Board of Trustees Meeting  
Village of Baxter Estates  
315 Main Street, Port Washington, New York  
April 4, 2019  
6:45PM

Meeting Minutes

Present:  
Mayor Nora Haagenson  
Deputy Mayor Charles Comer  
Trustee Doug Baldwin (via video conference, arrived at 6:45p.m., departed at 7:30p.m.)  
Trustee Christopher Ficalora  
Trustee Alice M. Peckelis  
Village Clerk-Treasurer Chrissy Kiernan  
Village Attorney Christopher J. Prior  
Village Superintendent of Buildings Robert Barbach

Also present:  
None

Mayor Haagenson opened the Meeting of the Board of Trustees at approximately 6:45PM with a verification of a quorum followed by a work session and at 7:15PM began the regular meeting.

1. Review of 2019 Landscape Proposals

Deputy Mayor Charles Comer recused himself because he currently uses Freitas Landscaping as a landscaper for his private home.

Mayor Nora Haagenson recused herself because she is considering Maura Bros. as a landscaper for her private home.

Clerk-Treasurer Kiernan presented the Landscape Proposals received by the Village of Baxter Estates.

After discussion, upon motion by Trustee Ficalora, seconded by Trustee Peckelis, it was RESOLVED to accept the written proposal by Freitas Landscaping, the lowest responsible estimate, for the landscaping/maintenance of Village Hall and all other Village Property in the total amount of $4,975, attached hereto as Exhibit A.

- Mayor Nora Haagenson  
  Recused  
- Deputy Mayor Charles Comer  
  Recused  
- Trustee Doug Baldwin  
  Aye  
- Trustee Chris Ficalora  
  Aye  
- Trustee Alice Peckelis

2. Swearing in of Newly Re-Elected Board Members

Congratulations to Mayor Haagenson, Deputy Mayor Comer, and Trustee Ficalora on their March 19, 2019 re-election victories.

Mayor Nora Haagenson was sworn in for a two-year term by Attorney Prior.  
Deputy Mayor Charles Comer was sworn in for two-year term by Attorney Prior.  
Trustee Christopher Ficalora was sworn in for a two-year term by Attorney Prior.

3. Appointments

VBE Committees  
Board of Zoning and Appeals, Member, 5 year term (2019-2024)  
Joseph Zirpolo
Landmarks Preservation Commission, Chairman, 5 year term (2019-2024) Dr. Peter Salins
Planning Board, Member, 5 year term (2019-2024) Brian Reardon
Tree Commission, Chairman, 1 year term (2019-2020) Joshua Speisman
Tree Commission, Member, 1 year term (2019-2020) Brian Reardon
Tree Commission, Member, 1 year term (2019-2020) Paul Mauriello
Tree Commission, Alternate Member, 1 year term (2019-2020) Lance Wagner

Staff
Village Clerk-Treasurer, 2 year term (2019-2021) Chrissy Kiernan
Deputy Village Clerk, 1 year term (2019-2020) Elisabeth Roberts
Village Court Clerk, 1 year term (2019-2020) Linda Kropacek

Other- All appointments listed below are for a one year 2019-2020 term:
Chairman, Board of Zoning and Appeals Dr. William Haagenson
Chairman, Planning Board Gerald Hallissy
Chairman, Landmarks Preservation Commission Dr. Peter Salins
Chairman, Tree Commission Joshua Speisman,
Deputy Mayor Charles Comer
Village Attorney Christopher J. Prior
Village Prosecutor MaryBeth Malloy
Village Historian Addison Barman
Village Engineer James Antonelli, P.E.
Flagmaster Laurence Tuck
Associate Village Justice Gale D. Berg
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
Snow Commissioner Douglas Baldwin
Deputy Snow Commissioner Charles Comer
Budget Officer Christopher Ficalora
Deputy Budget Officer Douglas Baldwin
Road Commissioner Douglas Baldwin
Deputy Road Commissioner Alice Peckelis
Communications Officer & Board Liaison 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
Tree Commission Liaison Christopher Ficalora

Village Representatives to
Manhasset Bay Protection Committee Nora Haagenson, Charles Comer, Michael Malloy
Nassau County Village Officials Assoc. Nora Haagenson & Trustees, Chrissy Kiernan
Chamber of Commerce Nora Haagenson, Chrissy Kiernan
Emergency Management Nora Haagenson, Alice Peckelis

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

Mayor Nora Haagenson Aye
Deputy Mayor Charles Comer Aye
Trustee Doug Baldwin Absent
Trustee Chris Ficalora Aye
Trustee Alice Peckelis Aye
4. Swearing in of Appointed Village Officials

Laurence Tuck was present and sworn in as the Village Flagmaster by Attorney Prior for a one year term.


Mayor Haagenson opened the Public Hearing duly advertised in the March 20, 2019 issue of the Port Washington News to consider the Budget for the fiscal year commencing June 1, 2019 and ending May 31, 2020.

A verbatim transcript of the Public Hearing is annexed to and incorporated into these minutes.

Upon motion by Trustee Ficalora, seconded by Deputy Mayor Comer, it was RESOLVED to close the public hearing at 8:00PM.

Mayor Nora Haagenson  Aye
Deputy Mayor Charles Comer  Aye
Trustee Doug Baldwin  Absent
Trustee Chris Ficalora  Aye
Trustee Alice Peckelis  Aye

6. Resolution to Approve the Village Budget for the fiscal year commencing June 1, 2019 and ending May 31, 2020.

Upon motion by Trustee Ficalora, seconded by Deputy Mayor Comer, it was RESOLVED to adopt the Tentative Budget presented by Clerk-Treasurer Kiernan as the Adopted Budget for the Village fiscal year commencing June 1, 2019 and ending May 31, 2020, in the amount of $781,112.47, which includes $618,868.70 to be raised by property taxes attached hereto as Exhibit B.

