

MINUTES OF ANNUAL MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BRONXVILLE HELD ON APRIL 14, 2008 AT THE VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

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PRESENT: Mary C. Marvin Mayor
Glenn D. Bellitto Trustees
Robert S. Underhill
Anne W. Poorman

ALSO PRESENT: Lino Sciarretta Village Attorney
Harold Porr III Village Administrator

EXCUSED: William H. Barton, Jr. Trustee

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WORK SESSION

In attendance were Mayor Marvin, Trustee Bellitto, Trustee Poorman and Trustee Underhill. Also, Village Administrator, Harold Porr and Village Attorney, Lino Sciarretta.

On motion of Trustee Poorman and second by Trustee Bellitto, the Board opened the work session at 7:06PM. The Trustees reviewed the meeting agenda and discussed the FP Clark Kraft Avenue evaluation.

At 7:32PM, on motion of Trustee Poorman, second by Trustee Underhill, the Trustees entered into Executive Session to discuss WCI contractual matters with legal counsel, discuss teamster and PBA labor contract matters and discuss the Kempkes vs. Downey and the Village of Bronxville Board of Trustees lawsuit.

On motion of Trustee Underhill, second by Trustee Bellitto, the Trustees exited the Executive Session at 8:02PM.

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Mayor Marvin called the annual meeting to order at 8:08PM.

Village Justice George McKinnis was called upon to administer the oath of office to Trustee Anne W. Poorman who was re-elected for a two year term and Village Justice George R. Mayer who was re-elected for a four year term.

ANNUAL APPOINTMENTS - VILLAGE OFFICIALS

Mayor Marvin announced the following appointments:

<u>Office</u>	<u>Term</u>	<u>Name</u>
Deputy Mayor	1 year term -	(incumbent) Glenn D. Bellitto
Treasurer & Budget Officer	2 year term -	(incumbent) Robert J. Fels
Village Clerk	2 year term -	(incumbent) Harold Porr III
Deputy Treasurer/Tax & Assessment	2 year term -	(incumbent) Janet Grosso
Village Attorney	1 year term -	(incumbent) Lino Sciarretta
Village Assessor	1 year term -	(incumbent) Anthony DeBellis
Deputy Village Clerk	1 year term -	(incumbent) MaryAnn Urrico
Parking Violations Hearing Officer	1 year term -	(incumbent) Patricia M. Smith
Village Historian	1 year term -	(incumbent) Eloise L. Morgan

TRUSTEE ASSIGNMENTS

Mayor Marvin announced the following Trustee liaison assignments:

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| Trustee Glenn D. Bellitto | <ul style="list-style-type: none">- Deputy Mayor- Planning Board- Police- Parking- Assessor Liaison |
| Trustee Robert S. Underhill | <ul style="list-style-type: none">- Finance Committee- School Finance- Tennis/Paddle Liaison- Eastchester Town Budget- Real Estate Related Matters |
| Trustee Anne W. Poorman | <ul style="list-style-type: none">- Library Board- School and Youth Liaison- Senior Citizens- Chamber of Commerce/Business District Liaison |
| Trustee William H. Barton, Jr. | <ul style="list-style-type: none">- Zoning Board- Department of Public Works/
Quality of Life Issues- Eastchester Fire Department- Cable |

RESOLUTIONS REGARDING ANNUAL ACTIONS

Mayor Marvin announced the following annual authorizations:

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| <u>Auditor to Board of Trustees</u> | Village Administrator for a 1 year term - for the purpose of checking monthly abstracts of purchases as prepared by the Village Treasurer, Village Administrator/ Clerk. |
| <u>Auditor to the Justice Court</u> | Village Treasurer Robert J. Fels |
| <u>Village Auditor</u> | Bennett Kielson Storch DeSantis, The Government Services Division of O'Connor Davies Munns & Dobbins, LLP |
| <u>Signatures</u> | Section 1. Checks drawn on the bank accounts of the Village of Bronxville be signed by any two of following: Mayor, Deputy Mayor, Village Administrator or Treasurer.

Section 2. Checks drawn on the account of Justice Court of the Village of Bronxville, established for deposit of fines, fees and forfeited bail, shall be signed by a Village Justice.

