

MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF ATLANTIC BEACH
AND
PUBLIC HEARING TO AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH
65 THE PLAZA, ATLANTIC BEACH, NY11509

MARCH 13, 2017

CALL TO ORDER

Mayor Pappas called the meeting to order at 7:50 PM.

SALUTE TO THE FLAG - led by Mayor Pappas

MOMENT OF SILENCE FOR ALBERTA LIBBEY WHO PASSED AWAY MARCH 9, 2017

ROLL CALL

Present were: Mayor George J. Pappas
Trustees Linda Baessler
Danae A. Muddiman
Edward A. Sullivan
Village Attorney Charles S. Kovit
Treasurer Herbert A. Klibanoff
Village Clerk Emily Siniscalchi

Absent: Trustee Andrew J. Rubin EXCUSED

REPORTS

- I. A. Police Activity Report – February 2017 --given Lt. John Owen
- B. Atlantic Beach Rescue/Fire Department Report -
Report received for January 2017 – read by Village Clerk
- C. Beautification –Chairperson Dolores Friedel- absent
- D. Sanitation Report – Commissioner Allan Jacobs
Had one complaint on January 31st on Park Street
and situation rectified.
- E. AB Cats – Beth Brenner
Report given and attached
- II. STREETS AND BUILDING DEPARTMENT REPORT – Steve Cherson –report given and
filed
- III. TREASURER'S REPORT -Herbert A. Klibanoff
For the month of February, 2017 – we had a grand total of \$4,793,928.14 in
various bank accounts (Total Capital account \$3,469,269.85; General Fund
\$1,324,658.29)
- IV. LEGAL - Village Attorney Charles S. Kovit
Nothing to report
- V. TVASNAC – Carl Baessler– report give and filed

At 8:01 PM Mayor Pappas called the public hearing to order

PUBLIC HEARING TO AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH
LL 2-2017 - ARTICLE XV §250-108 - PROHIBITED AND RESTRICTED USES

Public Hearing to consider amendment of Section 108 of Chapter 250 of the Village Zoning Ordinance in so far as to enact a new subsection O thereof in relation to prohibited and restricted uses.

Specifically, new subsection O would declare and confirm that tiered or multi-level parking structures shall be strictly prohibited in all zoning use districts within the Village. Mr. Kovit began by stating that the village is in receipt of a "local determination letter" from the Nassau County Planning Commission, which satisfies the Village's obligations under Section 239-m of the General Municipal Law. Further, Mr. Kovit stated that he and Building Inspector Cherson cooperated in the preparation of a short environmental assessment form, required under the provisions of the State Environmental Quality Review Act (SEQRA).

Mr. Kovit then stated that the purpose of the amendment was to establish and confirm that tiered parking structures shall be prohibited because they lead to undue overdevelopment of land in the village, creating a bad aesthetic appearance. Building Inspector Cherson also stated his belief that the amendment is a good one in that it will be a meaningful deterrent to overdevelopment of village property. One member of the audience Beth Brenner, stated that she believes the amendment was a great idea. Similar comments were made by members of the Board. At the close of the comment period, Mr. Kovit asked if there was motion to adopt a negative declaration of environment significance under SEQRA.

RESOLUTION - SEQRA

Trustee Sullivan moved the adoption of the following:

RESOLVED, that the negative declaration of environment significance be adopted.

The foregoing was seconded by Trustee Baessler and passed by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda L. Baessler
Danae A. Muddiman
Noes: None

Mr. Kovit then asked if there was a motion to adopt or deny the proposed zoning amendment.

RESOLUTION – Adopt Local Law 2-2017

Trustee Muddiman moved the adoption of the following:

RESOLVED, to adopt Local Law 2-2017 to amend the Code of the Village of Atlantic Beach Chapter 250 Zoning - Article XV §250-108 Prohibited and Restricted ted Uses.

The foregoing was seconded by Trustee Baessler and passed by the following vote;

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda L. Baessler
Danae A. Muddiman
Noes: None

Any comments or questions from the audience were addressed.

At 8:10 PM Mayor Pappas adjourned the Public Hearing and went back into the Regular Meeting.

RESOLUTION – PUBLISH LEGAL NOTICE IN NASSAU HERALD - PUBLIC HEARING ON TENTATIVE BUDGET – APRIL 17, 2017

Trustee Baessler moved the adoption of the following:

RESOLVED, to publish legal notice in the Nassau Herald to hold a Public Hearing on the Tentative 2017/2018 budget to be held on April 17, 2017 and regular meeting to follow.

