

Board of Trustees Meeting
Village of Baxter Estates
April 4, 2023
6:45 PM

Meeting Minutes

Present:

Mayor	Nora Haagenson
Deputy Mayor	Charles Comer
Trustee	Alice Peckelis
Trustee	Maria Branco
Trustee	Jeffrey Eluto
Village Clerk-Treasurer	Meghan Kelly
Village Attorney	Christopher J. Prior, Esq.

Also Present: Jill Burk, Virginia Oates, Robert Oates, Jim Antonelli, Cameryn Oakes, Debbie Macias, William Haagenson, Dawn Ward, Kimberly Keiserman, Delia DeRiggi-Whitton, and Toni Kessel.

Absent: None

1. Work Session

The Board convened their work session at 6:45PM and discussed several topics including engineering services, proposed local laws, and our catch basin report.

2. Public Hearing - 2023 Budget for the Fiscal Year commencing June 1, 2023, and ending May 31, 2024

Mayor Haagenson opened the public hearing duly advertised in the March 15, 2023, issue of the Port Washington News as amended to reflect the revised meeting date in the March 22, 2023, issue of the Port Washington News to consider the Budget for the Village's fiscal year commencing June 1, 2023, and ending May 31, 2024.

Robert Oates asked the Board about their confidence that they would be able to stay within the budget, Mayor Haagenson assured Mr. Oates that she believes the Board will be able to.

At 7:40 PM, on motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously, **RESOLVED** to close the public hearing. A verbatim transcript of the Public Hearing is annexed hereto and incorporated into these minutes.

On motion by Trustee Branco, seconded by Trustee Peckelis, it was unanimously **RESOLVED** to adopt the 2023-2024 Tentative Budget for the Fiscal Year commencing June 1, 2023 and ending May 31, 2024, attached hereto as Exhibit A. Total appropriations in the newly adopted budget are \$905,100.00 which includes Estimated Revenues other than Real Property taxes of \$109,130.00 and Unrestricted Surplus to be appropriated in the amount of \$117,909.00 and a total tax levy of \$678,601.00 which is within the 2% Tax Cap. The established tax rate is \$116.973 per one hundred dollars of assessed valuation.

3. Public Hearing – Bill 1 of 2023, a proposed local law amending the Village Code to add a new Chapter 146, entitled “Rental Dwelling Units,” to regulate the rental of residential property within the Village.

Mayor Haagenson opened the public hearing duly advertised in the February 15, 2023, issue of the Port Washington News, to consider Bill 1 of 2023, a proposed local law amending the Village Code to add a new Chapter 146, entitled “Rental Dwelling Units,” to regulate the rental of residential property within the Village.

Robert Oates questioned the Board on why inspections are not mandated for sales but are required with rentals. The Board stated a new homeowner's right to request inspections of their new home, and that the type of inspections mandated in the rental registration law are not the same as he is referring to. Virginia Oates

Board of Trustees Meeting
Village of Baxter Estates
April 4, 2023
6:45 PM

questioned if the Building Inspector would have the time to be able to take on the responsibilities required and asked how many rental units were known within the Village. It was clarified that the law was written with this in mind, with the most notable clause being that inspections are done and attested to by the lessee to avoid overwhelming our limited staff building department. Jill Burke inquired about filing fees; it was stated that the fees would be reasonable and decided on by the Board at the next meeting, after the law is approved.

At 7:57 PM, on motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously, **RESOLVED** to close the public hearing. A verbatim transcript of the Public Hearing is annexed hereto and incorporated into these minutes.

On motion by Trustee Branco, seconded by Trustee Peckelis, it was unanimously **RESOLVED** to adopt Bill 1 of 2023, a local law amending the Village Code to add a new Chapter 146, entitled“Rental Dwelling Units,” to regulate the rental of residential property within the Village, as Local Law 2 of 2023.

4. Village Appointments

On a motion by Trustee Branco, seconded by Trustee Eluto, it was unanimously, **RESOLVED** that the appointments listed below, as made by Mayor Haagenson, be hereby approved and confirmed by the Board of Trustees.

MAYORAL APPOINTMENTS

VBE Boards

Board of Zoning and Appeals, Chairman, 5 year term (2023-2028)	William Haagenson
Board of Zoning and Appeals, Alternate, 1 year term (2023-2024)	Alex Price
Planning Board, Member, 5-year term (2023-2028)	Peter Steincke
Landmarks Preservation Commission, Member, 5 year term (2023-2028)	Anne Shkuda
Tree Commission, Chairman, 1 year term (2023-2024)	Joshua Speisman
Tree Commission, Member, 1 year term (2023-2024)	Sal Candela
Tree Commission, Member, 1 year term (2023-2024)	Steven Kahn
Tree Commission, Alternate Member, 1 year term (2023-2024)	Michael Malloy

Chairmanships for a one year 2023-2024 term to expire one day prior to the April 2024 Annual Meeting:

