

MINUTES OF THE PUBLIC HEARING TO AMEND THE CODE OF THE
VILLAGE OF ATLANTIC BEACH

-CHAPTER 168 - PUBLIC HIGHWAYS AND PLACES
- CHAPTER 235-31 - PARKING, STANDING AND STOPPING
AND

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

NOVEMBER 19, 2018

CALL TO ORDER

Mayor Pappas called the meeting to order at 7:50 PM.

SALUTE TO THE FLAG

ROLL CALL

Present were:

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

Village Attorney Charles S. Kovit
Village Treasurer Herbert A. Klibanoff
Village Clerk Emily Siniscalchi

Absent:

Trustee Danae Muddiman EXCUSED

REPORTS

- I. A. Police Activity Report - October 2018 – report given by
Sgt. Bienz
46 summonses issued for the month of October
Parkers: 2 Movers: 44
- B. Atlantic Beach Rescue/Long Beach Fire Department Report
Report given by Nat Etrog
October had 17 calls; November 19th there were 14 calls
- C. Sanitation Report – Commissioner Allan Jacobs
One complaint on Erie Avenue - resolved
- D. Beautification – Chairperson Dolores Etrog - absent
- E. Community Garden - Suzy Schneider
Report attached
- II. PUBLIC WORKS & BUILDING DEPARTMENT REPORT - Steve Cherson
report given and filed
- IV. TREASURER'S REPORT – Herbert A. Klibanoff
For the month of October, 2018 – we had \$2,036,180.92 total cash
General Fund \$1,543,963.23; Capital Checking \$492,217.69
- V. LEGAL - Village Attorney Charles S. Kovit
Noting new to report

At 7:55 PM Mayor Pappas called the Public Hearings to order to adopt Local Laws 5-2018 and 6-2018.

PUBLIC HEARING TO ADOPT LOCAL LAW 5-2018

Building Inspector Steve Cherson gave an overview of the proposed local law.

Amend the Code of the Village of Atlantic Beach - Chapter 235 - Parking, Standing and Stopping

§235-31.2

No vehicle shall be operated, parked or left standing upon the public streets or public parking areas of the Village of Atlantic Beach unless a current, valid certificate of inspection, as required by Article 5 of the Vehicle and Traffic Law of the State of New York, is displayed upon said vehicle, as determined by the Commissioner of Motor Vehicles of the State of New York. All appearance tickets issued for violations of the proscription described herein shall be returnable in Atlantic Beach Village Court, or such other court having competent jurisdiction, as a matter of law.

§235-31.3

Any person, firm, corporation, limited-liability company or entity violating any provisions of this chapter, shall for a first conviction, be punished by a fine not exceeding \$150; for conviction of a second violation, both of which were committed within a period of 18 months, such person, firm, corporation, limited-liability company or entity, shall be punished by a fine not exceeding \$300; and upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 15 days, or both such fine and imprisonment.

Concurrently, in the event a current valid certificate of inspection is not obtained and not displayed upon such vehicle, and the offending vehicle is not removed from the public streets or public parking areas of the Village of Atlantic Beach within seven (7) business days from the date of notice of the offense, the Village of Atlantic Beach may cause such vehicle to be removed from the public street or public parking area at the expense of the vehicle owner, and such expense shall be levied against the vehicle owner as an additional penalty, notwithstanding that such penalty may be in excess of the aforementioned schedule of fines. However, if competent proof is provided to the court that the offending vehicle was inspected and/or removed within 3 business days following issuance of any summons, the court may dismiss the violation.

Residents were given an opportunity to be heard and any questions answered.

Trustee Rubin moved the adoption of the following:

RESOLVED, to adopt Local Law 5-2018 to amend the Code of the Village of Atlantic Beach - Chapter 235-31-Parking, Standing and Stopping

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

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

Noes: None

PUBLIC HEARING TO ADOPT LOCAL LAW 6-2018

Building Inspector Steve Cherson gave an overview of the proposed local law.

Amend the Code of the Village of Atlantic Beach - LOCAL LAW 6-2018
- Public Highways and Places

§ 168-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERSON

Any individual, firm, association, partnership or corporation.

PUBLIC HIGHWAY

Any street open to the public for its full width from property line to property line, including the sidewalk area, whether or not installed.

PUBLIC PLACE

Any property available to, or open to use by, all or a majority of the property owners or residents of the Village of Atlantic Beach.

§ 168-2 Prohibited acts.

No person shall do, perform, suffer, cause or permit and it shall be unlawful for any person to do, perform, suffer, cause or permit any of the following acts or things within the corporate limits of the Village of Atlantic Beach without written permission from the **Board of Trustees, Village Clerk or Building Inspector.**

- A. Dig, remove or carry away any stone, earth, sand or gravel from any public highway or public place.
- B. Break, injure, destroy, cut down or remove any tree or shrubbery planted in or growing upon any public highway or public place, or to fail to remove broken or cut portions thereof after written notice from the Board of Trustees, **Village Clerk, Building Inspector or Police Commissioner.**
- C. Plant any trees, hedges or bushes or construct any wall, fence or other obstruction or decorative structure within or upon any public highway or public place or to fail to remove same after written notice from the Board of Trustees, **Village Clerk, Building Inspector or Police Commissioner.**
- D. Erect or maintain any building or structure or any part thereof wholly or partly within the lines of any public highway or public place or shall fail to remove any such building or structure after written notice from the Board of Trustees, **Village Clerk, Building Inspector or Police Commissioner.**
- E. Fail to remove, after written notice from the Board of Trustees, **Village Clerk, Building Inspector or Police Commissioner** any building or structures or any part thereof, owned by such person and now erected and existing wholly or partly within the lines of any public highway or public place.
- F. Permit hedges, bushes or shrubbery to grow, or to construct any wall or other obstructions, upon privately owned property at the intersection of any public highways which obstructs the view of persons operating vehicles at or through such intersection and fail to remove same after written notice from the Board of Trustees, **Village Clerk or Building Inspector.**
- G. Fail to keep any sidewalk or sidewalk area abutting property owned by or under the control of such person free of sand, dirt, weeds, rubbish and obstructions. For the purposes of this subsection, "sidewalk area" is defined as those portions of any public highway within four feet of the property line of land not within such highway.

