

**CITY OF LONG BEACH
MINUTES OF THE REGULAR MEETING
OF THE COMMON COUNCIL
HELD NOVEMBER 17TH, 2020**

A regular meeting of the City Council of the City of Long Beach was held on Tuesday, November 17th, 2020.

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

Deputy Corporation Counsel Richard Berrios and City Manager Donna Gayden were also present.

Because of the COVID-19 pandemic, public attendance was suspended for this meeting. The following notice was posted prior to the meeting:

In light of current health concerns and as per Gov. Cuomo's Executive Order 202.1 we are making the following changes for this Council Meeting:

- **Public attendance for this meeting will be suspended.** A live Stream of the meeting will be available on our YouTube channel. Please visit [longbeachny.gov/councilmeetings](https://www.longbeachny.gov/councilmeetings) for the link to our YouTube channel.
- Anyone wishing to directly participate in the meeting was provided with a link to the Zoom meeting

Council President Bendo asked for the City Manager's report.

City Manager, Donna M. Gayden welcomed everyone and introduced Mr. Robert Spolzino to give an update on the Haberman case.

Mr. Spolzino announced that the Haberman case was on trial before Justice Jack Libert in the Supreme Court of Nassau County. He gave a brief update and timeline of the case.

Council President Bendo asked Mr. Spolzino to give the audience an overview and background on the case itself.

Mr. Spolzino gave the history and timeline on the Haberman properties course of events and how it brought the city to its current status.

Ms. Gayden then introduced Ms. Monique Powell, Director of Community Development to give her report.

Ms. Powell spoke about the "Learning Spaces" project, which is a collaboration between the city and the school district to help provide a safe, supervised location for children to learn while participating in the hybrid remote learning due to COVID. She gave an overview on how the project works and spoke about the need for this service within the community. Ms. Powell mentioned that the staff supervising would come from the Youth and Family Services department, utilizing both the active full time staff while bringing back some of the in-active staff members to cover the needs of the program. She noted that the project would follow OCFS

(Office of Children and Family Services) state regulations and all health and safety guidelines that pertain to COVID 19.

City Manager Gayden asked Mr. John Mooney, President of CSEA to dispel any rumors that are circulating regarding the layoffs of CSEA employees.

Mr. Mooney was having difficulty with the internet and could not respond at this time.

Ms. Gayden then asked Mr. John McNally, Executive Assistant to the City Manager to give his update.

Mr. McNally gave a COVID update stating that there were 57 new positive cases in Long Beach, which was an increase from the summer months. He added that the Governor issued a new executive order noting that all establishments that have liquor licenses needed to close by 10pm and private gatherings could have no more than 10 in attendance. Mr. McNally noted that all other guidelines remained in place, i.e., wash your hands, maintain social distancing and wear your mask.

Council President Bendo asked about the COVID numbers in the summer months vs. the present time.

Mr. McNally gave an overview on the climbing COVID positive increases.

Mr. Bendo also mentioned that according to the Newsday map, Long Beach seemed to be higher than most of the surrounding communities.

Mr. McNally noted that the number on the Newsday map was a cumulative number including all of zip code area 11561, but there was a definite increase in positive cases in the community and not just from the increase in testing.

Council President Bendo reminded everyone of the importance of wearing a mask.

Mr. McNally then spoke about the upcoming holiday events and announced that the Menorah and Tree lighting events would be held virtually. He also noted that the electric light parade was cancelled for this year due to COVID19. Mr. McNally gave a recap on the recreation center programs and potential vendor agreement procedures. He announced that on Sunday, from 9am to 1pm, the first community shred/e-cycle day will be held for residents only behind the LIRR garage.

Council President Bendo asked about the items that could be shredded.

Mr. McNally gave a list of things that could and could not be shredded.

Council Member Treston asked if electronics were being accepted.

Mr. McNally explained that there would be two separate lines. One for shredding and one for e-cycling.

