

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 CHAPTER 65  
65 THE PLAZA, ATLANTIC BEACH, NY 11509

OCTOBER 17, 2016

CALL TO ORDER

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

SALUTE TO THE FLAG - led by Mayor Pappas

ROLL CALL

Present were: Mayor George J. Pappas  
Trustees Linda L. Baessler  
Andrew J. Rubin  
Edward A. Sullivan  
Village Attorney Charles S. Kovit  
Village Clerk Emily Siniscalchi

Absent: Trustee Danae A. Muddiman  
Village Treasurer Herbert A. Klibanoff

At 7:50 PM Mayor Pappas called the public hearing to order.

PUBLIC HEARING TO AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH CHAPTER  
65-4D: PROHIBITED ACTS - ANIMALS ON THE BEACH, BAY AREA OR IN THE WATERS OF  
THE ATLANTIC OCEAN OR IN THE WATERS OF FAR ROCKAWAY BAY AND  
65-7: PENALTIES FOR OFFENSES FOR VIOLATIONS

Village Attorney Kovit presented the proposed local law change.

The Village Board of Trustees has great respect for dog owners, and love for dogs. We are considering this ordinance amendment, which would ban bringing animals on the beach all year long instead of simply the summer beach season. It is being considered to further the paramount interest of protecting the beaches as a summer recreation facility for our residents, and thereby the very identity and character of the Village itself. Specifically, under the terms of the Environmental Conservation Law of the State of New York and the regulations promulgated thereunder, it is up to the Village to ensure that endangered species of birds and wildlife are protected from damage by animals running on the beach. If the Village's regulatory regime were found by the DEC to be insufficient to protect the wildlife, there is a substantial risk that the responsibility for regulation would be taken away from the Village and placed in the DEC. Under those circumstances, the Village might be penalized to the extent of losing much or possibly all of the beach recreation area for the residents. It is the paramount interest of the Village to make sure that will not happen. That is the primary and principal driving reason behind the proposed local law. Additionally, the Village believes that all due measures to protect wildlife should be taken, as per controlling DEC laws and guidelines. However, as stated, we must ensure that the character and identity of the Village of Atlantic Beach as a summer beach community for residents is maintained and protected.

Superintendent of Public Works Steve Cherson said in the past couple of years there are many more birds on our beaches - Piping Plovers, Oystercatchers, Least Terns. He explained the 10 year permit and dogs attacking birds, eating eggs, etc. are becoming an issue.

PUBLIC HEARING (Continued)

Mayor Pappas said Atlantic Beach is the only place on the barrier island that allows dogs on the beach.

Mayor Pappas said the Board was here to listen to the many concerns and issues the residents had.

Trustee Sullivan said the NCPD are the only ones that can enforce these laws our enforcement cannot ask for proof.

Mayor Pappas moved the adoption of the following:

RESOLVED, to reserve decision and reopen in February or March.

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

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

Noes: None

At 8:40 PM Mayor Pappas adjourned the Public Hearing and went back into the regular meeting.

REPORTS

- I. A. Police Activity Report – September 2016 -- given by Sergeant Andruk  
Residents mentioned the following to the Sergeant:
  - B. Atlantic Beach Rescue/Fire Department Report - no report received
  - C. Beautification – Chairperson Dolores Friedel - absent
  - D. Sanitation Report – Commissioner Allan Jacobs  
Nothing new to report
  - E. AB Cats – Beth Brenner - no report
- II. STREETS AND BUILDING DEPARTMENT REPORT – Steve Cherson  
- report given and attached
- III. TREASURER'S REPORT - Herbert A. Klibanoff absent - his report read by  
Trustee Rubin

For the month of September, 2016 – we had a grand total of \$6,063,915.67 in various bank accounts (Capital checking account \$4,087,616.08; General Fund \$1,976,299.59)

- Capital Checking Analysis:
  - 9/1/16 balance \$4,107,626.65
  - Bond expenses (\$20,167.81)
  - Interest for Period \$157.24
  - Balance 9-30-16 \$4,087,616.08

- IV. LEGAL - Village Attorney Charles S. Kovit  
Nothing to report
- V. TVASNAC – Carl Baessler – report given and attached

FALL FESTIVAL - Sunday, October 23, 2016

Mayor Pappas said our Fall Festival is Sunday, October 23rd from 12 Noon - 5 PM. He said we will be having a meeting on Tuesday, October 18 at 7 PM for anyone who would like to volunteer. Any school student who would like to do community service at this event will get a letter signed by the Mayor thanking them.

