

Board of Trustees
Village of Baxter Estates
2 Harbor Road, Port Washington, New York
September 17, 2007
7:30p.m.

Present: Mayor Frederick E. Nicholson
Trustee Charles Comer
Trustee Raymond Keenan
Trustee Douglas Baldwin
Trustee Alice M. Peckelis
Village Attorney Christopher Prior
Treasurer Laurence Tuck

Also present: Court Reporter James Gil, Ann and Michael Kromer, Alicia McCarthy, Stuart Rosen, Alfred and Madeline Graser, Joe Peckelis, Gloria and Michael Marmor, Lauren and Valeriano Marinelli

Open Public Hearing 7:30pm

Public Hearing adjourned.

Open Regular Meeting 7:35pm

Trustee Comer arrived 7:50pm

Locust Avenue Parking

Mayor Nicholson referred to his recent discussions with Nancy Curtin of the Port Washington Public Library, as well as with residents of Locust Avenue, concerning the recent changes adopted by the Board concerning parking on Locust Avenue. Mayor Nicholson noted that he had received certain suggestions that seemed thoughtful and warranted addressing. He noted that, although the Board had discussed implementing handicapped parking spaces on Locust Avenue, concerns regarding compliance with laws that regulate handicapped parking spaces weigh against such an approach.

The Mayor proposed that the Board consider prohibiting parking on the south side of Locust within thirty five feet both east and west of the Library Drive intersection (as is now prohibited) but allow unrestricted parking on the south side of Locust from 35 feet west of the intersection to within 35 feet of the Library's service driveway at the rear of the Library (on Locust Avenue).

In addition, the Mayor proposed permitting three hour parking after 11:00 a.m. on that portion of the southerly side of Locust Avenue extending from 35 feet east of Library Drive to the stop sign on the south side of Locust at the intersection with Tianderah Road.

The Board members confirmed that the Village-wide prohibition of parking between 3 a.m. and 6 a.m. would continue to apply to Locust, and that all portions of Locust other than those addressed by the Mayor's proposals would be subject to one hour parking limits at all other times.

After discussion, upon motion made by Trustee Comer, seconded by Trustee Baldwin, it was unanimously RESOLVED as follows:

That, except with respect to the 3 a.m. to 6 a.m. period during which parking is prohibited throughout the Village, which shall continue to apply to Locust Avenue, parking on Locust Avenue shall be restricted to not more than one hour, except as follows:

- (a) Parking shall be prohibited on the south side of Locust Avenue in the following locations:
 - (i) from the easterly side of the service driveway at the rear of the Library on Locust Avenue, easterly along Locust Avenue for a distance of thirty five feet;
 - (ii) from the south westerly corner of the intersection of Library Drive with Locust Avenue, westerly along Locust Avenue for a distance of thirty five feet; and
 - (iii) from the south easterly corner of the intersection of Library Drive with Locust Avenue, easterly along Locust Avenue for a distance of thirty five feet;
- (b) Parking shall be permitted for up to three hour periods, between 11:00 a.m. until 3:00 a.m., on the south side of Locust Avenue from the point thirty five feet east of the south easterly corner of the intersection of Library Drive with Locust Avenue, then easterly to the stop sign on the south side of Locust Avenue in close proximity to Tianderah Road; and
- (c) Parking shall be permitted without restriction on the southerly side of Locust Avenue, in the area abutting the Library and the Library Parking Lot, for the distance lying between two points, the westerly of which is 35' east of the Lot's East Curb Cut Line, and the easterly of which is

35' west of the south westerly corner of the intersection of Library Drive with Locust Avenue.

Village Towing Company

On motion of Trustee Keenan, seconded by Trustee Comer, it was unanimously resolved that the Village Clerk send a letter to the Port Washington Police Department asking that they direct requests for towing services related to vehicles on the public streets of the Village of Baxter Estates to Chester's Towing and Recovery.

Open Public Hearing 8:00pm

Mayor Nicholson opened the public hearing duly advertised in the August 22, 2007 issue of the Port Washington News to consider Bill No. 4 of 2007, a proposed Local Law amending Chapter 175, "Zoning" of the Code of the Village of Baxter Estates, with respect to Building Height and Floor Area Restrictions.

