

**CITY OF LONG BEACH
MINUTES OF A MEETING
OF THE COMMON COUNCIL
HELD MAY 3, 2022**

A meeting of the City Council of the City of Long Beach was held on Tuesday, May 3, 2022.

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

Assistant Corporation Counsel Charles Geiger and City Manager Donna Gayden were also present.

Council Member Posterli opened the meeting with a statement regarding the tragic loss of Lazar LaPenna.

Council President McInnis announced the resources available for those who might need them and noted that May was “Mental Health Awareness” month.

City Manager, Donna M. Gayden began her report by introducing Commissioner Joe Febrizio and Brooke Anderson of Public Works to speak on the NV5 project that was taking place.

Commissioner Febrizio thanked several people for their contribution to the project including, City Manager, Donna M. Gayden, Patti Bourne, Monique Powell, and Brooke Anderson. He then gave a brief overview on the NV5 project (transit-oriented development project).

Ms. Suzanne Boyle of NV5 gave a presentation of the project. (See attached)
This presentation can also be found on the city’s website.

Council Member Bendo asked about the bump outs and the effects they could have on the fire trucks.

Ms. Gayden explained that this project was a team effort and all departments were involved and had input. She also announced that NV5 would be in the OEM Conference room to answer any questions the audience might have. The City Manager then introduced Ms. Inna Reznik, City Comptroller to present the audit for fiscal year ending June 30, 2021.

Ms. Reznik introduced the city’s auditors Tim Doyle and Heather Briggs from The Bonadio Group to give their presentation. (See attached). ***This presentation can also be found on the city’s website.***

Council President McInnis noted that she and Council Member Lester both serve on the city’s Audit Committee.

Council Member Lester gave his report as a member of the Audit Committee.

Council Member Bendo asked Bonadio to summarize the trend that they have seen since they did the city’s first audit.

Tim Doyle from the Bonadio Group noted that the city has been making progress and moving forward in a positive manner since the three years they have been with the city.

Council President McInnis commended the Bonadio Group and thanked Comptroller, Inna Reznik for her hard work throughout this process.

Ed Note: Calendar item #1 was called out of order before the public hearings (see below)

The City Manager then asked the City Comptroller, Inna Reznik to give a presentation on how the budget was calculated.

Ms. Reznik gave her budget presentation. (See attached) ***This presentation can also be found on the city's website.***

Ms. Gayden invited residents to call her office and come in to see her if they had any questions regarding how the budget was calculated.

The public hearing was held

PUBLIC HEARING: For the purpose of giving citizens an adequate opportunity to publicly present their views on the General Summary of the Proposed Budget for the year July 1, 2022 through June 30, 2023

Council President McInnis spoke about the process and procedure of submitting the budget. She also added that the council had the budget since April 10, 2022 to review and the council had met in groups of twos with Ms. Reznik and Ms. Gayden for the opportunity to ask questions regarding the budget.

City Manager Gayden added that all questions asked will be posted on the website in an effort to help answer questions for those who were unable to make the public hearings.

Eileen Hession – expressed her disappointment in the employee raises that were part of the budget.

Ms. Gayden noted that some raises had been increased due to contractual obligations.

Council Member Lester asked about the opportunity for the council to ask questions in front of the public.

The City Manager noted that there would be a working session on Tuesday, May 10th and one more hearing on Tuesday, May 17th. She added that the council was asked to submit all their budget questions ahead of time so that the public could be given the full time to ask their questions.

A discussion ensued regarding the process to enable the public to see all council questions on the website.

Denise Ford – asked for clarity on how the council working sessions operate in regards to the council asking questions and the public having access to those questions.

Ms. Gayden explained how the council has the opportunity to continuously ask questions and are put on a working grid and discussed at the working sessions. She also added that this grid is posted on the website.

Council Member Bendo added that the council had been asking questions since April 10th when they received the budget. He noted that they continuously have the opportunity to ask questions and that this time was dedicated to the residents to ask their questions.

A discussion continued regarding the council work sessions vs. public hearings and the dialogue and questions regarding the budget.

