

**Board of Trustees**  
**Village of Baxter Estates**  
**2 Harbor Road, Port Washington, New York**  
**May 21, 2007**  
**7:30PM**

**Present:** Mayor Frederick E. Nicholson  
Trustee Charles Comer  
Trustee Raymond Keenan  
Trustee Alice M. Peckelis  
Village Attorney Christopher Prior  
Treasurer Laurence Tuck  
Clerk Yvonne Whitcomb

**Absent:** Trustee Douglas Baldwin

Also present: Michael Kromer, Ann Kromer, Sally Detor, Michael Cavounis, John O'Connell, Patrick J. Griffin, Port Washington Library Director Nancy Curtin, James Neville

**1. Clerk**

A. Minutes

On motion of Trustee Keenan, seconded by Mayor Nicholson, it was unanimously RESOLVED that the reading of the minutes of the April 16, 2007 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 Trustee Keenan, seconded by Trustee Comer, it was unanimously RESOLVED that the Abstract of Audited Vouchers, dated May 21, 2007, for the General Fund, totaling \$38,738.17, 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 to transfer \$100,000.00 from the General Fund to the Highway Repair Reserve Fund as specified in the budget for the Village of Baxter Estates adopted by the Board of Trustees on April 16, 2007.

C. Village Bank Accounts Signatories

On motion of Trustee Keenan, seconded by Trustee Peckelis, it was unanimously RESOLVED that Mayor Frederick E. Nicholson, Deputy Mayor Charles Comer, and Treasurer Laurence Tuck be approved to sign four signature cards with the Bank of America for the three Village bank accounts and the one safety deposit box, authorizing them to make transactions on the accounts and to access to the box.

**3. New Business**

A. Registrar of Vital Statistics

On the motion of Mayor Nicholson, seconded by Trustee Keenan, the following resolution was unanimously adopted.

BE IT HEREBY RESOLVED AS FOLLOWS:

WHEREAS, pursuant to the New York State Public Health Law, the Village must appoint a Registrar of Vital Statistics, which office may be held by the Town Clerk of the Town of North Hempstead; and

WHEREAS, the office of the Registrar of Vital Statistics requires extensive record keeping, which the Board finds is most effectively discharged by the office of the Town Clerk, with the extensive resources available to the Town Clerk; and

WHEREAS, the Board desires to appoint newly elected Town Clerk of the Town of North Hempstead, Leslie C. Gross, as Registrar of Vital Statistics for the Village of Baxter Estates for a term expiring December 31, 2007

NOW THEREFORE, the Board of Trustees of the Village of Baxter Estates hereby appoints Leslie C. Gross, Town Clerk of the Town of North Hempstead, as Registrar of Vital Statistics for the Village of Baxter Estates for a term expiring on December 31, 2007.

B. Landmark Preservation Committee appointments

Mayor Nicholson, made the following appointments to the Landmark Preservation Committee, for terms of two and three years respectively, said terms to expire April 2009 and April 2010:

Ezra Delaney	3 year term
Chris Ficolora	2 year term

C. Locust Avenue Signage

Locust Avenue residents Ann Kromer, Michael Kromer and John O'Connell, a Library Board member, addressed the Board on the one-hour parking on Locust Avenue.

Nancy Curtin, Director of the Port Washington Public Library, informed the Board that the one-hour parking on Locust would impose a hardship on Library patrons and employees.

On motion of Mayor Nicholson, seconded by Trustee Comer, it was unanimously RESOLVED that the one-hour parking on Locust Avenue be in effect Monday to Friday, from 9:00am to 5:00pm, and that the Port Washington Police Department be authorized to enforce the one hour parking rule on Locust Avenue and the no parking rule on North Washington Street.

D. Sally Detor-Curb Cut

Sally Detor, 35 Hilltop Road, presented the Board with a completed curb cut application.

Based in part on letters of opposition from neighbors and a lengthy email to Board members by Trustee Baldwin, the Board determined that further discussion was needed and, as Trustee Baldwin was absent, the matter should be addressed at a future meeting with the Building Inspector and the Board of Trustees.

