

**CITY OF LONG BEACH
MINUTES OF A MEETING
OF THE COMMON COUNCIL
HELD APRIL 16, 2024**

A meeting of the City Council of the City of Long Beach was held on Tuesday April 16, 2024.

Present were Council Pres. Finn and Council Members Bendo, Fiumara, Lester, and Reinhart.

Corporation Counsel Dennis Cohen and City Manager Daniel Creighton were also present.

City Manager, Daniel Creighton began his report by announcing that the draft budget for Fiscal Year 2024-2025 was delivered to the Council on Wednesday, April 10th and it will be made available to the public on the City's website by Friday, April 19th. Mr. Creighton also added that there will be a public presentation on the draft budget at the May 7, 2024 City Council Meeting where the council will then have the opportunity to amend the budget based on public feedback, and will vote on it in late May. The City Manager also added that the roadwork on Park Avenue has been moved to the south side of Park Avenue and the city will do everything possible to minimize the disruption to local businesses. Once this is completed, all the final touches will take place including tree planting, colonial street lighting, benches, and bike racks. He then announced the swearing in of 4 new firefighters that will hopefully help reduce overtime expenditures. Mr. Creighton congratulated the Economic Development Department along with the Planning Advisory Board for receiving the statewide Comprehensive Plan Award from the New York State Planning Federation. The City Manager noted the success of the E-Cycling event that took place over the weekend and reminded residents of the STOP (Stop Throwing Out Pollutants) program that will be taking place on Saturday. Finally, Mr. Creighton announced that the month of May will be declared VFW Buddy Poppy Month in the City of Long Beach. He urged everyone to support and wear the buddy poppy to show gratitude to the men and women of this country who risked their lives in defense of the freedoms we enjoy as American citizens.

The public hearings were held

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach
Re: Appendix A – Zoning.

Mr. Creighton noted that this item was a cleanup item from the zoning code to address the West End's DD and E zoning districts.

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach
Re: Zoning Board of Appeals

The City Manager stated that this item updates the zoning in reference to variance fees and removes several items that were duplicative.

The calendar items were read by the City Clerk

#1 – Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Appendix A – Zoning

A hearing had been held on this item already

#2 – Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Zoning Board of Appeals

A hearing had been held on this item already.

#3 – Resolution Authorizing Settlement with Goodman-Marks Associates, Inc

The City Manager stated that this item would settle a dispute with the appraisal company that was utilized during the Haberman case.

Council Member Lester asked for more of an explanation.

Corporation Counsel, Denis Cohen recommended that the council go into executive session since there was no final signed settlement agreement at that time.

#4 – Resolution Authorizing Settlement of Actions Brought by Robert Agostisi and the City of Long Beach

Mr. Creighton stated that this item was to settle the Agostisi lawsuits that are currently pending.

Mr. Bendo recused himself from this item.

Pres. Finn made a motion to go into executive session to seek advice from counsel. It was seconded by Mr. Reinhart and was carried by four affirmative votes. Mr. Bendo recused himself from this item.

After returning from executive session, Pres. Finn made a motion to add “in the amount of \$250,000.00” to the end of the RESOLVED clause in the item. It was seconded by Mr. Reinhart and was carried by four affirmative votes. Mr. Bendo recused himself from this item.

John Ashmead (38 E Beech St) – expressed his disapproval of this item.

Eileen Hession – expressed her disapproval of this item.

Nora Egan – requested that this item be tabled because she thought there were discrepancies in the settlement agreement.

Ron Paganini (62 Harmon St) – expressed his disapproval of this item.

Denise Ford (Ohio Ave) – expressed her disapproval of this item.

#5 – A “Resolution Authorizing the City Manager to Purchase Time & Attendance Management Software” was taken off the calendar

#6 – Resolution Authorizing the City Manager to Enter into an Agreement for Consulting Services

The City Manager explained that this item would allow the city to hire Pace University to assist in setting up a Planning Board that will help in the prevention of overdevelopment.

Council Member Reinhart asked Ms. Patti Bourne to explain what the agreement entailed.

Ms. Bourne, Director of Economic Development and Planning gave a detailed explanation for the purpose of a Planning Board and what the agreement entailed.

Council President Finn expressed his approval of this item.

Council Member Lester asked about the operation of the Planning Board.

Ms. Bourne responded to Mr. Lester's question.

Council President Finn asked for clarity regarding the Planning Board vs. the Planning Advisory Board.

Steve Candon (10 W Beech St) – spoke about the past and prior processes developing a future vision for Long Beach. He expressed his approval of developing a Planning Board.

Marissa Ferrara (136 Coolidge Ave) – asked to describe the purpose of the Comprehensive Plan and if it affected the East School situation.

Ms. Bourne explained the purpose of the Comprehensive Plan and spoke about the East School area.

Council Member Lester asked about the zoning and how it relates to the school property.

Council Member Fiumara asked for clarification on the reason for developing the Planning Board and how it relates to the East School situation and overdevelopment.

Corporation Counsel, Dennis Cohen responded to Mr. Lester's and Mr. Fiumara's questions.

#7 – Resolution Appointing a Member to the Board of Ethics of the City of Long Beach.

The City Manager noted that this item would allow for the appointing of a new member to the Board of Ethics.

Council Member Lester commented on the new structure of the Board of Ethics. He expressed his opinion and concern regarding the newly appointed member. He believed that having a politician on the ethics board was a bad move.

Council President Finn questioned Mr. Lester's concern and disagreed with Mr. Lester's opinion.

A discussion ensued regarding this item.

