

**CITY OF LONG BEACH
MINUTES OF THE REGULAR MEETING
OF THE COMMON COUNCIL
HELD MAY 18, 2021**

A regular meeting of the City Council of the City of Long Beach was held on Tuesday, May 18th, 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

The City Manager began her report by introducing representatives from M-3 and O'Melveny for their update.

Ms. Maria DiConza from O'Melveny noted that they completed the initial phase of their engagement as well as their legal and financial diligence, and once the budget and capital plan was finally approved, there would be some adjustments. She continued to speak about the ongoing collaboration of all involved in working on comprehensive strategies to help the city in its financial difficulties.

Ms. Gayden asked Ms. DiConza to explain to the audience how the city got to this state of financial instability.

Ms. DiConza spoke about the structural issues that caused these liabilities and that they had been ongoing for quite some time. She also noted the importance of addressing these issues now and noted that the administration was currently working on them.

Mr. Brian Griffith of M-3 also added that the work that the city had been doing over the last few years has really paid off in terms of how best to balance the budget without having to borrow.

The City Manager then asked Commissioner Joe Brand from Parks and Recreation to give a beach update.

Commissioner Brand announced that business was booming with the sale of beach passes. He added that people are very happy and positive about this year's beach season. Mr. Brand then

spoke about the electronic beach sale process and the ongoing negotiations with the LIRR's getaway package. He noted that the different departments were working together to get the beaches open. Commissioner Brand then stated that some of the summer events such as Beach Volleyball and the Summer concerts would be returning this season on a smaller schedule and would be evaluating the possibility of adding other events as well.

City Council Member Delury asked about the hours of operation and locations for beach pass sales.

Mr. Brand announced that beach passes were available for purchase during the week, Monday through Friday, from 9am to 6pm, at the Gazebo located across from the Ice Arena, as well as on the weekends, from 9am to 4pm and they could be purchased both at the Gazebo and the trailer located on Laurelton and West Broadway.

Council Member Treston thanked Commissioner Brand and his staff for extending the pool hours for the community.

Commissioner Brand noted that he did receive some guidance pertaining to the loosening of restrictions for both the pool and the gym which will enable him to expand the offerings at the recreation campus.

Ms. Gayden then introduced Police Commissioner Ron Walsh and Building Commissioner Scott Kemins to give their update on code enforcement.

Commissioner Walsh announced the hiring of 32 summer specials that would be training over the weekend to help with the enforcement of rules and regulations of the ocean beach park.

Commissioner Scott Kemins noted that he would be working with the Police Commissioner and Corporation Counsel regarding the flag issue that has been circulating.

The City Manager then asked Mr. John McNally to give a COVID update.

Mr. McNally gave his COVID update noting that the city was currently in a much better place. He did note that certain restrictions had been lifted as well as the social distancing ruling.

The public hearings were held

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.

City Comptroller, Inna Reznik gave a presentation on the 2021-2022 Override of the tax levy limit.

Mr. Ray Flammer, Tax Assessor explained his role in the assessment changes based on property changes. He also noted that new construction, alterations, and renovations did increase the assessed value. Mr. Flammer continued to explain how the state determined its growth factor.

Ms. Reznik concluded her presentation by comparing the Fiscal year 2021 and Fiscal Year 2022 tax rates.

Roy Lester (72 Boyd St) – asked for clarity regarding the budgetary gap and how the rate went down.

The City Comptroller responded to Mr. Lester's questions.

Mr. Lester also asked about the commercial property and the increase in rate.

Mr. Flammer responded to Mr. Lester's question. He added that the increased rate was 10.71%.

Mr. Lester then suggested getting this information to the public sooner so that there could be a better understanding and dialogue as well as a discussion on how additional cuts could be made to the budget.

The City Manager described the budget process within the city departments.

Council President Bendo also noted that the city would be receiving some CARES ACT money that would help reduce costs.

Kevin Heller – asked what would happen if the City Council voted against piercing the tax cap limit and what the city was allowed to raise the property tax levy by.

Ms. Reznik felt that this was more of a legal question and deferred the question to Rich Berrios, Corporation Counsel.

A discussion ensued regarding the clarity of Mr. Heller's question and the answer was 1.9%.

Mr. Heller also asked if the city would freeze the planned future hires and exempt pay raises that were discussed at the last budget hearing and how much of a savings it would be.

Ms. Gayden asked Mr. Heller to clarify which pay raises he was speaking of.

Mr. Heller responded that at the last budget hearing, there were some new positions budgeted with exempt raises.

The City Manager noted that the new positions were Deputy City Manager, HR Director, Procurement Director and IT Director but did not recall any exempt pay raises.

Mr. Heller continued by suggesting the city tighten its belt where necessary.

The City Manager explained that this budget was looked at very carefully and if the city did not pierce the tax cap, it could result in service reduction and layoffs.

Ms. Reznik also added that the Social Security for Fiscal Year 2022 was at a cost of \$3.6 million dollars and the adopted budget in 2021 was \$1.6 million, which is a considerable increase.

Council Member Delury asked Ms. Reznik to explain this item a bit more so that people did not misunderstand how the increase occurred.

