

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
OCTOBER 18, 2022

PUBLIC HEARING: Local Law Amending the Charter of the City of Long Beach Re: Miscellaneous Provisions.

PUBLIC HEARING: Local Law Amending the Charter of the City of Long Beach Re: City Officers.

PUBLIC HEARING: Local Law Amending the Charter of the City of Long Beach Re: City Officers.

PUBLIC HEARING: Bond Ordinance Authorizing Financing for Various Capital Projects in and for the City, Stating the Estimated Total Cost Thereof is \$11,296,749, Appropriating Said Amount Therefor, Including the Expenditure of Any State or Federal Aid Expected to be Received in Connection Therewith, and Authorizing the Issuance of Not to Exceed \$8,377,000 Bonds of Said City to Finance a Portion of 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 Certain of Such Capital Projects as Indicated Herein, 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 Notes and Bonds.

1. Local Law Amending the Charter of the City of Long Beach Re: Miscellaneous Provisions.
2. Local Law Amending the Charter of the City of Long Beach Re: City Officers.
3. Local Law Amending the Charter of the City of Long Beach Re: City Officers.

4. Bond Ordinance Authorizing Financing for Various Capital Projects in and for the City, Stating the Estimated Total Cost Thereof is \$11,296,749, Appropriating Said Amount Therefor, Including the Expenditure of Any State or Federal Aid Expected to be Received in Connection Therewith, and Authorizing the Issuance of Not to Exceed \$8,377,000 Bonds of Said City to Finance a Portion of 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 Certain of Such Capital Projects as Indicated Herein, 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 Notes and Bonds.
5. Resolution Authorizing Budget Amendments to the Community Development Fund for the 45th Program Year.
6. Resolution Authorizing the City Manager to Enter into a Contract for the Hauling of Undigested Sludge from the City's Wastewater Treatment Plant.
7. Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach Re: Assessment; Levy; Collection of Taxes.

October 18, 2022

Item No. 1
Local Law No.

The following Local Law was moved by
and seconded by :

Introductory No. 369
Introduced by:

CITY OF LONG BEACH

CHAPTER X LAWS OF 2022

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: MISCELLANEOUS PROVISIONS

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

Section 1. Subpart A, Article 13 of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, is hereby further amended by adding to said Article 13 a new Section to be designated as “Sec. 258. Liability of the city in certain actions.”, and to read as follows:

“Sec. 258. Liability of the city in certain actions.

Except as provided otherwise in this Charter no action shall be maintained against the City of Long Beach upon or arising out of a contract of the City of Long Beach unless the same shall be commenced within one year after the cause of action therefor shall have accrued, nor unless a written verified claim shall have been filed with the City of Long Beach Corporation Counsel within ninety days after the cause of action shall have accrued, and no other action shall be maintained against the City of Long Beach unless the same shall be commenced within one year after the cause of action therefor shall have accrued, nor unless a notice of claim shall have been made and served in compliance with section fifty-e of the general municipal law. The omission to present a claim or to commence an action thereon within the respective periods of time above stated applicable to such claim, shall be a bar to any claim or action therefor against the City of Long Beach; but no action shall be brought upon any such claim until forty days have elapsed after the filing of the claim in the office of the City of Long Beach Corporation Counsel. The ninety-day period in which to file a verified claim, for claims arising out of a contract of the City of Long Beach and all other actions against the City of Long Beach, is a condition precedent rather than a statute of limitations, and thus, the period may not be tolled or extended. Any action against the City of Long Beach must affirmatively allege and prove compliance with this section. Nothing herein contained shall be held to revive any claim or cause barred by any requirement or statute of limitations nor waive any limitation applicable to any claim or cause of action against the City of Long Beach.”

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

October 18, 2022

Item No. 2
Local Law No.

