

**CITY OF LONG BEACH  
MINUTES OF A MEETING  
OF THE COMMON COUNCIL  
HELD APRIL 19, 2022**

A meeting of the City Council of the City of Long Beach was held on Tuesday, April 19, 2022.

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

Corporation Counsel Richard Berrios and City Manager Donna Gayden were also present.

Council Vice President Treston announced some upcoming city events.

City Manager, Donna M. Gayden began her report by presenting CDBG (Community Development Block Grant) money to the MLK Center, Long Beach Soup Kitchen and Long Beach Reach. She then introduced O'Melveny and M-3 to speak about the Haberman Settlement.

Ms. Maria DiConza from O'Melveny and Mr. Brian Griffith from M-3 Partners began the presentation. (*See attached*)

Council Member Roy Lester thanked them for helping with the settlement and asked questions regarding potential liability and zoning requirements.

Ms. DiConza responded to Mr. Lester's questions.

Council President McInnis thanked Senator Kaminsky, City Manager Donna M. Gayden, Corporation Counsel Rich Berrios, City Comptroller Inna Reznik, O'Melveny, M-3 Partners and all who helped with the Haberman settlement.

Council Member Bendo spoke about the difficulty in voting on this amount of money and the burden it will have on the residents. He also mentioned the city's positive financial direction.

**The public hearing was held**

**PUBLIC HEARING:** Ordinance to Amend the Code of Ordinances of the City of Long Beach  
Re: Ocean Beach Park

Council Member Bendo made a motion to add an option for a twilight beach pass that would be valid after 4pm and added that this pass would be beneficial for safety purposes and hopefully add revenue.

Council Member Posterli asked about how these passes would fit into the daily operation.

City Manager Gayden noted that the team would discuss the best way to proceed.

Council Member Lester thanked Mr. Bendo for thinking outside the box and commended the idea.

Ms. Gayden noted that all new ideas presented will be explored and since there was no way of knowing if any of these ideas would increase revenue, no revenue would be reflected in the budget.

City Comptroller, Inna Reznik proceeded to give a presentation on Beach Park revenue.  
(See attached)

Council Member Posterli asked about the beach pass related to the railroad.

Ms. Reznik answered Ms. Posterli's question.

Council Member Bendo asked about the "better weather bump" and the 10% revenue increase.

Ms. Reznik answered Mr. Bendo's question.

Council Vice President Treston asked for clarification about the access for persons with a disability and that it was not just limited to physical.

Council Member Lester asked several questions regarding beach park revenue.

City Manager, Donna M. Gayden explained all items included in the Beach Park revenue.

City Comptroller, Inna Reznik also explained the cost accounting of direct and indirect costs.

A discussion continued regarding the beach park budget allocations and revenue.

Kathleen O'Leary – Asked about the marketing strategies for the city to attract more non-residents to the beach. She also suggested increase all non-resident passes and railroad passes. Ms. O'Leary then spoke about the boardwalk concessions.

Jay Brick – spoke about several situations that could affect the lack of non-residents using the beach park.

Corporation Counsel, Rich Berrios spoke about developers giving back to the city.

Kyle Pace – asked about leveraging zoning negotiations with Haberman to help finance the beach and the revenue advantages of legalizing the sale of cannabis.

Judi Vining– asked about restricting the number of resident family passes being sold per household to help eliminate residents from buying passes for non-resident friends.

Joseph Naham (700 Shore Rd) – spoke about sanitation and the beach park.

Nate Epstein – spoke about the increase of beach passes.

Mike Delury – Complimented Mr. Bendo for introducing the twilight beach pass and how it would save lives and make it affordable for those who cannot afford a daily pass.

Anne Flomenhaft – spoke against raising beach passes and suggested the council opt into retail dispensaries for cannabis sales as another alternative to revenue.

Jay Gusler – questioned the quality of the city's budgeting practices.

City Manager Gayden replied to Mr. Gusler's statement by stating that since she has been with the city, the budget process had improved. She also spoke about the difference in the type of

budgeting that took place in prior years vs. how it is currently being done. Ms. Gayden then recognized her administrative team and how together, they were doing everything possible to turn the finances around and move in a positive direction which has been seen in the audits and noticed by the state.

**The calendar items were read by the City Clerk**

#1 – Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Ocean Beach Park.

Council Member Bendo made a motion to add an option for a twilight beach pass that would be valid after 4pm at a cost of \$6.00 (see text below). It was seconded by Ms. Posterli and was carried by four affirmative votes. Council Pres. McInnis voted no.

