

Board of Trustees Meeting
Village of Baxter Estates
September 30, 2024
3:30 PM

Meeting Minutes

Present:	Mayor	Nora Haagenson
	Deputy Mayor	Charles Comer
	Trustee	Alexander Price
	Village Clerk-Treasurer	Meghan Kelly
Absent:	Trustee	Alice Peckelis
	Trustee	Maria Branco

1. Call to Order

The Mayor called the Special Meeting of the Board of Trustees to order at approximately 3:30 PM.

2. Negative Declaration under SEQRA with respect to Baxter Beach Restoration Project and Easement from Town of North Hempstead for Land under Manhasset Bay

Following Board discussion, and upon motion duly made by Trustee Charles Comer, and seconded by Trustee Alex Price, the Board members present, constituting a quorum, unanimously adopted the following resolution:

BE IT RESOLVED, as follows:

1. **WHEREAS**, serious flooding conditions on Nassau County’s Shore Road in Port Washington are a major concern for residents and visitors to greater Port Washington; and
2. **WHEREAS**, the small portion of Shore Road that lies within the Village of Baxter Estates (the “Village”), abutting Baxter Beach on Manhasset Bay, is an acute area of flooding, which is causing material and obvious erosion of Baxter Beach, and undermining of Shore Road’s sidewalks and paved roadway, creating significant safety concerns; and
3. **WHEREAS**, Village Mayor Nora Haagenson has worked diligently to bring the issue to all elected officials who represent impacted residents, and to press for solutions; and
4. **WHEREAS**, the Village has retained D&B Architects and Engineers (“D&B”), which has created plans (the “D&B Plans”) for (i) beach preservation measures within Baxter Beach, land owned by the Village and improvements to portions of the Shore Road sidewalk lying within the Village (the “Land Project Portion”), and (ii) installation of shore hardening measures under Manhasset Bay abutting the Village’s shorefront, on land owned by the Town of North Hempstead (“TONH”), which will also include a boardwalk suspended above Manhasset Bay, enabling pedestrians and cyclists to travel across the boardwalk between its north and south ends merging onto the Shore Road sidewalk (the “Bay Project Portion”) (the Land Project Portion and the Bay Project Portion are collectively called the “Project”); and
5. **WHEREAS**, the Project will provide important measures to alleviate the erosion and flooding issues plaguing the surrounding area, benefitting not only the residents of the Village but all who travel upon Shore Road; and
6. **WHEREAS**, the State of New York has awarded to the Village a grant in the amount of \$7.7 million in order to undertake the Project; and

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7. **WHEREAS**, the Village plans to cause D&B to finalize the D&B Plans, and to proceed with a competitive bidding process in order to award one or more public works contracts in order to complete the Project; and
8. **WHEREAS**, in order to construct and maintain the Bay Project Portion, the Village must obtain from TONH an easement authorizing same to the extent same is on land owned by TONH, including land under Manhasset Bay and land abutting the Village-owned property that is the subject of the Project; and
9. **WHEREAS**, to that end, the Village and TONH are entering into an intermunicipal agreement (the “IMA”), under which TONH shall grant to the Village the required easement (the “TONH Easement”); and
10. **WHEREAS**, the Board has been advised by D&B, its consulting engineers, and Village Attorney Christopher Prior that the Project (which for purposes hereof includes the entering into of the IMA and the acceptance of the related TONH Easement) is deemed an “unlisted action” under the New York State Environmental Quality Review Act (“SEQRA”), and the regulations promulgated thereunder by the NYSDEC (the “SEQRA Regulations”), and so requires analysis by the Board as the agency undertaking the Project under SEQRA; and
11. **WHEREAS**, D&B has prepared an Environmental Assessment Form relating to the Project (including the IMA and the TONH Easement), dated as of September 30, 2024 (the “EAF”), in order to gauge potential environmental impacts, which have been reviewed by the Board; and
12. **WHEREAS**, the Board has determined that the Village shall serve as Lead Agency with respect to the Project (including the IMA and the TONH Easement), for purposes of SEQRA, and will conduct an uncoordinated review; and
13. **WHEREAS**, the Board has reviewed the EAF, and has determined that the action will not adversely impact the environment in any significant way, and will, in fact, likely have a beneficial impact upon the environment, insofar as the Project, once implemented, will serve to mitigate beachfront erosion and the flooding and undermining of sidewalks and paved roadways along Shore Road in the Village, while enhancing the ability of members of the public to enjoy the waterfront along Manhasset Bay in a passive manner through enhanced proximity and viewing vantage points;
14. **NOW, THEREFORE**, the Board hereby determines that:
 - a. The Board is lead agency for purposes of the SEQRA review of the Project, and, as lead agency, has conducted an uncoordinated review of the Project (including the IMA and the TONH Easement).
 - b. The Board finds that the Project, if implemented, will not have an adverse impact upon the environment for the reasons set forth above, and as more fully described in the EAF.
 - c. The Board hereby makes a negative declaration under SEQRA with respect to the Project (including the IMA and the TONH Easement).
 - d. The Board hereby directs D&B, consulting engineers to the Village, to provide written notice of this negative declaration to all interested and involved agencies to the extent required under SEQRA regulations, and to file said notice to the extent required with appropriate governmental agencies.

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- e. The Board hereby ratifies and confirms the execution and delivery of the EAF, including the negative declaration under SEQRA contained therein, by Mayor Haagenson.

The vote on the foregoing Resolution was as follows:

N. Haagenson, Mayor:	Aye
C. Comer, Deputy Mayor:	Aye
Alexander Price, Trustee:	Aye
Alice Peckelis, Trustee:	[Absent]
Maria Branco, Trustee:	[Absent]

There being no further business before the Board, on motion made by Deputy Mayor Comer, seconded by Trustee Price, it was unanimously **RESOLVED** that the meeting be and hereby is adjourned at 3:33 PM.

Meghan Kelly, Village Clerk-Treasurer