

**CITY OF LONG BEACH
MINUTES OF THE REGULAR MEETING
OF THE COMMON COUNCIL
HELD MAY 4, 2021**

A regular meeting of the City Council of the City of Long Beach was held on Tuesday, May 4th, 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](https://www.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 asked Mr. John McNally to give his city update.

Mr. John McNally, Director of Public Relations gave a COVID update which included the Governor's opening of activities. He added that the City Manager had conversations with the Alpert Family, owners of the foundation block lot and the lot between Laurelton and Lafayette boulevards, and they agreed to allow the city to have daytime parking in those lots during the summer season.

The public hearings were held

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 229 East Park Avenue, (street floor), Long Beach, New York.

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

Mr. Denis Kelly, attorney for the proprietor, gave a brief overview of the location and description of the store.

The owner of the business, Mr. Vincent Garone and owner of the lot in question, Mr. Ben Ferrante, gave a description and background of the business and the location involved.

Council Member Treston asked for clarification on the amount of people the outside seating would accommodate.

Mr. Kelly replied that there would be enough table and chairs to accommodate 32 people.

Council President Bendo asked about the food and how it would be prepared.

Mr. Garone replied that the food inside the store was pre-prepared.

Mr. Bendo asked about the hours of operation of 8am to 8pm and the delivery of supplies.

Mr. Garone replied that they would be doing healthy breakfast food as well and they would receive deliveries once a week.

Council President Bendo also asked about the possibility of putting a bike rack in front of the business.

Mr. Garone replied that he would be in favor of bike racks.

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 891b West Beech Street, (street floor), Long Beach, New York.

Re: Ice Cream Shop

Council President Bendo asked the owner to describe her business.

Ms. Melissa Tavss gave a brief background of the business which included liquor infused ice cream for those 21 years and older. She did note that there would be non-alcoholic products for those under 21 years.

Mr. Bendo noted that the location was the old “Codfish Cowboy” location. He asked if the products were pre-packed or scooped.

Ms. Tavss replied that they would have both pints and by the scoop as well as specialties.

Council President Bendo asked about the frequency of deliveries.

Ms. Tavss replied that deliveries would be made on Mondays from 9am to 11am and they would have 3 to 4 employees and that the business would be opened seasonally.

Mr. Bendo asked if the ice cream containing the alcohol required a liquor license.

Ms. Tavss replied that a liquor license was not required but were required to have 3 call outs of alcohol on all packaging which include government warnings, alcohol warnings on the packaging, and would have to card consumers to ensure that they are 21 years or older when purchasing any of the alcohol infused products.

Roy Lester (72 Boyd St) – expressed his disappointment that he had no idea that alcohol would be part of the product and could have potential of abuse by minors.

William Doepper – expressed his concern regarding the product and asked if the council received the letter releasing them of a liquor license. He also asked if the servers would be over 21 years of age.

Council President Bendo noted that when he was informed of the alcohol infused ice cream, he contacted Corporation Counsel and the owner did not need a liquor license.

Ms. Tavss replied that she did hire people 21 and older but was not required to do so. She also noted that she did have letters from both NYS and federal approvals for the sale of alcohol infused ice cream as a non-beverage should anyone wish to see them.

Council Member Treston asked about the price of pint of ice cream.

Ms. Tavss replied that a pint of alcohol infused ice cream cost \$12.00 and the non-alcohol ice cream was \$8.00 a pint.

Kate Tormey – shared her concerns regarding the alcohol and asked if the business had any law suits against them that had to do with the alcohol portion of the business.

Ms. Tavss replied that there were no lawsuits and went on to explain that all their products sold in grocery stores or local stores have a bar code that alerts the salesperson to check for ID just like a beer or any other alcoholic product that are sold in stores.

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 935 West Beech Street, (street floor), Long Beach, New York.

Re: Psychic & Meditation Crystals and Candles Store

Council President Bendo asked the owner to describe the business.

Ms. Nina Johnson described her business as sales of candles and crystals as well as doing some psychic readings.

Mr. Bendo asked how many employees would be present and the hours of operation.

Ms. Johnson replied that it would just be herself and the hours of operation would be from 9am to 9pm.

Council President Bendo asked if there would be any deliveries involved.

Mr. Johnson replied that there would not be any deliveries.

PUBLIC HEARING: 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.

Building Commissioner, Scott Kemins spoke about the fees in comparison with other municipalities and noted that Long Beach fees were much lower than the neighboring communities. He also noted that the city's fees had not been raised in quite some time and it was recommended that these fees be raised.

City Clerk, David Fraser explained that some of the licensing fees coming out of the City Clerk's office have not been raised for some time and were about due to be raised.

Council Member Delury thanked those who worked on this item.

