

**CITY OF LONG BEACH
MINUTES OF THE REGULAR MEETING
OF THE COMMON COUNCIL
HELD SEPTEMBER 1ST, 2020**

A regular meeting of the City Council of the City of Long Beach was held on Tuesday, September 1st, 2020.

Present were Council President Bendo and Council Members Delury, Mandel, McInnis and Treston.

Corporation Counsel Simone Freeman 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

Council President Bendo welcomed everyone to the meeting.

City Manager, Donna M. Gayden welcomed everyone and noted that there were Department Heads present that would be giving their department updates. Ms. Gayden called upon Ms. Simone Freeman, Corporation Counsel to begin.

Ms. Freeman gave a general overview/description of the duties of the Corporation Counsel office. She described the Corporation Counsel responsibilities and what had been implemented thus far, including the structure on re-opening city hall, reviewing existing leases/contracts and updating policies. Ms. Freeman concluded with introducing her team and their duties/assignments.

Council Vice President McInnis thanked Ms. Freeman and her staff for their hard work. She asked Ms. Gayden and Ms. Freeman to describe the condition of the paperwork that was in the corporation counsel when they arrived in February of 2020.

Ms. Gayden described the corporation counsel as short staffed and challenging for Ms. Freeman and her team. She also noted that she and Ms. Freeman discussed going to outside counsel since they were already working on specific projects as well as getting the best rates while moving forward positively.

Council Vice President McInnis expressed how critical the Corporation Counsel is and shared her disappointment regarding the condition of certain files and other items left in that department. She commended them for moving in the direction of “best practice” and thanked them for their hard work.

Ms. Gayden then introduced Mr. Gregg Scott, Superintendent of Street Maintenance.

Mr. Scott gave an overview of the Street Maintenance department, which included the description of the maintenance of residential areas and the main arteries of the city. He also described the “sweeper program” and pothole repairs, and how his department is preparing for snow season. Mr. Scott asked the city to reach out to the residents to ask for their assistance with the cleaning program. He noted that according to the City Ordinance, Chapter 23, Section 23-8, residents were responsible for keeping a certain parameter clean in front of their homes and any cooperation from the community would be greatly appreciated. Mr. Scott also asked to put this particular section of the City Ordinance on the website and the city calendar.

Council Member Delury noted that he received a lot of positive comments post Storm Isaias, and thanked Mr. Scott and his department for their hard work.

Ms. Gayden then introduced Chief of Lifeguards, Paul Gillespie to give an update on the beach.

Chief Gillespie noted that all COVID protocols were still in place and spoke about how pleased he was about the newly instated hours of the beach and boardwalk. He suggested that more cameras on the boardwalk and beaches would be helpful for the police, lifeguards and fire department for the after-hours swimming as well as the overall security. Chief Gillespie mentioned that he would like to re-visit the possibility of “drones” next year and that a new radio system was needed for the lifeguard patrol. He thanked the alumni association for the presentation on the “drones” and the donation of six (6) new surfboards, which will help with the lifeguarding process. He expressed his desire to change the rule about “fishing” on the beach. Chief Gillespie suggested that the city design certain hours for fishing to take place that would not interfere with the swimming hours. Chief Gillespie also touched upon the Volleyball players and suggested ways to arrange for the volleyball community to resume their games in a safe environment for the future. He expressed his disappointment on how the Army Corps repaired the jetties and how the city was losing beach on Washington and Monroe Boulevards. Chief Gillespie concluded with the fact that if the weather stays warm, there will be people on the beach post season. He requested to meet with the City Manager to discuss the situation and possible ways on how to keep the beach open for a bit longer.

At this time, Council President Bendo noted that there had been a power outage so some participants lost connection to the meeting.

Council Vice President McInnis asked if it was still true that the city had informed the Army Corps of Engineers that they would not take over the maintenance of the jetties because of serious concerns the city had.

Chief Gillespie responded that the problem was the Army Corps never repaired some of the jetties to begin with and they would first have to fix them. He again offered the Council to join him so he could show them the beaches that are shrinking. Chief Gillespie also stated that he believed the Army Corps worked with an older plan.

Council Member Treston confirmed that they did work off an older plan since that was what was paid for, and that it was for the new jetties and not the beach replacement.

Council President Bendo stated that it was his understanding that the city did not accept the jetties "as is". He also stated that the Army Corps was supposed to come back and inspect them at certain intervals over the next five (5) years to determine if repairs were needed.

Council Vice President McInnis noted that these were the new jetties in question.

Council President Bendo replied that she was correct and spoke about the process and/or reasons why the older jetties were not replaced.