James Kirklin – asked if the charts of the presentation could be available.

Jay Gusler – suggested the council seek outside advice on whether this budget process passes the open meetings law.

The City Manager stated that she would check with Corporation Counsel who she believed did check with the Committee on Open Government and since no decisions were being made at the time, there were no violations being made.

Council Member Lester expressed his concern about the meeting and discussions during a meeting that could be in violation of the open meetings law.

PUBLIC HEARING: Bond Ordinance Authorizing Financing of the Construction and Reconstruction of Improvements to the City's Wastewater Treatment Plant, Appropriating \$2,000,000 for Such Purpose and Authorizing the Issuance of Up to \$2,000,000 Bonds to Finance Said Appropriation

Public Works Commissioner, Joe Febrizio explained the process and purpose for this bond ordinance.

Council Member Bendo added his description/interpretation of the project and the importance of getting this project done.

Council Member Lester also added his description/interpretation of the project and asked about the cost.

Commissioner Febrizio spoke about the steps and cost of the project.

A discussion continued regarding the equipment and cost of the project.

The calendar items were read by the City Clerk

#1 – Resolution Authorizing the City Comptroller to Close Completed Capital Projects and to Transfer the Remaining Unexpended Funds.

Ms. Reznik spoke on this item and explained that it gives the office of the City Comptroller the ability to operationalize and record all results of the audit of capital projects.

Council Member Lester asked if there was any cost to the city for this transfer.

Ms. Reznik replied that there was no cost to the city.

Council Member Bendo noted a correction on an item in the chart of the resolution.

Ms. Reznik agreed with the correction.

#2 – Bond Ordinance Authorizing Financing of the Construction and Reconstruction of Improvements to the City’s Wastewater Treatment Plant, Appropriating \$2,000,000 for Such Purpose and Authorizing the Issuance of Up to \$2,000,000 Bonds to Finance Said Appropriation.

Council Member Treston made a motion to replace the \$1,600,000 figure used in the item with a figure of \$2,000,000. It was seconded by Mr. Bendo and was carried unanimously.

#3 – Resolution Authorizing the City Manager to Amend the Existing Agreement with CDM Smith for Support Services Related to the Emergency Secondary Digester Cover Removal, Sludge Removal and Tank Cleaning at the Water Pollution Control Plant, as well as Sludge Hauling Services.

Commissioner Febrizio spoke about the purpose of the amendment of the agreement with CDM Smith.

Council Member Bendo asked about the original contract of 2019 vs. the corrective action report.

Mr. Febrizio noted that a portion was due to the corrective action report.

#4 – Resolution Authorizing the City Manager to Enter into a Contract for the Hauling and Disposal of Undigested Sludge from the City’s Wastewater Treatment Plant.

Commissioner Febrizio spoke about the purpose and cost of entering into an agreement with Tully Environmental who were the sole bidder and responder for this project.

Council Member Lester expressed his concern regarding the wording in the contract.

Mr. Febrizio explained the wording in the contract and the importance of the project. He added that he was pleased with the meeting with the company that presently took place.

Council Member Bendo asked if it would help to reach out to state officials to help with the DEC to allow us to take the sludge to Bay Park or Cedar Creek

Eileen Hession – asked about items 3, 4 and 5 and the timeframe involved.

Commissioner Febrizio noted that he would have better answers within the next month or so.

#5 – Resolution Authorizing the City Manager to Enter into a Contract for Emergency Removal and Disposal of the Secondary Digester Cover, Removal and Disposal of Sludge and Cleaning of the Tank at the City’s Wastewater Treatment Plant.

Mr. Febrizio noted that this bid was issued as an emergency bid and the city received six responses. He stated that the low bidder was Thomas Novelli Contracting who he would recommend. Commissioner Febrizio added that they had done work for the city before and were a reputable company.

#6 – A “Resolution Authorizing the City Manager to Enter into an Agreement for Engineering Services in Conjunction with the Resilient Connectivity for Park Avenue Project-Phase I & II”

Commissioner Febrizio spoke about the process, purpose and cost for this agreement.

