

**CITY OF LONG BEACH
MINUTES OF THE REGULAR MEETING
OF THE COMMON COUNCIL
HELD FEBRUARY 1, 2022**

A regular meeting of the City Council of the City of Long Beach was held on Tuesday, February 1, 2022.

Present were Council Pres. McInnis and Council Members Bendo, Lester, Posterli and Treston.

Corporation Counsel Richard Berrios and City Manager Donna Gayden were also present.

Because of the COVID-19 pandemic, public attendance was suspended for this meeting. The following notice was posted prior to the meeting:

In light of current health concerns and in accordance with New York State Law Chapter 1 of the Laws of 2022 we are making the following changes for this Council Meeting:

- **Public attendance for this meeting will be suspended.** A live Stream of the meeting will be available on our YouTube channel. Please visit longbeachny.gov/councilmeetings for the link to our YouTube channel.
- Anyone wishing to directly participate in the meeting was provided with a link to the Zoom meeting

Council President McInnis opened the meeting by thanking the city workers for being prepared for the snowstorm and clearing the streets.

City Manager, Donna M. Gayden began her report by introducing Mr. John McNally, Director of Public Relations to give his update.

Mr. McNally gave a COVID update noting that as of 1/26/2022, 71.4% of the Long Beach population had been fully vaccinated and there were 224 new cases reported as of the week of 1/4/2022. He also added that he was optimistic that things were moving in the right direction.

Council Member Lester asked about the Long Beach numbers vs. the County numbers.

Mr. McNally spoke about the most recent data from Suffolk and Nassau Counties.

Council Member Posterli asked if there were any reports available from Mount Sinai/South Nassau regarding the number of positive COVID cases.

Mr. McNally noted that he did not have an official report, but that as far as he knew, they did not have a shortage of beds which was a good sign.

The public hearings were held

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach
Re: Motor Vehicles and Traffic, and Vehicles for Hire

Corporation Counsel, Rich Berrios gave an explanation on the amendment including the cap on the amount that could be charged for towing.

Council President McInnis reminded everyone that the Council asks the staff questions regarding the agenda items prior to the meetings.

Council Member Lester asked about what a person could do if they were to be overcharged for towing.

Mr. Berrios explained the overcharge procedure.

Police Commissioner Walsh then discussed the necessary steps that would be taken.

The calendar items were read by the City Clerk

#1 – Approval of Minutes of Prior Meeting of January 4, 2022 and January 18, 2022.

Council Member Lester made a motion to approve the minutes. It was seconded by Ms. Treston and was carried unanimously.

#2 – Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic, and Vehicles for Hire

A hearing had been held on this item already.

#3 – A “Resolution Authorizing the City Manager to Enter into an Agreement for the Operation of the Snack Bar at the City’s Ice Arena” was taken off the calendar

#4 – 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 State

Ms. Patti Bourne, Director of Economic Development gave a brief background on the application process and receipt of this grant and continued to describe its benefits.

Council President McInnis asked Ms. Bourne to forward the Council the City’s 2007 plan and 2015 plan so they could get a better understanding on how the process works.

Council Member Lester asked about the “in-kind” match of the grant.

Ms. Bourne explained how the “in-kind match” for residents and non-employees who attend the meetings worked.

#5 – A “Resolution Authorizing the City Manager to Renew the City’s Public Staff Subscription” was taken off the calendar.

#6 – Resolution Authorizing the City Manager to Enter into a Contract for Full Service Elevator Maintenance and Repair from the Lowest Responsible Bidder

Public Works Commissioner, Joseph Febrizio explained the purpose of the resolution and gave the background on the bidding process. He continued to speak about all the elevators and locations described within the contract.

Council President McInnis asked about the term of the contract and the possibility of a price adjustment should the city no longer own one of the buildings that has an elevator.

Council Member Bendo asked if the contract included preventative maintenance.

Commissioner Febrizio responded that preventative maintenance was included in the contract.

Council Member Lester asked about the items not covered in the contract and the labor rates outside of the regular maintenance contract.

Mr. Febrizio noted that it was not unusual to have hourly rates for the repairs that were not considered maintenance or preventative maintenance repairs.

#7 – Resolution Authorizing the City Manager to Enter into a Contract for EMS Ambulance Billing and Collection Services from the Most Responsible Bidder

Fire Commissioner, Joseph Miller described the contract and noted that the company chosen had been with the city for the past 22 years and were doing a good job.

Council Member Lester asked about the total revenue collected from the ambulance billing company each year.

Council Member Bendo asked how the quality control of this billing was accomplished.

#8 – Resolution Authorizing the Retention of Outside Counsel

Corporation Counsel, Rich Berrios explained the resolution and the reason for retaining this particular outside counsel.

Council President McInnis asked if Mr. Berrios recommended moving forward with this resolution.

Mr. Berrios agreed that they should move forward.

Council Member Posterli asked about the execution of the contract and when it would start.

Corporation Counsel explained the timeframe and process involved.

Council President McInnis asked how the city was managing the time spent by this attorney.