Chief Gillespie once again expressed his disappointment on how the jetties were separating and not holding the sand and expressed his concern about losing a good portion of the beach.

Council President Bendo stated that it would be the Army Corps responsibility to fix them since they still owned the project. He also noted that Commissioner Mirando would be better at explaining this situation, and due to the power surge outage, Mr. Mirando was no longer on the call.

Council Member Delury added that he thought the Army Corps needed to dredge the Jones Beach Inlet because it is shrinking and brought up the recent boating accident. He also noted that the movement of the sand in Long Beach is very noticeable and when there is a high tide, the jetties are hidden and cannot be seen by swimmers or surfers, and with any kind of decent surf after Labor Day, there would be many surfers in Long Beach and he was concerned for their safety. His suggestion was to post some type of visible marker in the water at the end of the jetties.

Council Vice President McInnis stated that over the next several months, she would like to see new assessments made by the City before next Memorial Day weekend.

Chief Gillespie added that it was very hard to get the Army Corps to come back without political help.

Council President Bendo noted that Commissioner Mirando has been working on this situation and reminded everyone that the City is not responsible for the maintenance of the jetties at this time since they were not satisfied with the work, and as a result, the Army Corps was still responsible.

City Manager Gayden stated that Commissioner Mirando and Mr. Febrizio were reaching out to the Army Corps to ask them to come back to take a look at the jetties that needed to be repaired, and wanted the council to know that they are on top of the situation.

Ms. Gayden then introduced Acting Police Commissioner, Phil Ragona.

Acting/Police Commissioner Phil Ragona expressed his thanks to all the department heads for their assistance during the beach season. He highlighted Chief Gillespie, Tommy Canner and Joe Brand for their assistance. Commissioner Ragona spoke about the many changes that had to be made this year in order to keep everyone safe. He commended the City Manager and City Council for supporting his decisions with the best interest of the community in mind. Commissioner Ragona announced that the beach patrol would remain active throughout the month of September for health and safety reasons.

City Manager Gayden asked Mr. John McNally for his update.

Mr. McNally informed the audience that the fireworks display was cancelled, and the announcement was put up on the website and the social media page. He gave a quick background on the agreement with the vendor and stated that since Nassau County announced that they would not be issuing any permits for fireworks this year due to COVID, it gave both the vendor and the City of Long Beach a way out. Mr. McNally did note that there would be discussions with the vendor regarding next year's event. He also echoed Commissioner Ragona's statement regarding the beach and boardwalk hours and the health and safety of the community and visitors. Mr. McNally informed the council that meetings regarding the beach and boardwalk were ongoing. He spoke about the Long Beach Response App and stated that it was being worked on to ensure that all emails, etc. are reaching the proper departments and residents are getting a timely response. Mr. McNally concluded with speaking about the "Zoom" process for the virtual city council meetings and good and welfare procedure.

City Manager Gayden announced that she was in the process of interviewing for open positions on the City's Boards and Commissions and thanked those who sent in their resumes and interest in serving as a member. She also announced that those who were interested in serving on any of these boards or commissions should please contact her office to arrange for an interview. Ms. Gayden also noted that she hoped to get through the first draft of the multi-year plan by the end of next week.

The Public Hearings were held

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 901 West Beech Street (street floor), Long Beach, New York.

Re: Skincare and Home Goods Retail Store

Council President Bendo asked the business owner (Marisa Russell) to describe her business.

Ms. Russell described her business as a non-toxic, eco-friendly skincare line and handmade home goods.

Council President Bendo clarified the location of the business and asked about the hours of operation and the number of employees involved.

Ms. Russell noted that the hours of operations would be 10am to 7pm, seven (7) days a week and one (1) to two (2) employees would be present.

Council President asked how many deliveries the owner anticipated.

Ms. Russell responded that there would be one (1) to two (2) deliveries made per week and they would not be big shipments.

Council Member Treston also asked if she would be willing to put a bike rack outside her business.

Ms. Russell said she was exploring the possibility.

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 240 West Park Avenue (street floor), Long Beach, New York.

Re: Personal Training Studio

Council President Bendo asked the owner (Daniel Rosenblum) to describe his business.

Mr. Rosenblum described the business as a personal training studio.

Council President clarified the location and asked about the number of employees involved.

Mr. Rosenblum responded that it would himself and one other person and due to the COVID there wouldn't be more than six people present at a time.

Council Member Treston asked if he would be interested in having a bike rack outside the business.

Mr. Rosenblum responded that he already contacted city hall for the proper procedure of having a bike rack.

