Board of Trustees Meeting
Village of Baxter Estates
315 Main Street, Port Washington, New York
February 7, 2019
6:45PM

Meeting Minutes

Present: Mayor Nora Haagenson
Deputy Mayor Charles Comer
Trustee Doug Baldwin
Trustee Christopher Ficalora
Trustee Alice M. Peckelis
Village Clerk-Treasurer Chrissy Kiernan
Village Attorney Christopher J. Prior (Arrived at 7:20 p.m.)
Village Building Inspector Robert Barbach (Arrived at 7:45 p.m.)

Also present: Christina Claus (PW News), Jessica Parks (PW Times), Chuck Idol, Justine Mealey, and Cullen Mealey

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. No action was taken during the work session.

Regular Meeting

At 7:30PM Mayor Haagenson began the regular meeting with the Pledge of Allegiance.

1. Approval of Meeting Minutes of January 2, 2019

On motion of Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED to accept the minutes of the January 2, 2019 Meeting of the Board of Trustees, as amended, as circulated by Clerk-Treasurer Kiernan.

2. Approval of Meeting Minutes of January 16, 2019

On motion of Deputy Mayor Comer, seconded by Trustee Ficalora, it was RESOLVED to accept the minutes of the January 16, 2019 Meeting of the Board of Trustees, as amended, as circulated by Clerk-Treasurer Kiernan.

Mayor Nora Haagenson  Aye
Deputy Mayor Charles Comer  Aye
Trustee Doug Baldwin  Aye
Trustee Christopher Ficalora  Aye
Trustee Alice M. Peckelis  Abstained

3. Concerns raised by resident Chuck Idol, 8 Sandy Hollow Lane, regarding the Village's New Groundskeeping Permit Law

Resident Chuck Idol, 8 Sandy Hollow Lane, submitted an inquiry in writing to the Board of Trustees regarding the Village's recently enacted Groundskeeping Permit Law, attached hereto as Exhibit A. Mayor Haagenson requested that the Village Attorney and the Building Inspector review the submission and prepare a response for the March 7, 2019 Board Meeting.

4. Welcome New Residents - Justine and Cullen Mealey
Mayor Haagenson acknowledged the attendance of two new residents, Justine and Cullen Mealey, who moved to 25 Locust Avenue last week.

5. Presentation by Shawn Cullinane, Regional Director for the New York Cooperative Liquid Assets Securities System (NYCLASS)

Mayor Haagenson invited Shawn Cullinane, Regional Director of NYCLASS, and a former speaker at a banking panel held at the Nassau County Village Officials Association Meeting on November 14, 2017, to present to the Board of Trustees in conjunction with planning for the 2019 Budget.

Mr. Cullinane explained that NYCLASS is a short-term, highly liquid investment fund, designed specifically for the public sector. NYCLASS provides the opportunity to invest funds on a cooperative basis in short-term investments that are chosen with the purpose of yielding favorable returns while providing maximum safety and liquidity. Participation is available to any municipal corporation or special-purpose district empowered under New York state statute including counties not within the City of New York, cities, towns, villages, school districts, boards of cooperative educational services, and fire districts. Also eligible are county or town improvement districts where the respective county or town is required to pledge its faith and credit for the district’s debt service.

NYCLASS is subject to the Municipal Cooperation Agreement Amended and Restated as of March 14, 2014 and is structured in accordance with New York State General Municipal Law (GML), Article 3-A and Article 5-G, Sections 119-n and o, and Chapter 623 of the Laws of 1998. All NYCLASS investment and custodial policies are in accordance with GML, Sections 10 and 11 (as amended by Chapter 708 of the Laws of 1992). The Agreement is between the Village of Potsdam and each district and/or Municipal Corporation that formed the original NYCLASS fund or that subsequently elects to participate. The Agreement is administered by an elected Governing Board of up to fifteen members.

Following the presentation, the Board members agreed to take the matter under consideration.

6. Appointment of Election Inspectors for the March 19, 2019 Village Election

Clerk-Treasurer Kierman presented the proposed form of resolution for the upcoming 2019 Village Election in accordance with Election Law Section 15-118.

