

Board of Trustees Meeting
Village of Baxter Estates
November 8, 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: Chuck Idol, Cameryn Oakes of Blank Slate Media

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 funding for the Baxter Beach project, the catch basin repair in front of 2 Hilltop Road, appeals of decisions by the Village Tree Committee, the repair of the sidewalk ramps at the intersection of Bayside Avenue and Shore Road, improvements to the Village website, and the LED light conversion project throughout the Village.

2. Approval of Minutes of October 4, 2023, Meeting.

On a motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously **RESOLVED** to accept the draft minutes of the October 4, 2023, Monthly Meeting of the Board of Trustees, with the amendments thereto proposed by Trustee Peckelis.

3. Discussion on North Washington Stop Sign

The Board continued its discussion commenced at the prior meeting concerning a resident request for a stop sign to be installed on Locust Avenue at its intersection with North Washington Street. No action was taken.

4. 11 North Washington Street Tree Removal Permit Appeal

On a motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously **RESOLVED** to allow for the removal of one Silver Maple located at the top of the driveway near the home, and to consult the Village Arborist to provide a report on the second Silver Maple located at the bottom of the driveway closest to the street.

5. Review of Proposal from Landtek to Repair Sidewalk on Shore Road and Bayside Avenue

On motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED**, pursuant to the “piggyback” provision under the existing contract for street and sidewalk work awarded following competitive bidding by the Town of North Hempstead (“TONH”) to the Landtek Group Inc., that the Village accept the proposal by Landtek in the amount of \$12,909.25 to repair and replace the handicap accessible ramps on the corner of Bayside Avenue and Shore Road, all subject to the terms of said contract between TONH and Landtek.

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6. Review of Proposed Contract from Hummingbird Designs for Website Redesign

The Board continued its discussion from prior meetings concerning the updating of the Village website. No action was taken.

7. Statement on Hamas

The Mayor read the following statement into the record: The Village of Baxter Estates strongly condemns all acts of terrorism. We are deeply disturbed by the war in the Middle East which began on October 7, 2023. The loss of so many lives and the taking of hostages, some of whom are American, is abhorrent to us. We hope for a swift and decisive end to this dangerous conflict and to all acts of aggression throughout the world.

8. Resolution to Approve Proposal for Fence Repair on Village Hall Property

On motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to accept the proposal from Robert Keogh Inc. to repair two sections of fence in the backyard at Village Hall for the amount of \$470.00.

9. Resolution to Approve Proposal for Tree Trimming on Bayside Avenue

On motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to approve an expenditure to trim three Village trees on Bayside Avenue not to exceed \$1,800.00 by a vendor to be determined by the Mayor and the Village Clerk-Treasurer after clarifying scope of work to be completed under proposals received by the Village.

10. Resolution to approve Application of T-Mobile to extend Special Exception Permit granted in 2010, with respect to telecommunications equipment on rooftop at 299 Main Street.

On motion by Trustee Peckelis, seconded by Deputy Mayor Comer, it was unanimously **RESOLVED** as follows:

WHEREAS, T-Mobile Northeast LLC, subsidiary of T-Mobile USA, Inc. (“Permittee”), has applied to renew a Special Exception Permit granted by the Board of Trustees under Resolution adopted March 4, 2010 (the “Original Decision”), under Chapter 159, Telecommunications Towers, of the Village Code, allowing Permittee, as tenant, to install and maintain telecommunications equipment on the roof of the Bayles Building at 299 Main Street, at the intersection of Main Street and Shore Road in the Village (the “Site”); and

WHEREAS, Permittee is belatedly applying for such renewal, as each Special Exception Permit issued under Chapter 159 must be reviewed by the Village after ten years, pursuant to Village Code Section 159-8, and pursuant to the terms of the Original Decision, such application (the “Renewal Application”), shall be considered by the Board at a public hearing; and

WHEREAS, the Board has conducted a public hearing with respect to the Renewal Application on October 4, 2023 (the “Hearing”), at which all parties in interest were provided with an opportunity to be heard; and

WHEREAS, the Board has considered the Renewal Application and all testimony and documentation offered at said Hearing in favor of the Renewal Application, none being offered in opposition thereto; and

WHEREAS, the Applicant was represented at the Hearing by Jonthan Bertram of Complete Development Services (the “Applicant Representative”);

