

**Board of Trustees Meeting**  
**Village of Baxter Estates**  
**October 15, 2024**  
**7:30 PM**

**Meeting Minutes**

**Present:**

Mayor	Nora Haagenson
Deputy Mayor	Charles Comer
Trustee	Alice Peckelis
Trustee	Maria Branco
Trustee	Alexander Price
Village Clerk-Treasurer	Meghan Kelly
Village Attorney	Christopher J. Prior, Esq.

**Absent:** None

**Also Present:** Vita Molis, Rolandas Molis, Marie Brady, MaryBeth Nardone, Fran Szaluta, Gail Monaco, Marilyn Oser

**1. Work Session**

The Board convened their work session at 6:45PM and discussed several topics including requests for resident contact information, the lantern fly infestation in Village Hall’s backyard, new bank proposals, parking issues, and potential new legislation on septic systems.

**2. Approval of Meeting Minutes of September 4, 2024**

Upon motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to accept the minutes of the September 4, 2024, meeting of the Board of Trustees in the form presented by the Village Clerk-Treasurer.

**3. Approval of Meeting Minutes of September 30, 2024**

Upon motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously **RESOLVED** to accept the minutes of the September 30, 2024, meeting of the Board of Trustees in the form presented by the Village Clerk-Treasurer.

**4. Public Hearing – Bill Number 2 of 2024, a proposed local law amending Chapter 161, “Tree Preservation and Protection,” of the Village Code, to amend Article VII thereof, and the provisions addressing tree replacements for trees permitted to be removed.**

At approximately 7:35 PM Mayor Haagenson opened the Public Hearing duly advertised in the October 3, 2024, issue of the Port Washington News for the Public Hearing on Bill No. 2 of 2024, a proposed local law amending Chapter 161, “Tree Preservation and Protection,” of the Village Code, to amend Article VII thereof, and the provisions addressing tree replacements for trees permitted to be removed.

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to adjourn the public hearing to 7:30 PM, on November 6, 2024, at Village Hall.

**5. Public Hearing – Curb Cut Application of Vita And Rolandas Molis, Owners of Premises at 21 Locust Avenue, Port Washington, NY**

At approximately 7:37 PM Mayor Haagenson opened the Public Hearing duly advertised in the September 19, 2024, issue of the Port Washington News for the Public Hearing on the curb cut application of Vita and Rolandas Molis, owners of premises at 21 Locust Avenue, Port Washington, NY.

**Board of Trustees Meeting**  
**Village of Baxter Estates**  
**October 15, 2024**  
**7:30 PM**

Vita Molis presented the application to the Board of Trustees, requesting the widening of the curb cut of their driveway for safety purposes, to conform to the widening of their driveway, a project recently the subject of zoning variances granted by the Board of Zoning Appeals. The applicants confirmed that the plans presented to the Board are the same plans reviewed and approved by the Board of Zoning Appeals. The Board discussed and requested comments from the public. MaryBeth Nardone, resident of 125 Main Street, stated that the application “seems reasonable”.

There being no further comment from the public or the applicant, on a motion by Deputy Mayor Comer, seconded by Trustee Peckelis, it was unanimously **RESOLVED** to close the public hearing at 7:40 PM.

**6. Resolution to Approve the Curb Cut Application for 21 Locust Avenue**

On a motion by Deputy Mayor Comer, seconded by Trustee Price, it was unanimously **RESOLVED** to approve the curb cut application of Vita and Rolandas Molis, owners of premises at 21 Locust Avenue, Port Washington, NY, as presented, conditioned upon all work being performed in a manner consistent with the plans submitted by the Applicants, a copy of which is hereby attached as Appendix A.

**7. Public Comment Period**

Mayor Haagenson asked the public for comments. Several residents of 125 Main Street, The Pierre Apartments, were in attendance to express their concerns and frustrations with the abandoned building next door, 133 Main Street. The property has been a topic of discussion before the Board numerous times, and the concerned residents wanted to advocate on behalf of their apartment community.

