Board of Trustees Meeting  
**Village of Baxter Estates**  
via Zoom Videoconference with Telephonic Capability  
**June 3, 2020**  
**7:30PM**

**Meeting Minutes**

**Participating via Videoconference:**  
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, Esq.

**Absent:** None

**Also Participating via Videoconference:** None

Mayor Haagenson opened the Meeting of the Board of Trustees hosted via Zoom videoconference with telephonic capability at approximately 7:30PM with a verification of a quorum and began the regular meeting with a roll call.

1. **Approval of Meeting Minutes of May 6, 2020**

   On motion of Deputy Mayor Comer, seconded by Trustee Ficalora, it was unanimously RESOLVED to accept the minutes of the May 6, 2020 Meeting of the Board of Trustees, as circulated and presented by Clerk-Treasurer Kiernan.

2. **Covid-19 Pandemic Update as it related to Village Business**

   Mayor Haagenson discussed safety updates at Village Hall while Village Hall remains closed to the public. The Village purchased a plexiglass sneeze guard at the Clerk’s Desk, as well as masks, hand sanitizer, and gloves for Village staff. There are signs posted outside and inside the building to wear a mask in public spaces.

3. **Outdoor Dining During Covid-19**

   The Board discussed the potential benefits to the Village and the surrounding community if local restaurants are permitted to expand their services, which have been significantly curtailed by Executive Orders issued by Governor Cuomo in response to the Covid-19 pandemic-related state of emergency in place throughout the State. Mayor Haagenson noted that local officials have been in regular contact to address means by which local economies and commercial activity might be encouraged as existing restraints are lifted as the re-opening phases outlined by the Governor become effective. Permitting outdoor dining at local restaurants creates the opportunity for this area of the economy, hard-hit by the restrictions, to increase revenue in a manner that also furthers the health and safety tool of social distancing. Outdoor dining enables greater spacing between tables, along with fresh air, while taking advantage of the warm summer weather.

   After discussion, upon motion by Trustee Baldwin, seconded by Trustee Peckelis, it was unanimously RESOLVED: Whereas, the Board notes that Village Code restrictions on outdoor dining may impede the roll-out of outdoor dining as an option for restaurants located within the Village; and Whereas, the Board finds that the benefits to the Village and its residents by encouraging this activity at the earliest opportunity permissible by New York State law under the re-opening guidelines outweighs the benefits of enforcing any Code provisions restricting outdoor dining in the Village during a transition period that would enable the Village to ...

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evaluate whether enforcement is appropriate or whether amendments of the Code are warranted; and Whereas, the Village Attorney advised the Board that the matter of whether and when to enforce its own Code is one of discretion in all cases, as Village resources are finite, and so decisions on enforcement necessarily involve consideration of resources, and that, in any event, enforcement must be accomplished in an even-handed manner; Now, Therefore, it shall be the policy of Village to refrain from enforcing Village Code provisions restricting outdoor dining at restaurants authorized to conduct a restaurant business in the Village Business District, for a period commencing on the date that the "re-opening guidelines" of the State of New York relating to the Covid-19 pandemic permit outdoor dining in Nassau County, until [September 15, 2020], to permit evaluation of such outdoor dining within the Village's Business District, provided that: (i) eligible restaurant owners or operators must be authorized under Village Law to conduct a restaurant business within the Village; (ii) those who desire to conduct outdoor dining during the evaluation period must first notify the Building Department and then comply with criteria for outdoor dining on terms reasonably established by the Superintendent of Buildings, not inconsistent with those required by other municipalities in Nassau County that permit outdoor dining; (iii) outdoor dining shall be permitted only on privately owned property within the Business District as to which the applicant otherwise has the right to use same for such purpose (through ownership, lease or otherwise); iv) the applicant and the outdoor dining operation complies with all applicable requirements of other entities having jurisdiction of such activity, including, without limitation, Nassau County or the State of New York (e.g., Alcohol Beverage Control Law); and (v) as the Village's southern boundary is the southerly lot line of properties abutting Main Street in the Village, the foregoing policy does not pertain to any portion of Main Street or any sidewalk along Main Street, which is the jurisdiction of the Town of North Hempstead.

4. Graduation Parade for Baxter Estates Graduates from Pre-School to High School

The Village will be hosting a Graduation Car Parade, at the suggestion of Trustee Ficalora, on Sunday, June 14, 2020 at 10:30am, with a rain date of Saturday, June 20, 2020. An email was distributed to the listserv inviting residents to cheer on graduates from their front lawns and asking those families with graduates to sign-up to ride in the parade. Parade participants along with their families are encouraged to decorate their cars. The parade will be led by the Port Washington Police and Mayor Haagens. The Port Washington Fire Department will also join the tail-end of the parade with firefighter graduates riding on their rigs. A map with the parade route will be finalized and emailed to the residents upon completion. Residents who live on dead end streets were asked to find socially distant spots to stand and observe the parade on Central Drive. The Village is very excited to give the community and the graduates this special recognition during the pandemic when many activities were canceled.

