

PUBLIC HEARING TO ADOPT LOCAL LAW 2-2022 TO AMEND THE CODE OF
THE VILLAGE OF ATLANTIC BEACH
CHAPTER 159 – PEACE AND GOOD ORDER
AND
REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF ATLANTIC BEACH
65 THE PLAZA, ATLANTIC BEACH, NY 11509

NOVEMBER 14, 2022

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
Andrew J. Rubin
Linda L. Baessler
Patricia Beaumont
Village Treasurer Herbert A. Klibanoff
Village Attorney Dominick Minerva
Village Clerk Emily Siniscalchi

REPORTS

- I. A. Police Activity Report – October 2022 – read by Village Clerk
Movers: 36 Parkers: 2 Crime Reports: 7 Arrests: 1
- 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
She said they need donations;
Trustee Baessler – trapped cat on Bay Boulevard
- F. Beautification Report – Dolores Friedel
Report given and attached
- G. Sanitation Report – Commissioner Allan Jacobs
Running smoothly – no complaints
- II. PUBLIC WORKS & BUILDING DEPARTMENT REPORT – Vincent Amoroso
Report given and attached
There will be full closure of the boardwalk from Kings to Montgomery-starting later
this week or early next week – signage will be in place when it is closed; Genesee
and Putnam ramps will be open
- III. TREASURER'S REPORT – Treasurer Herbert A. Klibanoff
For the month of October 2022 – we had \$1,694,474.35 total cash available
Capital checking \$6,159.06; BZA Escrow \$24,717.83; General Fund \$1,663,597.46
- IV. LEGAL – Village Attorney Dominick Minerva – requested executive session to discuss
legal matters

Public Hearing was called to order.

PUBLIC HEARING TO ADOPT LOCAL LAW 2-2022
TO AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH
CHAPTER 159 – PEACE AND GOOD ORDER

A Local Law to Amend the Code of the Incorporated Village of Atlantic Beach Chapter 159 entitled "Peace and Good Order"

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

Section 2. Chapter 159 entitled "Peace and Good Order" regulating prohibited acts, Section 159-2-F is hereby replaced with the following language:

159-2-F

"Operate any power or manual equipment or perform any construction earlier than 8:00am on weekdays and earlier than 9:00am on Saturday or later than 6:00pm on any day; or operate any power or manual equipment or perform any construction on weekends from June 1 through the second weekend in September, including Memorial Day, July 4th, Labor Day and all legal holidays throughout the year except for Martin Luther King, Jr. Day, Columbus Day, Presidents' Day, Election Day, Veterans Day and the day after Thanksgiving.

Section 2. Full Force & Effect.

Except as hereinabove amended, Chapter 159 shall remain in full force and effect.

Section 3. 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 4. 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 5. Effective Date.

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

Trustee Beaumont moved the adoption of the following:

RESOLVED, to adopt Local Law 2-2022 to amend the Code of the Village of Atlantic Beach – Chapter 159 – Peace and Good Order

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
Patricia Beaumont

Noes: None

RESOLUTION – Publish Legal Notice in the Nassau Herald to hold a Public Hearing
December 12, 2022 to Amend the Code of the Village of Atlantic Beach –
Chapter 200- Streets and Sidewalks

Trustee Rubin moved the adoption of the following:

RESOLVED, to publish Legal Notice in the Nassau Herald to hold a
Public Hearing on December 12, 2022 to amend the Code of the Village
of Atlantic Beach Chapter 200 – Streets and Sidewalks

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
Patricia Beaumont

Noes: None

BOND RESOLUTION – \$1,000,000 PURCHASE OF REAL PROPERTY, 2035 PARK STREET

BOND RESOLUTION DATED NOVEMBER 14, 2022.

A RESOLUTION AUTHORIZING THE PURCHASE AND IMPROVEMENT OF REAL
PROPERTY LOCATED AT 2035 PARK STREET FOR VILLAGE PURPOSES, IN AND FOR
THE VILLAGE OF ATLANTIC BEACH, NASSAU COUNTY, NEW YORK, AT A TOTAL
MAXIMUM ESTIMATED COST OF \$1,000,000, AND AUTHORIZING THE ISSUANCE
OF \$1,000,000 BONDS OF SAID VILLAGE TO PAY THE COSTS THEREOF.

BE IT RESOLVED by the affirmative vote of not less than two-thirds of the total voting
strength of the Board of Trustees of the Village of Atlantic Beach, Nassau County, New
York, as follows:

Section 1. The purchase and improvement of real property located at 2035 Park
Street for Village purposes in and for the Village of Atlantic Beach, Nassau County, New
York, including incidental expenses in connection therewith is hereby authorized at a total
maximum estimated cost of \$1,000,000 and the plan of financing thereof is by the issuance
of \$1,000,000 bonds of said Village hereby authorized to be issued therefor pursuant to the
provisions of the Local Finance Law.