Trustee Comer provided an overview of the reasons for and the substance of the proposed changes in the zoning code and answered questions posed by Board members. The Mayor opened the discussion to the general audience. The Mayor and Trustee Comer answered questions.

On motion of Trustee Comer, seconded by Mayor Nicholson, it was unanimously RESOLVED to adjourn the Public Hearing to October 15, 2007 at 7:30pm.

A verbatim transcript of the Public Hearing is annexed to and incorporated into these minutes.

Re-open Regular Meeting 8:15pm

1. Village Clerk

On motion of Trustee Comer, seconded by Trustee Peckelis, it was unanimously RESOLVED that the reading of the minutes of the August 20, 2007 Board of Trustee meeting be waived and that said minutes hereby are approved as corrected.

2. Treasurer

- A. Abstract of Vouchers

On motion of Mayor Nicholson, seconded by Trustee Comer, it was unanimously RESOLVED that the Abstract of Audited Vouchers, dated September 17, 2007, for the General Fund, totaling \$21,132.52, be and hereby is approved as prepared by Treasurer Tuck.

B. Tax Certiorari-Port Washington Apartment Corp

On motion of Trustee Comer, seconded by Trustee Keenan, it was unanimously RESOLVED to approve settlement, upon recommendation of Village Attorney Chris Prior, in the tax certiorari proceeding of the Port Washington Apartment Corporation in the amount of \$12,000.0 for the 2003-04 through 2005-06 tax years.

3. Old Business

Alicia McCarthy

Alicia McCarthy addressed the Board on the July minutes regarding landscaping of the Village property at the corner of Tianderah and Locust.

4. New Business

A. Alfred and Madeline Graser

Alfred and Madeline Graser, 24 Bayside Avenue, requested the Board's permission to remove a healthy tree whose roots have damaged their driveway. The Board will inspect the tree.

B. Lauren and Valeriano Marinelli

Lauren and Valeriano Marinelli, 4 Hillside Avenue, presented the Board with a proposal for a curb cut. The Board determined that an on-site inspection, completed application and detailed drawings were required before permission for a curb cut could be granted.

C. Gloria Marmor

Gloria Marmor, 13 Ridgeway Road, addressed the Board regarding various issues on her property. The Building Inspector will meet with her to discuss possible remedies, however it appeared to the Board that the issues were most likely a neighbor/neighbor issue as opposed to an issue that the Village could remedy.

D. Above Ground Placement of Heating Oil Tanks

The Board reviewed recommendations by the Building Inspector on new permit requirements for the placement of above ground heating oil tanks.

E. 2007 Leaf Removal Contract

Village Clerk Whitcomb reported on the bids received on September 13, 2007 for the 2007 Leaf Removal Contract.

Dom's Lawnmaker, Inc	\$27,900.00
DeJana Industries, Inc	\$30,500.00
All American Industries	\$24,980.00
Robert Keogh, Inc	\$21,000.00

On the motion of Mayor Nicholson, seconded by Trustee Comer, it was unanimously RESOLVED to accept the bid submitted by Robert Keogh, as low bidder for the year 2007 Village leaf removal, for a total of \$21,000.00.

F. High Street Tree Trimming

On motion of Mayor Nicholson, seconded by Trustee Comer, is was unanimously RESOLVED to trim the trees on the East side of High Street for an amount not to exceed \$900.00.

G. Building Department Report

Trustee Baldwin gave his report on the Building Department for the month of August 2007.

H. Code Enforcer Report

The Board reviewed the report submitted by Village Code Enforcer Robert Rockelein for the period 8/16/07 - 9/15/07.

On motion of Mayor Nicholson, seconded by Trustee Comer, the Board entered into **Executive Session.**

At 10:20pm, Mayor Nicholson announced that Executive Session was concluded, and that no action was taken.

There being no further business before the Board, on motion of Mayor Nicholson, seconded by Trustee Comer, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 10:25pm.

Yvonne Whitcomb-Village Clerk