Council Member Delury asked if residents would have assistance with carrying items to the shredding machine.

Mr. McNally replied that staff would be on site to assist the residents.

Mr. Delury also reminded everyone that people arriving to the site should be wearing a mask.

Council Member Delury asked if the business owners could participate in the event.

Mr. McNally replied that if the business owner was a resident, they would be allowed to participate.

Mr. John Mooney, President of the CSEA joined the meeting and noted that since the pandemic, layoffs and the budget, he has worked hard with the City Manager to bring back some of the employees when a vacancy existed or a retirement took place. He also added that some employees refused job offers while others did accept them and felt that things were going in a good direction. Mr. Mooney personally thanked City Manager, Donna Gayden for working in good faith with the union and added that there was still much more work to do. He also asked that people ignore the social media rumors regarding new layoffs, and will continue to work with the City while doing the best job possible. Mr. Mooney added that the union has and will continue to promote social distancing, masks and testing.

Council Member Treston thanked Mr. Mooney and the employees for their service.

City Manager, Donna Gayden thanked Mr. Mooney and noted that she enjoyed working with him as they work on bringing as many employees back as they can while staying within the budget. She also announced that some of the city's Boards and Commissions were resuming and gave an update on some of the available positions.

Council President Bendo mentioned that the City Manager took the time and personally interviewed each board and commission applicant.

Ms. Gayden also noted that she was available to conduct interviews via zoom for those who might still be interested in applying to some of the vacancies on the boards and commissions.

The public hearings were held

PUBLIC HEARING: Ordinance to Amend the Code of Ordinances of the City of Long Beach
Re: Motor Vehicles and Traffic.

Acting Police Commissioner Philip Ragona explained that there was a need to allocate an area for commercial vehicles to park. He noted that the area that has been allocated for these vehicles had become an eyesore and a bit uncontrollable. A/Commissioner Ragona also added that the city needed to be in more control of the area and this ordinance would allow for the city to issue permits and have a better idea of which vehicles are actually utilizing the space while being properly registered and inspected.

Council President Bendo asked how the city would disseminate the information regarding the required permits.

Mr. Ragona explained that they would use an informational type strategy. He noted that for the next month or so, they would start by placing warning tags on all the vehicles to let the owners

know that effective January 1st, their vehicle would be issued summonses and/or towed if they did not acquire the proper permit.

Mr. Bendo asked about the size of the vehicles that could park in this area.

A/Commissioner Ragona explained that there was a 20 foot length limit on the vehicles.

Council Member Delury asked how many vehicles would be able to fit in this area.

Mr. Ragona noted that it would depend on the size of the vehicle, but probably close to 100.

Mr. Delury also asked about the potential of an overflow for this location.

A/Commissioner Ragona noted that there was talk about moving/expanding the location if the need occurs.

Mr. Roy Lester asked if contractors who were working on a house would have to purchase the parking permit as well.

Deputy Corporation Counsel, Mr. Rich Berrios noted that he did not think that contractors would be asked to purchase a permit.

City Clerk, David Fraser explained that the only way a contractor would need to purchase a permit would be if they wanted to park in the commercial zone on Park Place.

Mr. Lester then asked where else would they park and questioned the way the resolution was written.

Council President Bendo responded that the purpose for the permit was intended for long term parking.

Mr. Berrios noted that if a contractor is working on a house, they presumably would be parked in or near the home for the day. If they would want to park for more than that, they would then need to purchase the permit and park in the commercial zone area.

PUBLIC HEARING: Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 126 East Park Avenue, (street floor), Long Beach, New York.

Re: Gym Studio

Ms. Kelly Martinsen explained that this was a new location from her past business that was a yoga and pilates studio and because it was a shared space, they had to close due to COVID.

Council President asked what the hours of operation would be.

Ms. Martinsen replied that the classes and times would fluctuate, Sunday through Saturday.

Mr. Bendo asked how many people would be in attendance in the studio at any given time.

