

Board of Trustees Meeting
Village of Baxter Estates
September 6, 2023
7:30 PM

Meeting Minutes

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

Absent: None

Also Present: Emma Decicco, Matthew Decicco, Cameryn Oakes

Mayor Haagenson called the Monthly Meeting of the Board of Trustees to order at 6:30PM, noting the attendance of the board.

1. Work Session

The board discussed the current state of the Village website, proposed amendments to the Village's employee manual, Cameron Engineering's request for payment relating to work relating to grants sought by the Village, the Nassau County Shared Services Agreement among the County, and several villages relating to the installation of LED street lighting, and the need for a topographic map for a portion of Village property impacted by a retaining wall in need of repair.

The Mayor noted that Cameron Engineering had been retained in connection with the Village's pursuit of funding for improvements to and remediation of Baxter Beach. New York State funding agencies, in providing feedback on prior Village grant applications for that purpose requested that the Village have a formal engineering study done in order to strengthen our application. The Village obtained money through the New York Sea Grant to apply for a grant to obtain the funding necessary to complete the engineering study. Cameron had filed prior applications on behalf of the Village to obtain funds to implement plans and documents used in previous applications. More recently, Cameron submitted another grant application on behalf of the Village, made without approval or knowledge of the Village and containing errors. The Board of Trustees noted that they would not be approving Cameron Engineering's request for reimbursement for the services not requested, while also noting that agreed upon work had not been completed.

2. Approval of Meeting Minutes of August 2, 2023.

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to accept the draft minutes of the August 2, 2023 Monthly Meeting of the Board of Trustees.

3. 23 Central Drive Request for Reduction in Building Permit Fees.

Emma and Matthew Decicco came before the Board to request relief from the building fees assessed for the building permit relating to their single family home that lapsed at the end of 2022. The Board members expressed a general reluctance to reduce building permit fees for applicants absent extraordinary circumstances but agreed to investigate the circumstances with Village staff before making a determination at the next meeting.

4. Resolution to Approve the License Agreement between the Village of Baxter Estates and Russell Cooper of 4 Hillside Avenue.

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On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to authorize the grant of a license to the Coopers to maintain existing storm water containment, and to install new containment in the Right of Way, in accord with plans acceptable to the Mayor and the Building Superintendent, and the recording against the Cooper property of an Instrument of License with Covenants and Restrictions in form and substance satisfactory to the Mayor and the Village Attorney.

5. Resolution to Approve Changes to the Employee Manual

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to approve the suggested changes to the Employee Manual.

6. Discussion on Road Evaluation

No action was taken.

7. Northcoast Civil Proposal for Topographic Map

On a motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously **RESOLVED** to approve the proposal from Northcoast Civil in the amount of \$950.00 to perform a topographical survey of a portion of the Village property at 315 Main Street in connection with possible remediation of a retaining wall.

8. Resolution to Approve Tree Removal for 19 Shore Road

After discussion as to the scope or work included in certain proposals to remove a Village tree, on a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to accept the proposal from the lowest bidder willing to provide removal and stump grinding of a Village tree in the right of way abutting 19 Shore Road, not to exceed \$575.00.

9. Resolution to Approve Tree Removal for Village Parkland

- 10.** After discussion as to the scope or work included in certain proposals to remove a Village tree, on a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to accept the proposal from the lowest bidder willing to provide removal and stump grinding of certain Village trees on Village parkland, not to exceed \$800.00.

11. Review of Website Proposals

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to accept the proposal of Nancy Verdi of Hummingbird Web Design in the amount of \$2,400.00 to redesign the Village website.

12. Review of T-Mobile Letter of Intent

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to set a Public Hearing for October 4, 2023, at 7:30 pm at Village Hall with respect to the application of T-Mobile Northeast LLC, subsidiary of T-Mobile USA, Inc., to extend Special Exception Permit granted by Board of Trustees under Resolution adopted March 4, 2010, under Chapter 159, Telecommunications Towers, of the Village Code, with respect to telecommunications fixtures and equipment installed on the rooftop of the premises at 299 Main Street, northwest corner of intersection with Shore Road.

