

**Board of Trustees Meeting**  
**Village of Baxter Estates**  
**315 Main Street, Port Washington, New York**  
**April 7, 2016**  
**7:30PM**

**Meeting Minutes**

**Present:** Mayor Nora Haagenson  
Deputy Mayor Charles Comer  
Trustee Doug Baldwin  
Trustee Alice M. Peckelis  
Trustee Chris Ficalora  
Village Clerk-Treasurer Kiernan  
Village Attorney Chris Prior

**Also present:** Chuck Idol, Jim Sacrestano, Marilyn Sacrestano, Richard Brody, Charlene Berkman, Sarah Minkiewicz, Steven Howley, Brett Santoli, Elizabeth Kase, Gale Berg, and Jim Gill (Court Reporter)

**Mayor Haagenson opened the meeting at approximately 7:30PM with the Pledge of Allegiance & verification of a quorum.**

Congratulations to Trustees Baldwin, Peckelis and Ficalora and Village Justice Liz Kase.

Village Justice Kase was sworn in for a four year term by Attorney Prior.  
Acting Village Justice Berg was sworn in for a one year term by Attorney Prior.  
Trustee Baldwin was sworn in for a two-year term by Attorney Prior.  
Trustee Peckelis was sworn in for a two-year term by Attorney Prior.  
Trustee Ficalora was sworn in for a one-year unexpired term by Attorney Prior.

**Public Hearing 7:55 PM**

Mayor Nora Haagenson opened the Public Hearing duly advertised in the March 30, 2016 issue of the Port Washington News to consider Bill No. 1 of 2016, a proposed local law to authorize the Village of Baxter Estates to authorize a property tax levy in excess of the limit established in New York State General Municipal Law § 3-c, within the Village.

**Close Public Hearing 8:05 PM**

All those present wishing to speak having been heard, on motion of Mayor Haagenson, seconded by Trustee Deputy Mayor Comer, it was unanimously RESOLVED to close the public hearing on Bill No. 1 of 2016.

A verbatim transcript of the public hearing is annexed to and incorporated into these minutes.

**Public Hearing 8:05 PM**

Mayor Nora Haagenson opened the Public Hearing duly advertised in the March 23, 2016 issue of the Port Washington News to consider the Budget for the fiscal year commencing June 1, 2016 and ending May 31, 2017.

**Close Public Hearing 8:30PM**

All those present wishing to speak having been heard, on motion of Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED to close the public hearing on the Budget.

A verbatim transcript of the public hearing is annexed to and incorporated into these minutes.

**Annual Meeting 8:30PM**

**1. Bill No. 1 of 2016**

On motion of Mayor Haagenson, seconded by Deputy Mayor Comer it was unanimously RESOLVED NOT to enact into law Bill No. 1 of 2016, which would have authorized the Village to exceed the Property Tax Levy, the limit established in New York State General Municipal Law § 3-c, within the Village Budget for the year ending May 31, 2017.

**2. Budget for fiscal year commencing June 1, 2016 and ending May 31, 2017**

On motion of Trustee Ficalora, seconded by Trustee Baldwin it was unanimously RESOLVED to adopt the tentative budget presented by Clerk-Treasurer Kiernan as the budget for the Village fiscal year commencing June 1, 2016 and ending May 31, 2017, in the amount of \$853,053.85 which includes \$567,609 to be raised by property taxes attached hereto as Exhibit A.

**3. Approval of March 3, 2016 Meeting Minutes**

On motion of Deputy Mayor Comer, seconded by Trustee Baldwin it was unanimously RESOLVED that the reading of the minutes of the March 3, 2016 Meeting of the Board of Trustees be waived and they be and hereby are approved as amended as presented by Clerk-Treasurer Kiernan attached hereto as Exhibit B.

**4. Old Business**

Dejana Industries Snow Contract

Clerk-Treasurer Kiernan sent a letter to Peter Dejana, attached hereto as Exhibit C, describing what was discussed at the last Board of Trustees meeting held on March 3, 2016 at the request of Dejana staff member, AJ Banarasee who was present at said meeting to hear comments and address concerns from residents and Members of the Board of Trustees regarding snow removal service.

**5. Appointments**

*Mayor Haagenson made the following appointments, subject to the approval of the Board of Trustees, for terms to expire as specified.*

**Landmarks Preservation Commission 2016-2017 (1 year term)**

Alyce O'Rourke

**Board of Zoning and Appeals Members 2016-2021 (5 year term)**

Dr. Peter Salins

**Village Clerk-Treasurer 2016-2018 (2 year term)**

Christina R. Kiernan

**Deputy Village Clerk 2016-2017 (1 year term)**

Elisabeth Roberts

**Village Court Clerk 2016-2017 (1 year term)**

Linda Kropacek

On motion of Deputy Mayor Comer seconded by Trustee Ficalora, it was unanimously RESOLVED that the aforesaid appointments made by Mayor Haagenson be hereby approved.

*Mayor Haagenson made the following appointments subject to the approval of the Board of Trustees for terms of one year, said terms to expire April 2017.*

Deputy Mayor  
Village Attorney  
Village Building Inspector

Charles Comer  
Christopher Prior  
Joseph Saladino

Tree Commissioner	Lance Wagner
Deputy Tree Commissioner	Josh Speisman
Storm Water Runoff Officer	Charles Comer
Building Inspector Liaison	Douglas Baldwin
Commissioner of Public Works	Alice Peckelis
Environmental Commissioner	Christopher Ficalora
Deputy Environmental Commissioner	Alice Peckelis
Planning Board	Board of Trustees
Acting Village Justice	Gale D. Berg
Snow Commissioner	Douglas Baldwin
Assistant Snow Commissioner	Charles Comer
Budget Officer	Christopher Ficalora
Assistant Budget Officer	Doug Baldwin
Village Historian	Steven Howley
Road Commissioner	Douglas Baldwin
Deputy Road Commissioner	Christopher Ficalora
Registrar of Vital Statistics – Town of North Hempstead’s Clerk Wayne Wink, Jr.	
Deputy Registrar of Vital Statistics - Town of North Hempstead’s Deputy Clerk Eileen Kraneburg	

**Village Representatives to:**

Manhasset Bay Protection Committee	Nora Haagenson, Charles Comer
Nassau County Village Officials Assoc.	Mayor Haagenson & Trustees, Village Clerk-Treasurer Kiernan
Chamber of Commerce	Nora Haagenson, Village Clerk-Treasurer Kiernan
Emergency Management	Nora Haagenson, Alice Peckelis

On motion of Deputy Mayor Comer seconded by Trustee Ficalora, it was unanimously RESOLVED that the aforesaid appointments made by Mayor Haagenson be hereby approved.

Village Attorney Christopher Prior swore in newly appointed Village Historian Steven Howley for a 1 year term, 2016-2017.

Steven Howley thanked the Board for his appointment and provided residents with a brief overview of his plans to review and catalog interesting documents and photos such as those that involve architecture and made mention that he intends on creating an electronic records system and to re-introduce welcome packets for new village residents.

**Organizational Meeting**

**6. Organizational Meeting Resolutions**

**Distribution of Local Code of Ethics**

On motion of Mayor Haagenson, seconded by Trustee Baldwin, it was unanimously RESOLVED to accept the Code of Ethics, originally adopted by the Board of Trustees of the Village of Baxter Estates on January 21, 1971 and amended where noted, attached hereto as Exhibit D, and to distribute said Code of Ethics to all public officers and employees of the Village of Baxter Estates for signature.

**Rules of Procedure for the Board of Trustees of the Village of Baxter Estates**

Whereas, Village Law § 4-412 provides that the Board of Trustees may determine its own rules of procedure. On motion of Mayor Haagenson, seconded by Deputy Mayor Comer, now therefore be it RESOLVED that the Village Board of Trustees adopts the Rules and Procedures for the Village of Baxter Estates dated April 7, 2016 and attached hereto as Exhibit E in accordance with Village Law § 4-412.

**Organizational Meeting**

On motion of Trustee Ficalora seconded by Trustee Baldwin, it was unanimously RESOLVED that the Board of Trustees designates April 6, 2017 as the date of the next Village Organizational Meeting.

**Village Law Firm**

On motion of Nora Haagenson, seconded by Trustee Ficalora it was unanimously RESOLVED to appoint the law firm of Ackerman, Levine, Cullen, Brickman & Limmer, LLP to provide legal services for the Village's 2016/2017 year under the retainer agreement dated March 8, 2016 attached hereto as Exhibit F.

#### **Official Village Newspaper**

On motion of Mayor Haagenson, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that the Port Washington News be and hereby is designated as the official newspaper for the Village of Baxter Estates for the official year ending April 2017.

#### **Depository Bank**

On motion of Mayor Haagenson, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that The First National Bank of Long Island be and hereby is designated as authorized depository for Village Funds for the year ending April 2017 and that the village is authorized to accept from the bank letters of credit in forms to the extent permitted under NYS General Municipal Law Section 39, as collateral to secure Village Funds deposited with such depository.

#### **Village Banking-Authorization**

On motion of Mayor Haagenson, seconded by Trustee Ficalora, it was unanimously RESOLVED that Mayor Haagenson, Deputy Mayor Comer and Clerk-Treasurer Kiernan be the sole officials hereby authorized on all Village accounts with First National Bank of Long Island.

#### **Village Credit Card**

On motion of Mayor Haagenson, seconded by Trustee Ficalora, it was unanimously RESOLVED to amend the previously adopted resolution of the March 3, 2016 Board of Trustees meeting, to authorize village credit cards to be established with The First National Bank of Long Island.

#### **Village Court Bank**

On motion of Mayor Haagenson, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that Chase Bank be and hereby is designated as authorized depository for Village Court Funds for the year ending April 2017.

#### **Investment Policy 2016**

On motion of Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED to re-adopt the Village's Investment Policy, as prepared and presented by Village Attorney Prior, attached hereto as Exhibit G.