Ms. Martinsen noted that based on the square footage of the space the maximum allowed would be 20. She added that she did not believe she would ever reach the maximum number.

Council President Bendo asked how many employees she would have.

Ms. Martinsen noted that she is the only employee and explained that all the Instructors were contracted out.

Council Member Treston asked if there was room for a bike rack outside the business.

Ms. Martinsen mentioned that there were two orange bike racks outside the building and that she was thinking of asking for another one.

Ed. Note: This item was called for a vote at the end of the hearing. See voting section below.

The calendar items were read by the City Clerk

#1 – Approval of Minutes of Prior Meeting of October 6, 2020.

Pres. Bendo made a motion for the approval of minutes. It was seconded by Mr. Mandel and was carried unanimously.

#2 – Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic

#3 – Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 126 East Park Avenue, (street floor), Long Beach, New York.
Re: Gym Studio.

#4 – Resolution Adopting an Expenditure Policy for the City of Long Beach.

Mr. James Nytko of CMA gave a description of the Expenditure Policy, which addressed a range of issues on how money was expended.

Roy Lester (72 Boyd St) – Asked about statement #6 of the Expenditure Policy regarding the possibility of working cooperatively with the school district.

Ms. Gayden replied that the city would be looking to do more things collaboratively with the school district in an effort to save money for both the city and the school district.

Mr. Lester also asked about item #9 – *all appropriations and operating funds of the city shall lapse at the close of the fiscal year to the extent that they have not been expended for encumbered*, and wanted to know over the last two years, the amount that has not been expended or encumbered.

The City Manager replied that they did not have this information readily available, but would let him know.

#5 – Resolution Adopting an Americans with Disabilities Act Policy for the City of Long Beach

Mr. Nytko of CMA described the policy and explained that it was intended to ensure that the city did not discriminate in any way against qualified individuals with disabilities.

Roy Lester (72 Boyd St) – asked about item #4 – *modifications to policies and procedures – the ADA does not require the city to take any action to fundamentally alter the nature of its programs or services or impose an undue financial administrative burden.* He asked who decided whether it is an undue financial administrative burden and what the criteria was.

Ms. Gayden replied that the city would do everything in its power to make sure it was compliant. She noted that if it were something that would exceed a typical expenditure that would cost a significant amount of money that would require a budget modification, than it would need to go before the council.

Mr. Lester mentioned the fact that the council could deem the expenditure of funds as an undue burden if it was too much money.

The City Manager replied that she did not believe the council would say it was an undue burden.

Council Member Delury noted that depending on where the funds were available at the time, would determine how the money would be spent. He also noted that he would need a more specific question from Mr. Lester in order to give a more complete answer to his question.

Ms. Gayden clarified that the council would decide whether or not it was an undue financial burden and would be based upon the dollar amount.

#6 – Resolution Adopting a Grant and Financial Award Policy for the City of Long Beach

Mr. James Nytko of CMA described the Grant and Financial Award Policy, which intends to promote long term and strategic thinking with respect to grants and the procedures of applying and the implementation of grants.

Council Member Delury asked about the portion of the policy that spoke about a grant and the “match” process. He also asked if the grant committee would be the deciding body on whether or not to move forward with a specific grant.

City Manager Gayden explained that the policy noted that the city could select a committee if needed. She also stated that the City had their own internal committee and if a grant requested a possible “match” by the city and the money was not available in the budget, then the city would probably not apply for the grant unless the money was coming from another grant that would off-set the match.

Roy Lester (72 Boyd St) – asked what would happen when the grant reached its maturity and the city wanted to continue with whatever the grant was being used for. He also suggested that a study be part of the policy to study what the future cost would be once the grant money had ended.

Ms. Gayden replied that the continuation of future costs would depend on the budget and the city would not prepare a budget on what it thinks it will get. She also noted that if a project was going to be done based on a grant, and the city didn’t receive it, the project would not happen.

