

Board of Trustees  
Village of Baxter Estates

April 3, 2006

7:30 PM

Present: Mayor John Maher  
Trustee Charles Comer  
Trustee Raymond Keenan  
Trustee Vivian Schneck  
Trustee Douglas Baldwin  
Village Clerk Yvonne Whitcomb  
Attorney Christopher Prior  
Public Stenographer, Jennifer Devlin

Also present: Robert Reese, Ronald Rinke, Anthony Avazis, Jake Eisenman and Stuart Rosen

**Annual Meeting-Open Public Hearing**

Mayor Maher opened the Public Hearing to consider the adoption of the Budget, in the amount of \$ 683,844.53, for the fiscal year commencing June 1, 2006 and ending May 31, 2007.

Treasurer Tuck, as Budget Officer, presented the tentative Budget for June 1, 2006 to May 31, 2007. 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. Members of the Board of Trustees**

Mayor John Maher administered the oath of office to Trustee-Elect Vivian Schneck.

Mayor John Maher administered the oath of office to Trustee-Elect Douglas Baldwin.

Mayor Maher appointed Charles Comer as Deputy Mayor for a term of one year, said term to expire April 2007, and the oath of office was administered to him by Mayor Maher.

**2. Appointments**

Mayor Maher made the following appointments, subject to the approval of the Board of Trustees, for terms of one official year, said terms to expire April 2007:

|   |   |                                |
|---|---|--------------------------------|
| Village Attorney                        | - | Christopher Prior, Esq.        |
| Acting Village Justice                  | - | Marianne Simoni                |
| Building Inspector                      | - | Joseph Saladino                |
| Building Inspector Liaison              | - | Douglas Baldwin                |
| Board of Assessors                      | - | Board of Trustees              |
| Planning Board                          | - | Board of Trustees              |
| Commissioners of Public Works           | - | Raymond Keenan                 |
| Environmental Commissioner              | - | James Eisenman                 |
| Manhasset Bay Protection Committee-     |   | Raymond Keenan, James Eisenman |
| Nassau County Village Officials Assoc.- |   |                                |
| Chamber of Commerce                     | - | John Maher                     |
| T. N. H. Visioning Committee            | - | Raymond Keenan                 |
| Emergency Management                    | - | Raymond Keenan, Charles Comer  |
| Stormwater Management                   | - | Charles Comer, James Eisenman  |

Mayor Maher made the following appointment, subject to the approval of the Board of Trustees, for a term of five years, said term to expire April 2011:

|                                |   |                 |
|--------------------------------|---|-----------------|
| Board of Zoning Appeals Member | - | George McCarthy |
|--------------------------------|---|-----------------|

On motion of Trustee Comer, seconded by Trustee Keenan, it was unanimously RESOLVED that the aforesaid appointments made by the Mayor be hereby approved.

### **3. Meetings of the Board of Trustees**

On motion of Trustee Keenan, seconded by Trustee Comer, it was unanimously RESOLVED that the first Monday of each month be the date and 7:30 p.m. be the time of the regular monthly meeting of the Board of Trustees, with the exception that the meeting date in any month in which the first Monday falls on a holiday shall be the Tuesday immediately following the first Monday of that month. Special meetings may be called by the Mayor and by any two Trustees, by causing a written notice specifying the time and place thereof, to be served upon each member of the Board, personally, at least one day prior to such meeting, or by leaving a notice at his or her residence or place of business with some person of suitable age and discretion at least twenty-four hours before such meeting, or by mailing such notice at least seventy-two hours before such meeting.

### **4. Depository Bank**

On motion of Trustee Comer, seconded by Trustee Keenan, it was unanimously RESOLVED that Bank of America, or its successor, be designated as depository for the Village of Baxter Estates.

## **5. Assessment Roll**

On motion of Trustee Comer, seconded by Trustee Keenan, it was unanimously RESOLVED that the Assessment Roll of the Village of Baxter Estates for the fiscal year commencing June 1, 2006 and ending May 31, 2007 be and hereby is accepted as prepared by Treasurer Tuck and filed with Clerk Whitcomb on April 3, 2006.

## **6. Budget**

.On motion of Trustee Comer, seconded by Trustee Keenan, the following resolution was adopted:

RESOLVED that the Budget for the fiscal year commencing June 1, 2006 and ending May 31, 2007 be and hereby is adopted in the amount of \$ 683,844.53.

Vote was recorded as follows: Trustee Comer-aye, Trustee Keenan-aye, Trustee Baldwin-aye, Trustee Schneck-aye, Mayor Maher-aye. Motion carried.

## **7. Salaries**

### **A. Court Clerk**

On motion of Trustee Keenan, seconded by Trustee Comer, it was unanimously RESOLVED that the hourly rate of pay for Court Clerk J. Tim Rice is hereby set at \$60.00 per hour.