LOCAL LAW 6-2018 - Public Highways and Places (Continued)

- H. Drive, ride, place or lead any motor vehicle, motor cycle or bicycle, upon or across any sidewalk or sidewalk area; for the purposes of this subsection, sidewalk area is defined as those portions of any public highway within 10 feet of the property line of any land not within such highway. This subsection shall not apply to that portion of the sidewalk or sidewalk area contiguous to public or private driveways.
- I. Move any building or structure upon any public highway or public place; a permit from the Board of Trustees shall in no event be granted unless plans as to present structure and site, the moving route and the destination and future site, if within the Village of Atlantic Beach, are submitted to the Board of Trustees and filed with the Village Clerk, together with a public liability insurance policy issued by an insurance company licensed to do business in the State of New York, protecting the Village of Atlantic Beach against liability for personal injury to the extent of \$100,000 for injury to any one person, and \$200,000 for injury in one occurrence, in connection with the moving of such building, and against liability for property damage to the extent of \$50,000 together with a bond of surety company licensed to do business in the State of New York in the principal sum of \$10,000 guaranteeing the moving of said building, in accordance with the plans as filed and permit as issued.
- J. Construct or install a drain within any public highway or public place.
- K. After written notice from the Board of Trustees, **Village Clerk or Building Inspector** all owners of land shall be required to trim the trees, shrubs, bushes and hedges in front thereof so that the branches or limbs shall not obstruct the passage along the sidewalk, street, highway or public place; or which branches or limbs obstruct the lights on poles or traffic signals to persons using the sidewalks, streets, highways or public place either as a pedestrian or operating a vehicle on the street or highway. **[Added 12-4-1968]**

§ 168-3 Penalties for offenses.

Every person convicted of a violation of any of the provisions of this chapter shall be punished by and subject to a fine of not more than \$500 or imprisonment not to exceed 15 days, or both, for each such violation.

§ 168-4 Removal by village; lien.

[Amended 12-4-1968]

In the event of the failure of any person to remove materials or articles referred to in Subsections **B, C, D, E, F** or **G** or to trim the trees pursuant to Subsection **K** of § **168-2** of this chapter, the Board of Trustees of the Village of Atlantic Beach, or its duly authorized agents, servants or employees, may lawfully enter upon the premises on which said materials or articles are situated and remove the same, and the expense of such removal shall be a charge against the person or persons who have caused or maintained or failed to remove the same, and the amount of such expense may be sued for and recovered with costs by the Village of Atlantic Beach in any jurisdiction. Whenever execution upon any judgment recovered by said village, pursuant to the provisions of this chapter, against the owner of real property from which or adjacent to which such materials or articles were removed, shall have been returned wholly or partially unsatisfied, said judgment for the amount unsatisfied shall be a lien upon said premises and have preference over all other liens or encumbrances whatsoever. In the alternative, the expense of such removal hereinabove referred to may be added to the next levy of taxes by said village and be collected in the same manner as the real estate tax levied against said premises.

Residents were given an opportunity to be heard and any questions answered.

LOCAL LAW 6-2018 - Public Highways and Places (Continued)

Trustee Baessler moved the adoption of the following:

RESOLVED, to adopt Local Law 6-2018 to amend the Code of the Village of Atlantic Beach - Chapter 168 -Public Highways and Places

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

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

Noes: None

At 8:15 PM Mayor Pappas made a motion to adjourn the public hearing and go back into the regular meeting. - Seconded by Trustee Baessler

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

Noes: None

PUBLISH LEGAL NOTICE IN THE NASSAU HERALD TO HOLD A PUBLIC HEARING ON DECEMBER 10, 2018 – OVERRIDING THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL CODE §3-c

Trustee Rubin moved the adoption of the following:

RESOLVED, to publish the Legal Notice in the Nassau Herald to hold a public hearing on December 10, 2018 - overriding the tax levy limit established by General Municipal Code §3-c

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

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

Noes: None

GOOD AND WELFARE

Resident asked about the recent criminal activity and the involvement of a property in the village that was occupied with use of Section 8 funds. Mr. Kovit said that the village is aware of the criminal activity and is exploring option to refind our law enforcement regime.

Resident asked about the Air BnB law, and the Board along with Mr. Kovit explained the ordinance that we adopted two years ago dealing with short term rentals, observing that is proven to be a substantial deterrent. Mayor Pappas said the rentals have to be for 30 days or more. If anyone sees a rental for less than 30 days to let the village office know.

APPROVAL OF BILLS

Mayor Pappas moved the adoption of the following:

RESOLVED, that bills be paid in the amount of \$310,705.43.

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

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

Noes: None

APPROVAL OF MINUTES

The minutes of October 15, 2018 were accepted as written by the Village Clerk
Motion by: Trustee Rubin Seconded by: Trustee Sullivan All Ayes

DATE OF NEXT MEETING – December 10, 2018

ADJOURNMENT

At 8:30 PM Mayor Pappas made a motion to adjourn. The foregoing was seconded by Trustee Baessler and passed by the following vote:

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

Noes: None

Emily Siniscalchi, Village Clerk