

**Board of Trustees Meeting**  
**Village of Baxter Estates**  
**315 Main Street, Port Washington, New York**  
**December 1, 2016**  
**7:30PM**

**Meeting Minutes**

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

**Also present:** Michael Tedeschi (Vice-Chairman, PWFD), Rob Kropacek (Treasurer, PWFD), Thomas Golden (2nd Asst. Chief, PWFD), Brian Waterson (Chief of Department - PWFD), Gerald Hallissy, Joseph Jailor-Coley, Charlene Berkman, Richard Brody, Steven Romano (Port Washington Times), Sharron W. Kaplan, Michael Scotto, Gordon Wood Anderson, Jared Hayes Hirshfield, Katherine Crean, Meagan McCarty (Port Washington News), Steven Kelly, Bill Hellmers, Nancy Johnson, Michael Marmor, Gloria Marmor, Kathryn S. Coley, Jill Fishbin, Paul Fishbin, Alison Kaplan, Andrew Korin, Lydia Whitney, Allison Kent-Friedman, Gary Madden, William Haagenson, Gary Jarman, and Caroline Vickers.

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

**Public Hearing 7:30PM**

Mayor Haagenson opened the Public Hearing duly advertised in the November 23, 2016 issue of the Port Washington News to consider the proposed contract with the Port Washington Fire Department for services from January 1, 2017 through December 31, 2017, for a cost to the village of \$125,970.00.

All those present wishing to speak having been heard, Mayor Haagenson closed the Public Hearing at 7:58PM.

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

**Adjourn Public Hearing 7:58PM**

**Regular Meeting 7:59PM**

**1. Approval of Meeting Minutes**

On motion of Deputy Mayor Comer, seconded by Trustee Baldwin it was unanimously RESOLVED to accept the minutes of the November 3, 2016 Meeting of the Board of Trustees as presented by Clerk-Treasurer Kiernan.

**2. The Baxter House**

While this was not a formal agenda item, Baxter Estates residents and non-residents approached the board with concerns regarding The Baxter House. In response, Mayor Haagenson asked Village Attorney Chris Prior to provide a brief legal and process update as to the status of The Baxter House.

### 3. Leaf Pick-up Service

Bob Keogh of Robert Keogh Inc., Leaf Contractor for the Village Leaf Removal Service, addressed the board regarding illegal leaf dumping from landscapers onto village roads.

Clerk-Treasurer Kiernan and Village Attorney Prior provided the board with an update of the codes that the village has in place to enforce legal action against illegal leaf dumping by landscapers onto village roads.

Mayor Haagenson told the Board of Trustees that she filed a Police Report that evening prior to the meeting with Police Officer Neuman, Serial #157, Report No. PW-9089-16 related to suspicious activity she witnessed from a landscape truck with the name "Sunshine Landscape" on the truck.

Mr. Keogh provided the Board of Trustees with a number of eyewitness residents and an invoice that detailed labor expenses and dumping fees incurred by him for the illegal dumping, as well as photographs taken over several weeks depicting the compacted piles.

### 4. Budget Modification

After discussion, upon motion of Trustee Baldwin, seconded by Trustee Peckelis, it was RESOLVED to modify the Budget to transfer \$1,550.93 from A1990 Contingent Account to A8170.44 Leaf Removal to compensate Robert Keogh Inc. for additional labor and dumping expenses incurred for picking up three (3) piles of illegally dumped leaves from Shoreview Road.

|                    |     |        |
|--------------------|-----|--------|
| Mayor Haagenson    | Aye |        |
| Deputy Mayor Comer | Aye |        |
| Trustee Peckelis   | Aye |        |
| Trustee Baldwin    | Aye |        |
| Trustee Ficalora   |     | Absent |

### 5. Illegal Leaf Dumping Expense Compensation

Upon motion of Deputy Mayor Comer, seconded by Trustee Baldwin, it was RESOLVED to compensate Robert Keogh Inc. in the amount of \$1,550.93 for additional leaf services not covered in the Village of Baxter Estates Leaf Removal Contract.

|                    |     |        |
|--------------------|-----|--------|
| Mayor Haagenson    | Aye |        |
| Deputy Mayor Comer | Aye |        |
| Trustee Peckelis   | Aye |        |
| Trustee Baldwin    | Aye |        |
| Trustee Ficalora   |     | Absent |

### 6. 2017 Port Washington Fire Department Contract

After discussion, upon motion of Trustee Baldwin, seconded by Trustee Peckelis, it was RESOLVED that the Village approves the contract with the Port Washington Fire Department for the year 2017 in the amount of \$125,970, subject to modifications proposed by Deputy Mayor Comer and Village Attorney Prior.

|                    |     |        |
|--------------------|-----|--------|
| Mayor Haagenson    | Aye |        |
| Deputy Mayor Comer | Aye |        |
| Trustee Peckelis   | Aye |        |
| Trustee Baldwin    | Aye |        |
| Trustee Ficalora   |     | Absent |

### 7. Leases for Second Floor Rental of 315 Main Street (VBE Village Hall)

The Board reviewed the current tenant leases for Harry Nicolaides and Nina Cohen.

