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In the Matter of:

CITY COUNCIL MEETING
CITY OF LONG BEACH.
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DATE: Tuesday, April 21, 2020
TIME: 7:00 p.m. (via videoconference)

APPEARANCES: DAVID FRASER, City Clerk
JOHN BENDO, City Council President
KAREN MCINNIS, City Council VP
MICHAEL DELURY, City Council Member
SCOTT MANDEL, City Council Member
ELIZABETH TRESTON, City Council Member
DONNA GAYDEN, City Manager
RICH BERRIOS, ESQ.
JOSEPH FEBRIZIO, Deputy Public Works Commissioner
RAYMOND FLAMMER, Tax Assessor

DIGITALLY RECORDED PROCEEDING
TRANSCRIBED BY: GINA T. GUMA

[Audio, begins]

MR. FRASER: We're live and we're recording.

MR. BENDO: Alright, we ready?

MR. FRASER: Alright, we are live.

MR. BENDO: Okay, good evening folks.

Sorry we're a couple of minutes late, but we were out clapping for our first responders and medical workers at 7:00, so we apologize that we're a couple of minutes late, but welcome to our second meeting of April and our second virtual meeting. I guess we'll get going.

MR. FRASER: Okay. Good evening, and welcome to the regular meeting of the Council of the City of Long Beach, held Tuesday, April 21st, 2020 at 7 p.m. Can I have a roll call? Councilmember Delury?

MR. DELURY: Present.

MR. FRASER: Councilmember Mandel?

MR. MANDEL: Present.

MR. FRASER: Councilmember Treston?

MS. TRESTON: Present.

MR. FRASER: Vice President McInnis?

VP MCINNIS: Present.

MR. FRASER: President Bendo?

PRES. BENDO: Present.

D. FRASER: Let the record, excuse me, let the record indicate the presence of City Manager, Donna Gayden and acting corporation counsel, Rich Berrios. We'll now have a salute to the flag.

PRES. BENDO: Councilman Delury since you got the flag in the background, please lead us.

MR. DELURY: Hands over heart.

ALL: I Pledge of Allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with Liberty and Justice for all.

PRES. BENDO: All right, well, welcome and I guess we'll start with our City Manager's report.

MS. GAYDEN: Hi, good evening everyone. The first thing I want to say is thank you all for the hard work that you helped us with the budget, and that the budget is now online, and what I want to

let the public know that this year, the budget was done just a little bit different. In the past it's always been the City Manager's budget, but this year with the new Council and then with myself and the Comptroller's office, we worked individually with the Council Members to go over the budget, and so that we would all be on the same page with what's going on with us right now with the deficits that we have and that what we're looking for in the future.

Everyone knows that there were layoffs I'm sure by now. Originally, we had about 143 people that were laid off that were part time for a savings of about a half a million dollars. We also, for this budget, will be laying off approximately about 24 people for a savings of about a million-five without benefits. So that's about a 2 million dollar savings that's going into the budget.

The budget was done very realistically. Meaning that we took a very

conservative approach and looking at the revenue, we took a conservative approach looking at the expenditures, and the goal is to start building the city back, the fund balance back to a positive fund balance because it is now currently in the negative and it has been decreasing every year. And so, again, I just want to say thank you.

Many believe that the budget was really done all by the city manager and all the layoffs were all done by the city manager, and I want people to know that the layoffs in turn were dealt with the city Corporation Counsel, the Civil Service and the CSEA union. And, despite what some people may think, the layoffs were done by title not by person. And so we only had the title of the job and we went through it and they looked through seniority, and nothing was done to for to one particular person because no one knew, especially me, who the people were. And as we shared the information to the Council, that was also

shared by title only.

And then, we went through everything, so and went through all the cuts that we had so that everybody would be on the same page. And unfortunately, we had to come to a point where we would have to layoff, because the city could no longer fund, or could no longer pay for everything that we needed to pay without having extensive borrowing or raising property tax to a double, to double digit figures. And nobody wanted to see that. That's all I have cause it's all been budget for the last 2 weeks. So, again, thank you.

