

**CITY OF LONG BEACH
MINUTES OF A MEETING
OF THE COMMON COUNCIL
HELD SEPTEMBER 6, 2022**

A meeting of the City Council of the City of Long Beach was held on Tuesday, September 6, 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 President McInnis thanked the city employees for a safe and happy summer season.

City Manager, Donna M. Gayden began her report by introducing Commissioner Joe Brand to give his update.

Commissioner Brand gave an update/overview of the beach park and summer season.

Council Member Lester asked about the beach package fee from the LIRR.

Ms. Gayden then introduced Mr. John McNally, Director of Public Relations.

Mr. McNally gave his update on the summer season and upcoming events.

Mr. Rich Berrios, Corporation Counsel gave an update on the LIRR North Shore critical infrastructure project.

The public hearing was held

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 301 West Park Avenue, (street floor), Long Beach, New York.

Re: Convenience Store

Council President McInnis asked about the times of operation.

Mr. Aljomai replied that the store would be open 8 to 10 hours per day.

Ms. McInnis asked how many employees would be employed and if they would be Long Beach residents.

Mr. Aljomai replied that there would be 3 employees, two of which were Long Beach residents.

Ms. McInnis asked what items would be sold from this store.

Mr. Aljomai replied that there would be organic items such as chips, nuts and drinks sold. He added that it would be similar to a 7-11 store and there would be some tobacco being sold.

Vice President Treston asked if he would be willing to have a bike rack outside his store.

Mr. Aljomai agreed to have a bike rack.

Henrietta Staub (72 Curley St) – asked about the amount of tobacco that would be sold.

Mr. Aljomai noted that there would be cigarettes and tobacco pouches sold.

The calendar item were read by the City Clerk

#1 –Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 301 West Park Avenue, (street floor), Long Beach, New York.

Re: Convenience Store

#2 – Resolution Authorizing the City Manager to Amend the Current Agreement for Engineering Services to Prepare a Saltwater Intrusion Study.

Commissioner of Public Works, Joe Febrizio described the amendment to the agreement and gave an update on the services that would be provided.

Council Member Lester asked about the monitoring of the water being produced and the wells.

Mr. Febrizio responded to Mr. Lester’s question and described the use of some of the wells.

A discussion continued regarding the Saltwater Intrusion Study.

Ms. McInnis asked about the funding for this project.

Council Member Bendo asked about the data collection that would be used to develop a model.

A discussion continued regarding the model and maintenance cost.

#3 – Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a New York State Environmental Facilities Corporation Water Infrastructure Improvement Act Grant for the 1.25 Million Gallon Elevated Water Storage Tank Project for the Maximum Cost of \$9,240,540

Mr. Berrios explained that for items 3, 4, and 5, the City has historically broken these projects into 2 meetings. One to authorize the application for the grant and a subsequent meeting to issue its determination in accordance with the State Environmental Quality Review Act (“SEQRA”). He was recently advised that this time around, our grant application deadline is fast approaching and we will not have enough time to break apart the resolutions as we have done in the past. Fortunately for us, the City’s engineers have already completed their environmental review. Accordingly, it is his recommendation that the City Council President make the following motion to amend items 3, 4, and 5.

Ms. Treston made a motion to adopt the following changes:

- 1) Replacing the 7th WHEREAS clause in item 3, the 9th WHEREAS clause in item 4, and 8th WHEREAS clause in item 5 as follows:
 “WHEREAS, the grant submission process requires environmental review and analysis in accordance with the State Environmental Quality Review Act;”

- 2) Adding a 8th WHEREAS clause in item 3, a 10th WHEREAS clause in item 4, and 9th WHEREAS clause in item 5 as follows:

“WHEREAS, the City's engineer, H2M Architects and Engineers, has completed its environmental review and analysis of the subject project and recommends a determination classifying the project is a Type II Action”
- 3) Adding a new RESOLVED paragraph to the end of items 3, 4, and 5 as follows:

“RESOLVED, that the City Council, declares itself Lead Agency for the City of Long Beach, hereby adopts this Resolution and determines that the above-referenced project constitutes a Type II action pursuant to SEQRA and therefore requires no further review in accordance with SEQRA 6 NYCRR §617.5, stating replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in §617.4 of this Part.”

