

**CITY OF LONG BEACH
MINUTES OF THE REGULAR MEETING
OF THE COMMON COUNCIL
HELD MARCH 1, 2022**

A regular meeting of the City Council of the City of Long Beach was held on Tuesday, March 1, 2022.

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

Corporation Counsel Richard Berrios and Acting City Manager Ronald Walsh were also present.

City Manager Donna Gayden arrived late to the meeting.

Council Member Tina Posterli announced there would be a presentation and proclamation presented to Long Beach High School student, Dunia Rodriquez. Commissioner Joe Brand said a few words about the student's achievements.

Council President McInnis opened the meeting and spoke about the City Code modifications that were being discussed regarding the changes being made to the "Good and Welfare" portion of the meeting. She also noted that the January 2022 budget report was available on the City of Long Beach's transparency portal and spoke about the shortfall in the beach park revenue. Ms. McInnis then spoke about the paid fire department overtime salaries.

The calendar items were read by the City Clerk

#1 – Approval of Minutes of Prior Meeting of February 15, 2022.

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

#2 – Transmittal of a Certificate to the City Council by the City Clerk

A signed and sealed copy of the Certificate was sent to each council member

Corporation Counsel, Rich Berrios spoke about the petitioning process for the city to opt in for the retail sales of cannabis. He added that the petitions/signatures did not meet the constitutional requirements for a referendum, so therefore there would not be a referendum on this issue. Mr. Berrios also noted that moving forward, and in the future, this administration or any future administration would have the choice to opt-in to the MRTA (Marihuana Regulation and Tax Act) should they choose to.

Council President McInnis stated that the City Council had not made any final decision at this time and will continue to stay apprised of any rulings by the State's Office of Cannabis Management while following the process.

Council Member Bendo asked about the petition "volume numbers" and the meaning behind it.

Mr. Berrios explained how the volume of petitions are documented.

Council Member Lester asked about the signature requirements on the petitions.

Corporation Counsel, Rich Berrios replied that this number could be available from the Board of Elections.

Nathaniel Epstein (200 Blackheath Rd, Lido Beach) – spoke as one of the activists’ collecting signatures and asked why only 55% of the signatures were accepted.

City Clerk, David Fraser explained the several reasons why those signatures were not accepted.

Mr. Epstein continued to speak in support for the sale of marijuana in Long Beach.

Judi Vining (410 E. Broadway) – spoke about some of the statistics on support versus non-support of the sale of marijuana in Long Beach.

James Mulvany (Dalton St) – spoke in support of the sale of marijuana in Long Beach.

Joseph Naham (700 Shore Rd) – spoke in support of the sale of marijuana in Long Beach and the unfortunate timing and conditions of collecting signatures.

Council Member Lester spoke about how the State designed the opt-in/opt-out process.

Mr. Berrios addressed the New York State referendum process.

Linda Pikowski (106 Atlantic Ave) – Spoke in support of opting in for marijuana sales in Long Beach.

Kyle Pace (18 Vinton St) – spoke as one of the activists’ who collected signatures for the petitions and spoke in support of the sale of marijuana in Long Beach.

#3 – Resolution Authorizing the City Manager to Purchase Bunker Gear for the Long Beach Fire Department Under New York State Contract

Fire Commissioner, Joe Miller spoke about the need for replacing outdated and non-NFPA (National Fire Protection Association) compliant bunker gear for members of the Fire Department. He added that the funding for this equipment was available in the Fire Department budget.

Council President McInnis asked if this equipment was for both the paid Fire Fighters and the Volunteer Fire Fighters.

Commissioner Miller noted that it would be for both and would be distributed to those who would be using it the most and/or who had the most outdated equipment.

Council Member Lester asked about the length of time the gear becomes expired and what does OSHA (Occupational Safety & Health Administration) recommend vs. the NFPA (National Fire Protection Association).

Commissioner Miller responded that the NFPA is a guideline that is used throughout the country, and it is recommended that after ten years, these items be replaced.

Mr. Lester asked if gear would need to be replaced even if it hadn't been used within the ten-year period, and how much of the city's gear was over ten years old.

Commissioner Miller replied that according to regulations, even gear that was never used would need to be replaced and at this time, approximately 50% of the gear needs to be replaced.

Mr. Lester asked about the uniform and equipment allowance allotted to the paid firefighters every year and why it wasn't being used to replace the outdated equipment.

Commissioner Miller replied that these allowances were was used for maintenance only and not replacement.

A discussion ensued regarding the maintenance vs. replacement of the bunker gear.

Council President McInnis suggested that Mr. Lester discuss his concerns at the next Fire Board of Commissioner's meeting.

Council Member Bendo asked if the gear is put back into service when a member no longer participates.

Commissioner Miller replied that the gear is put back into service and given to the next member coming in.

Council President McInnis asked about how professional and volunteer firefighters were classified.

Commissioner Miller explained how the classification worked. He also added that with this purchase, 10 of the bunker gear would be going to the career firefighters and 15 would be going to the volunteers.

Council Member Posterli asked about the availability of an inventory list with all the necessary information.

Commissioner Miller replied that a list is kept by the fire department.

Commissioner Miller replied that there were dates on the equipment as to when it was manufactured and that's what they go by.

City Manager, Donna M. Gayden also noted that she would be looking into CDBG (Community Development Block Grant) money to help fund more bunker gear. She also added that moving forward, each year, there will be bunker gear money in the budget, and an inventory will be created indicating the age of the bunker gear. Ms. Gayden stated that whether the city's firefighters were paid or volunteers, they would be equipped with the proper equipment to fight the fires that they need and the city keeps them safe.