Dr. William Haagenson, Chairman, Board of Zoning and Appeals
Kimberly Keiserman, Chairman, Planning Board
Dr. Peter Salins, Chairman, Landmarks Preservation Commission
Joshua Speisman, Chairman, Tree Commission

Village Representatives for a one year 2023-2024 term to expire one day prior to the April 2024 Annual Meeting:

Deputy Mayor	Charles Comer
Storm Water Runoff Officer	Charles Comer
Village Attorney	Christopher J. Prior
Village Prosecutor	MaryBeth Malloy
Village Historian	Barbara Cohen
Flagmaster	Laurence Tuck
Associate Village Justice	Gale D. Berg
Village Arborist	Richard Gibney
Commissioner of Public Works	Alice Peckelis
Snow Commissioner	Maria Branco
Fiscal Officer	Mayor Haagenson
Road Commissioner	Charles Comer
Tree Commission Liaison	Jeffrey Eluto

Board of Trustees Meeting
Village of Baxter Estates
April 4, 2023
6:45 PM

Registrar of Vital Statistics
Deputy Registrar of Vital Statistics
Manhasset Bay Protection Committee
Nassau County Village Officials Assoc.
Chamber of Commerce
Emergency Management

Town of North Hempstead's Clerk Ragini Srivastava
Town of North Hempstead's Deputy Clerk
Mayor Haagenson, Maria Branco
Mayor Haagenson, Trustees, Clerk-Treasurer Kelly
Mayor Haagenson, Clerk-Treasurer Kelly
Mayor Haagenson, Alice Peckelis

Village Staff:

Village Clerk-Treasurer, 2 year term (2023-2025)	Meghan Kelly
Deputy Village Clerk, 1 year term (2023-2024)	Elisabeth Roberts
Village Court Clerk, 1 year term (2023-2024)	Dawn Ward
Superintendent of Buildings, 1 year term (2023-2024)	Robert Barbach
Code Enforcement Official, 1 year term (2023-2024)	Joshua Speisman

Nassau County Legislator Delia DeRiggi-Whitton swore in the elected/appointed officials who attended the meeting.

5. Organizational Meeting Resolutions

After discussion and on a motion by Deputy Mayor Comer, seconded by Trustee Eluto, it was unanimously, **RESOLVED** as follows:

To accept the Code of Ethics, originally adopted by the Board of Trustees of the Village of Baxter Estates on January 21, 1971 as amended where noted. Clerk-Treasurer Kelly was instructed to distribute said Code of Ethics to all public officers and employees of the Village of Baxter Estates for signature; and

FURTHER RESOLVED that the Village Board of Trustees re-adopts the Rules and Procedure for the Village of Baxter Estates originally adopted by the Board of Trustees on April 7, 2016, in accordance with Village Law § 4-412; and

FURTHER RESOLVED that the Board of Trustees designate April 3, 2024, as the date of the Annual Village Organizational Meeting; and

FURTHER RESOLVED that the Board of Trustees appoints the law firm of McLaughlin & Stern LLP to provide legal services for the Village's 2023-2024 year under the retainer agreement dated March 7, 2023; and

FURTHER RESOLVED that the Port Washington News be and hereby is designated as the official newspaper for the Village of Baxter Estates for the official year ending April 2024; and

FURTHER RESOLVED that The First National Bank of Long Island be and hereby is designated as the authorized depository for Village funds for the year ending April 2024 and that the Village is authorized to accept from the bank letters of credit in forms to the extent permitted under NYS General Municipal Law Section 39, as collateral to secure Village funds deposited with such depository; and;

FURTHER RESOLVED that Mayor Nora Haagenson, Deputy Mayor Charles Comer and Clerk-Treasurer Meghan Kelly be the sole officials hereby authorized on all Village accounts, requiring any two signing together, with The First National Bank of Long Island for the year ending April 2024; and

FURTHER RESOLVED that Mayor Nora Haagenson, Deputy Mayor Charles Comer, Clerk-Treasurer Meghan Kelly, and Elisabeth Roberts, be the sole officials hereby authorized to hold Visa credit cards with The First National Bank of Long Island for the year ending April 2024; and

Board of Trustees Meeting
Village of Baxter Estates
April 4, 2023
6:45 PM

FURTHER RESOLVED that JP Morgan Chase Bank be and hereby is designated as the authorized depository for Justice Elizabeth Kase for Village Court Funds and The First National Bank of Long Island for Associate Justice Gale Berg for the year ending April 2024; and

FURTHER RESOLVED to re-adopt the following Village Policies, as prepared and presented by Village Attorney Prior

- Investment Policy
- Capitalization Policy
- Procurement Policy
- Freedom of Information Law (FOIL); and

FURTHER RESOLVED to re-adopt the Village's Comprehensive Emergency Management Plan, as prepared and presented by Mayor Haagenson, available in the Clerk's Office; and

