Board of Trustees Meeting  
**Village of Baxter Estates**  
315 Main Street, Port Washington, New York  
January 2, 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 Chrsissy Kiernan  
Village Attorney Christopher J. Prior

**Also present:**  
Christina Claus (PW News) and Steven Stulbaum

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 December 6, 2018**

   On motion of Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED to accept the minutes of the December 6, 2018 Meeting of the Board of Trustees, as amended, as circulated by Clerk-Treasurer Kiernan.

2. **Approval of Meeting Minutes of December 14, 2018**

   On motion of Deputy Mayor Comer, seconded by Trustee Baldwin, it was RESOLVED to accept the minutes of the December 14, 2018 Meeting of the Board of Trustees, as circulated by Clerk-Treasurer Kiernan.

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

3. **Approval of Intermunicipal Agreement between The County of Nassau, New York and the Village of Baxter Estates in relation to a Conceptual Shoreline Study of Baxter Beach**

   Mayor Haagenson reported that The County of Nassau, through a Community Revitalization Program (CRP) grant sponsored by Nassau County Legislator Delia DeRiggi-Whitton, has prepared an Intermunicipal Agreement to permit the Village of Baxter Estates to obtain an engineer to prepare a conceptual shoreline study of Baxter Beach to address issues of beach erosion, the undermining of Shore Road due to flooding, beautification, and pedestrian connectivity of the Bay Walk path.

   On motion of Trustee Ficalora, seconded by Trustee Baldwin, it was RESOLVED to authorize the Village of Baxter Estates to enter into an agreement with The County of Nassau regarding a Conceptual Shoreline Study of Baxter Beach in the form presented to the Board of Trustees by the Village Attorney with such further non-material changes as are agreed by the Mayor and Village Attorney Prior.
4. Resolution Authorizing Amnesty Program for Expired, But Unclosed Building Permits

Trustee Baldwin reported that he and the Village Board have been working diligently to make the operations of the Village more efficient. As Board liaison to the Building Department, one of the items of concern brought to the Board's attention is the number of expired building permits that have plagued the Building Department and the Clerk's Office. Under the Village Code, a Building Permit is valid for one year with one option to renew for a period of nine additional months. After that, the permit is no longer valid and the construction that was performed under the permit is deemed illegal. In an effort to assist property owners in closing out expired building permits, the Building Inspector recommended an Amnesty Program which will give property owners an opportunity to close expired permits with a substantial reduction of fees.

Trustee Baldwin further explained that the program will include a one hundred and eighty (180) day amnesty period beginning on January 14, 2019, and ending on July 15, 2019. In order to participate in the Amnesty Program, property owners must file an application, within ninety (90) days, from the start of the program (i.e. no later than April 15, 2019). The amnesty offer is a credit for inspections performed under the expired permit. Depending on the scope of a building permit, one or many inspections are required for such things as a foundation, plumbing, electrical, etc. and also a final inspection. Calculation of the credit to be applied is the fraction of inspections that had been completed, which will be determined by the Building Inspector. If all inspections had been performed, only a new Certificate of Completion or Certificate of Occupancy fee is required. The Village Clerk will be sending letters to any homeowners who have an expired permit via certified mail this week to be countersigned and returned to the Village. Once the Building Department is in receipt of the countersigned letter, the Village will send to the property owner, a Building Permit form, which the property owner must complete, sign, and submit, to the Village by April 15, 2019, along with the applicable amnesty discounted permit fee. The Amnesty Program will not include any non-permitted work, only work done under the scope of the expired permit. At the end of the amnesty period, expired building permits will be subjected to scrutiny for illegal construction and appropriate actions will be taken. The purpose of the Building Department is to provide for a level of protection from the hazards of fire, inadequate building construction, and improper maintenance in residential and non-residential buildings through the enforcement of local and state codes, rules, and regulations.

After discussion, upon motion by Trustee Baldwin, seconded by Trustee Ficalora, it was unanimously RESOLVED, as follows:

1. WHEREAS, the Board desires to resolve expired Village building permits that remain unclosed for reasons including unfinished project work, required inspections not completed, property owner's failure to complete paperwork, abandonment of projects prior to or during construction, or sales of parcels to new owners unaware of the expired permits;
2. WHEREAS, the Board finds that an amnesty program offering reduced building permit fees to close out expired permits will inform affected property owners, induce some to close out their expired permits, and put others on notice of the options available to the Village to resolve such matters;
3. WHEREAS, the Board has determined that it is in the best interests of the Village to undertake such an amnesty program.