It was seconded by Pres. McInnis and was carried unanimously.

Commissioner Febrizio explained the reason and purpose of this resolution.

Council Member Lester questioned the quote on the cost of this project.

Mr. Febrizio noted that based on the price increase for steel, it could be more.

Council Member Bendo asked for clarification on what was being approved and authorized.

Commissioner Febrizio responded to Mr. Bendo's question.

Crystal Lake – asked about the water tank replacement and its location. She also asked about the debt that could be incurred.

Mr. Bendo began to speak about the pumping station vs. the water plant.

Mr. Berrios added that although he could not answer Ms. Lake's question regarding the debt, he noted that the city needed to be mindful when it comes to receiving government money.

#4 – Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a New York State Environmental Facilities Corporation Water Infrastructure Improvement Act Grant for the Replacement of Well No.16

Commissioner Febrizio explained the reason and purpose for the grant and that this resolution was a pre-requisite for filing the application.

Mr. Bendo made a motion to strike the language “at a maximum total project cost of \$5,000,000” from the second WHEREAS clause. It was seconded by Ms. Treston and was carried unanimously.

Council Member Lester asked if the money was already borrowed and if the city didn't use all the money for this project, could it be used for something else.

Comptroller, Inna Reznik explained the short-term borrowing vs. the long-term borrowing and noted that in this case, any leftover money could be returned. She also added that the language in the agreement would determine if the money could be used for something else.

Council Member Bendo asked if there were any future plans for the sand filters.

Mr. Febrizio noted that the city had a grant for the sand filters and suggested scheduling a work session to discuss the project.

Crystal Lake – asked for clarification on the location of Well #16.

Commissioner Febrizio replied that well #16 was located at 750 Park Place and was on the side of the Water Treatment Plant. He also added that well #16 is not currently working but there were other wells that were able to disburse water throughout the city.

#5 – Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a New York State Environmental Facilities Corporation Water Infrastructure Improvement Act Grant for “The Walks” Utility Upgrades.

Commissioner Febrizio explained the reason and purpose for the grant and that this resolution was a pre-requisite for filing the application.

Mike Delury – asked about the status of the design stage phase that was put in place for this project.

Mr. Febrizio noted that Phase I had been completed and paid for and would be submitted to the health department within the next month or so.

Mr. Delury also asked about the lighting portion of the project.

Commissioner Febrizio described the 4 components to the project which included the lighting. He continued to describe the components that would be completed in this Phase of the project.

James Hodge (95 E Fulton St) – asked that all funds allocated to each project stay with its designated project.

#6 – Resolution Authorizing the City Manager to Accept a Donation from Anthony Rector of Refinements LTD.

Mr. Febrizio explained that this donation would be used to build a decorative planter at the north street end of Connecticut Avenue to help make “elevation 10” more aesthetically pleasing. He also thanked Mr. Rector for his generous donation.

Mr. Rector provided the Council with renderings on what the planter would look like and suggested it be a template for the other north side bulkheads.

Council Member Bendo asked about the maintenance of the planter.

James Hodge (95 E Fulton St) – recognized and thanked Mr. Rector for his generous donation and willingness to maintain the planter.

#7 – Resolution Authorizing the Continued Retention of The Bonadio Group as Independent Auditors for Fiscal Years Ending June 30, 2022, 2023 and 2024.

Pres. McInnis made a motion to change the amount of \$119,000 in the final WHEREAS paragraph and the final RESOLVED paragraph to \$118,000.00. It was seconded by Ms. Treston and was passed unanimously.

City Comptroller, Inna Reznik noted that this item was to approve The Bonadio Group as the City's Independent Auditors. She continued to explain the importance for the city to have audited financial statements.

Council Member Bendo noted that the LDC's (Local Development Corporation) certificate of corporation specifically said that the city cannot pay their bills and asked why the City would pay for the LDC's audit.

Ms. Reznik replied to Mr. Bendo's question.

Council Member Bendo shared his concern regarding the LDC.

Ms. Gayden explained the reason why the city would need to pay for the audit and that the LDC started the process to dissolve.