FURTHER RESOLVED to re-adopt the Village's Nondiscrimination, Anti-Harassment, and Workplace Violence Prevention Policy and Complaint Procedure, as prepared and presented by Mayor Haagenson; and

FURTHER RESOLVED to re-adopt the Village's Sexual Harassment Prevention Policy and Complaint Procedure, as prepared and presented by Mayor Haagenson; and

FURTHER RESOLVED that pursuant to Village Law § 5-524(6), this Board authorizes certain payments in advance of its audit of claims, in order to provide for the smooth, continuous and proper operation of the Village's affairs; therefore, the Clerk-Treasurer is hereby authorized to make payment in advance of audit of claims for payroll, employee benefits, postage, electric, gas, water, sewer, telephone and internet services, cable, Village credit cards, freight and express charges; and all such claims shall be presented at the next regular meeting for audit; and the claimant and the officer incurring or approving the claim shall be jointly and severally liable for any amount disallowed by this Board and that this resolution be effective immediately; and

FURTHER RESOLVED that the following officers and employees, to wit, Meghan Kelly and Elisabeth Roberts, are authorized to attend the following schools and conferences with prior approval of the Mayor to the extent contemplated by the budget: a) New York Municipal Clerks Institute (NYMCI); b) NYCOM's Fall Training School, and c) the following association meetings and conferences: Long Island Village Clerks & Treasurers Association and the Nassau County Village Officials Association and that this resolution be effective immediately; and

FURTHER RESOLVED that pursuant to Village Law § 5-524(7), the actual and necessary expenses of the Village Clerk-Treasurer, Mayor, Deputy Village Clerk, Superintendent of Buildings and Code Enforcement Official incurred when performing their official duties are a Village charge, therefore the Board of Trustees has determined to pay a fixed standard rate for mileage at a rate equal to the most up-to-date rate as established by the Internal Revenue Service (IRS), as reimbursement to the Village Clerk-Treasurer, Mayor, Deputy Village Clerk, Superintendent of Buildings and Code Enforcement Official when they use their personal automobiles while performing their official Village duties.

6. Approval of Meeting Minutes of March 9, 2023

On motion by Deputy Mayor Comer, seconded by Trustee Branco, it was **RESOLVED** to accept the minutes of the March 9, 2023, meeting of the Board of Trustees.

7. Public comment period

Mayor Haagenson invited public comment and noted that there were no comments from members of the public.

Board of Trustees Meeting
Village of Baxter Estates
April 4, 2023
6:45 PM

8. Resolution to Introduce 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,” of Chapter 175, “Zoning”

On motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to introduce 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,” of Chapter 175, “Zoning”.

9. Review of Village Engineer Jim Antonelli’s 2022 Catch Basin Report

Village Engineer Jim Antonelli gave a report on the Village catch basin repairs, noting that two are in need of cleaning and one is in need of repairs.

10. Review of Village Engineer Jim Antonelli’s MS4 Report

Village Engineer Jim Antonelli advised the Board that the completed 2023 MS4 Report will be provided by the May 3, 2023, Board meeting at 7:30 PM.

11. Resolution to Approve Cullen & Danowski Audit Agreement Letter Dated February 18, 2022

The Board reviewed the Audit Agreement Letter with Cullen & Danowski dated March 22, 2023. After discussion, on motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was **RESOLVED** to approve the audit agreement with Cullen & Danowski dated March 22, 2023 in the amount of \$9,500.00, attached hereto as Exhibit B, to perform an independent audit of the financial affairs of the Village for the fiscal year commencing June 1, 2022 and ending May 31, 2023, which is to include an independent audit of the Village of Baxter Estates Justice Court.

12. Review of Bid Package from SHL Engineering for Repairs to Catch Basins on Hilltop Road

The Board discussed potential changes to be made to the bid package, to be relayed to the engineers, no action was taken.

13. Approval of Abstract of Audited Claims

After discussion, upon motion made by Deputy Mayor Comer, seconded by Trustee Eluto, it was unanimously, **RESOLVED** that the Abstract of Audited Claims, dated April 4, 2023, for the General Fund totaling \$96,821.40, are approved for payment.

14. Financial Report & Audit

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

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

\$2,000.00 from A9060.8 – Hospital and Medical to A1410.44 – Clerk Contractual Expenses
\$2,000.00 from A9060.8 – Hospital and Medical to A1620.44 – Building Contractual Expenses
\$5,103.00 from A9060.8 – Hospital and Medical to A3410.44 – Fire Department Contractual Expenses

15. Clerk’s Public Works & Public Safety Report

Board of Trustees Meeting
Village of Baxter Estates
April 4, 2023
6:45 PM

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

There being no further business before the Board, on motion made by Trustee Peckelis, seconded by Trustee Eluto, it was unanimously, **RESOLVED** that the meeting be and hereby is adjourned at 9:02 PM.

Meghan Kelly, Village Clerk-Treasurer