

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
NOVEMBER 16, 2021

1. Resolution Authorizing the City Manager to Enter into an Agreement with a Planning Consultant for the Preparation of an Update to the City's Comprehensive Plan.
2. Resolution Declaring the City Council of the City of Long Beach Lead Agency for the 1.25 Million Gallon Elevated Water Storage Tank Project.
3. Resolution Declaring the City Council of the City of Long Beach Lead Agency for the Project Replacing Well No. 16.
4. Resolution Authorizing the City Manager to Purchase Sodium Bisulfite from the Lowest Responsible Bidder.
5. Resolution Authorizing Settlement of an Action Brought by Patricia Broder Against the City of Long Beach, et al.
6. Resolution Authorizing the City Council to Enter into a Contract Memorializing the City Manager's Employment.
7. Resolution Authorizing the City Manager to Accept and Execute a Grant on Behalf of the City of Long Beach from the New York State Department of Environmental Conservation.
8. Resolution Authorizing the City Manager to Accept a Donation from the Long Island Chaplain Task Force.
9. Resolution Authorizing Transfer of Funds for the 2021-2022 Fiscal Year.
10. Resolution Authorizing Transfer of Funds for the 2021-2022 Fiscal Year.
11. Resolution Authorizing the City Manager to Enter into a Software Agreement to Upgrade the City's Municipality System.

12. Resolution Authorizing Budget Amendment to the General Fund Budget.
13. Resolution Delegating to the City Comptroller the Powers to Authorize the Issuance of \$2,400,000 Budget Notes of the City of Long Beach, or So Much Thereof as May Be Necessary, to Finance Certain Consulting Expenditures for Which an Insufficient or No Provision is Made in the Annual Budget for the Current Fiscal Year, and to Prescribe the Terms, Form and Contents, and Provide for the Sale and Credit Enhancement of Such Notes.

November 16, 2021

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into an
Agreement with a Planning Consultant for the Preparation of
an Update to the City's Comprehensive Plan.

WHEREAS, after due advertisement therefore, three proposals were received in the Office of the City Purchasing Agent on September 24, 2021 from planning consultant firms for the preparation of a comprehensive review, rewrite and update to the City's Comprehensive Plan; and

WHEREAS, the three proposals were reviewed, and meetings were held with all three respondents by the City's review team, which rated the proposals on various criteria; and

WHEREAS, the City's goals and objectives are to produce a modern planning document which will include both short term (5 years) and long term (25 years) recommendations and strategies, utilize maps, graphs and other imagery tools to analyze, assess and recommend best practices for value-based planning, economic development, housing, infrastructure, and other improvements, while responding to the priorities, values and requirements of Long Beach residents, safeguarding the City's history, community character and environmental resources; and

WHEREAS, said proposals were scored and evaluated for expertise and understanding of the services required, and based upon the overall scores, it was determined that SLR Engineering Landscape Architecture & Land Surveying, P.C., 245 East 40th Street, New York, New York 10016 submitted the proposal that best meets the needs of the City of Long Beach, at a cost of \$95,000;

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 an agreement with SLR Engineering Landscape Architecture & Land Surveying, P.C., 245 East 40th Street, New York, New York 10016 for the preparation of a comprehensive review, rewrite and update to the City's Comprehensive Plan, at a cost of \$95,000. Funding was approved by Bond Resolution 3005/16 and funds will be available once borrowed in February of 2022.

November 16, 2021

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Declaring the City Council of the City of Long
Beach Lead Agency for the 1.25 Million Gallon Elevated
Water Storage Tank Project,

WHEREAS, pursuant to Resolution No. 164/21, duly adopted by the City Council
on November 3, 2021, the City Manager was authorized to apply for the New York State
Environmental Facilities Corporation New York State Water Infrastructure Improvement Act
Grant for the 1.25 Million Gallon Elevated Water Storage Tank Project; and

WHEREAS, the City intends to replace the previously elevated storage tank and
the current existing elevated storage tank with a new 1.25 million gallon elevated water storage
tank; and