#### **Capitalization Policy 2016**

On motion of Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED that expenditures for furniture, fixtures and equipment for less than \$1,000.00 be treated as an expense, and that expenditures for furniture, fixtures and equipment for \$1,000.00 or more be capitalized, attached hereto as Exhibit H.

#### **Claim Payments in advance of Audit**

On motion of Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that pursuant to Village Law § 5-524(6), this Board authorizes certain payments in advance of its audit of claims, in order to provide for the smooth, continuous and proper operation of the Village's affairs; and Whereas, the board of trustees has determined that the Clerk-Treasurer is hereby authorized to make payment in advance of audit of claims for payroll, postage, electric, gas, water, sewer, telephone services, cable, freight and express charges; and Whereas all such claims shall be presented at the next regular meeting for audit; and Whereas the claimant and the officer incurring or approving the claim shall be jointly and severally liable for any amount disallowed by this Board and that this Resolution be effective immediately.

#### **Attendance at Schools, Conferences and Association Meetings**

On motion of Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that the following officers and employees, Christina R. Kiernan and Elisabeth Roberts, are authorized to attend the following schools and conferences with prior approval of the Mayor to the extent contemplated by the budget: a) NYCOM's Winter Legislative Meeting, b) NYCOM's Annual Meeting and Training School, c) NYCOM's Fall Training School, d) NYCOM's Public Works Training School, and e) the following association meetings and conferences: Long Island Village Clerks & Treasurers Association, Government Finance Officers Association, and the Nassau County Village Officials Association and that this Resolution be effective immediately.

### **Standard Work Day and Reporting Resolution**

On motion of Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that the Village of Baxter Estates, Location Code 40564, hereby establishes its standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by the clerk of this body and that the Village Clerk-Treasurer is hereby authorized, in the name and on behalf of the Village, to execute and deliver the Standard Work Day Resolution for Employees RS2418 document, in the form annexed to these minutes and presented to the Board as Exhibit I and that the standard workday hours of Village Clerk-Treasurer be listed as 7 hours and Deputy Village Clerk as 4 hours.

### **Mileage Allowance**

On motion of Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED that pursuant to Village Law § 5-524(7), the actual and necessary expenses of the Village Clerk-Treasurer and Deputy Village Clerk incurred when performing their official duties are a village charge, therefore the Board of Trustees has determined to pay a fixed rate for mileage at a rate of \$.54 per mile as reimbursement to the Village Clerk-Treasurer and Deputy Village Clerk when they use their personal automobiles while performing their official village duties and this this resolution become effective immediately.

### **Regular Business**

#### **7. Street Sweeping Contract**

The Board received proposals submitted to the Village for the 2016 Street Sweeping Contract with an option to extend to 2017.

On motion of Trustee Baldwin, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that the contract for Street Sweeping be awarded to McGowan & Sons, the lowest responsible bidder, for a one year period, 2016, with an option for 2017.

#### **8. Window Washing Estimates**

On motion of Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED to accept the estimate for the inside and outside window washing including the shutters of 315 Main Street in the amount of \$820 by Long Island Window Cleaning & Pressure Washing.

#### **9. Storm Damage Estimates**

On motion of Mayor Haagenon, seconded by Deputy Mayor Comer, it was unanimously RESOLVED to accept the estimate for fixing the roof, portico and gutters damaged by the storm on February 24, 2016 in the amount of \$3,600 by Class A Roofing & Siding.

#### **10. Annual Storm Water Report**

Deputy Mayor Comer advised that the reporting form for this year is available from New York State and that he, Deputy Village Clerk Elisabeth Roberts and Building Inspector Joseph Saladino are working on the report and that a copy will be made available at village hall and at the Port Washington Public Library after the May 5, 2016 Board of Trustees Meeting for public comment. The report will subsequently be filed with the state; the deadline for filing the report is June 1, 2016.

#### **11. Ice Cream Truck Permit**

The Board of Trustees directed Clerk-Treasurer Kiernan to obtain a copy of the vehicle registration and vehicle insurance for any ice cream truck businesses.

#### **12. Tree Permit Application - Christ, 25 North Washington Street**

Clerk-Treasurer Kiernan provided, and the Board reviewed, copies of Deputy Tree Inspector Josh Speisman's April 2, 2016 Tree Inspection Report for Christ, 25 North Washington Street.

After discussion, upon motion made by Trustee Baldwin, seconded by Trustee Ficalora, it was RESOLVED, that the tree designated on the tree inspection report, attached as Exhibit J, may be removed, with the costs thereof to be borne by Mr. Christ and the work to be performed by a properly insured contractor.

**13. Amendment to May 7, 2015 Tree Permit Application Resolution for Kyle & Sarah Crennan**

Clerk-Treasurer Kiernan reported that in follow-up to correspondence made by Kyle and Sarah Crennan to the village regarding the difficulty in finding a magnolia tree 15' above grade, she had asked Building Inspector Joseph Saladino to inquire as to the availability of a 15' foot above grade magnolia tree. Upon investigation by Building Inspector Joseph Saladino, it was determined that there is availability of 10' above grade Magnolia trees and that that size would be more reasonable.

After discussion, upon motion made by Deputy Mayor Comer, seconded by Trustee Ficalora, it was RESOLVED to amend a previous resolution dated May 7, 2015 for Kyle & Sarah Crennan, 11 Ridgeway Road, to grant a Tree Permit conditioned upon their planting a 10' Magnolia tree in the front yard replacing the one being removed, grinding the stump down and maintaining the newly planted Magnolia tree to create a street canopy.

**14. Authorize Mayor Haagenson to sign Declaration of Covenants and Restrictions (Marreck, 27 Overlook )**

After discussion, upon motion made by Deputy Mayor Comer, seconded by Trustee Ficalora, it was unanimously RESOLVED as follows, that the Mayor is hereby authorized, in the name and on behalf of the Village, to execute and deliver the Declaration of Covenants and Restrictions and Easement Concerning Improvements in Overlook Drive Right of Way, in the form annexed to these minutes and presented to the Board as Exhibit K.

**15. Fire Contract 2016**

After discussion, upon motion made by Trustee Baldwin, seconded by Trustee Ficalora, it was unanimously RESOLVED as follows: that the Mayor is hereby authorized, in the name and on behalf of the Village, to execute and deliver the Fire Protection Contract dated January 1, 2016 through December 31, 2016, between the Port Washington Fire Department, Inc. ("PWFD"), and the Village of Baxter Estates, in the form proposed by PWFD, as annexed to these minutes and presented to the Board as Exhibit L, conditioned on same being amended to the satisfaction of the Village Attorney to reflect that both parties shall hereafter amend same upon the effectiveness of the Fire Protection Contract to be dated as of June 1, 2016 between the PWFD and the Village of Sands Point ("VSP"), in order to incorporate into the PWFD/VBE Fire Protection Contract any provisions of the June 1, 2016 PWFD/VSP Fire Protection Contract that amend the current PWFD/VSP Fire Protection Contract to the extent deemed by the Mayor and Village Attorney to be in the best interests of the Village of Baxter Estates.

**16. First National Bank of Long Island**

After discussion, upon motion made by Trustee Baldwin, seconded by Trustee Ficalora, it was unanimously RESOLVED to authorize the Mayor, Village Clerk-Treasurer and other village officials to execute and deliver to The First National Bank of Long Island account agreements and related instruments presented by the bank in connection with the depository relationship between the village and the bank, provided that the form *third party collateral agreement* be amended to the satisfaction of the village attorney.

**17. Approval of Voucher Claims**

After discussion, on motion made by Deputy Mayor Comer, seconded by Trustee Ficalora, it was unanimously RESOLVED that the Audited Vouchers dated April 7, 2016 for the General Fund totaling \$43,933.40 be and hereby are approved as prepared by Clerk-Treasurer Kiernan.

**18. Financial Report & Audit**

Clerk-Treasurer provided the Board of Trustees with a Financial Report & Audit.

**19. Public Works & Public Safety Report Prepared by Clerk-Treasurer Kiernan**

- a. PW Water Pollution Control District- Nothing to report.
- b. Meadow Carting- Garbage- One complaint was received regarding pick-up of recyclables, forwarded to Clerk-Treasurer Kiernan and the PW Garbage District.

- c. Trees-Frank Hefferin- Nothing to report.
- d. Snow- Dejana- Nothing to report.
- e. Landscaping- Keough Inc. provided the initial spring clean-up service of the 315 Main Street Village Hall property and cleaned the gutters.
- f. Public Works- Miscellaneous- Keough Inc.- Bob Keough removed four (4) signs and five (5) barricades on Tianderah Road, new no parking signs were put in place on Locust Avenue, a new Yield sign post was put up on Locust Avenue near the intersection, and additional snow melt was picked up the Mayor's request.
- g. Catch Basin Project - A Catch Basin is being reconstructed by Maura Bros. at Ridgeway Road. A highway reconstruction project on Green Hays and North Washington will begin shortly after. The next reimbursement paperwork for CHIPS needs to be filled out in May for June reimbursement.
- h. Solid Waste Management- NH Recycling Center on West Shore Road-Nothing to report.
- i. Albertson Electric- Lighting Poles- Nothing to report.
- j. Signs- Three (3) "No Parking" signs were ordered for Locust Avenue.
- k. Police - Deputy Chief DeMurro spoke with the Village Clerk's office regarding the village's request for a monthly police report summary.
- l. Fire Department - There were eight (8) fire/ems calls from VBE residents this month.
- m. PSEG Long Island- PSEG Long Island Municipal Liaison Pennie Vakkas contacted the village once this month in preparation of potentially dangerous weather conditions.
- n. National Grid- Nothing to report.

#### **Executive Session 11:05PM**

On motion of Mayor Haagenson seconded by Deputy Mayor Comer, it was unanimously RESOLVED to enter into Executive Session to consider personnel matters.