The following Local Law was moved by
and seconded by :

Introductory No. 370
Introduced by:

CITY OF LONG BEACH

CHAPTER XI LAWS OF 2022

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: CITY OFFICERS

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

Section 1. Subpart A, Article 2, Section 8 of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as enacted as Local Law No. 5 of 1922 and amended by Local Law No.1 of 1946, Local Law No.1 of 1949, Local Law No.1 of 1950, Local Law No.1 of 1956, Local Law No.1 of 2001 and Local Law No.1 of 2004, shall be and the same is hereby amended to read as follows,

“Sec. 8. City officers enumerated.

The officers of the City shall be five Councilpersons (including a President of the Council), a City Manager, a City Treasurer, a Tax Assessor and two Associate Tax Assessors, a City Clerk, a Corporation Counsel, a Commissioner of Public Works, one or more Deputy Commissioners, a Building Commissioner, a City Engineer, a Fire Commissioner, a Police Commissioner, a Commissioner of Public Safety, one or more City Marshals, one or more Superintendents of Departments, three members of a Civil Service Commission, so many Commissioners of Deeds as may be deemed necessary by the Council, and such other appointive officers as may be established by law, local law or ordinance. The Council may provide for the holding of two or more such offices by the same person, except that no Councilperson, members of the Civil Service Commission, or member of a City Planning Commission may hold any other office under the city government for which a salary may be paid.”

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

October 18, 2022

Item No. 3
Local Law No.

The following Local Law was moved by
and seconded by :

Introductory No. 371
Introduced by:

CITY OF LONG BEACH

CHAPTER XII LAWS OF 2022
A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: CITY OFFICERS

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

Section 1. Subpart A, Article 2, Section 11 of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922 as enacted as Local Law No. 2 of 1922 and amended by Local Law No. 1 of 1924 and Local Law No. 5 of 1933, shall be and the same is hereby repealed, revoked and rescinded, and the following Section 11 is hereby adopted and enacted in the place and stead of said Section, to read as follows:

“Sec. 11. Appointive City officers enumerated; by whom appointed; their term of office.

- A. The appointive officers of the City of Long Beach shall be a City Manager, a City Treasurer, a Corporation Counsel, a City Comptroller, one Fire Commissioner, a Tax Assessor and two (2) Associate Tax Assessors, a City Clerk, a Commissioner of Public Works, and one or more Deputy Commissioner(s) of Public Works who may also be Superintendent(s) of Public Works, a Building Commissioner, a Police Commissioner, one Commissioner of Public Safety, one or more City Marshals, a City Engineer, one or more Superintendents of Departments, three (3) members of a Civil Service Commission, as many Commissioners of Deeds as may be deemed necessary by the City Council, and such other appointive officers as may be established by law, local law or ordinance. All such officers shall be appointed by the City Manager upon the confirmation of the City Council, except that the City Manager shall be appointed by the City Council.**
- B. Any officer or employee appointed as herein provided may be removed by the City Manager, except that the City Manager may be removed by the City Council in accordance with Section Twenty of the Charter, or as otherwise provided by applicable law. All appointive officers shall serve for an indefinite term except as otherwise provided by state law.**
- C. The City Council may provide for the holding of two (2) or more such offices by the same person, except that no member of the Civil Service Commission, or member of a City Planning Commission may hold any other office under the city government for which a salary may be paid. Any appointed official or employee may perform duties in one or more departments as the City Council may designate.**

- D. The head of each department, and each other officer appointed by the City Manager as the single head of an office, shall appoint their subordinates only with the approval of the City Manager. The City Manager may appoint a Police Commissioner and the Police Commissioner shall appoint, with the approval of the City Manager, as many regular and special patrolmen as the City Council determines to be necessary for the proper protection of the City of Long Beach.**
- E. The City Manager may appoint a Commissioner of Public Safety and as many subordinate employees and officers as the City Council may determine to be necessary for the proper protection of the City of Long Beach.**
- F. Subject to confirmation by the City Council, the City Manager may combine two (2) or more of the city departments as are charged with the preservation of the public health, safety, and welfare, and place them under the jurisdiction of the Commissioner of Public Safety whose duty it shall be to supervise and administer said departments.”**

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

The following Ordinance was moved by
and seconded by :

ORDINANCE AUTHORIZING FINANCING FOR VARIOUS CAPITAL PROJECTS IN AND FOR THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$11,296,749, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF ANY STATE OR FEDERAL AID EXPECTED TO BE RECEIVED IN CONNECTION THEREWITH, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$8,377,000 BONDS OF SAID CITY TO FINANCE A PORTION OF 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 CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, 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 NOTES AND BONDS.

