

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BRONXVILLE HELD ON FEBRUARY 11, 2008 AT THE VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

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PRESENT: Mary C. Marvin Mayor
Glenn D. Bellitto Trustees
William H. Barton, Jr.
Anne W. Poorman
Robert S. Underhill

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

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WORK & EXECUTIVE SESSION

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

At 7:00PM, on motion of Trustee Poorman, second by Trustee Bellitto, the Work Session was called to order by Mayor Marvin.

At 7:10PM, on motion of Trustee Underhill, second by Trustee Barton, the Trustees entered into Executive Session to discuss labor contract negotiations, WCI contractual matters and seek legal counsel.

On motion by Trustee Poorman, second by Trustee Underhill, the Trustees exited the Executive Session at 8:10M.

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Mayor Marvin called the meeting to order at 8:15PM.

Mayor Marvin introduced Police Chief, Christopher Satriale, who recommended the promotion of Richard Bunyan to Police Lieutenant. Richard Bunyan has served the department for 25 years. Chief Satriale reported that Richard Bunyan excelled in the interview process and put together a well thought out written plan.

RESOLUTION – Appointment of Police Lieutenant

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

BE IT RESOLVED that the Board of Trustees of the Village of Bronxville appoints Richard Bunyan as the contingent permanent police lieutenant of the Village of Bronxville Police Department effective at 12:01AM on Monday, February 25, 2008 at an annual salary of \$109,199.00.

Mayor Marvin asked Lt. Bunyan to come up and speak. Lt. Bunyan thanked Chief Satriale and the Board and then introduced his wife and four sons.

Mayor Marvin wished him much success.

Trustee Bellitto said that he was delighted with this appointment and he feels that Lt. Bunyan brings a lot to the department. He has a fine intellect and Trustee Bellitto is confident that Lt. Bunyan will do a great job.

Trustee Poorman spoke about a Memorial Day initiative that deals with the Village portion of the festivities. She and Mayor Marvin met with two residents about expanding events to honor those who have served our country during war. The Village will put together a database of veterans. Trustee Poorman urged residents to e-mail the Mayor with their information.

Mayor Marvin then invited Cindi Callahan and Jane Staunton to speak about their initiative.

Jane Staunton said that she wants to put spirit into the Memorial Day parade by putting together a commemorative scroll on Pondfield Road listing those who served as well as old photos. This will be a holistic effort and will explain what Memorial Day is all about.

Mayor Marvin asked that they keep the Village updated and that this is a great idea. She thanked both Cindi Callahan and Jane Staunton for volunteering. This will certainly add an important dimension to the festivities.

Cindi Callahan stated that the criteria to be included on the veteran's scroll is that you have either lived or currently live in Bronxville.

Village Audit Report from May 31, 2007 presented by Allan Kassay of ODMD

Village Treasurer, Robert Fels, introduced Allan Kassay, an auditor, to review the audit report from May 31, 2007.

Trustee Underhill asked Mr. Kassay to speak about the fund balance and how it compares with others villages. He also said that the Board needs to make a decision about the amount of the fund balance and should take an approach to increase the fund balance to be fiscally sound for rating agencies.

Mr. Kassay said the Village's use of the fund balance was fine.

Village Treasurer, Robert Fels, reported that the fund balance dropped this year but it was for a planned use – to finish renovations of Village Hall.

Trustee Underhill stated that the Board had made a conscious decision to keep tax increases as low as possible due to other increases by the School.

Both Mayor Marvin and Trustee Underhill thanked Village Treasurer, Robert Fels, and his team for a doing a great job.

MAYOR'S REPORT

Top on the list of agenda items given the time of year is the tentative tax roll. Every resident, even those receiving no change in their assessment should have received a notice last week. Legally, we are required to send only to those with changes, but we thought the year after a reassessment it might be helpful to send to everyone to avoid possible confusion. Again, this year's changes are a continued refinement to get the tax roll as close to perfect and as equitable as possible.

Per NYS law, we are required to have a hard copy of the tentative roll available at Village Hall for 3 weeks following its publication.

In the interest of moving forward and emulating best practices, we are keeping permanent hard copies at both Village Hall and the Library until the final roll is published in April. We are also publishing the roll on our Village website.