At 12:00AM, Mayor Haagenson stated that Executive Session had concluded and that no action had been taken.

There being no further business before the Board, on motion of Trustee Peckelis, seconded by Trustee Ficalora, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 12:00AM.

  
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Chrissy Kiernan, Village Clerk-Treasurer  
Clerk to the Board

Exhibit A

INCORPORATED VILLAGE OF BAXTER ESTATES

BUDGET

FOR THE YEAR JUNE 1, 2016 TO MAY 31, 2017

INCORPORATED VILLAGE OF BAXTER ESTATES  
 BUDGET  
 FOR THE YEAR JUNE 1, 2016 TO MAY 31, 2017

	<u>GENERAL FUND</u>	<b>Prior Year: Memo Only</b>
APPROPRIATIONS (Page 4)	\$ <u>853,053.85</u>	<u>907,791.55</u>
LESS:		
ESTIMATED REVENUES OTHER THAN REAL PROPERTY TAXES (Page 5)	\$ 89,600.00	80,600.00
APPROPRIATED SURPLUS (Page 6)	195,844.85	260,000.00
APPROPRIATED RESERVE		
OTHER	<u>                    </u>	
TOTAL REVENUES	<u>285,444.85</u>	<u>340,600.00</u>
BALANCE TO BE RAISED BY REAL PROPERTY TAX LEVY (APPROPRIATIONS LESS TOTAL REVENUES)	\$ <u>567,609.00</u>	<u>567,191.55</u>
TOTAL ASSESSED VALUE OF TAXABLE PROPERTY - INCLUDING SPECIAL FRANCHISES FOR UTILITIES	\$ <u>683,290.00</u>	<u>683,775.00</u>
TAX RATE PER HUNDRED DOLLARS	\$ <u>83.0700</u>	<u>82.9500</u>

INCORPORATED VILLAGE OF BAXTER ESTATES  
 BUDGET  
 FOR THE YEAR JUNE 1, 2016 TO MAY 31, 2017

APPROPRIATIONS ARE MADE FOR THE TOTAL AMOUNT SHOWN FOR EACH ADMINISTRATIVE UNIT. DETAILS BY OBJECT OF EXPENSE ARE SHOWN FOR THE CONVENIENCE OF THE BOARD OF TRUSTEES IN DETERMINING THE APPROPRIATION FOR EACH ADMINISTRATIVE UNIT.

A/C NO.	2014-2015 EXPENDED	2015-2016 BUDGET AS MODIFIED	2016-2017 BUDGET OFFICERS RECOMMEND- ATION	ADOPTED
	\$	\$	\$	
<b>BOARD OF TRUSTEES</b>				
A1010.2 Equipment				
A1010.46 Miscellaneous	2,090.50	3,500.00	4,000.00	3,000.00
<b>VILLAGE COURT</b>				
A1110.1 Personal Services	9,450.00	6,500.00	6,500.00	6,500.00
A1110.41 Supplies	1,557.52	2,500.00	2,500.00	2,000.00
A1110.45 Fees for Services	500.00	2,000.00	2,000.00	500.00
<b>AUDITOR</b>				
A1320.45a Fees for Services-VBE	6,592.00	7,200.00	7,200.00	7,200.00
A1320.45b Fees for Service-Justice Court	850.00	850.00	850.00	850.00
<b>TREASURER</b>				
A1325.10 Personal Services	26,637.96	26,638.00	0.00	
A1325.45 Fees for Services				
A1325.46 Contractual (Miscellaneous)	53.00	55.00	55.00	
<b>CLERK</b>				
A1410.10 Personal Services - Clerk	47,117.98	47,118.00	75,000.00	75,000.00
A1410.10 Personal Services - Deputy V. C.	37,269.23	39,330.00	40,500.00	40,500.00
A1410.20 Equipment	4,182.98	3,000.00	3,000.00	1,000.00
A1410.41 Supplies	6,380.95	8,000.00	8,000.00	8,000.00
A1410.42 Telephone	1,489.24	2,000.00	2,000.00	2,000.00
A1410.44 Contractual Services	2,339.60	2,000.00	2,000.00	1,800.00
A1410.45 Fees for Services				
A1410.46 Miscellaneous	463.25	2,850.00	3,850.00	3,850.00
<b>LAW</b>				
A1420.44a Litigation - Prosecutor	13,529.78	7,000.00	7,000.00	7,000.00
A1420.44b Litigation - Other	54,210.41	35,000.00	35,000.00	35,000.00
A1420.45 Fees for Services	39,545.90	40,000.00	40,000.00	40,000.00
A1420.46 Codification	1,988.06	2,500.00	2,500.00	3,000.00
<b>ENGINEER</b>				
A1440.45 Fees for Services		8,000.00	8,000.00	5,000.00
<b>ELECTIONS</b>				
A1450.41 Supplies	0.00	50.00	50.00	50.00
A1450.45 Fees for Services	315.00	1,000.00	1,000.00	500.00

INCORPORATED VILLAGE OF BAXTER ESTATES  
 BUDGET  
 FOR THE YEAR JUNE 1, 2016 TO MAY 31, 2017  
 GENERAL FUND - APPROPRIATIONS  
 (SEE EXPLANATORY NOTES AT TOP OF PAGE 1)

<u>A/C NO.</u>	<u>2014-2015 EXPENDED</u>	<u>2015-2016 BUDGET AS MODIFIED</u>	<u>2016-2017 BUDGET OFFICERS RECOMMEND- ATION</u>	<u>ADOPTED</u>
<b>BUILDINGS</b>				
A1620.2 Building		20,000.00	20,000.00	10,000.00
A1620.43 Utilities	7,529.10	8,000.00	8,000.00	8,000.00
A1620.44 Contractual Services	12,671.97	20,000.00	20,000.00	10,000.00
A1620.47 Rent				
<b>SPECIAL ITEMS</b>				
A1910.0 Unallocated Insurance	19,934.51	21,500.00	21,500.00	21,500.00
A1920.0 Municipal Association Dues	3,011.00	7,000.00	7,000.00	3,000.00
A1950.4 Sewer Tax	1,273.76	4,000.00	4,000.00	3,000.00
A1960.4 Met Commuter Trans Mobility Tax				
A1964.0 Refund of Real Property Taxes	1,432.27	15,000.00	15,000.00	6,500.00
A1980.0 Provision for Allowance for Uncollected Taxes		2,300.00	2,300.00	1,500.00
A1990.0 Contingent Account (5%)		48,410.66	42,724.37	40,621.62
<b>FIRE DEPARTMENT</b>				
A3410.43 Insurance	9,478.40	12,000.00	12,000.00	12,500.00
A3410.44 Contractual Expense	120,070.11	121,841.06	125,039.48	125,039.48
<b>SAFETY INSPECTION</b>				
A3620.45 Fees for Services	37,170.10	40,000.00	40,000.00	42,000.00
<b>REGISTRAR OF VITAL STATISTICS</b>				
A4020.45 Fees for Services		3.00	3.00	3.00
<b>STREET MAINTENANCE</b>				
A5110.44 Contractual Expense	5,350.43	20,000.00	20,000.00	20,000.00
<b>PERMANENT IMPROVEMENTS</b>				
A5112.20 Reconstruction of Roads		40,000.00	40,000.00	40,000.00
<b>SNOW REMOVAL</b>				
A5142.41 Supplies		11,000.00	11,000.00	11,000.00
A5142.44 Contractual Expense	71,072.00	70,000.00	70,000.00	70,000.00
<b>STREET LIGHTING</b>				
A5182.44 Contractual Expense	8,388.78	9,500.00	9,500.00	8,500.00
<b>SIDEWALKS</b>				
A5410.44 Contractual Expense	0.00	3,000.00	3,000.00	3,000.00

INCORPORATED VILLAGE OF BAXTER ESTATES  
 BUDGET  
 FOR THE YEAR JUNE 1, 2016 TO MAY 31, 2017  
 GENERAL FUND - APPROPRIATIONS  
 (SEE EXPLANATORY NOTES AT TOP OF PAGE 1)

A/C NO.	2014-2015 EXPENDED	2015-2016 BUDGET AS MODIFIED	2016-2017 BUDGET OFFICERS RECOMMEND- ATION	ADOPTED
<b>STORM SEWERS</b>				
A8140.44 Contractual Expense		8,000.00	8,000.00	8,000.00
<b>STREET CLEANING</b>				
A8170.43 Street Sweeping	13,610.00	14,000.00	14,000.00	14,000.00
A8170.44 Leaf Removal	24,833.33	26,000.00	25,000.00	25,000.00
<b>COMMUNITY ENVIRONMENT</b>				
A8510.0 Community Beautification	3,766.65	5,000.00	5,000.00	7,000.00
A8561.0 Shade Trees	0.00	7,000.00	7,000.00	4,000.00
<b>EMPLOYEE BENEFITS</b>				
A9010.8 State Retirement	10,509.00	11,000.00	11,000.00	11,000.00
A9030.8 Social Security/Medicare	11,906.48	12,208.33	12,546.00	12,546.00
A9040.8 Workers Compensation	2,439.99	2,200.00	2,200.00	2,200.00
A9050.8 Unemployment Insurance	1,469.80	1,050.00	1,050.00	1,050.00
A9060.8 Hospital & Medical Insurance	14,332.00	15,000.00	0.00	0.00
<b>DEBT SERVICE PRINCIPAL</b>				
A9710.6 Principal on Indebtedness	75,000.00	80,000.00	85,000.00	85,000.00
<b>DEBT SERVICE INTEREST</b>				
A9710.7 Interest on Indebtedness	6,756.25	5,687.50	4,343.75	4,343.75
TOTAL EXPENDED 2014-2015	\$ 718,569.29			
TOTAL BUDGET AS MODIFIED 2015-2016		\$ 907,791.55		
TOTAL BUDGET OFFICER'S RECOMMENDATION 2016-2017			\$ 897,211.60	
GRAND TOTAL GENERAL FUND APPROPRIATIONS				\$ 853,053.85