The City Comptroller described in more detail, the process and how the increase occurred.

City Council Vice President McInnis asked Ms. Reznik to speak about the cost of benefits.

Ms. Reznik gave an explanation of the cost of benefits and how the rates were increased.

They then discussed that the increase in cost would be due to the cost of mandatory employee benefits.

The City Comptroller also spoke about the Essential Spending Committee that had been put in place to help maintain budget costs.

Council President Bendo proceeded to note that most of the budget goes towards salaries and benefits as well as contractual obligations that the city must adhere to. He went on to speak about exempt pay cuts that took place in the last fiscal year.

Brian Griffith – of M-3 noted that based on their preliminary analysis, the actual true operating expenses have actually come down over the past five years due to good management with ongoing expenses. He also added that the city was seeing increases in the debt and legacy expenditures and the amortization of the bonds and interest payments on those bonds for over the last 10 years, as well as contractual obligations.

Robin Donovan – asked about how often the city could override the tax cap levy in NYS.

Council President Bendo noted that it can be done once per year. He also added that last year, the city stayed at the tax cap, but this year the city would need to pierce the tax cap.

James Hodge – asked what line in the budget was the \$100,000.00 for Stop and Shop and if it was part of Urban Development.

Ms. Reznik explained the Urban Development funds and how the city utilizes this grant to help pay for city expenses.

Mr. Hodge went on to speak about the gentrification and displacement of families. He also asked if this administration would be directing those funds towards what the contract indicated it to do.

The City Manager stated that she would take a look at the contract and do an analysis of where the money is going and what it is being used for and report back to the public.

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach
Re: Water and Water Distribution

The City Comptroller gave a presentation on the 2012-2022 Proposed Water Charges.

Roy Lester (72 Boyd St) – asked if the items that being changed in the charter could indicate where it was being changed from. He also noted that the charter on the website needed to be updated. He also asked about fire-matic charges that were listed in the charter.

Ms. Reznik directed his attention to the slide in the presentation that had the information he was looking for.

Mr. Lester suggested that these changes be listed in the resolution.

Council President Bendo agreed that the charter needed to be updated with current fire-matic information.

Council Member Delury added that there were many other areas in the charter that were presently being worked on.

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

A hearing had been held on this item already.

#2 – Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Water and Water Distribution

A hearing had been held on this item already.

#3 – Resolution Authorizing the Adoption of a Capital Improvement Program for Five Years from July 1, 2021 to June 30, 2026, Inclusive

Pres. Bendo made a motion to replace the capital plan with a revised version (see attachment). It was seconded by Mr. Delury and was carried unanimously.

Commissioner Joe Febrizio gave a presentation on the 2021-2022 Capital Budget & 2021/2022 – 2025/2026 Capital Improvement Plan update.

Council Member Delury thanked Mr. Febrizio for his update and if there were any impacts that delayed projects due to COVID.

Commissioner Febrizio noted that there were many delays due to COVID such as the hazard mitigation plan for the Ice Arena bid.

Robin Donovan – asked why the issue of parking in Long Beach was being postponed until after 7/1/2022 and asked about what the study entailed.

Ms. Gayden asked Mr. McNally to give an update on the parking study.

Mr. John McNally gave an update on the RFP status and the possible installation of parking meters. He noted that a city-wide comprehensive parking analysis was being pushed back until 7/2022 and how parking effects the different areas in Long Beach.

Ms. Pattie Bourne, Director of Economic Development noted that last year, due to COVID, the state did not have their normal annual grant round so the city could not apply for state grants to help with the comprehensive plan, specifically a parking study. She added that the funds were available for this year and would they be exploring whether or not the funds would be available to help minimize the costs to the city.

Roy Lester (72 Boyd St) – he spoke about Well #19 and the estimated cost of \$4 million dollars and the bids.

Commissioner Joe Febrizio gave an explanation of the cost and reason for the project.

Council President Bendo also noted that if the plan passes and \$4 million dollars is authorized, it did not mean that the city would spend the \$4 million and that the capital plan would only be allowed to borrow or bond for the actual cost.

Mr. Febrizio agreed and noted that the borrowing had nothing to do with the authorization.

A discussion continued regarding the projects and the funding.

#4 – 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

Deputy Corporation Counsel, Rich Berrios explained that there wasn't enough space for the entire volunteer companies in the one trailer outside city hall. He reminded the audience that Legislator, Denise Ford offered to help the city purchase an additional trailer and the city would be laying out the money but would get reimbursed. Mr. Berrios then thanked Legislator Ford for her assistance.

#5 – Resolution Authorizing a Modification to the Collective Bargaining Agreement between the City of Long Beach and the Long Beach Civil Service Employees Association

Mr. Berrios explained that because the city was obligated to provide uniforms to certain employees, the city had to procure this service through competitive bidding. He gave a brief background regarding the history with the uniform company and the contractual dispute which led to a grievance from CSEA. Mr. Berrios added that after meeting with the CSEA, they came up with a uniform allowance which takes it out of the procurement process whereby giving the employees an annual allowance with certain controls that would be coordinated and monitored by the department heads for proper usage.

