

MINUTES OF THE PUBLIC HEARING TO AMEND THE CODE OF THE
VILLAGE OF ATLANTIC BEACH
- CHAPTER 159-2 PROHIBITED ACTS - PLASTIC BAG LAW
CHAPTERS 205 - Swimming Pools & Hot Tubs
CHAPTER 250-84 - Swimming Pools
AND
REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF ATLANTIC BEACH
65 THE PLAZA, ATLANTIC BEACH, NY 11509

SEPTEMBER 17, 2018

CALL TO ORDER

Mayor Pappas called the meeting to order at 7:45 PM.


SALUTE TO THE FLAG

ROLL CALL

Present were: Mayor George J. Pappas
Trustees Linda L. Baessler
Danae Muddiman
Edward A. Sullivan
Andrew J. Rubin

Village Attorney Charles S. Kovit
Village Clerk Emily Siniscalchi

Absent: Village Treasurer Herbert A. Klibanoff EXCUSED

 **FALL FESTIVAL - Sunday, October 21, 2018 - Mayor Pappas said we will have food/petting zoo/pony ride/crafts/live music -- we are asking for members of our community to become sponsors by donating to help cover expenses for our festival**

REPORTS

- I. A. Police Activity Report - August 2018 – report given by Sgt. Bienz
66 summonses issued for the month of August
Parkers: 4 Movers: 62
- B. Atlantic Beach Rescue/Long Beach Fire Department Report
Report given by Nat Etrog
Atlantic Beach Rescue - responded to 39 calls
Atlantic Beach Rescue acquired an infrared drone camera
- C. Sanitation Report – Commissioner Allan Jacobs
No complaints - everything running smoothly
- D. Beautification – Chairperson Dolores Etrog
We are preparing for the fall festival and will have great sweatshirts and hats. We welcome volunteers for the event.
- II. PUBLIC WORKS & BUILDING DEPARTMENT REPORT - Steve Cherson
report given and filed
- III. PARKS & BEACHES - Nat Etrog
- IV. TREASURER'S REPORT – Herbert A. Klibanoff - absent
Report read by Village Clerk
For the month of August, 2018 – we had \$2,508,110.85 total cash available
General Fund \$2,006,976.27 Capital Checking \$501,134.58

REPORTS (Continued)

V. LEGAL - Village Attorney Charles S. Kovit

At 8:05 PM Mayor Pappas called the following Public Hearings to order.

PUBLIC HEARING TO AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH

LOCAL LAW 3-2018: Chapter 159-2 - Prohibited Acts - Plastic Bag Law

Mayor Pappas gave an overview of the proposed Local Law.

Mayor Pappas introduced Legislator Denise Ford - she commends the Mayor and Board for this local law - it was successful in Long Beach. She said hopefully Nassau County can follow the lead of Atlantic Beach and maybe New York State also.

Section 159-2 Prohibited Acts

R. No person or other legal entity engaging in a business within the Village of Atlantic Beach, which business primarily or incidentally features the provision of items to patrons or customers for off-premises consumption or use, shall provide such items to patrons or customers within a bag which is not biodegradable. There shall be a rebuttable presumption that any plastic bag used for such provision is not biodegradable, unless the bag has a manufacturer's or distributor's mark or other sufficient and accurate indication thereon that the plastic bag is biodegradable. This subsection "R" shall apply to all existing and future businesses in the Village, and shall be effective and enforceable commencing January 1, 2019

Residents were given an opportunity to be heard and any questions answered.