INCORPORATED VILLAGE OF BAXTER ESTATES  
 BUDGET  
 FOR THE YEAR JUNE 1, 2016 TO MAY 31, 2017  
 GENERAL FUND  
 ESTIMATED REVENUES OTHER THAN REAL ESTATE TAXES TO BE LEVIED

A/C NO.	2014-2015 ACTUAL	2015-2016 ESTIMATED AS MODIFIED	2016-2017 BUDGET OFFICER'S ESTIMATED	ADOPTED
A1090	INTEREST AND PENALTIES ON \$	\$	\$	
	REAL PROPERTY TAXES	4,169.02	1,000.00	1,000.00
A1120	SALES TAX DISTRIBUTION	2,776.00	2,700.00	2,700.00
A1170	FRANCHISE FEES	11,245.50	10,000.00	10,000.00
A1560	SAFETY INSPECTION FEES	36,577.85	15,000.00	20,000.00
A2170	ZONING FEES			
A2401	INTEREST EARNINGS		100.00	100.00
A2410	RENTAL OF PROPERTY	21,550.00	20,400.00	20,400.00
A2610	FINES AND FORFEITED BAIL	10,329.25	6,000.00	10,000.00
A2655	MINOR SALES	37.50	200.00	200.00
A2665	SALES OF EQUIPMENT			
A2680	INSURANCE RECOVERIES			
A2690	OTHER COMPENSATION FOR LOSS			
A2701	REFUND - PRIOR YEAR EXPENSE			
A2705	GIFTS AND DONATIONS			
A2770	OTHER UNCLASSIFIED REVENUE:			
A3001	STATE AID, PER CAPITA	7,166.00	6,200.00	6,200.00
A3005	STATE AID, MORTGAGE TAX	22,105.97	10,000.00	10,000.00
A3089	STATE AID, STAR PROGRAM			
A3501	STATE AID, CHIPS		9,000.00	9,000.00
A3599	STATE AID, GRANTS			
A3960	STATE AID, DISASTER RELIEF	2,799.90		
TR2705	GIFTS AND DONATIONS			
TOTAL ACTUAL 2014-2015		\$ 118,756.99		
TOTAL ESTIMATED AS MODIFIED 2015-2016		\$ 80,600.00		
TOTAL BUDGET OFFICER'S ESTIMATE 2016-2017			\$ 84,600.00	
GRAND TOTAL ESTIMATED REVENUES OTHER THAN REAL PROPERTY TAXES			\$ 89,600.00	

INCORPORATED VILLAGE OF BAXTER ESTATES  
BUDGET  
FOR THE YEAR JUNE 1, 2016 TO MAY 31, 2017

ESTIMATED SURPLUS AT END OF PRESENT FISCAL YEAR

GENERAL  
FUND

ESTIMATED SURPLUS AT END OF PRESENT FISCAL  
YEAR AFTER DEDUCTING ESTIMATED ENCUMBRANCES \$ 300,000.00

ESTIMATED SURPLUS APPROPRIATED BY BOARD \$ 195,844.85

INCORPORATED VILLAGE OF BAXTER ESTATES  
BUDGET  
FOR THE YEAR JUNE 1, 2016 TO MAY 31, 2017

ESTIMATE OF SPECIAL RESERVES AS OF MAY 31, 2016

	<u>BALANCE</u>	<u>BUDGET OFFICERS RECOMMENDED APPROPRIATION</u>
GENERAL FUND RESERVE FOR HIGHWAY MAINTENANCE	\$ <u>154,376.26</u>	\$ <u>154,376.26</u>
GENERAL FUND CAPITAL FUND	\$ <u>67,509.00</u>	\$ <u>67,509.00</u>

INCORPORATED VILLAGE OF BAXTER ESTATES  
BUDGET  
FOR THE YEAR JUNE 1, 2016 TO MAY 31, 2017

SCHEDULE OF SALARIES AND WAGES

ALL FUNDS

GENERAL FUND

	UNIT AND TITLE	TOTAL APPROPRIATION
A1110.1	VILLAGE COURT Clerk 1 person for 12 months	\$ 6,500.00
A1410.1	CLERK- TREASURER Clerk-Treasurer 1 person for 12 months Deputy Village Clerk 1 person 12 months	75,000.00 40,500.00
A3620.45	BUILDING INSPECTOR 1 person for 12 months	<u>42,000.00</u>
	TOTAL GENERAL FUND - SALARIES AND WAGES	\$ <u>164,000.00</u>

I CERTIFY THAT THIS IS A TRUE COPY OF THE  
BUDGET OF THE VILLAGE OF BAXTER ESTATES  
FOR THE FISCAL YEAR ENDING MAY 31, 2017  
AS IT WAS ADOPTED BY THE VILLAGE BOARD  
ON APRIL 7, 2016.

SIGNED *Nancy Horgerson*  
TITLE *Mayor*

# Exhibit B

Board of Trustees Meeting  
Village of Baxter Estates  
315 Main Street, Port Washington, New York

March 3, 2016

7:30PM

Present: Mayor Nora Haagenson  
Deputy Mayor Charles Comer  
Trustee Alice M. Peckelis  
Trustee Doug Baldwin, arrived at 9:15pm  
Trustee Chris Ficalora  
Village Clerk-Treasurer Chrissy Kiernan  
Village Attorney Christopher Prior

Also present: Darrin Lewis, Chuck Idol, Scott Sheehan, Peter Marreck, Stephanie Philipe, and AJ Banarsee

Mayor Haagenson led all assembled in the Pledge of Allegiance.

## **Regular Meeting 7:30PM**

### **New Business**

#### **1. 27 Overlook Drive- Marreck- Board of Zoning & Appeals Decision Approval**

At the December 3, 2015 Board Meeting, the Board considered the Application of Peter Marreck, 27 Overlook Drive, for permission to reconstruct Driveway and Retaining Walls in the village right of way as part of a project that also required variances from the Board of Appeals. Mr. Marreck reported that the Board of Appeals after a public hearing on February 24, 2016, granted the variances for the portion of the project on the Marreck property; Mr. Marreck and his design professionals re-presented the project, and confirmed that the project now proposed is identical to that presented to the Trustees on December 3, 2015, and approved by the Board of Appeals.

After discussion, upon motion of Deputy Mayor Comer, seconded by Trustee Ficalora, it was:

RESOLVED to approve the Application of Peter Marreck, 27 Overlook Drive, to reconstruct Driveway and Retaining Walls in the public right-of-way, conditioned upon (i) all construction being in compliance with the plans approved by the Board of Appeals following its February 24, 2016 hearing on the Marreck's companion variance application, and (ii)

delivery by the Marrecks to the Village of an Instrument of Covenants and Restriction with Indemnity in form acceptable to the Village Attorney by not later than May 1, 2016, with all costs associated therewith, including drafting and recording, to be borne by the applicants.

Mayor Haagenson	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin		Not present
Trustee Peckelis	Aye	
Trustee Ficalora	Aye	

2. Village Snow Plow Service - AJ Banarsee, Representative from Dejana Industries

Upon request of the Board of Trustees, AJ Banarsee of Dejana Industries appeared to address the Board and residents regarding issues with snow plow service during the snow storm on the weekend of Saturday, January 23, 2016.

Mayor Haagenson, the Board of Trustees and residents voiced concerns over the poor quality of snow plow service, including timeliness of plowing, unplowed streets, insufficient sand/salt mixture and placement of piled snow. Mr. Banarsee apologized, and suggested that the magnitude of the storm complicated Dejana's performance. He promised better future service. Deputy Mayor Comer asked Dejana to carefully avoid piling snow over fire hydrants. Clerk-Treasurer Kiernan suggested providing a map of fire hydrants prior to the winter season so that Dejana would know where the fire hydrants are located. Trustee Ficalora asked for an adjustment and/or financial compensation in the snow contract. Mayor Haagenson stated the Village would formally register a complaint via letter with Peter Dejana. Mr. Banarsee advised that he would address the issues and request with his employer.

3. Parking on Locust Avenue.

At the February 4th, 2016 Board Meeting, after resident Darren Lewis requested no parking on the north side of Locust Avenue from North Washington, on the west, to Library Drive, the Board deferred action to this evening's meeting, and asked Clerk-Treasurer Kiernan to invite to this evening's meeting all residents whose properties border the area where the "no parking" change is proposed. Clerk-Treasurer Kiernan confirmed that the invitation, in the form attached as Exhibit B, was delivered to all such residents. No residents other than Mr. Lewis attended.

After discussion, upon motion by Deputy Mayor Comer, seconded by Trustee Ficalora, it was:

RESOLVED, that there shall be no parking at any time on the north side of Locust Avenue between Library Drive and North Washington Street, effective once signs are posted.

Mayor Haagenson	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin		Not present
Trustee Peckelis	Aye	
Trustee Ficalora	Aye	

Clerk-Treasurer Kiernan was asked to provide a certified copy of the Resolution to the Port Washington Police Department, to notify the library by mail of the action, and to replace the existing street parking signs with new signs consistent with the resolution.

#### 4. Tianderah Road Re-Opening

After discussion, upon motion by Trustee Ficalora, seconded by Deputy Mayor Comer, it was:

RESOLVED to re-open Tianderah Road to vehicular traffic on April 1, 2016, subject to favorable weather conditions.

Mayor Haagenson	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin		Not present
Trustee Peckelis	Aye	
Trustee Ficalora	Aye	

#### 5. Landscaping Proposals

Clerk-Treasurer Kiernan presented the low proposals received by the Village in response to an RFP. The Board analyzed same, and found the proposal of Robert Keough, Inc. to be acceptable.

