

**Board of Trustees
Village of Baxter Estates
August 7, 2006
7:30PM**

Present: Mayor John Maher
Trustee Charles Comer
Trustee Douglas Baldwin
Trustee Vivian Schneck
Village Clerk Yvonne Whitcomb
Attorney Christopher Prior

Excused: Trustee Ray Keenan

Also present: Treasurer Laurence Tuck, James Sacrestano, Marilyn Sacrestano
Contractor Lou Caliendo for Mato Stanovic and Irina Stanovic, Mato Stanovic and Irina
Stanovic, Stuart Rosen, Margaret Murphy, Nancy Comer, Sabrina Wu, Alice Pekelis,
Lance Wagner, Emily Bedwell and Raffaella Petrasek of the Shared Vision Plan, Freda
Eisenberg of North Shore Heritage Area Planning.

1. North Shore Heritage Area Planning Commission

Freda Eisenberg gave a presentation to the Board of Trustees listing the goals for the North Shore Area Planning Commission. She will work with Village Attorney Chris Prior to create a resolution to be put before the Board of Trustees at the Board of Trustee meeting to be held on September 11, 2006.

2. \$25,000.00 Nassau County Grant

Nancy Comer suggested the Village establish a list of projects for Baxter's Pond to be funded by the grant money when received. The money is to be used for new improvements and not for maintenance or repair. Some issues for consideration are educational signage, a work shed and sedimentary basins.

3. Shared Vision Plan

Raffaella Petrasek gave a presentation to the Board. She stated that the Town of North Hempstead, the Greater Port Washington Business Improvement District and Residents for a More Beautiful Port Washington are all actively participating in the Shared Vision Plan. Progress is being made on the Baywalk Trail along Manhasset Bay and Street Scape Improvements include improved street lighting.

She presented the members of the Board with copies of her report. She requested that the Board approve a resolution supportive of the Shared Vision Plan at the Board meeting to be held on September 11, 2006.

4. Acting Justice

On the motion of Trustee Comer, seconded by Trustee Schneck, it was unanimously RESOLVED that Marianne Simoni be appointed as Acting Justice for the Village of Baxter Estates for a one year term to expire September 1, 2007.

5. Mato Stanovic

Mayor Maher then opened discussion concerning the application of Mr. Stanovich for permission to remove a tree at 31 Central Drive in the Village. Mr. Stanovich attended the meeting with a family member and his general contractor. They explained to the Board that the subject premises is located at 31 Central Drive, on the east side of Central Drive, across from the intersection of Central Drive with Locust Avenue. They explained that the tree in question is in an embankment, and leans over Central Drive from a high elevation, Mayor Maher then opened discussion concerning the application of Mr. at an angle, which may pose safety issues, should wind, rain or other inclement weather cause an erosion of the root system for the tree, already a less than optimum circumstance in light of the angle at which the tree leans over Central Drive. The applicant explained his desire to relocate his existing driveway for safety purposes. Presently, the location of the driveway makes ingress and egress dangerous, and relocation as planned, away from the intersection with Locust Avenue and away from the bend in the road, will enhance visibility for vehicles entering and exiting the property, as well as for vehicles on the roadway able to anticipate such actions. The applicant noted that construction as of right on the property in connection with a new garage will inevitably damage the root system for the tree proposed for removal. The Board members discussed their desire to maintain all mature trees in the Village, as such trees are a hallmark of the Village and the quality of life for its residents. The applicant asserted that the desire for safety not only for ingress and egress on the property, but also to remove the possible danger of the tree becoming unstable and falling onto Central Drive should be of paramount concern under the circumstances. The Board recognized the safety issues involved, and asked whether the applicant was willing to plant two additional trees at his premises should approval be forthcoming. The applicant assured the Board that he would be willing to plant two trees, of a size and type satisfactory to the building inspector, should the tree in question be authorized to be removed.

After further discussion, upon motion duly made by Trustee Comer and seconded by Trustee Baldwin, it was

RESOLVED, that the application of Mr. Stanovic to remove a tree at 31 Central Drive to accommodate the relocation of a garage and driveway is hereby approved, in

light of the safety benefits to be obtained by relocating the driveway from a currently dangerous position to a safer position, and in light of the probability that the tree in question would be damaged from construction able to be accomplished at the property as of right, and the fact that such tree already is in somewhat precarious position from a safety standpoint as it leans over Central Drive from a high elevation; provided, however, that the approval hereby granted is conditioned upon the applicant planting at the Subject Premises two trees, of size and type satisfactory to the Village Building Inspector, at such time and in such locations as the Building Inspector shall determine.

6. Sabrina Wu

Sabrina Wu requested direction from the Board on how best to proceed with construction plans for Baxter House. Village Attorney Chris Prior referred her to his previous email of July 24, 2006, in which he advised that the plans would involve either submission for a subdivision to the Planning Board or application to the Board of Zoning Appeals for a use variance. The plans would also have to be approved by the Landmarks Preservation Committee. Village Attorney Prior advised her to consult with her counsel, as the Village had recently passed a Local Law amending the Village Code and adopting a temporary moratorium on construction.

7. Fred Nicholson letter

The Board addressed a letter from Fred Nicholson regarding his report of August 2, 2006 to the Village Building Inspector on his dispute with his neighbor. The Board directed Village Attorney Chris Prior to prepare a letter for the Mayor's signature to the Building Inspector instructing the Building Inspector to reevaluate the building files on both properties and take appropriate action

8. Bill No3 of 2006

On the motion of Trustee Comer, seconded by Mayor Maher, it was unanimously RESOLVED that Bill No 3 of 2006 on the withholding of applications be adopted as amended. (Attached)

9. Treasurer

A. General Fund

On the motion of Trustee Comer, seconded by Mayor Maher, it was unanimously RESOLVED that the Abstract of Vouchers, dated August 7, 2006 for the General Fund, totaling \$42,678.33 , be and hereby are approved as prepared by Treasurer Tuck.

B. Budget modification

On the motion of Trustee Comer, seconded by Trustee Baldwin, it was unanimously RESOLVED that the Board approve the Budget Modification for the fiscal year 2005-2006 as presented by Treasurer. (Attached)

C. Management Discussion and Analysis Letter/Skinnon and Faber

The Board reviewed the independent auditor's financial statements presented by Treasurer Tuck and determined that it would address approval of the management discussion and analysis letter at its September meeting.

10. Clerk

A. Minutes

On the motion of Trustee Comer, seconded by Mayor Maher, it was unanimously RESOLVED that the reading of the Minutes of the July 6, 2006 meeting of the Board of Trustees be waived and that they be and hereby are approved as presented by Clerk Whitcomb with modifications.

11. Proposal of GLM Systems

On the motion of Trustee Comer, seconded by Mayor Maher, it was unanimously RESOLVED that the proposal of GLM Systems for the maintenance of the Village of Baxter Estates web site be approved.

12. MTS System Update

The Board discussed progress made with the installation and operation of the MTS System and directed the Clerk to maintain a spreadsheet of questions and problems and to contact Skinnon and Faber and the Village of Flower Hill to establish a system of controls and procedures.

13. NYS Storm Water Management

Trustee Comer will meet with Engineer Nick DeSantis to discuss completion of the report for the year 2005-2006, due by September 14, 2006, and ways to satisfy requirements of the 2006-2007 report which is due by June 1, 2007.

There being no further business before the Board, on motion of Mayor Maher, seconded by Trustee Comer, it was unanimously RESOLVED that the meeting be and is hereby adjourned at 10:00PM.