In addition, again this year, because it is the year after a major revaluation, a computer station will be set up at the Library which has all the additional information that was available including neighborhood designation, comparable properties, square footage – all the factors used to determine value. We decided to locate it at the Library because of their extended day and also weekend hours that we do not have at Village Hall.

Several residents asked us to generate special reports for their analysis. In the interest of Village time and tax dollars, we cannot do all the personal requests, but please be assured all of the valuation information is available, public, on the computer and available for any resident to extrapolate to make their own charts or calculations.

Just by way of comparison, in all of Westchester County, only Greenburgh is now more advanced than Bronxville in the computerization and generation of tax information to our tax payers and the amount of information we make public. We are very proud of the great strides we have made. Per our residents inquiry, the Eastchester portion of our tax roll is not on a computer or a website. The hard copy of the tentative roll is available at Town Hall and in fairness that is all that is required by law and the standard in a vast majority of communities.

This time of year also signals the start of the budget process and in all candor, it is going to be tough for the Village. Of all tax dollars paid to the Village, only 13¢ on the dollar goes to running the Village government and services and 87¢ to operating the School. Honestly, I think it is not a healthy ratio, going forward. I worry we do not do enough proactively to shore up and enhance our very aging infrastructure.

In light of the construction needs of the School in the past years and in an effort to keep the combined tax increase down, the trustees have routinely used our fund balance to offset property tax increases. We cannot continue this as a practice per advice of our accountants and our Finance Committee. Our reserve number is healthy, but not ideal and we need to make sure our fund balance continues to allow us to maintain our bond rating which is the highest available to the Village. We also have two major labor contracts to negotiate this year with our police union and our department of public works employees represented by the Teamsters.

By way of explanation, because we received many calls on Tuesday at Village Hall, the recent primary election was run by the County Board of Elections, who did not coordinate as well as they could have with the Village. I know there was confusion as to polling locations, etc. The only Village run election is the one for Mayor, Trustees and Village Justice in March and that is always held in Village Hall. I know a card was mailed to every voter informing of the polling locations for the County run election but we received ours over a month ago.

In addition to the initiatives coming to the immediate fore in the proposed public hearings tonight, we have other initiatives not too far behind in the pipeline.

As examples:

- We will be implementing the right turn on red at Gramatan and Pondfield Roads for a trial run to ease traffic congestion.
- We are engaging a traffic engineer to give us recommendations to improve the intersections near St. Joseph's at Kraft Avenue and Cedar Streets and near Starbucks at Kraft Avenue and Park Place - locations that are perennial problems and need to be addressed.
- We are reaching out to our State and County representatives to help us get Route 22 repaired in the Village. It is our only State road and we are prohibited from undertaking the repairs. Also, we learned in a review of our Village drainage system, that Route 22 was built with no catch basins along the entire Bronxville stretch of road, clearly exacerbating our flooding issues.
- Also in conjunction with the Chamber of Commerce, we are planning a landlord summit in early Spring to get the building owners/managers in Bronxville together to talk about what improvements need to be made and what we can accomplish together.

Finally, in the past few weeks, I have spoken at a realtor's meeting at Houlihan Lawrence, addressed the Alden Place Board of Directors meeting, spent an evening with a group of Kensington Terrace residents, joined Bob Underhill at the Finance Committee meeting, filmed a winter edition of our local cable show and attended the Martin Luther King breakfast with Trustee Poorman, the Chief of Police and I am proud to say many Bronxville high school students and senior citizens.

It was another busy month.

TRUSTEE REPORTS

Trustee Bellitto reported on the Police Department stating that there have been many positive changes over the last year in the department. The force will proceed with a top echelon of management. The first contract negotiation meeting was held on February 8, 2008. Police activity for the month was relatively quiet.

Tax assessment – Trustee Bellitto urged residents to please keep in mind the crucial deadlines for grievances.

Parking – the process for change here is slow. The Trustees are still working on the office structure and are reviewing policies and procedures that are problematic to residents and merchants. Revenues were higher this year compared to those of last year at this time.

Citizens' Advisory Committee – there was a meeting on February 7, 2008 and a lot of helpful ideas were shared.

Trustee Poorman reported that there was no news from the Library for this month.

