

**CITY OF LONG BEACH
MINUTES OF THE REGULAR MEETING
OF THE COMMON COUNCIL
HELD MARCH 15, 2022**

A regular meeting of the City Council of the City of Long Beach was held on Tuesday, March 15, 2022.

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

Assistant Corporation Counsel Joseph Lupo and City Manager Donna Gayden were also present.

Council President McInnis acknowledged the passing of former Police Commissioner, Michael Tangney and extended her condolences to the Tangney family and friends on behalf of the City Council. She noted his dedicated service with distinction to the city for over 40 years.

Ms. McInnis also acknowledged the passing of city employee, Anthony “cowboy” Hemphill and on behalf of the City Council, extended her condolences to his family and friends. She noted his service to the city for the past 14 years.

Council Vice President Treston spoke about the responsibility and importance of speaking in public.

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 966 West Beech Street, (street floor), Long Beach, New York.
Re: Retail Convenience Store

Council President McInnis asked about the days and hours of operation. She also asked about the nature of the business. Ms. McInnis then asked how many deliveries could be expected and how many employees would be at the store.

Makayla Sadie, the owner of the store noted that the store would be open 7 days from 8am to 11pm. He noted that this would be a grocery and convenience store. Mr. Sadie also noted that there could be one or two deliveries per week, and a total of 2 employees.

Council Member Bendo asked about an SLA (State Liquor Authority) incident at Mr. Sadie’s other establishment had and asked how his staff would be trained to help prevent this from happening at the new business.

Mr. Sadie replied that since the last incident where the employee was terminated, his new staff had been trained and had taken the alcohol and tobacco exam to be certified.

Council Vice President Treston asked about the store being ADA (American Disability Act) compliant.

Mr. Sadie assured her that he would personally make sure it was.

Ms. Treston suggested that the owner reach out to Building Commissioner Scott Kemins who would be well-aware of the necessary requirements.

PUBLIC HEARING: For the purpose of providing all persons and representatives of organizations with significant social, economic, and environmental interests an adequate opportunity to publicly present their views on and propose activities for the City's Community Development Program for 2022-2023 (48th Year).

Ms. Monique Powell, Director of Community Development addressed the 48th year of the Community Development Block Grant and its future goals in developing community services.

Council President McInnis thanked City Manager, Donna M. Gayden, Monique Powell and City Comptroller, Inna Reznik for managing this program. She then asked about the funds that go back to the 43rd year of CDBG.

The City Manager, Donna M. Gayden explained that there were prior funds that were not spent that went back to the 43rd through the 47th year. She then spoke about the unspent funds from 2017 and noted that all claims must be submitted by June 30, 2022. Ms. Gayden continued to speak about how CDBG money had been disbursed in the past and that moving forward, all CDBG money would be allocated where needed.

Council President McInnis thanked the administration for being compliant and managing the CDBG funds properly.

Council Member Lester asked if the average funds received were \$275,000.00 per year.

Ms. Gayden replied that it was and added that this money needed to be spent in a timely manner in order for the city to request/receive more.

Council Member Bendo asked how long it would take for the city to receive the funds and how the deadline the city was given to spend the money.

Ms. Powell replied that it could take up to 6 months to receive the funds and the city would have up to 3 years to spend the money.

James Hodge (95 E Fulton St) – spoke about how much he learned about community development funds. He noted how important the CDBG funds were and received by several organizations in the past and hoped it would continue.

Crystal Lake – asked that additional funding be put into the Sherman Brown Park and the Leroy Conyers Park.

Ms. Monique Powell, Director of Community Development gave her report on the CDBG (Community Development Block Grant).

Council Member Posterli asked if the city was using a new application online process.

Ms. Powell replied that it was, and explained the process.

Ms. Posterli asked about how the community and organizations were being made aware of the application process and the programs that were available through CDBG.

Ms. Powell noted that meetings with non-profits, clergy, etc. were held prior to the application opening to discuss community needs and issues. She added that at the last meeting in February, i how to submit and apply for funding was discussed, and they would be receiving an email with all instructions after this public hearing. Ms. Powell then proceeded to give a description of the past and present process.

Council President McInnis asked about the “submittable” and if the city would be able to reject an application should a non-profit organization be delinquent in their state and federal filings.

Ms. Powell replied that the city could reject an application under those circumstances as well as other reasons.

The calendar items were read by the City Clerk

#1 – Approval of Minutes of Prior Meeting of March 1, 2022.

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

#2 – Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 966 West Beech Street, (street floor), Long Beach, New York.
Re: Retail Convenience Store

Editors note: the vote of this item was taken directly after the public hearing

#3 – Resolution Authorizing the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, and Title II of the National Affordable Housing Act of 1990, as Amended, for Inclusion in the City’s Community Development Program for 2022-2023 (48th Year)

A hearing had been held on this item already.

