

**Board of Trustees Meeting**  
**Village of Baxter Estates**  
**May 3, 2023**  
**6:45 PM**

**Meeting Minutes**

|                 |                         |                         |
|-----------------|-------------------------|-------------------------|
| <b>Present:</b> | Mayor                   | Nora Haagenson          |
|                 | Deputy Mayor            | Charles Comer           |
|                 | Trustee                 | Alice Peckelis          |
|                 | Trustee                 | Jeffrey Eluto           |
|                 | Village Clerk-Treasurer | Meghan Kelly            |
|                 | Village Attorney        | Christopher Prior, Esq. |

**Absent:** Trustee Maria Branco

**Also Present:** Cameryn Oakes, Charles Idol, and Adriana Piñon-Eluto

**1. Work Session**

The Board convened their work session at 6:45PM and discussed the retaining wall at Village Hall.

**2. Executive Session**

The Board entered Executive Session at 7:10 PM for advice of counsel.

At 7:29 PM, Mayor Haagenson stated that Executive Session had concluded and that no action had been taken.

**3. Approval of Meeting Minutes of April 4, 2023.**

On a motion by Trustee Peckelis, seconded by Deputy Mayor Comer, it was unanimously **RESOLVED** to accept the draft minutes of the April 4, 2023, Annual Meeting of the Board of Trustees.

**4. Public Hearing – Bill 2 of 2023, a proposed local law amending Chapter 175, “Zoning” of the Code of the Village of Baxter Estates, to add a new Article XII, “Permitted Durations of Residential Rentals,” and amend Section 175-96, “Penalties for Offenses,”**

At 7:37 PM Mayor Haagenson opened the Public Hearing duly advertised in the April 12, 2023, issue of the Port Washington News to consider Bill 2 of 2023.

The Mayor called for questions from the public, Resident Adriana Piñon-Eluto asked the Board to reconsider to reject the proposed law based upon her views of due to the negative implications for a person convicted of a violation who could, under the proposed penalty provisions of the Bill, be punished by imprisonment for up to fifteen days of jail time and because the proposed desire to not have legislation represents further governmental dictate what can and cannot be done on intrusion into the rights of property owners to use private property. Resident Charles Idol spoke in favor of the proposed law. He did note that he previously voiced opposition to other agreed that he disliked the fact that many Village laws authorizing punishment by imprisonment. Some of the Board members and the Village Attorney discussed the history of how those penalty provisions have been applied by the Village Justice Court, including the fact that no Village Justice has ever imposed imprisonment as a punishment for a conviction for a violation of the Village Code. The Village Attorney advised that penalty provisions under most Village Codes include imprisonment as a potential punishment and recommended that it be available as a tool for Village Justices for extreme, and extremely rare, cases of non-compliance as to which the punishment of fines fails to deter violations. He also recommended that thereby uniformity in Village Code penalty provisions, as inconsistent provisions can lead to incorrect assumptions by residents as to the relative

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importance of Code provisions, and so the Village’s commitment to enforcement. Different Board members expressed different views on the inclusion of imprisonment in the penalty provisions of the Code but agreed that there should be uniformity in the Code’s penalty provisions, and that the Board should defer to a later date reconsideration on a general, or Code-wide basis, of the inclusion of imprisonment in the Code’s penalty provisions have a possibility of jail time.

On motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously **RESOLVED** to close the Public Hearing at 8:07 PM.

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

**5. Public Hearing – 2023 Storm Water Report**

Mayor Haagenson opened the public hearing at 8:07 PM advertised in the April 26, 2023, issue of the Port Washington News to consider the 2023 MS4 Report.

At 8:08 PM, on motion by Deputy Mayor Comer, seconded by Trustee Eluto, it was unanimously, **RESOLVED** to close the Public Hearing.

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

On motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously, **RESOLVED** to authorize Mayor Haagenson to execute the 2023 Stormwater Report, due June 1, 2023, as prepared by Village Engineer Jim Antonelli, hereto annexed as Exhibit A, and as discussed by the Board of Trustees.

