

**CITY OF LONG BEACH
MINUTES OF THE REGULAR MEETING
OF THE COMMON COUNCIL
HELD MARCH 16, 2021**

A regular meeting of the City Council of the City of Long Beach was held on Tuesday, March 16th, 2021.

Present were Council President Bendo and Council Members Delury, Mandel, McInnis and Treston.

Deputy 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 as per Gov. Cuomo's Executive Order 202.1 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 Member Treston recognized that it had been almost a year that the council worked together through the pandemic and asked the audience to take a moment of silence for all those who had passed due to COVID.

City Manager, Donna M. Gayden asked Mr. John McNally, Executive Assistant to the City Manager to give a COVID update.

Mr. McNally mentioned that some residents were getting mail solicitations from PSEG Worry-Free or PSEG Home-serve regarding sewer or water lateral repairs for insurance protection. He noted that the city has calls in to PSEG and it did appear that this was a legitimate group but could be duplicates of what residents are already signed up for such as Brady Risk. He noted that further information would be posted on the website regarding this service so there is no confusion. Mr. McNally then gave a COVID case update and noted a decrease within the past month. He touched upon the travel restrictions and the restaurant capacity increase and that some of the pharmacies would be receiving vaccine and encouraged all who were eligible to reach out to those pharmacies.

Ms. Gayden then introduced Mr. Joe Febrizio, Commissioner of Public Works.

Mr. Febrizio noted that as a result of Mr. Roy Lester's suggestion at the last meeting to inquire about conducting a presentation on water quality, he reached out to H2M, a firm that handles a lot of the city's water related issues and who prepares the annual water quality report and requested that they conduct a virtual meeting on water quality in the City of Long Beach. Mr. Febrizio stated that there would be a virtual meeting subsequent to the distribution of the May

31st, 2021 report and they will answer all types of questions received from the public regarding the water quality in the city. He suggested that this become an annual event presuming that it will be a success and thanked the City Manager and Mr. Lester for suggesting it.

The City Manager then introduced Inna Reznik, City Comptroller to give her report.

Ms. Reznik gave a presentation of the February 2021 scorecard.

Ms. Gayden shared that they were concerned about the revenue coming in but it was important to know that on the scorecard, the city is \$5.5 million ahead. She also added that the city spent less in expenditures and along with the spending committee, the city is watching how it is spending money. Ms. Gayden then thanked Ms. Reznik and her staff for their hard work and was happy to say that as far as the day-to-day operations, the city was heading in the right direction. She then asked Ms. Reznik to speak about the \$3.6 million the city is supposed to receive and how that money would be spent.

Ms. Reznik explained that while working on the fiscal budget for 2022, it was suggested that the stimulus money of \$3.6 million would be used to pay down the city's deficiency note that the city had to borrow last May because of COVID, and hopefully depending on the results of operation of 2021, these funds could be set aside to pay down this note.

Council Vice President McInnis asked for clarity on where the \$3.6 million was coming from.

The City Manager replied that this was stimulus money from the American Rescue Act that was recently passed by the Federal Government and will be part of this fiscal year.

Council Member Delury asked Ms. Reznik about the rate structure of the water.

Ms. Reznik assured Mr. Delury that they were looking into everything during the budget process and evaluating the results of operations for this fiscal year and added that she believed that the last time the sewer and water rates were changed was in May of 2019.

Ms. McInnis asked several questions regarding the scorecard.

Ms. Reznik answered all questions.

A discussion ensued regarding the specifics and the layout of the scorecard and how it might be displayed in a more transparent and clearer picture.

Ms. Gayden began her report by describing the new "transparency portal" on the website which would include all city contracts, a link that would connect to the financials and capital plan budgets, all Civil Service job descriptions, and all collective bargaining agreements. She added that once the Memorandum of Agreement was approved with the Fire Department, that too would be available on the website. Ms. Gayden noted that there were three jobs posted on the website for a Corporation Counsel, Deputy City Manger and a Human Resource Director that will be budgeted for in the new fiscal year. She concluded by mentioning that the city was beginning to build a fund balance and money will only be spent on budgeted items.