Mayor Nora Haagenson  Aye
Deputy Mayor Charles Comer  Aye
Trustee Doug Baldwin  Absent
Trustee Chris Ficalora  Aye
Trustee Alice Peckelis  Aye

7. Organizational Meeting Resolution

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

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 C, and to distribute said Code of Ethics to all public officers and employees of the Village of Baxter Estates for signature; and

FURTHER RESOLVED that the Village Board of Trustees re-adopts the Rules and Procedure for the Village of Baxter Estates originally adopted by the Board of Trustees on April 7, 2016, attached hereto as Exhibit D in accordance with Village Law § 4-412; and

FURTHER RESOLVED that the Board of Trustees designate April 2, 2020 as the date of the next Village Organizational Meeting; and

FURTHER RESOLVED to appoint the law firm of McLaughlin & Stern LLP to provide legal services for the Village’s 2019/2020 year under the retainer agreement dated March 15, 2019 attached hereto as Exhibit E; and
FURTHER 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 2020; and

FURTHER RESOLVED that The First National Bank of Long Island be and hereby is designated as the authorized depository for Village funds for the year ending April 2020 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; and

FURTHER RESOLVED that Mayor Nora Haagenson, Deputy Mayor Charles Comer and Clerk-Treasurer Chrissy Kiernan be the sole officials hereby authorized on all Village accounts with The First National Bank of Long Island for the year ending April 2020; and

FURTHER RESOLVED that Mayor Nora Haagenson, Deputy Mayor Charles Comer and Clerk-Treasurer Chrissy Kiernan be the sole officials hereby authorized to hold visa credit cards with The First National Bank of Long Island for the year ending April 2020; and

FURTHER RESOLVED that Chase Bank be and hereby is designated as the authorized depository for Village Court Funds for the year ending April 2020; and

FURTHER RESOLVED to re-adopt the Village’s Investment Policy, as prepared and presented by Village Attorney Prior, attached hereto as Exhibit F; and

FURTHER RESOLVED to re-adopt the Village’s Capitalization Policy, as prepared and presented by Village Attorney Prior, attached hereto as Exhibit G; and

FURTHER RESOLVED to re-adopt the Village’s Procurement Policy, as prepared, and amended, and presented by Village Attorney Prior, attached hereto as Exhibit H; and

FURTHER RESOLVED to re-adopt the Village’s Freedom of Information Law (FOIL) Policy, as prepared and amended, and presented by Village Attorney Prior, attached hereto as Exhibit I; and

FURTHER RESOLVED to re-adopt the Village’s Comprehensive Emergency Management Plan, as prepared and presented by Clerk-Treasurer Kiernan, available in the Clerk’s Office; and

FURTHER 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 and internet services, cable, village credit cards, 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; and

FURTHER 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 and Spring Legislative Meetings, b) New York Municipal Clerks Institute (NYMCI) c) NYCOM's Fall Training School, d) Government Finance Officers Association Annual Conference, 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; and

FURTHER RESOLVED that pursuant to Village Law § 5-524(7), the actual and necessary expenses of the Village Clerk-Treasurer, Mayor, Deputy Village Clerk, Superintendent of Buildings and Code Enforcement Official incurred when performing their official duties are a village charge, therefore the Board of Trustees has determined to pay a fixed standard rate for mileage at a rate equal to the annual rate as established by the Internal Revenue Service (IRS), 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 resolution become effective immediately.

Mayor Nora Haagenson  Aye  
Deputy Mayor Charles Comer  Aye  
Trustee Doug Baldwin  Absent  
Trustee Chris Ficalora  Aye  
Trustee Alice Peckelis  Aye  

8. Utility and Telecommunications Poles

Resident, Charles Idol, 8 Sandy Hollow Lane, urged that the Board of Trustees look into regulating the type of poles used by utility and telecommunications companies noting that fiber reinforced polymer poles are environmentally preferred over wood poles.

9. Sand/Salt Mix Used on Village Roadways During the Snow Season

Resident, Charles Idol, 8 Sandy Hollow Lane, inquired as to whether the sand/salt mix that the Village's snow maintenance contactor places on the roadway has changed since last year and brought a jar of large pebbles of approximately a half inch diameter to three inches in diameter, photo below, demonstrating what he collected in the street.

Mayor Haagenson explained that the salt/sand material we used is the same as in previous years, as we had checked with Nassau County, and noted that the large pebbles could be coming from a private property owner's driveway.

![Photo of large pebbles](image)

10. Groundskeeper Permits

Resident, Charles Idol, 8 Sandy Hollow Lane, asked to readdress the topic of groundskeeper permit. Mayor Haagenson stated that the topic has been discussed at length at several meetings, during the public hearing when the bill to establish licensing of groundskeepers was considered, and through various email communications between Mr. Idol and Village officials.


Superintendent of Buildings Robert Barbach advised the Board of Trustees that Michele Arnold and Mark Deleonardis, owners of 19 High Street, have submitted an application for building permit to address pending issues surrounding a retaining wall partially on their property, in close proximity to the steep embankment beyond High Street to the north. Mr. Barbach observed that, in light of outstanding violations affecting the Arnold parcel, Village Code Section 102-6 restricts the Village from processing the building permit application, unless the Board, under Village Code Section 102-6.D.(2), waives that restriction.
Mr. Barbach noted that the application addresses the problematic situation that is the subject of the outstanding violations, which impact the public health, safety and welfare, and recommended that processing the application even while the violations are outstanding would serve to protect the public health and safety. He also noted that the work proposed to solve the issues will necessitate construction and excavation in the village right of way abutting the premises at 19 High Street.

Village Attorney Chris Prior agreed that the Board of Trustees is empowered to waive the restriction on processing the application, and that public health and safety concerns are an appropriate reason for the Board to exercise that power. The Village Attorney urged that the Village should require that the property owners enter into a license requirement to enable the property owner to perform project related work in the Village right-of-way. The agreement would also indemnify the Village and ensure that Village property is remediated and restored to previous condition. It was noted that the applicant is responsible for contacting the County of Nassau, and any other abutting property owners, to obtain their consent separately.

