ZOOM MEETING DUE TO COVID 19

PUBLIC HEARING TO ADOPT LOCAL LAW 4-2020 TO
AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH
CHAPTER 115 - FILMING
AND
MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF ATLANTIC BEACH
65 THE PLAZA, ATLANTIC BEACH, NY 11509

OCTOBER 19, 2020

CALL TO ORDER

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

Mayor Pappas thanked everyone for joining us on the zoom meeting – he will answer questions received through the Google website.

ROLL CALL

Present in the village hall were:
Mayor George J. Pappas
Trustees Linda L. Baessler
Danae A. Muddiman
Village Attorney Dominick Minerva
Superintendent of Public Works/Building Inspector
Steven Cherson
Village Clerk Emily Siniscalchi

ZOOM: Trustee Andrew J. Rubin

ABSENT: Trustee Edward A. Sullivan EXCUSED

REPORTS

I. PUBLIC WORKS & BUILDING DEPARTMENT REPORT – Steve Cherson
BUILDINGS: Month of September – received 23 building applications, the Following permits were issued:
- Non-Structural 7; - Structural 5; - Plumbing 1;
- Demolition 1; C of C 4

PUBLIC WORKS: - Remove walks and lifeguard stands; start installing sand fence; replace street signs

Mayor Pappas called the Public Hearing to Order
To Amend Chapter 115 of the Code of the Village of Atlantic Beach – Filming

Mr. Cherson gave an overview of the proposed local law and the following was adopted.

Trustee Muddiman moved the adoption of the following:

INC. VILLAGE OF ATLANTIC BEACH - LOCAL LAW 4-2020
TO AMEND CHAPTER 115 - FILMING

115-1 Permit required;
Filming, as defined herein, of any kind is prohibited within the Village unless a permit therefore shall have been issued by the Board of Trustees to avoid any potential disruptive or adverse impacts on the peace and tranquility of the Village. The application for a permit shall be made on forms provided by the Village Clerk; nonrefundable permit fees therefore shall be established by resolution of the Board.

INC. VILLAGE OF ATLANTIC BEACH - LOCAL LAW 4-2020
TO AMEND CHAPTER 115 - FILMING
(Continued)

115-2 Definitions;
As used in this chapter, the following terms shall have the meanings indicated:
FILMING
The recording for commercial or business use on film, video or other media of motion pictures, commercials, documentaries, shows, performances, athletic or sports events, or the like, excluding still photography on public or private property and the use of persons vehicles, props, cameras or any other items, equipment or materials in connection therewith. The filming of home movies or videos by residents intended for noncommercial uses is exempt there from and is not included within the definition hereof.

115-3 Application;
A. An application for a permit hereunder shall be made on forms provided by the Village Clerk no less than five business days prior to the date upon which the filming is to commence.

B. An application for a permit hereunder shall include the following:
(1) Name, address, e-mail address, and telephone number of the applicant and of a contact person for the filming;
(2) Name, address, e-mail address, and telephone number of an owner of each property to be used in or for the filming;
(3) Purpose of the filming;
(4) The dates and times of day that the film is proposed to be made;
(5) Signed consent of an owner for each property to be used in or for the filming; and
(6) Such other information as the Board of Trustees shall require.

115-4 Fees and incidental costs;
A. The applicant shall pay; in addition to any application fee herein, the actual cost of the incidental use of any Village personnel, services, or equipment in connection with the filming.

115-5 Waiver of fees;
The Board of Trustees may waive application fees in connection with, filming for charitable, educational, public service or other similar nonprofit purposes. Nothing herein contained shall require the waiver of such fees.

115-6 Authority
The Village Clerk or other Village Official shall have the authority to grant or deny any application for a permit or may grant the permit with such restrictions and conditions as he may determine to be necessary to avoid creating within the Village a dangerous condition, an unreasonable interference with the use of Village streets or public places, or a nuisance.

115-6 Permit restrictions;
A. Every permit shall set forth the dates and specific hours during which the filming shall be permitted.

B. No filming nor the use of equipment shall be permitted between the hours of 8:00 p.m. and 8:00 a.m. unless otherwise specifically authorized in the permit.

C. No filming shall be permitted prior to 9:00 a.m. on Saturdays, Sundays or holidays.

D. Nothing herein contained shall prohibit the imposition, of such other reasonable limitations or conditions as the Board of Trustee may determine shall be necessary.

INC. VILLAGE OF ATLANTIC BEACH - LOCAL LAW 4-2020
TO AMEND CHAPTER 115 - FILMING
(Continued)

115-7 Damage or alterations to public property.
A permit holder shall be responsible for any damage to public property or facilities that may result from the permit holder's activities. No alterations are to be made at the locations of principal photography, including, without limitation, cutting trees, trimming bushes, painting or modifying any portion of the boardwalk, removing or relocating sand from the beach without the express authorization of the Board of Trustees.

115-8 Insurance required.
No permit shall be issued until the applicant shall have deposited with the Village Clerk a certificate or policy of general liability insurance, including personal injury and property damage liability. Such insurance shall name the, Village, its officers, employees, and representatives as additional insured. The applicant shall indemnify the Village, its officers, employees, and representatives from and against any claim, loss, or damage resulting from the filming for which the permit has been issued.

115-9 Suspension or revocation of permit.
A. The Village Clerk or such other Village official, as designated in the permit, may suspend or revoke a filming permit for any of the following reasons:
(1) The violation of any condition of the permit;
(2) Conduct that is detrimental to the health, safety or welfare of the public; or
(3) The violation of any law, rule or regulation of the United States, of the State of New York, or of the Village or any department or agency thereof.

B. The suspension or revocation of a permit may be appealed to the Board of Trustees, the decision of which shall be final.