NOW THEREFORE, the Village of Baxter Estates hereby adopts an amnesty program (the “Amnesty Program”) to close expired, but unclosed building permits ("Eligible Lapsed Permits"), during the period from Monday, January 14, 2019 through Monday, July 15, 2019 (the “Amnesty Period”), on the following terms and conditions:

(a) To qualify, a property owner must, (i) by not later than the 90th day following delivery by certified mail to such property owner of the Amnesty Program Notice described below, file a new building permit application with the Village for the work that had been authorized under the Eligible Lapsed Permit ("Eligible Work"), and pay the “Amnesty Permit Fee” (as calculated below), and (ii) thereafter comply with the terms and conditions of such new building permit (the “Amnesty Permit”).
(b) If an Eligible Lapsed Permit remains unclosed after the conclusion of the Amnesty Period, and the affected property owner has either not participated in the Amnesty Program or has participated, but failed to satisfy the terms and conditions of the Amnesty Permit, then the Village Building Department will investigate and pursue enforcement as appropriate, including by requiring the payment of all applicable fees (with no discount available), the completion of required work, including remediation work, the opening of apparently completed work to allow inspection, where there is no record of inspection by the Village Building Department, and/or by prosecution in the Village Justice Court.

(c) The “Amnesty Permit Fee” shall equal the “Base Fee” reduced by the “Credit” (as defined below). The “Base Fee” shall be determined in accordance with the Village Schedule of Fees and Deposits in effect on the date the Amnesty Permit is issued (“Current Fee Schedule”); provided, however, that if the Village Building Inspector determines that the only Open Work at the applicant’s property is within the scope of the Eligible Lapsed Permit, then the Base Fee shall be the lesser of (i) the building permit fee determined under the Current Fee Schedule, or (ii) the building permit fee payable under the Eligible Lapsed Permit at the time it was issued. “Open Work” means all work completed or in process for which a Village Building Permit is required and for which no Certificate of Completion or Occupancy has been issued.

(d) The “Credit” shall equal a percentage of the Base Fee, calculated as follows: the Village shall determine, based upon Village records, the number of actual Building Department inspections conducted for the Eligible Work, and the number of inspections that were required for such Eligible Work. The number of actual inspections shall be divided by the number of required inspections to determine the percentage Credit. For example, if 5 inspections were required, but only 4 were conducted, then the Credit would equal 80% [4/5ths] of the Base Fee.

(e) The Village Clerk shall prepare, complete and deliver by certified mail to each record owner of property in the Village for which there is an Eligible Lapsed Permit, a letter in a form acceptable to the Mayor, notifying such owner of the Amnesty Program (the “Amnesty Program Notice”).

The vote on the foregoing resolution was as follows:

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

5. 2019 Village Election

Clerk-Treasurer Kieman presented the proposed form of resolution for the upcoming 2019 Village Election in accordance with Election Law Section 15-118(3).

After discussion, upon motion made by Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED as follows:

WHEREAS, the Board of Trustees hereby ratifies and confirms, with respect to the 2019 Village Election, in accordance with Election Law Section #15-118(3), that (i) there has not been, and shall be, no Village personal Registration Day to determine persons eligible to vote in Village Elections, and (ii) voter eligibility in Village Elections shall be determined in accordance with laws, rules and regulations applicable in the absence of such a Village personal registration day, unless and until the Board of Trustees, by resolution duly adopted, reinstates Village Personal Registration Day with respect to the 2019 Village Election, and

FURTHER RESOLVED, that all Village of Baxter Estates residents registered with the Nassau County Board of Elections are eligible to vote in the Village Election, and

FURTHER RESOLVED, that the election inspectors shall be selected from the list of certified inspectors supplied by the Nassau County Board of Elections and that should there be a shortage of election inspectors
within the Election District of the Village of Baxter Estates, that the selection extend the residency of inspectors to Nassau County to satisfy New York State Election Law conditions for selecting election inspectors, and

FURTHER RESOLVED, that the Village Election will be held on Tuesday, March 19, 2019 and that the official polling place will be Village Hall, located at 315 Main Street, Port Washington NY and said polling place shall be opened at noon of said day and shall close at 9:00 P.M.

6. Budget Modification

After discussion, upon motion made by Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED to approve the proposed Budget Modification presented by the Village Clerk-Treasurer and transfer $1,600.00 from A1990.0 Contingent to A1440.4 Engineer- fee for services.

7. 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 January 2, 2019 for the General Fund totaling $42,911.38, be and hereby are approved as prepared by Clerk-Treasurer Kiernan.


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


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

Executive Session

At 8:26PM, by motion of Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED that the Board entered into Executive Session to discuss possible litigation and personnel matters.

At 9:14PM Mayor Haagensons 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 Trustee Baldwin, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 9:28PM.

Christina R. Kiernan, Village Clerk-Treasurer