On motion of Deputy Mayor Comer, seconded by Trustee Ficalora, it was:

RESOLVED to accept the proposal of Robert Keough Inc., copy attached hereto as Exhibit C, in the total amount of \$4,835, to perform landscaping maintenance of Village Hall property at 315 Main Street, and Other Village Property including Baxter Beach and Parkland, Overlook Drive, Central Drive, Bayside Avenue, Virginia Avenue and Library Drive , conditioned upon the Clerk confirming with Cardi Landscaping that its proposal incorrectly proposed per event pricing, rather than the per season pricing requested by the Village.

Mayor Haagenson	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin		Not present
Trustee Peckelis	Aye	
Trustee Ficalora	Aye	

6. Street Light Estimate #7 Harborview Road

Clerk-Treasurer Kiernan submitted two estimates (Albertson Electric proposed \$2,890 and Home Run Electric proposed \$3,350) to repair the Street Light located at #7 Harborview Road, including installation of a new 170' line from the utility pole to the street and associated trenching, back fill and blacktop repair. Clerk-Treasurer Kiernan noted that other companies had been contacted, but refrained from submitting proposals. Deputy Mayor Comer and Trustee Ficalora stated that the proposals were high. Deputy Mayor Comer offered to contact the companies to explore alternate solutions.

7. Street Light Estimate #15 Hilltop Road

Clerk-Treasurer Kiernan reported that she was advised by Albertson Electric that the fixture in front of #15 Hilltop Road requires bulb, lens and socket replacement, at a cost of \$245.

On motion of Deputy Mayor Comer, seconded by Trustee Ficalora, it was:

RESOLVED to accept the verbal proposal of \$245 from Albertson Electric.

Mayor Haagenson	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin		Not present
Trustee Peckelis	Aye	
Trustee Ficalora	Aye	

8. Storm Damage to Village Hall - 315 Main Street

Mayor Haagenson reported that a fallen tree damaged the Village Hall gutters and front portico during the February 24th storm. The Village notified Hometown Insurance and is in

the process of receiving estimates to repair the damage. Clerk-Treasurer Kiernan has been in contact with Tom Hughes, the Examiner from Wright Insurance. Once estimates are received, the Village will provide the insurer with the two lowest estimates and the bill from Hefferin Landscaping to remove the tree debris.

9. Street Sweeping Contract

The Board discussed and finalized contract language for the 2016-2017 Street Sweeping Contract. Upon discussion, after a motion made by Trustee Ficalora seconded by Deputy Mayor Comer it was:

RESOLVED that the Village Clerk-Treasurer cause to be published in the Port Washington News the legal notice to bidders for the village annual street sweeping contract, and incorporate the Trustees' proposed changes into the bid documents, to be approved by the Mayor.

Mayor Haagenson	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin		Not present
Trustee Peckelis	Aye	
Trustee Ficalora	Aye	

10. Tree Inspection Report Review - Scotto, 2 Ridgeway Road

Clerk-Treasurer Kiernan provided, and the Board reviewed, copies of Deputy Tree Inspector Josh Speisman's February 22, 2016 Tree Inspection Report for Michael Scotto, 2 Ridgeway Road.

After discussion, upon motion made by Deputy Mayor Charles Comer, seconded by Trustee Ficalora, it was:

RESOLVED, that tree #1 and tree #2 as designated on the tree inspection report attached as Exhibit D may be removed, conditioned upon replacement with one tree, of a height ten feet above grade when planted, the costs thereof to be borne by Mr. Scotto and the work to be performed by a properly insured contractor, and inspected and approved by the Building Inspector upon planting.

Mayor Haagenson	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin		Not present
Trustee Peckelis	Aye	
Trustee Ficalora	Aye	

11. Tree Inspection Report Review - McDonald, 14 Mullon Avenue

Clerk-Treasurer Kiernan provided, and the Board reviewed, copies of Deputy Village Clerk Elisabeth Roberts's memo regarding a tree removal application for 14 Mullon Avenue, with Deputy Commissioner's Speisman's Tree Inspection Report. After discussion, upon motion made by Trustee Ficalora, seconded by Deputy Mayor Comer, it was:

RESOLVED that the three trees designated on the Tree Inspection Report attached hereto as Exhibit E may be removed, conditioned upon replacement with three trees, of a height ten feet above grade when planted, the costs thereof to be borne by Mr. McDonald and the work to be performed at locations approved by the Building Inspector by a properly insured contractor, and inspected and approved by the Building Inspector upon planting.

Mayor Haagenon	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin		Not present
Trustee Peckelis	Aye	
Trustee Ficalora	Aye	

12. Tree Removal Issue- 16 Ridgeway Road

Clerk-Treasurer Kiernan reported on her conversation with Vivian Silverman, 16 Ridgeway Road, regarding a tree that she caused to be removed after obtaining Board approval to remove in November 2014. According to Ms. Silverman, former Village Clerk Yvonne Whitcomb advised her that the Village would pay the removal cost if the tree was found to be on Village property. The Village then came to understand that the tree removed was on Ms. Silverman's property. At Ms. Silverman's urging, on March 3rd, 2016, Building Inspector Joe Saladino reviewed the property survey provided by Mrs. Silverman, and advised Clerk-Treasurer Kiernan that the removed tree was on village property. After discussion, upon motion made by Trustee Ficalora and seconded by Deputy Mayor Comer it was:

RESOLVED to reimburse Ms. Silverman, 16 Ridgeway Road, an amount not to exceed \$300 for costs incurred in removing a tree in the village right-of-way abutting her property.

Mayor Haagenon	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin		Not present
Trustee Peckelis	Aye	
Trustee Ficalora	Aye	

Clerk-Treasurer Kiernan also noted that she would explain to Ms. Silverman the proper protocol for requesting a tree removal on village property for the future.

### 13. Trees on Village Property

Mayor Haagenson reported that she has asked Deputy Tree Inspector Josh Speisman to review all of the trees on the Village property at 315 Main Street. Trustee Ficalora inquired as to whether Mr. Speisman could also look at trees on village parkland at some later date as well. The Board deferred consideration of review of trees other than of 315 Main Street.

### 14. Village Banking Change of Banks

Clerk-Treasurer Kiernan reported on her search for suitable banks for Village accounts. Mayor Haagenson observed that the Village seeks a bank that does not charge the Village fees. Based on her research, Clerk-Treasurer Kiernan requested proposals from two banks that have a nearby location to make cash deposits, zero fees, direct deposit capability and the ability to deposit checks remotely. Proposals from First National Bank of Long Island and Flushing Bank were submitted to the Board for review. After discussion, upon motion of Deputy Mayor Comer, seconded by Trustee Peckelis, it was:

RESOLVED that First National Bank of Long Island will be the official bank of the Village of Baxter Estates and,

FURTHER RESOLVED that the following accounts be moved from Bank of America and opened at First National Bank of Long Island, including: Checking, Money Market, Highway Repair Fund and Capital Reserve Fund, and

FURTHER RESOLVED that First National Bank of Long Island be the official depository, and

FURTHER RESOLVED that all checks are issued thereof, and

FURTHER RESOLVED that Mayor Haagenson, Deputy Mayor Comer and Clerk-Treasurer Kiernan be the sole officials hereby authorized on all Village accounts with First National Bank of Long Island.

Mayor Haagenson	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin		Not present

Trustee Peckelis	Aye	
Trustee Ficalora		Abstained

15. Village Credit Card

On motion of Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that the Village close all accounts associated with the Village Citi charge account.

Mayor Haagenson	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin		Not present
Trustee Peckelis	Aye	
Trustee Ficalora	Aye	

On motion of Trustee Ficalora , seconded by Deputy Mayor Comer , it was unanimously RESOLVED to open a Chase Ink for Business charge account and that Mayor Haagenson, Deputy Mayor Comer and Clerk-Treasurer Kiernan be the sole officials authorized to hold cards for and use the Village’s Chase Ink for Business charge account.

Mayor Haagenson	Aye	
Deputy Mayor Comer	Aye	
Trustee Baldwin		Not present
Trustee Peckelis	Aye	
Trustee Ficalora	Aye	

16. Hometown Insurance/NYMIR

Clerk-Treasurer Kiernan reported on premium rate changes regarding the Village's liability insurance policy, noting that she will monitor the periods of time after which lawsuits against the Village are settled or decided. Hometown, the Village’s insurance consultant, advises that every five years the rate is adjusted based on the number of individual lawsuits against the Village that are initialed within the most recent five year period.

17. Tax Cap

Village Attorney Christopher Prior explained that, in any year in which the Board may need to authorize a Village property tax levy in excess of the limit established under New York

State General Municipal Law § 3-c, the Board must enact a local law establishing that authority. The Board members noted that, at this stage of the budget process, the possibility exists that such a levy will be needed. After discussion, upon motion made by Mayor Haagenson, seconded by Deputy Mayor Comer, it was:

RESOLVED to introduce, and hold a public hearing on April 7, 2016 with respect to, Bill 1 of 2016, a proposed local law to authorize the Village of Baxter Estates to implement for its 2016/17 tax year a tax levy in excess of the limit established in New York State General Municipal Law § 3-c, within the Village.

Mayor Haagenson	Aye
Deputy Mayor Comer	Aye
Trustee Baldwin	Aye
Trustee Peckelis	Aye
Trustee Ficalora	Aye

#### 18. Storm Water Report

Deputy Mayor Comer advised that the MS4 reporting form required by the NYS DEC for the year ended March 9, 2016 is not yet available from New York State. If it is received in sufficient time, then the Village's mandated annual storm water meeting will be held at the April 7, 2016 Board of Trustees meeting.

#### 19. Revised Subdivision Application Approval

Village Attorney Chris Prior noted that the Village's Subdivision Application and related Instructions forms presently require notice to residents within a 200 foot radius of the subject property not less than 10 days and not more than 20 days, prior to a scheduled public hearing, which differs from the "not less than 10 days and not more than 25 days prior to" time frame applicable to public hearings for Board of Zoning and Appeals applications. Mr. Prior recommended that the subdivision application and instructions be amended to conform to the rule applicable to zoning board applications.