Chamber of Commerce – the Bronxville phone book will be mailed out in the next few weeks. She urged residents that if they find any errors to please notify the Chamber of Commerce.

Trustee Poorman expressed concern for two items: people talking on cell phones and illegal u-turns in the downtown and stated that she will speak with Chief Satriale about them.

Trustee Barton gave the Treasurer's report and stated that the Village is doing very well this year. He sees great improvement in the fund balance.

Village Treasurer, Robert Fels, reported that the numbers are close to the same time as last year. If all remains the same, he feels we should be in good shape. He is currently working on projections of where the fund balance will end on May 31, 2008.

Trustee Barton said there really was nothing to report from the Department of Public Works. He did mention that the recycling laws continue to get tough and said that the Village will post the Westchester County requirements on our website.

Trustee Underhill reported that the Building Department has a great deal of permit activity with a lot of alterations on residences.

The Finance Committee had a meeting recently and reviewed the auditors report as well as the fund balance. It was recommended by the Committee that the Trustees examine the fund balance during budget talks and they discussed the status of WCI. The consensus was that this is an important project for the Village and we want to complete it. Trustee Underhill assured residents that the Trustees will maintain the integrity of the project and will not assume undue risk to the Village.

APPROVAL OF MINUTES

On motion of Trustee Barton, seconded by Trustee Poorman, the Board approved the minutes of the Regular Meeting on January 14, 2008.

NEW BUSINESS

RESOLUTION: Reconciliation Tax, Warrant & Collections

Village Treasurer and Tax Collector Fels furnished information concerning unpaid taxes in the amount of \$403,583.82 as of January 31, 2008. (Recap of Taxes, Warrants and Collections as of January 31, 2008 is attached to the official minutes.)

On motion of Trustee Poorman, seconded by Trustee Barton, the Board accepted the information presented by Treasurer Fels as set forth above.

Village Treasurer, Robert Fels, explained that residents can come into Village Hall until 9AM on March 11, 2008 to pay their taxes. The penalties are 5% for January, 6% in February and 7% through March 11, 2008. There will be no payments allowed after 9AM on March 11, 2008. The Tax lien sale can be sold at a pre-set interest rate. If the lien is not satisfied or subsequent taxes not paid, a foreclosure proceeding can take place and the Village then has nothing to do with it. Over the last eight years, every lien has been sold. Village Treasurer Fels stated that next week, arrears notices will be sent out.

RESOLUTION: Tax Lien Sale

On motion of Trustee Bellitto, seconded by Trustee Underhill, and unanimously carried, the following resolution was adopted:

BE IT RESOLVED by the Board of Trustees of the Village of Bronxville, that the Village Treasurer be authorized to advertise and sell tax liens for the fiscal year 2007-2008 on Tuesday, March 11, 2008 as shown in the account of unpaid taxes and in accordance with Article 14, Title 3 of the Real Property Tax Law (Section 1455), and that the advertisement of the notice required by law be inserted in the Review Press, the official newspaper of the Village, and that said notice shall be published once a week for three consecutive weeks and the last date for publication shall be made on or before the 5th day of March 2008.

BE IT FURTHER RESOLVED that said notice shall be substantially the following:

VILLAGE OF BRONXVILLE
Statement of Real Estate upon which
taxes for the year 2007-2008 are unpaid, and
NOTICE OF TAX SALE

Pursuant to the provisions of Article 14, Title 3 of the Real Property Tax Law (Section 1455).

NOTICE IS HEREBY GIVEN that the taxes for the year 2007-2008 of the Village of Bronxville are unpaid on the real estate described as shown on a tax list filed with the Village Clerk.

The description of each parcel of said real estate is designated by Section, Block and Lot numbers as shown on the Assessment Map of the Village of Bronxville, Town of Eastchester, Westchester County, New York, which roll and map are on file in the office of the Village Clerk at 200 Pondfield Road, Bronxville, New York.

Attached is a list of parcels of real estate on which the taxes remain unpaid for 2007-2008, as of January 31, 2008.

RESOLUTION - Board of Assessment Review Schedule

On motion of Trustee Underhill , seconded by Trustee Barton, the following resolution was unanimously approved:

BE IT RESOLVED, the date for the meeting of the Board of Assessment Review will be the third Tuesday in February, February 19, 2008.