Section 3. Bank transfers and federal wire transfers to be signed by any two of the following: Mayor, Deputy Mayor, Village Administrator or Treasurer. |
| <u>Bank Depositories</u> | Authorize depositories for Village funds with J. P. Morgan Chase Bank, Hudson Valley Bank and HSBC. |
| <u>Surety Bonds</u> | That surety bonds be filed in the following amounts, premiums to be paid by Village:

All employees \$200,000 per loss |
| <u>Official Newspaper</u> | Designate the "Review Press", "The Town Report" and "The Journal News" as the official |

newspapers for the Village of Bronxville during the ensuing official year. Publication of legal notices will appear in one or the other from time to time as required.

Meeting Date

Resolve that the regular meeting date of the Board of Trustees will be held at 8:00 PM on the 2nd Monday of each month.

BOARDS AND COMMITTEES

Mayor Marvin announced the following appointments:

To the **Finance Committee** – Victor M. Samra, Jr. and Louis Parks reappointed for two year terms to 2010.

To the **Planning Board** – Maryann Palermo reappointed for a five year term to 2013.

To the **Zoning Board of Appeals** – David Thurm reappointed to a five year term to 2013; William Fredericks reappointed as Co-Counsel for a one year term to 2009.

To the **Library Board of Trustees** – Tom Welling to a one year term to 2009; Margaret Pyle and Richard Abramson for a two year term to 2010; and, Victoria Manley, Madora Kibbe, Sean Abbott and Tess Lewis for a three term to 2011.

To the **Ethics Board** – Donald J. Kennedy, John W. Priesing, Wendy Riggs and William H. Slattery reappointed for a one year term to 2009; William G. Primps reappointed as Counsel for a one year term to 2009.

To the **Cable TV Committee** – Sheryl Donner, Mike Bishara, Thatcher Drew, Richard Duke, Tom Leahy, Peter Lucursi, Rick Pyle, Nancy Vittorini, John Kehoe, Tom Kennedy, Peter North, and Manny Foglio.

To the **Citizen's Advisory Committee** - Carol Holley, Maggie Marrone, Liza Near, Florence Kooluris, Barbara White, Bill Sorensen, Charlie Meade, Dale Frehse, Bill Grealy, Cindi Callahan, Sondra Luger, Tom Troja, Joseph Villanueva and Robert Rabsey.

MAYOR'S REPORT

Due to the length of the meeting, I am limiting my remarks to concentrate on the budget.

Many of the initiatives we have been working on have reached fruition in the form of resolutions to enact later in the meeting and I will comment when appropriate.

I just have two announcements:

Con Edison has finished their work in the Village trimming the trees on public property and working with residents to trim trees on private property. They have completed the initial line clearing, but continue to have major work on private property all done with consent of the homeowner.

The Bronxville Youth Hockey Association's Squirt Team won the New York State Championship and then the Congressional Cup Tournament in Washington, DC beating teams from throughout New England. This is a huge accomplishment for a small program. Congratulations to all the team members and their coaches.

TRUSTEE REPORTS

Trustee Bellitto gave his report on the Police Department. He stated that Chief Satriale has designed a comprehensive education program about cell phone use and crosswalks. With a full complement of police, the Village is able to enforce these laws. The sixth new officer, Erik van der Leeuw, has joined the force. Overall, Trustee Bellitto reported that it was a quiet month for the police department.

Parking – the Village will not be able to hire a Parking Manager due to budget constraints. Therefore, the Village will look at staffing and will utilize the good road map of

where to go with this department from the parking study that was done. This past month the revenue for parking was \$7,000 ahead of budget.

Trustee Poorman thanked residents for allowing her to continue as a Trustee.

Library – Trustee Poorman thanked Gene Piper and Chris Goff for their service on the Library Board. Sean Abbott and Tess Lewis are the new trustees. The library is beginning a new children's program (for pre-schoolers & early readers) that will not only involve the children but the merchants in the Village. It should be a great success.

Trustee Poorman read a note from Trustee Barton who apologized for not being at the meeting. He stated that he has enjoyed serving Bronxville and looks forward to serving again for the next two years.