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

Pursuant to the authority contained in Village Code Section 102-6.D.(2), the Board of Trustees hereby waives the restriction on the processing of applications with respect to the Application for Building Permit of Michele Arnold and Mark DeLeonardis, owners of 19 High Street, to reconstruct a failing retaining wall, and that the waiver is conditioned upon:

1. The property owners shall enter into a license agreement with the Village in form to be prepared by and satisfactory to the Village Attorney, pursuant to which: the Village will permit construction activity from the Village right-of-way, subject to (i) an indemnity obligation on the part of the property owner in favor of the Village, (ii) the production of insurance or security bonds as deemed appropriate by the Village Attorney and Superintendent of Buildings, (iii) the Village property impacted during the license agreement shall be restored to its preexisting condition to the satisfaction of the Superintendent of Buildings, and (iv) such other conditions as are deemed appropriate by the Village Attorney and Superintendent of Buildings;

2. All work to be performed on the project shall be done in accordance with the plans prepared by S.H.L. Engineering and dated March 20, 2019, as presented to the Board at this meeting by the Superintendent of Buildings; provided, however, that same shall be modified and amended by the licensed engineer to reflect that the retaining wall proposed to be constructed shall be constructed entirely on the Arnold premises at 19 High Street and shall be installed with a setback of at least one (1) foot from the property line shared by 19 High Street and the abutting Village right-of-way.

3. To the extent deemed necessary or appropriate by the Village Attorney and the Superintendent of Buildings, an instrument of covenants and restrictions in form to be prepared by and satisfactory to the Village Attorney, shall be signed and delivered by the property owners to be recorded against their parcel, to ensure any on-going obligations of the property owners or their successors as owners of 19 High Street, with respect to the Village Right of way.

4. All cost and expense of the preparation of the license agreement and any instrument of covenants and restrictions shall be the responsibility of the property owners.

5. The property owners are responsible for obtaining any other consents or approvals from other abutting property owners including the County of Nassau.

   Mayor Nora Haagenson          Aye
   Deputy Mayor Charles Comer     Aye
   Trustee Doug Baldwin          Absent
   Trustee Chris Ficalora         Aye
   Trustee Alice Peckelis         Aye

12. Rescind and Approve General Code Update
After discussion, on motion by Trustee Ficalora, seconded by Deputy Mayor Comer, it was RESOLVED to rescind the previous resolution at the March 7, 2019 Board of Trustees Meeting regarding the approval of General Code codification of Local Law Nos. 4-2018 through 6-2018 including revisions to the Table of Contents, Disposition List and Index, and shipping and handling of six sets of supplemental pages for a cost not to exceed $965.00, and approve General Code codification of Local Law Nos. 4-2018, 5-2018, 6-2018, 1-2019, 2-2019, 3-2019 including revisions to the Table of Contents, Disposition List and Index, and shipping and handling of six sets of supplemental pages for a cost not to exceed $1,730.00.

Mayor Nora Haagenson  
Deputy Mayor Charles Comer  
Trustee Doug Baldwin  
Trustee Chris Ficalora  
Trustee Alice Peckelis

Aye  
Aye  
Absent  
Aye  
Aye

13. Approval of Meeting Minutes of March 7, 2019

On motion of Trustee Ficalora seconded by Trustee Peckelis was RESOLVED to accept the minutes of the March 7, 2019 Meeting of the Board of Trustees, as presented by Clerk-Treasurer Kiernan.

Mayor Nora Haagenson  
Deputy Mayor Charles Comer  
Trustee Doug Baldwin  
Trustee Chris Ficalora  
Trustee Alice Peckelis

Aye  
Aye  
Absent  
Abstained  
Aye

14. Approval of Audit Agreement Dated February 8, 2019

On motion by Trustee Ficalora, seconded by Deputy Mayor Comer it was RESOLVED to approve the audit agreement with Cullen & Danowski dated February 8, 2019 to perform an independent audit of the financial affairs of the Village for the fiscal year commencing June 1, 2018 and ending May 31, 2019.

Mayor Nora Haagenson  
Deputy Mayor Charles Comer  
Trustee Doug Baldwin  
Trustee Chris Ficalora  
Trustee Alice Peckelis

Aye  
Aye  
Absent  
Aye  
Aye

15. Potholes on Village Roadways

Trustee Peckelis noted that there is a large pothole on the lower intersection of Hilltop Road and Overlook Drive. The Board of Trustees directed Clerk-Treasurer Kiernan to have the Code Enforcement Official, Joshua Speisman, mark all the potholes on Village roadways to obtain estimates for pothole repair and to direct Robert Keogh Inc. to fill the aforementioned pothole immediately, declaring the work an emergency.

16. Parking on Columbia Place

A resident of 10 High Street inquired via a written communication to the Board to lift the parking restriction on the north side of Columbia Place to allow for additional parking spots.

Board Members discussed the issue and tabled the matter to the next Board Meeting pending follow-up inquiry with the Port Washington Police and review of previous Board Meeting Minutes where the topic may have been addressed.

17. Inquiry to designate "No parking" in front of #19 Hilltop Road
The Board of Directors discussed the inquiry to designate "No Parking" in front of #19 Hilltop Road and concluded that it is not an option to restrict parking in front of a single home.

18. Budget Modification

Clerk-Treasurer Kiernan noted that a modification is needed for work performed by the Village Engineer and also Court Equipment expense, A1110.2, which is offset by a New York State Justice Court Grant which was deposited into A3599 State Aid, Grants.

After discussion, upon motion by Deputy Mayor Comer, seconded by Trustee Ficalora, it was RESOLVED to transfer $2,880.00 from A1990 Contingent to A1440.4 Engineer Fee for Services for additional Engineering services and to transfer $875.00 from A1990 Contingent to A1110.2 Court Equipment.

Mayor Nora Haagenson
Deputy Mayor Charles Comer
Trustee Doug Baldwin
Trustee Chris Ficalora
Trustee Alice Peckelis

Aye
Aye
Absent
Aye
Aye

19. Approval of Voucher Claims

After discussion, upon motion made by Trustee Ficalora, seconded by Deputy Mayor Comer, it was RESOLVED that the Audited Vouchers dated April 4, 2019 for the General Fund totaling $26,727.72, be and hereby are approved as prepared by Clerk-Treasurer Kiernan.

Mayor Nora Haagenson
Deputy Mayor Charles Comer
Trustee Doug Baldwin
Trustee Chris Ficalora
Trustee Alice Peckelis

Aye
Aye
Absent
Aye
Aye


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


Clerk-Treasurer Kiernan provided the Board of Trustees with a Public Works & Public Safety Report.

22. Port Washington-Manhasset Office of Emergency Management Meeting

Mayor Haagenson reported that she attended a Port Washington-Manhasset Office of Emergency Management meeting where the gates at Throgs Neck Bridge were discussed.

