

**CITY OF LONG BEACH
MINUTES OF THE REGULAR MEETING
OF THE COMMON COUNCIL
HELD MARCH 2, 2021**

A regular meeting of the City Council of the City of Long Beach was held on Tuesday, March 2nd, 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

City Manager, Donna M. Gayden welcomed everyone and introduced Robert Spolzino, outside counsel to give an update.

Mr. Spolzino gave an update on the Haberman case.

Ms. Gayden then introduced Mr. Joseph Lupo, Assistant Corporation Counsel to give an update on the sale of the City Garage.

Mr. Lupo gave an update on the sale of the garage and noted that the city was in the process of preparing an RFP (request for proposal) for the sale. He continued to describe the use of the garage and noted that there are pollutants that could have potentially contaminated the soil beneath and around the garage. Mr. Lupo also added that even though the city could have a potential buyer, the city would be liable for any contamination under the environmental law. He then added that the city reached out to Gallagher Insurance company to inquire about obtaining contamination cleanup insurance coverage. Mr. Lupo continued speaking about several options and indicated that there would be another meeting with the insurance company to see how the city might proceed.

Council Vice President McInnis asked if the city was self-insured for this property.

Mr. Lupo noted that the city was not self-insured but did have a policy through Gallagher for the property, but it did not cover the city for any contamination cleanup.

Ms. McInnis also asked if the city could do an RFP for other insurers.

Mr. Lupo noted that he did not see a reason why the city couldn't put out an RFP for other insurers and noted that he was waiting for a quote from Gallagher.

The City Manager then introduced Deputy Corporation Counsel, Rich Berrios for his update.

Mr. Berrios gave an update on a recent Zoning Board hearing that took place on 2/25/2021. This involved six separate parcels of interest in the North Park area on East Pine Street, that included a mix of area and use variances. He noted the presenters in attendance at this meeting and that the hearing was complete and anticipated the Zoning Board voting on this matter at the next Zoning Board meeting. Mr. Berrios also announced that this meeting was available on the website for anyone who would like to see it.

Council President Bendo asked if these existing parcels were being converted from one to two family dwellings or if they would be demolition and new construction.

Mr. Berrios noted that it was a mixture. He added that some were already existing, some would be demolished and some haven't been built as of yet and had already been knocked down.

Council Vice President McInnis asked about the parcels that were newly constructed and asked if they were one family dwellings and would like to confirm that they did not have meters for a two family dwelling.

Mr. Berrios believed that this was correct and he would speak with the building department to look into the meter question.

Council President Bendo suggested that the Planning Board be part of this conversation.

Ms. Gayden stated that the Planning Board was part of the conversation and the reason why it was being brought up at this meeting so that everyone would be informed.

Council Member Delury asked for an explanation on the use variance.

Mr. Berrios explained the difference between an area variance and use variance.

Council Member Treston thanked Mr. Berrios for his dedication to the zoning board as the city's attorney.

The City Manager asked Mr. Berrios to address Mr. Lester's question regarding the Pride Festival.

Mr. Berrios re-stated Mr. Lester's question regarding recouping the approximately \$75,000.00 from Pride. He noted that he did not have enough information to speak on this topic but assured everyone that he was working on it and hoped to have an update soon.

Ms. Gayden also noted another question that was asked by Mr. Lester regarding FEMA and replied that they were still looking into his question and would get back to him at the next public meeting.

The City Manager then introduced Mr. Joseph Febrizio, City Engineer to give an update on the Lifeguard Station.

Mr. Febrizio gave an overview on the city's comfort stations and lifeguard headquarters. He continued with a little history including the fact that on October 29, 2012, eight of the city's comfort stations and lifeguard headquarters were destroyed by hurricane Sandy. Mr. Febrizio was pleased to announce that here now, nine years later, the city was in the final stages of completion of replacement of all structures that were destroyed along the oceanfront. He gave a timeline and cost of all the new structures as well as the description of the new Lifeguard headquarters.

Council Member Treston asked about the boardwalk closing while setting the modules in place.

Mr. Febrizio noted the boardwalk would be closed between Long Beach Road and Edwards Blvd. from 8am to 5pm on Thursday, March 4th.

Council President referred to Mr. McNally regarding posting this information on the city's website to inform the public.

Mr. McNally noted that they were already doing so.

Ms. Gayden then introduced Mr. Sam Pinto from the Long Beach Fire Department.

Mr. Pinto gave a brief update on the status of the Fire Department noting that the city and the union reached an agreement in principle to an MOA (memorandum of agreement) regarding new terms of employment for future employment of professional Long Beach Firefighters. He thanked the City Manager and Mr. Rich Berrios for their commitment to working on this agreement.

The City Manager then introduced Police Commissioner, Ronald J. Walsh to give his update.