Council President Bendo asked if there would be a savings with this modification.

Mr. Berrios noted that there would be a projected savings.

Council Member Delury asked about other items that would be part of the uniform allowance such as boots, etc.

Mr. Berrios explained that each department had dedicated budgets for safety gear, and this was meant to offset and ease the burden overall.

James Hodge – expressed a positive opinion on wearing uniforms and support for this resolution.

John Mooney – thanked Mr. Berrios, Ms. Gayden, Ms. Reznik and his executive team for working together and noted the savings involved with this resolution.

#6 – Resolution to Schedule a Special Meeting of the City Council for Monday, May 24, 2021, Authorizing the Adoption of the Operating Budget for Fiscal Year Commencing July 1, 2021 and Ending June 30, 2022, Appropriating Sums Set Forth Therein and Determining and Fixing the Real Estate Tax Levy

The City Manager explained that the city was working together with the State Comptroller's Office and one of their recommendations was to adopt the budget at a later date. She noted that the city took their recommendation, and the budget would be adopted at the next Special Meeting.

#7 – Resolution Authorizing the City Manager to Accept and Execute a Grant on Behalf of the City of Long Beach from the New York State Department of State.

Ms. Patti Bourne, Director of Economic Development gave a description of the Park Avenue Phase II Grant and spoke about the funding distribution.

Council Vice President McInnis asked if the Public Safety Committee participated in this process.

Ms. Bourne noted that she could certainly see the Public Safety Committee and Planning Advisory Board as well as others being involved in the process.

James Lynch – asked if the project included bike lanes on Park Avenue and if so, what side of Park Avenue would they be on.

Ms. Bourne stated that originally when the city was applying for these funds, installing actual protected bike lines on Park Avenue which would be required was one of the requests. She added that after speaking to several Engineering firms, it was determined that these funds would not cover the cost. Ms. Bourne did say that hopefully in the future, the city could apply for a larger grant that would be able to provide the funds for a protected bike lane.

Council Vice President McInnis spoke about the signage in the center of town regarding the use of bicycles on the sidewalks and was pleased to hear that the Public Safety Commission and the other commissions would be involved in this project.

Roy Lester (72 Boyd St) – asked if the project was limited to Park Avenue and if so, the funds could not be used for any other location. He also asked about bike racks.

Ms. Bourne replied that he was correct. She added that this would include bike racks and would work with the residents and the businesses as far as where they would be appropriate. Ms. Bourne also said that signage could be added to encourage bike safety.

Mr. Lester continued to share ideas on how bikes could be used throughout the city safely.

William Doepper – expressed his concern regarding bike safety.

#8 – Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach.

Pres. Bendo made a motion to replace the body of the ordinance with a corrected version (see attachment). It was seconded by Ms. Treston and was carried unanimously.

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on June 1, 2021 at 7:00 p.m.

#9 – Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 154 East Park Avenue (street floor), Long Beach, New York.

Re: Holistic Alternative Products Store

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on June 1, 2021 at 7:00 p.m.

The voting portion of the meeting was then begun.

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

(L.L. II/21)

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

(ORD. #3051/21)

Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Water and Water Distribution

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

(RES. #85/21)

Resolution Authorizing the Adoption of a Capital Improvement Program for Five Years from July 1, 2021 to June 30, 2026, Inclusive

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. #86/21)

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 Pres. 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. #87/21)

Resolution Authorizing a Modification to the Collective Bargaining Agreement between the City of Long Beach and the Long Beach Civil Service Employees Association

Council Member Delury 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. #88/21)

Resolution to Schedule a Special Meeting of the City Council for Monday, May 24, 2021, Authorizing the Adoption of the Operating Budget for Fiscal Year Commencing July 1, 2021 and Ending June 30, 2022, Appropriating Sums Set Forth Therein and Determining and Fixing the Real Estate Tax Levy

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. #89/21)

Resolution Authorizing the City Manager to Accept and Execute a Grant on Behalf of the City of Long Beach from the New York State Department of State

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

(RES. #90/21)

Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach.

Council Member McInnis 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. #91/21)

Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 154 East Park Avenue (street floor), Long Beach, New York.

Re: Holistic Alternative Products Store

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

Dated: May 19, 2021

David W. Fraser
City Clerk

Good and Welfare

Bec Gathmann-Landini	Spoke about yoga on the beach
William Doepper	Spoke about the hours of the beach park office, the studies that were removed from the capital plan, the conditions in the public restrooms on the beach at National Blvd and the parking field on Edwards and Broadway
Kevin Heller	Spoke about bike lane signs on the boardwalk
James Hodge	Spoke about his employment with the City
James Lynch	Spoke about yoga on the beach and asked about the money listed in the capital improvement plan for police vehicles
Robin Donovan	Spoke about overtime in the budget
Eileen Hession	Spoke about the transparency portal on the city's website
John Mooney	Spoke about the layoffs that occurred in 2020
Roy Lester – 72 Boyd St	Spoke about the Board of Ethics and about answering questions sent in by email
Judi Vining	Spoke about off street parking waivers, the new Marijuana law and about establishing resident parking on Broadway