MR. DELURY: Thank you.

PRES. BENDO: Okay, thanks and there'll be a budget hearing with a more detailed presentation on the budget at the first meeting in May, which is May 5th. Okay, May 5th there will be a presentation explaining the budget, going into much more detail and the public will get to provide input. So with that, I guess I'll do a little update on some COVID19 and some information.

Basically, at the state level, the Governor has -- ordered that the schools and non-essential businesses is now going to stay closed through May 15th. So we're getting pushed out a little further, obviously getting closer to Memorial Day. The Governor has also issued two new executive orders that requires all people in New York to wear masks or face coverings in public, including when taking public or private transportation or riding in for-hire vehicles, like taxis or ubers, or anything like that. So I'm afraid that masks or face coverings are now required.

Regarding starting to re-open things, the Governor has made it clear that they're going to be taking a regional approach to re-opening things. They're doing it in conjunction with the neighboring states, New York, New Jersey, Connecticut, some of the others, because if one state does something, we don't want to drive people to the other states which of course I guess, I was going to maybe bring it up later, but this would probably be a good time. More people are probably wondering about what's going

on with the beach. And the simple fact is we don't know yet because it's really the state that is going to be ultimately at a ruling here at what goes on, because, like I said, that they're mandating a regional approach. We are preparing as if the beach will open normally, so should that happen, we will be ready, but the simple fact is, we just don't know yet. But we are preparing for the best.

As far as the county level, as of yesterday, there were 31,079 positive COVID19 cases in the county and 1,390 deaths unfortunately. Specific to Long Beach, we've had 551 positives in Long Beach. Quite frankly, the only community on the south shore in Nassau County that has more positives than Long Beach is Freeport. We far exceed other south shore communities in the number of positive cases.

Additionally, if you've perhaps seen the article, nursing homes are now being raised as hot beds for this awful pandemic. And a nursing home in Long Beach

has had 22 deaths in one nursing home. That is the highest of any nursing home in Nassau County, here in Long Beach. So when people are asking why is the boardwalk still closed, and things like that, that's the reason why. This is about peoples' lives now. Well, not now, it has been. But this is about peoples' lives, so, I get the people that, you know, I get emails, we all get emails from people. I had one person complaining about the boardwalk being closed because it was bad on their knees when they were jogging or to run on the street or the sidewalk. I don't even know how to address a comment like that because quite frankly, peoples' lives are at stake and we all have to be thinking about the greater good right now, and thinking about more than ourselves, but about our families, our neighbors and our fellow residents. And the simple fact is, the sooner we beat this thing down, the faster we can get back to normal. And I've said this before, it's, you can hunker down now

or you can hunker down in July and August. Lets do it now so we can get our summer. So, with that, I'll come down off my soap box and I guess we can move on with the meeting.

MR.FRASER: OK. Item number one has been taken off the calendar.

Item number two is a resolution authorizing the City Manager to enter into a contract for Masonry Work at various locations throughout the city of Long Beach on an as-needed basis with the lowest responsible bidder.

PRES. BENDO: Okay. Is Commissioner Mirando on?

MS. TRESTON: No. Joe is.

PRES.BENDO: Hello Mr. Febrizio--

MR. FEBRIZIO: Hello everybody. Hope everybody's safe and healthy.

Yes, so the requirement contract, the low bidder was Castle Industries in the amount of \$211,000.00. We use this requirement contract to do masonry work all around the city at various locations. It's generally work that our city street maintenance department, obviously

it's too big for, or that they are too busy to do. They generally do an outstanding job, but just for an example, like, I don't know if you're familiar with the Bank of America parking lot between Riverside and Edwards, like we just paved that through our asphalt overlay contractor. All the sidewalks and curbs in that mall are really bad as well, and that's a pretty big job for our guys, so this is the type of work that we would give to Castle Industries under this contract, and there's funding available in the capital plan for this work. For this contract.

PRES. BENDO: All right. Any questions from the Council Members?

PRES. BENDO: I just have one question for you Joe. How do these prices from this contract compare to what we've paid up to this point?