#8 – Resolution Authorizing the City Manager to Purchase One (1) 2021 Ford Police Interceptor Utility (Hybrid) AWD Base Vehicle for the City's Police Department and to Amend the Budget

Mr. Berrios described the amendment.

Council Member Lester asked for clarification on the amount.

Pres. McInnis made a motion to amend final RESOLVED paragraph, third and second to last line to state as follows: "and funds in the amount of \$14,404.20 for the balance of the cost of the above-referenced vehicle will be available in A3120.52230 after the following budget amendment is hereby authorized." It was seconded by Ms. Treston and was passed unanimously.

Police Commissioner Ron Walsh spoke about the accident that initiated the reason and purpose for replacing the vehicle with this purchase.

Council Member Bendo asked if the city garage was able to maintain Hybrid vehicles.

Commissioner Walsh replied that they were and noted that the city already owned Hybrid vehicles.

Council Member Lester asked if the city collected any insurance money from the driver of the vehicle.

Mr. Walsh noted that the money was coming from the driver's insurance company.

#9 – Resolution Authorizing the City Manager to Enter into a Software License and Maintenance Agreement for the Records Management System for the City's Police Department.

Commissioner Walsh gave a brief description of the software and records management system and the importance of authorizing this agreement.

Council Member Lester asked about the County offering the city the opportunity to share their program free of charge.

Mr. Walsh explained the process involved in using the County's program.

#10 – Resolution Authorizing Amendments to the Urban Development Fund Budget Years 2021, 2022 and 2023.

Ms. Monique Powell, Director of Community Development gave an explanation for the amendments. She noted that the 20-21 budget year would be applied to supplies and materials for the fire bunker gear; the 21-22 budget year would be used to purchase Community Development vans to provide transportation needs for some of the programs being offered around the city, including youth, senior and adult programs; and the 2023 budget year would be used for contracted services which will help to continue to provide services to the community.

Council Member Lester asked for clarification on the urban development rental income.

Ms. Powell explained that the urban development income was from the rental from the Stop and Shop.

The City Manager continued to speak about how the Urban Development funding was utilized.

Council Pres. McInnis made a motion to table this item. It was seconded by Mr. Lester and was carried unanimously.

#11 – Resolution Authorizing the City Manager to Approve a Purchase Order for the Rental of Various Amusement Rides for the City of Long Beach 24th Annual Fall Festival-Centennial Celebration.

Mr. McNally announced the return of the Fall Festival and described the bidding process that took place regarding the rental of amusement rides.

Council Member Bendo asked about the possibility of sponsorships covering some of the cost.

Mr. McNally shared some historic information noting that the city normally loses money from the Fall Festival and that the amusement rides actually generate revenue and is hoping that with possible sponsorships, the fall festival would break even for this year.

Council Member Lester asked for clarity on the revenues collected from the amusement rides.

Mr. McNally gave the breakdown on how the rides bring in revenue.

Henrietta Staub (72 Curley St) – was pleased to see that the Fall Festival was coming back.

#12 – Resolution Authorizing Payment for the Alpine Software System for the Long Beach Fire Department.

Fire Commissioner, Joe Miller explained the reason and purpose for this software system and the importance of authorizing this resolution.

#13 – Resolution Adopting a Donation Policy for the City of Long Beach.

Mr. Berrios noted that since the City had been currently receiving an increase in donations, he felt it would be in the best interest of the City to have a donations policy in place that would set forth a practice and procedure for accepting donations.

Council Member Bendo asked for clarification on the donor recognition portion of the policy's procedures.

Mr. Berrios spoke about the different ways a donor could be recognized.

Mr. Bendo then asked about the portion that indicated how the city officials were responsible for reporting their fundraising activities and how that differed from the normal annual disclosure form that needed to be filed.

Mr. Berrios stated that as a general point of public policy, the city itself was not allowed to fundraise. He added that to the extent a council member might have fundraising activities that fall under their financial disclosure, that is where they would list that information.

#14 – Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 60 West Park Avenue (second floor), Long Beach, New York.

Re: Escape Room.

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on September 20, 2022 at 7:00 p.m.

#15 – Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 220 West Park Avenue (street floor), Long Beach, New York.

Re: Coffee Shop with a Golf Simulator.

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on September 20, 2022 at 7:00 p.m.

#16 – Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic.

