review and comment on all submittals related to the project including rigging plans, method and means of construction, Health and Safety Plans (HASP), disposal plans, etc., as well as intermittent oversight, and evaluation of alternatives and prepare a Corrective Action Plan (CAR) for the New York State Department of Environmental Conservation after the secondary digester cover is removed, the tank is drained, and it is cleaned, at an additional cost of \$30,000;

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 amend the City's agreement with CDM Smith, 60 Crossways Park Drive West, Woodbury, New York 11797 for additional supportive services related to the emergency secondary digester cover removal, sludge removal and tank cleaning at the Water Pollution Control Plant, as well as sludge hauling services, at an additional cost of \$30,000. Funds will be available pursuant to the borrowing that will be completed from the bond ordinance that is adopted on May 3, 2022.



May 3, 2022

Item No. 4  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Enter into a Contract  
for the Hauling and Disposal of Undigested Sludge from the City's  
Wastewater Treatment Plant.

WHEREAS, on April 18<sup>th</sup> /19<sup>th</sup>, 2022, it was observed that the secondary digester  
cover at the City's Wastewater Treatment Plant was listing/tilting at a forty-five degree angle,  
requiring immediate action for sludge hauling services as well as removal of the secondary  
digester cover, removal and disposal of the sludge, and cleaning of the tank; and

WHEREAS, after due advertisement therefore, one bid was received in the Office  
of the Commissioner of Public Works on April 28, 2022 for the providing of seven thousand  
(7,000) gallon tankers for the transport of undigested sludge from the City's Wastewater  
Treatment Plant, located at 700 National Boulevard, to a licensed facility permitted to accept the  
product; and

WHEREAS, Tully Environmental, Inc., 127-50 Northern Boulevard, Flushing,  
New York 11368 was the sole responsible bidder at a unit price of \$2,400 per 7,000 gallon  
tanker, for a six month initial term, at a cost of \$624,000, with one additional six month option if  
necessary;

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 Tully Environmental, Inc.,  
127-50 Northern Boulevard, Flushing, New York 11368 for the providing of seven thousand  
(7,000) gallon tankers for the transport of undigested sludge from the City's Wastewater  
Treatment Plant, to a licensed facility permitted to accept the product, at a unit price of \$2,400  
per 7,000 gallon tanker, for a six month initial term, at a cost of \$624,000, with one additional  
six month option if necessary. Funds will be available pursuant to the borrowing that will be  
completed from the bond ordinance that is adopted on May 3, 2022.

May 3, 2022

Item No. 5  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Enter into a Contract for Emergency Removal and Disposal of the Secondary Digester Cover, Removal and Disposal of Sludge and Cleaning of the Tank at the City's Wastewater Treatment Plant.

WHEREAS, on April 18<sup>th</sup> /19<sup>th</sup>, 2022, it was observed that the secondary digester cover at the City's Wastewater Treatment Plant was listing/tilting at a forty-five degree angle, requiring immediate action for sludge hauling services as well as removal of the secondary digester cover, removal and disposal of the sludge, and cleaning of the tank; and

WHEREAS, after due advertisement therefore for this highly specialized bid, two (2) bids were received in the Office of the Commissioner of Public Works on April 28, 2022 for the providing of emergency removal and disposal of the secondary digester cover, removal and disposal of sludge, and the cleaning of the tank at the City's Wastewater Treatment Plant, located at 700 National Boulevard; and

WHEREAS, Thomas Novelli Contracting Corp., 41 Sarah Drive, Farmingdale, New York 11735 was the lowest responsible bidder at a cost of \$1,049,000;

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 Thomas Novelli Contracting Corp., 41 Sarah Drive, Farmingdale, New York 11735 for the providing of emergency removal and disposal of the secondary digester cover, removal and disposal of sludge, and the cleaning of the tank at the City's Wastewater Treatment Plant, at a cost of \$1,049,000. Funds will be available pursuant to the borrowing that will be completed from the bond ordinance that is adopted on May 3, 2022.

May 3, 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 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 is seeking to make improvements to increase 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 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).

May 3, 2022

Item No. 7  
Resolution No.

The following Resolution was moved by  
and seconded by :

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

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

“A LOCAL LAW

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

(See Local Law Attached)

NOW, THEREFORE, be it

RESOLVED, 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 May 17, 2022 at 7:00 p.m. on that day.

