

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

**Meeting Minutes**

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

**Also present:** Stephen Romano (Port Washington Times), Michael Scotto, Charlene Berkman, Richard Brody, Charles Idol, John Keighley, Stephanie Hall, John Battista, and Jill Burk.

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

**1. Approval of Meeting Minutes**

On motion of Trustee Peckelis, seconded by Trustee Baldwin it was unanimously RESOLVED to accept the minutes of the August 4, 2016 Meeting of the Board of Trustees as presented by Clerk-Treasurer Kiernan, attached hereto as Exhibit A.

**2. The Baxter House**

Residents raised concerns with The Baxter House which were addressed by the Village Attorney and the Board of Trustees.

**3. Village Tree Removal Request - Adjacent to 33 Bayside Avenue**

Clerk-Treasurer Kiernan reported that a complaint was made by John Keighley, owner of 33 Bayside Avenue, regarding three Locust trees adjacent to his property on a village easement that are leaning and potentially dangerous. Mr. Keighley was also present to speak in favor of removal of the village trees.

The Board of Trustees reviewed the Tree Inspection Report submitted by Tree Commissioner Lance Wagner, the survey indicating the location of the trees with measurements provided by Mr. Keighley, and the Building Inspector's Report dated August 31, 2016. Trustee Peckelis, Trustee Ficalora and Mayor Haagenson also examined the trees prior to tonight's meeting. It was decided that the trees should be removed based on the Tree Commissioner's Report and upon discussion of the Board of Trustees.

*\*Please note the resolution for approval of removal for these trees is listed as item #16 in the minutes.*

**4. Tree Removal Permit - 52 Locust**

After discussion, upon motion made by Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED, that the tree designated on the tree removal permit application by James Russo, as owner of 52 Locust Avenue, attached hereto as Exhibit B, may be removed conditioned upon payment of the \$50 tree removal permit fee.

**5. Village Road Condition Survey**

Clerk-Treasurer Kiernan reported that the Road Condition Survey performed by Sidney B. Bowne has been submitted to the Village and will be posted on the village website. Overall, most village roads were in good condition with a score of 7- or better.

## **6. Village Catch Basins**

Clerk-Treasurer Kiernan reported that an assessment of all thirty-eight (38) village catch basins was performed and that remediation of a clogged catch basin adjacent to 4 Locust Avenue would take place on Tuesday, September 6th, 2016. All other catch basin cleaning will take place in the spring of 2017.

## **7. Comprehensive Emergency Management Plan (CEMP) Plan**

On motion of Trustee Ficalora, seconded by Trustee Peckelis, it was unanimously RESOLVED to approve the 2016 Comprehensive Emergency Management Plan for the Village of Baxter Estates as presented by Clerk-Treasurer Kiernan and to make any additional changes as recommended by Trustee Peckelis. A copy of this document is available in the village office.

## **8. GETS and WPS Program**

Clerk-Treasurer Kiernan explained the GETS Program which was recommended to the village by the Nassau County Village Officials Association (NCVOA). The NCVOA has successfully applied to FEMA for priority landline and cellphone service calling cards. These cards allow users to receive priority circuits to help ensure completed calls during the high call volume periods often experienced in time of emergency. The FREE landline program is called GETS (Government Emergency Telecommunications Service). The cellphone program is at the discretion of each village and is called WPS (Wireless Priority Service). There is a monthly fee of \$8 per month associated with WPS. The calling card you receive for the GETS program gives you a priority line when making calls during emergencies. This program has been successfully used during storms and other disasters such as the Boston Marathon bombing. Each village will receive two cards (although the number can be used by other officials).

The Board of Trustees discussed the GETS Program and WPS Program and tabled the discussion to the October Board of Trustees Meeting where Peter Forman, Commissioner of the Port Washington - Manhasset Office of Emergency Management will be present to answer any additional questions.

## **9. 2016 Leaf Schedule**

Mayor Haagenson announced that December 7, 2016 would be the final leaf pick-up date and that after this date all leaves must be bagged for pick-up by Meadow Carting. This date is subject to change by the village administration.

