

**CITY OF LONG BEACH
MINUTES OF A MEETING
OF THE COMMON COUNCIL
HELD MAY 17, 2022**

A meeting of the City Council of the City of Long Beach was held on Tuesday, May 17, 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.

The public hearing was held

Ed Note: The Public Hearings were called out of order from the Agenda. The order shown below is the order that they were called

PUBLIC HEARING: Bond Ordinance Authorizing Financing for the Costs of the Construction and Reconstruction of Improvements to the City of 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

Public Works Commissioner, Joe Febrizio along with representatives from Arcadis, gave a presentation on the Reconstruction of Improvements to the City of Long Beach Water Pollution Water Plant and South Shore Reclamation Facility. (*see attached*)

Council Member Lester asked questions regarding the condition of the sewer district and treatment. He also asked about the timeline involved with this project.

Council Vice President Treston thanked everyone for getting this project started.

Ray Elmer (560 W Broadway) – spoke about saltwater intrusion in the Lloyd aquifer.

Scott Bochner (345 W Pine St) – spoke about the changes in Reynolds Channel over the years and his support of this project. He also thanked Commissioner Febrizio for helping to make this happen.

Council Member Lester also thanked Mr. Bochner for his years of involvement.

Adriene Esposito (Citizens Campaign for the Environment) – spoke about the campaign to “Save the Western Bays”. She also shared her excitement and support for this project.

Crystal Lake – shared her concerns regarding the project.

Corporation Counsel, Rich Berrios noted that no CSEA members would be replaced by this project.

PUBLIC HEARING: For the purpose of giving citizens an adequate opportunity to publicly present their views on the General Summary of the Capital Improvement Program for the Five-Year Period from July 1, 2022 to June 30, 2027

Commissioner Febrizio gave the presentation. *(See attached)*

Council President McInnis thanked Commissioner Febrizio and the rest of the staff for all the work that went into this project. She also asked for clarification on the reimbursable funding to the city and how it is indicated on the spreadsheet.

City Manager, Donna M. Gayden explained how the columns on the spreadsheet were broken down and suggested how they could be clearer.

Council Member Posterli brought up the funds that can now be used to pay down debt service.

City Manager, Donna M. Gayden noted that those funds cannot be used for anything other than to pay for the debt.

Council Member Lester asked for clarity on voting for the plan and how locked in the city would be moving forward on each project.

Mr. Febrizio explained that the council was voting on the project and not the borrowing at this point.

City Comptroller Reznik explained that the Capital Improvement Plan is a plan and does not commit the city to issue any bonds. She added that this vote was to approve the projects and authorize funding.

A discussion continued regarding the spreadsheet that listed the projects and the funding involved.

Crystal Lake – asked about the meter upgrades and the effect it may have on the water and sewer rates. She also asked about the bulkhead project and the timeline involved. Ms. Lake continued to ask several other questions regarding the projects included in the plan.

Commissioner Febrizio noted that the bulkhead project was a two-year project. He also added some of the details for other projects involved.

PUBLIC HEARING: Bond 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

Corporation Counsel, Rich Berrios gave a background on the Haberman case. He also noted that this hearing was for the financing of the settlement payment.

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

Crystal Lake – asked about the budget line “rental income other” and where the revenue was coming from.

Ms. Reznik explained that the revenue comes from the concessions on the boardwalk, tennis courts and other small rentals throughout the city.

Denise Ford – asked for clarity on increases in several department budget lines.

Ms. Gayden answered and clarified Ms. Ford’s questions.

Council President McInnis also noted several reasons for some of the increases.

PUBLIC HEARING: 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

The City Comptroller explained that this vote would enable the Council to pierce the tax cap if they decided to.

The calendar items were read by the City Clerk

#1 – 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.

#2 – Bond 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.

Ed Note: The vote for this item was taken out of order at the conclusion of the public hearing

#3 – Bond 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.

#4 – Resolution Authorizing the City Manager to Accept a Donation for a New Sign for the Long Beach Ice Arena.

Commissioner Joe Brand gave the background on how this donation was initiated. He noted that Council approval was needed to accept the donation.

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

Ms. Reznik explained that this was a donation from the LDC (Local Development Corporation) which was received through PSEG. She noted that this would need Council approval to accept the donation.

#6 – Resolution Authorizing the City Manager to Purchase Two Vehicles for the City's Police Department through New York State Office of General Services.

Police Commissioner, Ron Walsh spoke about the need for these new vehicles. He also noted that this would actually result in a savings in this year's budget.

Council Member Bendo asked if the vehicles were Hybrids.

Commissioner Walsh replied that they were not and spoke about the benefits of not purchasing hybrids at this time.

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

Commissioner Walsh gave a detailed description about the purpose for this amendment.

Council Member Bendo questioned the clarity of the resolution.

Corporation Counsel Rich Berrios responded to Mr. Bendo's concerns.

Council Member Posterli also had questions regarding the subscription service portion of the resolution.

Commissioner Walsh responded to Ms. Posterli's questions.

#8 – Resolution Authorizing the City Manager to Purchase a Fire Department Ladder Truck.

Fire Commissioner, Joe Miller explained the reason for this purchase.