Council President Bendo spoke about vetting a Deputy City Manager who will be qualified to take over the role as City Manager when Ms. Gayden moves on.

Council Vice President McInnis added that she believed that Ms. Gayden was setting up a management structure that reflected other municipalities throughout the country and these positions were needed to effectively run a city of 35,000 people. She also noted that she was happy that the City Manager recommended that the city hire an HR Director in an effort to better serve the employees and residents. Ms. McInnis concluded that she was pleased with moving in this direction and having a professional city government.

The calendar items were read by the City Clerk

#1 – Approval of Minutes of Prior Meetings of January 5, 2021 and January 19, 2021

Council Pres. Bendo made a motion for the approval of minutes. It was seconded by Mr. Mandel and was carried unanimously.

#2 – Resolution Authorizing the City Manager to Execute a Modification Agreement for the Flood Protection for Major Critical Infrastructure Project for the City of Long Beach

Mr. Joe Febrizio, Department of Public Works gave a brief overview and summary of the North Shore Critical Infrastructure Protection Project.

Council Member Delury asked about the Pumping Station on Riverside Blvd. and its location.

Mr. Febrizio replied that it would be located right at the street end adjacent to the proposed bulkhead.

Council Member Mandel asked for clarity that it was 100% funded and no match was required.

Mr. Febrizio replied that this was correct.

Council President Bendo asked about the pump stations and the installation of catch basins.

Mr. Febrizio replied that there would be a whole drainage system that would be connected to it.

Roy Lester (72 Boyd St) – asked about the gun range and if it needed an environmental clean-up.

Mr. Febrizio replied that it was all incorporated as part of the project that would do the remediation.

#3 – Resolution Authorizing Budget Amendment to the Capital Fund Budget

Mr. Febrizio explained that this resolution was for the drainage improvements project amending the 2020-21 capital budget to incorporate the additional \$1,067,268.38 needed for the GOSR Drainage Improvements Project. He noted that this money was from an existing bond that could only be used for Hurricane Sandy related projects.

Roy Lester (72 Boyd St) – asked for clarity on where the money is located in the budget and if the bond money was included.

Ms. Reznik replied by explaining that the City Council had approved an authorization to issue bonds for expenses that are necessary to incur due to the remediation of the impact of Sandy. She continued to go over the fiscal portion and process regarding this amendment.

Mr. Lester replied that this did not actually answer his question and he would like to discuss this further at a later date.

A discussion ensued and it was agreed that this would be discussed with Mr. Lester at a later date.

#4 – Resolution Authorizing the City Manager to Enter into Two Agreements for General Construction Services and Electrical Construction Services for the Long Beach Drainage Improvements Project

Mr. Febrizio noted that this resolution was a follow up to the previous resolution and gave an overview and description of the project and its importance to alleviate flooding.

Council Member Delury noted that he was amazed by the amount of work that the Department of Public Works performs throughout the city. He also asked about the prioritizing of these projects and the repaving of the roads once these projects were completed.

Mr. Febrizio replied that the city had 10 months under the program to complete these projects and had to have the money expended by February 2022, and spoke about the roads that will be repaved by the end of this year.

Paulette Waithe – Thanked all the staff for their hard work.

#5 – Resolution Authorizing the City Manager to Enter into an Agreement for Engineering Services in Conjunction with the Installation of a Potable Water Well (No.19) and Well House

Mr. Febrizio gave an overview and timeline of the potable water system and explained the proposal process. He also spoke about the city's production wells.

Council President Bendo asked for confirmation that the city gets its water from the Lloyd aquifer which is 1200 feet deep and was a much better source of water than the rest of Nassau County.

Mr. Febrizio confirmed that Mr. Bendo was correct.