MR. FEBRIZIO: They're fairly, they're fairly reasonable. They're actually, I don't have the last year's in front of me unfortunately, but I mean, most prices are definitely, they're reasonable.

PRES. BENDO: Okay.

MR. FEBRIZIO: And Castle Industries worked for us before and they do, they do an outstanding job.

PRES. BENDO: Okay. Thank you. We didn't get any questions from the public on this item, so I guess we can move on.

MR. FRASER: Item three is a resolution authorizing the City Manager to amend the current contract for asphalt overlay work at various locations throughout the city, on as-needed basis.

PRES. BENDO: All right, well you're up again.

MR. FEBRIZIO: Okay, no problem. Yea, this is a, we have an annual contract that, that we can perform normally throughout the city. The current contractor that has that contract is Roadwork Ahead. I don't know if you noticed throughout town, that they've been doing a lot of work all over. We've just, for example, did the two parking lots, we got one opposite the Bank of America and one opposite Billy's Beach Café between Magnolia and Laurelton, and I

think, hopefully everybody's really happy with that. So this money, is basically, we took money from some other miscellaneous parking lot line that's in the capital plan and kind of combining them basically into one line for our asphalt overlaying contractor. And John you'll appreciate, we're going to do the work on Heron Street. We've been dealing with Dr. Eisman. That's one of the proposed projects we're going to do with this overlay, that street, it's been chronic flooding, so I'm looking forward for you to vote for it. Thank you.

PRES.BENDO: Okay. Any questions from the Council? And I think Councilman Delury's got a question.

MR. DELURY: Mr. Febrizio, it was a great job on the parking lot opposite Synergy and Billy's Beach Café and one question I have is, when these parking lots are overlayed, does the same company do the striping as well?

MR. FEBRIZIO: Actually it's the it's the subcontractor that's retained by the general contractor that does the striping, in this case. In other words, he hired a, he hired a

contractor as a sub and we paid them to do it under the overlay contract.

MR. DELURY: Under the overlay. Would that contractor be the same one who would do other type of parking striping in, say boulevards or anything like that?

MR. FEBRIZIO: In this case, striping isn't incorporated in the asphalt overlay contract, so it would be up to the general contractor to who he wants to use.

MR. DELURY: Okay. Okay, thank you Joe.

MR. FEBRIZIO: Yea, no problem

PRES. BENDO: Alright, any other questions? Okay, we can move on.

MR. FRASER: Okay, Item four is a resolution authorizing settlement for certiorari proceedings for 640 West Broadway. I will unmute Mr. Flammer who is, who is on the phone.

MR. FLAMMER: Hi, good evening Council. This is a tax certiorari settlement between the city and the Beach Terrace Care Center, which is a 182 bed nursing home on 640 West Broadway. It settles six years, 2014 through '19 with a three

year moratorium until 2022. That means they can't file grievances for three years.

During negotiations, we came to a stale mate. I outsourced for an independent appraisal which supported our settlement. It's a reduction in AD from 215 to 164, which equates to a market value at 6.5 million to 5 million and a lump sum refund of \$50,000.00. There is no interest on the refund. Any questions?

PRES. BENDO: Ray, could you just, just real quick, cause I know I had this question, that the assessment isn't necessarily based on just square footage, there's a couple of other factors that are taken into, could you just briefly explain that?

MR. FLAMMER: Okay. Well nursing homes are a little specialty of commercial properties which are based on the income approach. Nursing homes are based on their reimbursement from Medicare and Medicaid costs that are capitalized to derive an income approach valuation. Now commercial properties are valued at income, residential properties are based on market sales that sells always the difference between what

something would sell for and what their valued. And nursing homes, with these values being used, is not based on what it could sell for at highest and best years, it's based on the value and how it's used. As per the state law.

PRES. BENDO: Okay. Thank you. Any questions from the council?

Okay. we did get one question from the public on this regarding the tax refund of \$50,000.00: How many tax years does this include?

I think the answer to that Ray, but it's fiscal 14/15 through 19/20. Correct?