PUBLIC HEARING: Ordinance Authorizing Financing for the Cost of Fiscal Year 2020-2021 Separation Payments To or For the Benefit of Employees of the City Upon Separation from Employment, Stating the Estimated Total Cost Thereof is \$2,700,000, Appropriating Said Amount Therefor, and Authorizing the Issuance of Not to Exceed \$2,700,000 Bonds of Said City to Finance Said Appropriation.

City Comptroller Inna Reznik explained that this public hearing was for the authorization for the city to borrow \$2,700,000 that was actually budgeted in the city's budget for fiscal year 2021.

Council Vice President McInnis mentioned that it seemed that every May, the city requests to borrow money to make payroll. She asked Ms. Reznik if this would be the case for next May.

Ms. Reznik explained that if the budget is structurally balanced, this should not be the case and with her preparing cash flow statements, the city should know where it's going to be financially. She added that with the COVID situation and the volatility of the revenue stream, she did not think the city would have to do any financing since the operating revenues were in place. Ms. Reznik also noted that all government agencies were pretty much in the same position and hoped that either state or federal bailouts would be available and hope that they recognize the fact that the revenue stream has significantly suffered in all different areas.

Council Vice President McInnis also asked if Ms. Reznik thoroughly vetted the schedule of employee payout payments to comply with contracts and city policy.

City Comptroller Reznik stated that she and the City Manager apply a high level of scrutiny to the payout process and the payout amount included in the \$2,700,000 was authorized before she started with the city and that was the schedule she followed.

Council Vice President McInnis asked Ms. Reznik to comment on the schedule and how she scrutinizes it since she's been employed with the city.

Ms. Reznik noted that there would be many retirements in the next 10 months and the retirement payouts the city incurs are very high. She spoke about the budget vs. bond financing and noted that the situation should be addressed operationally. Ms. Reznik added that the way to address this issue would be through implementing a time management system in order to keep an accurate record on employee accrued time.

Council Vice President McInnis asked Ms. Reznik for clarity regarding the New York State Comptroller's Office recommending that the city implement a time management system.

Ms. Reznik confirmed that this was correct.

Council Vice President McInnis also asked if everyone in the city would be using a time management system.

Ms. Reznik responded that she hoped so.

City Manager Gayden echoed Ms. Reznik in stating that these obligations were made before they were hired. She added that since they have been with the city, they have tried to vet as much as possible and encourages the use of a time keeping system in order to keep a better track on accrual and use of time to help eliminate some of the high payouts.

Council Member Delury asked that the future known payouts be incorporated into the five year plan.

City Manager Gayden replied that it will be incorporated into the five year plan and that it will be a requirement.

Council President Bendo stated that the goal of the multi-year plan was to end this practice of borrowing and that it should be an operational expense.

Council President Bendo opened up questions from the public.

Roy Lester (72 Boyd St) - asked why the total amount of payouts for this year was missing from the resolution and spoke about the time management system. He continued to reflect upon prior borrowing.

City Comptroller Reznik replied to Mr. Lester's question and explained the resolution/bond counsel preparation process. She also noted that this information could be made available for the public on the city's website.

City Manager Gayden added that financial information had not been deliberately deleted, and whatever was needed for the resolution is disclosed. She also added that at this time, the city is asking the Council to approve the \$2.7 million dollars for what the city needs to bond and that she will get Mr. Lester the information he is requesting.

Council President Bendo thanked Mr. Lester for his comments.

A discussion ensued regarding the time keeping system. It was noted that the city was working with the Financial Review Board and hoped that they would help pay for it. It was also noted that this initiative would take time to accomplish.

Mr. McNally noted that during the transition of the meetings going to the Zoom system, some people might not have been able to sign in. He continued to read some of the emailed questions.

Ms. Marie Brutus - wrote - *(the LYPD Commissioner Secretary) was mentioned on this separation pay list as having receiving a \$34,000 payout. I believe this is because you terminated her employment. However, it is my understanding that you immediately rehired her after firing her and just transferred money from another budget line, at a council meeting last month, to pay her new salary. Please explain how this is legal or different from giving separation pay to current employees.*

City Manager Gayden explained what had occurred in this case and discussed the process that took place.

2) There are some individuals on this list that I believe you have threatened to file lawsuits against to recoup previous separation payments. Why are you bonding to pay people who you are suing to claw back funds from?

City Manager Gayden stated that this was a legal matter that could not be discussed.

3) I read online that you deliberately excluded the aggregate total payout amount column that was in last year's resolution. Can you please republish this list with that column present so we can see if any reforms have been implemented on police payouts as promised by Bendo? I am not

talking about revised policies that may have been worked on by the previous administration and their lawyer, Terry O'Neill, whom you fired. Bendo previously stated the police payouts exceeded the code and contract and that he would not support paying them because he disagreed with the interpretation.