WHEREAS, the grant submission process requires the completion of the State
Environmental Quality Review Act; and

WHEREAS, the City's engineer, H2M Architects and Engineers, has completed a
Short Form Assessment in analysis of the subject project and recommend that the project is a
Type II action;

NOW, THEREFORE, be it

RESOLVED, that the City Council, as Lead Agency for the City of Long Beach,
hereby adopts this Resolution and determines that the 1.25 Million Gallon Elevated Water
Storage Tank Project constitutes a Type II action pursuant to SEQRA and therefore requires no
further review in accordance with SEQRA 6 NYCRR §617.5, stating replacement, rehabilitation
or reconstruction of a structure or facility, in kind, on the same site, including upgrading
buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the
thresholds in §617.4 of this Part.

November 16, 2021

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Declaring the City Council of the City of Long
Beach Lead Agency for the Project Replacing Well No. 16.

WHEREAS, pursuant to Resolution No. 165/21, duly adopted by the City Council on November 3, 2021, the City Manager was authorized to apply for the New York State Environmental Facilities Corporation New York State Water Infrastructure Improvement Act Grant for the replacement of Well No. 16 Project; and

WHEREAS, Well No. 16 collapsed and it will be necessary to replace this well to maintain a viable water supply; and

WHEREAS, it is the intent of the City to install a new well and well house in the immediate vicinity of Well No. 16, which will be designated Well No. 16A; and

WHEREAS, the grant submission process requires the completion of the State Environmental Quality Review Act; and

WHEREAS, the City's engineer, H2M Architects and Engineers, has completed an analysis of the subject project and recommend that the project is a Type II action;

NOW, THEREFORE, be it

RESOLVED, that the City Council, as Lead Agency for the City of Long Beach, hereby adopts this Resolution and determines that the Replacement of Well No. 16 Project constitutes a Type II action pursuant to SEQRA and therefore requires no further review in accordance with SEQRA 6 NYCRR §617.5, stating replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in §617.4 of this Part.

November 16, 2021

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Purchase
Sodium Bisulfite from the Lowest Responsible Bidder.

WHEREAS, after due advertising therefore, bids were received in the Office of the City Purchasing Agent on Thursday, October 22, 2021 at 11:00 a.m. for the purchase of sodium bisulfite, on an “as needed” basis, to be used at the Water Pollution Control Plant; and

WHEREAS, Autochem Corp., 296 West Montauk Highway, Hampton Bays, New York 19946 was the lowest responsible bidder at a cost of \$1,495 per 330 gallon tote, which is \$4.53 per gallon;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the City Manager be and is hereby authorized to purchase sodium bisulfite on an “as needed” basis at a cost of \$1,495 per 330 gallon tote, which is \$4.53 per gallon for approximately 10,000 gallons to finish this fiscal year, at a cost of \$45,300, from Autochem Corp., 296 West Montauk Highway, Hampton Bays, New York 19946, for a period of two years, with the option to renew for an additional year. Funds are available in Account No. G8130.54416 (Water Pollution Control - Chemicals).

November 16, 2021

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Settlement of an Action Brought by
Patricia Broder Against the City of Long Beach, et al.

WHEREAS, on or about February 14, 2020, Patricia Broder, as Plaintiff, represented by Marchelos Law, P.C., 87 Mineola Boulevard, Mineola, New York 11501, filed a civil action against the City of Long Beach and others in the Supreme Court of the State of New York, County of Nassau, for damages arising from personal injuries allegedly sustained by the Plaintiff; and

WHEREAS, after multiple depositions, the Plaintiff made a settlement demand of \$525,000; and

WHEREAS, on or about October 12, 2021, a Court-mandated ADR/settlement conference was conducted before the Honorable Ute Lally and it was determined that it would be in the best interest of all parties, based on the fact pattern and the severity of the injury, that the claim of the Plaintiff against the City and other defendants be settled; and

WHEREAS, the attorneys on behalf of the City negotiated an agreement to compromise and settle all claims and demands of the Plaintiff against the defendants for the sum of \$200,000, of which the sum of \$52,000 would be paid by the City, which sum said attorneys for the City have recommended as reasonable settlement of the claim of the Plaintiff, and which the City is obligated to pay as a condition of settlement; and

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 settle the above referenced action entitled "Patricia Broder against the City of Long Beach", for the sum of \$52,000 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. 602336/2020, inclusive of costs and attorneys' fees, with prejudice, 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 payment are available in Account No. C1930.54434 (Judgments and Claims-Insurance Reserve).