After discussion, upon motion made by Deputy Mayor Comer, seconded by Trustee Ficalora, it was:

RESOLVED to approve the revised form of the Instructions for Applications for Subdivision or Partitioning Approval attached hereto as Exhibit F.

Mayor Haagenson	Aye
Deputy Mayor Comer	Aye
Trustee Baldwin	Aye
Trustee Peckelis	Aye
Trustee Ficalora	Aye

## 20. Village Clerk-Treasurer Report

### A. Approval of Board of Trustees Minutes for February 4, 2016

The Board discussed the draft minutes, and proposed to correct the Executive Session ending time to 12:30AM from 12:30PM. On motion of Trustee Baldwin, seconded by Deputy Mayor Comer, it was:

RESOLVED that the reading of the minutes of the February 4, 2016 Meeting of the Board of Trustees be waived and they be and hereby are approved as presented by Clerk-Treasurer Kiernan with the amendment proposed.

### B. Abstract of Vouchers

The Clerk-Treasurer distributed the report on the Abstract of Vouchers.

On motion of Deputy Mayor Comer, seconded by Trustee Baldwin, it was unanimously:

RESOLVED that the Audited Vouchers dated March 3, 2016 for the General Fund as prepared by Clerk-Treasurer Kiernan in the amount of \$50,018.01 be and it hereby is, approved.

### C. Financial Report

The Clerk-Treasurer distributed the report on the Profit and Loss Budget vs. Actual for June 2015 through present as well as the Balance Sheet.

The Board thanked Clerk-Treasurer Kiernan for the reports.

### D. Public Works Report: Prepared by Clerk-Treasurer Kiernan

1. PW Sewer District- Nothing to report

2. PW Water District- Nothing to report
3. Meadow Carting- Garbage- One complaint regarding pick-up resolved.
4. Tree-Frank Hefferin- Providing cost estimate for the tree that fell down on the portico of Village Hall.
5. Snow- Dejana- Nothing to report
6. Gappsi- landscaping- Nothing to report
7. Public Works- Miscellaneous- The curbing was fixed in the back parking lot of 315 Main Street, barricades were taken from the driveway and additional sand/salt was requested for pick-up by Bob Keough.
8. Catch Basin Project - We are looking to start our next reconstruction project before the fiscal year-end using CHIPS funds.
9. Solid Waste Management- NH Recycling Center on West Shore Road-Nothing to report
10. Albertson Electric- Lighting Poles- No new complaints other than what was discussed earlier.
11. Signs- Ten 10' sign posts were ordered. Yield sign on Locust and Central Drive fell down and is being fixed by Bob Keough.

F. Public Safety Report

1. Police - Nothing to report
2. Fire Department - 8 calls to the PWFD were made in February 2016

G. Utility Report

1. PSEG Long Island- PSEG Long Island municipal liaison Pennie Vakkas contacted us the day after the storm on Thursday, February 25th to let us know that a tree knocked down wires on Ridgeway Road and it was bring repaired.
2. National Grid- Nothing to report

**Executive Session 10:17PM**

At 10:17PM, upon motion of Deputy Mayor Comer, seconded by Trustee Ficalora, the Board entered into Executive Session to discuss potential litigation and personnel issues.

At 11:05PM, Mayor Haagenson stated that Executive Session had concluded and that no action had been taken.

There being no further business before the Board, on motion of Trustee Baldwin, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 11:05PM on March 3, 2016.

VILLAGE OF BAXTER ESTATES  
315 MAIN STREET  
PORT WASHINGTON, NEW YORK 11050

Telephone (516) 767-0096  
Facsimile (516) 767-0058  
Website: [www.BaxterEstates.org](http://www.BaxterEstates.org)  
Email: [staff@baxterestates.org](mailto:staff@baxterestates.org)

Exhibit C

Nora Haagenson  
Mayor

Charles Comer  
Doug Baldwin  
Alice M. Peckelis  
Chris Ficalora  
Trustees

Chrissy Kiernan  
Village Clerk-Treasurer  
Christopher J. Prior  
Village Attorney

March 21, 2016

Mr. Peter Dejana  
Dejana Industries, Inc.  
138 Shore Road  
Port Washington, New York 11050

Re: Snow Plow Service for the Village of Baxter Estates by Dejana Industries, Inc.

Dear Peter:

As the first winter season under the new fixed rate snow plow contract comes to an end, we write to you to underscore the importance to the Village of efficient snow plow service. We are namely concerned that service under the new fixed rate snow contract is not as efficient and timely as under the previous hourly contracts. We invited a member of your staff, AJ Banarsee, to our last Board Meeting held on Thursday, March 3rd, 2016, and voiced our concerns to him. At that meeting he suggested a formal letter be sent to your attention.

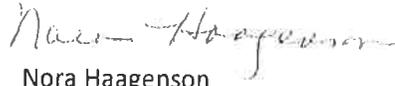
Despite assurances by your staff that our snow plow service needs would be met, we received complaints from residents and personally witnessed many issues during and after the January 23rd, 2016 snow storm. Issues included an inadequate number of plows on village streets and the timing of the plowing. We observed that the first snow plow run was not done until several hours into the snow fall. The snow plows did not adequately remove the snow on the roadways in certain areas, making it difficult for residents to drive. We also observed a lack of organization in terms of where snow was piled, which made it difficult for residents to dig out the fire hydrants. For example, our Deputy Mayor observed that at the corner of Harbor View Road and Overlook Drive, if the plow had piled the snow on the other corner, there wouldn't be an issue; however a pile approximately 5 feet high by 8-10 feet wide by 15 feet long was compressed right over the fire hydrant, making the mandated clearance of the fire hydrant a horrendous chore. In the future, we plan to provide you with a map of areas where we would prefer snow not to be piled, so as to avoid this issue. On Monday afternoon, two days after the storm, we also witnessed and took photos of the lack of snow melt/sand and of proper plow service on High Street, Hillside, the corner of Shoreview and Hilltop, Sandy Hollow Lane and Bayside Avenue. This accounts for more than half of our streets being inadequately cleared for travel.

In conclusion, we were sadly disappointed by this year's service. We would appreciate a written response addressing our concerns, and consideration of an adjustment to our bill.

When the time comes for the Village to consider bids for its next snow plowing contract, we will certainly consider past performance when evaluating the responsibility of bidders.

We appreciate your prompt attention to this matter.

Very truly yours,



Nora Haagenson  
Mayor  
Village of Baxter Estates

NH: crk

Exhibit D

Village of Baxter Estates, NY  
Tuesday, May 10, 2016

## Chapter 21. Ethics, Code of

[HISTORY: Adopted by the Board of Trustees of the Village of Baxter Estates 1-21-1971. Amendments noted where applicable.]

### § 21-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Board of Trustees of the Village of Baxter Estates recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Village of Baxter Estates. These rules shall serve as a guide for official conduct of the officers and employees of the Village of Baxter Estates. The rules of ethical conduct of this chapter, as adopted, shall not conflict with, but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law; relating to ethical conduct and interest in contracts of municipal officers and employees.

### § 21-2. Definitions.

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

#### **INTEREST**

A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

#### **MUNICIPAL OFFICER OR EMPLOYEE**

An officer or employee of the Village of Baxter Estates, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

### § 21-3. Standards of conduct.

Every officer or employee of the Village of Baxter Estates shall be subject to and abide by the following standards of conduct:

- A. Gifts. He shall not directly or indirectly, solicit any gift; or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.

[Amended 9-19-2005 by L.L. No. 1-2005]

- B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests.
- C. Representation before one's own agency. He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time, of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Board of Trustees and any officer or employee of the Village of Baxter Estates, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Trustees on any legislation before the Board of Trustees shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- F. Investments in conflict with official duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.
- G. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.
- H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Baxter Estates in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

## § 21-4. Claims against Village.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Village of Baxter Estates, or any agency thereof, on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

## § 21-5. Distribution of Code of Ethics.

[Amended 9-19-2005 by L.L. No. 1-2005]

The Mayor of the Village of Baxter Estates shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Village within 30 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with this chapter, nor the enforcement of provisions hereof.

## § 21-6. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

# Exhibit E

## **Resolution Adopting Rules of Procedure for the Board of Trustees of the Village of Baxter Estates**

**Adopted: Thursday, April 7, 2016**

Whereas, Village Law § 4-412 provides that the Board of Trustees may determine its own rules of procedure;

Now, Therefore Be It Resolved, the following rules of procedure are adopted pursuant to Village Law § 4-412:

1. **REGULAR MEETINGS:** The Board of Trustees' Regular Meetings are held on the 1st Thursday of each month, commencing at 7:30 p.m. in the village hall boardroom located at 315 Main Street, Port Washington, NY 11050.
2. **SPECIAL MEETINGS:** Special meetings of the Board of Trustees are all Board meetings other than Regular Meetings. A Special Meeting may be called by the Mayor or any Trustee upon notice to the entire Board. Notice must be given to each member of the Board of Trustees by telephone, in person, or email at least 24 hours in advance of the meeting unless an emergency requires the meeting to be held on less than 24- hours' notice.
3. **QUORUM:** A quorum of the Board must be physically present or by videoconference in accordance with the law Section 102-1 to conduct business. A quorum of the five-member Board of Trustees is three, regardless of vacancies.
4. **EXECUTIVE SESSIONS:** Executive sessions must be held in accordance with NYS Public Officers Law § 105. All executive sessions must be entered into by a motion made from a properly noticed and conducted open meeting.
5. **AGENDAS:** The agenda is to be prepared by the Clerk-Treasurer at the direction of the Mayor. The Mayor or any Trustee may have an item placed on the agenda. When possible, items for the agenda must be provided to the Clerk in writing or via email at least 24 hours before the meeting's start time. The agenda must be prepared by noon on the day of the meeting. However, items may be placed on the agenda at any time. If necessary, a supplemental agenda may be distributed at the beginning of the meeting.
6. **VOTING:** Pursuant to the New York State Village Law and General Construction Law, each member of the Board has one vote. The Mayor may vote on any matter but must vote in case of a tie. A majority of the totally authorized voting power is necessary to pass a matter unless otherwise specified by State law. A vote upon any question must be taken by ayes and noes, and the names of the members present and their votes must be entered in the minutes.
7. **GENERAL RULES OF PROCEDURE:**
  - a) The Mayor presides at the meeting. In the Mayor's absence, the Deputy Mayor presides at meetings of the Board. The presiding officer may debate, move and take any action that may be taken by other members of the Board. Board members are not required to rise, but must be recognized by the presiding officer before making motions and speaking.

b) Every motion must be seconded before being put to a vote; all motions must be recorded in their entirety in the Board's minutes.

c) Once recognized, a member may not be interrupted when speaking unless it is to call him/her to order. If a member is called to order, they must stop speaking until the question of order is determined, and, if in order, they must be permitted to proceed. There is no limit to the number of times a member may speak on a question. Motions to close or limit debate may be entertained and require a two-thirds vote to pass.