Mr. McNally noted that this question had already been answered as part of the discussion with Mr. Lester.

4) John Bendo and others repeatedly argued that bonding for separation pay was not something they could support.

Karen McInnis was quoted last year as saying "Separation payment bonding is being used by the city as a mechanism to cop out of making long-term budget decisions."

You've already committed to doing it with this particular bond, but can you please promise to never bond for separation pay again? You'll have a one shot of cash from the Superblock PILOT you've advocated for, so that's probably how you'll manage. Right?

Council President Bendo stated that the goal was to stop bonding for separation payments and that was what the long-term financial plan is for. He noted that if the city doesn't bond, taxes would be raised by 10%. Mr. Bendo also noted that the city was not receiving anything from the Super Block but the IDA was. As for advocating, he said to go back and watch the video where he spoke on this and that what he said was not advocating for it.

Council Vice President McInnis noted that this administration made several business decisions to lower costs and increase revenue. She added that the city still has to borrow for separation payments and will probably have to continue borrowing in the future due to the mismanagement of prior administrations.

Council Delury agreed with both Council President Bendo and Council Vice President McInnis and stated that this was the reason the multi-year plan is very important.

5) The resolution says "Not to Exceed \$2,700,000 Bonds" -- Can you promise that you will not bond for any other additional separation payments during this fiscal year? If you must pay more, please make the hard decision to cut salaries and costs elsewhere in the budget. That's what you and Gayden are required to do. As Karen said, bonding is a cop out that our children and grandchildren will have to deal with.

City Manager Gayden noted that the city cannot make promises and the city would not have to borrow if it had a solid fund balance, and since all that funding is gone, the city is working on replacing the fund balance while trying to balance out the operating expenses based on the revenues that the city is bringing in. She concluded with the fact that the city is working as hard as it can to get back on the right track.

Council President Bendo added that the reason there is no fund balance was due to Marie Brutus and his administration.

City Comptroller Reznik added that the city's financial statements were posted on line and all was able to access them. She noted that the statements show the compensated absences are in

excess of \$32 million and explained how payments were reflected in the June 30th, 2019 financial statements and noted that they can be viewed on line.

6) *Why can't this wait until later this month when public meetings resume?*

Council President Bendo replied that the city needed to pay its retirees and that a public comment session was indeed taking place.

Robert Saminsky – asked – *a. How is this going to affect our City of Long Beach resident's property taxes?*

City Manager Gayden stated that this does not affect the taxes because it has already been budgeted for.

b. In the City of Long Beach's multi-year plan, does the City Manager address the separation payments? Are they projected to be the same? Lower or higher in the next five years?

City Manager Gayden replied that since the city is reviewing the multi-year plan and look at the future potential retirements, she couldn't say whether or not it would be higher or lower at this time.

Eileen Hession (516 W Beech St) – asked - *Regarding separation payments - please explain columns 10 and 11 that was in the agenda packet. Why do retirees receive money for FICA and Medicare?*

City Manager Gayden replied that those line items were what the city had to pay as the employer's share of the taxes.

Also some retirees are being paid for 2,000 hours. Over a 30 year career, that would be 66 hours per year. How is that possible? Do they really have that many vacation/sick days per year? Have they never taken a day off?

Council President Bendo asked for clarification that 66 hours would be one week and a half.

Mr. McNally confirmed that.

Council President Bendo thought that Ms. Hession might be confusing hours with days and felt that this question could not be answered at that time.

Bonding for \$2.7 million, we have had to borrow in the past for separation payments. I understand many police will be retiring this year and next. How will we pay for them? How much borrowing and raising taxes can we do? Are we sure these amounts are correct?

City Manager Gayden replied that the question “*are we sure these amounts are correct*”, was answered already and for the other questions, she replied that that is why the city implemented a multi-year plan to help determine those factors.

What is happening with the lawsuit that was started about past illegal payments?

City Manager Gayden replied that this was a legal matter that could not be discussed.

What is being done to amend the system? What is the City Council, City Manager, Union Arbitrator doing to remove this burden from taxpayers?

Ms. Reznik noted that this was why the City is talking about implementing a timekeeping system moving forward that would result in significant savings.

The calendar items were read by the City Clerk

#1 – Approval of Minutes of Prior Meeting of August 11, 2020.

#2 – Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 901 West Beech Street (street floor), Long Beach, New York.
Re: Skincare and Home Goods Retail Store.

