

Board of Trustees  
Village of Baxter Estates  
2 Harbor Road, Port Washington, New York  
October 16, 2006

Present: Mayor John Maher  
Trustee Charles Comer  
Trustee Raymond Keenan  
Trustee Douglas Baldwin  
Trustee Alice M. Peckelis  
Village Clerk Yvonne Whitcomb  
Attorney Christopher Prior

Also present: Treasure, Laurence Tuck, Mr. and Mrs. Stanovic, James Lee, Stuart Rosen, Kevin Wu.

1. Clerk

A. Minutes

On the motion of Trustee Comer, seconded by Mayor Maher, it was RESOLVED that the reading of the Minutes of the October 2, 2006 Special Meeting of the Board of Trustees be waived and that they be and hereby are approved as presented by Clerk Whitcomb and that the Minutes of the Board of Trustees Meetings on August 7, 2006 and September 11, 2006 be tabled.

John Maher	Aye
Charles Comer	Aye
Raymond Keenan	Aye
Douglas Baldwin	Aye
Alice M. Peckelis	Abstained

2. Treasurer

A. Abstract of Vouchers

On the motion of Mayor Maher, seconded by Trustee Comer, it was RESOLVED that the Abstract of Audited Vouchers dated October 16, 2006, for the General Fund, totaling \$45,601.58 be and hereby is approved as prepared by Treasurer Tuck.

John Maher	Aye
Charles Comer	Aye
Raymond Keenan	Aye
Douglas Baldwin	Aye
Alice M. Peckelis	Abstained

### 3. New Business

#### A. Alice M. Peckelis

Mayor Maher swore in Alice M. Peckelis as Trustee for a term through March 2007 to fill the position vacated by Trustee Vivian Schneck.

#### B. Mato Stanovic

Mato Stanovic requested approval to extend the curb cut at 31 Central Drive an additional six feet.

On the motion of Mayor Maher, seconded by Trustee Keenan, it was unanimously RESOLVED that the curb cut of six feet be approved.

#### C. James Lee

James Lee addressed the Board to request permission to remove a tree and obtain a curb cut prior to construction. The Board tabled the matter pending a report by the Building Inspector.

#### D. Letter from David and Sally Olds.

The Board read a letter from David and Sally Olds regarding street signage. The Board tabled the matter for future discussion.

#### E. Property subdivision rules and applications

The Board discussed rules and regulations and application forms for subdivision of properties as prepared by attorney Christopher Prior.

On the motion of Trustee Comer, seconded by Mayor Maher, it was RESOLVED to adopt the rules and regulations for subdivision.

John Maher	Aye
Charles Comer	Aye
Raymond Keenan	Aye
Douglas Baldwin	Aye
Alice M. Peckelis	Abstained

On the motion of Trustee Comer, seconded by Mayor Maher, it was resolved to adopt the forms and applications for subdivision.

John Maher	Aye
Charles Comer	Aye
Raymond Keenan	Aye
Douglas Baldwin	Aye
Alice M. Peckelis	Abstained

F. Temporary Building Moratorium

Trustee Comer reported on progress in analyzing the existing residential housing stock as a step in determining what changes to the zoning code, if any, the Board should contemplate. Trustee Comer spent several hours reviewing Village data (on lot size, habitable area, etc.) and comparing that data to existing Nassau County figures and reported that there appear to be many cases of inconsistency between the County's data and that in the Village files. These findings are preliminary, but suggest that the analysis process will take longer than expected, as the Village may have to adjust for errors in the County GIS data.

**4. Old Business**

A. Village Grant Money

Village Clerk Whitcomb informed the Board that there was no new information on the anticipated \$10,000 and \$25,000 grants to the Village of Baxter Estates.

B. MS4 Stormwater Report 2006

On the motion of Trustee Comer, seconded by Mayor Maher, it was RESOLVED to approve the finalized draft of the 2006 Stormwater Report due October 31, 2006 to the New York State Department of Environmental Conservation and the Clerk was instructed to send it timely to the NYSDEC..