Council Member Posterli asked for clarity on the “cash match” and what it meant.

Mr. Febrizio explained the 50% match component of the agreement.

Council Member Bendo asked if the vote for this resolution should take place after the capital plan was approved.

Commissioner Febrizio noted that the money was available for the design portion and did understand Mr. Bendo’s concern.

Council President McInnis asked if the Planning Advisory Board was involved in this project.

Ms. Gayden asked if there would be an impact on this project if it were to be tabled for the next agenda.

Mr. Febrizio replied that it would not.

Council Member Posterli made a motion to table this item. It was seconded by Mr. Bendo and was carried unanimously.

#7 – Resolution Authorizing Publication for Hearing of a Local Law Amending Subpart C of Related Acts Relating to the Charter of the City of Long Beach Re: A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c.

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 17, 2022 at 7:00 p.m.

#8 – Resolution Establishing a Standard Work Day for Elected Members of the City Council of the City of Long Beach for Purposes of Determining and Reporting Days Worked to the New York State and Local Employees’ Retirement System.

City Clerk, David Fraser explained that each year, the NYS Retirement system requires all elective officials who are members of the retirement system to determine how many days per month they credit into the retirement system by a formula that is determined by the State Comptroller.

#9 – Resolution Authorizing the City Manager to Execute a Two Word Correction Regarding the Formal Agreement and Stipulation of Settlement Between the City of Long Beach, Commissioner of Buildings and Property Conservation Scott Kemins, the City of Long Beach Zoning Board of Appeals, Sinclair Haberman and Belair Buildings, LLC.

Assistant Corporation Counsel, Charles Geiger explained the reason for the correction.

#10 – Resolution Fixing and Providing for the 2022 Season of the Ocean Beach Park.

Council President McInnis noted that this was just for outlining the summer season.

#11 – Ordinance to Amend the Code of Ordinances of the City of Long Beach
Re: Ocean Beach Park.

A discussion ensued regarding the formality of the public hearing on this item.

Council Member Lester asked about the cost to the city for the beach park.

A discussion continued regarding the cost and expense for the beach park.

Commissioner Joe Brand asked the council to consider striking or eliminating the “twilight pass” due to the fact that after doing some homework with his staff on the subject, they found that it would not be beneficial to put something like this into effect this close to the season. He touched about internal and accounting issues.

Council Member Treston made a motion to remove the “Twilight Pass” section of the ordinance. It was seconded by Pres. McInnis and failed to be carried with only two affirmative votes. Council Members Bendo, Lester and Posterli voted no.

Kathleen O’Leary – spoke about the LIRR beach pass package and the possibility of raising those prices and all other passes.

Council Member Bendo noted that all passes had been raised except for the non-resident daily pass. He added that the reason for not raising the non-resident daily pass was an effort to help eliminate any chance that they might go somewhere else.

A discussion continued regarding the beach passes and the possibility of other ways of selling beach passes.

#12 – Resolution Authorizing Budget Amendment to the General Fund Budget.

Ms. Reznik explained that due to the restrictions of the grant received by the Carbona family for the Lifeguard Headquarters, it was necessary to ask for the amendment to lift the restriction and move \$25,000.00 in order to purchase new lifeguard chairs.

Mr. Bendo made a motion to change the \$25,000 figures in the resolution to \$20,768 and \$125,000 in the last RESOLVED clause to \$129,232. It was seconded by Ms. Posterli and was carried unanimously.

Linda Giles – asked for clarity on where the \$25,000.00 was coming from.

#13 – Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for the Costs of the Construction and Reconstruction of Improvements to the City’s Long Beach Water Pollution Control Plant and South Shore Reclamation Facility, Stating the Estimated Total Cost Thereof is \$123,095,799, Appropriating Said Amount Therefor, Authorizing the Issuance of Not to Exceed \$123,095,799 Bonds of Said City to Finance 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 Such Project, 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 Bonds and Any Notes Issued in Anticipation Thereof

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 17, 2022 at 7:00 p.m.

