

Meeting # 1

PUBLIC HEARING TO ADOPT LOCAL LAW 1-2023 AND 2-2023 TO AMEND THE CODE OF
THE VILLAGE OF ATLANTIC BEACH
AND
REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF ATLANTIC BEACH
65 THE PLAZA, ATLANTIC BEACH, NY 11509

JANUARY 9, 2023

CALL TO ORDER

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

Mayor Pappas wished everyone a healthy and happy new year

SALUTE TO THE FLAG

ROLL CALL

Present were:

Mayor George J. Pappas
Trustees Linda L. Baessler
Patricia Beaumont
Andrew J. Rubin
Edward A. Sullivan
Village Treasurer Herbert A. Klibanoff
Village Clerk Emily Siniscalchi

Absent: Village Attorney Dominick Minerva EXCUSED

REPORTS

- I. A. Police Activity Report – December 2022
Aided cases: 15 Movers: 18 Burglary residence: 1
Parkers: None Larceny (other than auto) 1 incident
- B. Atlantic Beach Rescue Report Commissioner Nat Etrog
Report given and attached
- C. Park Commission Report - Chairman Nat Etrog
Report given and attached
- D. The Village Garden – Chairperson Suzy Schneider
Report given and attached
- E. AB Cats – no report
- F. Beautification Report – Dolores Friedel – absent
Report given by Susan Jaffe
- II. PUBLIC WORKS & BUILDING DEPARTMENT REPORT – Vincent Amoroso
Report given and attached
- III. TREASURER'S REPORT – Treasurer Herbert A. Klibanoff
For the month of December 2022 – we had \$1,333,341.31 total cash available
Capital checking \$6,163.95; BZA Escrow \$23,932.68; General Fund \$1,303,244.68
- IV. LEGAL – Village Attorney Dominick Minerva - absent

At 8:00 PM Trustee Sullivan made a motion to call the following Public Hearings to order – (Local Law 1-2023 and Local Law 2-2023) seconded by Trustee Baessler and voted unanimously.

PUBLIC HEARING TO ADOPT LOCAL LAW 1-2023 TO
AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH CHAPTER 200
- STREETS AND SIDEWALKS

A Local Law to Amend the Code of the Incorporated Village of Atlantic Beach Chapter 200 entitled "Streets and Sidewalks"

Be it enacted by the Board of Trustees of the Incorporated Village of Atlantic Beach as follows:

Section 2. Chapter 200 entitled "Responsibility of owner or occupant" is hereby replaced with the following language:

"Sidewalks and curbs to be kept clean and in good repair. Every owner or occupant of any house or other building, and every owner or person entitled to possession of any vacant lot, and every person having charge of any public building in the Village, shall keep the sidewalks in front of such house, building or lot, free from obstruction by snow or ice and shall, also at all times, keep such sidewalks and curbs in good and safe repair and clean, and keep the same free from dirt, filth, hedges and woods or other obstruction or encumbrance and such owner or occupant shall cause the sidewalks in front of such house, building or lot to be cleared of snow within 24 hours after such snowfall shall have ceased and every owner or occupant of any house, building or lot shall be solely liable for any claim for property damage or bodily injury on the sidewalk, including the defense and indemnification of the Village against such claim.

Section 2. Full Force & Effect.

Except as hereinabove amended, Chapter 200 shall remain in full force and effect.

Section 3. Repealer.

All ordinances, local laws or resolutions, or parts of ordinances, local laws or resolutions of the Incorporated Village of Atlantic Beach inconsistent with the provisions of this local law are hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this local law shall be in addition to other legislation regulating and governing the subject matter covered by this local law.

Section 4. Severability.

If any section, paragraph, subdivision or provision of this local law shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this local law as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of the State of New York.

Trustee Beaumont moved the adoption of the following:

RESOLVED, to adopt Local Law 1-2023 to amend the Code of the Village of Atlantic Beach – Chapter 200 – Streets and Sidewalks

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

Ayes: Mayor George J. Pappas
Trustee Linda L. Baessler
Patricia Beaumont
Andrew J. Rubin
Edward A. Sullivan

Noes: None

A local law to amend Chapter 210 of the Code of the Village of Atlantic Beach – Taxation Article IV- Section 210.24 to authorize an override of the tax levy limit established in General Municipal Law §3-c

Section 210.24. Legislative Intent

It is the intent of this local law to allow the Village of Atlantic Beach to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 210.25. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 210.26. Tax Levy Limit Override

The Board of Trustees of the Village of Atlantic Beach, County of Nassau, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 210.27. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 210.28. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Trustee Rubin moved the adoption of the following:

RESOLVED to adopt Local Law 2-2023 – Overriding the tax levy limit
Established in General Municipal Code §3-c.

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

Ayes: Mayor George J. Pappas
Trustee Linda L. Baessler
Patricia Beaumont
Andrew J. Rubin
Edward A. Sullivan

Noes: None

GOOD AND WELFARE

Wind Turbines – Mayor Pappas said he is setting up a meeting with Equinor on the wind turbines to be built off Long Beach and when we get a date an e-mail will be sent out to residents.