After discussion, upon motion made by Trustee Baldwin, seconded by Trustee Ficalora, it was unanimously RESOLVED that Angela Smith and Marylou Ogren be hereby designated and appointed to act as Inspectors of Election at the rate of $15 per hour plus one meal and beverages per Election Inspector at a cost not to exceed $25 each, with Angela Smith presiding as Election Chairperson; and

FURTHER RESOLVED that prior to the March 19, 2019 Village Election, the Inspectors must meet to adopt, use or copy from the registration list, certified and supplied by the Nassau County Board of Elections, the names appearing thereon of all persons residing in the Village and qualified to vote at such forthcoming general Village Election.

7. 2019 Budget Workshop Special Meeting

After discussion, upon motion made by Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED to hold a Special Meeting of the Board of Trustees for a Budget Workshop on Saturday, March 2, 2019 at 9:00am at Village Hall and to direct the Village Clerk-Treasurer to publish a notice of the Special Meeting in the Port Washington News.

8. Introduction of Bill 1 of 2019

After discussion, upon motion made by Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED to introduce Bill 1 of 2019, a proposed local law authorizing the Village of Baxter Estates to authorize a property tax levy in excess of the limit established in New York State General Municipal Law § 3-
c, making a SEQRA negative declaration with respect to it, and to hold a public hearing on March 7, 2019 to hear the bill.

9. **Introduction of Bill 2 of 2019**

After discussion, upon motion made by Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED to introduce Bill 2 of 2019, a proposed local law to amend the Code of the Village of Baxter Estates to replace all references therein to “Building Inspector” from “Building Inspector” to “Superintendent of Buildings”, making a SEQRA negative declaration with respect to it, and to hold a public hearing on March 7, 2019 to hear the bill.

10. **Introduction of Bill 3 of 2019**

After discussion, upon motion made by Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED to introduce Bill 3 of 2019, a proposed local law to amend Chapter 78, “Building Code Administration,” of the Code of the Village of Baxter Estates to obligate Building Permit Holders to Restore or Repair Impacted or Damaged Public Property, making a SEQRA negative declaration with respect to it, and to hold a public hearing on March 7, 2019 to hear the bill.

11. **Introduction of Bill 4 of 2019**

After discussion, upon motion made by Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED to introduce Bill 4 of 2019, a proposed local law to amend Chapter 159, “Telecommunications Towers,” of the Code of the Village of Baxter Estates, to regulate the placement of small wireless facilities within the Village, making a SEQRA negative declaration with respect to it, and to hold a public hearing on March 7, 2019 to hear the bill.

12. **Leaf Pick-up Program**

Trustee Ficalora reported that the Board of Trustees will be evaluating the suspension of the leaf pick-up program in the upcoming 2019 Budget. The Board of Trustees discussed the possibility of soliciting feedback through an online survey to residents regarding the suspension. It was further noted that residents have the opportunity to attend the Budget Workshop and to speak at the Budget Public Hearing to address any concerns with the 2019 Budget prior to adoption.

13. **Nassau County Task Force on Marijuana Legislation and Regulation**

Mayor Haagenson reported that the Nassau County Task Force on Marijuana Legislation and Regulation will be hosting three upcoming hearings on the proposed legalization of Marijuana. The Task Force is co-chaired by Nassau County Police Commissioner Patrick Ryder and Legislator Joshua Lafazan. The purpose of the three hearings is to provide the community with an opportunity to express their views on the proposed state policy. The dates are as follows:

- **February 27th, 2019 (7 p.m.)** – Town of North Hempstead
  220 Plandome Rd., Manhasset
- **March 6th, 2019 (7 p.m.)** – Town of Oyster Bay
  54 Audrey Ave., Oyster Bay
- **March 5th, 2019 (7 p.m.)** – Town of Hempstead
  1 Washington St., Hempstead

The Board agreed that it is premature for the Board to consider local legislation on the topic until the relevant state legislation is enacted and its scope is understood.

14. **Implementation of Geographic Information System (GIS) Technology**
Deputy Mayor Comer reported that he attended a meeting organized by Mayor Ken Riscica of the Village of Plandome Heights in consultation with H2M architects + engineers regarding the implementation of GIS technology. The meeting included a discussion on the benefits of having GIS technology which includes a database to permanently manage assets and building department data. The cost for an online subscription with regular updates for the use of the technology was also discussed, as well as the fee for services to establish a database which would include pulling together existing data layers from Nassau County, the Town of North Hempstead, PSEG, and the Port Washington Water District, to name a few. Village staff would be trained on importing and managing data within the database. The Board agreed that the topic warranted further study.