MR. FLAMMER: That is correct. Plus a three year moratorium.

PRES. BENDO: Right, so that would be six years.

MR. FLAMMER: Yea.

PRES. BENDO: Alright. Then I guess that's it. So, next item.

MR. FRASER: Okay. One second. Okay, and finally item number five is a resolution

authorizing publication of the general summary of the capital improvement program for the next five years, and authorizing publication of the general summary of proposed budget for year July 1, 2020 through June 30, 2021, and notice of public hearings thereon. This item is for publication only. Hearings will be held May 5th and May 19th at 7pm. On to the voting portion.

Item two is a resolution authorizing the city manager to enter into a contract for Masonry Work at various locations throughout the city of Long Beach on an as needed basis with the lowest responsible bidder. Who will introduce and move the adoption of this item?

MR. DELURY: I will.

MR. FRASER: Second?

MR. MANDEL: I will.

MR. FRASER: Voting. Council

Member Delury?

MR. DELURY: Yes.

MR. FRASER: Council Member

Mandel?

MR. MANDEL: Yes.

MR. FRASER: Council Member
Treston?

MS. TRESTON: Yes.

MR. FRASER: Vice President
McInnis?

MS. TRESTON: Karen?

MR. FRASER: Karen I think you're
still muted.

MR. BENDO: Are you muted Karen?

MS. MCINNIS: Yes.

MR. FRASER: Okay, thank you.
President Bendo?

MR. BENDO: Yes.

MR. FRASER: Item three is a
resolution authorizing the city manager to amend
the current contract for asphalt overlay work at
various locations throughout the city, on an as
needed basis. Who will introduce and move the
adoption of this item?

MR. DELURY: I will.

MR. FRASER: Who will second?

MS. MCINNIS: I will.

MR. FRASER: Voting. Council
Member Delury?

MR. DELURY: Yes

MR. FRASER: Council Member

Mandel?

MR. MANDEL: Yes

MR. FRASER: Council Member

Treston?

MS. TRESTON: Yes.

MR. FRASER: Vice President

McInnis?

MS. MCINNIS: Yes.

MR. FRASER: President Bendo?

MR. BENDO: Yes.

MR. FRASER: Item four is a resolution authorizing settlement of certiorari proceedings for 640 West Broadway. Who will introduce and move the adoption of this item?

MS. TRESTON: I will.

MR. FRASER: Second?

MR. MANDEL: I will.

MR. FRASER: Voting. Council

Member Delury?

MR. DELURY: Yes.

MR. FRASER: Council Member

Mandel?

MR. MANDEL: Yes

MR. FRASER: Council Member

Treston?

MS. TRESTON: Yes.

MR. FRASER: Vice President

McInnis?

MS. MCINNIS: Yes.

MR. FRASER: President Bendo?

MR. BENDO: Yes.

MR. FRASER: And finally item five is a resolution authorizing publication of the general summary of the capital improvement program for the next five years, and authorizing publication of the general summary of the proposed budget for year July 1st, 2020 through June 30th, 2021, and notice of publication hearings thereon. Who will introduce and move the adoption of this item?

MS. MCINNIS: I will.

MR. FRASER: Second?

MR. BENDO: I will.

MR. FRASER: Voting. Council

Member Delury?

MR. DELURY: Yes.

MR. FRASER: Council Member
Mandel?

MR. MANDEL: Yes.

MR. FRASER: Council Member
Treston?

MS. TRESTON: Yes.

MR. FRASER: Vice President
McInnis?

MS. MCINNIS: Yes.

MR. FRASER: President Bendo?

MR. BENDO: Yes.

MR. FRASER: Who will make a
motion to close the meeting?

--I will.

MR. FRASER: I'm sorry who was
that?

MR. BENDO: I will

MR. FRASER: Second?

MR. DELURY: I will.

MR. FRASER: Thank you. Voting.
Council Member Delury?

MR. DELURY: Yes.

MR. FRASER: Council Member
Mandel?

MR. MANDEL: Yes.