Roy Lester (72 Boyd St) – asked what the minimum number of wells were that the city was required to have.

Mr. Febrizio replied that two production wells were necessary to meet the demand and that there were five functioning wells in total.

#6 – Resolution Authorizing the City Manager to Enter into an Agreement for Rehabilitation of the Long Beach Bus Garage and the Commuter Parking Facility

Mr. Febrizio noted that there were 10 bids collected to rehabilitate the bus garage and the commuter parking facility. He then gave a description of the projects and noted that they were recommended by the Consultant.

Council President Bendo asked how long the garage would need to be closed in order to complete the project.

Mr. Febrizio replied that the bus garage could be closed for a couple of months.

Council President Bendo then asked if there was a parking contingency in place.

Mr. Febrizio shared some suggestions he had that would help accommodate the usage and stated that he was open to suggestions.

Roy Lester (72 Boyd St) – noted that he could not find these accounts in the budget.

Council President Bendo replied that the account was part of the “h” line which was a separate budget in the capital account budget.

Mr. Lester also asked about the difference between the budget lines h1019 and h1021 since they were both bus station rehabilitation accounts.

Ms. Reznik responded to Mr. Lester’s question by explaining that they were from two different authorizations.

Commissioner John Mirando also gave further clarification on the budgeted funds.

#7 – Resolution Authorizing the Adoption of a Police Reform Plan Pursuant to New York State Executive Order 203 for the City of Long Beach.

Police Commissioner Ronald J. Walsh spoke about the Governor’s Executive Order for departments to begin looking at Police Reform across the state. He also spoke about the City of Long Beach’s efforts to put together a Commissioner’s Police Reform Board that consisted of 13 members of the community to help develop the plan and that the plan had been posted on the city’s website. Commissioner Walsh also then spoke about the areas of concern and the many policies that were being put in place including a civilian complaint log. He went on to talk about the different types of training that will be in place to help the police officers learn different techniques in de-escalating and verbal tactic strategies. Commissioner Walsh mentioned the police reform plan included developing a community oriented and problem-solving policing as well as hotspot policing. He also added that meetings throughout the community were being put together to speak with residents about issues and concerns. Commissioner Walsh concluded by saying that he would be establishing a *Young Adult Council* as well as a *Commissioners Community Council* and many other initiatives that were in the plan itself.

Kathleen O’Leary – commended the Long Beach Police Department and noted that these changes would only be improvements for an already excellent department and congratulated the city on all the great efforts that were being made.

Council President Bendo added that this plan was a living document and would be reviewed regularly.

Commissioner Walsh also reiterated the importance of public input and how all suggestions from all parts of the community would be considered for the plan.

Roy Lester (72 Boyd St) – asked about the cost of the body cameras and how running them could be costly.

Commissioner Walsh explained that the camera itself was not the expense, but it was the storage and the amount of people needed to manage it. He gave an overview of how the camera works and how the law works regarding the release of information stored on the camera.

#8 – Resolution Authorizing the City Manager to Enter into a Contract with the Lawrence-Cedarhurst Fire Department for the Performance of Fire Alarm Dispatching Services

Fire Commissioner John Mirando explained that the Lawrence Cedarhurst dispatching services contract had expired and negotiated a new five-year contract with them. He thanked Rich Berrios, Deputy Corporation Counsel and Scott Kemins, Deputy Fire Commissioner for all their assistance with the new contract.

Mr. Berrios added that the grand total for the life of the contract would be \$96,322.00 and it already had been approved by Lawrence/Cedarhurst's Board.

Roy Lester (72 Boyd St) – spoke about how little the increase was for the new contract and suggested that for the future, the city should be asking for a more lucrative amount.

Commissioner Mirando responded that the city had a much better contract with the other fire departments and one of the reasons for the lower increase with Lawrence/Cedarhurst was because when the dispatch center was re-built, Lawrence/Cedarhurst paid for most of the equipment that went into the center.