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 costs of construction, acquisition or undertaking of the various capital projects as described in column A of Schedule I attached hereto and hereby made a part hereof, at the estimated maximum costs indicated in column B of such Schedule I. The total estimated cost of such projects, including preliminary costs and costs incidental thereto and to the financing thereof, is \$11,296,749 and said amount is hereby appropriated therefor. The plan of financing includes (i) the expenditure of State and Federal aid expected to be received in connection with such projects as described in column C of such Schedule I, (ii) the issuance of serial bonds previously issued by the City for the project noted in Schedule I, (iii) the issuance of not to exceed \$8,377,000 bonds of the City to finance said appropriation, and (iv) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. 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 applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes 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 not to exceed \$8,377,000 are hereby authorized to be issued in the respective principal amounts indicated in column D of Schedule I for each of the respective objects or purposes indicated in column A of such Schedule I, 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 respective periods of probable usefulness of the specific objects or purposes and classes of objects or purposes as referenced in column A of the attached Schedule I, for which said bonds are authorized are to be issued, within the limitations of §11.00 a. of the Law, are set forth in column E of the attached Schedule I.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

October 18, 2022

Page 3
Item No. 4
Ordinance No.

Section 8. This Ordinance, shall take effect immediately and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in full, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the official newspaper of the City for such publication.

SCHEDULE I
2023 CHART OF COMPONENTS

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
<u>Project Name</u>	<u>Estimated Maximum Cost</u>	<u>Grant/Prior Bond Funding</u>	<u>Bond Authorization</u>	<u>PPU</u>
Road Overlays	\$898,549	\$498,549	\$400,000	15
Curb/Sidewalk Rehabilitation - City Wide	\$100,000	\$-0-	\$100,000	10
Park Avenue Resiliency - Additional Costs	\$2,550,000	\$1,275,000/\$600,000*	\$675,000	15
Road Reconstruction	\$800,000	\$-0-	\$800,000	15
Sand Screening for Boardwalk Dune	\$300,000	\$-0-	\$300,000	15
Canal - Dredging	\$150,000	\$-0-	\$150,000	5
Auto Vehicle Location System	\$97,000	\$-0-	\$97,000	10
Fire Department - Keltron Software/Alarm Panel	\$40,000	\$-0-	\$40,000	10
FD - Command Post/Floodlight Vehicle/Ambulance	\$350,000	\$-0-	\$350,000	20
PD-City wide security (CCTV, Access Control, Internet/Recording)	\$185,000	\$-0-	\$185,000	10
Police Department - Vehicles (3)	\$280,000	\$-0-	\$280,000	5
City Hall Façade Rehabilitation	\$250,000	\$-0-	\$250,000	15
Office of Emergency Mgmt(OEM Expansion)	\$750,000	\$-0-	\$750,000	15
Ice Arena Bathroom Rehabilitation	\$500,000	\$500,000	\$500,000	15
Rehabilitation of Central Garage	\$1,546,200	\$546,200	\$1,000,000	25
City Building Rehabilitation - Various Locations	\$150,000	\$-0-	\$150,000	15
Fencing - Various	\$100,000	\$-0-	\$100,000	5
Playgrounds	\$1,000,000	\$-0-	\$1,000,000	15
Fixed Assets Management System(FRB)	\$50,000	\$50,000	\$50,000	10
Time Management Software (FRB)	\$200,000	\$200,000	\$200,000	5
Sewer Upgrades	\$600,000	\$-0-	\$600,000	40
Supply Well Replacement	\$300,000	\$-0-	\$300,000	40
Various Plant Improvements	\$100,000	\$-0-	\$100,000	40
Total - All Funds	\$11,296,749		\$ 8,377,000	
*Previously authorized and included in a prior issue.				