John Maher	Aye
Charles Comer	Aye
Raymond Keenan	Aye
Douglas Baldwin	Aye
Alice M. Peckelis	Abstained

C. 2006 Leaf Removal Contract

Village Clerk Whitcomb reported on the bids received on September 28, 2006 for the 2006 Leaf Removal Contract.

On the motion of Trustee Keenan, seconded by Trustee Comer, it was RESOLVED to accept the bid submitted by Robert Keogh for the year 2006 Leaf Removal for a total of \$21,900.00.

John Maher	Aye
Charles Comer	Aye
Raymond Keenan	Aye
Douglas Baldwin	Aye
Alice M. Peckelis	Abstained

D. Tree Report for the month of September 2006

Evelyn Burack, 7 Overlook Drive, was granted permission, by the recommendation to the Board of Trustees by Lance Wagner, member of the tree committee, to remove three dead trees.

Francesca Villalta, 5 Overlook Drive, was granted permission, by the recommendation to the Board of Trustees by Lance Wagner, member of the tree committee, to remove one large, hollow tree.

Port Counseling Center, 255 Main Street, was granted permission, by the recommendation to the Board of Trustees by Lance Wagner, member of the tree committee, to remove two dead trees.

E. Douglas Baldwin

Trustee Baldwin gave his report on the Building Department for the month of September 2006. He stated that all fees should be collected prior to issuance of a building permit.

F. Port Washington Water District

Village Attorney Christopher Prior will draft a letter to Commissioners of the Port Washington Water District to address the demolition of the Water District building in the Village of Baxter Estates.

G. Village Signage

The Board discussed the placement of additional Village Signs and agreed that more signs could be ordered when funding is available.

H. Mark Freitas-Parkland Landscaping Proposal

The Board discussed the proposal by Mark Freitas for landscaping and agreed that as the present weather was not favorable it would be reviewed again in the Spring of 2007.

I. Town of North Hempstead Shared Visioning Plan

**RESOLUTION OF BOARD OF TRUSTEES  
OF THE VILLAGE OF BAXTER ESTATES  
ADOPTED OCTOBER 16, 2006  
ENDORING SHARED VISIONING PLAN  
FOR PORT WASHINGTON PENINSULA**

After discussion, upon motion duly made by Trustee Comer and seconded by Trustee Keenan, it was RESOLVED, as follows:

WHEREAS, the Town of North Hempstead (the "Town"), and the Villages of Baxter Estates, Flower Hill, Manorhaven, Plandome Manor, Port Washington North and Sands Point (the "Villages"), the General Council of Homeowner Associations of Port Washington, the Greater Port Washington Business Improvement District, and Residents for a More Beautiful Port Washington (collectively, with the Town and Villages, the "Organizational Stakeholders") have conducted a process called *Shared Vision: Port Washington Peninsula* (the "Shared Vision Process"); and

WHEREAS, based upon an assessment of the existing conditions on the Port Washington Peninsula (the "Peninsula"), and public sentiment distilled from a series of Open Forums and a Design Event Weekend in which residents and other stakeholders of the Peninsula were engaged in the visioning process, the Organizational Stakeholders have formulated a certain *Shared Vision Plan for the Port Washington Peninsula*, dated August 2005, which outlines comprehensive goals for the Peninsula for activities within or affecting certain location-specific areas, and planning in connection with such issues as traffic, parking, development, available community services, open space, and water quality (the "Visioning Plan"); and

WHEREAS, the draft of the Visioning Plan has been formally adopted by the Town Board; and

WHEREAS, the Village hereby commends the Town Board of the Town of North Hempstead, and supervisor Jon Kaiman in connection with their work on the creation of the Shared Visioning Plan; and

WHEREAS, the Town has requested that each of the Villages participating in the Shared Vision process formally endorse the Visioning Plan; and