RESOLUTION - RE-ADVERTISE LEGAL NOTICE IN THE NASSAU HERALD - BID - PURCHASE FROM THE VILLAGE VARIOUS VEHICLES

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Trustee Sullivan moved the adoption of the following:

RESOLVED, to re-advertise Legal Notice in the Nassau Herald to solicit sealed bids for the purchase from the village various vehicles - bids to be received by November 10, 2016 and awarded at the November 14, 2016 meeting for the following vehicles:

- 1989 International Dump Truck, "as is" condition
- 2009 Kawasaki All Terrain Vehicle - Praire 360 4 x 4
- 2009 Yamaha All Terrain Vehicle - 350 Grizzly 4 x 4
- 2009 Yamaha All Terrain Vehicle - 350 Grizzly 4 x 4
- 2005 Honda All Terrain Vehicle "as is" condition

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

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

Noes: None

RESOLUTION - AWARD BID -PURCHASE 2013 OR LATER FRONT WHEEL  
LOADER WITH NO MORE THAN 2600 HOURS OF USE

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Supt. of Public Works Cherson said two sealed bids were received and opened on October 12 by himself and Village Clerk Emily Siniscalchi.

- Edward Ehrbar                      2013 Komatsu                      \$ 89,500
- Jesco                                      2014 John Deere                      \$286,550

Mayor Pappas moved the adoption of the following:

RESOLVED, to award bid to Edward Ehrbar in the amount of \$89,500.

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

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

Noes: None

RESOLUTION - Exchange of Property between Petrey AB Corporation and the Village of Atlantic Beach at The Plaza and Park Street

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Superintendent of Public Works Cherson explained the property swap as follows:

The Village of Atlantic Beach is to receive from Petrey AB Corporation a strip of property on each side of parcel lot measuring 2.4 feet in width to run the length of the lot (80 feet).

The results in a total area of  $80 \times 2.4 = 192$  square feet  $\times 2$  (both sides) = 384 square feet.

Petrey AB Corporation is to receive 6.6 feet from the Village of Atlantic Beach directly to the northern border of the existing property line by 25.2 feet (east to west). The original property size of 30 feet is now 25.2 feet due to the area given to the Village as part of the swap (see above).

Petrey AB Corporation is also to receive 8.64 feet from the Village of Atlantic Beach directly to the southern border of the existing property line by 25.2 feet (east to west).

This results in a total area of  $6.6 \times 25.2 = 166.3$  and  $8.65 \times 25.2 = 217.7$ ;  
 $166.3 + 217.7 = 384$  square feet.

Trustee Rubin moved the adoption of the following:

RESOLVED, to grant the exchange of property between Petrey AB Corporation and the Village of Atlantic Beach at the Plaza and Park Street.

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

Ayes: Mayor George J. Pappas  
Trustees Edward A. Sullivan  
Andrew J. Rubin  
Linda L. Baessler  
Noes: None

RESOLUTION - Capital Roadwork

Superintendent of Public Works Cherson explained the proposed roadwork project. Roads to be done - Ocean Boulevard from Suffolk to Yates, Yates Avenue and Oneida Avenue.

Trustee Sullivan moved the adoption of the following:

RESOLVED, to publish legal notice in the Nassau Herald - 2016 Road improvement Program.

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

Ayes: Mayor George J. Pappas  
Trustees Edward A. Sullivan  
Andrew J. Rubin  
Linda L. Baessler  
Noes: None

GOOD AND WELFARE

Bicycle lane on boardwalk: Resident asked about the new bicycle lane on the boardwalk. Mr. Cherson said the new bicycle lane is 8' south of the north railing - 5 1/2' to 6' section will be the lane - closer toward the center - we will have two walking lanes.

GOOD AND WELFARE (Continued)

Beach Bagel - 105 Putnam Boulevard: resident said dangerous parking - cars backing out onto Park Street.

Speed Sign: resident said when speed limit was changed to 25 MPH - we need the electric speed sign.

Vehicles blocking sidewalk: resident said cars are blocking the sidewalks - is law being enforced.

Abandoned vehicles on property: resident asked if the law has been enforced about the number of abandoned vehicles on the property. Mr. Cherson said this can now be enforced - we will send letter to people with abandoned vehicles.

Tennis Center: resident asked about the status of the tennis center and Mr. Cherson said we are still in the paperwork process with NYGOSR.

APPROVAL/CORRECTION OF MINUTES

Trustee Baessler moved the adoption of the following:

RESOLVED, that the minutes of the September 12, 2016 meeting be accepted as written by the Village Clerk

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

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

DATE OF NEXT MEETING - November 14, 2016

ADJOURNMENT

At 9:10 PM Mayor Pappas a motion to adjourn – seconded by Trustee Rubin and passed by the following vote:

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

Noes: None

Emily Siniscalchi  
Emily Siniscalchi, Village Clerk