#9 – Resolution Authorizing the City Manager to Enter into a Memorandum of Agreement with the Long Beach Professional Fire Fighters Association

Deputy Corporation Counsel, Rich Berrios gave a brief description of the Fire Department's make up and a brief history of the bargaining negotiations. He continued discussing the current status and displayed a portion of the Memorandum of Agreement with a thorough overview.

Mr. Sam Pinto, LBFD Union Representative noted that this was a collaborative effort between the city and the union to follow a model that would provide safety to the community and save money. He continued to speak about the salaries and new hires.

Mr. Berrios added that this was the first step in a bigger discussion and there was still some work to do.

Ms. Gayden thanked everyone who worked on the team and noted that this was all done in-house in an effort to save money and was pleased with the outcome. She added that once the budget is complete, then negotiations can begin working towards a contract.

Council Member Delury thanked everyone who was involved in the negotiation process.

Council President Bendo echoed Mr. Delury's comment and mentioned that the new hires would cut the overtime cost significantly.

Mr. Pinto thanked the council and the city manager and added that he felt the suggestions from the financial restructuring board was good advice and a much more sustainable model.

Council Vice President McInnis noted that she was impressed with the portion that stated "*paramedic certification would be a pre-requisite to be promoted to an officer*".

Mr. Pinto thanked Ms. McInnis and added that it was important to have a well-rounded person as an officer and noted that this MOA included not only safety measures but cost savings.

Kevin Heller – asked about where the MOA could be reviewed and why it wasn't posted for the public to view. He also asked other questions regarding the hiring freeze due to COVID and layoffs as well as other sections of the resolution.

Mr. Berrios replied that the document was not final and noted that this was a collective bargaining process and would not be a final agreement until the council votes on it and it was signed by the union.

The City Manager spoke about the previous layoffs and the job offers that had been made along with CSEA, in an effort to bring employees back and put them into positions that they were qualified for. She also noted that the largest layoffs came from the Recreation Department due to the pandemic.

Mr. Heller did ask if there could be some cross training for employees who did want to come back into different positions.

Ms. Gayden replied that the Union would work that out and noted that there were some recreation employees that were currently in the sanitation department.

Mr. Heller than asked if it was wise to hire 3 more firefighters during this fiscal crisis.

The City Manager explained that according to the contract, the city was not compliant as far as the number of firefighters were concerned. She also noted that with the amount of overtime that is incurred, it was not a healthy situation for the firefighters or the safety of the community.

Roy Lester (72 Boyd St) – commended Ms. Gayden for sharing the contract and asked if was a final document and why it was not available for the public to view.

The City Manager noted that it was not final until the council votes on it. She also noted that once it is final, it will be posted on the transparency portal.

#10 – Resolution Designating a City Council Member to Serve on the Board of Fire Commissioners.

Ms. Gayden noted that Council Member Delury offered to serve on the Fire Commissioners Board.

Kevin Heller – asked if this was filling a position that was vacant.

The City Manager replied that Mr. Delury was filling the vacant Council Member's position and that the city is working very hard to fill the other boards and commissions vacancies as well.

Mr. McNally acknowledged that there were approximately 76 residents that were engaged in the various boards and commissions since the City Manager began the process.

Council Vice President McInnis suggested that at the next working session, some of the boards and commissions could give an overview of what they are working on.

Ms. Gayden suggested May or June as a good time for them to give their reports.

#11 – Resolution Authorizing Transfer of Funds for the 2020-2021 Fiscal Year

Mr. Joe Febrizio explained that this transfer was from the contingency fund to the contract of services line for an inspection of Well #11 that was experiencing some problems as well as for the annual water quality report and the virtual forum that will be presented by the company H2M. He added that there was also the need to transfer funds to the chemicals line of the water treatment plant for a projected shortfall of the chemical called alum.

Council President Bendo asked if the chemical money was in addition to what was authorized at the last meeting.

Mr. Febrizio replied that it was for a projected shortfall that they apparently needed for the chemical alum.

