

DRAFT

Meeting #8

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF ATLANTIC BEACH

JULY 1, 2025

CALL TO ORDER

Mayor Pappas called the meeting to order at 7:30 PM

SALUTE TO THE FLAG

ROLL CALL

Present were: Mayor George J. Pappas
Deputy Mayor Charles D. Hammerman
Trustees Patricia Beaumont
Nathan Etrog
Barry Frohlinger
Village Attorney Brian S. Stolar
Village Clerk Emily Siniscalchi
Superintendent of Public Works Vincent Amoroso

GOOD AND WELFARE – will be after the meeting has adjourned

OUTDOOR DINING

Deputy Mayor Hammerman said the Temporary Outdoor Dining Permits for the 2025 meeting scheduled to be heard tonight has been postponed to the July 7, 2025 meeting.

GRANTED

MOTION BY: Deputy Mayor Hammerman
SECONDED BY: Trustee Etrog
AYES: Mayor Pappas, Deputy Mayor Hammerman
Trustees Beaumont, Etrog, Frohlinger

Deputy Mayor Hammerman presented the Chabad settlement.

RESOLUTION OF THE VILLAGE OF ATLANTIC BEACH BOARD OF TRUSTEES AUTHORIZING
A SETTLEMENT AGREEMENT

WHEREAS, in July 2022, Chabad Lubavitch of the Beaches, Inc. ("Chabad") filed a summons and complaint entitled Chabad Lubavitch of the Beaches, Inc. v. Incorporated Village of Atlantic Beach, et.al.. No.2-22-cv-4141, in the U.S. District Court for the Eastern District of New York (the "Action"), and

WHEREAS, in November 2023, the Village and Chabad entered into a settlement conditioned on the issuance of certain zoning relief by the Board of Zoning Appeals ("BZA"), and

WHEREAS, the BZA denied portions of the Chabad application for zoning relief, and

WHEREAS, the Chabad then terminated the November 2023 settlement agreement, and amended the complaint in the Action to also assert claims against the BZA and the BZA members, and

WHEREAS, Chabad, the Village, the BZA and the named defendants entered into settlement discussions, wish to amicably resolve all of the claims in the Action, and have reached agreement on the terms of settlement, and

RESOLUTION OF THE VILLAGE OF ATLANTIC BEACH BOARD OF TRUSTEES AUTHORIZING
A SETTLEMENT AGREEMENT (CONTINUED)

WHEREAS, the Board finds that the settlement of this matter in accordance with the terms of the settlement agreement is in the best interest of the Village and avoids the continuing and escalating costs and uncertainty of litigation, and

WHEREAS, the parties have determined that the resolution of their differences in a manner favorable to their respective interests are best obtained through a settlement as opposed to continued litigation, which will require the additional expenditure of significant funds and resources to all parties, and

WHEREAS, the parties have agreed to settlement terms,

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board hereby approves a settlement of the Action, which settlement provides for payment in the total amount of \$950,000, with an initial payment of \$700,000 within 90 days of the effective date of the settlement agreement and \$250,000 payable on the first anniversary of the agreement, a consent decree, releases and certain action by the BZA with respect to zoning relief (the "Settlement").
2. Upon execution of the Settlement agreement by Chabad, the Board authorizes the Mayor to execute the Settlement agreement and all other instruments related to the Settlement on behalf of the Village.

GRANTED

MOTION BY: Trustee Frohlinger

SECONDED BY: Deputy Mayor Hammerman

AYES: Mayor Pappas, Deputy Mayor Hammerman
Trustees Beaumont, Etrog, Frohlinger

RESOLUTION OF THE VILLAGE OF ATLANTIC BEACH BOARD OF TRUSTEES AUTHORIZING
PUBLIC STATEMENT

WHEREAS, in accordance with a settlement agreement amongst Chabad Lubavitch of the Beaches, Inc. ("Chabad"), the Village, Board of Trustees and Board of Zoning Appeals, and respective members of the Boards, the Village and Chabad have agreed to a joint press release provided as Exhibit B, and

NOW, THEREFORE, BE IT RESOLVED that:

1. In accordance with the terms of the settlement agreement, upon the Court's entry of the consent decree, the Village Clerk is authorized to issue the press release provided in the settlement agreement.
2. The Village welcomes Chabad to the Village and looks forward to having Chabad as a community member, neighbor and civic partner.

RESOLUTION – Reallocation of existing budgeted funds

WHEREAS, the Village of Atlantic Beach has an approved budget for the fiscal year ending May 31, 2026, and

WHEREAS, circumstances have arisen requiring additional funding for legal services, necessitating a reallocation of existing budgeted funds;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby approves the following budget adjustment:

1. Reallocation Amount: The sum of \$235,000 shall be transferred from the paving budget line item (Budget Code: (64490) to the Legal Costs budget line item (Budget Cod: (64510)

GRANTED

MOTION BY: Deputy Mayor Hammerman

SECONDED BY: Mayor Pappas

AYES: Mayor Pappas, Deputy Mayor Hammerman
Trustees Beaumont, Etrog, Frohlinger

ADJOURNMENT

At 8:10 PM Trustee Etrog made a motion to adjourn;

SECONDED BY: Trustee Beaumont

AYES: Mayor Pappas, Deputy Mayor Hammerman
Trustees Beaumont, Etrog, Frohlinger

Emily Siniscalchi, Village Clerk