Board President Gale Monaco spoke to the Board of Trustees to seek guidance on any remedial actions available to the Village or the residents. She stated that the building is clearly abandoned, and she believes it is the source of rodent infestation. She noted that the Pierre Apartments had modified garbage disposal methods using dumpsters, and those steps served to confirm that the dumpsters were not the source of the rodents, and that observations supported the conclusion that the rats were coming from the abandoned building.

The Mayor acknowledged the issues and described actions taken by the Village to date, including notices to the record owner, the boarding up of the broken window, as well as requesting that the Nassau County Department of Health investigate conditions at the property. Village Attorney Chris Prior stated that the Village has limited resources, and that the law restricts actions available to the Village, which must be balanced with private property rights. Condemning the property and demolishing the building can only occur when there is evidence that the structure is unsafe, and a premature effort to do so can leave the Village with liability for trespass to the owner. He stated that the Village should not seek to acquire the property by eminent domain, the process through ultimate determination of price, which can be costly and time-consuming, can only be undertaken when a village has a municipal use for the property. Only where a building is in immediate threat of collapse may the Superintendent of Buildings enter the building on an emergency basis, without permission or a court order. Presently, in the view of the Village Superintendent of Buildings, the building is in disrepair but not currently in danger of collapse.

The residents spoke about some possible actions they could take, to which the Village expressed support. Clerk-Treasurer Kelly suggested a letter writing campaign and offered to write additional letters to the Nassau County Department of Health to increase the pressure on the County to take action on the property.

**8. Ratification of the Approval to Accept the 2024 Insurance Renewal**

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to ratify the approval of the 2024 General Liability Insurance Package from the New York Municipal Insurance Reciprocal (NYMIR) in the aggregate premium amount of \$25,561.28, an increase of \$3,258.00 or 12.746% over the expiring policy.

**Board of Trustees Meeting**  
**Village of Baxter Estates**  
**October 15, 2024**  
**7:30 PM**

**9. Adoption of the Nassau County Hazard Mitigation Plan**

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** that the Village of Baxter Estates Board of Trustees authorizes the adoption of the Nassau County Hazard Mitigation Plan as follows:

**WHEREAS** all of Nassau County has exposure to natural hazards that increase the risk to life, property, environment, and the County's economy; and

**WHEREAS** pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS** The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

**WHEREAS** a coalition of Nassau County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Nassau County; and

**WHEREAS** the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating, and revising this strategy;

**NOW, THEREFORE, BE IT RESOLVED** that the Inc. Village of Baxter Estates adopts in its entirety, the Nassau County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction. The Village of Baxter Estates:

- Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- Will continue its support of the Mitigation Planning Committee as described within the Plan.
- Will help to promote and support the mitigation successes of all participants in this Plan.
- Will incorporate mitigation planning as an integral component of government and partner operations.
- Will provide an update of the Plan in conjunction with the County no less than every five years.

**10. Resolution to Accept Request by HTC Landscaping to Rescind its Bid for Replacement of Village Hall Retaining Wall (SAM Grant 25582 – Village Property Remediation Grant)**

HTC Landscaping was the low bidder on the proposed project for Replacement of Village Hall Retaining Wall, a project contemplated to be funded with SAM Grant 25582 – Village Property Remediation Grant. After bids were opened, HTC advised the Village in a letter that an error during the calculation of the bid omitted certain cost elements, and that the correct bid amount would have been \$78,043.00, \$19,543.00 above the bid price. HTC advised that performing the work at the mistaken bid price would be a hardship for the contractor, and it requested that it be allowed to rescind its bid. The Board discussed the situation, and the Village Clerk advised the Board that the next lowest bidder is a reliable contractor. The Board members noted the issues that arise when a contractor is working on a project at a loss, and how time, attention, work quality and material quality can all suffer. On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to accept the request by HTC Landscaping to rescind its Bid for Replacement of Village Hall Retaining Wall.