C. Upon the suspension or revocation of a permit, the fee paid therefore shall be forfeit and shall not be refunded.

115-10 Penalties for offenses.
Every person convicted of a violation of any of the provisions of this article shall be punished by and subject to a fine of not more than $2000 or imprisonment

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

Ayes: Mayor George J. Pappas
Trustees Linda L. Baessler
Danae A. Muddiman
Andrew J. Rubin

Noes: None

At 8:00 PM Mayor Pappas adjourned the Public Hearing – seconded by Trustee Baessler – all ayes

<u>AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH – CHAPTER 235 –PARKING</u>

Mayor Pappas asked Steve Cherson to explain the following:
CODE OF THE VILLAGE OF ATLANTIC BEACH
AMEND THE FOLLOWING:
Chapter 235-57 Pacific Boulevard
- The Plaza to Acapulco Street north side – NO PARKING ANYTIME
Chapter 235-69 Pacific Boulevard
- Bermuda Street to Daytona Street south side – VAB PERMIT PARKING

AMEND THE CODE OF THE VILLAGE OF ATLANTIC BEACH – CHAPTER 235 –PARKING
(Continued)

Chapter 235-69 Ocean Boulevard
- 100' east of Daytona Street to 120' west of The Plaza
VAB PERMIT PARKING – SEPTEMBER 15TH TO MAY 15TH

Chapter 235-69 Albany Boulevard
- North of Ocean Boulevard west side – 200' VAB PERMIT PARKING ONLY

Chapter 235-60 – Albany Boulevard: 200' north of Ocean Blvd to Park Street
-west side 10:00 am – 5:00 pm May 15 – September 15

Chapter 235-60 - REMOVE: Pacific Boulevard
-s/s 10:00 am – 5:00 pm May 15 – September 15
Bermuda Street to Daytona street

Mayor Pappas said the above will be a trial for this year.

Motion made by Trustee Baessler; Seconded by Trustee Muddiman

Ayes: Mayor George J. Pappas
Trustees Linda L. Baessler
Danae A. Muddiman
Andrew J. Rubin

Noes: None

GOOGLE QUESTIONS AND CONCERNS

Residents were able to submit questions/concerns/comments on the Village Google Form. The Google form allows residents to have an equal opportunity to have a voice and have the questions/concerns answered.

QUESTION: Are the minutes posted anywhere on the Village website and if not why?
ANSWER: They will be posted on the website after each meeting

QUESTION: What is the status of the Water District development proposal on Beech Street, near Yates Avenue? We have never seen a rendering of the proposed construction.
ANSWER: October 1st they went before the Zoning Board and. The case was adjourned and has not been rescheduled.

QUESTION: American Water buried a pipeline on Park Street where it transitions To Beech Street (cross street is Vernon Avenue) ---Their repaving job was Terrible. When heavy cars and trucks pass by they fall into holes in the road and the house shakes. America Water fixed some old the paving but not in front of his house.

ANSWSER: We will call them to repair – will be totally new when the County repairs Park Street

QUESTION: Is there a comprehensive plan, versus a piecemeal plan for the boardwalk
ANSWER: We put about $100,000 each year into the boardwalk; we repair the areas of most need first.

QUESTION: The boardwalk is in terrible shape. A) it's obvious that sections are repaired as needed, but it seems to never be adequate (ie-there are currently lifting boards and nails sticking up). When can we expect the majority of it to be in better shape? (B) instead of repairing sections, why can't it fully be replaced and updated? AB doesn't offer much in the way of conveniences and the boardwalk is only 1 of the 2 draws (beach being the other). It should really be a priority.
ANSWSER: The cost to repair the entire boardwalk exceeds our yearly budget

GOOGLE QUESTIONS AND CONCERNS (Continued)

QUESTION: Can you please give us an update on infrastructure projects designed To enhance safety? What's the timeline for the reconstruction of Park Street? The bike lane on the northern side of Ocean Boulevard? Speed bumps on Atlantic Boulevard? Completion of bike lane on the boardwalk?
ANSWER: The Park Street project has been delayed due to COVID-19. Hopefully this Spring.

QUESTION: Why are some of the beaches locked during the day? On Sunday, 10/18, Vernon was locked. Many of the beaches were locked during the week as Well. I would also like to know about the possibility of a village dog run.
ANSWER: We are locking the gates due to COVID-19. We have even put security at the Plaza beach entrance and had security driving the beaches checking beach passes.

QUESTION: Are we going to do anything as a community for Halloween" Trick or Treating is deemed a high risk activity.
ANSWER: We are considering a pumpkin decorating day on November 1 – trying to figure out how to handle due to COVID-19.

2021 PARKING STICKER FEE – YEAR ROUND – JANUARY – DECEMBER

The 2021 parking sticker fee will remain at $350 for January – December 2021.

Motion made by Trustee Muddiman; Seconded by Trustee Baessler

Ayes: Mayor George J. Pappas
Trustees Linda L. Baessler
Danae A. Muddiman
Andrew J. Rubin

Noes: None

APPROVAL OF BILLS

Trustee Baessler moved the adoption of the following:

RESOLVED, that all bills are approved in the amount of $40,745.72.

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

Ayes: Mayor George J. Pappas
Trustees Linda Baessler
Danae A. Muddiman
Andrew J. Rubin

Noes: None

APPROVAL OF MINUTES

Motion made by Trustee Rubin and seconded by Trustee Baessler that the Minutes of September 29, 2020 were accepted as written.

DATE OF NEXT MEETING: November 9, 2020

ADJOURNMENT

At 8:15 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 Linda L. Baessler
Danae A. Muddiman
Andrew J. Rubin

Noes: None

Emily Siniscalchi

Emily Siniscalchi, Village Clerk