WHEREAS, the Board of Trustees of the Village of Baxter Estates desires to formally express its endorsement of the Visioning Plan, and its desire to cause Village Boards considering land use applications and land use projects to consider the Visioning Plan in their deliberations, while preserving the autonomy of the Village, including with respect to matters relating to funding and other financial obligations,

NOW, THEREFORE, it is hereby

RESOLVED, that the Village shall continue to engage in cooperative efforts with the Town and the other Villages of the Port Washington Peninsula to further the concepts and relationships contemplated under the Visioning Plan, and to consider the Visioning Plan when addressing land use projects submitted for approval to, or undertaken by, the Village and its Boards, provided that the Village does not, by this resolution, undertake or assume any financial obligations of any type or nature, any and all of which will require formal action by this Board separate and apart from this resolution.

J. Re-instatement of Exclusion of Parking Restrictions in Village Code

After Discussion, upon a motion duly made by Trustee Comer and seconded by Trustee Baldwin, the Board adopted the following resolution:

**RESOLUTION OF BOARD OF TRUSTEES  
OF THE VILLAGE OF BAXTER ESTATES  
ADOPTED OCTOBER 16, 2006  
RE-INSTATING EXCLUSION OF PORTIONS  
OF HIGH STREET FROM VILLAGE WIDE  
OVER-NIGHT PARKING RESTRICTION**

WHEREAS, the Village has long believed that it is in the best interests of the Village and its residents to exclude from the Village-wide overnight parking restriction certain portions of High Street, in order to address the existing practical limits on available off-street parking in the vicinity of High Street, as the overnight parking restriction adversely impacts residents in the High Street area,

WHEREAS, the Board recognizes that, in the course of the codification of the Village's local laws and ordinances, effective October 2005, the previously existing exclusion from the Village-wide over-night parking restrictions that applied to High Street was inadvertently omitted, thereby inadvertently imposing the over-night parking restriction on the portions of High Street intended by the Village to be excluded therefrom,

WHEREAS, the Board desires to affirm and reinstate the exclusion of portions of High Street from the Village-wide over-night parking restriction,

NOW, THEREFORE, it is hereby

RESOLVED, that the Village-wide prohibition on the parking of motor vehicles on any paved area of any Village street between the hours of 3:00 a.m. and 6:00 a.m., as set forth in Village Code § 168-18, shall not apply to that portion of the east side of High Street, from the southerly point that is sixty feet north of the intersection of High Street with Main Street, to the northerly point that is ten feet to the south of the intersection of High Street and Columbia Street; and it is hereby further

RESOLVED, that the Village Clerk is hereby directed to notify the Port Washington Police Department and the Village Justice of the adoption of this resolution by the Board, so that (i) the Police Department will cease issuing appearance tickets or summonses relating to this circumstance, and (ii) when considering any appearance ticket or summons issued with respect to alleged parking of motor vehicles on the east side of High Street in the area indicated in the preceding resolution, between 3:00 a.m. and 6:00 a.m., the Village Justice and Acting Village Justice are aware of the inadvertent omission from the Village Code of the provision intended to be contained therein that would have continued the long-standing permission for overnight parking on such portions of High Street.

**K. Authority of Village Clerk to issue Appearance Tickets and Building Department Instruments**

The Board noted that Village Building Inspector is available in the Village only for portions of Wednesdays, and that recently retained code enforcement officers also have limited availability. The Board also noted that the Village Clerk, a village official who resides within the Village, is available on a daily basis. Therefore, the Board members concluded, if the Village Clerk is authorized to issue appearance tickets, as well as building permits, certificates of occupancy and completion, and similar instruments, the processing of same can occur on a daily basis, assuming the Building Inspector is able to give necessary input to the Village Clerk prior to such issuance, providing a benefit to Village residents.