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

Council President Bendo explained the purpose for the amendment and spoke about the increase of beach passes and electronic beach passes.

Kathleen O’Leary – expressed her support for raising beach fees. She also spoke about the parking issue during the summer season and if there was a way to charge for parking.

Mr. Bendo spoke about non-resident passes vs. resident passes and the cost. He also noted that there was some discussion about using the parking garage at the LIRR for parking, and also noted that the Alpert Family was letting the city use their lots for parking but would not allow the city to charge for parking.

Mary Volosevich – asked if the policy that allowed families receiving social service support to get free beach passes was still in effect. She noted her concern about people who couldn’t afford beach passes swimming after beach park hours and after the lifeguards went off duty.

The City Manager responded and noted that the city was looking into this possibility and would be conducting research with the schools to identify those families.

Roy Lester (72 Boyd St) – asked about the report that the City Comptroller gave a few weeks ago and if the newly projected numbers were part of this item.

Council President Bendo replied that the original numbers were based on 50% capacity.

Ms. Reznik explained the projection of numbers regarding resident vs. non-resident beach fees.

A discussion and clarification continued regarding the projected numbers pertaining to the beach fee structure and its impact on the budget.

Council Vice President McInnis gave her input regarding the topic.

William Doepper – expressed his concern regarding the parking in the lot at Lafayette and Laurelton and the potential for loitering.

Ms. Gayden replied that the parking lot would be monitored on a regular basis and closed in the evening.

PUBLIC HEARING: For the purpose of giving citizens an adequate opportunity to publicly present their views on the General Summary of the Proposed Budget for the year July 1, 2021 through June 30, 2022.

Ms. Reznik asked the City Clerk to put her power point presentation up on the screen and announced that the budget was posted on the city's website and encouraged the audience to reach out to the Comptroller's office with any questions they might have.

Council President Bendo asked about the payouts in the presentation and if they were checked independently to comply with the Code.

Ms. Reznik replied that in certain cases, they are sent to the independent auditors, but not all separation payments warrant the auditors since they were not large payouts. She noted that for the larger payout sums, they are checked in her office and sent out to the auditors for additional review.

Council Vice President McInnis asked for clarification on the fact that the city was obligated to pay those separation payments.

Ms. Reznik replied that the city was obligated to make these payments due to the collective bargaining agreements.

Kate Tormey – commended Ms. Reznik on her presentation and how easy it was to understand for the public.

Roy Lester (72 Boyd St) – commented on the presentation and the lack of time to comment on such a large document. He also asked about all the charts in the presentation.

City Manager, Donna M. Gayden responded to the fact that the budget itself was not the entire document and in an effort to be more transparent, the city showed what each department does and added a glossary so that anybody reading the budget who had questions regarding specific terms, they would be able to refer to the glossary for a better understanding, including the acronyms that might need defining. She also noted that the presentation will be placed on the website.

Ms. Reznik offered Mr. Lester the opportunity to contact her in her office if he had any further questions and that all questions and answers would be posted on the website.

Mr. Lester stated that this was the most transparent budget he had ever seen and asked several questions. He also expressed his concern that 3 minutes was not enough time to ask questions and get answers for this type of presentation.

Due to the number of questions asked by Mr. Lester, Ms. Gayden asked Mr. Lester to submit his questions to her and Ms. Reznik. She did reply to his question regarding the Ice Arena.

Ms. Reznik was also able to respond to a question asked by Mr. Lester regarding the stimulus money and why it was not reflected in the budget.

Eileen Hession – asked about some of the charts in the presentation and the retirement payouts that were included. She also asked about the Police Department's increase in its salary line. Ms. Hession asked about the new 9% salary increases for several departments.

Ms. Reznik noted that the city was still looking into the accuracy of the payouts and explained the reason for the police department increase.

The City Manager explained the reasons for the salary increases.

William Notholt – commended the City Comptroller on putting together this year’s budget and spoke about the increases included in the budget as well as grade changes.

Ms. Reznik spoke about the grade changes in question.

Commissioner Febrizio added that there was an additional employee put in the water plant and the water waste treatment plant that reflected a grade change.

Ms. Reznik offered Mr. Notholt the opportunity to email his questions to her so that she could obtain the necessary information and provide the correct response.

Kevin Heller – commented on the budget increase as well as the city fees increase as well as the additional exempt positions being added to the budget. He also asked the city council to vote against the budget until they received the complete review by consultants. Mr. Heller than asked if the tax assessment reflected the percentage increase.

Ms. Gayden noted that the consultants did review the budget and asked that he forward her the portion of the budget where he noted the salary increases. She continued to speak about the new positions that were placed in the budget and that all his questions would be answered.