Trustee Sullivan moved the adoption of the following:

RESOLVED, to adopt Local Law 3-2018 to amend the code of the Village of Atlantic Beach - Chapter 159-2 - Prohibited Acts - Plastic Bag Law

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

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

Noes: None

**LOCAL LAW 4-2018: To Amend Chapter 205 - Swimming Pool & Hot Tubs
Chapter 250-84 - Swimming Pools**

Mayor Pappas asked Steve Cherson to give an overview of the proposed local law. He said this local law is for fencing on properties adjacent to Reynolds Channel - looking to revise height to 4' minimum. On September 4, 2018 a letter was sent to Nassau County Planning Commission for SEQRA review. **As of this meeting a response was not received from Nassau County Planning Commission, therefore, this Local Law cannot be adopted until we get the SEQRA decision.**

LOCAL LAW 4-2018 (Continued)

Chapter 205. Swimming Pools and Hot Tubs

§ 205-4. Fences and gates.

A. Every swimming pool or hot tub heretofore or hereafter constructed or maintained, except an indoor swimming pool or indoor hot tub, shall be enclosed with a good quality wood or link wire fence five feet minimum in height, six feet maximum. Said fence is to be properly screened with shrubs and plants.

A.1 Properties on Reynolds Channel shall be permitted to have fence enclosures four feet minimum adjacent to the waterway and those portions purchased from the Town of Hempstead or by Town of Hempstead boundary agreement.

Article XI. Swimming Pools

§ 250-84. Conditions for installation and maintenance.

A. No outdoor swimming pool shall be installed or maintained unless:

(1) Such pool is installed wholly in the rear yard of the premises.

(2) There shall be erected and maintained a swimming pool fence enclosing the portion of the area upon which such pool shall be installed. Such fence shall be either a chain-link, wrought iron, plastic or quality timber fence in accordance with the following specifications:

(a) Chain-link fence. Said fence shall extend from the ground to a height of not less than five feet, with top and bottom rail, posts spaced not more than eight feet on center and set to extend three feet below grade, in an eight-inch-diameter concrete footing. Chain-link fabric shall be galvanized steel, two-inch mesh No. 9 wire. The fabric shall be fastened to posts and rails so that the bottom of the mesh is not more than

Article XI. Swimming Pools

§ 250-84. Conditions for installation and maintenance

one inch above grade. Fabric shall be fastened securely to posts and rails by means of wire clips not more than 30 inches on center.

(b) Timber fence. Said fence shall extend from the ground to a height of not less than five feet, with two horizontal rails on the pool side. Posts shall be spaced not more than eight feet on center and set to extend four feet below grade. The frame design shall produce a rigid structure. Fabric coverings and/or fence panels shall be securely mounted and fastened to the frame and shall be not more than one inch above the grade. All fence materials shall be the No. 1 grade of the type used or chosen.

(c) Properties on Reynolds Channel shall be permitted to have fence enclosures four feet minimum adjacent to the waterway and those portions purchased from the Town of Hempstead or by Town of Hempstead boundary agreement.

The adoption of this Local Law will be held off until the October meeting waiting to get the SEQUA decision from Nassau County Planning Commission.

At 8:15 PM Mayor Pappas made a motion to adjourn the public hearing and go back into the regular meeting. - Seconded by Trustee Muddiman

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

Noes: None

RESOLUTION - Award Bid - 2018 Road improvement Program - Nassau Avenue

Two sealed bids were received and opened on Wednesday, September 12, 2018 at 10:30 AM by Supt. of Public Works Cherson and Village Clerk Emily Siniscalchi

SEALED BIDS RECEIVED FROM:

- A.I.I. Allen Industries, Inc.	\$ 217,925
Bond received	
- Thomas Novelli Contracting Corp.	\$ 232,255
Bond received	

Superintendent of Public Works Cherson said the roadwork will be done on Nassau Avenue from Park Street to Ocean Boulevard.

Trustee Baessler moved the adoption of the following:

RESOLVED, to award bid for the 2018 Road Improvement Program - Nassau Avenue between Park Street and Ocean Boulevard to the lowest responsible bidder - A.I.I. Allen Industries, Inc. in the amount of \$217,925.

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

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

Noes: None

RESOLUTION - Publish Legal Notice in the Nassau Herald - 2018 Road Improvement Program - Albany Boulevard between Park Street and Ocean Boulevard

Superintendent of Public Works Steve Cherson explained the proposed road work project on Albany Boulevard and the following resolution was adopted.

