

**CITY OF LONG BEACH
MINUTES OF THE REGULAR MEETING
OF THE COMMON COUNCIL
HELD OCTOBER 6th, 2020**

A regular meeting of the City Council of the City of Long Beach was held on Tuesday, October 6th, 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](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

City Manager, Donna M. Gayden began her update with introducing Acting Police Commissioner, Phil Ragona who gave his report.

Acting Police Commissioner, Phil Ragona addressed several events that had occurred in the past week involving the police department. He noted that Irish Day was cancelled for obvious COVID reasons, and thanked the AOH for their understanding and assistance in getting the message out. Commissioner Ragona also thanked the restaurants and bar owners throughout the city for their cooperation during this pandemic. He mentioned that he spoke to all the owners of the restaurants and bars about being extra vigilant, knowing that there could be young adults who might be coming in for an impromptu party. Mr. Ragona was also happy to announce that there were no SLA violations issued to any restaurant or bar, and what a great job they did. He added that there were some impromptu house parties that were policed accordingly without incidents. Commissioner Ragona touched upon an event that occurred on Sunday, October 4th. He mentioned that he received numerous calls regarding this occurrence, which was a home invasion robbery and burglary within the City of Long Beach. Commissioner Ragona went on to reassure the residents that this was not the result of a serial burglar and the Police knew who this person is. He could not go into the case any further since it is an active investigation and again assured the residents that they need not be concerned. Commissioner Ragona also commented on the protest with the theme "police reform" that took place on October 1st. He noted that it was a small turn out, but the police department needed to be prepared for a potential large crowd in order to police it safely. Mr. Ragona added that there was an overtime cost incurred. He expressed his disappointment in the profanities and threats used during the march and felt that it was not a good way to bridge gaps. Commissioner also mentioned that there is video footage that is being reviewed by the LBPD Detective Division. Commissioner Ragona appealed to all Civics throughout the city saying that his door is open and to please join him in an open

conversation, which is the key to community policing. He expressed his opinion on how everyone needs to come together and thanked the City Manager for allowing him to speak.

The City Manager asked for Simone Freeman, Corporation Counsel to give her report.

Ms. Freeman noted that the city had been receiving some calls and emails regarding the polling places and the upcoming election. She did add that there would be polling places available and she had personally overseen the execution of the polling agreements for city hall and the MLK center. Ms. Freeman also mentioned the recent emails that were received regarding the status of the MLK center. She noted that the city was still working toward being able to service this part of the community properly, in an effort to help get much needed resources to these residents and continues to request that they work with the city to develop and implement plans necessary for the re-opening.

Vice President McInnis asked Ms. Freeman to clarify if she was speaking about the MLK Center, Inc. non-profit.

Ms. Freeman clarified that it was the MLK Center, Inc. (not-for-profit) she was referring to. She continued to touch upon how the city has tried to resume discussions with the MLK Center, Inc. board regarding the re-opening plan as well as implementing a program schedule that works for the community and accomplish the needs required by Nassau County. Ms. Freeman also noted that the MLK Center, Inc. Board and their Chairman requested that both parties hold off on further discussions until they retained legal counsel. She proceeded to inform the council that the notion that the city was trying to remove them from the building was untrue and the only action taken was to try to re-open the building in accordance with the Governor's re-opening plan. Ms. Freeman also mentioned that all buildings in the city had been closed to the public due to the Governor's pause order in March, and has complied with the Governor's orders and re-opening with every stage-in phase. She concluded by noting that the city wants to be sure that all safety-plans are in place for all buildings, including the MLK, Center Inc., before re-opening takes place.

City Manager Gayden asked Ms. Freeman for clarity on the fact that there was a site safety plan for each program and/or activity that would be taking place.

Ms. Freeman replied yes and added that each site safety plan would need to be specific to the type of activity that would be taking place in the building. She continued to give some examples.

Council Vice President McInnis spoke about the email that she was copied on that came from the law offices of Mr. Frederick K. Brewington.

Ms. Freeman clarified that the way she read the email was that Mr. Brewington responded that they're working toward coming up with some dates and they hoped to tell the city next week. She also noted that the city had been reaching out to him since July.

Council Member Delury asked Ms. Freeman if all protocols for entering a building was the same for all city buildings.

Ms. Freeman replied yes and that for the purposes of office work, the city has a citywide office work based site safety plan that is specific to office type work and all city buildings were operating under one site safety plan.

Council President Bendo asked for clarification that the delay of programming at the MLK was due to the MLK, Inc. not providing the city with a list of programs that are in accordance with the State Executive Orders, and the site safety plans for those specific programs.

Ms. Freeman replied yes.

