

**CITY OF LONG BEACH
MINUTES OF THE REGULAR MEETING
OF THE COMMON COUNCIL
HELD APRIL 20, 2021**

A regular meeting of the City Council of the City of Long Beach was held on Tuesday, April 20th, 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

The City Manager introduced Police Commissioner Ronald J. Walsh, Jr. to give a report.

Commissioner Walsh spoke about the shooting that took place in West Hempstead. He also spoke about and commended some of the community service and enforcement that was provided recently by Long Beach Police Officers. Commissioner Walsh also noted that additional summer specials will be placed at the recreation center to enhance security.

Ms. Gayden then introduced Director of Operations, Mr. Thomas Canner.

Mr. Canner announced that thanks to the quick thinking of Devin Parker, Superintendent of Sanitation, a sanitation truck that was caught on fire was able to be saved without any injuries or damage to the truck.

Police Commissioner Walsh asked to add that the George Floyd murder trial verdict came in as guilty on all charges. He added that he had been in touch with the intelligence section in the Nassau County Police Department and noted that everything seemed to be quiet on Long Island with no protesting planned.

The City Manager then introduced Ms. Monique Powell, Director of Community Development to give her report.

Ms. Powell gave an overview of some of the changes with the allocation of Community Development Block Grant funds and the 45th budget.

Ms. Gayden then introduced Mr. Joe Febrizio, Commissioner of Public Works to give his report.

Mr. Febrizio gave a brief overview on the STOP Program that was held over the weekend and commended the Police, Sanitation and Street Maintenance departments for a job well done. He then went on to speak about the completion of the emergency sewer placement point repair project on Park Avenue. Mr. Febrizio also spoke about some of the upcoming projects for the city.

Council Member Delury expressed his appreciation for all the work being done.

The City Manager then introduced Mr. John McNally, Director of Public Relations to give his update.

Mr. McNally gave a COVID and vaccine update.

Ms. Gayden then introduced Mr. Joe Brand, Commissioner of Parks and Recreation to give his report.

Mr. Brand gave an update on the beach park and noted that there would be slight delay on the sale of the beach park passes. He added that there would be an opportunity to purchase beach passes electronically. Mr. Brand also noted that state guidance was forthcoming so that the city could proceed with how the beach park will open. He announced that the Summer Camp program will be available for this year.

The City Manager then introduced Ms. Inna Reznik, City Comptroller to give her city update.

Ms. Reznik announced that the Fiscal Year 2022 budget would be posted on the city website very soon. She thanked the City Manager and all Department Heads who worked closely throughout the budget process. Ms. Reznik continued to speak about the financial situation of the city and will continue to monitor city expenses for Fiscal Year 2021.

Ms. Gayden asked Ms. Reznik to discuss the beach pass notification regarding the new beach fees.

The Comptroller then displayed a slide presentation and went on to speak about the beach revenues and expenses for Fiscal Year 2022.

Council Member Delury thanked Ms. Reznik and the City Manager for the presentation.

Council Member Treston asked if the city could look into helping resident families who might not be able to afford beach passes this year due to the pandemic. Ms. Treston also announced that she had been in touch with the Town of Hempstead and Donald Clavin and a Vaxmobile would be available at St. Mary's for COVID vaccine distribution. She noted that it was by appointment only and folks could call 516-812-3678.

The public hearings were held

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach
Re: Offenses-Miscellaneous.

Deputy Corporation Counsel, Rich Berrios explained the reason for the amendment to this particular Code of Ordinance that pertains to the “Social Host” Law.

Council President Bendo asked Mr. Berrios to give a quick description of what the “social host” law was.

Mr. Berrios proceeded to explain the “Social Host” law.

Roy Lester (72 Boyd St) – asked about the impact of the social host law and how this violation could impact a person’s future.

Mr. Berrios explained that this would depend on the severity of the case.

Judi Vining – from Long Beach Aware thanked the Council for the amendment being presented. She continued to describe the social host law and what the procedure was in the event an under-aged drinker was issued a violation.

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 1046 West Beech Street, (street floor), Long Beach, New York.

Re: Sushi Restaurant.

Council President Bendo asked the owner to tell the audience about the business.