Trustee Sullivan moved the adoption of the following:

RESOLVED, to publish legal notice in the Nassau Herald - 2018 Road Improvement - Albany Boulevard - between Park Street and Ocean Boulevard - sealed bids to be received on Friday, October 12, 2018 and awarded as soon thereafter as practical.

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
Andrew J. Rubin

Noes: None

PARKS AND BEACH COMMISSIONERS

Village Attorney Kovit said he researched whether the Village can pay for dinner for unsalaried members. He spoke with the State Comptroller's office and was told it is okay for the Village to pay up to \$25 per person for end-of-season lunch for Parks and Beach Commissioners - cannot pay for elected officials.

Trustee Rubin moved the adoption of the following:

RESOLVED, to have a Parks and Beach Commissioner dinner at Dinos Villa Mare Restaurant - up to \$25 per person (excluding alcohol) on Wednesday, September 26.

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
Andrew J. Rubin
Noes: None

BEACH ENDS

Mayor Pappas said we are looking into people to sponsor beach end plantings.

COMMUNITY GARDEN

Trustee Rubin said they are working on plans for a community garden on the south side of the Tennis Center - there will be vegetables, flowers, etc - Suzy Garczynski and Patricia Rabinowitz will be on the committee.

GOOD AND WELFARE

Residents had questions:

- Boardwalk lights - Steve Cherson said they are waiting for PSEG to put in new transformer
- Long term plans for another hurricane: Mayor Pappas said we have money until we get from FEMA; The tennis center has been raised and the village hall has a generator
- Tennis center update: the current lease ends October 31st and the construction will begin in November-looking to have completed for next season

APPROVAL OF BILLS

Trustee Rubin moved the adoption of the following:

RESOLVED, that bills be paid in the amount of \$136,896.38.

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

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

APPROVAL OF MINUTES

The minutes of August 13, 2018 were accepted as written by the Village Clerk
Motion by: Trustee Sullivan Seconded by: Trustee Baessler All Ayes

SET DATE FOR NOVEMBER REGULAR MEETING

- Monday, November 19 (November 12 Veterans Day)

DATE OF NEXT MEETING – October 15, 2018 (October 8 Columbus Day holiday)

ADJOURNMENT

At 8:40 PM Mayor Pappas made a motion to adjourn and go into executive session to discuss legal matters. The foregoing was seconded by Trustee Muddiman and passed by the following vote:

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

At 8:45 PM Mayor Pappas called the Executive Session to order.

EXECUTIVE SESSION

Present were:

Mayor George J. Pappas
Trustees Edward A. Sullivan Linda L. Baessler
 Danae Muddiman Andrew J. Rubin
Village Attorney Charles S. Kovit
Village Clerk Emily Siniscalchi

At 9:00 PM Mayor Pappas made a motion to go into Open Session.

RESOLUTION - Property Maintenance - Chapter 165
- 90 Rensselaer Avenue - 2035 Park Street

Superintendent of Public Works Steve Cherson said 90 Rensselaer Avenue is in need of property maintenance - certified letter sent

Mayor Pappas moved the adoption of the following:

RESOLVED, that Public Works have the following property maintenance done at 90 Rensselaer Avenue:
- have car towed
- have garbage removed from front and back of property

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
 Andrew J. Rubin
Noes: None

RESOLUTION - Property Maintenance - Chapter 165 (Continued)

Superintendent of Public Works Steve Cherson said 2035 Park Street is in need of property maintenance - certified letter sent

Trustee Rubin moved the adoption of the following:

RESOLVED, that Public Works have the following property maintenance done at 2035 Park Street:

- cut grass, weeds and debris

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

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

Noes: None

At 9:10 PM Mayor Pappas made a motion to adjourn. 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
Andrew J. Rubin

Noes: None

Emily Siniscalchi

Emily Siniscalchi, Village Clerk