

PUBLIC HEARING TO ADOPT LOCAL LAW 4-2023 AND 5-2023 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

DECEMBER 11, 2023

CALL TO ORDER

Deputy Mayor Sullivan called the meeting to order at 7:45 PM

SALUTE TO THE FLAG

ROLL CALL

Present were: Deputy Mayor Edward A. Sullivan
Trustees Linda L. Baessler
Nathan Etrog
Village Treasurer Herbert A. Klibanoff
Village Clerk Emily Siniscalchi

Absent: Mayor George J. Pappas EXCUSED
Trustee Patricia Beaumont EXCUSED
Village Attorney Dominick Minerva EXCUSED

REPORTS

1. A. Police Activity Report – November 2023 - read by Village Clerk
Aided cases: 10 Movers: 25 Parkers: 1
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
No report
 - E. AB Cats – Beth Brenner
Report given and attached
 - F. Beautification Report – Dolores Friedel – absent
- II. PUBLIC WORKS & BUILDING DEPARTMENT REPORT – Vincent Amoroso
Report given and attached
 - III. TREASURER'S REPORT – Treasurer Herbert A. Klibanoff
For the month of November 2023 – we had \$1,880,790.01 total cash available
Capital checking \$280,996.18; BZA Escrow \$21,621.95;
General Fund \$1,578,171.88
 - IV. LEGAL – Village Attorney Dominick Minerva - absent
 - V. TVASNAC – Carl Baessler – no report

At 8:15 PM Deputy Mayor Sullivan made a motion to call the following Public Hearings to order – (Local Law 4-2023 and Local Law 5-2023) seconded by Trustee Etrog and voted unanimously.

PUBLIC HEARING TO ADOPT LOCAL LAW 4-2023 TO
AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH CHAPTER 235
- VEHICLES & TRAFFIC

A Local Law to Amend the Code of the Incorporated Village of Atlantic Beach Chapter 235 entitled "Vehicles & Traffic".

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

Parking on Albany Boulevard:

From: §235-27 – Schedule XII – Parking Prohibited at All Times:

Albany Boulevard East side from 50 feet south of Park Street to Ocean Boulevard

To: §235-69 – Schedule XXIV _ Permit (Sticker Parking)

Albany Boulevard – East side – Year-round 50 feet south of Park Street to Ocean Boulevard

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

Deputy Mayor Sullivan moved the adoption of the following:

RESOLVED, to adopt Local Law 4-2023 to amend the Code of the Village of Atlantic Beach – Chapter 235 – Vehicles & Traffic

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

Ayes: Deputy Mayor Edward A. Sullivan
Trustees Linda L. Baessler
Nathan Etrog

Noes: None

PUBLIC HEARING TO ADOPT LOCAL LAW 5-2023 TO
AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH
CHAPTER 210 - TAXATION

VILLAGE OF ATLANTIC BEACH

COUNTY OF NASSAU

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, 2024 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, 2024 that requires

PUBLIC HEARING TO ADOPT LOCAL LAW 5-2023 TO
AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH
CHAPTER 210 - TAXATION
(CONTINUED)

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.

Deputy Mayor Sullivan moved the adoption of the following:

RESOLVED to adopt Local Law 5-2023 – Overriding the tax levy limit
Established in General Municipal Code §3-c.

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

Ayes: Deputy Mayor Edward A. Sullivan
Trustees Linda L. Baessler
Nathan Etrog

Noes: None

At 8:30 PM Deputy Mayor Sullivan made a motion to exit public hearing and go to regular meeting. Seconded by: Trustee Etrog All ayes

GREENBERG TRAUER ATTORNEY JIM MISKIEWICZ

Jim Miskiewicz was present and gave an update on Eminent Domain – all parties executed agreement – next step is to submit to Atlantic Beach Board of Zoning Appeals – then will go back to Federal Court.

GOOD AND WELFARE

Residents had various questions and concerns:

- Eminent Domain Settlement Agreement which has been signed by the Board
- Eminent Domain: billing
- Eminent Domain Legal Fees – Libbey property
- People ignoring stop signs on Bay Boulevard
- Boardwalk – Vincent Amoroso, Superintendent of Public Works explained that Public Works continues to rebuild and re-deck the boardwalk throughout the winter
- Pickleball Court

BOARD OF ZONING APPEALS - Chairman, Commissioner, Alternate Commissioner

APPOINT TERMS OF BOARD OF ZONING APPEALS

Our zoning board has been in existence since January 2003 - the five-member board with the title of Commissioner has terms that end each year – starting with a five-year term to one-year term. In addition, the Board of Trustees must adopt a resolution annually naming one Commissioner as Chairman and the Alternate Commissioner must be appointed annually.