15. Building Department Building Permit Tracking Software

A discussion on purchasing software for tracking building permits was raised in connection with the implementation of GIS technology. Building Inspector Barbach reported that he is working with Clerk-Treasurer Kiernan on evaluating software options that would best suit the Village of Baxter Estates.

16. Budget Planning & future initiatives

Trustee Ficalora provided an update on budget planning and future initiatives.

17. Budget Modification

After discussion, upon motion made by Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED to approve the proposed Budget Modification presented by the Village Clerk-Treasurer and transfer $160.00 from A1420.45 Law Contractual to A1440.4 Engineer- fee for services and $8,513.65 from A1420.45 Law Contractual to A1964.4 Real Property Tax Refunds.

18. Approval of Vouchers Claims

After discussion, upon motion made by Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that the Audited Vouchers dated February 7, 2019 for the General Fund totaling $61,693.98, be and hereby are approved as prepared by Clerk-Treasurer Kiernan.


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

20. Public Works & Public Safety Update Prepared by Clerk-Treasurer Kiernan

Clerk-Treasurer Kiernan provided a brief Public Works & Public Safety Update.

21. Inquiry Regarding Sand/Salt Mix on Village Roads

Trustee Ficalora inquired as to whether the sand/salt mix used on Village roads was changed from previous years. Clerk-Treasurer Kiernan reported that we have not changed the salt/sand mix, as in previous years, as the purchase and storage is procured through an IMA with Nassau County.

Executive Session

At 9:30PM, by motion of Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that the Board entered into Executive Session to discuss possible litigation.

At 10:00PM Mayor Haagenson announced that Executive Session had concluded and that no action was taken.

Trustee Baldwin excused himself from the meeting.
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 10:01PM.

Mayor Nora Haagenson        Aye
Deputy Mayor Charles Comer   Aye
Trustee Doug Baldwin         Absent
Trustee Christopher Ficalora Aye
Trustee Alice M. Peckelis    Aye

Christina R. Kiernan, Village Clerk-Treasurer
Exhibit A

On Oct 4th the Board of Trustees for the Village of Baxter Estates approved local laws it found necessary and desirable to control commercial business activity targeting Groundskeepers and Groundskeeping activity.

The liability as defined in section 8 is “intended and construed to impose strict liability on the property owner”.

Further that liability documents the financial burden and prison sentences for each violation.

Related to the numerous Laws, Rule and Regulations:

1) No person (and that include high school students who cut grass) may perform any grounds keeping activity that is: for a fee, charge, or other compensation, to or for the benefit of any owner.

2) Exemptions: I do not see any exemptions for emergencies, or PSEG or Verizon to cut and maintain trees near wires.

3) The rule and regulation which states “It is forbidden to spill any fertilizer or pesticides on the ground” would restrict property owners from contracting with local and even national companies that provide grounds keeping lawn care services to spread fertilizer and pest control services which use pesticides to control termites and carpenter ants.

4) The rule and regulation which states: “Do not cut down any trees without a village permit”. Is a more aggressive law than local law 161-502 which states:

If the diameter is seven (7) inches or greater at a point five (5) feet above ground level then “no person shall perform, or cause to be performed, the removal, destruction, or substantial
alteration of a tree that is subject to permit removal requirements pursuant to § 161-502 .

5) Every Groundskeeper vehicle must have a Village Of Baxter Estates registration sticker on the left rear bumper.

- It would appear that the property owner must own check for a valid sticker before the work can begin?

6) Snow may not be shoveled or plowed into any Village Roadway.

- Chapter 125 Licensing did not list snow and snow removal as a defined Groundskeeping activity. Again to be clear as I understand the law - no high school or younger child nor will even I be able to “routinely” shovel snow for any property owner including my elderly neighbors especially if I was to accept “other compensation” such as hot chocolate or cookies without a Village Permit.

- Right now I need an exemption in writing for my long standing commercial contracted for pest control grounds keeping services which does spread and use various pesticides to control termites, carpenter and other home damaging pests as outlined in the contract.

- I also have a tree and wire issue that will soon need to be addressed.