

DRAFT

Meeting # 13

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
65 THE PLAZA, ATLANTIC BEACH, NY 11509

DECEMBER 9, 2024

CALL TO ORDER - 7:30 PM

SALUTE TO THE FLAG

ROLL CALL

Present were:

Mayor George J. Pappas
Trustees Patricia Beaumont
Nathan Etrog
Barry M. Frohlinger
Anthony Livreri
Village Treasurer Herbert A. Klibanoff
Village Attorney Dominick Minerva
Village Clerk Emily Siniscalchi

REPORTS

- I. A. Police Activity Report – November – Given by PO Knight-Honeywell
Movers: 17 Parkers: 0 Aided: 11
- 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
No report
- E. AB Cats – Beth Brenner – No report
- F. Beautification Report – Dolores Friedel - No report
- G. Sanitation Report – Allan Jacobs
Nothing new to report – everything running smoothly
- II. PUBLIC WORKS & BUILDING DEPARTMENT REPORT – Vincent Amoroso
Report given and attached
- III. CODE ENFORCEMENT REPORT – Vincent Amoroso - Report given and attached
- IV. TREASURER'S REPORT – Treasurer Herbert A. Klibanoff
For the month of November 2024– we had \$2,054,731.61 total cash available
Capital checking \$253,224.27; BZA Escrow \$32,583.06
General Fund \$1,768,924.28
- V. LEGAL – Village Attorney Dominick Minerva – No report
- VI. TVASNAC – Carl Baessler
Report given and attached

At 7:45 PM Trustee Beaumont made a motion to open the Public Hearing;
seconded by Trustee Etrog – All Ayes

**PUBLIC HEARING TO ADOPT LOCAL LAW TO
AMEND OVERRIDING THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL CODE §3-C**

LOCAL LAW 9-2024

VILLAGE OF ATLANTIC BEACH

COUNTY OF NASSAU

A local law to amend Chapter 210 of the Code of the Village of Atlantic Beach – Taxation Article IV- Section 210.24 to authorize an override of the tax levy limit established in General Municipal Law §3-c

Section 210.24. Legislative Intent

It is the intent of this local law to allow the Village of Atlantic Beach to adopt a budget for the fiscal year commencing June 1, 2025 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 210.25. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 210.26. Tax Levy Limit Override

The Board of Trustees of the Village of Atlantic Beach, County of Nassau, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2025 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 210.27. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 210.28. Effective date

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

Dated: December 9, 2024

By Order of Mayor Pappas and Board of Trustees
Emily Siniscalchi, Village Clerk

ADOPTED: Motion by: Trustee Livreri Seconded by: Trustee Beaumont
Ayes: Mayor Pappas, Trustees Beaumont, Etrog, Frohlinger, Livreri

At 8:20 Trustee Livreri made a motion to adjourn the Public Hearing and go back to the open meeting. Seconded by: Trustee Beaumont All ayes

AWARD BID: 2024 ROAD IMPROVEMENT – BAY BOULEVARD BETWEEN ALBANY BOULEVARD AND BROOME AVENUE

WHEREAS, the Board of Trustees of the Incorporated Village of Atlantic Beach (hereinafter "Village) by public notice duly published according to law, invited sealed bid proposals for a contract to perform drainage and paving improvements on Bay Boulevard between Albany Boulevard and Broome Avenue.

WHEREAS, all such bid proposals received were opened and read publicly by the Incorporated Village of Atlantic Beach, 65 The Plaza, Atlantic Beach, New York 11509, on the 19th day of November 2024, at 10:30 o'clock A.M., the time and place specified in the public notice; and

WHEREAS, upon review of such bid proposal by the Village, a written recommendation was sent to the Board of Trustees by Vincent Amoroso, Superintendent of Public Works of the Village, stating that United Paving Corp. is the sole bidder and is a responsible bidder meeting the bid specifications, and recommending award of the contract thereto; and

WHEREAS, the Board of Trustees of the Village has determined that United Paving Corp. is a responsible bidder meeting the bid specifications;

NOW THEREFORE, BE IT RESOLVED, that the bid proposal of United Paving Corp. in the sum of \$168,160.00 be and the same is hereby accepted; and be it

FURTHER RESOLVED, that the Mayor of the Village be and hereby is authorized to execute a contract with United Paving Corp. to perform drainage and paving improvements on Bay Boulevard between Albany Boulevard and Broome Avenue for the Village, for the prices specified in said bid proposal and in accordance with the bid specification for said contract.