### **B. Building Inspector**

On motion of Trustee Comer, seconded by Trustee Schneck, it was unanimously RESOLVED that the retainer for Building Inspector Joseph Saladino is hereby set at \$80.00 per hour.

## **Regular Meeting**

### **1. Clerk**

#### **A. Minutes**

On motion of Trustee Baldwin, seconded by Trustee Keenan, it was unanimously RESOLVED that the reading of the minutes of the March 6, 2006 meeting of the Board

of Trustees be waived and that they be and hereby are approved as presented by Clerk Whitcomb.

2. Treasurer

**A. Abstract of Vouchers**

On motion of Mayor Maher, seconded by Trustee Keenan, it was unanimously RESOLVED that the Abstract of Audited Vouchers, dated April 3, 2006, for the General Fund, totaling \$ 57,970.05, be and hereby is approved as prepared by Treasurer Tuck.

**B. Transfer of Funds**

On motion of Trustee Comer, seconded by Trustee Keenan, it was unanimously RESOLVED that the Treasurer transfer \$50,000.00 from the General Fund to the Highway Reserve Fund.

**C. Independent Auditor**

Skinnon, Faber & Heck will perform an independent audit of the financial affairs of the Village for the fiscal period commencing June 1, 2006 and ending May 31, 2007 and to prepare an inventory of Village assets for compliance with GASB, for a fee not to exceed \$ 4,700.00, as approved by the Board of Trustees on February 6, 2006.

3. New Business

**A. Street Sweeping**

Clerk Whitcomb reported that the following proposals for Street Sweeping were received at the Village Hall:

|    |                           | 2006         | 2007         |
|----|---------------------------|--------------|--------------|
| 1. | Dom's Lawnmaker, Inc.     | \$ 10,400.00 | \$ 10,400.00 |
|    | Additional sweeps:        |              |              |
|    | .In season                |              | \$ 960.00    |
|    | Out of season             |              | \$ 1,200.00  |
| 2. | John McGowan & Sons, Inc. | \$ 24,800.00 | \$ 27,000.00 |
|    | Additional sweeps:        |              |              |
|    | In season:                |              | \$ 1,175.00  |
|    | Out of season             |              | \$ 1,200.00  |

On motion of Trustee Comer, seconded by Trustee Schneck, it was unanimously

RESOLVED that the contract for Street Sweeping be awarded to Dom's Lawnmaker, Inc., as the lowest responsible bidder, for the provision of Street Sweeping, subject to receipt and consideration of a proposal from the Town of North Hempstead.

**B. Beach Cleanup and Central Drive Cleanup**

Clerk Whitcomb reported the following proposal for beach cleanup and Central Drive cleanup.

Total cost for the 2006 season of \$ 1,675.00

On motion of Trustee Keenan, seconded by Mayor Maher, it was unanimously RESOLVED that the contract for Beach Cleanup be awarded to Robert Keogh.

**C. Information Security Breach Policy**

VILLAGE OF BAXTER ESTATES  
RESOLUTION ADOPTING  
INFORMATION SECURITY BREACH  
AND NOTIFICATION POLICY

WHEREAS, the State of New York has recently adopted the Information Security Breach and Notification Act (the "Act"), finding that identity theft and security breaches have affected thousands of people statewide and millions nationwide; that affected persons are hindered by a lack of information regarding such breaches, and that the impact of exposing information that should be held private can be far-reaching; that state residents deserve a right to know when they have been exposed to identity theft; and that affected state residents deserve an advocate who can speak and take action on their behalf because recovering from identity theft can, and sometimes does, take many years; and

WHEREAS, the Act requires villages to develop a notification policy or to adopt a local law which is consistent with the Act; and

WHEREAS, the Village has determined that it is in the best interests of the residents of the Village and others who supply personal information to the Village to adopt a notification policy which is consistent with the Act that will provide Village residents with the right to know what information was exposed during any breach, so that they can take the necessary steps to both prevent and repair any damage they may incur because of the Village's failure to make proper notification;

NOW THEREFORE, BE IT RESOLVED, that the Village hereby adopts the following policy:

**INFORMATION SECURITY BREACH AND NOTIFICATION POLICY**

1) Definitions.

a) As used in this Policy, the following terms shall have the following meanings:

i) "Private information" shall mean personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

(1) social security number;

(2) driver's license number or non-driver identification card number; or

(3) account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account

ii) "Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

iii) "Breach of any computerized data system maintained by or for the Village" shall mean unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by or for the Village. Good faith acquisition of personal information by an employee or agent of a state entity for the purposes of the agency does not constitute a breach of any computerized data system maintained by or for the Village, provided that the private information is not used or subject to unauthorized disclosure.

