

Meeting # 2

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, NY 11509

FEBRUARY 12, 2024

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 Edward A. Sullivan
Linda L. Baessler
Patricia Beaumont
Nathan Etrog
Village Treasurer Herbert A. Klibanoff
Village Attorney Dominick Minerva
Village Clerk Emily Siniscalchi

REPORTS

1. A. Police Activity Report – January 2024 – read by Village Clerk
Movers: 41 Parkers: 0 Aided: 4
Larceny 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 – Beth Brenner -- Report given and attached
 - F. Beautification Report – Dolores Friedel -- Report read by Trustee Etrog
- II. PUBLIC WORKS & BUILDING DEPARTMENT REPORT – Vincent Amoroso
Report given and attached
 - III. TREASURER'S REPORT – Treasurer Herbert A. Klibanoff
For the month of January 2024– we had \$1,329,994.62 total cash available
Capital checking \$277,422.24; BZA Escrow \$24,612.17
General Fund \$1,027,960.21
 - IV. LEGAL – Village Attorney Dominick Minerva –
He explained the two Local Laws for consideration; requested that the Board enter into executive session to discuss litigation and personnel matters.

At 8:05 PM Trustee Beaumont made a motion to open the public hearing
Seconded by Trustee Sullivan – all ayes

**PUBLIC HEARING TO AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH
CHAPTER 193-3 – STORAGE UNITS (PODS) - LOCAL LAW 2-2024**

Village Attorney Minerva presented the following Local Law and answered any
questions from the residents

Local Law No: 2 of the year 2024 changed to 2
Village of Atlantic Beach, County of Nassau

A Local Law to Amend the Code of the Incorporated Village of Atlantic Beach Chapter 191 entitled "Storage Units" to replace section 191-3 entitled "Penalties for offenses" with a new section 191-3 entitled "License required; expiration of permit; late filing fee; application information" to add a license requirement for companies that rent and deliver portable on-demand storage units (PODS) and to renumber the existing section 191-3 to section 191-4 entitled "Penalties for offenses" and amend same.

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

Section 1. Section 191-3 is hereby replaced with the following language:

191-3. License required; expiration of permit, late filing fee; application information.

- A. All portable on-demand storage unit (PODS) rental companies must be licensed in the Village. Permits have a term of two years from issuance, but in no event shall any resolution establish a term of more than four years. The fee shall be set forth from time to time by resolution by the Board of Trustees. There will be a ten-day grace period or the license will be subject to a late filing fee.
- B. The following information is required to be submitted with the application:
 - (1) The name and address of the applicant;
 - (2) If the applicant operates under a trade name;
 - (3) The name, address and telephone number of where the applicant or person in charge may be contacted 24 hours a day;
 - (4) General liability, workers compensation and disability insurance certificates must be provided naming the Village as certificate holder and with respect to the general liability policy, as additional insured.

[Added 2-12-2024 by L.L. No. -2024]

Section 2. Section 191-3 is hereby renumbered as Section 191-4 and amended with the following language:

191-4 Penalties for offenses.

- A. A violation of this chapter shall, upon conviction, be punishable by a fine of \$1,000 per month for any month or part of a month that a permit has not been obtained for an enclosed container or portable on-demand storage unit.
- B. Any person or entity committing an offense against section 191-3 of this chapter or failing to comply therewith, or with any of the requirements thereof, shall be guilty of a violation punishable by and subject to a fine of not more than \$500.00 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment, for each such violation upon conviction.
- C. The continuation of a violation of any provision of section 191-3 of this chapter shall be deemed a separate violation for each successive week, and such person or entity may be punished for each such separate violation.

**PUBLIC HEARING TO AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH
CHAPTER 193-3 – STORAGE UNITS (PODS) - LOCAL LAW 2-2024 (Continued)**

[Amended 2-12-2024 by L.L. No. -2024]

Section 3. Full Force & Effect.

Except as hereinabove amended, Chapter 191 shall remain in full force and effect.

Section 4. 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 5. 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 6. Effective Date.

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

Motion by: Trustee Sullivan

Seconded by: Trustee Baessler

All Ayes GRANTED

**PUBLIC HEARING TO AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH
CHAPTER 250-95 ARTICLE XII – BOARD OF ZONING APPEALS MEMBERSHIP –
LOCAL LAW -2024**

Village of Atlantic Beach, County of Nassau

Village Attorney Minerva presented the following proposed Local Law -
Many residents had questions and concerns about granting this local law –

A Local Law to Amend the Code of the Incorporated Village of Atlantic Beach
Chapter 250-95 – Article XIII – entitled “Board of Zoning Appeals” Membership: Rules of
procedure; powers and duties

A2. Residency

1.