GRANTED

Motion by: Trustee Frohlinger Seconded by: Trustee Etrog
Ayes: Mayor Pappas, Trustees Beaumont, Etrog, Frohlinger, Livreri

RESOLUTION – ACCEPT RESIGNATION OF MINERVA & D'AGOSTINO, P.C. AS COUNSEL TO THE BOARD OF ZONING APPEALS AND APPROVE AMENDED ENGAGEMENT LETTER

RESOLVED, to accept the resignation of Minerva & D'Agostino, P.C. as counsel to the Board of Zoning Appeals and to approve a modified engagement letter dated December 4, 2024 of Minerva & D'Agostino, P.C. to serve as General Counsel to the Village and authorize the Mayor to execute same.

GRANTED

Motion by: Trustee Beaumont Seconded by: Trustee Frohlinger
Ayes: Mayor Pappas, Trustees Beaumont, Etrog, Frohlinger, Livreri

RESOLUTION – APPOINT HARRIS BEACH PLLC AS COUNSEL TO THE BOARD OF ZONING APPEALS AND APPROVE ENGAGEMENT LETTER

RESOLVED, to appoint the law firm of Harris Beach PLLC as counsel and approve engagement letter dated December 3, 2024 submitted by Harris Beach PLLC, subject to receipt of an updated and redated engagement letter to reflect the Incorporated Village of Atlantic Beach, Mayor, Trustees and former Trustees named in the complaint filed by the Chabad Lubavitch of the Beaches, Inc., as the clients

And authorize the Mayor to execute same.

A discussion took place regarding the parties that Harris Beach PLLC will represent and the Board went into a brief executive session for legal advice.

GRANTED

Motion by: Trustee Frohlinger Seconded by: Trustee Livreri
Ayes: Mayor Pappas, Trustees Beaumont, Etrog, Frohlinger, Livreri

RESOLUTION – AUTHORIZE TAKE HOME VEHICLE FOR SUPERINTENDENT OF PUBLIC WORKS

RESOLVED, to authorize the Superintendent of Public Works to use the Village owned vehicle assigned to him as a take home vehicle to permit him to respond to emergency and after hour matters of the Village subject to applicable regulations for value of the personal use.

GRANTED

Motion by: Trustee Etrog Seconded by: Trustee Frohlinger
Ayes: Mayor Pappas, Trustees Beaumont, Etrog, Frohlinger, Livreri

RESOLUTION – REQUEST FOR EXPANDED CURB CUT LARGER THAN PERMITTED – 126 CAYUGA AVENUE

RESOLVED, to consider request of homeowner to permit an expanded curb cut larger than permitted by the Village Code at 126 Cayuga Avenue

GRANTED

Motion by: Trustee Livreri Seconded by: Trustee Frohlinger
Ayes: Trustees Beaumont, Etrog, Frohlinger, Livreri
Abstain: Mayor Pappas

GOOD AND WELFARE

Residents had various questions and concerns:

- House raised by Sunny Atlantic Beach club – house raised to gain storage and FEMA compliant
- Gios parkers going wrong way on street

OVERTIME FOR PUBLIC WORKS – Winter Snow Removal

RESOLVED, that public works employees be paid time and one half - over 40 hours - for snow removal during the 2024/2025 winter season.

GRANTED

Motion by: Trustee Livreri Seconded by: Trustee Beaumont
Ayes: Mayor Pappas, Trustees Beaumont, Etrog, Frohlinger, Livreri

**HIRE TOWING COMPANY TO REMOVE CARS ILLEGALLY PARKED DURING
SNOWSTORMS, EMERGENCIES OR AS NEEDED**

- Burnside Avenue Garage, Inwood, NY - rehired

GRANTED

Motion by: Trustee Livreri Seconded by: Trustee Beaumont
Ayes: Mayor Pappas, Trustees Beaumont, Etrog, Frohlinger, Livreri

APPROVAL OF BILLS

RESOLVED, that all bills be paid in the amount of \$338,293.10

Motion by: Trustee Beaumont Seconded by: Trustee Etrog
Ayes: Mayor Pappas, Trustees Beaumont, Etrog, Frohlinger, Livreri

APPROVAL OF MINUTES

November 12, 2024 Minutes were accepted a written by the Village Clerk

GRANTED

Motion by: Trustee Livreri Seconded by: Trustee Beaumont
Ayes: Mayor Pappas, Trustees Beaumont, Etrog, Frohlinger, Livreri

DATE OF NEXT MEETING – Monday, January 13, 2025

ADJOURNMENT

At 9:00 PM Mayor Pappas a motion to adjourn.
Seconded by: Trustee Etrog
Ayes: Mayor Pappas, Trustees Beaumont, Etrog, Frohlinger, Livreri