WHEREAS, the Applicant Representative confirmed to the Board on behalf of the Applicant that (i) the Applicant’s failure to timely apply for renewal of the Special Exception Permit was an inadvertent oversight by

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the Applicant; (ii) all of the existing equipment at the Site complies with the conditions of the Original Decision; (iii) the Village Building Inspector may inspect the Site to confirm that all equipment and screening, as required under the Original Decision complies with same; (iv) all other obligations of the Applicant, including the payment of annual fees and the providing of a security bond in favor of the Village, have been fully satisfied through the date of the Hearing; and (v) any approval granted by the Board be conditioned upon an inspection of the Site by the Village Building Inspector, and his reasonable satisfaction that all conditions of the Original Decision are presently satisfied;

NOW, THEREFORE, the Board of Trustees hereby grants the Renewal Application, as presented to the Board and reviewed at the Hearing, subject to the following conditions:

- (a) All conditions contained in the Original Decision shall be conditions of the extension of the Special Exception Permit hereby extended, for a ten year period commencing on the date that this Resolution is adopted by the Board;
- (b) Any application to extend the Special Exception Permit hereby extended for an additional ten year term shall be considered by the Board at a duly noticed public hearing;
- (c) The Village Building Inspector shall conduct an inspection of the Site, for the purpose of confirming that all aspects of the Site are in full compliance with the Original Decision;
- (d) Any instances of non-compliance determined by the Village Building Inspector shall be promptly remedied by the Applicant upon notice to the Applicant of such instances, if any;
- (e) All fees, costs, and expense, including those incurred by the Village, that are the responsibility of the Applicant under applicable provisions of the Village Code and resolutions enacted by the Board thereunder or under the Original Decision shall be promptly paid by the Applicant upon notice by the Village Clerk-Treasurer to the Applicant of such amounts owed.

11. Resolution to Close Tianderah to Vehicular Traffic not earlier than December 1, 2023, on a date to be determined by Mayor Haagenson

On motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to close Tianderah Road to vehicular traffic not earlier than December 1, 2023, on a date to be determined by Mayor Haagenson.

12. Resolution to direct Village Clerk-Treasurer Kelly to Publish a Legal Notice Announcing a Public Hearing to be held on December 6, 2023, for the 2024 Port Washington Fire Department (PWFD) Contract beginning January 1, 2024, and ending December 31, 2024

On motion by Trustee Branco, seconded by Deputy Mayor Comer, it was unanimously **RESOLVED** to allow Village Clerk-Treasurer Kelly to publish a legal notice announcing a public hearing to be held on December 6, 2023, for the 2024 Port Washington Fire Department (PWFD) Contract beginning January 1, 2024, and ending December 31, 2024.

13. Winter Soirée – December 6th 4PM - 6:30PM – Toy Collection Drive

The Village will be holding a toy collection drive and neighborhood gathering for Wednesday, December 6th from 4PM - 6:30PM. More details will be in an upcoming email to Village residents.

14. Approval of Vouchers

On a motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously **RESOLVED** that the Abstract of Audited Vouchers, dated November 8, 2023, for the General Fund totaling \$110,027.11 is approved for payment.

15. 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 Peckelis, it was unanimously **RESOLVED** to authorize Village Clerk-Treasurer Kelly to transfer \$112,000.00 from the NYCLASS Money Market Account into the FNBLI Operating account to fund the month's expenditures.

On motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to authorize Village Clerk-Treasurer Kelly to recognize a \$165,658.35 receivable for a grant towards A381 – Due from Other Governments for the resurfacing of Woodcliff Avenue, Locust Avenue, Ridgeway Road and Bayside Avenue and transferring it to A3599 – State Aid, Grants, adjusting the budget to reflect the expense and receivable so that the net effect to the budget is \$0.00, and let it be;

Further **RESOLVED** to authorize Village Clerk-Treasurer Kelly to recognize a \$7,826.65 receivable for a grant towards A381 – Due from Other Governments for the purchase of a new desk, new 3-drawer file cabinet, and 2 new 4-drawer fireproof file cabinets and transferring it to A3599 – State Aid, Grants, adjusting the budget to reflect the expense and receivable so that the net effect to the budget is \$0.00.

16. 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 Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously **RESOLVED** that the meeting be and hereby is adjourned at 8:18 PM.

Meghan Kelly, Village Clerk-Treasurer