## **10. Franchise Audit Agreement**

The Board of Trustees discussed entering into a Franchise Audit Agreement with Municipal Audit Services, LLC (MUNI) at the recommendation of the Nassau County Village Official Association (NCVOA) to pursue any Franchise Fees pursuant to certain agreements with Cable and Video Companies for certain services provided by Cable and Franchise Companies within the Village for the purpose of uncovering underpayments and other reporting errors, to recover revenue and additional payments (including penalties and interest if applicable) that may be due to the Village for any past errors resulting from erroneous reporting and/or underpayments by the Cable and Video Companies, and increase future revenue payments by causing the Cable and Video Companies to implement MUNI's recommendations to correct underreporting and underpayment errors.

On motion of Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED to enter into the Franchise Audit Agreement amending the compensation MUNI is entitled to from 45% to 35% of any additional Franchise Fees which the Village recovers from the Cable and Video Companies by reason of prior period errors and which result from erroneous reporting and underpayments uncovered as a result of MUNI's services, and to amend the timeline for the twenty-five percent (25%) MUNI compensation is entitled to for any future increase in Franchise Fees to which the Village becomes entitled to, and actually receives from, the Cable and Video Companies for the period until December 31, 2016.

## **11. Waterfront Project**

Trustee Ficalora discussed opening a dialogue for a Waterfront Project in the Village of Baxter Estates and his interest in pursuing what the Village of Port Washington North is planning. Details will follow when available.

## **12. Holiday Party**

The Board of Trustees set a date of Wednesday, December 7, 2016 to host a village holiday party, open to all village residents, to honor our 85th anniversary of incorporation. A holiday party budget will be prepared by Mayor Haagenson and agreed upon at the October Board of Trustees Meeting. Resident Charlene Berkman offered to assist with the Holiday Party.

### **13. Approval of Voucher Claims**

After discussion, upon motion made by Trustee Ficalora, seconded by Trustee Peckelis, it was unanimously RESOLVED that the Audited Vouchers dated September 1, 2016 for the General Fund totaling \$32,081.92 be and hereby are approved as prepared by Clerk-Treasurer Kiernan.

### **14. Financial Report & Audit**

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

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

Public Works Report: Prepared by Clerk-Treasurer Kiernan

1. PW Water Pollution Control District- Nothing to report.
2. Meadow Carting- Garbage- Nothing to report.
3. Trees- Two broken tree branches from a tree located on village hall property at 315 Main Street were removed by Hefferin Tree Service.
4. Landscaping- A branch was removed on Bayside Avenue and on Overlook Drive this month by Keogh Inc.. Two trees fell down on Baxter Beach and were removed by Keogh Inc. was well.
5. Public Works- Miscellaneous- Nothing to report.
6. Catch Basin/Road/Curb Projects – Bob Keogh completed a catch basin assessment and Sidney Bowne completed a road survey.
7. Solid Waste Management- NH Recycling Center on West Shore Road-Nothing to report.
8. Albertson Electric- Lighting Poles- The light at 4 Sandy Hollow Lane was replaced with a bulb and lens consistent with all village lighting poles.
9. Signs- Nothing to report.

Public Safety Report

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

Utility Report

1. PSEG Long Island- PSEG Long Island has been in touch with the village regarding the pending storm Hurricane Hermine.
2. National Grid- Clerk-Treasurer Kiernan has been in touch with the Government Liaison for National Grid regarding working being done on Locust Avenue.
3. Port Washington Water District- Nothing to report.

### **Executive Session**

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

At 10:25PM, Mayor Haagenson stated that Executive Session had concluded and that no action had been taken.

### **16. Village Tree Removal Request - Adjacent to 33 Bayside Avenue**

After discussion, upon motion made by Trustee Peckelis, seconded by Trustee Ficalora it was unanimously RESOLVED that the three Locust trees identified as village trees in the attached survey provided by John Keighley, as owner of 33 Bayside Avenue, and in the tree inspection report, attached hereto as Exhibit C, may be removed for a cost not to exceed \$5,000.

There being no further business before the Board, on motion of Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 10:35PM.

  
Chrissy Kiernan, Village Clerk-Treasurer  
Clerk to the Board

# Exhibit A

**Board of Trustees Meeting**  
**Village of Baxter Estates**  
**315 Main Street, Port Washington, New York**  
**August 4, 2016**  
**6:30PM**

## Meeting Minutes

**Present:** Mayor Nora Haagenon  
Deputy Mayor Charles Comer  
Trustee Doug Baldwin  
Trustee Alice M. Peckelis  
Village Clerk-Treasurer Chrissy Kiernan

**Also present:** No additional persons in attendance.

**Mayor Haagenon opened the meeting at approximately 6:30PM with a verification of a quorum.**

### 1. Approval of Meeting Minutes

On motion of Deputy Mayor Comer, seconded by Trustee Peckelis it was unanimously RESOLVED to accept the minutes of the July 7, 2016 Meeting of the Board of Trustees as presented by Clerk-Treasurer Kiernan, attached hereto as Exhibit A.

