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JOSEPH A. LUPO, JR.
STEVEN PAMBIANCHI

TO: City Council, City Manager

FROM: Richard Berrios

DATE: October 28, 2022

RE: Memorandum on Upcoming Code of Ordinances Amendment Updating the Annual Fee for Mortgage-in-Default Registry.

Pursuant to my authority under Chapter 2, Article II, Division 3, Section 2.38 of the City's Charter and Code of Ordinances, I have prepared the following amendment to Chapter 13, Article II, Section 13-29(d)(4) of the City's Code of Ordinances to increase the annual registration fee for the Mortgage-in-Default Registry from \$500 to \$1000. Updating the annual fee would bring the City on par with some neighboring municipalities.

In coordination with the Tax Assessor's Office, we reviewed the registration fees of neighboring municipalities and it became apparent that the City's registration fee was on the low end of the spectrum. For example, Glen Cove charges an annual fee of \$1000, while the Village of Babylon and the Town of Oyster Bay charges a registration fee of \$500 semi-annually.

Industry Guidance from the NYS Dept. of Financial Services, issued on September 1, 2020, make clear that mortgagees (*i.e.*, lenders) are prohibited from charging the fee to, or collecting the fee from, mortgagors (*i.e.*, person in default of their mortgage). I have attached the State's industry guidance with this memorandum.

This amendment to the Code of Ordinances will be on for publication at the next meeting on November 1, 2022, and scheduled for public hearing on November 15, 2022. Should you have any further questions on this item, please do not hesitate to contact me.

Best,

Richard Berrios

cc: Raymond Flammer, Tax Assessor
City Clerk

**Department of Financial Services**

Industry Guidance

Equivalents of New York Regulated Mortgage**Lenders and Servicers****RE: Guidance to New York State Regulated Mortgage Lenders and Servicers Relating to Fees Paid to Register Mortgages in Default**

It has come to the attention of the New York State Department of Financial Services (“DFS”) that certain counties, cities and other municipalities in New York State, by ordinance or otherwise, are requiring mortgage lenders and servicers, (“Mortgagees”), to register mortgages declared to be in default by the Mortgagee with the county, city or other municipality in which the real property is situated. As a requirement for registration, as well as for any renewal of such registration, the Mortgagee is required to pay a fee to the county, city, municipality or its agent (a “Registration Fee”). It has also come to the attention of DFS that such Registration Fees have been charged to, or collected from, mortgagors’ accounts by some Mortgagees.

Section 419.5 of the Superintendent Regulations (3 NYCRR Part 419), only permits Mortgagees to collect certain specified types of fees from a mortgagor, consisting of attorney’s fees, late and delinquency fees, property valuation fees, and fees for services actually rendered to a mortgagor when such fees are reasonably related to the cost of rendering the service to the borrower. A Registration Fee is neither an attorney fee, late or delinquency fee, property valuation fee, or fee for a service rendered to a mortgagor. Therefore, a Registration Fee may not be charged to, or collected from, a mortgagor under Part 419.

Mortgagees that are subject to the requirements of Part 419 and who, at any time, have collected any Registration Fees from a mortgagor, are hereby directed and instructed to refund and credit the full amount of such Registration Fees to the account of the mortgagor. If the Registration Fee was charged to a mortgagor's account but was not collected, Mortgagees are hereby directed and instructed to remove and reverse any and all Registration Fees charged to the mortgagor's account.

Mortgagees are also directed and instructed to create a log of all mortgagors that were either charged, or paid any Registration Fee to any such Mortgagees at any time, containing details of the full amounts of such Registration Fees, whether collected or charged, and the date(s) the full amounts of collected Registration Fees were refunded and credited to the mortgagors' accounts, and the date(s) that any charged Registration Fees were removed or reversed from the mortgagors' accounts, for inspection during DFS's next examination of the Mortgagee.

Should you have any questions regarding this letter, please contact Rholda Ricketts at (212) 709-5540.

Very truly yours,

Rholda Ricketts
Deputy Superintendent

Who
We
Supervise

Institutions That We Supervise

The Department of Financial Services supervises many different types of institutions. Supervision by DFS may entail chartering, licensing, registration requirements, examination, and more.