The foregoing was seconded by Trustee Sullivan and passed by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda Baessler
Danae A. Muddiman

Noes: None

RESOLUTION – SURF RAKE/GRADING OF BEACHES AT OCEAN FRONT PROPERTIES BY PUBLIC WORKS FOR 2017 BEACH SEASON

Trustee Muddiman moved the adoption of the following:

RESOLVED, that Public Works is permitted to grade/surf rake the beaches for the 2017 beach season at the following rates
- beach grading – \$1725 per day (from \$1650 per day)
- surf raking - \$200 per hour (no change)

Dumpster to be supplied by property owner and Hold Harmless Agreement to be signed by each propertyowner.

The foregoing was seconded by Trustee Sullivan and passed by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda Baessler
Danae A. Muddiman

Noes: None

RESOLUTION – OVERTIME – PUBLIC WORKS EMPLOYEES – BEACHES/TRACTOR 2017 SUMMER SEASON

Trustee Baessler moved the adoption of the following:

RESOLVED, that the 2017 summer season, Public Works employees be paid overtime after 40 hours for work performed over their normal work week grooming the beaches, including Saturday and Sunday.

The foregoing was seconded by Trustee Muddiman and passed by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda Baessler
Danae A. Muddiman

Noes: None

RESOLUTION - SPRING MAILING TO RESIDENTS

Trustee Baessler moved the adoption of the following:

RESOLVED, that a spring mailing be sent to residents by May 2, 2017.

The foregoing was seconded by Trustee Sullivan and passed by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda Baessler
Danae A. Muddiman

Noes: None

RESOLUTION – ANKERS'S ELECTRIC LED STREET LIGHTING

Superintendent of Public Works Cherson said we will be changing the street lights throughout the village to LED lights and the following resolution was adopted.

Trustee Muddiman moved the adoption of the following:

RESOLVED, to award Anker's Electric the LED street lighting contract – using CHIPS funding in the amount of \$114,310.

The foregoing was seconded by Trustee Baessler and passed by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda Baessler
Danae A. Muddiman

Noes: None

GOOD AND WELFARE

A resident asked if the bike lane will be painted white down the middle and Mr. Cherson said it will be.

APPROVAL/CORRECTION OF MINUTES

Trustee Sullivan moved the adoption of the following:

RESOLVED, that the minutes of February 13, 2017 were accepted as written by the Village Clerk

The foregoing was seconded by Trustee Baessler and passed by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda Baessler
Danae A. Muddiman

Noes: None

APPROVAL OF BILLS

Trustee Baessler moved the adoption of the following:

RESOLVED, that all bills be paid in the amount of \$62,136.03

APPROVAL OF BILLS (CONTINUED)

The foregoing was seconded by Trustee Sullivan and passed by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda Baessler
Danae A. Muddiman

Noes: None

At 8:25 PM Mayor Pappas announced we will be going into executive session to discuss personnel matters.

At 9:10 PM the executive session was closed and went back into the open meeting.

RESOLUTION – Appointing Section 75 Hearing Officer

Trustee Sullivan moved the adoption of the following:

It is hereby resolved that the Village of Atlantic Beach hereby appoints Raymond Radow to serve as hearing officer with respect to disciplinary charges brought against employee named in Confidential Attachment "A" pursuant to Civil Service Law Section 75, and appoint Charles S. Kovit to represent the Village of Atlantic Beach in the case.

The foregoing was seconded by Trustee Baessler and passed by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda Baessler
Danae A. Muddiman

Noes: None

RESOLUTION- Suspending Employee

Mayor Pappas moved the adoption of the following:

It is further resolved that the employee named in Attachment "A" be suspended without pay for a period of thirty days pending hearing and determination of said charges, with the 30 days commencing upon service of the employee with the notice.

The foregoing was seconded by Trustee Sullivan and passed by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda Baessler
Danae A. Muddiman

Noes: None

RESOLUTION – SUBPOENA

Trustee Sullivan moved the adoption of the following:

RESOLVED, to authorize Village Attorney Kovit to consult with the law firm of Berkman Henoch with respect to Subpoena served on the Village.

RESOLUTION – SUBPOENA (Continued)

The foregoing was seconded by Trustee Baessler and passed by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda Baessler
Danae A. Muddiman

Noes: None

ADJOURNMENT

At 9:20 PM Mayor Pappas made a motion to adjourn – seconded by Trustee Muddiman and passed by the following vote:

Ayes: Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda Baessler
Danae A. Muddiman

Noes: None

Emily Siniscalchi

Emily Siniscalchi, Village Clerk