Executive Session 9:20PM

On motion by Deputy Mayor Comer seconded by Trustee Ficalora, it was RESOLVED to enter into Executive Session to discuss personnel matters.

Mayor Nora Haagenson
Deputy Mayor Charles Comer
Trustee Doug Baldwin
Trustee Chris Ficalora
Trustee Alice Peckelis

Aye
Aye
Absent
Aye
Aye

At 9:53PM, Mayor Haagenson stated that Executive Session had concluded and that no action had been taken.
23. Resolution to Retain Olympia Cleaning Service

On motion by Trustee Ficalora, seconded by Deputy Mayor Comer, it was RESOLVED to retain Olympia Cleaning Service on a month to month basis in a form of agreement as approved by counsel.

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<tr>
<td>Mayor Nora Haagenson</td>
<td>Aye</td>
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<td>Aye</td>
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<td>Trustee Doug Baldwin</td>
<td>Absent</td>
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<tr>
<td>Trustee Chris Ficalora</td>
<td>Aye</td>
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<tr>
<td>Trustee Alice Peckelis</td>
<td>Aye</td>
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There being no further business before the Board, on motion of Deputy Mayor Comer, seconded by Trustee Ficalora, it was RESOLVED that the meeting be and hereby is adjourned at 10:04PM.

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<td>Mayor Nora Haagenson</td>
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<td>Trustee Doug Baldwin</td>
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<td>Trustee Christopher Ficalora</td>
<td>Aye</td>
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<td>Trustee Alice M. Peckelis</td>
<td>Aye</td>
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Christina R. Kiernan, Village Clerk-Treasurer
PUBLIC HEARING
OF THE
BOARD OF TRUSTEES
OF THE
VILLAGE OF BAXTER ESTATES

PRESENT: NORA HAAGENSON, Mayor
CHARLES COMER, Deputy
Mayor/Trustee
ALICE PECKELIS,
Trustee
CHRISTOPHER FICALORA,
Trustee

DATE: April 4, 2019

TIME: 7:30 p.m.

PLACE: VILLAGE HALL
315 Main Street
Port Washington, NY

11050

COUNSEL
REPRESENTING
INC. VILLAGE
OF BAXTER
ESTATES:
CHRISTOPHER PRIOR,
ESQ.

VILLAGE CLERK: CHRISY

KIERNAN

REPORTED BY: WENDY SILAS
Board of Trustees

MAYOR HAAGENSON: Our official meeting is beginning, our organizational meeting.

We have Trustee Ficalora, Trustee Charles Comer, Trustee Alice Peckelis, Trustee Baldwin present. So we have -- we are all present.

And the first thing that needs to happen is that the board members, the two new board members -- the two recurring members and the Mayor need to be sworn in by our attorney.

MR. PRIOR: Very good. Let’s do it.

(Whereupon Mayor Haagenson, Trustee Charles Comer and Trustee Christopher Ficalora were duly sworn.)

MR. PRIOR: Congratulations Mayor, Charles, Chris.

MAYOR HAAGENSON: Can we have --

MR. PRIOR: Do you want a picture?

THE COURT: Could we?

THE CLERK: Yes, but we don't
Board of Trustees

have Trustee Baldwin.

MAYOR HAAGENSON: I would like to
say the Pledge of Allegiance.

THE CLERK: Do you want to wait
until trustee Baldwin is back and then
we can do it?

MAYOR HAAGENSON: It will just be
a later photo, that's okay.

THE CLERK: We'll do the old book
signing before I leave later so as to
not slow down the process.

(Whereupon, the Pledge of
Allegiance was recited at this time.)

MAYOR HAAGENSON: So the
following people are being appointed
this evening:

THE CLERK: Off the record.

(Whereupon, the list of
appointees was read at this time.)

MAYOR HAAGENSON: Our flag master
needs to be sworn in.

(Whereupon, the flagmaster of the
Incorporated Village of Baxter Estates
was sworn in.)
Board of Trustees

MAYOR HAAGENSON: We now have a public hearing on the budget.

Okay, our budget officer will quickly go through our budget for us.

TRUSTEE FICALORA: I'll do a very high-level overview of our budget based on a comparison year over year.

We are reducing our appropriations, our spending, by $21,000, 2018 to 2019, which is a 2.61 percent decrease.

Our revenues are falling short to previous years and that's primarily due to an estimated $85,000 that we would have normally gotten from the State of New York.

THE CLERK: No, $85,000 is what we budgeted. We lost $6140 from AIM funding.

TRUSTEE FICALORA: I'm reading from here.

THE CLERK: It's conservatively estimated at $85,000.

TRUSTEE FICALORA: Isn't that
what I said?

THE CLERK: That's the total.

Of that the AIM funding was reduced and that was around $6140 that wasn't included in the governor's budget.

TRUSTEE FICALORA: The fund balance prediction at the year end is estimated conservatively at about $171,000.

And to not go through line item by line item, I'll do a high level of where the money is being spent, some of the new items we're implementing.

We're planning on doing a GIS implementation which is a mapping and budget department software system.

We are going to be hiring a storm water -- MS4 storm water report engineer. Previously we've always relied on Deputy Trustee Mayor Charles Comer. We have some engineering fees for some grant projects.

We will be shifting -- we're
Board of Trustees

using CHIPS funding for our cast base reconstruction.

We are bringing the leaf program back in place. However, this year there will be stricter guidelines to keep compliance with safety issues.

We will be implementing a new and better pothole program and a number of items haven't changed.

We did give our team within the village office a salary increase as decided by the board of directors.

All other areas within -- stayed neutral and some items that we're reducing, reclassification of the BOT. Based on some new laws coming out of Albany they had to be re-allocated.

We renegotiated our insurance which brought that amount down.

And just some other -- and, finally, the most important thing is we no longer have a bond payment or principal. That was paid off in full in this past fiscal year.
Board of Trustees

So that's where we stand.

Any questions?

That was at a very high level.

THE COURT: No?

I think we're all set, then.

TRUSTEE FICALORA: Did I miss anything?

THE CLERK: No, everything was excellent.

MR. PRIOR: That represents the board of directors --

MAYOR HAAGENSON: Do we make a motion to accept the budget as presented?

TRUSTEE PECKELIS: I think we should entertain questions from the public first.