#### 8. GUIDELINES FOR PUBLIC COMMENT:

- The public may speak only during the Public Comment period of the meeting or at such other time as the Presiding Officer allows.
- Speakers must step to the front of the room.
- Speakers must give their name, address and organization, if any.
- Speakers must be recognized by the presiding officer.
- Speakers must limit their remarks to five minutes on a given topic subject to the modification by the presiding officer.
- Speakers may not yield any remaining time they may have to another speaker.
- Board members may, with the permission of the Presiding Officer, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
- All remarks must be addressed to the Board as a body and not to any member thereof.
- Speakers must observe the commonly accepted rules of courtesy, decorum, dignity and good taste.
- Interested parties or their representatives may address the Board by written communications.

#### 9. MINUTES:

a) The Clerk to the Board of Trustees is responsible for taking the minutes of the Board. Minutes must consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes must be taken at executive session of any action that is taken by formal vote. Executive session minutes must consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the NYS Freedom of Information Law (FOIL).

b) Minutes must also include the following:

Name of the Board; Date, place and time of meeting; Notation of the presence or absence of Board members and time of arrival or departure if different from time of call to order and adjournment; Name and title of other village officials and employees present and the approximate number of attendees; Record of communications presented to the Board; Record of reports made by Board or other village personnel; and Time of adjournment; and signature of Clerk or person who took the minutes if not the Clerk.

c) Minutes should not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Board resolves to have the Clerk do so.

d) The Clerk is responsible for creating a draft of the minutes within the timeframe provided for under the New York State Open Meetings Law. The Board of Trustees approves the minutes at the next board meeting. Amendments to the Clerk's minutes require approval of the Board of Trustee by a majority vote.

#### 10. ORDER OF BUSINESS OF THE BOARD OF TRUSTEES:

- a) Call to order;
- b) Roll call & quorum;
- c) Approval of minutes of previous meeting;
- d) Old business;
- e) New business;
- f) Public comment period;
- g) Approval of Voucher Claims;
- h) Financial Report;
- i) Public Works & Public Safety Report; and
- j) Adjournment.

11. GUIDELINES FOR USE OF RECORDING EQUIPMENT: All members of the public and all public officials are allowed to tape or video record public meetings. Recording is not allowed during executive sessions. Recording should be done in a manner which does not interfere with the meeting. The mayor may determine whether the recording is being done in an intrusive manner taking into consideration, but not limited to, brightness of lights, distance from the deliberations of the village board, size of the equipment, and the ability of the public to participate in the meeting. If the recording is determined to be intrusive and interferes with the meeting, the mayor may direct that the recording be stopped or undertaken in a different manner or location.

12. ADJOURNMENT: Meetings may be adjourned by motion.

13. AMENDMENTS TO THE RULES OF PROCEDURE: The foregoing procedures may be amended from time to time by a majority vote of the Board.

Exhibit F  
**Ackerman Levine**

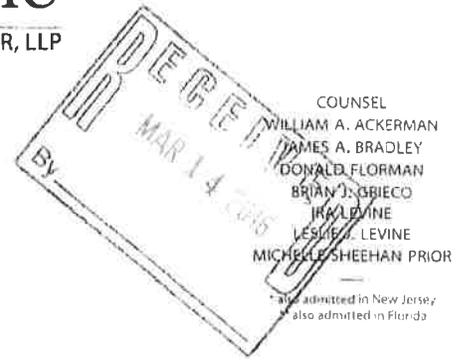
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STEPHEN G. LIMMER  
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www.ackermanlevine.com



March 8, 2016

Mayor and Board of Trustees  
Village of Baxter Estates  
315 Main Street  
Port Washington, New York 11050

**Re: Retainer Agreement for 2016/2017**

Dear Mayor and Trustees:

Our firm proposes the following independent contractor agreement for legal services for the Village's 2016/2017 year. We are proposing minimal increases to certain of our rates now in effect, as follows:

1. The following services would be billed at the lesser of (i) \$269 [up from \$266] per hour or (ii) 90% of the attorney's non-municipal hourly billing rate: All general advice and counsel to the Village, its officers, department heads and building officials; telephonic and written communications with Village officials, Village employees and Village residents; attendance at meetings of the Board of Trustees, Board of Appeals, Planning Board and other village boards or commissions; prosecution of violations of the Village Code and the Vehicle and Traffic Law in the Village Justice Court (which would include meeting with the Building Official, viewing properties, assisting in the preparation of notices of appearance and supporting affidavits and appearances in the Village Justice Court); preparation of memoranda, opinions and contracts or agreements (other than those related to land acquisitions or those related to major purchases or construction projects the cost of which exceed \$50,000).

2. All other services (e.g., litigation matters, work on contracts excluded from the retainer work identified in paragraph 1, etc.) would be billed as follows:

Mayor and Board of Trustees  
Village of Baxter Estates

Page 2  
March 8, 2016

Partner:	\$292 [was \$288 last year]
Of counsel*	\$279 [was \$276 last year]
Associate:	\$100 - \$222 [was \$100-\$220 last year]
Paralegal:	\$ 65 - \$108 [was \$65-\$107 last year]

3. In lieu of itemized billing for ordinary disbursements (e.g., photocopying, facsimile, telephone, mileage expenses, postage, computerized legal research or secretarial overtime), we cover such expenses with a charge equal to 2% of our legal fees, eliminating separate billing for such items. However, we itemize and bill certain extraordinary disbursements separately, as incurred (e.g., overnight courier charges, court filing fees, travel expenses other than mileage charges, such as air travel and hotel expenses, court reporter and transcript costs, outside printing costs, and similar charges). Any out-of-pocket expense exceeding \$500 will be sent to you for prompt payment directly to the issuer of the invoice.

I would be happy to discuss any questions concerning our proposal. I look forward to continuing our relationship with the Village. Please signify your agreement to the foregoing by signing this letter in the place provided below and returning it to us at your earliest convenience.

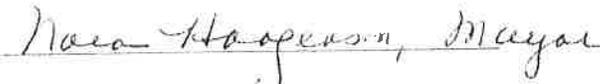
Respectfully,

Ackerman, Levine, Cullen, Brickman & Limmer, LLP

By:   
\_\_\_\_\_  
Christopher J. Prior

Agreed to by:

Village of Baxter Estates

By:   
\_\_\_\_\_

\* Senior attorneys with more than 25 years of municipal law experience.

Exhibit G

**VILLAGE OF BAXTER ESTATES  
INVESTMENT POLICY**

**(RE- ADOPTED APRIL 7, 2016)**

**(Adapted from New York State Office of Comptroller Form of  
Model Investment Policy dated May 2010)**

**I. SCOPE**

This investment policy applies to all moneys and other financial resources available for deposit and investment by the Board of Trustees (the "Board") of the Village of Baxter Estates (the "Village") on its own behalf or on behalf of any other entity or individual.

**II. OBJECTIVES**

The primary objectives of the Village's investment activities are, in priority order:

- o to conform with all applicable federal, State and other legal requirements (legality);
- o to adequately safeguard principal (safety);
- o to provide sufficient liquidity to meet all operating requirements (liquidity);  
and
- o to obtain a reasonable rate of return (yield).

**III. DELEGATION OF AUTHORITY**

The responsibility of the Board of Trustees of the Village for administration of the investment program is delegated to the Clerk-Clerk-Treasurer, who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

**IV. PRUDENCE**

All participants in the investment process shall act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Board of

Trustees to govern effectively.

Investments shall be made with prudence, diligence, skill, judgment and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

#### **V. DIVERSIFICATION**

It is the policy of the Village to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling, to the extent consistent with the Village's typically small investment portfolio.

The Board shall establish appropriate limits for the amount of investments which can be made with each financial institution or dealer, and shall evaluate these limits at least annually.

#### **VI. INTERNAL CONTROLS**

It is the policy of the Village that all moneys collected by any officer or employee of the Village be delivered promptly to Village personnel authorized to deposit Village funds in Village accounts with appropriate financial institutions, and that such personnel deposit such moneys in appropriate Village accounts within ten (10) business days of the Village's receipt of such moneys, or within the time period specified in law, whichever is shorter.

The Board and the Clerk-Treasurer are responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

#### **VII. DESIGNATION OF DEPOSITARIES**

The banks and trust companies authorized for the deposit of monies, and the maximum amounts to be deposited with each from time to time, denominated either in dollar amount or percentage of Village funds, shall be established at least annually by the Board of Trustees, by resolution.