Commissioner Walsh began by complimenting and recognizing Special Officer Rodriguez who helped rescue a dog who was found in a van in very poor condition which led to a complete investigation regarding the owner of the van and its transporting of animals. He also noted that the Police Department was aware of complaints regarding the banners that were flying around the community that contained unpleasant language. Commissioner Walsh explained that there wasn't too much the city could do since they were within their rights (Cohen vs. California). He mentioned that the police department will continue to appeal to the common sensibilities of the individual(s) and hope that they will cooperate with them as community minded neighbors and come to some type of amicable resolution. Commissioner Walsh concluded by announcing that the City's Police Reform Document had been posted on the City's website and directed the audience on how to retrieve it. He thanked Inspector Rich DePalma and Lt. Bill Dodge for their hard work in putting this together. The Commissioner also recognized all those community members who served on the Commissioner's Board on Police Reform for their dedication in putting this together.

Council Member Treston thanked everyone who was involved in making this happen.

Council Member Delury recognized the diversity of the group who worked toward the completion of the document.

Ms. Gayden then introduced Mr. John McNally to give his update.

Mr. McNally gave a COVID 19 update noting some new positive test results for the City of Long Beach and noted that this was still a decline from the holiday peak but precautions were still necessary. He also noted that an announcement was made that vaccines would be available to everyone in the United States by the end of May. Mr. McNally encouraged those who were still looking to get an appointment to keep trying and gave the NYS hotline number – 1-833-697-4829 and the Nassau County website – nassaucountyny.gov/vaccine. He then noted that recycle bins would be available for residents at \$15.00 each and could be purchased at the Tax Department in City Hall no later than Monday. Mr. McNally also noted that Long Beach Aware (Judy Vining) had been calling for an update to the Social Host Law to include marijuana.

The City Manager then thanked MLK, Inc. noting that on Friday, they had their soft re-opening and surprised her with a wall honoring Black History Month. She also thanked Fire Commissioner Mirando and Ms. Reznik for their help with the MOA for the Fire Department. Ms. Gayden also announced that on Tuesdays, from 2pm to 4pm, “Meet with the City Manager” will be held virtually and directed the audience to the website to set up an appointment. She noted that the City was in budget season and working very hard to complete the budget for the upcoming year as well as preparing the five-year multi-year plan. Lastly, Ms. Gayden noted that there were some charter changes that need to be made and would be bringing that forth in April.

The public hearing was held

PUBLIC HEARING: For the purpose of providing all persons and representatives of organizations with significant social, economic, and environmental interests an adequate opportunity to publicly present their views on and propose activities for the City’s Community Development Program for 2021-2022 (47th Year)

Mack Graham (Executive Director MLK Inc) – Asked for \$25,000 for enrichment programs at the MLK center.

James Hodge - Reiterated the need for the funding for the MLK center

Council Member Treston thanked Ms. Monique Powell for her dedication to the program.

Ms. Powell encouraged the audience to visit the website for more information about Community Development and thanked Ms. Kerry Ann Troy and Tracy Murray of Public Relations for their assistance in providing upcoming information can be very valuable to the community in regards to what is being done in Community Development.

The calendar items were read by the City Clerk

#1 – Approval of Minutes of Prior Meeting of December 18, 2020

Council Pres. Bendo made a motion for the approval of minutes. It was seconded by Mr. Mandel and was carried unanimously.

#2 – 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 2021-2022 (47th Year).

#3 – Resolution Authorizing the City Manager to Purchase Sodium Hypochlorite from the Lowest Responsible Bidder

Mr. Joe Febrizio explained that the purpose of this bid was to obtain sodium hypochlorite for the water pollution control plant and gave a breakdown of the bids and costs.

Council President Bendo asked for clarification on the cost.

Roy Lester (72 Boyd St) – Was speaking on the wrong item and was advised to wait for the next item

#4 – Resolution Authorizing the City Manager to Purchase Various Chemicals on an “As Needed Basis” for the Water Purification Plant from the Lowest Responsible Bidders

Mr. Joe Febrizio explained that the purpose of this bid was to obtain the necessary chemicals for the treatment processes at the water treatment plant. He gave a brief description on how these chemicals were used and gave a breakdown on the bids and costs.

Council Member Treston thanked Mr. Febrizio for providing the public the opportunity to see the opening of the bid process on You-tube.

Roy Lester (72 Boyd St) – asked several questions about the chemicals that are put into the water and the reports on the outcome. He suggested a public educational forum be held to help educate the public on this topic.

A discussion continued regarding the calcium hardness level and certain water testing and was explained by Commissioner John Mirando.

Ms. Gayden noted that she would meet with Commissioner Mirando and Mr. Febrizio about putting together a public educational session regarding this topic.

#5 – Resolution Authorizing the City Manager to Enter into a Contract for the Complete Reconstruction of Boyd Street, North of East Pine Street, with the Lowest Responsible Bidder

Mr. Joe Febrizio gave a brief description on the timeline of the bids received and spoke about the bidders and the cost involved. He continued to give a description of the work that would be involved in this project.

#6 – A “Resolution Authorizing Budget Amendment to the Capital Fund Budget” was taken off the calendar.

#7 – A “Resolution Authorizing the City Manager to Enter into Two Agreements for General Construction Services and Electrical Construction Services for the Long Beach Drainage Improvements Project” was taken off the calendar.