Introductory No. 362  
Introduced by:

CITY OF LONG BEACH

CHAPTER III LAWS OF 2022

A LOCAL LAW

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

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

Section 1. Subpart C of Related Local Laws relating to the Charter of the City of Long Beach, New York, enacted as Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same is hereby amended to read as follows:

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

Sec. 80. Legislative Intent.

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the City of Long Beach, County of Nassau, pursuant to General Municipal Law § 3-c, and to allow the City of Long Beach to adopt a City budget for the Fiscal Year 2022-2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Sec. 81. Authority.

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

Sec. 82. Tax Levy Limit Override.

The City Council of the City of Long Beach, County of Nassau, is hereby authorized to adopt a budget for the Fiscal Year 2022-2023 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Sec. 83. Severability.

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.”

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

May 3, 2022

Item No. 8  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Establishing a Standard Work Day for Elected  
Members of the City Council of the City of Long Beach for  
Purposes of Determining and Reporting Days Worked to the  
New York State and Local Employees' Retirement System.

WHEREAS, pursuant to Resolution #172/05, duly adopted on December 6, 2005,  
the City Council of the City of Long Beach established a five (5) day work week and six (6) hour  
work day for all elected members of the City Council for the purpose of determining and  
reporting days worked to the New York State and Local Employees' Retirement System; and

WHEREAS, the New York State and Local Employees' Retirement System has  
set additional reporting requirements that apply to elected officials whose terms started on or  
after August 12, 2009;

NOW, THEREFORE, be it

RESOLVED, that Council Member Lester reported the following days worked to  
the New York State and Local Employees' Retirement System based on the record of activities  
maintained and submitted by him to the City Comptroller of the City of Long Beach:

Title:	City Council Member
Name:	Roy Lester
Soc. Sec. #:	
Registration #:	
Standard Work Day:	Six hours
Term:	01/01/2022 – 12/31/25
Participating in Employer's Time Keeping System:	Yes
Days/Month:	6.16

May 3, 2022

Item No. 9  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing the City Manager to Execute a Two Word Correction Regarding the Formal Agreement and Stipulation of Settlement Between the City of Long Beach, Commissioner of Buildings and Property Conservation Scott Kemins, the City of Long Beach Zoning Board of Appeals, Sinclair Haberman and Belair Building, LLC.

WHEREAS, by City Council Resolution No. 39/22, the City Council approved and authorized the execution of the Formal Agreement and Stipulation of Settlement to resolve the decades-long litigation known as *Sinclair Haberman and Belair Building, LLC v. City of Long Beach, et al.* (Nassau County Index No. 001138/04) (“Haberman Litigation”); and

WHEREAS, in finalizing the drafts of said agreement and due to scrivener’s error by plaintiffs’ representatives, the words “one half” were inadvertently omitted on page 7, paragraph 33 (b) (iii) of the agreement; and

WHEREAS, upon discovering that error, plaintiffs’ representatives advised the City and prepared a one-page proposed correction which, upon approval, shall replace page 7 of the already authorized agreement; and

WHEREAS, the City’s representatives reviewed the one-page proposal which include the words “one half” in the aforementioned section of the agreement and agree that it was an inadvertent mistake and that the insertion of “one half” properly reflects the parties’ intent; and

WHEREAS, the parties wish to authorize the execution of this one page, two word correction and integrate it into the Formal Agreement and Stipulation of Settlement;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the City Manager be and she hereby is authorized to execute the aforementioned one-page correction and integrate same into the Formal Agreement and Stipulation of Settlement on behalf of the City of Long Beach and Commissioner of Buildings and Property Conservation Scott Kemins, the City of Long Beach Zoning Board of Appeals, Sinclair Haberman and Belair Building, LLC.



May 3, 2022

Item No. 10  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Fixing and Providing for the 2022 Season of  
the Ocean Beach Park.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York that pursuant to the authority conferred by Section 18-29 of the Code of Ordinances of the City of Long Beach, the season of the Ocean Beach Park for and during the calendar year for 2022 be and the same hereby is fixed and determined to be as follows, in place and stead for the period provided in and by said Section 18-29.

Saturday, May 28, 2022; Sunday, May 29, 2022 and Monday,  
May 30, 2022;

Saturday, June 4, 2022; Sunday, June 5, 2022;

Saturday, June 11, 2022; Sunday, June 12, 2022;

Saturday, June 18, 2022; Sunday, June 19, 2022; and

Beginning Saturday, June 25, 2022, every day to and including  
Labor Day, Monday, September 5, 2022.

