

**CITY OF LONG BEACH
MINUTES OF A MEETING
OF THE COMMON COUNCIL
HELD OCTOBER 17, 2023**

A meeting of the City Council of the City of Long Beach was held on Tuesday October 17, 2023.

Present were Council Pres. Bendo and Council Members, Lester, McInnis, Posterli and Treston.

Corporation Counsel Dennis Cohen and Acting City Manager Ronald Walsh were also present.

Acting City Manager, Ronald J. Walsh, Jr. began his report by recognizing the attack on innocent civilians in Israel and the latest statement by a Hamas leader calling Muslims to carry out a Jihad against the Jewish people. He continued to assure the residents that there were no known threats against the City of Long Beach or for that matter, even New York City. Mr. Walsh added that the Police Department were taking additional steps to ensure the safety of all the residents in Long Beach. He also noted the drop in crime within the city and encouraged all residents to call the police department anytime they see something happening so that the appropriate steps can be taken. The Acting City Manager then spoke about the Fall Festival that took place over the weekend and thanked all the employees who helped make it a beautiful event. He then announced that the city received a \$100,000.00 grant from the US Forest Service to purchase 100 medium sized trees to be planted throughout the city.

Council President Bendo added that the city was recognized as the 22nd safest city in the United States and the 7th safest “small city” in the United States.

Council Vice President Treston noted that due to the unforeseen inclement weather, there were several activities and walks that could not take place over the weekend. She proceeded to recognize the Domestic Violence Awareness Walk sponsored by Circulo De Hispanidad and thanked them for their efforts in the prevention of domestic violence and abuse.

Council President Bendo then noted that the bill for Parkland Alienation of the beach might be going to the Governor’s desk for her signature very soon. He then read a letter that the City Council sent to the Governor expressing their opposition of the project and rejecting any requests for Parkland Alienation by Equinor.

Council Member Posterli added her comments and support of the letter sent to the Governor.

The public hearings were held

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements for Premises: Re: 138 East Park Avenue (street floor), Long Beach, New York

Amanda spoke about a new business opening at this address and noted that there would be 20 employees who could serve approximately 15 customers at one time, depending on the hour of the day. She added that they would be open 7 days per week from 9:30am to 7:30pm with no deliveries to the shop.

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements for Premises: Re: 266 East Park Avenue (street floor), Long Beach, New York

Council Member Lester recused himself from this item.

Mr. Jason Polete Explained that this business is a gym (Neurocognitive Gym) which is a gym for the brain, where physical activity is combined with cognitive activity for all age groups. He continued to speak about the services offered. Mr. Polete noted that he would be open 7 days a week between 7am and 9pm with five to ten employees. He noted that he would accommodate anywhere from 2 to 20 customers at one time.

The calendar items were read by the City Clerk

#1 – Resolution Granting Waiver of Off-Street Parking Requirements for Premises:

Re: 138 East Park Avenue (street floor), Long Beach, New York

#2 – Resolution Granting Waiver of Off-Street Parking Requirements for Premises:

Re: 266 East Park Avenue (street floor), Long Beach, New York

Council Member Lester recused himself from this item.

Editor's note: Items 1 & 2 were voted on out of order at the conclusion of the public hearings.

#3 – Resolution Authorizing the Acting City Manager to Accept Funds from the New York State Municipal Workers' Compensation Alliance

Acting City Manager Walsh explained that this resolution was for the city to accept the loyalty award from the City's workers compensation company for improving workplace safety in the amount of \$4,487.29.

James Hodge (95 E Fulton St) – asked where these funds get allocated.

Mr. Walsh replied that these funds get put into the general fund.

#4 – Resolution Authorizing Transfer of Funds for the 2023-2024 Fiscal Year

Mr. Walsh explained that these funds will be used to replace the outdoor holiday lighting in Kennedy Plaza.

Council Member Lester asked about the possibility of keeping the lights on the trees all year round.

Mr. Walsh replied that he would make that suggestion.

#5 – Resolution Authorizing an Amendment to the Personnel Roster and a Transfer of Funds for the 2023-2024 Fiscal Year

Acting City Manager, Walsh noted that this resolution was for replacing retirees and it would have a zero budgetary impact. He added that these monies would be moved between departments to cover the salaries of those coming in from part time to a full-time workforce.

James Hodge (95 E Fulton St) – asked if these employees would be part of the CSEA.

Mr. Walsh explained that these were existing part-time employees who would now be getting full-time status.

Mr. Hodge expressed his support of this resolution.

