

**Board of Trustees
Village of Baxter Estates
July 6, 2006
7:30PM**

Present: Mayor John Maher
Trustee Charles Comer
Trustee Raymond Keenan
Trustee Douglas Baldwin
Village Clerk Yvonne Whitcomb
Attorney Christopher Prior
Court Reporter: Jim Gill

Excused: Trustee Vivian Schneck

Also present: Treasurer Laurence Tuck, Ronald Rinke, Alice Pekelis, Stuart Rosen, Sal Italiano of Sign-O-Rama, Nicholas Desantis

Open Meeting

Open Public Hearing

Mayor Maher opened the Public Hearing duly published in the Port Washington Newspaper on June 20, 2006, to consider the adoption of Bill No. 2 of 2006, to adopt a temporary moratorium on all construction that exceeds certain limits on building permits and the processing of applications with regard to any parcel of real property within the Village of Baxter Estates.

A stenographic transcript of the public hearing was made and is appended to these minutes. All those present wishing to speak having been heard, Mayor Maher closed the public hearing.

Close Public Hearing

Open Public Hearing

Mayor Maher opened the public hearing duly published in the Port Washington Newspaper on June 20, 2006, to consider the adoption of Bill No. 3 of 2006 amending the Village Code of the Village of Baxter Estates to withhold the processing of applications to departments, boards and commissions of the Village of Baxter Estates when violations exist or sums of money are due to the Village

A stenographic transcript of the public hearing was made and is appended to these minutes. All those present wishing to speak having been heard, Mayor Maher closed the public hearing.

Close Public Hearing – Open Regular Meeting

1. On motion of Mayor Maher, seconded by Trustee Comer, it was unanimously RESOLVED that Bill # 2 of 2006, be, and hereby is, adopted as Local Law 2 of 2006.
2. The Board asked for minor clerical changes to the text of Bill No 3, and reserved decision until the Board of Trustee Meeting to be held on August 7, 2006.

3. **Clerk**

- A. Minutes

- On motion of Mayor Maher, seconded by Trustee Keenan, it was unanimously RESOLVED that the reading of the Minutes of the June 5, 2006 meeting of the Board of Trustees be waived and that they be and hereby are approved as presented by Clerk Whitcomb.

4. **Treasurer**

- A. General Fund

- On the motion of Trustee Maher, seconded by Trustee Keenan, it was unanimously RESOLVED that the Abstract of Vouchers, dated July 7, 2006, for the General Fund, totaling \$80,483.25, be and hereby are approved as prepared by Treasurer Tuck.

5. **New business**

- A. Village Engineer

- Nicholas Desanti presented his credentials to the Board of Trustees for their consideration for the position of consulting Village Engineer. He stated that he has considerable expertise in the area of Stormwater Runoff.

- On motion of Mayor Maher, seconded by Trustee Comer, it was unanimously RESOLVED that Nicholas Desantis be hired as Engineer for the Village of Baxter Estates at an hourly rate of \$125.00 upon execution of a letter of agreement to be provided by him and approved by the Village Attorney.

- B. Alice Pekelis

- Alice Pekelis presented a letter to the Board regarding water drainage problems from stormwater runoff on her property. Letter appended hereto

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C. Robert Keogh

Robert Keogh gave a presentation to the Board on his recommendations for landscaping the Village Parklands adjoining Central Drive. No action taken.

D. Stuart Rosen

Stuart Rosen addressed the Board. He requested a waiver of the Board of Zoning Appeals fees for the fence on his property, which is presently in violation of the Code of the Village of Baxter Estates. Request denied.

E. Code Enforcement Officer

The Board considered hiring a Code Enforcement Officer to assist the Building Inspector. The Code Enforcer would be available as needed on the days the Building Inspector is not in the Village.

Mayor Maher will discuss this with the Village Building Inspector.

F. Group E-Mail

The Board discussed topics for future group e-mailings to residents.

G. Tree Removal Resolution

**RESOLUTION OF BOARD OF TRUSTEES OF
VILLAGE OF BAXTER ESTATES
ADOPTING POLICY
REQUIRING APPROVAL OF
TREE REMOVAL PERMITS
BEFORE ISSUANCE OF BUILDING PERMIT**

(Adopted July 6, 2006)

After discussion, upon motion duly made by Trustee Baldwin, and seconded by Trustee Comer, the Board unanimously resolved as follows:

WHEREAS, the Board of Trustees finds that the protection of trees within the Village, a valued attribute of the Village, can be adversely impacted when permits for the removal of trees relating to construction projects are not sought until after issuance of the building permits required for such projects; and

WHEREAS, heretofore, applicants have in certain instances applied for and received building permits and commenced construction prior to applying for and obtaining the requisite permits and approvals for the removal of trees in connection with the permitted construction project; and

WHEREAS, the Board finds that issuance of a building permit prior to consideration of the removal of trees can result in a change in circumstances and weighing of benefits and detriments that may lead to the approval of the removal of trees that might otherwise be saved had the contemplated removal of trees been considered prior to the commencement of the construction project,

NOW, THEREFORE, it is hereby determined that:

All applications for building and construction permits submitted for consideration to the Village Building Department shall identify (i) all trees with a circumference of 20" that may be affected by the contemplated building or construction project, and (ii) all trees for which permits for removal have been duly obtained.

If the Building Inspector determines that any contemplated project with respect to which an application for building permit is submitted will require the removal or pruning of a tree (as defined for purposes of the Code of the Village of Baxter Estates), for which a tree removal or pruning permit has not already been obtained, then the property owner or his designee shall apply for approval to remove such trees, and shall obtain such approvals before any building permit may be issued with respect to such project.