#### **VIII. SECURING DEPOSITS AND INVESTMENTS**

In accordance with the provisions of General Municipal Law §10, all deposits and investments of the Village at a bank or trust company, including all demand deposits,

certificates of deposit and special time deposits (hereinafter, collectively, “deposits”), made by Village officers, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act, shall be secured by:

1. A pledge of “eligible securities,” as designated in Appendix A to this policy, with an aggregate “market value,” as provided by General Municipal Law §10, that is at least equal to the aggregate amount of deposits by the Village at such bank or trust company.
2. A pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the aggregate amount of deposits from the Village at such bank or trust company.
3. An “irrevocable letter of credit” issued in favor of the Village by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 140% of the aggregate amount of deposits and the agreed upon interest, if any.
4. An “eligible surety bond” payable to the Village for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations. The Board shall approve the terms and conditions of any such surety bond.

## **IX. COLLATERALIZATION AND SAFEKEEPING**

Eligible securities used for collateralizing deposits made by officers of the Village shall be held by the depository or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure Village deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities (or the pro rata portion of a pool of eligible securities) may be sold, presented for payment, substituted or released and the events which will enable the Village to exercise its rights against the pledged securities.

In the event that the pledged securities are not registered or inscribed in the name of the Village, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Village or its custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the

custodial bank or trust company shall be required to show, at all times, the interest of the Village in the securities (or the pro rata portion of a pool of eligible securities) as set forth in the security agreement.

The custodial agreement shall provide that pledged securities (or the pro rata portion of a pool of eligible securities) held by the bank or trust company, as agent of and custodian for, the Village, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other bank liabilities. The agreement shall also describe how the custodian shall confirm the receipt, substitution or release of the collateral, and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. Such agreement shall include all provisions necessary to provide the Village with a perfected security interest in the eligible securities and to otherwise secure the Village's interest in the collateral, and may contain other provisions that the Board deems necessary.

#### **X. PERMITTED INVESTMENTS**

As authorized by General Municipal Law §11, the Board of Trustees of the Village authorizes the Clerk-Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- o Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York;
- o Obligations of the United States of America;
- o Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- o Obligations of the State of New York;
- o With the approval of the State Comptroller, obligations issued pursuant to Local Finance Law §24.00 or §25.00 (i.e., tax anticipation notes and revenue anticipation notes) by any municipality, school district or district corporation in the State of New York, other than the Village;
- o Obligations of the Village, but only with monies in a reserve fund established pursuant to General Municipal Law §§6-c, 6-d, 6-e, 6-f, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n, to the extent that the Village is lawfully authorized to establish any such reserve funds.

All investment obligations shall be payable or redeemable at the option of the Village within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds

or notes, shall be payable or redeemable in any event at the option of the Village within two years of the date of purchase. Time deposit accounts and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the monies were obtained, and shall be secured as provided in Sections VIII and IX herein.

Except as may otherwise be provided in a contract with bond holders or note holders, any monies of the Village authorized to be invested may be commingled for investment purposes, provided that any investment of commingled monies shall be payable or redeemable at the option of the Village within such time as the proceeds shall be needed to meet expenditures for which such monies were obtained, or as otherwise specifically provided in General Municipal Law §11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the monies were invested.

Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

#### **XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

All financial institutions and dealers with which the Village conducts business must be credit-worthy, and have an appropriate level of experience, capitalization, size and other factors that make the financial institution or the dealer capable and qualified to transact business with the Village. Banks shall provide their most recent Consolidated Report of Condition (Call Report) to the Village. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Clerk-Treasurer shall evaluate the financial position and maintain a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

The Village shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer.

#### **XII. PURCHASE OF INVESTMENTS**

The Board and the Clerk-Treasurer are authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with other authorized governmental entities pursuant to Article 5G of the General Municipal Law and in accordance with Article III-A of the General Municipal Law.

3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by resolution of the Board.

All purchased obligations, unless registered or inscribed in the name of the Village, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village by the bank or trust company.

Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law §10(3)(a). The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the Village, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the Village's perfected interest in the securities, and may also contain such other provisions that are deemed necessary by the Board.

### **XIII. REPURCHASE AGREEMENTS**

Repurchase agreements are authorized subject to the restrictions set forth in Appendix B. hereto.

### **XIV. COURIER SERVICES**

The Clerk-Treasurer may, subject to the approval of the Board by resolution, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a surety bond for the full amount entrusted to the courier, payable to the Village and executed by an insurance company authorized to do business in the State of New York, with a claims-paying ability that is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of public deposits entrusted to the courier service for deposit or failure to deposit the full amount entrusted to the courier service.

The Village may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the Village in transporting items for deposit through a courier service. Any such reimbursement agreement shall apply only to a specific deposit transition, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the New York State Banking Department or any successor entity thereto, or other federal or State authority.

**XV. ANNUAL REVIEW AND AMENDMENTS**

The Village shall review this investment policy annually, and it shall have the power to amend this policy at any time.

**XVI. DEFINITIONS**

The terms “public funds,” “public deposits,” “bank,” “trust company,” “eligible securities,” “eligible surety bond,” and “eligible letter of credit” shall have the same meanings as set forth in General Municipal Law § 10.

Appendix A to Investment Policy

Schedule of Eligible Securities

“Eligible Securities” for Collateral	For purposes of determining aggregate “market value,” eligible securities shall be valued at these percentages of “market value:”
<u>√</u> (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.	100%
_____ (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.	100%
<u>√</u> (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.	100%
<u>√</u> (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of this State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.	100%
_____ (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.	100% if rated in the highest category: 90% for 2 <sup>nd</sup> highest 80% for 3 <sup>rd</sup> highest.

<p>— (vi) Obligations of the Commonwealth of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.</p>	<p>100% if rated in the highest category: 90% for 2<sup>nd</sup> highest 80% for 3<sup>rd</sup> highest.</p>
<p>— (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.</p>	<p>100% if rated in the highest category: 90% for 2<sup>nd</sup> highest 80% for 3<sup>rd</sup> highest.</p>
<p>— (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.</p>	<p>80%</p>
<p>— (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.</p>	<p>70%</p>
<p>— (x) Commercial paper and bankers' acceptances issued by a bank, other than the bank with which the money is being deposited or invested, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.</p>	<p>80%</p>
<p>— (xi) Zero coupon obligations of the United States government marketed as "Treasury STRIPS."</p>	<p>80%</p>

## Appendix B to Investment Policy

### Repurchase Agreements

Repurchase Agreements (REPOs) are complex transactions that can expose the investing local government to serious risk. Investing officers must have the resources to negotiate these complex agreements with trading partners and custodial banks or trust companies, and to monitor the investment daily. If a local government has a relatively small portfolio or limited staff resources, use of REPOs may not be appropriate. Investing officers should make sure that the legal counsel for the local government reviews all REPO documents.

Among other things, a REPO should comply with the following:

- Trade partners should be limited to creditworthy banks or trust companies located and authorized to do business in New York State or to registered primary dealers.
- Unless the obligations that are purchased pursuant to REPO are registered or inscribed in the name of the local government, obligations must be purchased through, delivered to and held in the custody of a bank or trust company located and authorized to do business in New York State (the custodial bank or trust company should not be the seller of the obligations that are the subject of the REPO).
- The local government must enter into a master REPO, outlining basic responsibilities and liabilities of the buyer and seller, and a written agreement with the custodial bank or trust company, outlining the basis responsibilities and liabilities of the buyer, seller, and custodian.
- The custodial agreement should provide that the custodian takes possession and maintains custody of the obligations exclusively for the local government, that the obligations are free of any claims against the trading partner, and that any claims by the custodian are subordinate to the local government's claims or rights to those obligations.
- The obligations must be credited to the local government on the records of the custodial bank or trust company, and the transaction must be confirmed in writing to the local government by the custodial bank or trust company.
- The obligations purchased by the local government may only be sold or presented for redemption or payment by the local government's custodian upon written instructions of the investing officer of the local government.
- The local government must obtain a perfected security interest in the obligation.
- Agreements should be for short periods of time (no more than 30 days).

- The local government should determine whether to include margin requirements.
- No substitution of obligations is permitted.
- Payment for the purchased obligations should not be made by the custodial bank or trust company until the obligations are actually received (usually done simultaneously).

Obligations that are purchased pursuant to a REPO are deemed to be payable or redeemable, for purposes of the GML, on the date on which the purchased obligations are scheduled to be repurchased by the seller.

It is the view of the Office of the State Comptroller that leveraging of assets through the use of “reverse repurchase agreements” constitutes an unauthorized form of borrowing not permitted by the Local Finance Law.

# Exhibit H

**VILLAGE OF BAXTER ESTATES  
CAPITALIZATION POLICY  
(Re-adopted April 7, 2016)**

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Expenditures for furniture, fixtures and equipment for less than \$1,000.00 shall be treated as an expense.

Expenditures for furniture, fixtures and equipment for \$1,000.00 or more shall be capitalized.



Office of the New York State Comptroller  
 New York State and Local Retirement System  
 Employees' Retirement System  
 Police and Fire Retirement System  
 110 State Street, Albany, New York 12244-0001

Exhibit I

# Standard Work Day Resolution for Employees\* RS 2418

(Rev. 7/11)

BE IT RESOLVED, that the Inc. Village of Baxter Estates, Location code 40564, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Title	Standard Work Day (Hrs/day)
Village Clerk-Treasurer (full time)	7
Deputy Village Clerk (part-time)	4

On this 11th day of April, 2016

  
 (Signature of clerk)

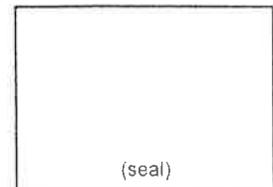
Date enacted: April 7, 2016

I, Christina R. Kiernan, clerk of the governing board of the Inc. Village of Baxter Estates,  
 (Name of Employer)

of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 7th day of April, 2016 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto  
 Set my hand and the seal of the  
Inc. Village of Baxter Estates  
 (Name of Employer)



\*To be used for all employees. Please list Elected and Appointed Officials on the form (RS2417-A) Standard Workday and Reporting Resolution for Elected and Appointed Officials.

**See Instructions for Completing Form on Back**