#8 – Resolution Authorizing a Correction of Error Appearing on the 2019/20 Assessment/Tax Rolls of the City of Long Beach

Mr. Ray Flammer, Tax Assessor noted that this item was a legal procedure to accept the retroactive tax exemption application and cancel the taxes for the 2019-20 tax year for Temple Beth-El now known as the New Beth-El and continued to explain the history and reason behind this resolution.

Council Member Delury asked if this resolution would affect the city's budget for the current year.

Mr. Flammer replied that it would have been in the reconciliation for the end of the year for 19-20.

Ms. Inna Reznik, City Comptroller added that this amount was written off in fiscal year 2020.

Council Vice President McInnis asked if this meant that moving forward, the city would not collect any future property taxes on this property.

Mr. Flammer replied that moving forward, as long as they file tax exemption applications and use the property or have a plan to use the property for a tax-exempt purpose, it would remain exempt.

Ms. McInnis also asked if there was a timeframe in which they would have to execute their exempt purpose.

Mr. Flammer replied that there was a case law on this, but generally as long as they have a plan in place, it goes to the property.

Council Vice President McInnis then asked if in the future, they could have a plan to make the property a non-exempt property.

Mr. Flammer replied that they would still need all the proper paperwork, approvals and official plans to retain tax exempt status.

#9 – Resolution Authorizing the Approval of a List of Eligible Volunteer Firefighters for 2020 Length of Service Award Program (LOSAP) Service Credit

Fire Commissioner, John Mirando explained the purpose of the award that provides a defined benefit pension to the members at the age of 65. He continued to describe the process that leads up to this benefit.

Council Member Delury thanked Commissioner Mirando and noted that he thought this was a great program and he was very proud of the volunteer fire department.

Council Member Treston thanked all who provide this service.

James Hodge- Thanked the fireman for their service.

Ms. McInnis also thanked the firemen and firewomen who serve the city as volunteers.

#10 – Resolution Authorizing Transfer of Funds for the 2020-2021 Fiscal Year

The City Comptroller explained that this was transfer of available funds from the Information Technology machinery equipment line to the Information Technology contracted services line for \$3,700.00 that had to do with the work by the consultants who helped in the cyber security process.

Roy Lester (72 Boyd St) – asked if the city had any other service available at the time of the cyber security issue that could have handled the situation.

The City Manager replied that there was no IT group at the time and at that particular time, the city did not carry cyber security insurance. She added that she did receive a quote for \$250,000.00 to help remedy this situation but Police Commissioner Walsh was able to contact people he knew Nassau County (Dynatech) and they came in and did the job for \$3,700.00. Ms. Gayden also added that the city now has insurance.

Council Vice President McInnis asked when the council would be receiving a security assessment report from Dynatech.

Ms. Gayden replied that they met with the whole team last Friday and a written report would be available within the next 2 weeks.

#11 – Resolution Authorizing Transfer of Funds for the 2020-2021 Fiscal Year

Ms. Reznik explained that this transfer from the contingency account to the Fire Department equipment repair account in the amount of \$14,910.00 was necessary for a Fire Truck Ladder that needed repair.

The voting portion of the meeting was then begun.

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. #31/21)

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 2021-2022 (47th Year).

Council Member Mandel 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. #32/21)

Resolution Authorizing the City Manager to Purchase Sodium Hypochlorite from the Lowest Responsible Bidder

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

(RES. #33/21)

Resolution Authorizing the City Manager to Purchase Various Chemicals on an “As Needed Basis” for the Water Purification Plant from the Lowest Responsible Bidders

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. #34/21)

Resolution Authorizing the City Manager to Enter into a Contract for the Complete Reconstruction of Boyd Street, North of East Pine Street, with the Lowest Responsible Bidder

Council Member Treston introduced and moved the adoption of the following resolution, seconded by Mr. Mandel, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #35/21)

Resolution Authorizing a Correction of Error Appearing on the 2019/20 Assessment/Tax Rolls of the City of Long Beach

Council Member Delury 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. #36/21)

Resolution Authorizing the Approval of a List of Eligible Volunteer Firefighters for 2020 Length of Service Award Program (LOSAP) Service Credit

Council Member Treston introduced and moved the adoption of the following resolution, seconded by Mr. Mandel, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #37/21)

Resolution Authorizing Transfer of Funds for the 2020-2021 Fiscal Year

Council Member Delury 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. #38/21)

Resolution Authorizing Transfer of Funds for the 2020-2021 Fiscal Year

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: March 3, 2021

David W. Fraser
City Clerk

Good and Welfare

Roy Lester – 72 Boyd St

Asked for an update on the Jetty project and spoke about the possibility of delivering the new recycle bins to homeowners and about asking questions during the City Manager's report

Judi Vining

Spoke about adding marijuana to the social host ordinance

Eileen Hession

Spoke about a mailing from PSEG Homeserve for sewer lateral protection

James Hodge

Spoke about the code for unattended animals in vehicles and about housing