5. Resolution to Grant A 20% Three Month Rent Reduction to Dr. Nina Cohen, 2nd Floor Tenant

The Board discussed a letter sent to the Village Board on May 22, 2020 by Dr. Nina Cohen, a 2nd Floor tenant at 315 Main Street, Port Washington, seeking a 20% rent reduction. The Board discussed the emergency measures enacted in New York State and elsewhere in our nation, providing deferrals and forbearance of payment obligations owed to both governmental and private entities by persons and entities impacted by the Covid-19 pandemic. The Board noted that Dr. Cohen’s use of the premises has been restricted by governmental action.

After discussion, on motion by Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED to grant a 20% rent reduction for the months of June, July, and August to Dr. Nina Cohen to address the governmentally imposed restrictions on Dr. Cohen’s ability to use the leased premises to conduct her practice since mid-March.

The Board noted it would re-evaluate extending the rent reduction beyond August should Dr. Cohen request an extension.

6. Broken Pipe Repair at Catch Basin located in front of #13 Ridgeway Road

Clerk-Treasurer Kiernan noted that the Catch Basin Report provided by National Water Main & Sewer for Ridgeway Road and Hilltop Road had been previously circulated by email to the Board and identified a broken
pipe in need of repair connected to the catch basin in front of #13 Ridgeway Road. An estimate to repair the pipe was provided by National Water Main & Sewer, which is able to perform work for other municipalities pursuant to the “piggy-back” provisions under its contract with the Town of East Hampton, New York.

The Board discussed the estimate provided by National Water Main & Sewer, and suggestions by Village Engineer Jim Antonelli that competitive prices might be available through other vendors. The Board asked Clerk-Treasurer Kieman to reach out to Village Engineer Antonelli to create a proposal to seek additional estimates.

7. Budget Modification

Clerk-Treasurer Kieman presented a proposed budget modification for the 2019-2020 Budget.

After discussion, upon motion by Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED to transfer $60.00 from A1990 Contingency to A5182.4 Street Lighting due to additional electrical expense for Village street lights.

8. Approval of Voucher Claims

After discussion, upon motion made by Trustee Ficalora, seconded by Trustee Baldwin, it was unanimously RESOLVED that the Audited Vouchers dated June 3, 2020 for the General Fund totaling $100,503.86, be and hereby are approved as prepared by Clerk-Treasurer Kieman.


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

10. Resident Complaint at 36 and 38 Locust

Trustee Ficalora updated the Board on an alleged property violation complaint involving neighbors at 36 and 38 Locust Avenue that he is working with the Superintendent of Buildings toward resolving.

11. Clerk’s Public Works & Public Safety Report

Public Work/Public Safety/Municity 5 Implementation
Clerk-Treasurer Kieman provided a public works and public safety report and included an update on the Village’s implementation of Municity 5 parcel management software scheduled to be completed by the end of this summer.

2020-2021 Village Taxes due July 1 without penalty / 2019-2020 Delinquent List of Taxes Filed with Nassau County Supreme
Clerk-Treasurer Kieman reminded residents that taxes are due July 1, 2020 without penalty and reported that the Village is filing a list of delinquent taxes with Nassau County for the 2019-2020 Village Tax Year in the amount of $10,947.20.

Update on Annual Village Audit/Village's Liability Audit
She also noted that the fiscal year-end May 31, 2020 Annual Village Audit will take place July 6-8 and that the Village's Annual Liability Audit by the New York State Insurance Fund was postponed from March 2020 to June 2020.

Hillside Avenue Road Improvements Bid Opening Date - June 16, 2020 at 11am at Village Hall
The bid opening for Hillside Avenue Road Improvements will take place on June 16, 2020 outside in the front of Village Hall.

Pool Safety Compliance Inspections

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Pool safety compliance inspections have commenced and will end on Friday, June 26, 2020. Residents are pleased with the pool inspection rate reduction from $100 to $50.

New York State Employee Retirement Reporting Update
The Village will be transitioning to Gold Certification with the New York State Retirement System, a new system implementation for employer reporting.

2020 Storm Water Report
The 2020 Storm Water Report due on June 1, 2020 has been filed by the Village Engineer.

Update On State Legislation to Allow Blanket 120-day Extension on Building Permits and Land Use Decisions
The Village awaits signed legislation by the Governor for a building permit and zoning decision blanket 120-day extension which would eliminate the need for the Village to draft its own bill should the Village seek the same measure.

Hilltop Road Resurfacing Reimbursement
The Village received full reimbursement for the Hilltop Road resurfacing grant.

Nassau County Sales Tax Allotted for Villages
The Village recently submitted a claim to Nassau County for our share of sales tax collection.

Safety Updates at Village Hall
Clerk-Treasurer Kiernan also reported that the Village will continue to follow CDC, PESH, and OSHA guidelines for returning to work and the eventual reopening to the public.

12. Village Newsletter

Mayor Haagenson reported that the Village is working on a newsletter to be mailed at the end of June.

13. Baxter Beach Update

Mayor Haagenson reported that Assemblyman D’Urso has put in a request for $3 Million grant to New York State for a Shoreline Stabilization and Walkway Improvement project at Baxter Beach.

There being no further business before the Board, on motion of Trustee Ficalora, seconded by Deputy Mayor Comer, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 8:40 pm.

Christina R. Kiernan, Village Clerk-Treasurer