October 18, 2022

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Budget Amendments to the
Community Development Fund for the 45th Program Year.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,
that the following amendments to the Community Development Fund for the 45th Program Year
are hereby authorized:

COMMUNITY DEVELOPMENT FUND
45th Program Year

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
S9925.54479	PF&I Rec. Center Upgrades	\$23,000	
S9925.54810	Residential Rehabilitation		\$13,000
S9925.54847	Special Economic Development		\$10,000
S9925.54845	Soup Kitchen	\$ 3,250	
S9925.54808	Youth Employment Training		\$ 3,250

October 18, 2022

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

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

WHEREAS, on April 18th and 19th, 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, the above actions were completed in July 2022, and the hauling of the sludge will continue on a temporary basis until a new fabric cover is installed and operations return to normal; and

WHEREAS, after due advertisement therefore, two bids were received in the Office of the Commissioner of Public Works on October 6, 2022 for the providing of five thousand (5,000) gallon unibody trucks for the transport of undigested sludge from the City's Wastewater Treatment Plant, located at 700 National Boulevard, to the South Shore Reclamation Facility, 2 Marjorie Lane, East Rockaway, New York 11518; and

WHEREAS, Clear River Environmental Service Corp., 847 11th Street, Ronkonkoma, New York 11368 was the lowest responsible bidder at a unit price of \$899 per five thousand (5,000) gallon truck, for a six month initial term, at an estimated cost of \$350,610, 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 Clear River Environmental Service Corp., 847 11th Street, Ronkonkoma, New York 11368 for the providing of five thousand (5,000) gallon unibody trucks for the transport of undigested sludge from the City's Wastewater Treatment Plant, to the South Shore Reclamation Facility, 2 Marjorie Lane, East Rockaway, New York 11518, at a unit price of \$899 per 5,000 gallon truck, for a six month initial term, at an estimated cost of \$350,610, with one additional six month option if necessary. Funds in the amount of \$300,000 are available in Account No. G8130-54440 (Sewer-Contracted Services) and funds in the amount of \$50,610 are available in H3023-52222 (Construction and Reconstruction of City's Wastewater Treatment Plant).

October 18, 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 the Charter of the City of Long Beach
Re: Assessment; Levy; Collection of Taxes.

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

“A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: ASSESSMENT; LEVY; COLLECTION OF TAXES”.

(See Local Law Attached)

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be had before this Council at City Hall, 1
West Chester Street, Long Beach, New York, concerning the aforesaid Local Law, on November
1, 2022 at 7:00 p.m.; and be it further

RESOLVED, that the City Clerk be and hereby is authorized and directed to
cause a notice of said hearing to be published in the official newspaper of the City of Long
Beach, containing the title of such proposed Local Law and an explanatory statement thereof.

Introductory No. 372
Introduced by:

CITY OF LONG BEACH

CHAPTER XIII LAWS OF 2022

A LOCAL LAW

AMENDING THE CHARTER OF THE CITY OF
LONG BEACH RE: ASSESSMENT; LEVY; COLLECTION OF TAXES

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

Sec. 1. Article 6, Section 104-d of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same is hereby amended and added to, to read as follows:

“Sec. 104-d. Exemptions for persons with disabilities and limited incomes.

...

2. The income of the owner or the combined incomes of the owners of the property for the income tax year immediately preceding the date of making application for exemption shall be as follows: no more than twenty-seven thousand dollars (\$27,000.00) for the income tax year ending December 31, 2007; no more than twenty-eight thousand dollars (\$28,000.00) for the income tax year ending December 31, 2008; and no more than twenty-nine thousand dollars (\$29,000.00) for the income tax year ending December 31, 2009; and commencing with the income tax year ending on December 31, 2021, the combined income of the owners shall be no more than thirty-seven thousand dollars (\$37,000.00). **All medical and prescription expenses which are not reimbursed or paid by insurance shall be excluded from the computation of an applicant’s income.”**

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