November 16, 2021

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Council to Enter into
a Contract Memorializing the City Manager's Employment.

WHEREAS, Donna M. Gayden was duly appointed City Manager of the City of Long Beach by the City Council on February 27, 2020, pursuant to Resolution No. 15/20; and

WHEREAS, on August 18, 2020, pursuant to Resolution No. 72/20, the City Council entered into an employment contract with Donna M. Gayden for a term of one year, commencing September 1, 2020 through August 31, 2021; and

WHEREAS, on September 9, 2021, pursuant to Resolution No. 143/21, the City Council authorized the extension of the employment contract with Donna M. Gayden through November 30, 2021;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Article 3, Section 20.3(a) of the Charter of the City of Long Beach, the City Council is hereby authorized to enter into an employment contract with Donna M. Gayden, extending her employment as City Manager for the term of December 1, 2021 through December 31, 2023 at an annual salary of \$203,000, together with such other terms and conditions as the City Council shall deem appropriate; and be it further

RESOLVED, that the President of the City Council herewith is authorized to execute the employment contract between the City Council and Donna M. Gayden.

November 16, 2021

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Accept and Execute
a Grant on Behalf of the City of Long Beach from the New York State
Department of Environmental Conservation.

WHEREAS, the City of Long Beach has been notified of the approval of a grant
from the New York State Department of Environmental Conservation, in the amount of
\$109,252 (Contract #DEC01-C01140GG-3350000), to be used for the design and construction of
a permanent salt resistant dome type structure suitable for the bulk storage of salt; and

WHEREAS, the proposed work on the site will include excavation, installation of
precast concrete drainage pools and installation of a 6” thick concrete slab on top of a 6”
compacted stone aggregate, which shall conform to the standards of the New York State Office
of General Services salt storage specifications; and

WHEREAS, said grant requires a 50% match from the City in the amount of
\$52,626 which has been budgeted for in the General Fun-/Buildings/Salt Storage Dome, in the
amount of \$55,000;

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 accept and execute a grant for \$109,252 with the
New York State Department of Environmental Conservation (Contract#DEC01-C01140GG-
3350000) to be used to design and construct a permanent salt resistant dome type structure
suitable for the bulk storage of salt. Funds for the City’s match in the amount of \$50,000 are
available in Account No. H1018.53078 (Salt Storage Dome) and funds in the amount of \$5,000
are to be borrowed pursuant to Bond Ordinance 3053/21, approved on July 6, 2021.

November 16, 2021

Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Accept
a Donation from the Long Island Chaplain Task Force.

WHEREAS, Long Island Chaplain Task Force (LICTF) is a 501c3 charitable organization made up of community minded professionals including retired law enforcement personnel, local business professionals and clergy that are dedicated to supporting and serving the police and community through volunteerism, philanthropy and the use of their talents and resources to help strengthen the bonds between the police and the community; and

WHEREAS, it is the desire of LICTF to donate a refurbished school bus to be used as a community policing vehicle, to transport community members as well as Police Officers to local events; and

WHEREAS, the LICTF is also offering to work with Police Commissioner Walsh to combine resources to refurbish a retired City-owned ambulance, to convert it into a Mobile Command vehicle, enabling the department to more effectively and professionally manage critical incident scenes; and

WHEREAS, the City of Long Beach is a Municipal Corporation and pursuant to Section 3 of the Charter of the City of Long Beach, the City may take by gift, grant, bequest and devise said financial donations;

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 accept the donation of a refurbished school bus, as well as other resources/services in furtherance of the foregoing, from the Long Island Chaplain Task Force, Hewlett, New York 11557.