On motion of Deputy Mayor Comer, seconded by Trustee Baldwin, it was RESOLVED to extend the present leases with Harry Nicolaides and Nina Cohen for the two second floor offices. Leases will be modified to include an increase of \$250 per month for Harry Nicolaides and a term of three years beginning January 1, 2017. Nina Cohen's lease termination date of the current lease is extended from September 30, 2017, to December 31, 2018 and will increase \$50 on January 1, 2018, the 2nd year of a two year lease with an option to renew for an additional year at the same rate as year two provided that neither party delivers to the other party written notice of election not to renew on or prior to June 30, 2018. If the aggregate costs for heat and electricity for the premises for any calendar year during the extended term in either lease exceed by more than 7% of the annual utility costs for the preceding calendar year, then the fixed rent for each remaining month of the extended term shall be increased by an amount to be agreed upon by the parties, who shall negotiate the increase in good faith.

|                    |     |        |
|--------------------|-----|--------|
| Mayor Haagenson    | Aye |        |
| Deputy Mayor Comer | Aye |        |
| Trustee Peckelis   | Aye |        |
| Trustee Baldwin    | Aye |        |
| Trustee Ficalora   |     | Absent |

**8. Snow Plow Service for 315 Main Street (Village Hall Property) and Sidewalk of Shore Road owned by the Village of Baxter Estates**

After discussion, upon motion of Trustee Comer, seconded by Trustee Baldwin, it was RESOLVED to approve the proposal dated November 27, 2016 from Robert Keogh Inc. for 2016-2017 snow removal of the sidewalk on Shore Road and property at 315 Main Street Village Hall property, attached hereto as Exhibit A.

|                    |     |        |
|--------------------|-----|--------|
| Mayor Haagenson    | Aye |        |
| Deputy Mayor Comer | Aye |        |
| Trustee Peckelis   | Aye |        |
| Trustee Baldwin    | Aye |        |
| Trustee Ficalora   |     | Absent |

**9. Resolution to Appoint McLaughlin & Stern in lieu of Ackerman Levine**

Village Attorney Chris Prior explained that Ackerman Levine was bought over by the Law firm of McLaughlin & Stern, LLP and that a letter must be signed by Mayor Haagenson to confirm that the terms of the earlier retainer agreement will govern the retention of, and relationship with, McLaughlin & Stern moving forward and authorize that the unapplied balance of any retainer will be transferred from Ackerman Levine to McLaughlin & Stern after all Ackerman Levine bills have been paid.

Upon motion of Deputy Mayor Comer and seconded by Trustee Baldwin, it was RESOLVED to authorize Mayor Haagenson, in the name and on behalf of the Village, to execute and deliver the "in lieu of" retainer agreement between the Village of Baxter Estates and McLaughlin & Stern, LLP, in the form annexed to these minutes and presented to the Board as Exhibit B.

|                    |     |        |
|--------------------|-----|--------|
| Mayor Haagenson    | Aye |        |
| Deputy Mayor Comer | Aye |        |
| Trustee Peckelis   | Aye |        |
| Trustee Baldwin    | Aye |        |
| Trustee Ficalora   |     | Absent |

**10. Approval of Voucher Claims**

After discussion, upon motion made by Deputy Mayor Comer, seconded by Trustee Baldwin, it was RESOLVED that the Audited Vouchers dated December 1, 2016 for the General Fund totaling \$42,932.43 be and hereby are approved as prepared by Clerk-Treasurer Kiernan.

|                    |     |        |
|--------------------|-----|--------|
| Mayor Haagenson    | Aye |        |
| Deputy Mayor Comer | Aye |        |
| Trustee Peckelis   | Aye |        |
| Trustee Baldwin    | Aye |        |
| Trustee Ficalora   |     | Absent |

**11. Financial Report & Audit**

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

**12. BZA Refund**

After discussion, upon motion duly made by Trustee Baldwin, seconded by Deputy Mayor Comer, it was RESOLVED, to refund Board of Zoning and Appeals Applicants Joshua Speisman and Athena Perry, as residents of 3 Ridgeway Road, in the amount of \$925.27, in connection with excess funds remaining from a Board of Zoning and Appeals (BZA) deposit of a BZA application now closed before the Village of Baxter Estates Zoning Board.

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

Public Works Report

1. PW Water Pollution Control District- Nothing to report.
2. Meadow Carting- Garbage- I attempted three times to call and sent an email to Meadow Carting regarding missed recycling pick-up after the Veteran's Day Holiday. I reached out to the Port Washington Garbage District regarding same and no one has contacted us in response.
3. Trees- Nothing to report on any properties on the village right of way.
4. Landscaping- Nothing to report.
5. Public Works- Miscellaneous- Nothing to report.
6. Catch Basin/Road/Curb Projects - Nothing to report.
7. Solid Waste Management- NH Recycling Center on West Shore Road-Nothing to report.
8. Albertson Electric- Lighting Poles- Nothing to report.
9. Signs- Nothing to report.
10. Leaf pick-up- There have been issues regarding possible illegal leaf dumping that have been addressed with the Board of Trustees and the Village Attorney.