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on September 20, 2022 at 7:00 p.m.

#17 – Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Automatic Alarm Systems

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on September 20, 2022 at 7:00 p.m.

#18 – Approval of Minutes of Prior Meeting of July 19, 2022.

Council Member Bendo made a motion to approve the minutes. It was seconded by Pres. McInnis and was carried unanimously.

ADDED BY UNANIMOUS CONSENT

#19 – Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach Re: Zoning Board of Appeals

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on September 20, 2022 at 7:00 p.m.

The voting portion of the meeting was then begun.

Council Member Lester 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. #135/22)

Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 301 West Park Avenue, (street floor), Long Beach, New York.
Re: Convenience Store

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. #136/22)

Resolution Authorizing the City Manager to Amend the Current Agreement for Engineering Services to Prepare a Saltwater Intrusion Study.

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

(RES. #137/22)

Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a New York State Environmental Facilities Corporation Water Infrastructure Improvement Act Grant for the 1.25 Million Gallon Elevated Water Storage Tank Project for the Maximum Cost of \$9,240,540

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

(RES. #138/22)

Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a New York State Environmental Facilities Corporation Water Infrastructure Improvement Act Grant for the Replacement of Well No.16

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

(RES. #139/22)

Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a New York State Environmental Facilities Corporation Water Infrastructure Improvement Act Grant for “The Walks” Utility Upgrades.

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

(RES. #140/22)

Resolution Authorizing the City Manager to Accept a Donation from Anthony Rector of Refinements LTD.

Council Member Treston introduced and moved the adoption of the following resolution (as amended), seconded by Pres. McInnis, and it was defeated with only two affirmative votes. Council Members Bendo, Lester and Posterli voted in the negative.

(DEFEATED)

Resolution Authorizing the Continued Retention of The Bonadio Group as Independent Auditors for Fiscal Years Ending June 30, 2022, 2023 and 2024.

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

(RES. #141/22)

Resolution Authorizing the City Manager to Purchase One (1) 2021 Ford Police Interceptor Utility (Hybrid) AWD Base Vehicle for the City’s Police Department and to Amend the Budget

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

(RES. #142/22)

Resolution Authorizing the City Manager to Enter into a Software License and Maintenance Agreement for the Records Management System for the City’s Police Department.

Council Member Treston introduced and moved the adoption of the following resolution, seconded by Mr. Bendo, and it was duly adopted by four affirmative votes. Council Pres. McInnis voted in the negative.

(RES. #143/22)

Resolution Authorizing the City Manager to Approve a Purchase Order for the Rental of Various Amusement Rides for the City of Long Beach 24th Annual Fall Festival-Centennial Celebration.

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. #144/22)

Resolution Authorizing Payment for the Alpine Software System for the Long Beach Fire Department.

Council Member Lester 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. #145/22)

Resolution Adopting a Donation Policy for the City of Long Beach.

Council Pres. 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. #146/22)

Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 60 West Park Avenue (second floor), Long Beach, New York.

Re: Escape Room.

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

(RES. #147/22)

Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 220 West Park Avenue (street floor), Long Beach, New York.

Re: Coffee Shop with a Golf Simulator.

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. #148/22)

Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic.

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. #149/22)

Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Automatic Alarm Systems

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

(RES. #150/22)

Resolution Authorizing Publication for Hearing of a Local Law Amending the Charter of the City of Long Beach Re: Zoning Board of Appeals

There being no further business before the Council, Council Member Bendo 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: September 7, 2022

David W. Fraser
City Clerk

Good and Welfare

James Hodge – 95 E Fulton St

Spoke about critical infrastructure, senior programs and a recent assault by youths

Eileen Hession - 516 W Beech St

Spoke about the HALB property and thanked Insp Rich Schuh, the Long Beach Historical Society and the Magnolia Senior Center

Jeanne Browne – 559 E Park Ave

Spoke about funding for the Senior Center and the Long Beach Historical Society

Jackey Odom – 237 W Pine St

Spoke about the MLK Center

Kathleen O’Leary – 350 E Market St

Spoke about the proposed wind farm

Henrietta Staub – 72 Curley St

Spoke about funding for the Senior Center

Crystal Lake – 206 E Market St

Spoke about the north shore critical infrastructure