November 16, 2021

Item No. 9
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Transfer of Funds for the
2021-2022 Fiscal Year.

WHEREAS, funds are required for the City's membership dues for the National
League of Cities, thereby necessitating the following transfer of funds:

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
following transfer of General Funds be and are hereby authorized:

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
A1210.51101	City Manager - Regular Salaries	\$5,000.00	
A1210.54468	City Manager - Municipal Assn. Dues		\$5,000.00

The following Resolution was moved by
and seconded by :

Resolution Authorizing Transfer of Funds for the
2021-2022 Fiscal Year.

WHEREAS, employees in the City Clerk’s Office are receiving title and/or grade changes as a result of taking on more responsibilities within the department; and

WHEREAS, in light of a full-time employee being transferred out of the Purchasing Department, the City intends on hiring a part-time employee in the Purchasing Department; and

WHEREAS, the City intends on filling a full-time vacancy in the Central Garage; and

WHEREAS, employees in the Water Pollution Control Department are receiving title and/or grade changes; and

WHEREAS, the foregoing personnel changes require a transfer of funds in the 2021-2022 fiscal year to reflect such changes;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the following transfer of General Funds be and are hereby authorized with respect to the City Clerk’s Office:

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
A1990.54406	Contingency	\$3,271	
A1410.51101	City Clerk- Regular Salaries		\$1,770
A8170.51101	Street Maintenance- Regular Salaries		\$1,501

And, be it further

RESOLVED, by the City Council of the City of Long Beach, New York that the following transfer of General Funds be and are hereby authorized with respect to the Purchasing Department:

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
A1345.51101	Purchasing- Regular Salaries	\$20,500	
A1345.51102	Purchasing- Temporary Salaries		\$20,500

And, be it further

RESOLVED, by the City Council of the City of Long Beach, New York that the following transfer of General Funds be and are hereby authorized with respect to the Central Garage:

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
A1210.51101	City Manager -Regular Salaries	\$62,000	
A1640.51101	Central Garage -Regular Salaries		\$62,000

And, be it further

RESOLVED, by the City Council of the City of Long Beach, New York that the following transfer of Sewer Funds be and are hereby authorized with respect to the Water Pollution Control Department:

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
G8540.51101	Sewer Maintenance -Regular Salaries	\$10,476	
G8130.51101	Water Pollution Control -Regular Salaries		\$10,476

November 16, 2021

Item No. 11
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter into a
Software Agreement to Upgrade the City's Muncity System.

WHEREAS, the City's Building Department, Tax Department and City Clerk's Office utilize software called Muncity Software Suite, developed for the City of Long Beach by Software Consulting Associates, Inc. (SCA), our provider since 1993; and

WHEREAS, the current version of the software will soon become obsolete, and an upgrade to Cloud-Based Muncity 5 is mandatory; and

WHEREAS, Software Consulting Associates, 54 Elizabeth Street, Red Hook, New York 12571 is the sole provider of this software, with over 100 customers in the Tri-State area, and the City desires to enter into a new agreement with SCA to upgrade to Cloud-Based Muncity 5, at a one-time upgrade fee of \$54,900 and an annual maintenance and support fee of \$17,900 for year two and going forward;

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 new agreement with Software Consulting Associates, Inc., 54 Elizabeth Street, Ste. 17, Red Hook, New York 12571 for a system upgrade, at a one-time upgrade fee of \$54,900 and an annual maintenance and support fee of \$17,900 for year two and going forward. Funds in the amount of \$54,900 are available in Account No. H1021.52314 (Information Tech Software) and funds in the amount of \$17,900 will be available in Account No. A1680.54445 (Maintenance Contracts-Information Technology).

The following Resolution was moved by
and seconded by :

Resolution Authorizing Budget Amendment to the
General Fund Budget.