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

Public Works Commissioner Joe Febrizio explained the reason for the transfer from the Sanitation Department equipment lease line to the Sanitation Department vehicle repair line. He added that the funding would be used to repair 3 vehicles in the Sanitation Department.

Council Member Lester asked how situations like this can be prevented in the future and why these vehicles weren’t repaired originally.

Commissioner Febrizio gave a brief background and reason for the transfer and repairs.

Mr. Devin Parker, Superintendent of Sanitation gave an explanation and cost/breakdown of the repairs. He noted the importance of these repairs to be done before the spring/summer season which is the busiest time of the year for Sanitation.

City Manager, Donna M. Gayden added that in the past, although these vehicles needed repairing, they just weren't attended to. She also noted the changes that have been made at the Central Garage and the importance of having the funds in the sanitation vehicle repair line should any other vehicles need to be repaired, especially throughout the summer months. Ms. Gayden also noted that moving forward, each department would have a vehicle repair line in an effort to help alleviate this situation from happening in the future.

Council Member Bendo asked for clarity that moving forward, the Sanitation Department would have their own vehicle repair line beginning with this transfer.

A discussion continued regarding the overall vehicle repair line and how moving forward, there will be a tracking indicator on which vehicles from the individual departments are being repaired.

Commissioner Febrizio added that due to the high fuel costs, the fuel line in the budget had been exhausted as well, and he along with the City Comptroller and Department Heads are in the process of locating money in other budget lines to cover the fuel costs.

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

Commissioner Febrizio noted this transfer was from the Sanitation Waste and Rubbish Removal line to the Conservation Recycling Contract Services that funds the STOP (Stop Throwing Out Pollutants) program that the city participates in. He added that this was a joint funded program and explained how the cost of the program worked.

Council Member Lester asked about the amount the city pays for the program and the locations it is held at.

Commissioner Febrizio explained that it is a Town of Hempstead Program that the city participates in, and Long Beach was a required site.

Council Member Posterli asked about the documentation on the impact of the participation in the STOP Program.

Mr. Febrizio explained how the documentation was recorded.

Council Member Bendo asked if the city advertises for the other locations.

City Clerk, Dave Fraser explained that there was a link on the city's sanitation page that brings folks to the Town of Hempstead's STOP program page that lists all the different locations

Mc. McNally, Director of Public Relations noted that moving forward, the city would list all locations.

Mr. Fraser read all the available locations for the 2022 STOP Program.

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

Fire Commissioner, Joe Miller noted there was a need for repair to one of the ALS Ambulances that is used as a primary transport for thousands of emergencies each year. He added that due to the amount of usage of this vehicle, the engine needed to be replaced. Commissioner Miller also noted that the funds were currently available in the fire department budget line and requested that a new vehicle repair line be established, and money be transferred from the equipment lease line to cover the cost of this repair.

Council President McInnis asked about the vehicle lease line.

Council Member Bendo asked about the transfer of funds and if these funds would be available to cover other repairs if necessary.

Commissioner Miller noted that it would be strictly for this repair.

Mr. Bendo expressed his concern about the possibility of having to replace the engines every three to four years.

Mr. Miller replied that each ambulance was different, but it could happen. He also noted that they were looking to change the type of engines that would hopefully prolong the life of the ambulance.

Council Member Lester asked how long the ambulance was out of commission.

Commissioner Miller replied that it was out for about 7 weeks.

Mike Delury – asked several questions regarding the odometer and warranty for the new engine.

Commissioner Miller explained how the wear and tear on the engine was calculated as well as the usage of the vehicle. He noted that the warranty on the new engine would be for 3 years.

A discussion continued regarding the warranty and engine usage.

Sam Pinto – expressed the importance of repairing the ambulance.

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

Mr. Bendo made a motion to replace the RESOLVED clause with the following updated version:
“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 Premier Building & Renovations, Corp., 769 Fulton Street, Farmingdale, New York 11735 for Hazard Mitigation work at the Martin Luther King Center, at a cost of \$1,150,000. Funds in the amount of \$5,833.20 are available in Account No. H1018.52352 (Mitigation Project) and funds in the amount of \$1,144,166.80 are available in Account No. H1019.52352 (Mitigation Project), of which 100% percent will be reimbursed to the City through FEMA monies.”

It was seconded by Pres. McInnis and was carried unanimously.

Commissioner Febrizio explained the reason for the transfer and described the work that would be taking place. He noted that this was a FEMA Hazzard Mitigation project that would help protect the MLK Center from flooding and that the cost of this work was 100% reimbursable through the FEMA public assistance program.

Council President McInnis asked for clarity on the funding for this project, and if the funding for this specific work was approved in a prior capital budget plan.

Mr. Febrizio gave a breakdown on how capital money and funding works and that it was previously approved.

