

**Board of Trustees Meeting**  
**Village of Baxter Estates**  
**October 4, 2023**  
**7:30 PM**

**Meeting Minutes**

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

**Absent:** Trustee Jeffrey Eluto

Also Present: Charles Idol, Jonathan Bertram (Complete Development Services on Behalf of T-Mobile), Cameryn Oakes (Blank Slate Media), John O’Connell, Ben Schapiro

Mayor Haagenson called the Monthly Meeting of the Board of Trustees to order at 6:45PM, noting the attendance of the board.

**1. Work Session**

The board discussed the LED light conversion throughout the Village, the repair of the sidewalk ramps at the intersection of Bayside Avenue and Shore Road, and improvements to the Village website.

**2. Public Hearing – Application of T-Mobile Northeast LLC, subsidiary of T-Mobile USA, Inc., to extend Special Exception Permit granted March 4, 2010.**

At approximately 7:30 PM Mayor Haagenson opened the Public Hearing duly advertised in the September 20, 2023 edition of the Port Washington News to consider 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.

On motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to close the Public Hearing at 7:38 PM.

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

The Board requested that the Village Attorney prepare a draft resolution conditionally granting the application, for consideration by the Board at the November meeting.

**3. Public Hearing – Bill No. 3 of 2023, a proposed local law establishing a new Village Code Chapter 145, “Public Places, Regulation of,” to prohibit certain unsanitary conduct in public places.**

At approximately 7:38 PM Mayor Haagenson opened the Public Hearing duly advertised in the September 6, 2023, issue of the Port Washington News to consider Bill 3 of 2023.

On motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to close the Public Hearing at 7:40 PM.

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

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On motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to adopt Bill No. 3 of 2023 as Local Law No. 2 of 2023. The Mayor requested that the Village Attorney and Village Clerk-Treasurer take the necessary steps to cause the new Local Law to be filed with the NYS Department of State and to be submitted to General Code for incorporation into the Village Code.

**4. Approval of Minutes of September 6, 2023, Meeting.**

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to accept the draft minutes of the September 6, 2023, Monthly Meeting of the Board of Trustees.

**5. 11 North Washington Street Tree Removal Permit Appeal**

Ben Schapiro, residing at 11 North Washington Street, appealed to the Board of Trustees the July 26, 2023 Tree Commission decision to deny his application to remove two trees in the front yard. The homeowner stated his concerns with respect to the health and safety of the trees and presented an opinion letter from an arborist retained by Mr. Schapiro, which recommended that the trees be removed. The Board advised the Applicant that Board members would visit the property to look further into the issue before making a decision. No action was taken.

**6. Public Comment**

Resident Charles Idol came to voice concerns about what he described as the Manhasset Bay Protection Committee's retention of an independent contractor without obtaining liability insurance from the contractor, which Mr. Idol stated is required for all contractors per the MBPC charter agreement. Trustee Maria Branco expressed familiarity with the issue and advised that she understood that this issue had been presented to the Town of North Hempstead's attorney, who had advised that the individual was covered under the liability insurance policy of the Town, which would provide coverage if a claim arose against MBPC relating to services rendered by the individual. The Board noted that the Village representative to the MBPC would inquire at the next MBPC meeting as to the process for confirming that all contractors retained by MBPC provide any required insurance.

John O'Connell, a resident on North Washington Street, expressed to the Board his concerns with traffic arising from the absence of a stop sign at the intersection of Locust Avenue and North Washington Street. Mr. O'Connell stated that he has observed vehicles moving fast and turning wide from Locust onto North Washington, creating a dangerous situation for other drivers, pedestrians, parked cars, and children playing in the street. The Board agreed to look further into the issue in order to consider whether to install a stop sign on Locust at the intersection with North Washington, as well as on North Washington at the intersection with Locust.

**7. Resolution to Approve Reduction in Building Department Fees for 23 Central Drive – Matt and Emma Decicco**

The Board members reported on discussions with the Village Superintendent of Buildings relating to the request initially presented to the Board at the September meeting by Matt and Emma Decicco of 23 Central Drive, that the building fees relating to a building permit for a project they are seeking to close out be reduced. The Board members noted that extenuating circumstances, coupled with the Superintendent of Buildings' advice that a reduced fee would adequately cover his time expended on the project for the Village, warranted some relief.

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** that the building fee calculated by the Village Superintendent of Buildings with respect to the building permit sought by residents Matt and Emma Decicco of 23 Central Drive to perform substantially the same work completed before the start of 2022, under a separate building permit as to which all required fees were paid, but which lapsed on November 24, 2022, shall be reduced from \$2,106.00 to \$1,053.00, in light of all relevant circumstances.

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**8. Resolution to Approve Proposal to Move Existing Cobra Head Light to a New Utility Pole**

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to accept the proposal from Denis O'Regan Electric, Inc. in the form presented to the Board, in the amount of \$375.00, being the lowest proposal submitted to the Board, to move an existing light on Central Drive to a new utility pole.

**9. Review of LED Light Upgrade Quotes**

On a motion by Trustee Branco, seconded by Trustee Peckelis, it was unanimously **RESOLVED** to accept the proposal from Denis O'Regan Electric, Inc. in the form presented to the Board, in the amount of \$26,370.00, being the lowest proposal submitted to the Board, to upgrade the existing streetlight infrastructure.

**10. Review of Rental Agreements for 2024**

The Board reviewed the current leases between the Village and the two lessees of space at the Village premises at 315 Main Street, both of which are automatically renewed for the 2024 calendar year. No action was taken. The Board requested that the Village Clerk-Treasurer review utility cost increases from 2022 to 2023, to ascertain whether lease provisions to increase the rent under the leases based upon utility cost increases have been triggered.

**11. Review of Quote from Landtek to Repair Sidewalk on Shore Road and Bayside Avenue**

No action was taken.

**12. Review of Contract from Hummingbird Designs for Website Redesign**

No action was taken.

**13. Resolution to Extend the Contract for Snow Plowing, Sanding and Salting of Village Streets**

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to exercise the Village option to extend the contract with Creative Snow by Cow Bay, Inc. for the 2023/24 season, to remove snow from, and to sand and salt the Village streets, regardless of the number or level of events, for the amount of \$49,000.00.

**14. Resolution to Renew the Contract for Snow Plowing on Village Properties**

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to exercise the Village option to extend the contract with Creative Snow by Cow Bay, Inc. for the 2023/24 season, to perform snow removal on Village Properties.

**15. Return of the Tax Roll and Warrant**

The Board reviewed the outstanding property tax amounts, no action was taken.

**16. Approval of Vouchers**

On a motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously **RESOLVED** that the Abstract of Audited Claims, dated October 4, 2023, for the General Fund totaling \$42,742.88 is approved for payment.

**17. Financial Report & Audit**

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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:

\$829.88	from	T71.13 – BZA 23 Locust Avenue	to	A1420.45 – Law – Contractual
\$574.87	from	T71.14 – BZA 17 Bayside Avenue	to	A1420.45 – Law – Contractual

**18. Clerk’s Public Works & Public Safety Report**

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

**19. Executive Session**

On motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to enter executive session for advice of counsel at 8:43 PM.

The Mayor declared executive session over at 8:54 PM.

There being no further business before the Board, on motion made by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** that the meeting be and hereby is adjourned at 8:54 PM.

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Meghan Kelly, Village Clerk-Treasurer