WHEREAS, the City has entered into agreements with M3 Advisory Partners, LP (“M3”) which commenced March 1, 2021 and O’Melveny & Myers LLP (“O&M”) which commenced April 1, 2021 and was extended and expanded as of July 1, 2021, to provide certain legal, financial and strategic consulting services as set forth in such agreements; and

WHEREAS, the City owes compensation to M3 in the amount of \$1,400,000 and owes compensation to O&M in the amount of \$1,000,000 for professional fees and expenses due in accordance with the terms of such agreements; (collectively, the “Compensation”); which Compensation is not provided for within the current fiscal year’s budget and for which the City does not and will not have sufficient available moneys; and

WHEREAS, the City Council now intends to authorize the issuance of budget notes of the City to provide funds to pay for such Compensation; and

WHEREAS, the City expects to be reimbursed for all or part of such Compensation from a grant or grants to be received from the State of New York Financial Restructuring Board for Local Governments;

NOW, THEREFORE, be it

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	
A0050.45789 Other Debt – Budget Notes		\$2,400,000
Increase Appropriations:	A20960	
A1210.54440 City Manager – Contracted Services		\$2,400,000

The following Resolution was moved by
and seconded by :

Resolution Delegating to the City Comptroller the Powers to Authorize the Issuance of \$2,400,000 Budget Notes of the City of Long Beach, or So Much Thereof as May Be Necessary, to Finance Certain Consulting Expenditures for Which an Insufficient or No Provision is Made in the Annual Budget for the Current Fiscal Year, and to Prescribe the Terms, Form and Contents, and Provide for the Sale and Credit Enhancement of Such Notes.

WHEREAS, pursuant to Subdivision a.2. of Section 29.00 of the New York Local Finance Law (the “Law”), the City of Long Beach, Nassau County, New York (the “City”) is authorized to issue budget notes during any fiscal year for expenditures for which an insufficient or no provision is made in the annual budget for such fiscal year in an amount not to exceed five per centum of the amount of such annual budget; and

WHEREAS, the City has entered into an agreements with (i) M3 Advisory Partners, LP (“M3”) which commenced March 1, 2021 and (ii) O’Melveny & Myers LLP (“O&M”) which commenced April 1, 2021 and was extended and expanded as of July 1, 2021, to provide certain legal, financial and strategic consulting services as set forth in such agreements;

WHEREAS, the City owes compensation to M3 in the amount of \$1,400,000 and owes compensation to O&M in the amount of \$1,000,000 for professional fees and expenses due in accordance with the terms of such agreements; (collectively, the “Compensation”); which Compensation is not provided for within the current fiscal year’s budget and for which the City does not and will not have sufficient available moneys; and

WHEREAS, the City Council now intends to authorize the issuance of budget notes of the City to provide funds to pay such Compensation; and

WHEREAS, the City expects to be reimbursed for all or part of such Compensation from a grant or grants to be received from the State of New York Financial Restructuring Board for Local Governments;

NOW, THEREFORE, be it

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

Section 1. 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”), the power to authorize the issuance of Budget Notes (herein called “Notes”) of the City of Long Beach, Nassau County, New York (herein called the “City”), in the aggregate principal amount of not to exceed \$2,400,000, and any notes in renewal thereof, is hereby delegated to the City Comptroller, as Chief Fiscal Officer of the City.

Section 2. The following additional matters are hereby determined and declared:

(a) The Notes shall be issued for the specific object or purpose of financing the Compensation, which is not provided for within the City's current fiscal year's budget and for which the City does not and will not have sufficient available moneys.

(b) The Notes, including renewals thereof, shall mature on such date or dates as are determined by the City Comptroller, as Chief Fiscal Officer of the City, in accordance with the delegation of authority contained in Section 1 hereof, provided however that such Notes, including renewals thereof, shall mature not later than the applicable period provided in Section 29.00 of the Law.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the City, and the faith and credit of the City shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount(s) sufficient for such payment shall be inserted in the Fiscal Year 2022-23 budget of the City and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this Resolution and the Law, and pursuant to Sections 50.00, 56.00, 60.00 and 168.00 of the Law, inclusive, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 5. This Resolution shall take effect immediately.