MAYOR HAAGENSON: No one seemed to ask any questions.

Do we have any questions?

THE CLERK: Can you have a seat, please?

We're in the middle of the budget.
MAYOR HAAGENSON: Do we have any questions?

Would you speak louder?

A VOICE: Codification.

Am I reading that correct?

It went from 1195 to 7500.

Why it took such a jump?

MR. PRIOR: Codification?

THE CLERK: Yeah, codification has an annual fee to maintain the E-code and then as you have local laws that need to be implemented into general code. There's fees for that based on the length of the code and what it changes in the code.

And then we receive an estimate if supplemental pages are to be changed throughout different sections of the code or if you're adding a section. That's what the cost covers.

MR. PRIOR: I think we had held on to a couple of local laws to accumulate them and do them at one fell swoop which is why it was low last year
Board of Trustees

and higher this year.

THE CLERK: Exactly. So '18 and '19 will be combined this year.

And that's also a budgeted amount. It assumes you're doing that. If you don't, obviously, enact any local laws in the next fiscal year then that money is just put back into the general fund.

MAYOR HAAGENSON: Any other questions?

TRUSTEE FICALORA: I make a motion to accept the budget.

MR. PRIOR: Motion to close the public hearing first for the budget?

DEPUTY MAYOR COMER: Second.

MAYOR HAAGENSON: All in favor?

MS. PECKELIS: Aye.

DEPUTY MAYOR COMER: Aye.

TRUSTEE FICALORA: Aye.

I make a motion to accept the 2019-20 budget.

DEPUTY MAYOR COMER: So moved.

MAYOR HAAGENSON: All in favor?
Board of Trustees

TRUSTEE PECKELIS: Aye.

DEPUTY MAYOR COMER: Aye.

TRUSTEE FICALORA: Aye.

THE CLERK: Okay, the public hearing is done.

* * *

It is hereby certified that the foregoing is a true and accurate transcript of the proceedings.

WENDY SILAS
COURT REPORTER
Landscaping Proposal

Date: 3-13-19

Company Name: Freitas Landscaping

Company Address: 36 Locust Ave
916 883 8172

Company Phone: 508 371 6698 Alida

Contact Name: John Moreau

PROPOSAL:

315 Main Street (Village Hall Property)

$ 950.00 Spring Clean-up: Leaf & debris clean-up from flower beds, gardens, window wells, deck, and patio. Rake and blow lawn, prune small trees and shrubs, turn over and edge all beds along Main Street. During Spring Clean-up, mulch beds on Village Property including flower bed along Main Street along the fence and sidewalk on both sides of fence, in area located adjacent to handicap parking, and planting area along the garden lights in front of the building.

$ 950.00 Fall Leaf Clean-up: All leaves cleaned once a week from week of October 28th thru week of December 9th

$ 225.00 Gutter cleaning: Two (2) times a year, once during spring clean-up and once during the fall.

$ 250.00 Lawn chemical program: Five (5) applications.

$ 1,100.00 Lawn maintenance: Twenty-eight (28) cuts per season beginning week of April 15th through week of October 21st: Cut lawn; edge lawn; blow walkways, patio, deck, and driveway; and along back wooden fence, weed and cultivate approximately 50'x3'. Also, apply weed killer to gravel stones in parking lot as needed.

$ 875.00 Shrub and hedge trimming: Five (5) times total- once per month in June, July, August, September, and October.

SUBTOTAL $ 3,700.00
Inc. Village of Baxter Estates  
315 Main Street  
Port Washington, NY 11050  
516 767-0096  
staff@baxterestates.org

Village Property Maintenance

$ 600 Baxter Beach: Twice a month, rake and remove debris washed onto the beach; mow the grass; trim bushes and trees; blow sidewalk clean from May through October.

$ 325 Maintain Overlook Drive and Central Drive Parkland Property: once a month from May to September. Top of Central Drive alongside parkland, includes maintenance of edge of woods for 5 feet from curb starting at the top of Central Drive to approximately half-way up the hill merging onto Overlook Drive and then past Hilltop Road (past the bottom intersection of Overlook Drive and Hilltop Road) including spraying for poison ivy, as needed. Must trim brush at bottom of Hilltop Road and Overlook Drive as needed for safety.

$ 150 Bayside Avenue Property (adjacent to Water District): Maintain lawn once a month from May thru October. Spray for poison ivy, as needed.

$ 50 Virginia Avenue Property: One time clean-up and pick-up of debris.

$ 50 Library Drive Property (across from Port Washington Library): One time clean-up and pick-up of debris.

$ 100 High Street: Maintain sidewalk on east side of street between Main Street and Columbia Place - three times a season once in March, June and September.

SUBTOTAL: $ 1,275

Grand Total: $ 4,975

(subtotal on pages 1 & 2 added together)

*Please note for the purposes of the estimate process, separate contracts may be awarded for landscaping of Village Hall Property (page 1) and all other Village Property (page 2).
INTEGRATED VILLAGE OF BAXTER ESTATES
TENTATIVE BUDGET
FOR THE FISCAL YEAR COMMENCING JUNE 1, 2019 AND ENDING MAY 31, 2020

Inc. Village of Baxter Estates
Tentative Budget
For the Fiscal Year Commencing June 1, 2019 and ending May 31, 2020

<table>
<thead>
<tr>
<th>APPROPRIATIONS</th>
<th>2019-2020 ADOPTED GENERAL FUND</th>
<th>2018-2019 ADOPTED GENERAL FUND</th>
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<td>APPROPRIATIONS</td>
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<td>LESS:</td>
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<td>$ 91,300.00</td>
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<td>TOTAL REVENUES</td>
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<td>$ 196,861.39</td>
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BALANCE TO BE RAISED BY REAL PROPERTY TAX LEVY
(ACCOUNTS LESS TOTAL REVENUES)

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<tr>
<th>TOTAL ASSESSED VALUE OF TAXABLE PROPERTY INCLUDING SPECIAL FRANCHISES FOR UTILITIES</th>
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<tr>
<td>TAX RATE PER HUNDRED DOLLARS</td>
<td>2019-2020 TENTATIVE ADJUSTED BUDGET</td>
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</tr>
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</table>

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.