Gardeners – Mayor Pappas said we are researching what chemicals not to use.

RESOLUTION – PUBLISH NOTICE SETTING DATE OF VILLAGE ELECTION AS JUNE 20, 2023 AND OFFICE TO BE FILLED AND TERMS THEREOF – TWO TRUSTEES FOR TWO YEAR TERMS

Trustee Sullivan moved the adoption of the following:

RESOLVED, 1-that the General Village Election of the Village of Atlantic Beach shall be held on Tuesday, June 20, 2023 and that the office to be filled and the terms thereof are as follows: 1- (2) two Trustees for two-year terms; 2- that the Village Clerk is ordered and directed to cause a copy of this Resolution to be published in the Nassau Herald; 3 – that this Resolution shall take effect immediately.

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

Ayes: Mayor George J. Pappas
Trustee Linda L. Baessler
Patricia Beaumont
Andrew J. Rubin
Edward A. Sullivan

Noes: None

RESOLUTION - EXPANDING RESIDENCY REQUIREMENTS FOR ELECTION INSPECTORS

Trustee Beaumont moved the adoption of the following:

RESOLVED, to expand the residency requirements to the county for the position of election inspector.

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

Ayes: Mayor George J. Pappas
Trustee Linda L. Baessler
Patricia Beaumont
Andrew J. Rubin
Edward A. Sullivan

Noes: None

RECOVERY OF UNPAID TAXES FOR FISCAL YEAR BEGINNING JUNE 1, 2022

Trustee Rubin moved the adoption of the following:

WHEREBY, from the account of unpaid taxes heretofore returned by the Village Clerk of the Village of Atlantic Beach, New York to this Board for the fiscal year beginning June 1, 2022 the taxes remain due and unpaid after due notice and demand on each of the property owners for the payment of said taxes, and

WHEREAS, no action has been commenced to recover said unpaid taxes and no sale on account of said unpaid taxes had heretofore been held, pursuant to law.

NOW THEREFORE BE IT RESOLVED, that such unpaid taxes shall be collected by the sale for taxes, as provided in Section 1452 of the Real Property Tax Law of the State of New York, that a copy of this resolution, duly certified by the clerk, public auction at a place in said Village to be designated by the said Village Treasurer, to discharge the taxes, fees, interest charges aforesaid, which may be due thereon at the time of such sale and that said Village Treasurer, at the time and place specified in said Notice proceed with the sale of said real estate upon which such taxes are unpaid as above set forth and continue the same from day to day until the sale is completed; and it is further

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RECOVERY OF UNPAID TAXES FOR FISCAL YEAR BEGINNING JUNE 1, 2022

(Continued)

RESOLVED, that in all cases where no bid shall be made on a lot or parcel of land so offered for sale, for an amount sufficient to pay the said taxes, fees, interest and charges, the said premises shall be deemed to have been sold and purchased by the said Village of Atlantic Beach, New York

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

Ayes: Mayor George J. Pappas
Trustee Linda L. Baessler
Patricia Beaumont
Andrew J. Rubin
Edward A. Sullivan

Noes: None

RESOLUTION – NOTIFICATION OF DELINQUENT TAX OWNERS – LIST OF UNPAID TAXES

The Village Clerk submitted the attached list of 2022/2023 unpaid taxes (with 11% penalty) \$6,039.97 - computed to January 31, 2023.

CERTIFICATION BY THE BOARD OF TRUSTEES

RESOLVED, that the Board members compared the list of unpaid taxes for the fiscal year beginning June 1, 2022 to the current assessment roll, found same in order.

Trustee Sullivan moved the adoption of the following:

RESOLVED, the Village Clerk submitted the attached list of 2022 unpaid taxes for the fiscal year beginning June 1, 2022 (with penalties) - \$6,039.97;
Outstanding invoices - none

Village Clerk was instructed to prepare duplicate tax bills with interest and penalties computed to January 31, 2023 and mail same together with letter calling for payment to each of the delinquent owners.

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

Ayes: Mayor George J. Pappas
Trustee Linda L. Baessler
Patricia Beaumont
Andrew J. Rubin
Edward A. Sullivan

Noes: None

OUTSTANDING TAX LIENS – Haci Alper Tutus

APPROVAL OF BILLS

Trustee Baessler moved the adoption of the following:

RESOLVED, that all bills are approved in the amount of \$57,019.47

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

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

Noes: None

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APPROVAL OF MINUTES

Motion made by Trustee Beaumont and seconded by Trustee Baessler that the Minutes of December 12, 2022 were accepted as written by the Village Clerk.

Ayes: Mayor George J. Pappas
Trustees Linda L. Baessler, Patricia Beaumont

Abstain: Trustees Andrew J. Rubin, Edward A. Sullivan

DATE OF NEXT MEETING: February 13, 2023

ADJOURNMENT

At 8:15 PM Mayor Pappas made a motion to adjourn

The foregoing was seconded by Trustee Beaumont and moved by the following vote:

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

Noes: None

Emily Siniscalchi

Emily Siniscalchi, Village Clerk