Council President Bendo then asked for clarity that it was MLK, Inc. who was the hold up and the city was waiting on them.

Ms. Freeman again replied yes.

Council President Bendo then asked the City Manager for clarity on the \$8,800.00 police overtime due to the protest and if it included other staff as well.

Ms. Gayden replied that the overtime was for just the police and noted that the numbers for additional staff were not available just yet.

Council President Bendo then asked if \$12,000.00 could be the expected number for overtime.

City Manager Gayden responded that it could be between \$12,000.00 and \$15,000.00.

A discussion ensued regarding the cost to the taxpayers when private citizens want to protest.

Council Member Delury asked Commissioner Ragona if the traffic flow was interrupted during the protest.

Commissioner Ragona explained that it was one of the most involved marches the city has had. He noted that traffic had to be shut down for quite a bit of time in the main areas, which were Park Avenue, the center of town and Long Beach Blvd.

Council President Bendo asked since it was only 50 people at the protest, why the sidewalk couldn't be used instead of closing down certain areas.

Commissioner Ragona explained that the Police Department always has to plan for the largest crowds. He noted that there had been 800 to 1,000 people at times and they must be ready for large crowds and there was no way of telling how many demonstrators could be attending.

Council President Bendo asked Commissioner Ragona if the protest coordinator gave him any idea of how many protestors there would be.

Commissioner Ragona replied that he was told anywhere from several hundred to one thousand. He also noted that this protest had been well advertised on social media and the technical unit was monitoring it quite closely, and had every reason to believe it was going to be much larger than it was.

Council Vice President McInnis asked Commissioner Ragona if he thought that closing Park Avenue had a financial effect on local businesses that were already struggling.

Commissioner Ragona replied yes and that he spoke to several of the restaurant owners who told him that their customers were not coming out during the protest. He also noted that in his opinion, it obviously appeared that this protest had stopped people from coming into the area.

Corporation Counsel, Simone Freeman asked if this march was supposed to be part of the 39th Anniversary of the MLK Center and she thought they were organizing it.

Commissioner Ragona responded that initially, there was conflicting requests and that the Martin Luther King, Jr. Center was going to celebrate 39 years of being inside the center. He noted that speaking with Mr. Hodge who was the organizer, they could have had the anniversary celebration earlier to commemorate the Martin Luther King Jr. Center and then the police department would be there to assist and facilitate the protest and the march. Commissioner Ragona continued to say that to his knowledge, the celebration did not occur the way it was previously planned, and it was the protest that demanded police reforms.

Ms. Gayden then asked Mr. John McNally to give his report.

Mr. McNally made a few announcements regarding city-wide recycling and made mention of a misprint that was made in the city calendar regarding the fact that there would be no recycling on October 7th. He stated that city-wide recycling would be taking place on that date. He also mentioned that Long Island Cares through funding from Nassau County, was doing food distributions out of the Magnolia Senior Center every Monday for the past several months, and are committed to doing so through November.

City Manager Gayden introduced Mr. James Nytko from CMA to give a report and a power point presentation on what they had been working on thus far.

Mr. Nytko thanked the city for inviting them to speak and gave his report on the fiscal condition of the city and financial transparency. He then displayed the presentation on the screen covering all financial topics.

Council President Bendo asked if the data on the website was dynamically generated, auto generated or input manually.

Mr. Nytko responded that it was a little bit of both and explained how it was done.

Council Member Delury asked about the monthly reports and if the information was based upon the adopted budget. He also asked if any of this information could be explained at a later time.

Mr. Nytko said that they could incorporate explanations and if there were areas the city would like to expand upon, they would certainly be able to incorporate that.

Council Member Delury also asked if this information would be available on the city's website and updated periodically.

Mr. Nytko noted that it was their recommendation that a link be placed on the City's website that would bring folks directly to this area, and that the information would be updated frequently.

Council Vice President McInnis commended the presentation and asked if the software that runs the program was proprietary and who owned it.

Mr. Nytko replied that it would be owned by CMA and they were not charging a fee to the city for utilizing the program.

Council Vice President McInnis also asked if there could be a future annual cost.

Mr. Nytko responded that it would be up for discussion if it expanded past the engagement with the city and if it were something the city would like to maintain.

Council Vice President McInnis asked where the program was hosted and who from the city had access to it.

Mr. Nytko replied that it was hosted through CMA and could provide a log in for Donna to access the site.

Council Vice President McInnis commended CMA for a job well done with the information they provided. She also asked if there was a timeline for when the fiscal conditions analysis would be released to the public.

Ms. Gayden replied that they were waiting for Council remarks so it could be finalized.