Deputy Mayor Sullivan moved the adoption of the following:

- Commissioner - 5-year term
Re-appoint Commissioner George Cornish to a five-year term commencing January 1, 2024 - December 31, 2028
- Chairman - 1 year term
Re-appoint Commissioner George Cornish as Chairman for a one-year term commencing January 1, 2024 – December 31, 2024
- Alternate Commissioner - 1 year term
Re-appoint Alternate Commissioner Allan Jacobs to a one-year term commencing January 1, 2024 - December 31, 2024

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

Ayes: Deputy Mayor Edward A. Sullivan
Trustees Linda L. Baessler
Nathan Etrog
Noes: None

RESOLUTION: Overtime for Public Works – Winter Snow Removal

Trustee Sullivan moved the adoption of the following:

RESOLVED, that public works employees be paid time and one half - over 40 hours - for snow removal during the 2023/2024 winter season.

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

Ayes: Deputy Mayor Edward A. Sullivan
Trustees Linda L. Baessler
Nathan Etrog
Noes: None

HIRE TOWING COMPANY TO REMOVE CARS ILLEGALLY PARKED DURING
SNOWSTORMS, EMERGENCIES OR AS NEEDED

Trustee Baessler moved the adoption of the following:

RESOLVED, to hire Burnside Avenue Garage, 686 Burnside Avenue, Inwood, NY to remove cars parked illegally during snowstorms, emergencies or as needed.

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

Ayes: Deputy Mayor Edward A. Sullivan
Trustees Linda L. Baessler
Nathan Etrog

RESOLUTION – Approve Salary Increases

Deputy Mayor Sullivan moved the adoption of the following:

- Vincent Amoroso – Superintendent of Public Works & Building Inspector
\$7,500 Annual
- Maintenance Worker I to \$19.25 per hour;
- Maintenance Worker II to \$26.25 per hour;
- Maintenance Worker III to \$31.25 per hour as of January 1, 2024
Civil Service Labor class positions

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

Ayes: Deputy Mayor Edward A. Sullivan
Trustees Linda L. Baessler
Nathan Etrog

Noes: None

RESOLUTION – Publish Legal Notice in the Nassau Herald to Hold a Public Hearing on
January 8, 2024 to amend the Code of the Village of Atlantic Beach
– Chapter 190 – Solid Waste

Deputy Mayor Sullivan moved the adoption of the following:

RESOLVED, to publish Legal Notice in the Nassau Herald to hold a Public Hearing on January 8, 2024 to amend the Code of the Village of Atlantic Beach – Chapter 190 – Solid Waste – requiring companies that provide storage pods to be licensed and insured.

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

Ayes: Deputy Mayor Edward A. Sullivan
Trustees Linda L. Baessler
Nathan Etrog

Noes: None

RESOLUTION – SUB-DIVIDE PARCEL INTO TWO BUILDABLE LOTS – 81 VERNON AVENUE

Application received from Gail Propp, LLC, the owner of 81 Vernon Avenue, Section 58, Block 39, Lots 5-10 – to sub-divide the parcel into two buildable lots. The current lot is 13,343.75 square feet and the applicant is proposing to split the lots as follows:

- Lot "A" 7343.65 square feet – Lots 9, 10 and P/O lots 5-8
- Lot "B" 6000.1 square feet - Lots 508

Deputy Mayor Sullivan moved the adoption of the following:

RESOLVED, to grant the sub-division into two buildable lots – Section 58, Block 39, Lots 5-10.

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

Ayes: Deputy Mayor Edward A. Sullivan
Trustees Linda L. Baessler
Nathan Etrog

Noes: None

APPROVAL OF BILLS

Deputy Mayor Sullivan moved the adoption of the following:

RESOLVED, that all bills are approved in the amount of \$90,450.28

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

Ayes: Deputy Mayor Edward A. Sullivan
Trustees Linda L. Baessler
Nathan Etrog

Noes: None

APPROVAL OF MINUTES

Motion made by Deputy Mayor Sullivan and seconded by Trustee Baessler that the Minutes of November 13, 2023 were accepted as written by the Village Clerk.

Ayes: Deputy Mayor Edward A. Sullivan
Trustees Linda L. Baessler, Nathan Etrog

Noes: None

DATE OF NEXT MEETING: January 8, 2024

At 8:45 PM Trustee Sullivan made a motion to adjourn the regular meeting and enter into executive session to discuss litigation and personnel; seconded by Trustee Baessler

Ayes: Deputy Mayor Sullivan, Trustees Baessler, Etrog

At 8:50 PM Deputy Mayor Sullivan made a motion to call the Executive Session to order.

EXECUTIVE SESSION

Present were:

Deputy Mayor Edward A. Sullivan
Trustees Linda L. Baessler
Nathan Etrog

At 9:00 PM Deputy Mayor Sullivan made a motion to adjourn the Executive Session and go back to the regular meeting. Seconded by Trustee Baessler – all ayes

ADJOURNMENT

At 9:00 PM Deputy Mayor Sullivan made a motion to adjourn.

The foregoing seconded by Trustee Etrog and moved by the following vote:

Ayes: Deputy Mayor Sullivan
Trustees Linda L. Baessler, Nathan Etrog

Noes: None

Emily Siniscalchi, Village Clerk