Public Safety Report

1. Police - No report provided.
2. Fire Department - No report provided.

Utility Report

1. PSEG Long Island- There is electrical work being done on Tianderah Road and Central Drive where they have painted the letters "EL". This was identified by Deputy Mayor Comer. PSEG was initially contacted to confirm that these are their markings and told the village that we should have received a notice prior to the work being done. I let them know that we did not receive any notice.
2. National Grid- Nothing to report.
3. Port Washington Water District- Nothing to report.

On motion of Mayor Haagenson seconded by Trustee Baldwin, it was RESOLVED to enter into Executive Session to discuss potential litigation.

|                    |     |        |
|--------------------|-----|--------|
| Mayor Haagenson    | Aye |        |
| Deputy Mayor Comer | Aye |        |
| Trustee Peckelis   | Aye |        |
| Trustee Baldwin    | Aye |        |
| Trustee Ficalora   |     | Absent |

**Executive Session**


At 11:17PM, Mayor Haagenson stated that Executive Session had concluded and that no action had been taken.

**14. Leaf Pick-up Extension**

Clerk-Treasurer Kiernan presented an email from Dana Geiger, resident of 42A Sandy Hollow Road, with two photograph attachments depicting trees that have not begun to fall from the tree. Mr. Geiger expressed an interest in extending Leaf Removal Service to December 15th. After discussion, the Board decided to not extend leaf removal service and asked Clerk-Treasurer Kiernan to post a message on Facebook and on the Village Website reminding residents that leaf pick-up service has ended and that all leaves must be bagged for pick-up by Meadow Carting beginning Monday, December 12th.

There being no further business before the Board, on motion of Trustee Peckelis, seconded by Trustee Baldwin, it was RESOLVED that the meeting be and hereby is adjourned at 11:59 PM.

|                    |     |        |
|--------------------|-----|--------|
| Mayor Haagenson    | Aye |        |
| Deputy Mayor Comer | Aye |        |
| Trustee Peckelis   | Aye |        |
| Trustee Baldwin    | Aye |        |
| Trustee Ficalora   |     | Absent |

  
Chrissy Kiernan, Village Clerk-Treasurer  
Clerk to the Board

# Exhibit A

ROBERT KEOGH INC.  
PO BOX 1491 Port Washington, NY 11050

November 27, 2016

The Village of Baxter Estate  
315 Main Street  
Port Washington, NY 11050

## **ESTIMATE** Snow Removal

Office; Includes spreading your ice melt/sand mix

|                  |          |
|------------------|----------|
| 1-2 inches.....  | \$150.00 |
| 3-5 inches.....  | \$200.00 |
| 6-8 inches.....  | \$250.00 |
| 9-11 inches..... | \$300.00 |

Same prices as last year, no increase. In addition we will spread sand/salt as needed from a large heavy duty gray pail by driveway for no cost except an initial one time charge of \$100.00 for filling the pail with initial sand/salt.

Shore Road sidewalk;

|                  |          |
|------------------|----------|
| 1-2 inches.....  | \$135.00 |
| 3-5 inches.....  | \$185.00 |
| 6-8 inches.....  | \$235.00 |
| 9-11 inches..... | \$280.00 |

- Same prices as last year, no increase.
- Above 11 inches please add \$25.00 per inch.

Thank you,  
Bob Keogh  
Robert E. Keogh Inc.

# Exhibit B

## MCLAUGHLIN & STERN, LLP FOUNDED 1898

Christopher J. Prior  
Partner  
cprior@ackermanlevine.com

1010 NORTHERN BLVD., SUITE 400  
GREAT NECK, NEW YORK 11021  
(516) 829-6900  
FAX (516) 829-6966

www.mclaughlinstern.com

NEW YORK, NY  
MILLBROOK, NY  
WESTPORT, CT  
WEST PALM BEACH,  
FL  
NAPLES, FL

NOV 14 2016

November 11, 2016

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

Dear Mayor and Board of Trustees:

Effective November 1, 2016, Ackerman, Levine, Cullen, Brickman & Limmer, LLP has become the Long Island office of McLaughlin & Stern, LLP. The personnel in the Great Neck office will remain virtually identical, as will the level of attentiveness and responsiveness that I hope you have grown to expect from us over the years.

When the Village of Baxter Estates retained Ackerman Levine, you executed a retainer agreement that set forth the terms of Ackerman Levine's retention. We ask that you countersign this letter in the space provided below, to confirm that the terms of your earlier retainer agreement will govern your retention of, and relationship with, McLaughlin & Stern moving forward. Your signature below will also authorize us to transfer the unapplied balance of any retainer to McLaughlin & Stern after all Ackerman Levine bills have been paid in full.

We look forward to a continuing mutually beneficial relationship.

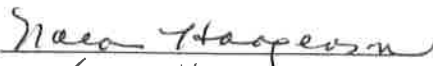
Sincerely,



Christopher J. Prior

Agreed to and Accepted by:

Village of Baxter Estates

By:   
Name: Nora Haagenson  
Title: Mayor