

**Board of Trustees Meeting**  
**Village of Baxter Estates**  
**February 7, 2024**  
**7:30 PM**

**Meeting Minutes**

<b>Present:</b>	Mayor	Nora Haagenon
	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: David Abrams

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

**1. Work Session**

The Board discussed a number of topics including: the improvements to the Village Website; an upcoming meeting with State Representative Angel Vasquez in regard to the ongoing erosion issue at Baxter Beach; the upcoming 2024 Village Election and the upcoming deadlines for candidates; and formalizing the application process for the Landmarks Preservation Committee.

**2. Approval of Minutes of the December 6, 2023, Regular Meeting.**

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

**3. Approval of Minutes of the January 4, 2024, Regular Meeting.**

On a motion by Trustee Branco, seconded by Deputy Mayor Comer, with Trustee Peckelis abstaining, by affirmative vote of all those voting, it was **RESOLVED** to accept the draft minutes of the December 13, 2023, Special Meeting of the Board of Trustees.

**4. Review of Bid Documents for Landscaping Contract for Village properties.**

The Board reviewed the draft seasonal Landscaping Contract for Village-owned properties, one of the bid documents to be let out to bid. The Board members suggested certain changes.

On motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to authorize the Village Clerk-Treasurer to solicit bids for the 2024-2025 Landscaping Contract subject to the incorporation into the form contract of the changes requested by the Board.

**5. Resolution to Approve 2024-2025 Street Sweeping Contract Bid.**

The Board reviewed bid opening results for the 2024-25 street sweeping contract, as to which Dejana Industries, a contractor that has performed satisfactorily under prior such contracts awarded by the Village, was the lowest bidder.

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On motion by Deputy Mayor Comer, seconded by Trustee Branco, with Trustee Peckelis abstaining, by affirmative vote of all those voting, it was **RESOLVED** to accept the bid by Dejana Industries for the 2024-2025 Street Sweeping Contract.

**6. Budget Workshop Date**

The Board agreed to schedule the Budget Workshop on March 6, 2024, at 5:00PM.

**7. Resolution to Schedule a Public Hearing on April 3, 2024, to consider the 2024-2025 Village Budget for the year commencing June 1, 2024, and ending May 31, 2025**

The Board agreed to schedule a Public Hearing at 7:30PM on April 3, 2024, at Village Hall, to consider the 2024-2025 Village Budget for the year commencing June 1, 2024, and ending May 31, 2025.

**8. Discussion on the Tax Cap**

The Board discussed the possibility of having to enact a local law to exceed the annual village real property tax levy cap for the upcoming fiscal year. The Board members noted that it was too early in the process to know whether such a need exists. Village Attorney Prior advised the Board that, if at its March 7 meeting the Board determines it advisable to enact such a local law, then the Board could at that meeting adopt a resolution to introduce the relevant bill for a public hearing at the April meeting, to be held and acted upon prior to action by the Board with respect to the annual budget. No action was taken.

**9. Resolution to Approve Changes to Stasi Industries' Catch Basin Contract**

The Mayor noted that contractor Stasi presented an invoice seeking payment in excess of that contemplated under its proposal, as accepted by the Board, to repair certain Village catch basins. The Board reviewed a letter from Village consulting engineers SHL Engineering, P.C., explaining the reason for the increase in the expenditure to complete the catch basin replacement on Hilltop Road. The scope of the work to be performed to restore the impacted curbing in a satisfactory manner was not set forth in the accepted proposal, and its need only became apparent as the work progressed. The Village Engineer advised the Village that the additional work is necessary and was not reasonably foreseeable at the time of bidding.

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to accept the increase of \$5,805.00 above the bid amount of \$34,065.00 for a total expenditure of \$39,870.00.

**10. Amendment to Resolution to Authorize Home Rule Request for Enactment of Special New York State Legislation Granting Village Court Clerk Dawn Ward Retroactive Membership with Tier IV Status in New York State and Local Employees' Retirement System.**

The Village Clerk noted that at the June 7, 2023, monthly Board meeting, the Board approved a request from Assemblyman Ed Ra in conjunction with Senator Jack Martins to submit to the New York State Legislature a home rule message in favor of a bill to grant retroactive membership in the New York State and Local Retirement System ("NYS&LRS"), with Tier IV status, to Village Court Clerk Dawn Ward, in order to rectify the failure of another village for whom Ms. Ward was employed when she initially was eligible for such membership to timely accomplish filing with NYS&LRS on her behalf. Several other villages for whom Ms. Ward serves as court clerk submitted their own home rule messages. The Clerk reminded the Board that the financial impact upon the Village is negligible and in any event merely awards Ms. Ward rights to which she is entitled. The Village was recently notified that there was not enough time to get the contemplated special legislation passed in 2023 and that Home Rule messages are only valid for the calendar year in which they are received. Therefore, the NYS Legislative process for the special legislation must begin anew, and our NYS legislators requested a new home rule message for 2024.

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Accordingly, at the Board's January 3, 2024, meeting, the Board by resolution authorized the Mayor to submit a new home rule message for use by the Legislature in 2024. Thereafter, Assemblyman Ra's office advised the Village that the relevant bill has been assigned updated Bill numbers by the Assembly and the Senate, and so the home rule message submitted in accord with the January 3, 2024, Board resolution must be amended to reflect the new bill numbers.

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to Authorize the Mayor and Village Clerk, on behalf of the Village, to sign and submit to Assembly Home Rule Counsel for the NYS Assembly, and to Senate Home Rule Counsel to the NYS Senate, an amended Home Rule Request supporting the enactment of Senate Bill S.7410/Assembly Bill A.7544, an Act Granting Retroactive Membership with Tier IV Status in the New York State and Local Employees' Retirement System to Dawn Ward, Baxter Estates Court Clerk, to correct her date of entry into, and Tier status in, membership in NYS&LRS.

**11. Resolution to Approve Denis O'Regan Electric to Re-locate Streetlight on Hillside Avenue**

On 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 amount of \$425.00 to relocate the Hillside Avenue streetlight from its present location to the nearest utility pole to the west.

**12. Resolution to Accept Engagement Letter from Auditors R.S. Abrams**

On motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to retain R.S. Abrams & Co., LLP, pursuant to the professional services exception to competitive bidding, on the terms set forth in its proposed engagement letter dated January 29, 2024. setting forth a fee of \$9,000.00 to perform the 2024-2025 fiscal year audit for the Village.

**13. Approval of Vouchers**

On a motion by Trustee Peckelis, seconded by Deputy Mayor Comer, it was unanimously **RESOLVED** that the Abstract of Audited Vouchers, dated February 7, 2024, for the General Fund totaling \$96,115.49 is approved for payment to be funded by the NYCLASS Money Market Account.

**14. Financial Report & Audit**

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

\$1,000.00 from A1990.0 – Contingent to A1450.41 – Elections - Supplies  
\$636.00 from A1990.0 – Contingent to A1450.41 – Taxes on Municipal Property

On a motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously **RESOLVED** to modify the Village Budget in the manner proposed by Village Clerk-Treasurer Kelly, as set forth above.

On a motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously **RESOLVED** to authorize Village Clerk-Treasurer Kelly to apply for reimbursement from the American Rescue Plan Act (ARPA) in the aggregate amount of \$52,779.25, comprised of an expenditure of \$39,870.00 for the 2 Hilltop Road Catch Basin Replacement Project, and an expenditure of \$12,909.25 for the Bayside Avenue Sidewalk Replacement Project.

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

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

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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 8:24 PM.

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Meghan Kelly, Village Clerk-Treasurer