Trustee Underhill reported on the WCI project. He said that WCI received its financial statements and there is growing concern that WCI receive qualification from its auditors. This concerns the Trustees. He wanted to make it clear that the Trustees understand the dynamics of what is going on. The Trustees met with the CEO of WCI last week and had a very frank conversation. He said the objective remains the same and that the Trustees are committed to the project. The Trustees will continue this effort in good faith within financial constraints and with no significant or incremental risk to the Village. An extension was granted until the end of May. Trustee Underhill is hopeful that by then there will be a resolution to this.

Mayor Marvin announced that next month Sergeant Jarvis and Officer van der Leeuw will attend the monthly meeting and be introduced to residents.

APPROVAL OF MINUTES

On motion of Trustee Bellitto, second by Trustee Underhill, the Board approved the minutes of the Regular Meeting of March 10, 2008, and the Budget Workshop of April 3, 2008, as drafted.

VILLAGE OF BRONXVILLE BUDGET SUMMARY 2008/2009 given by Village Treasurer, Robert Fels

On March 20, 2008, as required by Village Law, the Village Treasurer, Robert Fels, filed the tentative budget with the Village Clerk, Mr. Porr. As discussed with the Mayor and the Village Administrator the major problems facing the Village in 2008/2009 are the same problems facing most Americans these days: rising utility costs, health insurance, liability insurance and lost investment income.

The Village has received notification from the NYPA that their rates and Con Ed's rates are projected to increase by 25%. Fuel prices are projected to increase by 25%. Our insurance carrier has indicated that premiums for the Village's liability insurance are projected to increase by 20% due in part to tightening in the insurance market in NYS for municipal insurance carriers.

The Village is in the process of negotiating with its two labor unions - the PBA and the Teamsters. Those contracts will expire on 5/31/08. As such, there are no increases in the salary lines of the 2008/2009 tentative budget however sufficient funds have been set aside to cover potential salary increases.

The 2008/2009 tentative Village budget reflects total appropriations at \$13,398,113. This is a spending increase of \$447,261 over the 2007/2008 budget or 3.45%. The largest single increase in the budget is debt service which is projected to increase by \$319,610.

Estimated revenues, for the majority of our budget lines, while remaining strong are flat when compared to 2007/2008 estimates. Sales Tax is estimated to increase by \$15,000, Mortgage Tax remains at \$300,000 and Parking Ticket revenue has been reduced by \$35,000. The largest single decrease in estimated revenues is our Interest Income line. In the 2007/2008 budget, I estimated \$225,000 for Interest Income. As of 2/29/08 we have earned \$234,000. However due to the fallout from the subprime mortgage collapse, the federal government has reduced the Federal Funds rate (this is the rate that sets the prime rate) from 5.25% in March 2007 to 2.50% on 3/18/08. Our banks have indicated to me that further cuts to this rate are still to come and that it could be as low as 1.50% by 6/01/08. As a result, I have cut the Village's interest earning projections in 2008/2009 by \$145,000 to \$80,000.

Finally, in response to our auditors and to address the concerns of the Board of Trustees and the Village's Finance Committee, the Village Treasurer, Robert Fels, reduced the amount of fund balance used to balance the Village's budget. In the past, he has appropriated \$600,000 of

the fund balance to balance the budget and keep the tax rate lower. In the 2008/2009 operating budget, he appropriated \$475,000.

The resulting budget that is presented tonight includes a tax rate increase of 8.87%. This document provides adequate funding for all Village services, reflects reasonable estimates for both appropriations and revenues, and addresses the concerns of the financial community regarding the use of our fund balance.

Mayor Marvin said that she can say the entire staff and Trustees have been very vigilant in preparing a budget that is fair and realistic while at the same time not decreasing, rather enhancing the municipal services residents expect. Also, this budget reflects a fully staffed police department which will allow us to reinstitute some walking patrols, increase the frequency of the traffic control details and hopefully reinstitute some programs with the Bronxville School. In the Department of Public works, we will also be able to fill a vacant laborer position. We are hoping to find someone with electrical skills to help with maintenance of our street lights.

Trustee Underhill said that this is the first time we will have a full complement of police in six years. This had a significant effect on the budget. It was difficult to do this in one year but the Trustees felt it was imperative to be at full complement.