May 3, 2022

Item No. 11  
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: 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 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended to read as follows and Section 18-30(b)(2)(d) is hereby added to said Article to read as follows:

“Sec. 18-30. Admittance fees and passes.

(A) No person shall be permitted in or upon the Ocean Beach Park or shall be permitted to wade, bathe or swim in the waters adjacent thereto unless he has paid the charges fixed by this section.

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

(1) *Season admission charges*: Season admission charges to the beach on Monday through Sunday of each week and on holidays and days celebrated as holidays:

(a) *Family Plan*: Resident families and their children who have not yet reached their eighteenth birthday on the first day of the season may elect to purchase season passes for such families and children at a total cost of **one hundred and fifteen dollars (\$115.00)**. Non-resident families and their children who have not reached their eighteenth birthday on the first day of the season may elect to purchase season passes for such families and children at a total cost of **two hundred and thirty dollars (\$230.00)**.

(b) *Children Ages 13-17*: Resident children between the ages of thirteen (13) and seventeen (17) may purchase an individual season pass at a cost of **thirty dollars (\$30.00)**. Non-resident children between the ages of thirteen (13) and seventeen (17) may purchase an individual season pass at a cost of **sixty dollars (\$60.00)**.

(c) *Adults Ages 18-61*: Resident adults between the ages of eighteen (18) and sixty- one (61) may purchase a season pass at a cost of **eighty five dollars (\$85.00)**. Non-resident adults between the ages of eighteen (18) and sixty-one (61) may purchase a season pass at a cost of **one hundred and seventy dollars (\$170.00)**.

(d) *Resident Senior Citizens*: Resident senior citizens, sixty-two years of age or over, may purchase a season pass at a cost of **thirty dollars (\$30.00)**.

(e) *Non-resident Senior Citizens*: Non-resident senior citizens, sixty-two years of age or over, may purchase a season pass at a cost of **sixty dollars (\$60.00)**.

(f) *Access Pass*: Resident and non-resident individuals with documentation of disability, as that term is defined in the Americans with Disabilities Act, may purchase a season pass at a cost of **thirty dollars (\$30.00)**.

(g) *Military Pass*: Resident and non-resident individuals possessing Government ID indicating that the holder is a current member or has been honorably discharged from a branch of the United States Armed Forces may purchase a season pass at a cost of **thirty dollars (\$30.00)**.

(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.

May 3, 2022

Item No. 12  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Budget Amendment to the  
General Fund Budget.

WHEREAS, pursuant to Resolution No. 68/21, a charitable donation in the amount of \$300,000 was given to the City of Long Beach by John A. Carbona; and

WHEREAS, pursuant to Resolution No. 160/21, a budget amendment was authorized allocating \$150,000 of this donation to be used for purchases for the Lifeguard Department for fiscal year 2022, with the remaining \$150,000 to be reserved for future Lifeguard Departmental operations; and

WHEREAS, pursuant to Resolution No. 31/22, the City used funds from this donation to purchase twenty-four (24) new lifeguard stands for the Ocean Beach Park; and

WHEREAS, pursuant to Resolution No. 45/22, donation funds in the amount of \$50,000 were used to purchase surveillance cameras for the Ocean Beach Park; donation funds in the amount of \$56,235.27 were used to purchase two (2) 2-passenger John Deere Gator ATV's and one (1) 4-passenger John Deere Gator ATV from New York State Contract; donation funds in the amount of \$4,532 were used to purchase a sign for the Carbona Lifeguard Pavilion, thereby exhausting the funds that were previously allocated into the Lifeguards, Machinery and Equipment account, requiring additional funding in the amount of \$25,000 for the purchase of the lifeguard stands;

NOW, THEREFORE, be it

RESOLVED, that all of the above purchases made in accordance with Mr. Carbona's donative intent are hereby authorized by the City Council; and be it further

RESOLVED, by the City Council of the City of Long Beach, New York, that the following amendment to the fiscal year 2021-2022 General Fund Budget be and is hereby authorized:

GENERAL FUND

Increase Estimated Revenues:	A10510	\$25,000
A0027.42705 Gifts and Donations		\$25,000
Increase Appropriations:	A20960	\$25,000
A7186.52220 Lifeguards, Machinery and Equipment		\$25,000

AND, be it further

RESOLVED, that the remaining \$125,000 is to be reserved for future Lifeguard Departmental operations.

May 3, 2022

Item No. 13  
Resolution No.