Section 2. The period of probable usefulness of such class of objects or purposes is
thirty years pursuant to subdivision 30 of paragraph a of Section 11.00 of the Local Finance
Law. It is hereby further determined that the maximum maturity of the bonds authorized
will not exceed five years.

Section 3. Subject to the provisions of the Local Finance Law, the power to
authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance
and sale of the bonds herein authorized, including renewals of such notes, is hereby
delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such
terms, form and contents, and shall be sold in such manner, as may be prescribed by said
Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 4. The powers and duties of advertising such bonds for sale, conducting
the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall
advertise such bonds for sale, conduct the sale, and award the bonds in such manner as
she shall deem best for the interests of said Village, provided, however, that in the exercise
of these delegated powers, she shall comply fully with the provisions of the Local Finance
Law and any order or rule of the State Comptroller applicable to the sale of municipal
bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of
such bonds, who shall not be obliged to see to the application of the purchase money.

Section 5. All other matters except as provided herein relating to the bonds herein
authorized including the date, denominations, maturities and interest payment dates,

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BOND RESOLUTION – \$1,000,000 PURCHASE OF REAL PROPERTY, 2035 PARK STREET
(Continued)

within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said Village of Atlantic Beach, Nassau County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with as the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Village hereby designated for such purpose, together with a notice of the Village Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

Trustee Rubin made a motion to adopt the above resolution - \$1,000,000 Bond – Purchase of Real Property - 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
Patricia Beaumont

Noes: None

RESOLUTION - TO APPROVE CONTRACT WITH CAPITAL MARKETS ADVISORS

WHEREAS, the Incorporated Village of Atlantic Beach (hereinafter "Village") is in the process of offering a bond issuance; and

WHEREAS, the Village has received a proposal from Capital Markets Advisors, LLC to provide financial advisory services in connection with the aforementioned bond issuance; and

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RESOLUTION - TO APPROVE CONTRACT WITH CAPITAL MARKETS ADVISORS
(Continued)

WHEREAS, the Board of Trustees of the Village has determined that it would be in the best interests of the Village to retain Capital Markets Advisors, LLC to provide financial advisory services in connection with the aforementioned bond issuance of the Village in accordance with its proposed Financial Advisory Services Agreement;

NOW THEREFORE, upon motion of Trustee Beaumont, seconded by Trustee Sullivan,

BE IT RESOLVED, that Capital Markets Advisors, LLC is hereby retained to perform financial advisory services to the Village in connection with the aforementioned bond issuance in accordance with its proposed Financial Advisory Services Agreement; and

BE IT FURTHER RESOLVED, that Mayor George Pappas is hereby authorized to execute the Financial Advisory Services Agreement
vote:

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

Noes: None

GOOD AND WELFARE

Residents had various questions and concerns:

- Private ambulances speeding over bridge and loud sirens
Mayor Pappas said he will look into this
- Anything new on the bridge tolls – Mayor Pappas said he has no new information
- Truck warehouse in Long Beach – Mayor Pappas said there is not much we can do about it
- Chemicals used by gardeners – Mayor Pappas said it will put on the December agenda

APPROVAL OF BILLS

Trustee Rubin moved the adoption of the following:

RESOLVED, that all bills are approved in the amount of \$177,211.75

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

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

Noes: None

APPROVAL OF MINUTES

Motion made by Trustee Rubin and seconded by Trustee Beaumont that the Minutes of October 11, 2022 were accepted as written by the Village Clerk.

Ayes: All Ayes

DATE OF NEXT MEETING: December 12, 2022

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At 8:25 PM Trustee Sullivan made a motion to adjourn the regular meeting and to go into Executive Session to discuss legal matters; seconded by Trustee Baessler; All eyes

At 8:45 PM Mayor Pappas made a motion to call the Executive Session to order

EXECUTIVE SESSION

Present were:

Mayor George J. Pappas
Trustees Linda L. Baessler
Patricia Beaumont
Andrew J. Rubin
Edward A. Sullivan
Village Attorney Dominick Minerva
Village Clerk Emily Siniscalchi

At 9:15 PM Mayor Pappas made a motion to adjourn the Executive Session and go back to the regular meeting. Seconded by Trustee Baessler – all ayes

ADJOURNMENT

At 9:15 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
Andrew J. Rubin
Patricia Beaumont
Noes: None

Emily Siniscalchi

Emily Siniscalchi, Village Clerk