Mr. Berrios noted that the monitoring and auditing of the billing would be overseen by Corporation Counsel.

Council Member Lester asked if an explanation could be given on the reason for hiring additional attorneys.

Corporation Counsel Berrios noted that all he could reveal was that they were hired for a particular case and can be utilized in other areas if needed.

Robin Donovan – Asked what the basis of the lawsuit was?

Mr. Berrios noted that it was on the first and fourteenth amendment violation.

Kathleen O’Leary – Asked why the corporation counsel’s office could not handle this case?

Corporation Counsel, Rich Berrios explained that the reason for hiring outside counsel was for litigation purposes.

Eileen Hession – Asked how many lawyers the city currently have?

Mr. Berrios replied that there were four attorneys employed by the City.

Council President McInnis asked how many disciplines/specializations and types of lawyers were within the legal system.

Mr. Berrios replied that there were a countless number of specialties within the field of attorneys.

Ms. Gayden then replied to Council Member Lester’s question regarding the revenue from ambulance fees. She noted that in 2018 it was \$1 million, 2019 it was \$1.1 million, 2022 it was \$1.1 million and \$1.1 million was projected for this current year.

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

Public Works Commissioner Joe Febrizio explained the reason for this transfer of funds. He noted that this transfer was for the Municipal Building repair line.

Council Member Lester asked if the municipal building encompassed all city buildings.

Mr. Febrizio responded yes.

Council Member Lester asked about this budget line being underbudgeted.

Commissioner Febrizio spoke about the City Manger’s new initiative on preparing a realistic budget so that these situations could be prevented.

The City Manager then stated that this particular incident had to do with allocation. She noted that new expenses are now being allocated to the correct line item rather than how things had been handled in prior years.

Council Member Bendo asked about the cost of maintaining the city buildings vs. replacing them.

Mr. Febrizio replied that there were a lot of buildings that needed attention. He noted that the sewer maintenance department building was in such bad shape that it forced the city to move them into the street maintenance building which now left that building abandoned and likely to be sold.

#10 – Resolution Authorizing Transfer of Funds for the 2021-2022 Fiscal Year

Mr. Febrizio explained the reason for the transfer to the vehicle repair line.

Council Member Lester asked how old the vehicles in question were.

Commissioner Febrizio noted that there were over 70 pieces of equipment varying in age that needed to be maintained.

Council Member Lester then added that he would like to look for ways where the city would not be hit with unforeseen repair expenses and try to get the projections as close as possible.

Mr. Febrizio gave a brief background on the broken plows and how there was not money last year to fix them. He noted that when the money became available in July, it was used to repair the plows which depleted that budget line. Commissioner Febrizio also noted that it would be a good idea to increase that line for next year so that the city could catch up.

Ms. Gayden added that this could have been a budget issue that was not addressed properly at the time. She noted that all Departments had been instructed that they would be responsible for finding the money within their budget should this situation occur. The City Manager also noted that very rarely would the budget be matched dollar for dollar and the reason for transferring funds was so not to go over budget.

Council Member Bendo added that the city was not spending money that wasn't available. He noted that money was being moved without changing the overall budget.

The voting portion of the meeting was then begun.

Council Member Treston introduced and moved the adoption of the following ordinance, seconded by Pres. McInnis, and it was duly adopted, all five council members present voting in the affirmative.

(ORD. #3057/22)

Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic, and Vehicles for Hire

Council Member Posterli introduced and moved the adoption of the following resolution, seconded by Mr. Bendo, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #7/22)

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 State

Council Member Bendo introduced and moved the adoption of the following resolution, seconded by Ms. Treston, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #8/22)

Resolution Authorizing the City Manager to Enter into a Contract for Full Service Elevator Maintenance and Repair from the Lowest Responsible Bidder

Council Pres. McInnis introduced and moved the adoption of the following resolution, seconded by Ms. Treston, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #9/22)

Resolution Authorizing the City Manager to Enter into a Contract for EMS Ambulance Billing and Collection Services from the Most Responsible Proposer

Council Pres. McInnis introduced and moved the adoption of the following resolution, seconded by Mr. Bendo, and it was duly adopted by four affirmative votes. Council Member Lester abstained.

(RES. #10/22)

Resolution Authorizing the Retention of Outside Counsel

Council Member Treston introduced and moved the adoption of the following resolution, seconded by Mr. Bendo, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #11/22)

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

Council Pres. McInnis introduced and moved the adoption of the following resolution, seconded by Mr. Bendo, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #12/22)

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

There being no further business before the Council, Council Member Lester made a motion to close the meeting. It was seconded by Ms. Treston and was duly closed, all five council members present voting in the affirmative.

Dated: February 2, 2022

David W. Fraser
City Clerk

Good and Welfare

William Doepper

Asked about the availability of parts under the elevator contract and if the City had any doctors on staff. Also spoke about snow removal

Judi Vining

Spoke about opting out of the cannabis legislation, a grant awarded to Long Beach Aware and asked about the possibility of resident only parking on Broadway