City Council Vice President McInnis added that the increase in certain departments did not necessarily reflect a pay increase but could possibly indicate additional changes in the number of employees.

Mr. Ray Flammer, Tax Assessor noted that the assessed values did go up for all new constructions added to the tax role. He added that the city did have an increase of about 25 million worth of value on the assessment role this year.

Kathleen O’Leary – spoke about the increase of the budget and asked about the stimulus money owed to the city from the state. She also asked if the stimulus money could help decrease the tax increase and the fact that the beach will be opened at 100% would bring in more revenue.

Ms. Reznik noted that the city was in close contact with the state and there could be a possible amendment to the proposed budget should things change in the as far as beach revenues was concerned.

Ms. Gayden added that the city was lobbying hard to help get additional funding for the city.

William Doepper – asked if there were cuts in the proposed budget for housing costs. He also asked if there would be any employees terminated this year as well as big payouts.

The City Manager noted that the majority of people who were laid off last year were able to come back as people retired or resigned. She noted that the city was not looking at anymore layoffs but the city was trying to streamline so that the city would run more efficiently.

Ms. Reznik suggested that Mr. Doepper reach out to the LB Housing Authority for any questions regarding housing authority cuts. She also noted that those funds were not part of the city's operating budget.

Ms. Monique Powell, Director of Community Development noted that on the Community Development website there was a program from the Nassau County Community Development Corp to help those in need for at least 4 months of rent in arrears and the information is made public on the website.

The calendar items were read by the City Clerk

#1 – Approval of Minutes of Prior Meeting of March 16, 2021

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

#2 – Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 229 East Park Avenue, (street floor), Long Beach, New York.

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

#3 – Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 891b West Beech Street, (street floor), Long Beach, New York.

Re: Ice Cream Shop

#4 – Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 935 West Beech Street, (street floor), Long Beach, New York.

Re: Psychic & Meditation Crystals and Candles Store

#5 – 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

#6 – 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 Ms. McInnis and was carried unanimously.

#7 – Resolution Authorizing Budget Amendment to the General Fund Budget

The City Comptroller explained that the City had a bike auction and the funds received would be dedicated to a certain purpose in the Police Dept.

Police Commissioner, Ron Walsh spoke about the bike auction that was held and it was extremely successful. Commissioner Walsh asked that due to some of the uniform and other item expenses, the funds received from the auction be re-allocated back into the Police Department so that it would not be any cost to the city.

Allison Blanchette – asked that these funds be considered for other opportunities such as bicycle pedestrians and traffic safety opportunities and asked the City Council to table this item until further discussion took place.

Commissioner Walsh explained that the uniforms in question are for the Summer Specials who take measures to do a lot of pedestrian and bicycle safety around the ocean beach park areas, which will indirectly help keep the city much safer.

#8 – Resolution Authorizing Publication for Hearing of a Local Law Amending Subpart C of Related Acts Relating to the Charter of the City of Long Beach Re: A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c.

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on May 18, 2021 at 7:00 p.m.

#9 – 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 18, 2021 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. Mandel, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #78/21)

Resolution Granting Waiver of Off-Street Parking Requirements Re: 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. Treston, and it was duly adopted by three affirmative votes. Council Member Delury abstained, and Council Member Mandel voted no.

(RES. #79/21)

Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 891b West Beech Street, (street floor), Long Beach, New York.

Re: Ice Cream Shop

Council Member McInnis 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. #80/21)

Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 935 West Beech Street, (street floor), Long Beach, New York.

Re: Psychic & Meditation Crystals and Candles Store

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

(ORD. #3049/21)

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 ordinance (as amended), seconded by Pres. Bendo, and it was duly adopted, all five council members present voting in the affirmative.

(ORD. #3050/21)

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

Council Member McInnis 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. #81/21)

Resolution Authorizing Budget Amendment to the General Fund Budget

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. #82/21)

Resolution Authorizing Publication for Hearing of a Local Law Amending Subpart C of Related Acts Relating to the Charter of the City of Long Beach Re: A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c.

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. #83/21)

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

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: May 5, 2021

David W. Fraser
City Clerk

Good and Welfare

Judi Vining	Spoke about underage drinking and new establishments
Kevin Heller	Spoke about vaccinations
Roy Lester – 72 Boyd St	Spoke about a flyer that was circulated by the PBA outlining a disagreement with the PBA and the Police Commissioner
William Doepper	Thanked the Police Dept, and spoke about evictions and foreclosures
Paul Fetscher	Spoke about alcohol infused foods
Kate Tormey	Spoke about alcohol infused foods and the Police Commissioner
James Hodge	Spoke about his employment with the City
Mary Volosevich	Spoke about the reorganization of the Police Dept and traffic issues in the Canals