Council Vice President McInnis also asked if the quarterly update could be edited and posted on the website in order for the residents to review and monitor the progress.

Council Member Treston thanked everyone for the hard work that went into this process.

City Manager Gayden mentioned that there were 13 policies sent to the Council and was hoping to have a special meeting at the end of October in order to pass them and get them up on the website. She noted that there were two other policies for the council to review for the month of November, and the employee manual policy was still being worked on and should be available for the council in December. Ms. Gayden informed the council that the budget process for the next fiscal year would be starting in the next couple of weeks, with the goal being that the budget in the multi-year plan for the next fiscal year will be close to being accurate. She noted that there will be some adjustments made and they were starting with the department heads.

Council Member Delury asked if the department heads had input with the budget that was presented to the public this past May.

Ms. Gayden replied yes and noted that all the department heads were given guidelines and a worksheet of needs vs. wants. She indicated that they make sure the needs are addressed first and if there is any money left over, then some of the items they want would be discussed.

The Public Hearings were held

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 6 West Park Avenue (street floor), Long Beach, New York.

Re: Health Products Retail Store

Council President Bendo welcomed the owner Mr. Taylor and asked him to tell the council a little bit about the business.

Mr. Taylor explained that it was a health and wellness franchise that he started on Long Island back in 2010. He mentioned the reason he began this business was to help promote the prevention of illnesses and to help people learn that there are other ways to be pro-active in their health.

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

Mr. Taylor replied that it would be a one man show due to COVID and it would be a retail store for the home so that people could buy health and wellness products, etc. He indicated that the hours would be 10am to 7pm, seven days a week.

Council President Bendo asked if he expected any deliveries to the store.

Mr. Taylor stated that most of the products customers could buy and have shipped to their house.

Council President Bendo clarified for the public that this location is the space next to Five Guys that used to be the Taco Restaurant called Six.

Council Member Treston asked Mr. Taylor if he had a website available for people to look at his products.

Mr. Taylor responded yes and gave the website – phountain.com.

The calendar items were read by the City Clerk

#1 – Approval of Minutes of Prior Meeting of September 1 and September 15, 2020.

Mr. Delury made a motion to table the approval of minutes. It was seconded by Ms. Treston and was carried unanimously.

#2 – Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 6 West Park Avenue (street floor), Long Beach, New York.

Re: Health Products Retail Store.

#3 – Resolution Authorizing the City Manager to Amend the Current Agreement for Asphalt Overlay Work at Various Locations Throughout the City on an “As-Needed” Basis

Commissioner John Mirando gave an overview regarding the money that was left over from the curb and sidewalk contract purchase order, and requested that this money be transferred to the purchase order that was submitted for Asphalt Overlays. He noted that this would add another little section of Asphalt that could be completed.

#4 – Resolution Authorizing the City Manager to Renew the Agreement with the East End Atlantic Beach Fire District

Assistant Corporation Counsel Richard Berrios noted that this was a renewal of the IMA (Inter-municipal agreement) between the city and the East Atlantic Beach Fire District for the provision of fire protection services and EMS services. He reminded the Council that this item was up for resolution at the April 7, 2020 meeting where the council voted on a motion that modified the terms of the proposed agreement, and now must submit the agreement back to the district. He also added that after months of negotiations between the city and the district, the parties came up with the proposed agreement that was on the agenda for this meeting. Mr. Berrios gave a brief overview of the new revisions of the contract.

Fire Commissioner Scott Kemins gave an overview of the statistical data and a history of past calls and responses, beginning in 2018. He also noted that call volume is down due to COVID but based upon the average amount of calls and the 2020 fees for the contract, it actually worked out where every time the city responds to East Atlantic Beach calls, it gets \$672.00 per call. Commissioner Kemins also noted that the city bills for ambulance transportation and explained how this agreement becomes income for the city.

Council President Bendo asked if both the paid and volunteer firefighters respond to EAB.

Commissioner Kemins replied that both the volunteers and paid firefighters respond and it is in the paid firefighters' contract that this is part of their response area.

Council President Bendo asked who approves the extensions of the contract if they go into effect.

Assist. Corporation Counsel Berrios explained that the way the contract was drafted, the renewals would be at the option of the district and they do have an obligation to notify the city of their intent to renew by a certain date. He also noted that there was a cancellation provision in the contract to protect the city's rights in the event the city was unable to provide the services noted in the agreement.

Council Vice President McInnis thanked Commissioner Kemins for providing the information regarding the statistical data. She also asked Mr. Kemins to give her a percentage basis on the decrease in alarms for this year vs. last year.

Commissioner Kemins replied that he did not have the information available but would forward the information to Council once he was able to print the report.