In the event that a request for approval to remove one or more such trees is denied by the Board of Trustees, then the affected building or construction project shall be modified by the applicant so that such trees shall not be removed, damaged or destroyed.

In the event that the modification of building and construction plans following denial of a tree removal permit requires the removal or pruning of trees on the subject premises not affected under the plans originally submitted to the Building Department, then the foregoing provisions shall apply to the removal of such trees and the issuance of a building permit for the modified project.

6. **Old business**

A. **Signage**

The Mayor invited Mr. Sal Italiano of Sign-O-Rama to present to the Board his proposal for the manufacture and installation of signs identifying the Village to be placed in various locations serving as entryways to the Village. The Board Members discussed the number of signs, their coloring, materials and other features of the proposed signs. The Board discussed the need to have some protective coating applied to the signs to address potential vandalism. Mr. Italiano presented the proposal from Sign-O-Rama, which he had previously presented to Trustee Keenan. The Board expressed its desire to proceed with the assigned project through Sign-O-Rama. The proposal of Sign-O-Rama involves four large signs and up to seven smaller signs, the dimensions of which are set forth on the attached proposal, for an aggregate price not to exceed \$10,500. The proposal includes the responsibility of Sign-O-Rama to sell to the Village the

signs including all requisite posts, and install same by setting same in concrete. Mr. Keenan noted that he and Mr. Italiano had conducted site visits of the various locations for the signs, and each sign could be placed in a grass area, without the need to drill through concrete.

After discussion, upon motion duly made by Trustee Baldwin and seconded by Trustee Comer, it was RESOLVED, that the Village accept the proposal of Sign-O-Rama for the purchase by the Village from Sign-O-Rama, and the installation by Sign-O-Rama in concrete, at locations selected by the Village, of four large signs, and up to seven small signs, each with posts of white, unpainted PVC, for an aggregate purchase and installation price not to exceed \$10,500, with the specific details of the signs to be to the satisfaction of Trustee Keenan, including with respect to exterior coatings to protect against vandalism, color, print font and the like.

B. Stormwater Report Fine

Mayor Maher opened discussion concerning a June 20, 2006 letter to the Village from Scott Crisafulli, Chief, Bureau of Enforcement and Compliance Assurance, New York State Department of Environmental Conservation, constituting a notice of violation of SPDES Permit No. NYR20A174. The Mayor noted that the alleged violation related to filing obligations of the Village with respect to new storm water rules. Trustee Comer, who arranged for filing of the reports for the years 2004 and 2005, noted conversations that he had had by telephone with DEC representative Carrie Buetow, in which Ms. Buetow had assured Trustee Comer that, provided the Village submitted the tardy reports in the near future, there would be no penalties imposed by the DEC at this stage. Christopher Prior, counsel to the Village, noted that he, too, had received such assurances from Ms. Buetow some months ago. Trustee Comer noted that he had filed the 2004 and 2005 reports early in June 2006. He noted that the report due for 2006, on June 1, 2006, was still being prepared.

The Board discussed that the proposal by Mr. Crisafulli of the DEC was for execution of an order on consent by the Village, together with payment by the Village of the amount of \$5,000, an amount significantly less than that which the DEC is able to impose under the regulations.

The Board directed Mr. Prior to contact the DEC to remind the DEC of the assurances by Ms. Buetow and to determine whether the payment of \$5,000 might be waived by the DEC.

Trustee Comer noted that the 45 day period set forth in the proposed order for submission of the 2006 report, a period commencing with the effective date of the Order, should be sufficient time for the report due on June 1, 2006 to be completed and submitted. The Board authorized Trustee Comer to obtain any required assistance in completing the report from Nicholas J. DeSantis, P.E., an

engineer who has represented to the Village his experience and expertise in storm water compliance for municipalities in the State of New York.

In light of the short time frame, and the uncertainty as to whether any movement could be anticipated on the part of the DEC, the Board discussed the need to authorize execution of the consent order and payment of the \$5,000, in the event Mr. Prior is not able to obtain any further concessions from the DEC.

Upon motion duly made by Trustee Comer, and seconded by Trustee Keenan, it was unanimously RESOLVED, that the Village be, and it hereby is, authorized to execute, enter into and perform an order on consent in the form submitted to the Village by the New York State Department of Environmental Conservation, and to pay the penalty in the amount of \$5,000, within the time frame set forth in the June 20, 2006 letter from the DEC's Chief, Bureau of Enforcement and Compliance Assurance; and it is hereby further RESOLVED, that Mayor John Maher be, and he hereby is, authorized and directed on behalf of the Village to execute and deliver the Order on Consent, and to submit such payment.

C. Douglas Baldwin

Building Inspector Liaison Douglas Baldwin gave his report on the Building Department for the month of June.

D. Tree Report for the month of June 2006

Georgia Binns, 10 Ridgeway Road, was granted permission, following inspection and approval of Lance Wagner, member of the tree committee, to remove a dead tree in the rear yard.

Ray Keenan, 16 Hillside Avenue, was granted permission, following inspection and approval of Lance Wagner, member of the tree committee, to remove a diseased tree in the front yard.

Public Hearing A Public Hearing has been set for September 11, 2006, introducing Bill #4 of 2006, increasing fines for illegal tree removal.

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

The Board adjourned and went into Executive Session.

Yvonne Whitcomb
Village Clerk