GENERAL FUND - APPROPRIATIONS
FOR THE YEAR ENDING JUNE 1, 2019 - MAY 31, 2020

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<tr>
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<tr>
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*Estimated revenues other than real property taxes are reported prior to any modifications for any actual additional income received or anticipated at fiscal year-end.
### Incorporated Village of Baxter Estates

#### Tentative Budget

**For the Fiscal Year Commencing June 1, 2019 and Ending May 31, 2020**

<table>
<thead>
<tr>
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<td>GRAND TOTAL GENERAL FUND APPROPRIATIONS 2019-2020</td>
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### Incorporated Village of Baxter Estates

**General Fund - For the Fiscal Year June 1, 2019 - May 31, 2020**

**Estimated Revenues Other Than Real Property Taxes to be Levied**

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<tbody>
<tr>
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INCORPORATED VILLAGE OF BAXTER ESTATES  
TENTATIVE BUDGET  
FOR THE FISCAL YEAR COMMENCING JUNE 1, 2019 AND ENDING MAY 31, 2020

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<tr>
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<th>General Fund Balance</th>
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<table>
<thead>
<tr>
<th>Special Reserves Balance</th>
<th>Reserve for Highway Maintenance</th>
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**Schedule of Salaries and Wages**

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<th>Unit and Title</th>
<th>General Fund - All Departments</th>
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<tr>
<td>Village Justice Court</td>
<td>Clerk 1 person for 12 months: 9,000.00</td>
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<tr>
<td>Clerk's Office</td>
<td>Clerk-Treasurer 1 person for 12 months: 99,001.04</td>
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<td>Deputy Village Clerk 1 person 13 months: 46,513.45</td>
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<tr>
<td>Building Department</td>
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<td>Code Enforcer 1 person for 13 months: 2,000.00</td>
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**Total Salaries**: $184,614.49


Signed
Nora Haagenson

Title
Mayor
Chapter 21

ETHICS, CODE OF

§ 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.


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.
Resolution Adopting Rules of Procedure for the Board of Trustees of the
Village of Baxter Estates
Originally Adopted: April 7, 2016; Re-adopted April 5, 2018

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 6:45 p.m. with a Work Session followed by the Regular Meeting 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 present by videoconference in
accordance with the Public Officer 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 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 and 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, he or she 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 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, and dignity.
   • Interested parties or their representatives may address the Board by written communications.

9. MINUTES:
   a) The Village Clerk to the Board of Trustees is responsible for taking the minutes of the Board meetings. 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 only if an action is taken during Executive Session 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) Public comment period;
d) Approval of minutes of previous meeting;
e) Old business;
f) New business;
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.
March 15, 2019

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

Re: Retainer Agreement for 2019/2020

Dear Mayor and Trustees:

We appreciate our relationship with the Village. Our firm proposes the following independent contractor agreement for legal services for the Village’s 2019/2020 year, commencing June 1, 2019. 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) $281 [up from $275] 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:
Partner: $304 [was $298 last year]
Of counsel: $291 [was $285 last year]
10-year Associate: $281 [was $275 last year]
Associate: $100 - $231 [was $100-$226 last year]
Paralegal: $65 - $116 [was $65-$110 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.

In the event that a dispute arises relating to our fees, you may have the right to arbitration of the dispute under Part 137 of the Rules of the Chief Administrator of the New York courts, a copy of which will be provided to you upon request.

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,

McLaughlin & Stern, LLP

[Signature]

Agreed to by:

Village of Baxter Estates

[Signature]
VILLAGE OF BAXTER ESTATES
INVESTMENT POLICY

(AS RE-ADOPTED APRIL 5, 2018)

(To reduce from 140% to 100% amount of deposits to be secured if Federal Home Loan Bank Letters of Credit are used to secure deposits)


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:

- to conform with all applicable federal, State and other legal requirements (legality);
- to adequately safeguard principal (safety);
- to provide sufficient liquidity to meet all operating requirements (liquidity); and
- 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 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 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
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 100% 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 depositary 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 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:

- 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;

- Obligations of the United States of America;

- 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;

- Obligations of the State of New York;

- 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;

- 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 Treasurer shall evaluate the financial position and maintain a listing of proposed depositaries, 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 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 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 depositary 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 Department of Financial Services 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:"

<table>
<thead>
<tr>
<th>Description</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Obligations issued, or fully insured or guaranteed as to the payment of</td>
<td>100%</td>
</tr>
<tr>
<td>principal and interest, by the United States of America, an agency thereof</td>
<td></td>
</tr>
<tr>
<td>or a United States government sponsored corporation.</td>
<td></td>
</tr>
<tr>
<td>(ii) Obligations issued or fully guaranteed by the International Bank for</td>
<td>100%</td>
</tr>
<tr>
<td>Reconstruction and Development, the Inter-American Development Bank, the</td>
<td></td>
</tr>
<tr>
<td>(iii) Obligations partially insured or guaranteed by any agency of the</td>
<td>100%</td>
</tr>
<tr>
<td>United States of America, at a proportion of the market value of the</td>
<td></td>
</tr>
<tr>
<td>obligation that represents the amount of the insurance or guaranty.</td>
<td></td>
</tr>
<tr>
<td>(iv) Obligations issued or fully insured or guaranteed by the State of</td>
<td>100%</td>
</tr>
<tr>
<td>New York, obligations issued by a municipal corporation, school district or</td>
<td></td>
</tr>
<tr>
<td>district corporation of this State or obligations of any public benefit</td>
<td></td>
</tr>
<tr>
<td>corporation which under a specific State statute may be accepted as security</td>
<td></td>
</tr>
<tr>
<td>for deposit of public moneys.</td>
<td></td>
</tr>
<tr>
<td>(v) Obligations issued by states (other than the State of New York) of the</td>
<td>100% if rated in the highest</td>
</tr>
<tr>
<td>United States rated in one of the three highest rating categories by at least</td>
<td></td>
</tr>
<tr>
<td>one nationally recognized statistical rating organization.</td>
<td>90% for 2\textsuperscript{nd} highest</td>
</tr>
<tr>
<td></td>
<td>80% for 3\textsuperscript{rd} highest</td>
</tr>
</tbody>
</table>

335570.6
(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.

100% if rated in the highest category:
90% for 2\textsuperscript{nd} highest
80% for 3\textsuperscript{rd} highest.