Trustee Bellitto commented that the Board had to make trade-offs.

Village Treasurer, Robert Fels, stated that the Village was able to accomplish this increase by cutting items, yet still providing services that Bronxville residents expect.

Trustee Poorman said that the department heads took a stoic and reasonable approach to this budget. There was a real give and take and she feels this is a strong budget.

Mayor Marvin thanked Village Treasurer, Robert Fels, for all of his hard work.

PUBLIC HEARING ON BUDGET

At 8:50PM, on motion of Trustee Bellitto, second by Trustee Poorman, the public hearing on the 2008/2009 budget was opened.

Mrs. Betsy Harding, 39 Homesdale Avenue, asked about the cost of the police and fire departments.

Village Treasurer, Robert Fels, responded that the money goes to other line items.

Mr. James Kroulas, 70 Parkway Road, asked who was in charge of the parking office now, who trimmed the budget and what would happen if the vacant positions are not filled.

Trustee Bellitto stated that there has been no salary set for the Parking Manager. There currently is a volunteer parking commissioner, William Murphy, and a parking manager handling the tickets.

Mr. Kroulas then asked what the present fund balance is.

Village Treasurer, Robert Fels, responded.

Thomas Wolff, 230 Pondfield Road, inquired about the projection of certain line items, about the decrease in permits, and about the late payments paid.

Village Treasurer, Robert Fels, responded that an unusual occurrence happened. One mortgage company paid a large amount of parcels late and had to pay the penalties. Permits are decreasing because of two permits at Lawrence Hospital for work were put on hold.

At 8:57PM, on motion of Trustee Poorman, second by Trustee Underhill, the public hearing was closed.

NEW BUSINESS

RESOLUTION - ADOPTION OF BUDGET FOR 2008/2009

On motion of Trustee Poorman, second by Trustee Bellitto, the following resolution was unanimously adopted:

BE IT RESOLVED the Board of Trustees adopts the budget of the Village of Bronxville for the year 2008/2009 as drafted.

RESOLUTION – Back Flow Prevention

On motion of Trustee Poorman, second by Trustee Bellitto, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees of the Village of Bronxville authorizes the Village Engineer to execute and deliver a signed application to the Westchester County Health Department and United Water of New Rochelle to allow the installation of a back flow prevention device in connection with the Crawford Street Nature Preserve irrigation project.

Mayor Marvin explained that the Nature Preserve is trying to put in a sprinkler system and needs a municipal signature with the proviso that the fees are covered by the Nature Preserve.

RESOLUTION - Dvirka and Bartilucci

On motion of Trustee Bellitto second by Trustee Underhill, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees of the Village of Bronxville authorizes the Mayor to approve a contract with Dvirka and Bartilucci to perform activities related to applying for funding assistance under the Westchester County Flood Action Program and related services with an estimated fee of \$9,500.00.

Mayor Marvin reported that this is a way to help certain neighborhoods with flooding. The Village is working with the School on a macro plan. This will allow the Village to apply to the County for grant monies (\$10 million a year for 5 years).

RESOLUTION - Muzic Store

On motion of Trustee Bellitto, second by Trustee Poorman, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees of the Village of Bronxville authorizes the Mayor to sign a contract with The Muzic Store of Dobbs Ferry, NY to provide and install a new sound system in Village Hall as outlined in the attached proposal for a fee of \$7,770.75.

Village Administrator, Harold Porr, said that this will improve the acoustics. This will be a major improvement.

RESOLUTION - Tectonic Vibration Study

On motion of Trustee Bellitto, second by Trustee Underhill, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees of the Village of Bronxville authorizes Tectonic, 70 Pleasant Hill Road, Mountainville, NY, to provide professional vibration monitoring and analysis at various sites along the Metro North Railroad right-of-way in accordance with the attached proposal dated march 25, 2008, for a cost not to exceed \$12,530.00. In addition, the Board authorizes a budget amount of \$15,000.00 for this project in the event additional testing locations are required and to cover reimbursable expenses associated with the completion of this work.

Mayor Marvin explained that residents by the train were concerned about noise and vibration. Metro North feels they are in compliance with the law. The only way to challenge Metro North is to do an independent analysis. This analysis will look at the tracks for the entire length of the Village.