#6 – Resolution Authorizing the Continued Retention of Outside Counsel

Corporation Counsel, Dennis Cohen noted that this was a new retainer agreement to keep Bond Schoeneck and King on as outside counsel.

Council Member Lester asked if their hourly rate was at a discounted rate.

Mr. Walsh replied that this was a discounted rate from their original proposal.

Sam Pinto – asked that the council not support this extension agreement unless it is reflective of the nature of the relationship that they would like to maintain with the city’s firefighters’ union. He continued to express his concerns about why they should not approve this resolution.

Mr. Cohen noted that the retainer agreement allowed the city to terminate the services of Bond Schoeneck and King and doesn’t lock them in. He added that it is a two-year term with a termination clause.

James Hodge (95 E Fulton St) – asked about the cost of outside counsel.

Mr. Cohen replied that the retainer agreement was for \$50,000.00 per year.

Mr. Hodge asked if there was a termination penalty.

Mr. Cohen replied that there was no penalty since they were providing discounted rates. He added that if the city terminated the contract, the rates for the work that had been done would increase to a certain amount.

Mr. Hodge asked how much that amount would be.

Mr. Cohen noted that the amount was included in the attachment.

Mr. Hodge continued to express his concern about hiring outside counsel.

Mr. Cohen assured Mr. Hodge that he has kept as many cases in-house as possible.

#7 – Resolution Authorizing Budget Amendment to the General Fund Budget and Budget Amendment to the Capital Projects Fund Budget

The Acting City Manager explained that this resolution allowed for the moving of money from a restricted account to a non-restricted account to pay for the body worn cameras for the police department.

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

Mr. Walsh explained that this item was for money to be taken from the unassigned fund balance to pay for the upfront expenses for the PBA contract which is strictly for the regular salary line.

Council Member McInnis asked about the fund balance policy where the city is required to have a certain percentage of the city's general budget in reserve, which are unrestricted funds. She asked how much would be left in that fund after passing this resolution.

The Acting City Manager replied that it would be approximately \$12 million dollars.

#9 – Resolution. Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Electrical Code

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on November 8, 2023 at 7:00 p.m.

#10 – Approval of Minutes of Prior Meeting of October 3, 2023

Council Pres. Bendo made a motion to approve the minutes. It was seconded by Ms. Treston and was approved unanimously.

The voting portion of the meeting was then begun.

Council Member Treston 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. #187/23)

Resolution Granting Waiver of Off-Street Parking Requirements for Premises:
Re: 138 East Park Avenue (street floor), Long Beach, New York

Council Member Treston introduced and moved the adoption of the following resolution, seconded by Ms. Posterli, and it was duly adopted by four affirmative votes. Council Member Lester recused himself from the item.

(RES. #188/23)

Resolution Granting Waiver of Off-Street Parking Requirements for Premises:
Re: 266 East Park Avenue (street floor), Long Beach, New York

Council Member Treston 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. #189/23)

Resolution Authorizing the Acting City Manager to Accept Funds from the New York State Municipal Workers' Compensation Alliance

Council Member Treston 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. #190/23)

Resolution Authorizing Transfer of Funds for the 2023-2024 Fiscal Year

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. #191/23)

Resolution Authorizing an Amendment to the Personnel Roster and a Transfer of Funds for the 2023-2024 Fiscal Year

Council Member Lester 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. #192/23)

Resolution Authorizing the Continued Retention of Outside Counsel

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. #193/23)

Resolution Authorizing Budget Amendment to the General Fund Budget and Budget Amendment to the Capital Projects Fund Budget

Council Member Treston 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. #194/23)

Resolution Authorizing Budget Amendment to the General Fund Budget

Council Member Lester 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. #195/22)

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

There being no further business before the Council, Council Member Treston 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: October 18, 2023

David W. Fraser
City Clerk

Good and Welfare

Charles Rubin – 1 W Chester St	Spoke against the proposed construction of a new dispatch office on the 1 st floor of City Hall
Ron Paganini – 62 Harmon St	Spoke about the City Council and issues in the City
Joseph Miccio – Michigan St	Spoke about the City’s crime rate and the handling of sex crimes
Daniel Moran – 10 Monroe Blvd	Spoke about reckless driving
James Hodge – 95 E Fulton St	Spoke about the use of local experts, the proposed expansion in the Fire Dept and the Wind Farm project
Christina Kramer	Spoke about the Wind Farm project
Tim Kramer – 361 E Broadway	Spoke about the Wind Farm project
Jennifer Sarafin – 107 Neptune Blvd	Spoke about the Wind Farm project
Alexis Pace – 660 E Olive St	Spoke about the Wind Farm project