The Village Attorney noted that, pursuant to Chapter 5 of the Village Code, the Board of Trustees may designate any village officer with authority to issue appearance tickets to any person or entity alleged by the village building inspector, any designee of the village building inspector, or any other person duly authorized by the Board of Trustees, to have committed an offense or offenses in violation of any statute, local law, ordinance, rule or regulation relating to parking, fire prevention and safety, health and sanitation, building, zoning and planning, to the fullest extent permitted under applicable laws.

In addition, the Village Attorney noted that pursuant to Village Code § 78-1(C), the Mayor, with the approval of the Village Board, may appoint one or more inspectors, as the need may appear, to act under the supervision and direction of the Village Building Inspector and to exercise any portion of the powers and duties of the Village Building Inspector as directed by him or her. Furthermore, in Clause B. of Village Code § 78-1, in the absence of the Village Building Inspector, or in the case of his or her inability to act for any reason, the Mayor, with the consent of the Board, has the power to designate a person to act on behalf of the Village Building Inspector and to exercise all the powers conferred upon him or her by Chapter 78 of the Village Code, which is entitled "Building Code Administration."

The Board noted that the expertise of the Village Building Inspector is necessary with respect to the issuance of all building permits, certificates of occupancy and completion and similar instruments to be issued by the Building Inspector under Chapter 78 of the Village Code. To that end, if the Village Clerk is to be vested with any of the powers of the Village Building Inspector, same should be exercised only after consultation with and direction from the Village Building Inspector as to the appropriateness of the issuance of any such items.

After discussion, upon motion duly made by Trustee Baldwin and seconded by Trustee Keenan, the Board adopted the following resolution:

**RESOLUTION OF BOARD OF TRUSTEES  
OF THE VILLAGE OF BAXTER ESTATES  
ADOPTED OCTOBER 16, 2006  
DESIGNATING VILLAGE CLERK WITH AUTHORITY  
TO ISSUE APPEARANCE TICKETS AND  
BUILDING DEPARTMENT INSTRUMENTS  
PURSUANT TO CHAPTER 5 OF VILLAGE CODE**

WHEREAS, the Board of Trustees has determined that it is in the best interests of the Village and its residents to designate the Village Clerk, pursuant to Chapter 5 of the Village Code, as a Village Official with authority to issue appearance tickets for all purposes contemplated under said Chapter 5, and pursuant to Chapter 78 of the Village Code, as a Village Official with authority to issue building permits, certificates of occupancy, certificates of completion, and similar instruments authorized to be issued by the Village Building Inspector;

NOW, THEREFORE, it is hereby

RESOLVED, that the Village Clerk be, and hereby is, designated by the Mayor and the Board of Trustees, pursuant to § 5-3 of the Code of the Village of Baxter Estates (the "Village Code"), as a Village officer authorized to issue appearance tickets to any person or entity alleged by the Village Building Inspector, or his or her designee, or such other person duly authorized by the Board of Trustees, to have committed an offense or

offenses in violation of any statute, local law, ordinance, rule or regulation relating to parking, fire prevention and safety, health and sanitation, building, zoning and planning, to the fullest extent permitted under Municipal Home Rule Law § 10(4)(a), or any successor statute thereto; and it is further hereby

RESOLVED, that the Village Clerk be, and hereby is, designated by the Mayor and the Board of Trustees, pursuant to § 78-1(B.) of the Village Code, as a person authorized to act on behalf of the Village Building Inspector and to exercise all the powers conferred upon the Village Building Inspector under Chapter 78 of the Village Code, after receiving direction from the Village Building Inspector with respect to matters reasonably deemed by the Village Clerk acting in such capacity, as requiring the expertise of the Village Building Inspector.

The Board entered into Executive Session.

At 10:20PM, Mayor Maher announced that the public meeting was reconvened, and that the Board had taken no action in Executive Session.

There being no further business before the Board, on motion of Trustee Comer, seconded by Trustee Keenan, it was unanimously RESOLVED that the meeting be and is hereby adjourned at 10:30PM

Yvonne Whitcomb  
Village Clerk