#3 – Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 240 West Park Avenue (street floor), Long Beach, New York.
Re: Personal Training Studio

#4 – Resolution Authorizing the City Manager to Enter into an Agreement for Water/Sewer Testing at the Water Treatment Plant with the Sole Responsible Bidder.

Commissioner John Mirando explained that this was a regulatory requirement for testing quality at the sewer plant regulated by the clean water act as well as testing the water quality at the water plant and various wells, which is administered through the safe drinking water act, administered by the Nassau County Health Department. He did note that there were additional sampling requirements for the water side, due to new regulations by the New York State Health Department.

Council President Bendo asked for clarification that PACE was the company presently performing the testing.

Commissioner Mirando confirmed that it was.

Roy Lester (72 Boyd St) - asked about the cost of the tests and wanted to know why the city could not perform the tests itself. He also asked if Nassau County had their own lab and if they could help with the city testing.

Commissioner Mirando gave him the breakdown of the costs and explained that the equipment would be very expensive. He also noted the important different testing that is performed and that it would not make sense to equip an entire lab in the city. Mr. Mirando also replied that the Nassau County Health Department has their own lab for doing follow-up testing, but they do not do the normal testing for the water suppliers and have to send some of their samples out as well.

#5 – Resolution Authorizing the City Manager to Enter into an Agreement for the Demolition and Removal of the 1.0 Million Gallon Park Place Standpipe with the Lowest Responsible Bidder.

Commissioner John Mirando described this tank as an old tank that outlived its useful life and removing it would avail space so that the city could build a brand new water storage tank that would be able to store all usable water that would improve supply for the system.

Council President Bendo asked about the tank removal procedure.

Commissioner Mirando described the tank removal procedure and noted that the city logo on the tank would be saved.

Council Member Delury asked about the height of the tank.

Commissioner Mirando replied that the standpipe was approximately 145 feet and spoke about the water pressure. He also made mention that Verizon would be removing all their old cell equipment off of the tower and will be donating a temperature controlled storage building to the city that could be used to maintain records in an air-controlled environment.

#6 - Resolution Appointing a Treasurer for the City of Long Beach

City Manager Gayden explained that the reason for making her the Treasurer, at no additional pay, was that the last two treasurers had no financial experience and it was important to understand the different financial documents that would need signing.

Mr. McNally noted that there were some questions on this item from members of the public.

Lisa Santinos - asked - President Bendo, are you familiar with the section of the charter regarding the Treasurer, and the duties of the position under that section?

Council President Bendo responded yes and that was why the change was being made.

Eileen Hession (516 W Beech St) – asked – *Will she receive a salary for this job on top of her City Manager salary? Who is Treasurer now?*

Council President Bendo responded that the City Manager would not be receiving any salary for the Treasurer's position and that Dave Fraser was the current Treasurer.

#7 - Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 28 West Park Avenue (second floor), Long Beach, New York.

RE: Early Learning Education Center

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on September 15, 2020 at 7:00 p.m.

Due to public health and safety concerns related to COVID-19, the City Council may not be meeting in-person. In accordance with the Governor's Executive Order 202.1, the September 15, 2020 City Council meeting may be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live.

The public will be given an opportunity to observe and participate in the virtual meeting by registering for the hearing at longbeachny.gov/councilmeetings.

The voting portion of the meeting was then begun.

Council Member Delury introduced and moved the adoption of the minutes from the August 11, 2020 meeting, seconded by Ms. Treston, and it was approved with all five council members present voting in the affirmative.

Council Member Mandel 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. #76/20)

Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 901 West Beech Street (street floor), Long Beach, New York.

Re: Skincare and Home Goods Retail Store

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. #77/20)

Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 240 West Park Avenue (street floor), Long Beach, New York.

Re: Personal Training Studio

Council Member Delury 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. #78/20)

Resolution Authorizing the City Manager to Enter into an Agreement for Water/Sewer Testing at the Water Treatment Plant with the Sole Responsible Bidder

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. #79/20)

Resolution Authorizing the City Manager to Enter into an Agreement for the Demolition and Removal of the 1.0 Million Gallon Park Place Standpipe with the Lowest Responsible Bidder

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

(RES. #80/20)

Resolution Appointing a Treasurer for the City of Long Beach

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. #81/20)

Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 28 West Park Avenue (second floor), Long Beach, New York.

RE: Early Learning Education Center

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: September 8, 2020

David W. Fraser
City Clerk

Good and Welfare

Roy Lester – 72 Boyd St

Spoke about the development project currently before the Nassau County IDA

Eileen Hession – 516 W Beech St

Spoke about Roberts rules of order and boardwalk signage

Alison Blanchette

Spoke about bike paths