City Manager, Donna M. Gayden also added that the building would still be accessible to the public while the work was being performed.

Council Member Lester asked about the amount of funding available for this project.

Commissioner Febrizio explained how the funding would be used and that along with the Comptroller, he would work to replenish this budget line. He added that similar projects would be taking place at other city owned buildings within the next year or so.

James Hodge (95 E Fulton St) – thanked Commissioner Febrizio and the Council for the funding towards the Hazzard Mitigation project at the MLK Center.

Mike Delury – asked Commissioner Febrizio to explain the process for this project and commended the Department of Public Works for their hard work.

Mr. Febrizio gave a thorough explanation on the procedure for this project.

#8 – Resolution Authorizing the City Manager to Enter into an Agreement for the Replacement of the HVAC System at the Martin Luther King Center Under a Sourcewell Contract
Mr. Bendo made a motion to replace the text in the item with the following updated version:

“Resolution Authorizing the City Manager to Enter into an
Agreement for the Replacement of the HVAC System
at the Martin Luther King Center Under a Sourcewell Contract.

WHEREAS, the City is a member of Sourcewell, a State of Minnesota local government agency and service cooperative that offers cooperative procurement solutions to government entities by combining the buying power of 50,000 government, education, and nonprofit organizations; and

WHEREAS, the Office of the Commissioner of Public Works identified two potential contractors to replace the HVAC system (heating and air conditioning) at the Martin Luther King Center, 615 Riverside Boulevard, Long Beach, New York, as the system has outlived its useful life and is not operational; and

WHEREAS, one contractor was identified through a Suffolk County piggyback contract, and the other through a contract awarded by Sourcewell; and

WHEREAS, Carrier Corporation, 500 Bi-County Boulevard, Farmingdale, New York 11735 the awarded vendor through Sourcewell, quoted a lower price for the project, at a cost of \$141,219.00;

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 Carrier Corporation, 500 Bi-County Boulevard, Farmingdale, New York 11735 through Sourcewell service cooperative, Contract #070121-CAR, for the replacement of the HVAC system at the Martin Luther King Center, 615 Riverside Boulevard, Long Beach, New York, at cost of \$141,219.00. Funds in the amount of \$100,000 are available in Account No. H1022.53101 (City Building Rehab Various), funds in the amount of \$34,000 are available in Account No. H1018.52135 (MLK Center), and funds in the amount of \$7,219.00 are available in Account No. A1620.54444 (Building Repair); and be it further

RESOLVED, upon Nassau County's approval of transfers for Community Development Block Grant funds for the 46th Program Year and availability of same for this project, the City Manager shall be authorized to utilize those funds and reimburse the City for the cost of the project in the amount of \$141,219.00."

It was seconded by Ms. Treston and was carried unanimously.

Commissioner Febrizio explained the purpose of this agreement was to replace the heating ventilation and air conditioning system at the MLK Center. He continued to give a brief description of the work involved.

Council President McInnis thanked the City Manager, City Comptroller and Monique Powell, Director of Community Development for helping to find the funding for this project.

Council Member Lester expressed his concern regarding the one-year warranty.

Mr. Febrizio noted that he would speak with the carrier about possibly getting a separate maintenance program but for now, the one-year warranty is what was in the agreement.

Council Member Bendo asked if the project included duct work.

Commissioner Febrizio noted that there was some duct work involved.

Mike Delury – asked about the funds being used for the project and requested that there be a longer warranty. He also asked about the thermostat system and if it could be pre-set in an effort to regulate the temperature.

Commissioner Febrizio explained where the funding was coming from, and he would look into an extended warranty. Mr. Febrizio also added that Mr. Dan O'Brien from Building Maintenance would get back to Mr. Delury regarding the regulation of the thermostat system.

James Hodge (95 E Fulton St) – thanked the city for repairing the air conditioning system at the MLK Center.

Mr. Lester asked if money could be taken from the prior year's CDBG money that the city still had for this project.

Ms. Gayden explained that the funding was coming from the prior year's CDBG money.

Council Member Lester asked that although CDBG money could not be used to purchase a warranty, if the city did find a vendor that allows for a five-year warranty for a little bit more money, could the funding then be used for that purpose.

The City Manager noted that she spoke with the County Legislator's office who agreed to spend past CDBG money to fund this project and didn't think it would be in good faith to go back and ask for more at this time.

#9 – Resolution Authorizing the City Manager to Enter into an Agreement for Engineering Services for the Expansion of the City's Office of Emergency Management with the Lowest Responsible Proposer

Commissioner Febrizio explained that this agreement was for the expansion of the Office of Emergency Management on the 6th floor of city hall, into the council chambers. He continued to speak about the benefits of completing this expansion and described the work involved.

Council President McInnis asked Mr. Febrizio to confirm that a previous city council already had approved this capital expenditure and the funds had been borrowed.