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13. Resolution to Adjust the Fee Schedule with Respect to Cell Tower Fees

On a motion by Trustee Branco, seconded by Trustee Peckelis, it was unanimously **RESOLVED** to amend the Village of Baxter Estates Fee Schedule, Section A.6 – Fees for Telecommunication Towers and Small Wireless Facilities,

WHEREAS, T-Mobile Northeast LLC, subsidiary of T-Mobile USA, Inc. (“Permittee”), has submitted a letter of intent to renew a permit granted by the Board of Trustees to Permittee by decision adopted March 4, 2010 (the “Original Decision”), allowing telecommunications equipment on the roof of the Bayles Building at the intersection of Main Street and Shore Road in the Village; and

WHEREAS, Permittee is belatedly applying for such renewal, and pursuant to the terms of the Original Decision, such application shall be considered by the Board at a public hearing; and

WHEREAS, the Board from time to time adopts and amends a Fee Schedule to address fees payable by applicants for various permits and approval by the Village, most recently adopted with amendments on January 4, 2023; and

WHEREAS, Section A.6. of the Fee Schedule establishes fees for applications pertaining to telecommunications towers and antenna and small wireless facilities (“SWF”); and

WHEREAS, while said Section A.6. establishes in the context of SWF equipment both an annual fee for permitted equipment and a fee for applications for permits (\$500 for existing facilities, and \$1,000 for equipment on new facilities), Section A.6 provides in the context of other telecom equipment (“Non-SWF”) a \$2,000 annual fee for permitted Non-SWF equipment, but inadvertently omits establishing a fee for applications for permits for Non-SWF equipment; and

WHEREAS, the Board desires to establish a \$2,000 fee for applications (including applications to renew) for Non-SWF equipment;

NOW, THEREFORE, it is hereby **RESOLVED**, that Section A.6. of the Village Fee Schedule be, and it hereby is amended, by adding the following clause “c.” immediately after the end of the first clause “b.” in said Section:

“(c) The fee for each application for a permit (including each application to renew a permit) for each tower shall be \$2,000; the fee for each application for an antenna not on an existing tower or structure shall be \$1,000 for each antenna.”

14. Resolution to Withdraw from the Nassau County Shared Services Agreement

The Mayor noted the Village’s frustration with respect to the agreement dated October 14, 2021, entered into among Nassau County and several villages, including the Village of Baxter Estates, in order to install energy efficient LED Street lights through the Power Authority of the State of New York (“NYPA”). The Mayor noted that, in the years since the agreement was signed, obligating the parties to move forward collectively, neighboring villages not burdened by the agreement had already installed LED street lights, at costs significantly less than those contemplated under the Agreement in connection with the New York State program. The difficulty and the expense associated with terminating the agreement pursuant to its terms had caused further frustration for the Village and other village parties. After several villages, including Baxter Estates, expressed their concerns to the County, the County finally relented on its prior insistence on receiving termination fees. Village Clerk-Treasurer Kelly shared with the Board correspondence with the County dated August 28, 2023, in which a County representative “confirmed that the cost incurred by Baxter Estates to date is minimal ... as such, there will be no cost for Baxter Estates to drop out of this project.”

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to terminate the agreement dated October 14, 2021, between the Village of Baxter Estates and Nassau County in

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order to install energy efficient LED Streetlights through the Power Authority of the State of New York, and direct Village Clerk-Treasurer Kelly to so notify the County.

15. Resolution to Approve LED Light Upgrade

No action was taken.

16. Resolution to Approve Village's Annual General Liability and Cyber Insurance Renewal Proposal

On motion of Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to approve the general liability insurance package from U.S. Specialty Insurance in the aggregate premium amount of \$22,303.28, an increase of \$2,803.49 or 12.570% over the expiring policy, and the cyber liability policy from Underwriters at Lloyd's London in the aggregate premium amount of \$4,140.63, a decrease of \$104.52 or 2.524% over the expiring policy.

17. Resolution to Approve Appointment of Pedro Avila as Tree Commission Alternate Member

On motion of Trustee Peckelis, seconded by Deputy Mayor Comer, it was unanimously **RESOLVED** to approve the Mayor's appointment of Pedro Avila as Tree Commission Alternate Member.

18. Approval of Vouchers

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** that the Abstract of Audited Claims, dated September 6, 2023, for the General Fund totaling \$191,386.77 are approved for payment.

19. 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 Branco, it was unanimously **RESOLVED** to authorize Village Clerk-Treasurer Kelly to make the following budget modifications for the 2023-2024 Fiscal Year:

\$1,200.70 from A1990.0 – Contingent Account to A1110.2 – Village Court – Equipment

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to transfer \$160,000.00 from the NYCLASS Money Market Account into the FNBLI Operating Account to cover the month's expenses.

20. Clerk's Public Works & Public Safety Report

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

There being no further business before the Board, on motion made by Trustee Branco, seconded by Trustee Peckelis, it was unanimously **RESOLVED** that the meeting be and hereby is adjourned at 9:03 PM.

Meghan Kelly, Village Clerk-Treasurer