#12 – Resolution Authorizing Transfer of Funds for the 2020-2021 Fiscal Year

Ms. Reznik explained that this transfer was for a multi-line transfer for the general fund that encompassed different needs in different areas. She continued to describe some of the specifics and the reason for the transfers.

Mr. Berrios spoke about the corporation counsel consultant line and the need for more funding.

Ms. Reznik then spoke about the need for reconciling the pre-2007 capital projects that were not properly managed which also resulted in the need for this resolution.

The City Manager spoke about the cost for snow removal and the excellent job the city workers did during this time. She also noted that many calls came in during that time complimenting the workforce for a job well done.

Roy Lester (72 Boyd St) – asked about the cost of the Haberman lawsuit.

Mr. Berrios did not have that information available and would get back to Mr. Lester.

Ms. Gayden also noted that the answer to Mr. Lester's question would be announced at the next council meeting.

#13 – Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach Re: City Physician and Health Officer

This item was for publication only. A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on April 6, 2021 at 7:00 p.m.

#14 – Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Police Surgeon and City Physician

This item was for publication only. A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on April 6, 2021 at 7:00 p.m.

#15 – Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 58A East Park Avenue (street floor), Long Beach, New York.

Re: Online Apparel Business

This item was for publication only. A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on April 6, 2021 at 7:00 p.m.

The voting portion of the meeting was then begun.

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

(RES. #39/21)

Resolution Authorizing the City Manager to Execute a Modification Agreement for the Flood Protection for Major Critical Infrastructure Project for the City of Long Beach

Council Member 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. #40/21)

Resolution Authorizing Budget Amendment to the Capital Fund Budget

Council Member Delury 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. #41/21)

Resolution Authorizing the City Manager to Enter into Two Agreements for General Construction Services and Electrical Construction Services for the Long Beach Drainage Improvements Project

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

(RES. #42/21)

Resolution Authorizing the City Manager to Enter into an Agreement for Engineering Services in Conjunction with the Installation of a Potable Water Well (No.19) and Well House

Council Member Delury 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. #43/21)

Resolution Authorizing the City Manager to Enter into an Agreement for Rehabilitation of the Long Beach Bus Garage and the Commuter Parking Facility

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

(RES. #44/21)

Resolution Authorizing the Adoption of a Police Reform Plan Pursuant to New York State Executive Order 203 for the City of Long Beach.

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

(RES. #45/21)

Resolution Authorizing the City Manager to Enter into a Contract with the Lawrence-Cedarhurst Fire Department for the Performance of Fire Alarm Dispatching Services

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

(RES. #46/21)

Resolution Authorizing the City Manager to Enter into a Memorandum of Agreement with the Long Beach Professional Fire Fighters Association

Council Member Treston introduced and moved the adoption of the following resolution, seconded by Ms. McInnis, and it was adopted by four affirmative votes. Council Member Delury abstained.

(RES. #47/21)

Resolution Designating a City Council Member to Serve on the Board of Fire Commissioners

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

(RES. #48/21)

Resolution Authorizing Transfer of Funds for the 2020-2021 Fiscal Year

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

(RES. #49/21)

Resolution Authorizing Transfer of Funds for the 2020-2021 Fiscal Year

Council Member Delury 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. #50/21)

Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach Re: City Physician and Health Officer

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

(RES. #51/21)

Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Police Surgeon and City Physician

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

(RES. #52/21)

Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 58A East Park Avenue (street floor), Long Beach, New York.

Re: Online Apparel Business

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

Dated: March 17, 2021

David W. Fraser
City Clerk

Good and Welfare

Kevin Heller

Spoke about item 9

Roy Lester – 72 Boyd St

Asked for a separate work session about beach passes and about reopening the recreation center on Sundays

William Doepper

Spoke about different meetings

Richard Baker

Asked if there was going to be another RFP to operate the Ice Arena

Dan Creighton

Asked about federal aid that the city was to receive