[Learn More](#)

Department of Financial Services

May 18, 2021

Item No. 4
Resolution No. 86/21

The following Resolution was moved by Ms. Treston
and seconded by Pres. Bendo :

Resolution Authorizing the City Manager to Enter into an
Inter-Municipal Cooperation Agreement with the County of
Nassau to Receive Funding for the Purchase of an Office
Trailer and Related Items.

WHEREAS, the City of Long Beach desires to enter into an Inter-Municipal
Cooperation Agreement with the County of Nassau as authorized by Article 5-G of the General
Municipal Law of the State of New York, to purchase an office trailer and related items to assist
the Fire Department of the City of Long Beach in providing emergency services for the
Department and in furtherance of the County Fire Mutual Aid Plan ("Project"); and

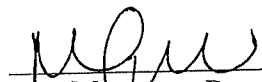
WHEREAS, pursuant to said Agreement, the County will provide funding to
reimburse the City in the amount of \$35,400.00 for the purchase of the goods and services in
connection with the Project;

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 Inter-Municipal Cooperation
Agreement with the County of Nassau for the above said project; and be it further


RESOLVED, that the City Council adopts this resolution making a SEQRA
environmental determination that the proposed Inter-Municipal Cooperation Agreement and
Project will not have a significant effect on the environment and issues a negative declaration.

APPROVED:



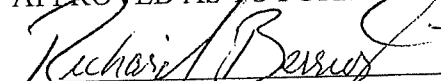
City Manager - Donna M. Gayden

APPROVED AS TO FUNDS:



City Comptroller - Inna Reznik

APPROVED AS TO FORM & LEGALITY:



Acting Corporation Counsel - Richard Berrios

VOTING:

Council Member Delury - AYE
Council Member Mandel - AYE
Council Member Treston - AYE
Vice President McInnis - AYE
President Bendo - AYE



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Information Technology Department
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November 4, 2022

TO: City Manager, Corporation Counsel

RE: Upgrading our Barracuda Backup Server

Our Barracuda Backup Server 690 was installed back in February 2014 (12 years in service). It has finally reached capacity and we are running at 88%. Even following the retention schedule and purging data that is no longer required as per that schedule, we have not been able to restore enough space for the backup to run efficiently. Barracuda support recommends we upgrade the appliance. As per that recommendation, I budgeted for \$24621.00 to upgrade our backup appliance. This price includes backing up all servers to the appliance and to the cloud. Having redundant backup sources is common practice and always advised.

The following are the hardware and services being purchased:

- Barracuda Backup Server 790 is the actual appliance housed in our data center
- Unlimited Cloud Storage for the 790 allows us to replicate all the data on the appliance to the cloud, which provides for disaster recovery
- Energizer updates for the 790 keeps the appliance current and up to date.
- Instant replacement allows for instant replacement of the device at no additional cost if the device were to fail completely at any point in time.

\$24,621 is available in our Machinery and Equipment line A1680-52220. We are purchasing this off Sourcewell Contract RFP#081419 via GovConnection.

Let me know if further information is required.



Jaime Roman
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November 4, 2022

TO: City Manager, Corporation Counsel

RE: Upgrading our email protection services to include Incident Response and Security Awareness Training

I am requesting that we upgrade our current Barracuda Email Protection services to be able to provide timely incident response and security awareness training among other very useful features.

We currently subscribe to the 'Advanced' plan which includes the following:

- Spam and Malware Protection
- Attachment Protection
- Link Protection
- Email Continuity
- Email Encryption
- Data Loss Prevention
- Phishing and Impersonation Protection
- Account Takeover Protection
- Automatic Remediation

By upgrading to the 'Premium Plus' we would add features that would greatly enhance our ability to avoid or respond to any security incidents with precision and speed. I have included data sheets that will highlight all the key features. If required, a demo could be arranged as well.

Renewing our current services due on 11/17 would cost \$12,123.00. To upgrade to the new plan the cost would be \$22,491.00. We would be purchasing off Sourcewell contract RFP# 081419 through GovConnection. We have budgeted for this amount and it is located in A1680-54445 Maintenance Contracts.

Please let me know if further information is required. Thank you.