(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.

100% if rated in the highest category:
90% for 2\textsuperscript{nd} highest
80% for 3\textsuperscript{rd} highest.

(viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.

80%

(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.

70%

(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.

80%

(xi) Zero coupon obligations of the United States government marketed as "Treasury STRIPS."

80%
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 schedule 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 G
VILLAGE OF BAXTER ESTATES
CAPITALIZATION POLICY
(Re-adopted April 5, 2018)

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.
VILLAGE OF BAXTER ESTATES
PROCUREMENT POLICY
(Re-adopted April 5, 2018; most recently amended April 9, 2015)

WHEREAS, Section 104-b of the General Municipal Law ("GML") requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, this Policy is reviewed annually by the Village, and comments have been solicited from all officers of the Village involved in the procurement process; and

WHEREAS, recent amendments to GML §103 relating to “piggy-back” contracts warrant amendments hereto;

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Trustees of the Village of Baxter Estates does hereby adopt the following procurement policy, which is intended to apply to all goods and services which are not required by law to be publicly bid.

1. (a) Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Although “purchase contract” and “contract for public work” are not defined in New York State General Municipal Law §103, the Office of the State Comptroller has opined that “purchase contract” applies to the procurement of commodities, equipment, materials and supplies, while the term “contract for public work” applies to contracts for services, labor or construction. If a contract involves the acquisition of commodities, equipment, materials or supplies, as well as the purchase of services, labor or construction (e.g., when an item of equipment is purchased and installed by the vendor), then the “total character” of the arrangement, as well as the underlying purpose of the competitive bidding statute, will be examined to make the determination. Village personnel making this determination may, if desired, consult with the Village Attorney for advice in rendering such determination. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year.

(b) The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts equal to or less than $20,000 and public works contracts equal to or less than $35,000; emergency purchases and contracts; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions;
purchases under State and County contracts; purchases under intermunicipal agreements duly authorized under the General Municipal Law; surplus and second-hand purchases from another governmental entity; and “piggy-back” purchases, pursuant to GML §103.16., under contracts publicly let by the United States, any agency of the United States, any state or political subdivision or district of any State, if let to the lowest responsible bidder or on the basis of best value consistent with GML §103, and made available to other governmental entities (collectively, “Piggy-back Contracts”).

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual recommending that the purchase or expenditure be made (the “Purchaser”). This documentation may include written or verbal quotes from vendors, a memo from the Purchaser indicating how the decision was reached, a copy of the contract indicating the source which makes the item or service exempt, a memo from the Purchaser detailing the circumstances which led to an emergency purchase or contract, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods and services will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over $20,000 and public works contracts over $35,000, which are subject to formal competitive bidding requirements; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103 (3) of the General Municipal Law; purchases under duly authorized inter-municipal cooperation agreements; purchases under Piggy-back Contracts; or purchases pursuant to subdivision 6 of this policy.

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

<table>
<thead>
<tr>
<th>ESTIMATED AMOUNT OF PURCHASE CONTRACT</th>
<th>METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>$500 - $9,999.99</td>
<td>minimum of 2 verbal quotations</td>
</tr>
<tr>
<td>$10,000 - $20,000.00</td>
<td>minimum of 3 written/fax/or e-mail quotations or written proposals</td>
</tr>
<tr>
<td>PUBLIC WORKS CONTRACT</td>
<td>METHOD</td>
</tr>
<tr>
<td>-----------------------</td>
<td>--------</td>
</tr>
<tr>
<td>$ 500 - $ 9,999.99</td>
<td>minimum of 2 verbal quotations</td>
</tr>
<tr>
<td>$10,000 - $ 19,999.99</td>
<td>minimum of 3 written/fax/or e-mail quotations</td>
</tr>
<tr>
<td>$20,000 - $ 35,000.00</td>
<td>minimum of 3 written/fax/or e-mail quotations or written proposals</td>
</tr>
</tbody>
</table>

If any public works contract is awarded following compliance with the applicable method set forth above, and after the awarding thereof, the additional cost incurred by a change order relating thereto is submitted to the Village, the amount of which, when added to the original contract amount, would have required a different method of analysis at the outset, no additional approvals will be required hereunder with respect to such change order, provided that the amount of the change order represents not more than 20% of the contract price originally approved. If such change order amount exceeds 20% of the original contract amount, then the change order shall be considered under the method applicable to a contract having a dollar amount equal to the amount of the change order. Notwithstanding the foregoing, if the aggregate amount of the contract price plus change order price exceeds $35,000, then the Village personnel responsible for such change order shall consult with the Village Attorney to determine whether the best interests of the Village are served by compliance with competitive bidding requirements otherwise applicable to public works contracts in an amount greater than $35,000.

Reasonable shipping and handling costs not exceeding 10% of any purchase contract amount shall be excluded from the computation of amounts of purchase contracts for the purposes of the foregoing table.

A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and an explanation are required whenever a contract is awarded to other than the lowest offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the Purchaser and may not be challenged under any circumstances by any offeror.
6. Pursuant to General Municipal Law Section 104-b(2)(g), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the Board of Trustees, as governing body, the solicitation of alternative proposals or quotations will not be in the best interests of the Village. In the following circumstances it may not be in the best interests of the Village to solicit quotations or document the basis for not accepting the lowest bid:

(a) Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Board of Trustees shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a relationship between the individual and municipal officials involving personal confidence, trust, confidentiality and personal compatibility. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

(b) Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

(c) Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

(d) Goods or services under $500.00. The time and documentation required to purchase through this policy goods or services at a cost of less than $500 (each, a “Small Purchase”), may be more costly than the items or service being purchased. In addition, it is not likely that such Small Purchases would be awarded based on favoritism.
Therefore, it would not be in the best interests of the Village and its residents to submit Small Purchases to the procurement process. Notwithstanding the foregoing, Small Purchases shall not be deemed for purposes hereof to include separate purchases of the same item or service that are each less than $500, but which (i) are made close in time, (ii) exceed $500 in the aggregate, and (iii) are made separately for the purpose of avoiding the $500 threshold.