Emily Siniscalchi, Village Clerk

Nassau County



Police Department

BRUCE A. BLAKEMAN
COUNTY EXECUTIVE

1490 Franklin Avenue
Mineola, New York 11501
(516) 573-8800

PATRICK J. RYDER
COMMISSIONER

Fourth Precinct
1699 Broadway
Hewlett, New York 11557

December 3, 2024

Honorable Mayor and Board of Trustees
Incorporated Village of Atlantic Beach
65 The Plaza
Atlantic Beach, New York 11509

Dear Mayor Pappas:

Shown below is the Police Report for the month of November 2024:

AIDED CASES:
Total Aided: 11

BURGLARY RESIDENCE:
None

BURGLARY BUSINESS
None

ROBBERY
None

LARCENY AUTO
None

LARCENY (other than auto)
None

CRIMINAL MISCHIEF
None

MOVERS: 17

PARKERS: None

Sincerely,

A handwritten signature in black ink, appearing to read "MM", is written above the typed name.

Michael Marotta
Deputy Inspector
Commanding Officer
Fourth Precinct

BUILDING AND PUBLIC WORKS REPORT December 9, 2024

Vincent Amoroso

PUBLIC WORKS

We've completed approx. 200lf of bike lane construction and decking replacement on the north side and decking replacement on the south side is taking place and continuing. Once decking on the south side is completed, we will be starting the next phase of bike lane, taking us up to the Genesee ramp. The FULL closure of the boardwalk from just east of the Nautilus to Fulton Ave, eliminating the ability to go from end to end is still in place. The Plaza, Genesee & Putnam ramps are open.

The Tioga Road project has been completed and we should be starting the drainage improvement on Bay Blvd from Albany to Broome soon.

The next phase of the Verizon communication cable crossing is underway, and the work will continue until the cable terminates on the Atlantic Beach side from the Rockaways. This should take place within the next 2-3 weeks. Full restoration of roadways will take place at that point.

Several storm drains have been vacuumed out utilizing our street sweeper and this work will continue as weather permits.

Repairs and a new sidewalk are being installed at the Plaza beach entrance adjacent the chair house.

BUILDING DEPARTMENT

Permits:

7- Non-Structural

10 - Structural

2-Plumbing

1- Dumpsters

1-Street opening

CODE ENFORCEMENT

For the month of November our Village Code Officers have written 75 summonses.

TVASNAC

I have not given a TVASNAC Committee report in about 5 years due to Covid 19. The meetings were done via ZOOM and were sparsely attended. There was little or nothing to report. In addition, airline traffic had dropped considerably and the Part 57 Committee which concerns itself with air traffic over the Metropolitan area was also sporadic in attendance. All that is now behind us. Airlines are flying at record numbers and people are once again attending meetings.

We are now focusing on the cause of air noise and what can be done to remediate it. We have looked at flight data sent to us by the Port Authority and have found certain areas north and east of us are receiving a disproportional amount of traffic. Personal observations by committee members suggest that planes are flying too low in those high traffic areas. To prove our point, we have requested raw data from the noise monitors in a few of those areas. The FOIA request was made two years ago and all we have received thus far is excuses and delay tactics. We are hoping to get that information soon so that we can analyze it. If we can find enough altitude violations, we may consider a lawsuit to force the Port and the FAA to modify their landing procedures. The Town Supervisor has supplied legal help to our committee to hopefully force some remediation.

Presently, the glide slope for arriving aircraft is 3.1 degrees. We can mathematically determine altitude versus distance to know how high an aircraft should be when it is over a monitor. When Next Gen is introduced, this problem may get worse. If we can force the FAA to consider a steeper glide slope such as 3.4 or 3.5 degrees, it would offer relief for communities 5 or more miles from the runways. There is also the 65 decibel law which means that the noise readings, when averaged, cannot exceed 65 decibels. In Europe they use a 55 decibel limit. Any home within that high decibel area is available for noise remediation funded by the government.

All of this doesn't involve Atlantic Beach as we only get departure noise and that is fanned out so that we only get every second or third plane. As noisy as it sometimes is here, it still isn't as bad as some other communities.

Our next meeting is January 27th at 7 PM at Town Hall in Hempstead. It is an open meeting, and anyone may attend.