Christina Kramer – expressed her approval of this item and commended the City Manager for his efforts in filling Board and Commission positions.

Nora Egan – asked about the removal of a specific board of ethics member.

Eileen Hession – asked why a member of the board of ethics was removed.

Mr. Creighton responded to Ms. Egan’s and Ms. Hession’s question.

Council Member Lester questioned the application process and the reason for reducing the members of the Board of Ethics.

The City Manager gave a detailed explanation of the application process and the reduction of members.

A lengthy discussion continued regarding this item.

John McQuade – spoke before the council expressing his reason for applying to the Ethics Board and assured everyone that he will do his best as a member.

#8 – Resolution Confirming the Appointment of Members to the Zoning Board of Appeals of the City of Long Beach

Mr. Creighton noted that this item was to appoint a new member to the Zoning Board of Appeals and to re-appoint those members whose terms had expired and need reappointing.

Council Member Bendo asked about the members’ term lengths.

The City Manager explained how the term length worked and that it will keep the proper rotation.

City Clerk, Dave Fraser also explained how the terms worked.

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

Mr. Creighton explained the purpose of this item.

Council Member Lester asked about a water quality report.

Public Works Commissioner, Joe Febrizio responded to Mr. Lester’s question.

#10 – Resolution Authorizing Budget Amendment to the Capital Projects Fund Budget.

The City Manager explained that this item would allow the city to be reimbursed with a grant that would go back into the budget.

#11 – 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

Mr. Creighton described the reason for and purpose of this item.

Council Member Reinhart asked Mr. Febrizio to explain the term “As-Needed”.

Mr. Febrizio responded to Mr. Reinhart's question. He proceeded to describe the process and type of work that will be performed.

Council Member Bendo asked about the Vendor.

Mr. Febrizio responded to Mr. Bendo's question.

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

The City Manager explained the reason for and purpose of this item.

Council Member Lester asked Fire Commissioner Joe Miller about a prior discussion on the life expectancy of the bunker gear and the funding.

Commissioner Miller responded to Mr. Lester's question.

#13 – Resolution Fixing and Providing for the 2024 Season of the Ocean Beach Park

Mr. Creighton explained that this item set the days of operation for the Ocean Beach Park for 2024.

Council Member Lester asked about expanding the days of operation.

Deputy City Manager, Philip L. Ragona responded to Mr. Lester's question.

#14 – 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 1, 2024 through June 30, 2025, and Notice of Public Hearings Thereon

Public Hearings for the Budget will be held on May 7, 2024 and May 21, 2024 at 7:00 p.m. and the hearing for the Capital Plan will be held on May 21st at 7pm. In addition, Work Sessions are scheduled for April 30th at 6pm and May 14th at 6pm.

#15 – Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Ocean Beach Park

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 7, 2024 at 7:00 p.m.

#16 – Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Water and Water Distribution

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 7, 2024 at 7:00 p.m.

#17 – Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach Re: Sewer Rents

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 7, 2024 at 7:00 p.m.

#18 – Approval of Minutes of Prior Meeting of April 2, 2024

Council Pres. Finn made a motion to approve the minutes. It was seconded by Mr. Reinhart and was approved unanimously.

The voting portion of the meeting was then begun.

Pres. Finn made a motion to table this item (pending approval from the Nassau County Planning Board). It was seconded by Mr. Bendo and was carried unanimously.

(TABLED)

Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Appendix A-Zoning

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

(ORD. #3086/24)

Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Zoning Board of Appeals.

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

(RES. #52/24)

Resolution Authorizing Settlement with Goodman-Marks Associates, Inc.

Council Pres. Finn introduced and moved the adoption of the following resolution (as amended), seconded by Mr. Reinhart, and it was duly adopted by three affirmative votes. Council Member Lester Voted No and Council Member Bendo recused himself from this item.

(RES. #53/24)

Resolution Authorizing Settlement of Actions Brought by Robert Agostisi and the City of Long Beach

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

(RES. #54/24)

Resolution Authorizing the City Manager to Enter into an Agreement for Consulting Services

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

(RES. #55/24)

Resolution Appointing a Member to the Board of Ethics of the City of Long Beach

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

(RES. #56/24)

Resolution Confirming the Appointment of Members to the Zoning Board of Appeals of the City of Long Beach

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

(RES. #57/24)

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

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

(RES. #58/24)

Resolution Authorizing Budget Amendment to the Capital Projects Fund Budget.

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

(RES. #59/24)

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

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

(RES. #60/24)

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

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

(RES. #61/24)

Resolution Fixing and Providing for the 2024 Season of the Ocean Beach Park

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

(RES. #62/24)

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 1, 2024 through June 30, 2025, and Notice of Public Hearings Thereon.

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

(RES. #63/24)

Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Ocean Beach Park.

Council Pres. Finn 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. #64/24)

Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Water and Water Distribution

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

(RES. #65/24)

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

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

Dated: April 16, 2024

David W. Fraser
City Clerk

Good and Welfare

Ron Paganini – 62 Harmon St

Spoke about the power transmittal cable from the proposed off shore wind farm

Eileen Hession – 516 W Beech St

Spoke about item #4

John Ashmead – 38 E Beech St

Spoke about the legal counsel used by the City and paper recycling collection on windy days

Christina Kramer

Spoke about the Environmental Advisory Board, a power feeder cable upgrade being done by PSEG and proposed wind farm project

Mindi Dovberg – 1 E Broadway

Spoke about Mobi-Mats on the beach and the Art of Wellness event

Harold Webb – 24 California St

Spoke about civil discourse

Phylis Libutti – Blachheath Rd

Spoke about the accomplishments of the previous City Council