Council Member Bendo asked for clarity regarding the funding for the truck.

Ms. Reznik explained the process for funding the truck.

Ms. Gayden also added that the city was looking into applying for a FEMA grant to help pay for the truck.

Council Vice President Treston shared her support for the purchase of the truck.

Council Member Lester asked about having repairs made to the existing truck or renting a truck while waiting for the new truck to be built. He shared his concerns about not having a truck available for safety reasons.

City Manager, Donna M. Gayden noted that there might be a truck available to purchase and she had someone who would examine the existing trucks. She added that the fire department would need to go and examine the truck being offered to see if it would be acceptable and that the council would be provided with this information within the next couple of weeks.

Council Member Bendo spoke about the city's process of purchasing equipment.

James Hodge (95 E. Fulton St) – shared his support of the Long Beach Fire Department and the purchase of the new truck.

Fire Chief, Scott Kemins thanked the Council for the recent exercise and thanked the members of Ladder 2 for their continued efforts including the many hours of their own time spent having meetings and looking at different possible vehicles.

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

Commissioner Joe Febrizio explained that this was a budget amendment to increase the asphalt overlay budget. He then gave a brief background on the project.

#10 – Resolution Authorizing the City Manager to Amend the Contract for Asphalt Overlay Work at Various Locations Throughout the City on an “As-Needed” Basis.

Mr. Febrizio explained that this resolution would amend the contract for the asphalt overlay project. He continued to give a full description of the changes needed.

Council President Lester asked for clarity on the financial changes that would occur from this amendment.

#11 – Resolution to Schedule a Special Meeting of the City Council for Tuesday, May 24, 2022.

Council President McInnis explained that this special meeting would allow the council to vote on the budget, capital plan and policies.

#12 – Resolution Authorizing the City Manager to Enter into an Inter-Municipal Cooperation Agreement with the County of Nassau to Receive Funding for the Purchase of an Office Trailer and Related Items.

Mr. Berrios explained that this item was for the purpose of purchasing a trailer for the Fire Department. He noted that it was discovered that the funding was insufficient to cover the cost of the trailer and thanked Legislator Denise Ford for the help to increase the funding to enable the city to purchase the supplies in connection with the project, including the trailer.

Council Member Lester asked if a decision was made on the purchase of a trailer.

Mr. Berrios noted that the Purchasing Department was working with the Fire Department and a trailer had been identified to purchase.

Mr. Lester then asked about the reimbursement for the funding and how long that would take.

Ms. Gayden explained that it would depend on the County and then spoke about the process.

#13 – Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic.

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

#14 – Resolution Authorizing the City Manager to Amend an Existing Agreement with Passport Labs, Inc., Formerly Known as Complus Data Innovations, Inc.

Commissioner Walsh explained the purpose for this resolution. He noted that this company was the city's parking management system that would assist the city in collecting outstanding money for summonses, fines, etc.

Council Member Lester asked for clarity on the fees charged to the city by this company.

Commissioner Walsh explained the billing process.

#15 – Approval of Minutes of Prior Meeting of April 19, 2022.

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

The City Clerk shall present to the City Council the Letter of Review performed by the Office of the State Comptroller, within ten days after the filing of said report.

The City Clerk delivered copies of the letter to each council member

The voting portion of the meeting was then begun.

Council Pres. McInnis introduced and moved the adoption of the following local law, seconded by Mr. Bendo, and it was duly adopted by four affirmative votes. Council Member Lester voted No.

(L.L. #III/22)

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

(ORD. #3060/22)

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

(ORD. #3061/22)

Bond 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.

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. #62/22)

Resolution Authorizing the City Manager to Accept a Donation for a New Sign for the Long Beach Ice Arena.

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. #63/22)

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. #64/22)

Resolution Authorizing the City Manager to Purchase Two Vehicles for the City's Police Department through New York State Office of General Services.

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. #65/22)

Resolution Authorizing Budget Amendment to the General Fund Budget.

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

(RES. #66/22)

Resolution Authorizing the City Manager to Purchase a Fire Department Ladder Truck.

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. #67/22)

Resolution Authorizing Budget Amendment to the General Fund Budget.

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. #68/22)

Resolution Authorizing the City Manager to Amend the Contract for Asphalt Overlay Work at Various Locations Throughout the City on an "As-Needed" Basis.

Council Member Posterli 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. #69/22)

Resolution to Schedule a Special Meeting of the City Council for Tuesday, May 24, 2022.

Council Member Treston 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. #70/22)

Resolution Authorizing the City Manager to Enter into an Inter-Municipal Cooperation Agreement with the County of Nassau to Receive Funding for the Purchase of an Office Trailer and Related Items.

Council Member Treston 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. #71/22)

Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic.

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. #72/22)

Resolution Authorizing the City Manager to Amend an Existing Agreement with Passport Labs, Inc., Formerly Known as Complus Data Innovations, Inc.

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 18, 2022

David W. Fraser
City Clerk

Good and Welfare

Crystal Lake – 206 E Market St
James Hodge – 95 E Fulton St

Spoke about the comprehensive plan
Spoke about the comprehensive plan