MR. FRASER: Council Member

Treston?

MS. TRESTON: Yes.

MR. FRASER: Vice President

McInnis?

MS. MCINNIS: Yes.

MR. FRASER: President Bendo?

MR. BENDO: Yes.

Okay. I guess on to good and welfare.

We got some questions for that.

Matthew Sina: Asks what's the latest update for the superblock project?

MR. BENDO: Engle Berman is the developer, after that, they start and receive something called a preliminary inducement resolution from the Nassau County IDA. What that essentially means is all it does is it begins negotiations between the IDA and the developer about any potential tax abatements or exemptions that they are looking for on the project.

If you went to any of the public meetings they held around the city, they were floating the figure \$52 million dollars, is what

they were looking for, but I guess they will be in the negotiating phase now with the IDA about that. The City has reached out to the IDA just to make sure that they do hold public hearings here in Long Beach and that no vote will take place on the project until the pandemic subsides, because they should have a public hearing here in Long Beach.

As of now, the project is, what's called as of right, which means they do not require any zoning variances, so it's not expected that they'll be going in front of the Long Beach Zoning Board for any approvals because they'll be doing it in accordance with the current zoning code. So right now, we're kind of in a wait and see where we're tracking to see what goes on between the IDA and Engle Berman and we'll keep you apprised of that. association meetings and places around town, we're probably going to ask them to come back again at a city council meeting to do a presentation there as well, just in case anybody missed it. So we'll keep you up to date on that.

We

Same person asks: Are discussions continuing with new COVID19 requirements?

Yes. I mean, obviously we have our OEM, Office of Emergency Management been activated and manned, so we're continuously monitoring the situation. We're in contact with the county, the state, and all the other appropriate agencies. You know and adjusting as needed putting in requests with the county OEM for personal protection equipment for our first responders. So there's been a fair amount of activity tracking the activities. As I said earlier though, the Governor made it pretty clear that any easing of social distancing or opening up of any facilities is going to be a regionally coordinated effort, so we're not going to be doing this by ourselves. So we're kind of, you know, operating under that right now. So, we continue to monitor and hope for the best.

Next, Lou Dubow: Can the city paint designated bike lanes along Broadway again and have the street sweepers sweep as well and take care of some potholes and rough areas in the

road?

MR. BENDO: So, the police department did go out today and inspected the bike lanes earlier, and yes, they came back and said they do need to be repainted. So that's going to be done this spring.

The street sweeper is out daily, so we'll talk to the department of public works to make sure Broadway is getting done.

The pothole repairs, that's just a continuous kind of ongoing process, so they're ongoing. A more comprehensive re-pavement is not scheduled this year right now, but that's next in the road, but the potholes are, are being addressed.

And Lou also asked: Can the City contact the Town of Hempstead and have them do the same things on Lido Blvd.?

Yep. We'll reach out to the Town and the County and see if that's something they can do.

Susan Moran: Asked about addressing the Governor Cuomo's mandated laws on wearing masks. She's mentioning that a local food

establishment is still preparing food and interacting with customers without masks, and some customers were not wearing masks either.

So, basically we contacted that restaurant today and they were spoken to and hopefully they now see the error of their ways and will do better.

Heather Lacotta: Was asking about the companies that are using leaf blowers. That's okay that they're, that basically they're disturbing people and are they band?

So, quite frankly this is the first time we're hearing of this issue. We're going to look into that. We'll find out what other communities are doing and -- we'll see if there's steps we need to take or should be taken. So we will look into that.

Same Heather: Also asked about, I guess the contractors parking on the wrong side of the street in the canals, that it's creating some traffic or parking issues. You know people needing to be able to get by and stuff like that.

So, we've informed the Police

Department of that and they will be checking and if you are witnessing that, obviously the police aren't everywhere at once. So if you are witnessing a situation like that, please call the police emergency, non emergency number which is 516-431-1800, again that's 431-1800, and they can send someone over there to rectify the situation.

Marion Adams: Is asking about beach passes. Last year they went on sale in May and wants to know how much beach revenue was collected in May of 2019 and June of 2019?