Ms. Nicole Zhao described her business as mostly a delivery and take out store with a small sushi bar. She then described her menu.

Mr. Bendo noted that this location was on Beech Street between Florida Street and Georgia Avenue. He asked how often she would be getting deliveries and the hours of operation.

Ms. Zhao replied that 2 – 3 times a week for deliveries and her hours would be from 12pm to 8:30pm or 9:00pm.

The calendar items were read by the City Clerk

#1 – Approval of Minutes of Prior Meeting of February 16, 2021, March 2, 2021 and March 10, 2021

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

#2 – Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Offenses-Miscellaneous

A hearing had been held on this item.

#3 – Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 1046 West Beech Street, (street floor), Long Beach, New York.

Re: Sushi Restaurant

Ed note: This item was voted on out of order at the conclusion of the public hearing

#4 – Resolution Authorizing the City Manager to Enter into an Agreement for Police Surgeon and City Physician Services for the City of Long Beach

Mr. Berrios explained that this resolution was for the appointment of the new Police Surgeon and City Physician and gave a brief background of the new physician and the cost involved as well as what his duties would be.

Dr. Josh Kugler thanked Mr. Berrios for his introduction and noted that he looked forward to serving the City of Long Beach.

#5 – Resolution Authorizing the City Manager to Accept a Charitable Donation and to Enter into a Naming Rights Agreement

The Deputy Corporation Counsel, Mr. Rich Berrios described the resolution as a naming rights agreement with a charitable donation of \$300,000.00 for the lifeguard headquarters for a period of 50 years in the name of Eugene Carbona. He proceeded to speak about Mr. John A. Carbona and his family and years in Long Beach.

Patrick Gallagher – President of the Long Beach Lifeguard Alumni Association noted how proud they were of John Carbona and thanked him for his generous charitable contribution. He thanked the Council for their endorsement of the new Lifeguard Headquarters and Public Works for their help in making this happen.

#6 – Resolution Authorizing the City Manager to Accept and Execute a Grant on Behalf of the City of Long Beach from the New York State Department of Environmental Conservation

Mr. Joe Febrizio, Commissioner of Public Works described the resolution as a grant called the municipal waste reduction and recycling program. He went on to describe the details of the grant.

Roy Lester (72 Boyd St) – asked about the cost and use of city trucks.

Mr. Febrizio asked to get back to Mr. Lester once he confirmed the prices of the trucks and which ones were part of this resolution.

#7 – Resolution Authorizing the City Manager to Accept and Execute a Grant on Behalf of the City of Long Beach from the New York State Department of Environmental Conservation and to Amend the Budget

Mr. Febrizio described the grant as another grant under the municipal waste reduction and recycling program and it was a great program.

Mr. John McNally, Director of Public Relations noted that Mr. Tyler Huffman of Economic Development played a major role in the grant process and thanked Senator Kaminsky for his assistance with these grants.

Roy Lester (72 Boyd St) – asked about the cost and purpose of the grant.

Mr. Febrizio expressed how important it was to continue to educate folks on the recycling program which helps encourage people to recycle and it was money well spent.

Leah Tozer – thought the grant was a good idea and helpful for those residents who are confused about how the recycling process works.

Daniel Shaffer – felt positive about the recycling program and asked about a standardized heavier garbage pail and standardized heavier recycling pails which could help with garbage management.

Council President Bendo noted that the city has been selling recycling pails over the past few weeks for \$15.00 and were of better quality.

Eileen Hession – asked that the education portion of the program does not include mailers since they will only need to be recycled. She hoped that there could be another way to educate people.

#8 – Resolution Authorizing the City Manager to Enter into an Inter-Municipal Agreement with the County of Nassau for the Providing of the Review of Tax Grievances for the 2022/23 Tax Year

Pres. Bendo made a motion to replace the last WHEREAS clause with “WHEREAS, pursuant to said Agreement, compensation for the services provided shall be received by either of the Parties as they perform services under the Agreement at a rate of \$95 per residential tax grievance and at a rate of \$250 per hour with a maximum of 55 hours for the review, analysis and conferencing of commercial tax grievances.” It was seconded by Ms. McInnis and was carried unanimously.

Mr. Ray Flammer, Tax Assessor gave a brief description of the resolution and the grievance process and its cost.