Text to be added to the ordinance:

(2) *Daily admission charges:*

...

(d) *Twilight daily passes.* Commencing at 4 p.m., 7 days per week during the Ocean Beach Park Season, residents and non-residents who do not otherwise have a valid entry pass for entry onto the Ocean Beach Park shall pay \$6 entry fee

Council member Bendo made a motion to table this item. It was seconded by Ms. Posterli and was carried unanimously.

#2 – Resolution Authorizing the City Manager to Enter into a Settlement Agreement Between the City of Long Beach, Commissioner of Buildings and Property Conservation Scott Kemins, the City of Long Beach Zoning Board of Appeals, Sinclair Haberman and Belair Building, LLC

This item was included in the City Manager's report.

#3 – Resolution Authorizing the City's Corporation Counsel to Enter Into a Stipulation of Settlement Between the City of Long Beach, Tax Assessor Raymond Flammer, and Pacifica Building, LLC.

Corporation Counsel, Rich Berrios explained that this was a pending proceeding and a condition of the final settlement in the Haberman matter.

Denise Ford – asked about the benefit of the state allowing the city to bond for 30 years vs. 15 years.

Council Member Bendo noted that the city has the option, but the Council was waiting for an analysis on the cost.

Mr. Brian Griffith of M-3 Partners confirmed Mr. Bendo's comment.

#4 – Resolution Authorizing the City Manager to Purchase a New Ambulance for the City's Fire Department Under a Sourcewell Contract.

Fire Commissioner, Joe Miller spoke about the need of the fire department to replace its primary ambulance.

Council Member Lester asked about the ambulances that were out of service and the repairs involved. He also asked to see the bids on the new ambulance engine being purchased.

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

Commissioner of Public Works, Joe Febrizio gave a complete description and the reason for the item being purchased.

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

Commissioner Febrizio gave a complete description and the reason for the item being purchased.

#7 – 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.

Commissioner Febrizio gave a complete description and the reason for the item being purchased.

#8 – Resolution Authorizing the City Manager to Purchase an Inter-Operable Video Management and Integrated Surveillance System through New York State Office of General Services Contracts.

Police Commissioner, Ron Walsh described and spoke about the reason for the item being purchased. He noted that this system would allow all the city’s closed circuit television feeds to be brought all together so that they can be viewed in one centralized location.

Council President McInnis asked when this project would be completed.

Commissioner Walsh noted that due to the current supply chain issues, it would be hard to say but he anticipated the better part of a year.

Council Member Bendo asked if all feeds could be picked up in the OEM (Office of Emergency Management) center and if there will be training included with this purchase.

Commissioner Walsh replied that they will be able to view the feeds from their cell and training would be included.

Council Member Lester asked about where the money was being allocated from for this project and if the cameras located at lifeguard headquarters would benefit from them.

Commissioner Walsh responded to Mr. Lester’s questions.

Nate Epstein – Asked how this project helps the residents of Long Beach and noted the cost of this project vs. the amount of crime committed.

Commissioner Walsh spoke about the benefit of the camera’s being able to pick up crimes being committed when there was no police presence and spoke about the importance of monitoring the locations to ensure safety for all.

Mr. Epstein also spoke about the monies that were given to certain organizations.

Ms. Gayden explained that the money given to certain organizations was from grant funds of CDBG (Community Development Block Grant) money and not from the city budget.

Commissioner Walsh added the fact that the city was also dealing with graffiti issues in the city that could potentially cause \$50,000.00 in damage to public property. He noted that these cameras will be placed in areas that will actually help deter people from committing such crimes.

Council Member Lester asked about the purchase of the cabling.

Commissioner Walsh explained the reason and cost for the cabling.

Kyle Pace – asked about the security measures of the system and if the system would be audited to help eliminate misuse.

Commissioner Walsh explained that the system would be restricted to selected operators. He noted that there would be audit trails and anyone logging into the system will be recorded.

Joseph Naham (700 Shore Rd) – asked about the microwave antennas and what the effects would be.

Commissioner Walsh explained the frequency of the antennas and how it was equivalent to the hand-held radios used by the police department.

#9 – Resolution Authorizing the City Manager and the City Comptroller to Transfer Funds within the 2021-2022 Budget

Ms. Reznik explained that since the city was entering the last few months of the fiscal year, this will give her the authority to transfer funds from one line to the other without council approval. She added that procedures are in place to ensure there is funding in those specific lines to prevent going over budget.