Notwithstanding any other provision of law to the contrary, with the consent of the Board of Trustees, a member of the Board of Appeals shall not be required to be a resident of the Village of Atlantic Beach but shall be a resident of Nassau County.

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

Motion by: Trustee Sullivan

Seconded by: Trustee Baessler

All ayes ----- TABLE LOCAL LAW -2024 TO CONTINUE AT THE MARCH 11, 2024 MEETING

GOOD AND WELFARE

Residents had various questions and concerns:

- Speed lights on Park Street: Superintendent of Public Works said we installed three speed calming devices on Park Street and will be monitoring the traffic patterns and will share the results once available
- Eminent Domain-Chabad Settlement;
- Extend an invitation to Nassau County Executive Blakeman to attend a village meeting
Mayor Pappas said he will contact him

RESOLUTION: Gardener License Fee

Trustee Baessler moved the adoption of the following:

RESOLVED, that the gardener license fee will remain at \$100 per truck. trailer no charge. (all licenses expire on March 31st)

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

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

Noes: None

RESOLUTION: Garage/Tag Sale Fee

Trustee Sullivan moved the adoption of the following:

RESOLVED, that the garage/tag sale fee will remain at \$25.

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

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

Noes: None

RESOLUTION: Overtime - Public Works Employees - Beach/Tractor 2024 Season

Trustee Etrog moved the adoption of the following:

RESOLVED, that the 2024 beach 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 Trustee Baessler and passed by the following vote:

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

Noes: None

RESOLUTION: Coastal Erosion Hazard Area Law - Fee

Per Chapter 90 of the Code of the Village of Atlantic Beach – Coastal Erosion Hazard Area Law - all beach clubs and beach front property owners pay an annual fee to the village to conduct any grading, excavation or other soil disturbance.

Trustee Sullivan moved the adoption of the following:

RESOLVED, that the fee will remain at \$100 for the 2024 season.

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

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

Noes: None

RESOLUTION: VALET PARKING - FEE

Mayor Pappas said the village adopted a local law "Village Valet License Required". 2017 was the first year it was enforced and the fee was \$500 per location - January 1st thru December 31st.

Trustee Sullivan moved the adoption of the following:

RESOLVED, that the valet license fee for 2024 remain at \$500 per location- January 1st thru December 31st.

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

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

Noes: None

RESOLUTION: Beach Club Rental of Village Owned Property Along Ocean Boulevard - Fee for 2024

Trustee Beaumont moved the adoption of the following:

RESOLVED, that the rental of the village owned property along Ocean Boulevard is raised to \$1.00 per square foot for the 2024 season.
(raised from 70¢ per square foot)

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

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

Noes: None

APPROVAL OF BILLS

Trustee Sullivan moved the adoption of the following:

RESOLVED, that all bills are approved in the amount of \$422,139.89

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

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

Noes: None

APPROVAL OF MINUTES

December 11, 2023 Minutes were accepted as written by the Village Clerk:

Motion made by Trustee Sullivan and seconded by Trustee Baessler

Ayes: Trustee Sullivan, Baessler and Etrog

Abstain: Mayor Pappas, Trustee Beaumont

January 8, 2024 Minutes were accepted as written by the Village Clerk:

Motion made by Trustee Beaumont and seconded by Trustee Etrog

Ayes: Mayor Pappas, Trustees Sullivan, Beaumont and Etrog

Abstain: Trustee Baessler

DATE OF NEXT MEETING: March 11, 2024

At 8:35 PM Trustee Baessler made a motion to adjourn the regular meeting and to go into Executive Session to discuss litigation and personnel matters – seconded by Trustee Beaumont – all ayes

EXECUTIVE SESSION

Present were:

Mayor George J. Pappas
Trustees Edward A. Sullivan
Linda L. Baessler
Patricia Beaumont
Nathan Etrog
Village Attorney Dominick Minerva

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

ADJOURNMENT

At 9:00 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 Edward A. Sullivan
Linda L. Baessler
Patricia Beaumont
Nathan Etrog

Noes: None

Emily Siniscalchi

Emily Siniscalchi, Village Clerk