It was two months, it was about \$2 million dollars, slightly over \$2 million dollars.

She's also asking: If the boardwalk reopens, how will enforcement of social distancing work?

That's really going to depend on what guidance we get from the state and county. The boardwalk is being patrolled right now. I imagine it would continue, but again, depending on the guidance, the social distancing guidance. Obviously it's a challenge. I mean anybody that

was up there just before we closed it, kind of realizes why we closed it. It was packed up there and social distancing was not going so well. So, like I said we'll be monitoring, taking guidance from the state and county, but keep in mind while this is also about not putting our law enforcement personnel into dangerous situations either and having to deal with large crowds right now.

Robert Zaminsky: is asking a question about item one, about the deficiency note which was removed from the agenda.

So, we'll address that at the meeting where that takes place. And lets see, and he's also asking about the office of the state comptroller. Corrective action plan for the audits that the state comptroller did. What's going on with those?

So, the city's been in communications with the state comptroller's office, obviously things are a little bit of a flux right now, given everybody's working remotely. So we have been communicating with them. They are being worked on and they're going to be submitted

soon.

Cindy Yuka: Oh, hi Cindy. Can you advise if the STOP, which is the Stop Throwing Out Pollutants Program, that has been scheduled for this past Sunday will be rescheduled for a later date?

Yeah, we're working with the Town of Hempstead. They've agreed to reschedule it, we just don't have that new date yet, so as soon as we know that, we'll let you know.

Robin Donovan: Wants to know what steps are you taking to recover the overpayments of \$500,000.00 to ten current and former employees, from the 2017-18 fiscal year based on Tom Dinapoli's office?

So, right now there is an outside Law Firm conducting a very detailed, vigorous investigation. There in close contact with the appropriate authorities, and honestly, beyond that I really can't comment at this point, but it is, it is being worked on.

Michael Janning: Can the city --- about the benches on the boardwalk. Do we know when know when they'll be repaired?

The issue there right now is, our public works department is estimating that the materials alone to fix the benches is going to be over \$100,000.00 and they're trying to figure out where that money's going to come from, because right now there isn't a budget line item that has a hundred thousand dollars in it for this. So that's where we are right now. We're trying to figure out how to pay for it.

Let's see. Eileen Hession: Is asking, during the last budget, we were told that names would be assigned to positions and salaries so residents would see where raises were given. Is that going to be done for this budget?

The budget does include all the titles and the salaries. It doesn't have specific employee names, so I'm not sure we can even do that legally, so, but it does have all the titles and the salaries associated with those titles.

She also asks: She sees that positions have been cut. Will those people be rehired?

I'm not sure what specific positions she's asking about, but generically speaking, these layoffs were a financial cost cutting measure, so that's not the intention at this time, to bring people back.

So, let's see, and also she's asking: There are raises in the budget, many large raises in the budget. Why are some people getting 10 to 14 percent raises?

I'm not aware, we, look, we're not aware of any large raises in the budget. There, I mean there are the contractual raises that the city's obligated to give now. What you might be seeing is, in the union contracts there are things called step increases. So at certain years of service to the city, you jump into a higher salary bracket. So what you may be seeing are step increases for people going from one step to another, but other than that, any, any raises at all in the budget are just the normal annual contractual raises which we're required to give. Nothing beyond that.

And with that, that was the last question, so thanks for joining us and I guess

we don't have to say get home safe, but everyone have a good night and take care.

MR. MANDEL: Stay safe.

MR. BERRIOS: Good night everybody.

MS. GAYDEN: Good night.

MS. MCINNIS: Good night.

MS. TRESTON: Good night.

MR. DELURY: Good night.

(Meeting Concluded)

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[Audio, concluded]

C E R T I F I C A T E

I, Gina T. Guma, certify that the foregoing transcript of City Council Meeting, City of Long Beach, was prepared using the available transcription equipment and to the best of my ability, is a true and accurate record of the recording.

Gina T. Guma
Acting Deputy City Clerk

Date: April 30, 2020