Regards,



Carl Baessler

TVASNAC Committeeman

TREASURER'S REPORT FOR THE MONTH ENDING NOVEMBER 30, 2024

CHASE-REGULAR CHECKING ACCOUNT*	\$ 1,225,207.17
CHASE-PAYROLL ACCOUNT	\$ 41,299.15
CHASE-INVESTOR'S CHOICE BZA ESCROW	\$ 32,583.06
CHASE-CAPITAL ACCOUNT CHECKING ACCOUNT	<u>\$ 253,224.27</u>
TOTAL CHASE	<u>\$ 1,552,313.65</u>
NYCLASS**	<u>\$ 502,417.96</u>
TOTAL ON HAND	<u>\$ 2,054,731.61</u>

*INTEREST \$689.27
**INTEREST \$1,876.02

CAPITAL CHECKING	\$ 253,224.27
BZA ESCROW	<u>32,583.06</u>
SUB-TOTAL	285,807.33
GENERAL FUND	<u>1,768,924.28</u>

TOTAL CASH AVAILABLE \$2,054,731.61

CAPITAL CHECKING ANALYSIS

11.01.2024 BALANCE	\$ 253,086.68
INTEREST FOR PERIOD	137.59
CHECKS WRITTEN	<u>0.00</u>
11.30.2024 BALANCE	<u>\$ 253,224.27</u>

BZA ESCROW ANALYSIS

11.01.2024 BALANCE	\$ 31,564.23
DEPOSITS	1,000.00
TRANSFER TO REG CKG	0.00
CHECKS WRITTEN	0.00
INTEREST FOR PERIOD	<u>18.83</u>
11.30.2024 BALANCE	<u>\$ 32,583.06</u>

Signatures for approval of bills to be paid

Board of Trustees meeting on Monday, Dec. 9th 2024

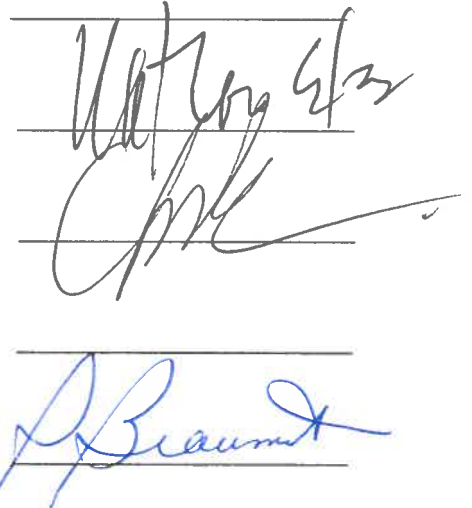
Mayor George J. Pappas

Trustee Nathan Etrog

Trustee Anthony Livreri

Trustee Barry Frohlinger

Trustee Patricia Beaumont



Handwritten signatures of Mayor George J. Pappas, Trustee Nathan Etrog, Trustee Anthony Livreri, Trustee Barry Frohlinger, and Trustee Patricia Beaumont.

Report – 12/6/24	\$332,963.23
Report – 12/9/24	<u>2,231.08</u>
11/27/24	3098.79
Report Total	\$ 335,194.31
	338,293.10

Incorporated Village of Atlantic Beach
Check/Voucher Register - check register
From 11/27/2024 Through 11/27/2024

Bills added Monday, Dec. 9th, 2024 to be approved and paid:

<u>Document No.</u>	<u>Name</u>	<u>Effective Date</u>	<u>Department Code</u>	<u>GL Code</u>	<u>Amount</u>
Dec 2024 ADP	ADP	12/09/2024	1680	64020	613.05
Dec 2024 Lowes	Lowes	12/09/2024	7140	64121	1,062.51
101446797	Wex Bank	12/09/2024	5110	64160	168.98
101446797	Wex Bank	12/09/2024	3120	64160	<u>386.54</u>
	Total Wex Bank				555.52

Report Total for added bills **2,231.08**

Report Total \$338,293.10 for Board Meeting 12/9/24

Incorporated Village of Atlantic Beach
Unposted General Ledger Transactions

Bills to be approved and paid at Monday, Dec. 9th, 2024 Board of Trustees meeting:

Document No.	Name	Effective Date	Department Code	GL Code	Amount
09.19.24	Top Key Court Reporting, Inc.	12/09/2024	A/R	13000	358.00
1000841155	Greenberg Traurig, LLP	12/09/2024	1990	64040	550.00
1071452	T&M Auto Parts	12/09/2024	5110	62300	465.72
10893932	United Ag & Turf NE	12/09/2024	7140	64410	1,177.09
111024	Fellowman Home Improvements, Inc.	12/09/2024	7140	64121	1,075.00
117951	Syosset Truck Sales, Inc.	12/09/2024	5110	62300	909.62
2840265-2024-10-01	Office of the State Comptroller	12/09/2024	1110	64015	601.00
45026	Anker's Electric Service Inc.	12/09/2024	5182	64070	250.00
588795048	De Lage Landen Financial Services	12/09/2024	1010	64101	179.00
A2024-395	Municipal Valuation Service, Inc.	12/09/2024	1990	64040	1,000.00
BL39918	H. Barber & Sons	12/09/2024	5110	64470	870.63
Dec 2024 A WB	Winters Bros.	12/09/2024	8160	64450	21,333.33
Dec 2024 A WB	Winters Bros.	12/09/2024	8160	64461	<u>946.15</u>
	Total Winters Bros.				22,279.48
Dec 2024 A WFI	Wright National Flood Insurance Co.	12/09/2024	1620	64320	1,768.00
Dec 2024 Atlaz	Atlaz International	12/09/2024	1410	64470	162.41
Dec 2024 Atlaz	Atlaz International	12/09/2024	1990	64040	<u>289.00</u>
	Total Atlaz International				451.41
Dec 2024 B WFI	Wright National Flood Insurance Co.	12/09/2024	1620	64320	3,020.00
Dec 2024 DC	Denise Carroll	12/09/2024	1110	64440	100.00
Dec 2024 HOT	House of Tires & Auto Service	12/09/2024	5110	64470	246.90
Dec 2024 JG	Jason Gautreaux	12/09/2024	7140	64405	100.00
Dec 2024 LB	Liam Bowman	12/09/2024	7140	64405	100.00
Dec 2024 Optimum	Optimum	12/09/2024	1110	64200	100.28
Dec 2024 Optimum	Optimum	12/09/2024	1620	64200	<u>717.66</u>
	Total Optimum				817.94
Dec 2024 PSEG	PSEG Long Island	12/09/2024	1620	64240	1,016.66
Dec 2024 PSEG	PSEG Long Island	12/09/2024	5182	64240	<u>994.44</u>
	Total PSEG LI				2,011.10
Dec 2024 RC	Richner Communications, Inc.	12/09/2024	A/R	13000	507.10
Dec 2024 RC	Richner Communications, Inc.	12/09/2024	1620	64400	<u>105.00</u>
	Total Richner Communications, Inc.				612.10
Dec 2024 SA	Steven Addona	12/09/2024	8510	64401	7,380.00
Dec 2024 Sandpiper	Sandpiper Electric	12/09/2024	1620	64100	200.00
Dec 2024 TD	TD Bank Card Services	12/09/2024	1010	64101	22.21
Dec 2024 TD	TD Bank Card Services	12/09/2024	1325	62200	99.99
Dec 2024 TD	TD Bank Card Services	12/09/2024	1410	64100	284.82
Dec 2024 TD	TD Bank Card Services	12/09/2024	5110	64150	974.64
Dec 2024 TD	TD Bank Card Services	12/09/2024	7140	64121	512.97
Dec 2024 TD	TD Bank Card Services	12/09/2024	3620	64100	<u>111.88</u>
	Total TD Card Services				2,006.51

Incorporated Village of Atlantic Beach
Unposted General Ledger Transactions

Dec 2024 A TD	TD Bank Card Services	12/09/2024	3620	64530	21.71
Dec 2024 A TD	TD Bank Card Services	12/09/2024	3620	64800	<u>61.43</u>
	Total TD Bank Card Services				83.14
Dec 2024 Trius	Trius Inc	12/09/2024	5110	64470	1,491.84
Dec 2024 UPC	United Paving Corp.	12/09/2024	5110	64490	275,088.57
Dec 2024 WB	Winters Bros Waste Systems of Lo	12/09/2024	8160	64460	5,704.38
Dec 2024 WFI	Wright National Flood Insurance Co.	12/09/2024	1620	64320	1,768.00
LC-97301	Lawrence Supply, Inc.	12/09/2024	1620	64100	8.22
N27795	The Dees' Nursery & Florist, Inc.	12/09/2024	7140	64405	<u>289.58</u>
Report Total					<u>332,963.23</u>

Bills paid to be approved:

Check Number	Vendor Name	Effective Date	Check Amount
9685	Daniel Miller	11/27/2024	340.00
9686	Denise Carroll	11/27/2024	100.00
9687	Inter County Exterminators	11/27/2024	168.00
9688	National Grid	11/27/2024	234.06
9689	Pitney Bowes Global Financial Servies, LLC	11/27/2024	81.15
9690	PSEG Long Island	11/27/2024	1,879.89
9691	Ready Refresh by Nestle	11/27/2024	106.59
9692	Verizon Wireless	11/27/2024	<u>189.10</u>
Report Total			<u>3,098.79</u>

Total - to be approved and paid	332,963.23
Total - to be approved	<u>3098.79</u>
Report Total	<u>336,062.02</u>