### 2. Budget Modifications

On motion of Deputy Mayor Comer, seconded by Trustee Baldwin, it was unanimously RESOLVED to modify the budget as follows: Re-appropriate \$40,000 from line A3620.4 Safety Inspection Contractual to line A3620.10 Safety Inspection Personal Services.

### 3. NCVOA Annual Dinner

On motion of Trustee Peckelis, seconded by Trustee Baldwin, it was unanimously RESOLVED to make reservations for one member of the Board of Trustees and Mayor Nora Haagenon to attend the NCVOA Annual Testimonial Dinner on September 15, 2016 for the sum of \$200.00.

### 4. NCVOA Annual Dinner Journal

On motion of Trustee Baldwin, seconded by Deputy Mayor Comer, it was unanimously RESOLVED to place a quarter page color advertisement in the Journal of the Nassau County Village Officials Association Annual Dinner on September 15, 2016 for the sum of \$225.00.

### 5. Approval of Voucher Claims

After discussion, upon motion made by Trustee Baldwin, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that the Audited Vouchers dated August 4th, 2016 for the General Fund totaling \$53,399.79 be and hereby are approved as prepared by Clerk-Treasurer Kiernan.

### 6. Approval of Tax Refunds

After discussion, upon motion of Deputy Mayor Comer, seconded by Trustee Baldwin, it was unanimously RESOLVED to refund property taxes in the total amount of \$1,698.79 to property owners in the refund schedule presented by Clerk-Treasurer Kiernan.

### 7. Financial Report & Audit

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

**8. Justice Court Audit**

On motion of Trustee Baldwin, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that the Village engage the services of Skinnon & Faber to perform an independent compliance audit of the financial affairs of the Village Justice Court for a fee not to exceed \$850.00.

There being no further business before the Board, on motion of Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 6:50PM.

  
Chrissy Kiernan, Village Clerk-Treasurer  
Clerk to the Board

Exhibit B

**Incorporated Village of Baxter Estates**

**APPLICATION FOR TREE REMOVAL PERMIT**

**A TREE MAY NOT BE REMOVED WITHOUT A PERMIT IF:**

It has a trunk twenty (20) inches or greater in circumference at a point three (3) feet above grade. For further requirements see Section 161.12 of Article II of the Zoning Ordinance.

DATE August 26 2016

OWNER NAME: James Russo TEL. NO 516-353-0561  
ADDRESS 52 Locust Avenue email: JamesHRusso@gmail.com

**TREE REMOVAL COMPANY**

NAME Frank Hefferin TEL. NO 516-317-2430  
ADDRESS P.O. Box 1156, Rt. 28, Westbury, NY

**REASON FOR REMOVAL** ( If reason is disease, submit written statement by qualified persons stating nature and prognosis of disease).

**MARK TREES REQUESTED TO BE REMOVED.**

- SUBMIT:**
1. Survey of property.
  2. Sketch a plan of area indicating:
    - a) location and size of trees to be removed.
    - b) location of any proposed improvement on the property.
    - c) Any additional information the Board of Trustees may deem necessary for evaluation of the application including documentation as to the condition of the tree.

**PROPERTY OWNER GIVES PERMISSION FOR THE TREE COMMITTEE TO INSPECT THE TREE IN THE OWNER'S ABSENCE.**

Property Owner Signature [Signature]