Ms. Gayden continued to say that a lot of mistakes are made while preparing budgets when it is assumed that because a grant was awarded in the past, it will continue.

Mr. Lester brought up the training of police officers grant and asked if once the grant ended, would the city stop training the officers.

The City Manager stated that if the city budgets for the training, then it would be an enhancement on the training of police officers and would not depend on the grant to fulfill our training requirements.

Ms. Inna Reznik, City Comptroller explained what the purpose of the grant policy was for and that the cases Mr. Lester was bringing up were outside of the scope of the policy. She noted that in any event, once a grant is over, the city management would have to decide on how it would want to continue its operations. Ms. Reznik explained that Mr. Lester was asking could not be put into the policy since every situation would need to be assessed individually based on need and the financial situation of the city at the time.

Council President Bendo gave the example of the “Safer” grant where firefighters were laid off once the grant ran out and the city had to make the decision on whether or not they could afford to continue. He said that in that case, the city had to make a decision on whether or not it could and/or wanted to continue with the program, and to the City Manager’s point, if so, it would need to become a budget item.

Mr. Lester continued to say that it would be a good idea to add something to the policy about what happens when the grant money runs out.

Judi Vining – asked about how this policy would relate to the grant that she receives for her organization since this grant also includes payments made to the police department for certain services.

Ms. Gayden replied that if in fact the grant money runs out, then it would become a budget issue that would need to be addressed.

Ms. Vining suggested that within the policy there should be some type of acknowledgment that some grants are structured so that it would be a gradual process of diminishing funds while the program continues and eventually gets taken over by the community.

#7 – Resolution Authorizing the City Manager to Enter into a License and Operating Agreement for the Management of a Day Care Center with the Sole Responsible Proposer

Assistant Corporation Counsel, Joseph Lupo gave a brief background on the Magnolia Day Care Center and spoke on the new contract with the JCC for use of the center.

Council President Bendo added that the city had been losing money in respect to the previous day care program which was being subsidized by the taxpayer and created liability concerns. He noted that with this new plan, the city would still be able to offer day care services while actually collecting rent on the facility and would be good for the taxpayers.

Roy Lester (72 Boyd St) – asked for clarity on the Magnolia Day Care Center’s expenditures vs. revenues.

Ms. Reznik explained that some of the line items were combined for all the programs that were offered within the facility and gave a detailed explanation on both the expenditures and revenues for the budget item in question.

City Manager Gayden suggested that a zoom meeting be set up with Mr. Lester to go over the budget with him and answer any other questions he might have.

Assistant Corporation Counsel, Mr. Lupo added that day care and school enrollments are suffering due to COVID, and this resolution would be in the best interest of the city.

Council President Bendo re-stated that the services would still be provided without the burden to the city taxpayers.

#8 – Resolution Authorizing the City Manager to Negotiate Agreements with Skudin Swim, Inc. and Long Island Swimming LTD a/k/a Long Island Aquatic Club for Swim Programs at the City’s Aquatic Center.

Deputy Corporation Counsel, Mr. Rich Berrios stated the language that was needed to be included to the resolved clause for both Items #8 and #9.

Council Member Delury made a motion to add “and enter into” into the first sentence of the RESOLVED clause (RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and she hereby is authorized to negotiate **and enter into** agreements with Skudin Swim, Inc.....). It was seconded by Mr. Mandel and was carried unanimously.

Mr. Berrios gave an update on the RFP recipients and that the city would be meeting with both recipients to negotiate and enter into agreements as quickly as possible in an effort to get the swimming programs up and running again.

Council President Bendo added that this was another step to ensure that all RFP’s and contracts are properly executed.

#9 – Resolution Authorizing the City Manager to Negotiate Agreements for Various Recreation Programs

Deputy Corporation Counsel, Mr. Rich Berrios once again reiterated the importance of meeting with the vendors to negotiate and enter into agreements as quickly as possible in an effort to get the swimming programs up and running again as quickly as possible.

