

REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF ATLANTIC BEACH
65 THE PLAZA, ATLANTIC BEACH, NY 11509

AUGUST 4, 2025

7:30 PM

1. CALL TO ORDER
 2. SALUTE TO THE FLAG
 3. ROLL CALL
 4. LIFEGUARD RECOGNITION
 5. BOARD APPOINTMENTS
 6. REPORTS
 1. A. Police Activity Report – July 2025
 - B. Atlantic Beach Rescue Report – Commissioner Nat Etrog
 - C. Park Commissioner Report – Chairman Nat Etrog
 - D. Chief Lifeguard – Dan Majikas
 - E. Beach Manager – Mike Sorrentino
 - F. The Village Garden – Chairperson Suzy Schneider
 - G. Beautification Report – Chairperson Dolores Friedel
 - H. TVASNAC – Carl Baessler
 - II. PUBLIC WORKS & BUILDING DEPARTMENT – Vincent Amoroso
 - III. CODE ENFORCEMENT REPORT – Vincent Amoroso
 - IV. TREASURER’S REPORT – Treasurer Herbert A. Klibanoff
7. STATEMENT BY BOARD
8. PROCUREMENT POLICY FOR THE VILLAGE OF ATLANTIC BEACH
9. RESOLUTION AUTHORIZING TEMPORARY SIDEWALK CAFÉ PERMITS FOR 2025
10. RESOLUTION – Setting public hearing on September 8, 2025 on proposed local law amending Section 250-108.1 of the Village Code regarding special exception permits for religious and educational institutions
11. RESOLUTION – Hire Counsel
12. RESOLUTION – Form Committees
13. GOOD AND WELFARE – Questions and Concerns
14. APPROVAL OF BILLS
15. APPROVAL OF MINUTES - July 7, 2025
16. DATE OF NEXT MEETING – SEPTEMBER 8, 2025
17. ADJOURNMENT

website: villageofatlanticbeach.com

ADOPTED:

PROCUREMENT POLICY FOR THE VILLAGE OF ATLANTIC BEACH

WHEREAS, Section 104-b of the General Municipal law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, the Board of Trustees has examined the Village's policies and procedures for such procurement and has determined appropriate procedures to comply with this new legislation.

NOW THEREFORE BE IT

RESOLVED, that the VILLAGE OF ATLANTIC BEACH does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE VILLAGE OF ATLANTIC BEACH

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a single fiscal year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000 and Public Works contracts under \$35,000; emergency purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchased under State and County contracts; and surplus and second-hand purchase from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. The documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under County contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.
3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated amount of Purchase Contract

\$1,000 - \$2,999

\$3,000 - \$20,000

Method

2 verbal quotations

3 written/fax/email quotations
or written request for proposals

Estimated amount of Public Works Contract

\$1,000 - \$6,000

\$6,001 - \$35,000

Method

2 verbal quotations

3 written/fax/email quotations
or written request for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to procurement.

4. Documentation is required of each action taken in connection with each procurement.
5. Documentation and an explanation is required whenever a contract is awarded other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.
6. Pursuant to General Municipal Law Section 104-b(2)(f), the Village's Procurement Policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Atlantic Beach to solicit quotations or document the basis for not accepting the lowest bid.

- a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits this category, the Board of Trustees shall take into consideration the following guidelines:

- (a) whether the services are subject to State licensing or testing requirements;
- (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services;
- (c) whether the services require a personal relationship between the individual and municipal officials.

Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; services of a certified public accountant, printing services involving extensive writing, editing or art work; programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

- b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
- c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village of Atlantic Beach is precluded from purchasing surplus and second hand good at auction or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
- d. Goods or services under \$1,000. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. The individuals responsible for purchasing are as follows:
Supt. Of Public Works/Building Inspector: Vincent Amoroso
Village Clerk: Emily Siniscalchi
Court Clerk: Mary Quinn
8. RESOLVED, that this resolution shall go into effect , 2025 and will be reviewed annually

RESOLUTION AUTHORIZING TEMPORARY SIDEWALK CAFE PERMITS FOR 2025

WHEREAS, Village Code Chapter 180 prohibits Sidewalk Cafes except in certain circumstances as set forth in Chapter 180, and

WHEREAS, the Board of Trustees seeks to provide, on a seasonal basis for 2025, for the controlled utilization of certain outdoor spaces for dining activities, and

WHEREAS, in providing for such controlled utilization, there will be significant benefits to the residents who desire to eat outdoors, and

WHEREAS, the Board finds that it is in the public interest to provide an opportunity for such establishments to provide Sidewalk Cafe spaces, on conditions which balance the public interest in maintaining the quality of life in the community, preserving the public health, safety and welfare of the community, and protecting the users, owners and occupants of surrounding properties, including residential properties, and

WHEREAS, this resolution is adopted to provide a licensing procedure which would balance these needs and desires, encourage the orderly use of property and encourage the revitalization of these popular uses, and

WHEREAS, this resolution is intended to temporarily allow lawfully existing restaurants and food service establishments a means to enlarge or expand their operations outdoors during the period of time this resolution is in effect,

NOW, THEREFORE, be it resolved that

1. For the period of the adoption of this resolution through October 1, 2025 or such later date, if any, as the Board of Trustees so determines, the Board waives the prohibition provided in Chapter 180 with respect to Sidewalk Cafes and provides herein a license procedure for establishments seeking to utilize outdoor dining space in accordance with the conditions herein and any license issued to a particular establishment.
2. With respect to lawfully existing food service establishments that have a liquor license, notwithstanding any provision in the Code of the Village of Atlantic Beach to the contrary, the maximum number of indoor and outdoor seats shall be permitted in the same total amount as if the combined seating area was entirely indoors.