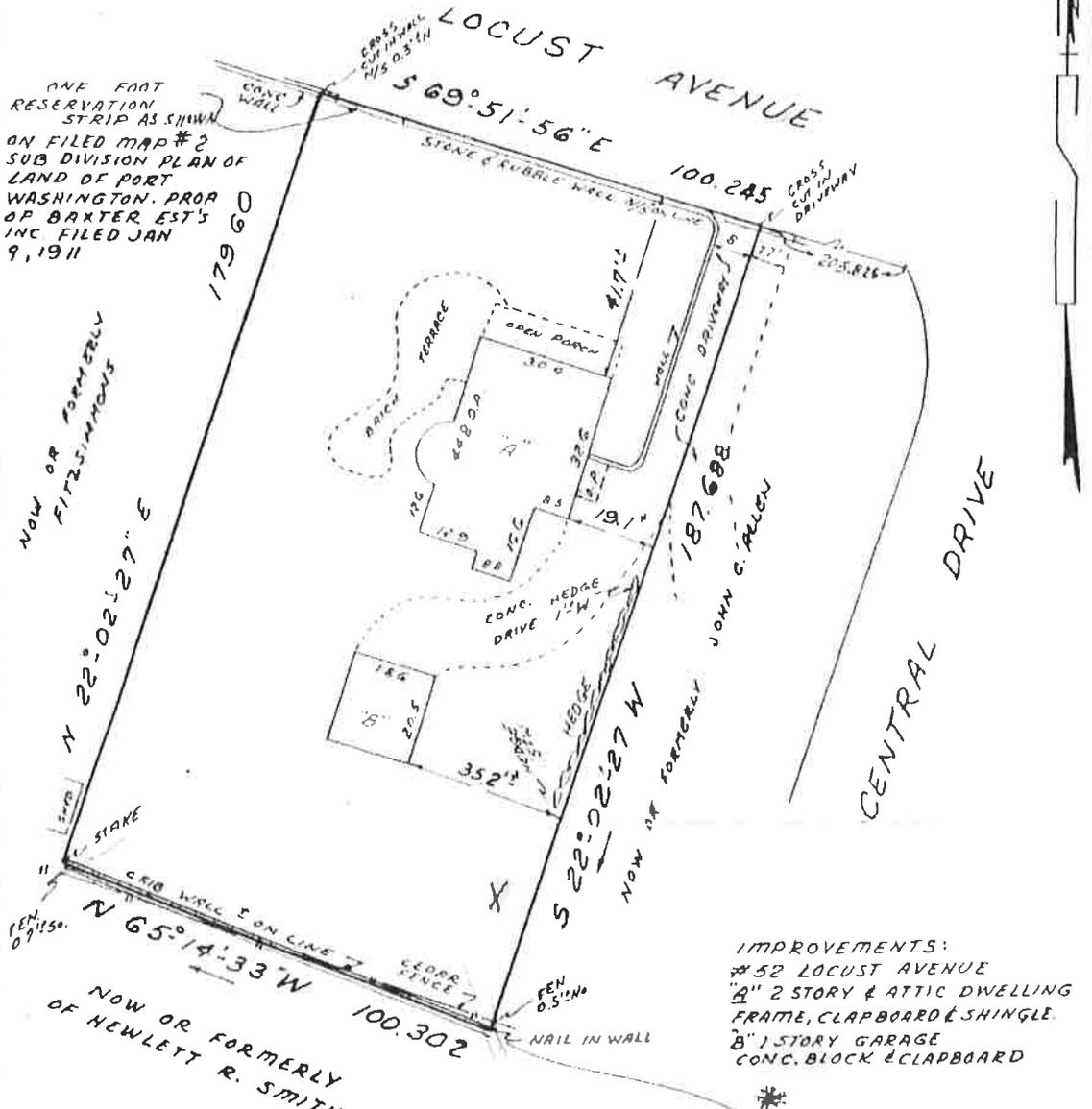
**TREE STUMP MUST BE REMOVED TO GROUND LEVEL**

This application is for a permit authorizing the removal of the specific trees identified by the applicant. Once issued the permit will authorize the removal of the specifically identified trees and none other.

[ ] APPROVED BY \_\_\_\_\_  
[ ] DISAPPROVED DATE \_\_\_\_\_

**IMPORTANT: NO TREE IS TO BE REMOVED UNTIL AN AUTHORIZED SIGNED PAID PERMIT IS IN THE POSSESSION OF THE PROPERTY OWNER OR THEIR AGENT**

BEARINGS IN KEEPING WITH SURVEY BY B.F. ALLEN DATED 12-23-97



ONE FOOT RESERVATION STRIP AS SHOWN ON FILED MAP #2 SUB DIVISION PLAN OF LAND OF PORT WASHINGTON. PROP OF BAXTER EST'S INC FILED JAN 9, 1911

NOW OR FORMERLY FITZSIMMONS

NOW OR FORMERLY OF NEWLETT R. SMITH

IMPROVEMENTS:  
 #52 LOCUST AVENUE  
 "A" 2 STORY & ATTIC DWELLING FRAME, CLAPBOARD & SHINGLE.  
 "B" 1 STORY GARAGE CONC. BLOCK & CLAPBOARD

\* APPEARS THAT RETAINING WALL IS PARTIALLY ON BOTH PROPERTIES.