Council Vice President McInnis asked if the cost to run the department was effected by the decrease in calls.

Commissioner Kemins replied that most of the costs do not come out of the fire department budget. He added that the salaries exist in the budget no matter how many calls there are and

gave examples of cost savings in certain areas due to the decrease in calls. Commissioner Kemins concluded by noting that the fire department costs do not change in the department's budget.

Mr. McNally added that in his notes from the Monday morning department head meeting, there were 3,653 alarms for this year and are down 462 from last year.

Council Member Delury asked about the geographical area of the EAB fire district.

Commissioner Kemins noted that everything west of Nevada Street and some areas called Atlantic Beach Estates was the cut-off point.

Roy Lester (72 Boyd St) – noted that each year, the fire protection budget goes up by about 2 percent and asked why the city sells the protection for only 1 percent. He also asked about the amount of overtime that is budgeted in the fire department.

Commissioner Kemins responded by noting that under a State Supreme Court settlement agreement, there must be 4 career firefighters working at all times and due to a limited number of manpower, there aren't enough people to fill that agreement without overtime. He added that with or without the contract, it would not affect the overtime and it would still be 4 paid firemen working at all times which has no bearing with the contract, and it was a separate agreement.

Council President Bendo asked if it was safe to say that the city needed 16 firefighters assigned to the four 4 man crews, but only have 13.

Commissioner Kemins replied that he was correct.

Council President Bendo asked if the firefighter's overtime was straight time.

Commissioner Kemins explained that a certain amount of hours are straight time based upon the agreement, and then beyond that, it goes to time and one-half. He added that the majority of the overtime is straight time.

Council President Bendo noted that if the city were to fill the three vacant positions, it would be with lower paid individuals so the overtime could drop significantly.

Council Vice President McInnis stated that the benefits would go up.

Mr. Lester asked why the city has not filled the vacancies?

Assist. Corporation Counsel Rich Berrios addressed Mr. Lester's question by indicating that the overtime wouldn't be affected one way or the other and the contract has been expired for a number of years and what it may cost the city today may cost the city more down the road if the agreement does not cover the expired contract date. He added that there were a number of variables that went into it all and a bit more complicated.

Mr. Lester asked how many years the city has been without a contract with the Fire Department.

Mr. Berrios stated that he believed the contract expired back in 2010.

City Manager Gayden interjected to let Mr. Lester know that she would look into all his inquiries and get back to him.

#5 – A “Resolution Authorizing Transfer of Funds for the 2020-2021 Fiscal Year” was taken off the calendar

#6 – Resolution Authorizing Budget Amendments to the General and Sewer Fund Budgets for the 2020-2021 Fiscal Year

City Comptroller Inna Reznik explained that this resolution was prepared to re-direct the funding to the designated departments of where employees actually work from. She added that there were a couple of transfers in operational departments such as the municipal building and beach maintenance to the sewer department, and this funding would be re-directed to the appropriate department.

Council President Bendo summarized by stating that this money was being re-directed to the department where the individual was actually working in.

Ms. Reznik added that in an effort to maintain proper financial controls, she wanted to make sure the budget line follows the proper department.

Roy Lester (72 Boyd St) – asked if the budget amount in the sewer department would be increasing due to this transfer of funds.

The City Comptroller explained that this was a transfer where the city was taking money from one place and moving it to the other and no budget will be increased.

Mr. Lester asked for clarity that the regular salaries of the sewer department would stay the same.

Ms. Reznik replied that it would increase by the amount of the transfer but the money would come from the department where the people were transferred from, and would not impact the budget.

Mr. Lester began a discussion regarding the money that the city borrowed that needed to be paid back by next year. He also noted that he has not seen any efforts made on how this was going to get accomplished.

City Manager Gayden explained that the borrowed money had nothing to do with this resolution. She explained that there were people working in one department that moved to another without the city hiring new people, and the money transferred with them.

The voting portion of the meeting was then begun.

Council Member Mandel 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. #84/20)

Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 6 West Park Avenue (street floor), Long Beach, New York.

Re: Health Products Retail Store

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. #85/20)

Resolution Authorizing the City Manager to Amend the Current Agreement for Asphalt Overlay Work at Various Locations Throughout the City on an “As-Needed” Basis

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. #86/20)

Resolution Authorizing the City Manager to Renew the Agreement with the East End Atlantic Beach Fire District

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. #87/20)

Resolution Authorizing Budget Amendments to the General and Sewer Fund Budgets for the 2020-2021 Fiscal Year

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

Dated: October 7, 2020

David W. Fraser
City Clerk

Good and Welfare

Charles Peknic - 1005 W Beech Street

Spoke about the conditions at the former
Hebrew Academy site