3. Any license issued pursuant to this resolution for Sidewalk Cafe use shall permit dining solely on property generally recognized as property for use as a Sidewalk Cafe.
4. Any license issued pursuant to this resolution for Sidewalk Cafe use shall be deemed to be a revocable license, which may be revoked by the Board at any time, pursuant to procedures provided in this resolution.
5. Every food service establishment that wishes to utilize its outdoor area for dining under this Sidewalk Cafe Resolution must file a written request with the Village and obtain a license from the Building Inspector as provided in this resolution within 21 days of the passing of this Resolution. Such license may be issued as provided herein, without any requirement that the applicant obtain any site plan, zoning variance, conditional use permit, or other approval from the Village or any of its boards or agencies, except as otherwise provided in this resolution.
6. All such Sidewalk Cafe use must comply with applicable public assembly, accessibility and fire safety regulations and all applicable federal, state, county and Village laws, rules, orders, codes and regulations, as well as the seating capacity set forth in paragraph 2 where applicable.
7. No license may be issued unless it is first determined by the Building Inspector that the Sidewalk Cafe use will not create a hazard, a sight distance obstruction for motor vehicle operators, nor unduly impede pedestrian traffic, and if located in a parking lot, shall include barriers intended to safely separate the seating areas from motor vehicle traffic.
8. The written request for Sidewalk Cafe use shall include the name of the establishment, a site plan or other diagram clearly depicting the location of the Sidewalk Cafe, proposed table and chair locations and number, proof of insurance, fee for such license as determined from time to time by the Board, and if alcohol is to be sold outdoors, a valid license or permit from the New York State Liquor Authority.
9. Upon submission of a written request, the Building Inspector shall consider the application, and if the Building Inspector finds that the proposed use complies with this resolution and any other applicable requirements of law may approve the license.

10. Prior to issuing any license, the Building Inspector may seek input from the Board of Trustees regarding whether to approve the license or impose conditions upon license issuance.

11. Any such license shall be subject to the following conditions and any other conditions imposed by the Building Inspector:

- a. Sidewalk Cafe use shall be operated in compliance with all applicable federal, state, county and Village laws, rules, orders, regulations, ordinances, and codes, and with all applicable permits and licenses or other approvals issued by any other governmental agency, unless specifically provided otherwise in the license.
- b. No food may be cooked or prepared in any area used for outdoor seating. All food and beverages shall be dispensed from the interior of the establishment and there shall be no outdoor bar or service counter.
- c. Permits shall be obtained for all structures erected in furtherance of or in relation to Sidewalk Cafe use as may otherwise be required by law, and in compliance with all applicable fire, safety and building codes.
- d. Where necessary, wind screens shall be provided to contain any loose objects that may otherwise be carried off site by the wind.
- e. Alcohol may only be served in conjunction with food that is otherwise available for purchase without alcohol. All businesses serving alcoholic beverages must be in compliance with all state laws and regulations, including those of the New York State Liquor Authority.
- f. The authorized hours of service shall be stated in the license; provided, however, that service shall not be permitted later than 10:00 p.m.
- g. Smoking and/or vaping is not permitted in any Sidewalk Cafe areas.
- h. The premises on which the Sidewalk Cafe service is to be offered must have a valid certificate of occupancy and a public assembly license or place of assembly license, as applicable.
- i. There shall be no sound amplification, public address system, televisions or live entertainment permitted in any Sidewalk Cafe area.

12. Each license issued pursuant to this resolution may be revoked, or suspended in whole or in part, by the Building Inspector or the Board of Trustees at any time upon a determination of a violation of law or of any terms or conditions applicable to the license.

13. Any person aggrieved by the suspension or revocation of, or denial of or refusal to renew, any license or permit pursuant to this Resolution, or any condition imposed by the Building Inspector in issuing or enforcing any license or permit, may appeal to the Village Board of Trustees, in writing, within 10 days after notice of any such suspension, revocation or denial. The Board of Trustees shall consider and determine any such appeal expeditiously. Filing of an appeal pursuant to this section shall not constitute or create a stay of the determination being appealed. Any person seeking such a stay shall make written application to the Building Inspector, who may, in the exercise of discretion, grant such stay, with or without conditions, and determine the duration of such stay, provided that no such period shall extend beyond the date the Board of Trustees issues a decision on any appeal. A decision of the Board of Trustees with respect to any appeal may reverse, affirm, or modify the Building Inspector's determination being appealed and in doing so may impose any reasonable conditions which, in the sole discretion of the Board, may be appropriate.
14. This resolution permits Sidewalk Cafes only until October 1, 2025 or such later date, if any, as the Board of Trustees so determines.
15. The fee schedule for Sidewalk Cafe shall be based upon the number of Sidewalk Cafe seats requested by the dining establishment as follows:
- a. Up to 12 seats: \$40 per seat.
 - b. More than 12 seats and less than 18 seats; \$80 per seat.
 - c. More than 18 seats: \$120 per seat.
 - d. Fees are due upfront and must be paid by August 15, 2025 to avoid late payment fee of 5%.