**MAP of PROPERTY**

MADE FOR  
 SITUATED AT  
 PORT WASHINGTON, NASSAU CO., N.Y.

Surveyed by  
 CHARLES E WARD INC.  
 ENGINEERS-SURVEYORS  
 GREAT NECK N Y  
 8-12-71

MADE FOR & CERTIFIED TO: THE TITLE GUARANTEE COMPANY.  
 " : PIONEER SAVINGS & LOAN ASSOCIATION

*Charles E. Ward, Inc.*  
 AUG. 12, 1971 GREAT NECK, N.Y.  
 5-33-32, 135 \*

P. 5328  
 U. S. Standard  
 Scale 1"=30 ft.

DRAWN BY	F.X.K.
CHECKED BY	W.D.

156-17348

**Akiko Blanchard**

54 Locust Ave  
Port Washington, NY 11050  
516-883-9345  
akiko.blanchard@gmail.com

August 20, 2016

Jim and Donna Russo  
52 Locust Ave.  
Port Washington, NY 11050

Dear Jim and Donna,

I am writing this letter to inform you that the maple tree in your backyard is not healthy and that you should consider removing it before any further damage occurs onto my property.

Two branches fell on my property on June 12, and one more branch fell on August 13. Both times my fences were damaged.

Frank Hefferin, the tree specialist we both know, looked at it on August 2, 2016 and said the tree is not healthy and would die soon.

The branches were partially dry regardless of live leaves were on them.

The tree is tall and if it should fall, it could cause further damages onto both of our properties.

I hope you understand my concern.

Sincerely yours,

  
Akiko Blanchard

Village of Baxter Estates  
315 Main Street, Port Washington, NY 11050 (516) 767-0096

TREE INSPECTION REPORT

Resident Russo  
Address 52 COLUJA AVE  
Phone# \_\_\_\_\_  
Work# \_\_\_\_\_

Date 8/25/16 Tree Inspector LW

Tree Location REAR OF BACK YARD  
Tree Species MAPLE  
Size (DBH) 15" DIA

Special value	Specimen Shade	Historic Screen	Street Tree Other
Tree Health	Normal	Chlorotic	Necrotic
Foliage	Excellent	Average	Poor/None
Callus Development	Excellent	Average	Fair/Poor
Vigor Class			

Major Pests/Diseases \_\_\_\_\_

Site Conditions Tree Broken + 50% Dead

Site Character	Residence	Commercial	Park
Soil problems	Drainage	Shallow	Compacted

Construction Damage \_\_\_\_\_

Prune	Yes	No
Cable/Brace	Yes	No
Remove Tree	<u>Yes</u>	No
Replace	Yes	No

Comments Tree HAS NO VALUE

Village of Baxter Estates  
315 Main Street, Port Washington, NY 11050 (516) 767-0096

TREE INSPECTION REPORT

Resident Kennley  
Address 35 RAYSIDE  
Phone# \_\_\_\_\_  
Work# \_\_\_\_\_  
Date 8/19/16 Tree Inspector LW  
Tree Location AT SIDE OF BACK YARD  
Tree Species LOCUST  
Size (DBH) BOTH 24" DIA

Special value	Specimen Shade	Historic Screen	Street Tree Other
Tree Health	Normal	Chlorotic	Necrotic
Foliage	Excellent	Average	Poor/None
Callus Development	Excellent	Average	Fair/Poor
Vigor Class			

Major Pests/Diseases None Seen

Site Conditions Trees Do not look good. A lot of Dead wood  
Site Character Residence Commercial Park  
Soil problems Drainage Shallow Compacted

Construction Damage \_\_\_\_\_

Prune	Yes	No
Cable/Brace	Yes	No
Remove Tree	<u>Yes</u>	No
Replace	Yes	No

Comments Trees are on Ambles - Locust are a junk type tree - NO VALUE. Look like property owners trees you would have to check survey to confirm. I also saw another locust tree near by same condition.