**6. Resolution to Approve Bill 2 of 2023, a proposed local law amending Chapter 175, “Zoning” of the Code of the Village of Baxter Estates, to add a new Article XII, “Permitted Durations of Residential Rentals,” and amend Section 175-96, “Penalties for Offenses,”**

After discussion, on a motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was **RESOLVED** to approve Bill 2 of 2023, a proposed local law amending Chapter 175, “Zoning” of the Code of the Village of Baxter Estates, to add a new Article XII, “Permitted Durations of Residential Rentals,” and amend Section 175-96, “Penalties for Offenses,” as Local Law 3 of 2023. The vote on the resolution was as follows:

|                    |        |
|--------------------|--------|
| Mayor Haagenson    | Aye    |
| Deputy Mayor Comer | Aye    |
| Trustee Peckelis   | Aye    |
| Trustee Eluto      | Nay    |
| Trustee Branco     | Absent |

**7. Resolution to Approve Removal of Dead Tree at Baxter Beach**

On a motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously **RESOLVED** to accept the proposal from Robert Keogh Inc. to remove the dead tree at Baxter Beach for \$320.00.

**8. Resolution to Approve of Rental Registration Fees**

On a motion by Trustee Peckelis, seconded by Trustee Eluto, it was unanimously **RESOLVED**, pursuant to Village Code Section \_\_\_\_, to assess the rental registration fees at \$100.00 for a new application with a \$25.00 fee per unit, and \$25.00 per unit fee for a renewal permit.

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**9. Resolution to file the Village Tax Roll and Warrant for the fiscal year 2023-2024 with the Village Clerk-Treasurer and to authorize the Village Clerk-Treasurer to publish a Legal Notice for Tax Collection.**

On a motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously **RESOLVED** to file the Village Tax Roll and Warrant for the fiscal year 2023-2024 with the Village Clerk-Treasurer and to authorize the Village Clerk-Treasurer to publish a Legal Notice for Tax Collection.

**10. Resolution to Appoint Barbara Cohen as Village Historian**

On a motion by Deputy Mayor Comer, seconded by Trustee Eluto, it was unanimously **RESOLVED** to appoint Barbara Cohen as Village Historian.

**11. Tax Refund Approval for Koeppel, Martone and Leistman, LLC - Refund of Taxes for 5-B-10,157 – 299 Main Street, Port Washington, NY 11050, in the amount of \$3,031.94.**

On a motion by Trustee Peckelis, seconded by Deputy Mayor Comer, it was unanimously **RESOLVED** to approve the tax refund for Koeppel, Martone and Leistman, LLC, for the property address 299 Main Street, Port Washington, NY 11050, in the amount of \$2,709.81 with an interest payment of \$322.13, for a total amount of \$3,031.94.

**12. Approval of Vouchers**

On motion made by Deputy Mayor Comer, seconded by Trustee Eluto, it was unanimously **RESOLVED** that the Abstract of Audited Claims, dated May 3, 2023, for the General Fund totaling \$36,830.05 are approved for payment.

**13. Financial Report & Audit**

Clerk-Treasurer Kelly provided the Board of Trustees with the Financial Report and recommended budget modifications.

On motion by Deputy Mayor Comer, seconded by Trustee Eluto, it was unanimously **RESOLVED** to authorize Village Clerk-Treasurer Kelly to make the following budget modifications for the 2022-2023 Fiscal Year:

\$4,000.00 from A9060.8 – Hospital and Medical Insurance to A5110.4 – Street Maintenance  
\$2,000.00 from A9060.8 – Hospital and Medical Insurance to A1964.4 – Property Tax Refunds  
\$2,000.00 from A9060.8 – Hospital and Medical Insurance to A1620.44 – Buildings Contractual

And to recognize an expenditure of CHIPS funding in the amount of \$38,400.90, to be applied towards the expenses in A5112.2 – Permanent Improvements.

**14. Clerk's Public Works & Public Safety Report**

Village Clerk-Treasurer Kelly provided a Public Works & Public Safety Report.

**15. Executive Session**

On Motion by Trustee Eluto, seconded by Deputy Mayor Comer, it was unanimously **RESOLVED** that the Board enter Executive Session at 8:37 PM for advice of counsel.

At 8:37 PM, Mayor Haagenson stated that Executive Session had concluded and that no action had been taken.

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There being no further business before the Board, on motion made by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously, **RESOLVED** that the meeting be and hereby is adjourned at 8:57 PM.

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Meghan Kelly, Village Clerk-Treasurer