RESOLUTION - Extended Closing Date of Kensington Project

On motion of Trustee Underhill, second by Trustee Poorman, the following resolution was unanimously approved:

WHEREAS, on or about June 21, 2004 the Village of Bronxville (the “Village”) entered into a Purchase, Sale and Development Agreement (the “PSDA”) with Spectrum Kensington, LLC, as Purchaser and WCI Communities, Inc., as Guarantor regarding property located on Kensington Road in the Village of Bronxville (Tax Map Section 11, Block 5, Lots 1, 6 and 16); and

WHEREAS, the parties to the PSDA wish to extend the Outside Closing Date, as that term is defined in Section 15 of the PSDA, until May 31, 2008.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Bronxville, that the Board of Trustees consents and agrees to the extension of the Outside Closing Date set forth in Section 15 of the PSDA until May 31, 2008.

Mayor Marvin stated she is very comfortable in signing this extension. She felt the easiest solution was to walk away but she felt that it was in the best interest to talk with WCI. She reiterated that the Village is studying all options.

RESOLUTION - Avalon Lease

On motion of Trustee Bellitto, second by Trustee Underhill, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees of the Village of Bronxville hereby authorizes the Mayor to enter into an agreement with Avalon Bay Communities, Inc. for the use of the parking lot on Parkway Road known as the "Mobil lot" as outlined in the attached agreement.

Village Administrator, Harold Porr, reported that after a year of negotiations, the Village now has a lease with AvalonBay which will be effective on April 15, 2008 for two years. This will be for residents only and should ease the congestion in that area.

RESOLUTION - Tennis Professional Contract

On motion of Trustee Poorman, second by Trustee Bellitto, the following resolution was unanimously approved:

BE IT RESOLVED the Board of Trustees authorizes the Village Administrator to sign an agreement with Michael Virgilio for services as the Tennis Professional for the 2008 season (copy attached).

RESOLUTION - Settlement of Croton (Ametek v. Kraft Foods et al.)

On motion of Trustee Bellitto, second by Trustee Poorman, the following resolution was unanimously approved:

BE IT RESOLVED that the Village of Bronxville hereby settles the Ametek Inc. et al (Croton Point Landfill Joint Defense Group) v. Kraft Foods North America, et al in the amount of \$8,232.00.

Village Attorney, Lino Sciarretta, commented that this is a settlement of the Croton Landfill case against multiple municipalities for dumping waste in the Croton Landfill. This case was settled through mediation and the settlement made includes fines and legal fees. The key here to a low settlement was having the municipalities join together as one.

PUBLIC COMMENTS

Mr. James Kroulas, 70 Parkway Road, asked when the signage at the Midland and Pondfield Road intersection was going to be addressed.

Mayor Marvin told him that this was slated as a spring project.

Mr. Kroulas then reported that on Library Lane there is a sign that allows staff parking and public parking but the position of the signage needs to be addressed. He then moved on to the WCI project and asked if this project should not come to fruition that the zoning be changed so that whatever is put in that space is age targeted. Finally, he asked that since the Village Plan is do for renewal was there any budget line item this year.

Mayor Marvin responded that the Village will get quotes for the renewal of the Village Plan and that the best company will be selected.

Village Administrator, Harold Porr, commented that this is a capital budget item and not an operating budget item.

Thomas Wolff, 230 Pondfield Road, asked if the extension dates for WCI will continue until August 8, 2008.

Trustee Underhill responded that the Trustees are really looking at May 31, 2008 as their objective to have some sort of resolution.

Meredith Matthews, reporter for the Town Report, asked what the deadline was for Verizon to broadcast – either May 1, 2008 or May 31, 2008.

Mayor Marvin responded that at this time and that she was not sure of the date but would check on it.

Maureen Curran, 94 Parkway Road, asked if the Avalon lot will go forward if the WCI project does not.

Village Administrator, Harold Porr, responded that the Village has use of this space for up to two years and that it was acquired as part of the plan with WCI. There is the 60 day back out clause for both sides.

On motion of Trustee Underhill, second by Trustee Poorman, the meeting was adjourned at 9:27PM.

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Harold Porr III
Village Administrator/Village Clerk