Board of Trustees Meeting  
Village of Baxter Estates  
315 Main Street, Port Washington, New York  
January 16, 2019  
8:00AM

Meeting Minutes

Present:  
Mayor Nora Haagenson  
Deputy Mayor Charles Comer  
Trustee Doug Baldwin  
Trustee Chris Ficalora  
Village Clerk-Treasurer Chrissy Kierman  
Village Attorney Christopher J. Prior

Absent:  
Trustee Alice M. Peckelis

Also present:  
Robert Barbach, Village Building Inspector

Mayor Haagenson opened the Meeting of the Board of Trustees at approximately 8:00AM with a verification of a quorum and noted that information sought by the Board with regard to public property and road repair restoration for open building permits addressed at prior Board meetings was now available, and so the Board can now act on that item.

1. Resolution to Address Public Property/Road Repair Restoration for Building Permits

Trustee Baldwin reported that Board members, residents and the Building Inspector have observed significant damage to or deterioration of public property/public roadways during the course of projects undertaken in the Village under open building permits, apparently due to the construction process, including the number, size, and weight of construction vehicles used in such projects. In order to address this impact from private projects on public property and roadways, the Board of Trustees considered an approach adopted by some other local villages, which would require that building permit applicants pay a fee or deposit as a condition to issuance of a building permit, for the purpose of having applicant funds available to remEDIATE damage done to public property/roadways during permitted projects. Trustee Baldwin reported that he had explored with the Building Inspector and the Village Attorney other options to address this concern, and that he was now proposing as an alternative solution that the Board create a process for documenting the condition of public property in proximity to the subject property before and after the project, and conditioning the issuance by the Village Building Department of any certificate of completion or certificate of occupancy on the permit holder remediating, to the reasonable satisfaction of the Village Building Inspector, public property/roadways damaged or destroyed in the course of the permitted work.

After discussion of the aforementioned proposal, on motion by Trustee Ficalora, seconded by Trustee Baldwin, the following Resolution was prepared, circulated, amended by Village Attorney Prior, and RESOLVED as follows:

Each project to be undertaken within the Village that requires a building permit shall be subject to the following:

a. The owner ("Owner"), of the real property with respect to which a building permit application is submitted to the Village (the "Subject Property"), and the signatory to such application, if different than such Owner (the "Applicant") (each Owner and Applicant is a "Permittee"), at the expense of such Permittee(s), shall remediate, to the reasonable satisfaction of the Village Building Inspector, all real and personal property of the Village or of any governmental agency or public utility, including, without limitation, streets, sidewalks, curbing, trees, plantings, signage, poles, and utility infrastructure (collectively, "Public Property"), that is damaged or destroyed in the course of the work (the "Permitted..."
Work”), authorized by any permit issued by the Village Building Department under such Application (“Building Permit”)."

b. It shall be a condition to the issuance by the Village Building Department of any certificate of completion or certificate of occupancy or other certificate or document evidencing completion of any Permitted Work that the Permittee(s) shall have remediated all Public Property damaged or destroyed in the course of the Permitted Work to the reasonable satisfaction of the Village Building Inspector.

c. The Permittee(s) shall have the right to appeal in writing to the Village Board of Trustees any determination made by the Village Building Inspector: (i) that damage or destruction to Public Property has occurred during the course of the Permitted Work; (ii) as to the pre-existing condition of Public Property determined by the Village Building Inspector to have been damaged or destroyed; and (iii) as to the appropriate remediation (whether physical restoration or repair, or payment in lieu of restoration or repair) for which the Permittee(s) is/are responsible.

Prior to the commencement of any Permitted Work, the Village Building Department shall make a documentary record, digitally, electronically or in hard copy (e.g., with photos, video, or other reasonable means), of the condition of Public Property in such proximity to the Subject Property, or otherwise of such a nature, that the Village Building Inspector determines, based upon experience with projects of a similar nature or scope, could reasonably be exposed to damage or destruction during the course of the Permitted Work.

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

Executive Session

At 9:00AM, by motion of Trustee Ficalora, seconded by Trustee Baldwin, the Board entered into Executive Session to discuss possible litigation.

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

At 9:30AM Mayor Haagenson announced that Executive Session had concluded and that no action was taken.

There being no further business before the Board, on motion of Trustee Ficalora, seconded by Deputy Mayor Comer, it was RESOLVED that the meeting be and hereby is adjourned at 9:35AM.

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

Christina R. Kiernan, Village Clerk-Treasurer