#14 – Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for the Costs of a Settled Claim Against the City in the Matter of Sinclair Haberman, LLC v. The Zoning Board of Appeals of the City of Long Beach, the City of Long Beach, and Scott A. Kemins, as Commissioner of the Department of Buildings of the City, Stating the Estimated Total Cost Thereof is \$75,000,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$75,000,000 Bonds of Said City to Finance Said Appropriation.

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 17, 2022 at 7:00 p.m.

#15 – Approval of Minutes of Prior Meetings of April 5, 2022 and April 8, 2022

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

The voting portion of the meeting was then begun.

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. #51/22)

Resolution Authorizing the City Comptroller to Close Completed Capital Projects and to Transfer the Remaining Unexpended Funds.

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

(ORD. #3058/22)

Bond Ordinance Authorizing Financing of the Construction and Reconstruction of Improvements to the City's Wastewater Treatment Plant, Appropriating \$2,000,000 for Such Purpose and Authorizing the Issuance of Up to \$2,000,000 Bonds to Finance Said Appropriation.

Council Pres. McInnis 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. #52/22)

Resolution Authorizing the City Manager to Amend the Existing Agreement with CDM Smith for Support Services Related to the Emergency Secondary Digester Cover Removal, Sludge Removal and Tank Cleaning at the Water Pollution Control Plant, as well as Sludge Hauling Services.

Council Member Bendo 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. #53/22)

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

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. #54/22)

Resolution Authorizing the City Manager to Enter into a Contract for Emergency Removal and Disposal of the Secondary Digester Cover, Removal and Disposal of Sludge and Cleaning of the Tank at the City's Wastewater Treatment Plant.

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. #55/22)

Resolution Authorizing Publication for Hearing of a Local Law Amending Subpart C of Related Acts Relating to the Charter of the City of Long Beach Re: A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c.

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. #56/22)

Resolution Establishing a Standard Work Day for Elected Members of the City Council of the City of Long Beach for Purposes of Determining and Reporting Days Worked to the New York State and Local Employees' Retirement System.

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

(RES. #57/22)

Resolution Authorizing the City Manager to Execute a Two Word Correction Regarding the Formal Agreement and Stipulation of Settlement Between the City of Long Beach, Commissioner of Buildings and Property Conservation Scott Kemins, the City of Long Beach Zoning Board of Appeals, Sinclair Haberman and Belair Buildings, LLC.

Council Member Treston 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. #58/22)

Resolution Fixing and Providing for the 2022 Season of the Ocean Beach Park.

Council Member Bendo introduced and moved the adoption of the following ordinance, seconded by Pres. McInnis, and it was duly adopted by three affirmative votes. Council Members Lester and Posterli voted no.

(ORD. #3059/22)

Ordinance to Amend the Code of Ordinances of the City of Long Beach
Re: Ocean Beach Park.

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

(RES. #59/22)

Resolution Authorizing Budget Amendment to the General Fund Budget.

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. #60/22)

Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for the Costs of the Construction and Reconstruction of Improvements to the City's Long Beach Water Pollution Control Plant and South Shore Reclamation Facility, Stating the Estimated Total Cost Thereof is \$123,095,799, Appropriating Said Amount Therefor, Authorizing the Issuance of Not to Exceed \$123,095,799 Bonds of Said City to Finance 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 Such Project, 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 Bonds and Any Notes Issued in Anticipation Thereof

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. #61/22)

Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for the Costs of a Settled Claim Against the City in the Matter of Sinclair Haberman, LLC v. The Zoning Board of Appeals of the City of Long Beach, the City of Long Beach, and Scott A. Kemins, as Commissioner of the Department of Buildings of the City, Stating the Estimated Total Cost Thereof is \$75,000,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$75,000,000 Bonds of Said City to Finance Said Appropriation.

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

Dated: May 4, 2022

David W. Fraser
City Clerk

Good and Welfare

Kathy Williams – 5 Oak Ct

Spoke about the comprehensive plan

Michael Axelson – 145 Cleveland Ave

Spoke about a parking issue and the booting of cars by the police department