Roy Lester (72 Boyd St) – asked how much the city had to pay the county and how much they paid the city.

Mr. Flammer replied that the city did not have to pay the county at all and the county paid the city \$16,845.

#9 – 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, 2021 through June 30, 2022, and Notice of Public Hearings Thereon

A Public Hearing for the Capital Improvement Program will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 6, 2021 at 7:00 p.m. Public Hearings for the Proposed Budget will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 4, 2021 at 7:00 p.m. and May 11, 2021 at 7:00 p.m.

#10 – Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Licenses and Business Regulations; Building Code; Electrical Code and Plumbing Code

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 4, 2021 at 7:00 p.m.

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

Pres. Bendo made a motion to replace the body of the ordinance with a corrected version (see attachment). It was seconded by Mr. Delury and was carried by four affirmative votes. Council Member McInnis abstained.

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 4, 2021 at 7:00 p.m.

#12 – Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 229 East Park Avenue (street floor), Long Beach, New York.

Re: Outdoor Dining Area for the neighboring Health Food/Smoothie Store

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 4, 2021 at 7:00 p.m.

#13 – Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 891b West Beech Street (street floor), Long Beach, New York.

Re: Ice Cream Shop

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 4, 2021 at 7:00 p.m.

#14 – Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 935 West Beech Street (street floor), Long Beach, New York.

Re: Psychic & Meditation Crystals and Candles Store

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 4, 2021 at 7:00 p.m.

The voting portion of the meeting was then begun.

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

(ORD. #3047/21)

Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Offenses-Miscellaneous

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. #66/21)

Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 1046 West Beech Street, (street floor), Long Beach, New York.

Re: Sushi Restaurant

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. #67/21)

Resolution Authorizing the City Manager to Enter into an Agreement for Police Surgeon and City Physician Services for 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. #68/21)

Resolution Authorizing the City Manager to Accept a Charitable Donation and to Enter into a Naming Rights Agreement

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. #69/21)

Resolution Authorizing the City Manager to Accept and Execute a Grant on Behalf of the City of Long Beach from the New York State Department of Environmental Conservation

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. #70/21)

Resolution Authorizing the City Manager to Accept and Execute a Grant on Behalf of the City of Long Beach from the New York State Department of Environmental Conservation and to Amend the Budget

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

(RES. #71/21)

Resolution Authorizing the City Manager to Enter into an Inter-Municipal Agreement with the County of Nassau for the Providing of the Review of Tax Grievances for the 2022/23 Tax Year

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. #72/21)

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, 2021 through June 30, 2022, and Notice of Public Hearings Thereon

Council Pres. 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. #73/21)

Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Licenses and Business Regulations; Building Code; Electrical Code and Plumbing Code

Council Member Treston introduced and moved the adoption of the following resolution (as amended), seconded by Mr. Mandel, and it was duly adopted by three affirmative votes. Council Pres. Bendo and Council Member McInnis abstained.

(RES. #74/21)

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 Member Treston 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. #75/21)

Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 229 East Park Avenue (street floor), Long Beach, New York.

Re: Outdoor Dining Area for the neighboring Health Food/Smoothie Store

Council Pres. Bendo 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. #76/21)

Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 891b West Beech Street (street floor), Long Beach, New York.

Re: Ice Cream Shop

Council Pres. Bendo 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. #77/21)

Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 935 West Beech Street (street floor), Long Beach, New York.

Re: Psychic & Meditation Crystals and Candles Store

There being no further business before the Council, Council Member McInnis 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: April 21, 2021

David W. Fraser
City Clerk

Good and Welfare

Roy Lester – 72 Boyd St	Spoke about the Debt Dash website, fees from the Engel/Berman project and beach fee revenue
Kevin Heller	Spoke about open meetings law and the retention of M3 Partners and O’Melveny & Myers
Brian Wells	Spoke about the police reform plan
William Notholt	Spoke about agreements with iStar and Engel Berman, fees and the apprenticeship program
James Hodge	Community Development funding and the MLK center
Kathleen O’Leary	Spoke about several recent national events and their effect locally
Judi Vining	Spoke about the City opting out of the new Marijuana Law and an upcoming unused medication drop-off program
Melissa Gibson	Spoke about MRTA