Mr. Febrizio confirmed it was approved and the funds had been borrowed.

Council Member Lester asked for clarity that this was just for preparing the plans.

Commissioner Febrizio replied that it was for the preparing of the plans and specifications, as well as construction administration and inspection. He also added that he would be speaking with the company to get an idea of the cost of this project so he could add it to the capital budget that would be voted on in May.

Council Member Bendo asked about replacing the windows.

Mr. Febrizio explained that the windows was a structural issue with the building and a much more involved project. He recommended that the windows become a whole separate project.

Janet Cohen – spoke about the condition of the 6th floor bathrooms and asked if the bathrooms would be part of this project.

Mr. Febrizio explained that this would be a separate project and funding was available for the renovation of the 6th floor bathroom.

Council President McInnis asked if the bathroom project was on track for this fall.

Commissioner Febrizio noted that he would have to confirm the start date with Beach Maintenance.

City Manager, Donna M. Gayden also added that the repair of the 6th floor bathrooms had been delayed due to the difficulty in getting the supplies necessary to complete the project, but assured Ms. Cohen that it was going to happen.

Mike Delury – asked if a time clock and window tinting could be part of this project.

Mr. Febrizio noted that he was going to propose that blinds similar to the OEM, be installed so that it would eliminate the sun from interfering with the screen from any of the presentations that are given in the council chambers.

Sam Pinto – asked how much of the room was being converted into OEM space and what would happen with the rest of the council chambers.

Commissioner Febrizio described his vision for the room as the OEM annex room where meetings are being held. He noted that the room would not be reduced in anyway but modified to make it a much more utilized space.

James Kirklin – expressed his concern regarding possible asbestos being contained in the floor if it should need to be replaced and the cost of the asbestos removal. He suggested covering the original floor with new flooring and spoke about the space and usage of the room. Mr. Kirklin continued with his questions regarding the repairs and configuration of the room.

Mr. Febrizio responded to Mr. Kirklin's concerns and noted that all the things he mentioned were contemplated by the RFP including that all asbestos testing would be necessary.

A discussion continued regarding the project and the potential use of the room.

#10 – Resolution Authorizing the City Manager to Enter into an Agreement for Engineering Services for the Rehabilitation of the Ice Arena Roof with the Lowest Responsible Proposer

Commissioner Febrizio explained that this project was for the rehabilitation of the ice arena roof and gutter system. He spoke about the vetting for the vendor and gave a breakdown of the cost. Mr. Febrizio added that there was funding available in the capital budget.

Council Member Lester asked for clarity that this was for the engineering purpose of the project.

Mr. Febrizio replied that it was, and the money was available in the capital budget.

The voting portion of the meeting was then begun.

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. #21/22)

Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 966 West Beech Street, (street floor), Long Beach, New York.

Re: Retail Convenience Store

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

(RES. #22/22)

Resolution Authorizing the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, and Title II of the National Affordable Housing Act of 1990, as Amended, for Inclusion in the City's Community Development Program for 2022-2023 (48th Year)

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

(RES. #23/22)

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

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

(RES. #24/22)

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

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. #25/22)

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

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

(RES. #26/22)

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

Council Member Bendo introduced and moved the adoption of the following resolution (as amended), seconded by Ms. Posterli, and it was duly adopted by four affirmative votes. Council Member Lester Voted No.

(RES. #27/22)

Resolution Authorizing the City Manager to Enter into an Agreement for the Replacement of the HVAC System at the Martin Luther King Center Under a Sourcewell Contract

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 Voted No.

(RES. #28/22)

Resolution Authorizing the City Manager to Enter into an Agreement for Engineering Services for the Expansion of the City's Office of Emergency Management with the Lowest Responsible Proposer

Council Member Treston introduced and moved the adoption of the following resolution, seconded by Mr. Lester, and it was duly adopted by four affirmative votes. Council Pres. McInnis Voted No.

(RES. #29/22)

Resolution Authorizing the City Manager to Enter into an Agreement for Engineering Services for the Rehabilitation of the Ice Arena Roof with the Lowest Responsible Proposer

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

Dated: March 16, 2022

David W. Fraser
City Clerk

Good and Welfare

Andrew Keen – 30 California St	Spoke about the Haberman case and the Code/board of Ethics
Mike Delury – 6 June Wk	Spoke about the City’s proposed parking plan
Nathaniel Epstein – 200 Blackheath Rd, Lido Beach	Spoke about cannabis and opting in to the MRTA
James Hodge – 95 E Fulton St	Asked for a moment of silence for the war in Ukraine, and spoke about the passing of former Police Commissioner Tangney
Anne Flomenhaft – 10 Franklin Blvd	Spoke about cannabis and opting in to the MRTA
Sam Pinto	Thanked Joe Febrizio for his work and spoke about the City’s proposed parking plan