**11. Resolution to Award Contract 2 of 2024 for Replacement of Village Hall Retaining Wall (SAM Grant 25582 – Village Property Remediation Grant) to John McGowan and Sons, Inc.**

**Board of Trustees Meeting**  
**Village of Baxter Estates**  
**October 15, 2024**  
**7:30 PM**

On a motion by Deputy Mayor Comer, seconded by Trustee Price, it was unanimously **RESOLVED** to award Contract 2 of 2024 for Replacement of Village Hall Retaining Wall (SAM Grant 25582 – Village Property Remediation Grant) to John McGowan and Sons, Inc., the lowest responsible bidder, in the amount of \$86,495.00.

**12. Review of Banking Proposals**

The Board reviewed banking proposals and tabled the matter to the November meeting.

**13. Resolution to Approve Special Parking for Port Washington Public Library Staff Parking on Locust Avenue During Early Voting Days**

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to allow Port Washington Library Staff to park on Locust Avenue without restriction during the 2024 Presidential Election, from October 26<sup>th</sup> to November 5<sup>th</sup>.

**14. Review of Update to Crack Sealing Proposal**

On a motion by Deputy Mayor Comer, seconded by Trustee Price, it was unanimously **RESOLVED** to approve the updates to the crack sealing proposal by Creative Landscaping by Cow Bay Inc. to crack seal the Village Roads.

**15. Review of Window Washing Proposals**

The Board reviewed window washing proposals and tabled the matter to the November meeting.

**16. Review of Proposals to Survey the Outfall Pipe Under High Street**

On a motion by Trustee Branco, seconded by Trustee Price, with Deputy Mayor Comer abstaining, it was **RESOLVED** to approve the proposal from Underground Surveying in the amount of \$3,475.00 to survey the pipe in the High Street catch basin.

**17. Resolution to Approve the Renewal of the Village's Workers Compensation Contract with The Comp Alliance for the period of 2025-2027**

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to accept the 2025-2027 Worker's Compensation Insurance Package from the New York State Municipal Workers Compensation Alliance (Comp Alliance) in the aggregate premium amount of \$10,932.00, a decrease of \$1,111.00 or 10.163% over the expiring policy.

**18. Resolution to Appoint Dr. William Haagenon as the Village Representative for the Port Washington Business Improvement District**

On a motion by Deputy Mayor Comer, seconded by Trustee Price, it was unanimously **RESOLVED** to appoint Dr. William Haagenon as the Village Representative for the Port Washington Business Improvement District.

**19. Approval of Abstract of Audited Claims**

After review, on a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** that the Abstract of Audited Claims, dated October 15, 2024, for the General Fund totaling \$121,091.61 is approved for payment.

**Board of Trustees Meeting**  
**Village of Baxter Estates**  
**October 15, 2024**  
**7:30 PM**

**20. Financial Report & Audit**

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

\$64.00	from	A1990.0 – Contingent	to	A1910.4 – Unallocated Insurance
\$10,000.00	from	A1990.0 – Contingent	to	A8684.4 – Planning and Management
\$10,525.00	from	A1990.0 – Contingent	to	A9010.8 – State Retirement

On a motion by Deputy Mayor Comer, seconded by Trustee Branco, it was unanimously **RESOLVED** to approve the budget transfers as prescribed by Clerk-Treasurer Kelly.

**21. Baxter Beach Update**

The Mayor gave an update on the Baxter Beach project. It was noted that we are seeking an Intermunicipal Agreement (IMA) with the Town. The Mayor advised that, based upon her interaction with Town officials, she understands that it will be approved by the Town Board at their next meeting on Tuesday, October 29, 2024.

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 8:57 PM.

---

Meghan Kelly, Village Clerk-Treasurer