Ms. Gayden clarified that when transfers are being done between line items, nothing is being added to the budget and it would not affect the bottom line of the budget.

Council Member Lester asked if these transfers had an upper limit.

Ms. Gayden replied that they did not.

#10 – Resolution Authorizing the City Manager to Enter into a Joint Promotion Agreement with the Metropolitan Transportation Authority for the “MTA Away Package”.

Mr. Joe Brand, Commissioner of Parks and Recreation described the agreement between the LIRR and the city for the MTA Getaway Package for the beach season.

Council Member Posterli asked how the MTA advertises the Getaway package.

Commissioner Brand described how the MTA advertises and discussed the contract.

Council Member Lester made a motion to change the word “Trolley” to “Trolley/Bus” in the fourth WHEREAS clause. It was seconded by Ms. Treston and was carried unanimously.

#11 – 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, 2022 through June 30, 2023, and Notice of Public Hearings Thereon.

*This item was for publication only.*

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 3, 2022 at 7:00 p.m.

#12 – Resolution Authorizing the City Council to Have Confidential Correspondence Prepared on Behalf of the City Council and to Have Such Correspondence Delivered to Certain Persons, Known to the Council, Regarding Pending Litigation.

Council Member Treston made a motion to go into executive session to discuss the litigation with counsel. It was seconded by Ms. Posterli and was carried by four affirmative votes. Council member Lester voted no.

**ADDED BY UNANIMOUS CONSENT**

#13 – Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing of the Construction and Reconstruction of Improvements to the City’s Wastewater Treatment Plant, Appropriating \$1,600,000 for Such Purpose and Authorizing the Issuance of Up to \$1,600,000 Bonds to Finance Said Appropriation.

*This item was for publication only.*

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 3, 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 Pres. McInnis, and it was duly adopted by four affirmative votes. Council Member Lester Abstained.

(RES. #39/22)

Resolution Authorizing the City Manager to Enter into a Settlement Agreement Between the City of Long Beach, Commissioner of Buildings and Property Conservation Scott Kemins, the City of Long Beach Zoning Board of Appeals, Sinclair Haberman and Belair Building, LLC

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

(RES. #40/22)

Resolution Authorizing the City’s Corporation Counsel to Enter Into a Stipulation of Settlement Between the City of Long Beach, Tax Assessor Raymond Flammer, and Pacifica Building, LLC.

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. #41/22)

Resolution Authorizing the City Manager to Purchase a New Ambulance for the City's Fire Department Under a Sourcewell Contract.

Council Pres. McInnis 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. #42/22)

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 Bendo 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. #43/22)

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

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. #44/22)

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 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. #45/22)

Resolution Authorizing the City Manager to Purchase an Inter-Operable Video Management and Integrated Surveillance System through New York State Office of General Services Contracts.

Council Pres. McInnis introduced and moved the adoption of the following resolution, seconded by Ms. Treston, and it was duly adopted by three affirmative votes. Council Members Bendo and Lester voted no.

(RES. #46/22)

Resolution Authorizing the City Manager and the City Comptroller to Transfer Funds within the 2021-2022 Budget

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

(RES. #47/22)

Resolution Authorizing the City Manager to Enter into a Joint Promotion Agreement with the Metropolitan Transportation Authority for the “MTA Away Package”.

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. #48/22)

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, 2022 through June 30, 2023, and Notice of Public Hearings Thereon.

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

(RES. #49/22)

Resolution Authorizing the City Council to Have Confidential Correspondence Prepared on Behalf of the City Council and to Have Such Correspondence Delivered to Certain Persons, Known to the Council, Regarding Pending Litigation.

Council Pres. McInnis 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. #50/22)

Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing of the Construction and Reconstruction of Improvements to the City’s Wastewater Treatment Plant, Appropriating \$1,600,000 for Such Purpose and Authorizing the Issuance of Up to \$1,600,000 Bonds to Finance Said Appropriation

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

Dated: April 20, 2022

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David W. Fraser  
City Clerk



**Good and Welfare**

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| Bill Dodge – LB COA                               | Thanked the council for their new contract                                    |
| Judi Vining – 410 E Broadway                      | Spoke about teen night out and drug take back day                             |
| Kathleen O’Leary                                  | Asked the Fire Department to consider donating used fire equipment to Ukraine |
| Nathaniel Epstein – 200 Blackheath Rd, Lido Beach | Spoke recreational cannabis   |
| Joey Naham – 700 Shore Road, LB                   | Spoke about beach season parking  |
| Jay Gusler – 124 Taft Ave                         | Spoke about item 12   |