iv) "State entity" shall mean any state board, bureau, division, committee, commission, council, department, public authority, public benefit corporation, office or other governmental entity performing a governmental or proprietary function for the state of New York, including the judiciary and all cities, counties, municipalities, villages, towns, and other local agencies.

v) "Consumer reporting agency" shall mean any person which, for monetary fees, dues, or on a cooperative nonprofit basis that regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

- 2) The Village shall disclose any breach of any computerized data system maintained by or for the Village, whether or not owned by the Village, which includes private information, following discovery or notification of the breach in the security of the system to any resident of the Village and/or the owner or licensee of the information, and/or such other person whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure shall be made in the most expedient time possible and

without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subdivision 3 of this Policy, or any measures necessary to determine the scope of the breach and to restore the integrity of the security of the computerized data system.

- 3) The notification required by this Policy may be delayed if a law enforcement agency determines that such notification would impede a criminal investigation. The notification required by this Policy shall be made after such law enforcement agency determines that such notification does not compromise such investigation.
- 4) The notice required by this section shall be directly provided to the affected persons by one of the following methods:
  - a) written notice;
  - b) electronic notice, provided that the person to whom notice is required has expressly consented to receiving said notice in electronic form and a log of each such notification is kept by the Village; provided further, however, that in no case shall the Village require a person to consent to accepting said notice in said form as a condition of establishing any business relationship or engaging in any transaction;
  - c) substitute notice, if the Village Clerk determines that the cost of providing notice would exceed two thousand dollars, or that the affected class of subject persons to be notified exceeds two hundred, or the Village Clerk does not have sufficient contact information. Substitute notice shall consist of all of the following:
    - i) e-mail notice when the Village has an e-mail address for the subject persons;
    - ii) conspicuous posting of the notice on the Village's web site page; and
    - iii) notification to the local Village newspapers.
- 5) Regardless of the method by which notice is provided, such notice shall include name, telephone number, and email address of the Village Clerk, and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.
- 6) Additional notices.
  - a) In the event that any New York residents are to be notified at one time, the Village Clerk shall notify the state attorney general, the consumer protection board, and the state office of cyber security and critical infrastructure coordination as to the timing, content, and distribution of the notices and approximate number of

affected persons. Such notice shall be made without delaying notice to affected individuals.

In the event that more than five thousand New York residents are to be notified at one time, the Village Clerk shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected individuals.

On the motion of Trustee Comer, seconded by Trustee Keenan, it was unanimously RESOLVED to adopt the Information Security Breach Policy.

**D. Charles Comer**

Trustee Comer reported that he would volunteer to install a barrier to separate the staff area from the public area of the Village Hall.

On the motion of Trustee Comer, seconded by Trustee Keenan, it was unanimously RESOLVED that the Village approve installation of a gate for an amount not to exceed \$100.00.

**E. Parkland Cleanup Party**

Mayor Maher reported that April 29, 2006, from 10am until Noon, has been designated for a Village Cleanup Party to clean up the areas of the parkland on Central Drive and Overlook Drive.

4. Old Business

**A. Tianderah Road**

On motion of Trustee Comer, seconded by Trustee Keenan, it was unanimously RESOLVED that Tianderah Road be opened to vehicular traffic.

**B. Overlook Drive**

Clerk Whitcomb reported that the re-paving of the top of Overlook Drive has been awarded to B. Reitman Blacktop, Inc. for a cost of \$1725.00. (Re-paving approved last meeting, amount not to exceed \$3,000.00)

**C. Generators**

The Board will review a newly drafted Local Law at the May meeting and will set a date for a Public Hearing in June.

#### **D. Signs**

Raymond Keenan and Vivian Schneck reported to the Board on their meeting with the Town of North Hempstead Public Works Department. The Town of North Hempstead will make the Village signs for the previously approved amount of \$ 6,000.00.

#### **E. Parking Pads**

The Board reviewed the status of the outcome of the letter mailed to residents on February 3, 2006. Clerk Whitcomb was directed to notify the residents to replace the parking pads with ground cover.

#### **F. Tree Report**

Rachel Golder, 24 No. Washington Street, was granted permission, following inspection and approval of Lance Wagner, member of the Tree Committee, to remove three trees prior to landscaping.

Susan DeLuca, 7 Hilltop Road, was granted permission, following inspection and approval of Lance Wagner, member of the Tree Committee, to remove a decayed tree in the rear yard.

On the motion of Mayor Maher, seconded by Trustee Keenan, it was unanimously RESOLVED to approve the tree report.

#### **I. Zoning Update**

Trustee Comer proposed an interim construction moratorium in order to consider how best to address the de-mansioning issue.

Attorney Christopher Prior will draft a Local Law to address the issue.

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

Yvonne P. Whitcomb, Village Clerk