7. With the exception of “Small Purchases,” as defined above, any purchase or expenditure by the Village for goods or services shall satisfy the following:

(a) Subject to the exception for emergency purchases addressed in this Policy, the approval by the Board of Trustees of any such purchase or expenditure shall be obtained prior to the incurring of any liability for such purchase or expenditure; and

(b) Documentation supporting the proposed purchase or expenditure (e.g., purchase order) shall be presented to the Board of Trustees in connection with the obtaining of Board approval therefor, identifying (i) the Village personnel recommending such purchase or expenditure, (ii) the intended use thereof, (iii) the Village account from which funds for the payment of such purchase or expenditure shall be obtained, and (iv) the results of the solicitation of proposals and quotations, as applicable, under this Procurement Policy.

8. Nothing herein is intended or shall be deemed to relieve Village personnel from complying with any other resolutions or policies, or written or oral requests by the Board of Trustees, addressing the documentation to be submitted to the Board to support requests for the approval of expenditures, or in connection with the audit of claims, or the execution of checks or other instruments of payment relating to previously approved expenditures.

9. This procurement policy supersedes any procurement or purchasing policies previously adopted by the Board of Trustees of the Village. The Village Procurement Policy shall be reviewed annually.

10. The following Village officials are responsible for purchasing:

Nora Haagenson, Mayor

Chrissy Kiernan, Village Clerk-Treasurer

In the absence or unavailability of both of the foregoing, any Trustee.
VILLAGE OF BAXTER ESTATES

AMENDED AND RESTATED POLICY
IMPLEMENTING FREEDOM OF INFORMATION LAW
(Re-adopted April 5, 2018 with Proposed Amendment below)

1. Purpose and scope
2. Designation of records access officer
3. Location
4. Hours for public inspection
5. Requests for public access to records
6. Subject matter list
7. Denial of access to records
8. Fees
9. Public notice
10. Severability

Section 1 Purpose and scope.

(a) The people’s right to know the process of government decision-making and
the documents and statistics leading to determinations is basic to our
society. Access to such information should not be thwarted by shrouding it
with the clock of secrecy or confidentiality.

(b) This policy provides information concerning the procedures by which
records may be obtained.

(c) Personnel shall furnish to the public the information and records required
by the Freedom of Information Law; as well as records otherwise available
by law.

(d) Any conflicts among laws governing public access to records shall be
construed in favor of the widest possible availability of public records.

Section 2 Designation of records access officer.

(a) The Board of Trustees of the Village of Baxter Estates is responsible for
insuring compliance with the policy herein, and designates the following
person as records access officer:

Chrissy Kiernan, Village Clerk
315 Main Street
Port Washington, New York 11050
(b) Records access officers are responsible for insuring appropriate agency responses to public requests for access to records. The designation of records access officers shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

Records access officers shall insure that personnel:

(1) Maintain an up-to-date subject matter list.

(2) Assist the requester in identifying requested records, if necessary.

(3) Upon locating the records, take one of the following actions:

(i) Make records available for inspection; or

(ii) Deny access to the records in whole or in part and explain in writing the reasons therefor.

(4) Upon request for copies of records:

(i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or

(ii) Permit the requester to copy those records.

(5) Upon request, certify that a record is a true copy; and

(6) Upon failure to locate records, certify that:

(i) The Village is not the custodian for such records, or

(ii) The records of which the Village is a custodian cannot be found after diligent search.

Section 3 Location.

Records shall be available for public inspection and copying at:

Village Hall
315 Main Street
Port Washington, New York 10050
Section 4      Hours for public inspection.

Request for public access to records shall be accepted and records produced during all hours regularly open for business.

These hours are:

9:00 a.m. to 4:00 p.m., Monday through Friday
(except holidays when office is closed)

Section 5      Requests for public access to records:

(a) A written request is required.

(b) A response shall be given regarding any request reasonably describing the record or records sought within five business days of receipt of request.

(c) A request shall reasonably describe the record or records sought. Whenever possible a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.

(d) If the records access officer does not provide or deny access to the record sought within five business days of receipt, he or she shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied.

Section 6      Subject matter list.

(a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.

(b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

(c) The subject matter list shall be updated not less than twice per year. The most recent update shall appear on the first page of the subject matter list.

Section 7      Denial of access to records.

(a) Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the individual or body established to determine appeals.

(b) If requested records are not provided promptly, as required in Section 5 (d) of this policy, such failure shall also be deemed a denial of access.

- 3 -
(c) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Board of Trustees of the Village of Baxter Estates
315 Main Street
Port Washington, New York 11050
(516) 769-0096

(d) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

(1) The date of appeal.

(2) The date and location of requests for records.

(3) The records to which the requester was denied access.

(4) Whether the denial of access was in writing or due to failure to provide records promptly as required by Section 5 (d); and

(5) The name and return address of the requester.

(e) The individual or body designated to determine appeals shall inform the requester of a decision in writing within ten business days of receipt of an appeal.

(f) The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
41 State Street
Albany, NY 12231

(g) The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

Section 8 Fees.

a) Except as provided in clause (b), there shall be no fee charged for:
(1) Inspection of records;

(2) Search for records; or

(3) Any certification pursuant to this part.

(b) The following fees shall be payable by FOIL applicants:

(1) The fee for copies of records of the Village shall be $.25 per photocopy not in excess of 9" x 14", or the actual cost of reproducing any other record.

In determining actual cost, the Village shall include: (a) an amount equal to the hourly salary to the lowest paid employee who has the skill required to prepare the copy (e.g., deputy clerk); (b) the actual cost of storage devices or media (e.g., a flash drive) provided to the FOIL applicant; and (c) the actual cost of engaging an outside professional service to prepare a copy, when our equipment is inadequate to do so.

(2) We will charge for search time or administrative costs if we spend at least two hours of employee time to prepare the copy requested.

(3) The FOIL applicant will be informed of the estimated cost of preparing a copy if it will take more than two hours of employee time to make a copy, or if an outside service is required to make the copy.

(4) The Village requires cash, or certified or bank check or postal money order to pay any fees payable hereunder, prior to the incurring of costs hereunder, in order to protect itself and its taxpayers from FOIL applicants who cause the Village to incur costs and then stop payment on personal checks or fail to pick up copies requested.

Section 9  Posted Notice.

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept.

Section 10  Severability.

If any provision of this policy or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this policy or the application thereof to other persons and circumstances.