**3. Old Business**

A. Mandatory Training for Zoning and Planning Board Members

On motion of Mayor Nicholson, seconded by Trustee Comer, the following resolution was unanimously adopted:

WHEREAS, this Board is aware of the recent additions of subdivision 7-a to Section 7-712 and subdivision 7-a to Section 7-718 of Article 7 of the New York State Village Law, which require, unless certain conditions are satisfied, that each member of the Village's Board of Appeals and Planning Board (the "Boards") shall complete, at a minimum, four hours of training each year designed to enable such members more effectively to carry out their duties; and

WHEREAS, it has been and continues to be the policy of the Village to provide legal counsel experienced in land use matters at all meetings of the Boards, to advise the members of the Boards of the law that is relevant to the applications before them; and

WHEREAS, such counsel has advised and continues to advise the Boards of recent decisions and changes in relevant statutes that might impact the decisions of the Boards; and

WHEREAS, this Board of Trustees finds that the education and training of the members of the Boards by the Village's counsel at the Board meetings satisfy the substance and the spirit of the training required under the recent Village Law amendments; and

WHEREAS, New York Municipal Insurance Reciprocal has provided an on-line "Zoning School" in order to provide a training program that satisfies the 4-hour training requirements of said recent Village Law amendments; and

WHEREAS, this Board finds that it is essential that the members of the Boards act with knowledge of the relevant law in all of the applications before them; and

WHEREAS, this Board also recognizes that (i) the members of the Boards freely provide their limited time for no compensation; (ii) finding knowledgeable and qualified individuals who are willing to give of their time to serve on the Boards is not always easy; and (iii) the best interests of the Village and its residents would not be served by requiring knowledgeable and qualified individuals who are willing to serve on the Boards to attend training sessions that may be redundant or irrelevant to the types of applications that come before their respective Boards;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Trustees hereby confirms the Village policy that legal counsel be provided at all of the meetings of the Village's Board of Appeals and Planning Board to advise the members thereof of the law relevant to the applications before them.
2. This Board hereby directs the legal counsel present at the meetings of the Boards to continue to advise the Boards of recent decisions and changes in relevant statutes that might impact the decisions of the members of the Boards.
3. The Village Clerk shall advise the members of the Boards of this resolution and make known to them that a copy of the New York Municipal Insurance Reciprocal Zoning School is available to them on-line, in the event that they would like to take advantage of it, and that, upon their request, copies of the documents, downloaded from the web site, will be provided to them by the Village Clerk.
4. In the event that any member of either of the Boards should have any questions with regard to the Zoning School documents, or otherwise as to the relevant law with regard to any application before their Board, counsel to such Board is hereby directed to respond to such questions.
5. The foregoing shall be deemed full satisfaction of the training requirements set forth in Article 7 of the Village Law for members of the Village's Board of Appeals and Planning Board and, to the extent that any additional requirements might be deemed to be required by virtue of such article, such required training is hereby waived by this Board, with such waiver found to be in the best interests of the Village for the reasons set forth herein and in the preambles to this resolution.

**B. Public Hearing-Village to cease to be self assessor**

On motion of Trustee Comer, seconded by Mayor Nicholson, it was unanimously RESOLVED to hold a Public Hearing on June 18, 2007 at 7:30pm at 2 Harbor Road to consider Bill # 3 of 2007, the voluntary termination of the Village's status as an assessing unit.

On motion of Trustee Comer, seconded by Mayor Nicholson, it was unanimously RESOLVED that with respect to said Bill #3 of 2007, the Board makes a negative declaration under SEQRA, as adoption of same will have no material adverse impact upon the environment.

C. Stormwater

Trustee Comer informed the Board that the MS4 annual report was deposited at the Port Washington Public on April 27, 2007 for public review and comment. The Library stated that no comments were received. The report has been completed and will be filed by the Village Clerk with the New York State Department of Environmental Conservation prior to the due date of June 1, 2007.

The next report to the DEC is due by January 31, 2008.

D. Building Moratorium

Trustee Comer updated the Board on the status of the ongoing project trying to assess the existing housing stock in preparation for changes in the zoning code by or before the end of the current building moratorium. He also informed the Board that he would schedule a meeting with the Building Inspector to review the information compiled to date.

E. Grants

Trustee Keenan reported on the status of the two grants pending from Nassau County and New York State. He stated that the grants were to be matched by Village funds.

E. Building Department Report

The Board reviewed the report on the Building Department for the month of May 2007.

G. Tree Report

No new tree removal permit applications were received.

H. Code Enforcer Report

The Board reviewed the report submitted by Village Code Enforcer Robert Rockelein for the period 4/15/07 to 5/15/07.

There being no further business before the Board, on motion of Mayor Nicholson, seconded by Trustee Keenan, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 10:15p.m.

Yvonne Whitcomb  
Village Clerk