The following Resolution was moved by  
and seconded by :

Resolution Authorizing Publication for Hearing of an Ordinance 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 \$123,095,799, Appropriating Said Amount Therefor, Authorizing the Issuance of Not to Exceed \$123,095,799 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.

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

“BOND ORDINANCE DATED MAY 17, 2022.

ORDINANCE 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 \$123,095,799, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$123,095,799 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.”

(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 May 17, 2022 at 7:00 p.m. on that day.

ORDINANCE 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 \$123,095,799, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$123,095,799 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.

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, 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, 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 the Project, as further described in the documents between the City, FEMA and GOSR, 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 \$123,095,799 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$123,095,799 bonds of the City to finance said appropriation and 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) and 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 such 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 \$123,095,799 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.



May 3, 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 for the Costs of a Settled Claim Against the City in the Matter of Sinclair Haberman, LLC v. The Zoning Board of Appeals of the City of Long Beach, the City of Long Beach, and Scott A. Kemins, as Commissioner of the Department of Buildings of the City, Stating the Estimated Total Cost Thereof is \$75,000,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$75,000,000 Bonds of Said City to Finance Said Appropriation.

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

“BOND ORDINANCE DATED MAY 17, 2022.

ORDINANCE AUTHORIZING FINANCING FOR THE COSTS OF A SETTLED CLAIM AGAINST THE CITY IN THE MATTER OF SINCLAIR HABERMAN AND BELAIR BUILDING, LLC, V. THE ZONING BOARD OF APPEALS OF THE CITY OF LONG BEACH, THE CITY OF LONG BEACH, AND SCOTT A. KEMINS, AS COMMISIONER OF THE DEPARTMENT OF BUILDINGS OF THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$75,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$75,000,000 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 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 May 17, 2022 at 7:00 p.m. on that day.

ORDINANCE AUTHORIZING FINANCING FOR THE COSTS OF A SETTLED CLAIM AGAINST THE CITY IN THE MATTER OF SINCLAIR HABERMAN AND BELAIR BUILDING, LLC, V. THE ZONING BOARD OF APPEALS OF THE CITY OF LONG BEACH, THE CITY OF LONG BEACH, AND SCOTT A. KEMINS, AS COMMISSIONER OF THE DEPARTMENT OF BUILDINGS OF THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$75,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$75,000,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION

WHEREAS, the City of Long Beach (the “City”), the City’s Zoning Board of Appeals and Scott A. Kenins, the City’s Commissioner of the Department of Buildings entered into a Formal Agreement and Stipulation of Settlement, dated April 22, 2022 (the “Agreement”) with Sinclair Haberman and Belair Building, LLC (the “Plaintiff”); and

WHEREAS, as part of the settlement under the Agreement, the City is required to make a one-time monetary payment of \$75,000,000 to the Plaintiff (the “Settlement”); and

WHEREAS, the City Council hereby determines that it is in the public interest of the City to authorize the financing of the Settlement pursuant to Local Finance Law; and

WHEREAS, to reduce the financial burden on the City, the State of New York adopted Chapter 55 of the New York Laws of 2022 amending Section 11.00 of the Local Finance Law to (i) provide the Settlement with a period of probable usefulness of thirty (30) years and (ii) authorize the City to arrange for a private sale of its bonds through negotiated agreement with an underwriter for the financing of the Settlement.

NOW THEREFORE,

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

Section 1. The City is hereby authorized to finance the cost of the Settlement. The total estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$75,000,000 and said amount is hereby appropriated therefor. The plan of financing includes (i) the issuance of not to exceed \$75,000,000 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 any notes issued in anticipation thereof and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the aggregate principal amount of \$75,000,000 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 objects or purposes for which said bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 109 of the Law, is thirty (30) 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 bonds authorized herein shall be sold at a public sale using a notice of sale, or at the election of the City Comptroller, at a private sale by negotiation, subject to the approval of the State Comptroller and as further described in Section 11.a 109 of the Local Finance Law, in either case to a purchaser for a purchase price to be determined by the City Comptroller, plus accrued interest from the date of the delivery of and payment for the said bonds. If sold at a public sale, the City Comptroller is hereby authorized to conduct such public sale in accordance with the provisions of the Local Finance Law and all other applicable statutes and regulations, and to make all final decisions with respect to or arising out of such public sale. If sold at a private sale, the City Comptroller is hereby authorized to execute a purchase contract on behalf of the City for the sale of such bonds.

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.