Jordan Levitt (54 Arizona Ave) – spoke as a member of the fire department and the standards of replacing bunker gear.

Council Member Lester asked if money was being put aside for purchasing equipment.

Mr. Levitt did say that it made sense to take a portion of the budget each year to replace gear so that it would be a little less expensive.

Council Member Lester asked for clarity on the maintenance of the gear.

Mr. Levitt spoke about the process of maintaining the gear.

Council Member Bendo asked about the 10 year effective useful life of the equipment and if the gear is made to order.

Mr. Levitt did reply that it was made to order.

Council President McInnis asked about the number of active Chiefs in the department and if one of the Chief's were responsible for keeping track of the gear.

Fire Commissioner, Joe Miller replied that one Chief was in charge of equipment and maintains the inventory list. He also clarified that NFPA inspections are done yearly by trained Inspectors as well as the LB Fire Department inspections that are performed each time the gear gets used.

Brandon Coons - Suggested that the "weed" revenue pay for the bunker gear.

Eileen Hession (516 W Beech St) – thanked Mr. Levitt for the information he shared that helped answer some of her questions. She also added that even though spending \$100,000.00 was hard, the safety of the firefighters was important and thanked the City Manager for initiating the tracking of future inventory.

Ms. Gayden thanked Ms. Hession for her comments and noted that the money being spent for the bunker gear was already budgeted for. She also added that anything that comes before the council for purchase, has been thoroughly vetted and has gone through all the proper channels.

Mary Volosevich – suggested that there be a list created for purchasing future gear.

#4 – Resolution Authorizing the Approval of a List of Eligible Volunteer Firefighters for 2021 Length of Service Award Program (LOSAP) Service Credit.

Fire Commissioner Miller explained the LOSAP (Length of Service Award Program) and the eligibility process.

Council Member Lester asked about how the credits were issued if one served more than the qualifying years.

Commissioner Miller replied that there was no change for those who served more than the qualifying years.

A discussion continued regarding the possibility of increasing the qualifying years in the future and the cost for awarding this service credit.

#5 – Resolution Authorizing the City Manager to Purchase Two Police Utility Vehicles for the City Under a Sourcewell Contract

Police Commissioner Ron Walsh explained the reason for the purchase of these vehicles and the importance of having them on the road.

Council President McInnis asked about the usage of these vehicles.

Commissioner Walsh described the vehicles and their usage.

Council Member Posterli asked about what happened to the vehicles when they reached their useful lives.

Commissioner Walsh explained that there was no real value to the vehicles once they reached that stage. He did say however, that they would try and keep them in the event another vehicle goes out of commission.

Eileen Hession (516 W Beech St) – asked if the city had a fleet manager that handled the repairs of these vehicles. She also questioned the cost of the vehicles and how many vehicles the city owned.

City Manager, Donna M. Gayden gave a complete explanation of the vehicle maintenance program as well as its inventory. She continued to speak about how they are used and noted that a new vehicle policy was being put in place that would restrict the use of the vehicles and how their proper usage. Ms. Gayden also confirmed that the city did have its own mechanics that work on city vehicles and if the city mechanics were not equipped to work on a specific vehicle, it would have to go out for repair and concluded by saying that there was a Fleet Manager in place.

Mary Volosevich – asked about working with the school district as a cooperative approach and doing away with the city garage.

Ms. Gayden did say that an Inter-government agreement was being explored with other entities. She also added that she would be reaching out to the School District.

#6 – Resolution Authorizing the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, and Title II of the National Affordable Housing Act of 1990, as Amended, for Inclusion in the City's Community Development Program for 2022-2023 (48th Year).

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on March 15, 2022 at 7:00 p.m.

#7 – Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 966 West Beech Street (street floor), Long Beach, New York.

Re: Retail Convenience Store

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on March 15, 2022 at 7:00 p.m.

The voting portion of the meeting was then begun.

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

(RES. #16/22)

Resolution Authorizing the City Manager to Purchase Bunker Gear for the Long Beach Fire Department Under New York State Contract

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. #17/22)

Resolution Authorizing the Approval of a List of Eligible Volunteer Firefighters for 2021 Length of Service Award Program (LOSAP) Service Credit.

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. #18/22)

Resolution Authorizing the City Manager to Purchase Two Police Utility Vehicles for the City Under a Sourcewell Contract

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. #19/22)

Resolution Authorizing the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, and Title II of the National Affordable Housing Act of 1990, as Amended, for Inclusion in the City's Community Development Program for 2022-2023 (48th Year).

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. #20/22)

Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 966 West Beech Street (street floor), Long Beach, New York.

Re: Retail Convenience Store

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

Dated: March 2, 2022

David W. Fraser
City Clerk

Good and Welfare

Eileen Hession – 516 W Beech St	Spoke about budget items.
Judi Vining – 410 E Broadway	Spoke about monitoring developments in the cannabis legislation.
Ron Paganini – 62 Harmon St	Spoke about vehicle use, a timekeeping issue, the exhaust system in the City Garage not functioning and about the mechanics
Linda Giles – 505 Neptune Blvd	Spoke about the direction of the City
Norah Egan – 310 E Chester St	Spoke about speakers from the public providing addresses
Kathleen O’Leary	Spoke about the meeting notice, land marking the city garage and the Haberman case
Nathaniel Epstein – 200 Blackheath Rd, Lido Beach	Spoke about cannabis
Janet Cohen – Shore Rd	Congratulated the elected council members