Council President Bendo asked about the “additional insured” portion of the insurance policy and if the City would be added.

Mr. Berrios replied that all agreements were contingent upon the proper insurance to ensure that the city and its residents were protected.

Council Pres. Bendo made a motion to add “and enter into” into the first sentence of the RESOLVED clause (RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and she hereby is authorized to negotiate **and enter into** agreements with Long Beach Athletic Club). It was seconded by Ms. Treston and was carried unanimously.

Peter Rovitz – asked if the final contracts would be brought before a council meeting for approval. He also asked about the contracts regarding the proposed RFP’s for the concession at the Ice Arena.

Mr. Berrios replied that this resolution allows the council to authorize the city manager and her team to negotiate and enter into agreements with these third party vendors, and there would be no subsequent step involving the council. He also added that these particular third party vendors would be notified that the RFP was forthcoming, and once the agreements are hashed out, those agreements would include the caveat that if and when an RFP results in an award to someone to operate the Ice Arena, they would have to enter into contracts with that operator.

Roy Lester (72 Boyd St) – expressed concern about the City Council’s part in developing the contracts without any input or decision making.

Council President Bendo noted that the public would not see a contract before it was voted on but would see that a contract was being voted on. He also noted that this particular item is allowing the programs to be available at the Ice Arena while the contracts were being negotiated so the kids could get back on the ice and the pool. Mr. Bendo also stated that the council was having a say in the decision making by this particular vote and that the city has a professional City Manager who is no longer following past practices that gave things away.

City Manager Gayden noted that the decision-making is part of a team effort that included Corporation Counsel, the Procurement Department and Inna Reznik, City Comptroller who would ensure that things are done in the best interest of the city. She was also happy to say that the Council had faith in the team who will make sure that the all the “I’s were dotted and the T’s were crossed.

Colleen Feerick (Long Beach) asked how long the process would take and noted that the kids are really suffering.

Ms. Gayden replied that if this resolution passes tonight, things should go back into place tomorrow.

#10 – Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Environmental Advisory Board

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on December 1, 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 November 17, 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 following ordinance, seconded by Mr. Mandel, and it was duly adopted, all four council members present voting in the affirmative.

(ORD. #3039/20)

Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic

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

(RES. #102/20)

Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 126 East Park Avenue, (street floor), Long Beach, New York.

Re: Gym Studio

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

(RES. #103/20)

Resolution Adopting an Expenditure Policy for the City of Long Beach

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

(RES. #104/20)

Resolution Adopting an Americans with Disabilities Act Policy for the City of Long Beach

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

(RES. #105/20)

Resolution Adopting a Grant and Financial Award Policy for the City of Long Beach

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

(RES. #106/20)

Resolution Authorizing the City Manager to Enter into a License and Operating Agreement for the Management of a Day Care Center with the Sole Responsible Proposer

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

(RES. #107/20)

Resolution Authorizing the City Manager to Negotiate Agreements with Skudin Swim, Inc. and Long Island Swimming LTD a/k/a Long Island Aquatic Club for Swim Programs at the City's Aquatic Center

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

(RES. #108/20)

Resolution Authorizing the City Manager to Negotiate Agreements for Various Recreation Programs

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

(RES. #109/20)

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

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 four council members present voting in the affirmative.

Dated: November 18, 2020

David W. Fraser
City Clerk

Good and Welfare

Anne Conway	Thanked the City Council and the City for the MLK program
Roy Lester – 72 Boyd St	Spoke about the Haberman case
Judi Vining	Spoke about the Public Safety Board and updating the social host ordinance
Eileen Hession	Spoke about the appointment of a Police Commissioner, parking meters, the Haberman case, retirements from the police department, COVID, rallies in Kennedy Plaza and the redevelopment of the former Hebrew Academy site.
Debra Marino	Spoke about the RFPs for the Ice Arena
Brendan Healy	Spoke about the Public Safety Commission and about new SLA license applications