BE IT FURTHER RESOLVED that since the Bronxville School is closed during the week of February 18th and some residents may be out of town, and in order to allow more time for residents to prepare their grievance applications, the Board of Assessment Review will meet on February 19th from 4:00PM – 8:00PM in the Conference Room at the Bronxville Village Hall, 200 Pondfield Road, and will adjourn until Tuesday, February 26, 2008 at 5:00PM in the Trustees Room at the Bronxville Village Hall, 200 Pondfield Road, to hear and consider grievances relating to the 2008 tentative Village assessment roll.

1RESOLUTION - Appointing Members of the Board of Assessment Review

On motion of Trustee Barton, seconded by Trustee Poorman, and unanimously carried, the following resolution was adopted:

BE IT RESOLVED the Board of Trustees of the Village of Bronxville hereby appoints the following member of the Village of Bronxville Board of Assessment Review for terms commencing on the 1st day of October 2007:

Christine Eldridge for a two year term expiring on September 30, 2009.

1RESOLUTION - Tax Certiorari Settlement – Hillcrest Owners Corp. (Beech Tree Lane)

On motion of Trustee Bellitto, seconded by Trustee Poorman, and unanimously carried, the following resolution was adopted:

WHEREAS, petitions having been filed by the property owner below, challenging real property tax assessments on the Village's Final Assessment Roll with respect to the following parcel:

<u>Property Owner</u>	<u>Address Description</u>	<u>Year(s)</u>
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WHEREAS, petitioner's court challenges are now pending in the Supreme Court, Westchester County; and

WHEREAS, the Village and the property owners have reached a mutually agreeable resolution;

NOW THEREFORE BE IT RESOLVED, that the Village Board hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village and School reducing the assessments to no less than the following amounts:

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2004	156,870	132,415	24,455
2005	156,870	133,590	23,280
2006	156,870	126,740	30,130
2007	3,893,800	3,893,800	--

RESOLUTION - Extended Closing Date of Kensington Project

On motion of Trustee Barton, seconded by Trustee Underhill, 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 March 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 March 31, 2008.

Trustee Underhill stated that the collective objective is to resolve this without further modifications or extensions and to keep to some form of a timeline.

RESOLUTION – Approving Use of Parking Space – Senior Citizens Council

On motion of Trustee Barton, seconded by Trustee Poorman, and unanimously carried, the following resolution was adopted:

BE IT RESOLVED the Board of Trustees approves the use of a parking space in a Village owned parking lot by the Senior Citizens Council commencing July 1, 2008, as per the attached request.

RESOLUTION – Girl Scout Cabin

On motion of Trustee Underhill, seconded by Trustee Poorman, and unanimously carried, the following resolution was adopted:

WHERE AS, on June 15, 2004 the Village of Bronxville accepted a contribution from the Bronxville Women's Club in the amount of \$18,000 to help finance improvements to the Bronxville Girl Scout Cabin, and

WHERE AS, due to a fire that occurred at the Cabin on December 25, 2006 the renovations originally planned for the Cabin have been cancelled, and

WHERE AS, the Board of Trustees has decided to return the funds to the Bronxville Women's Club, now

THEREFORE BE IT RESOLVED by the Board of Trustees to authorize the Village Treasurer to return the contribution of \$18,000 to the Bronxville Women's Club.

Trustee Underhill asked where the money is being kept.

Village Administrator responded in a separate account.

Mayor Marvin stated that Dorothy Brennan asked the Village to do this and felt we should honor her request. She also reported that the Cabin Committee has not come out with a final report but that she understands their conclusion is not to build a new cabin.

SCHEDULE OF PROPOSED PUBLIC HEARINGS

Village Attorney, Lino Sciarretta, announced the following public hearings for to be held at the March 10, 2008 Board of Trustees meeting:

1. Adoption of adding Chapter 194 "Newsracks" to the Village Code of the Village of Bronxville
2. Amendment of Chapter 290 "Vehicles and Traffic" prohibiting parking in designated locations
3. Amendment of Chapter 47 regarding "Residency Requirements".
4. Amendment of Chapter 290 "Vehicles and Traffic" regarding a left turn only lane on Pondfield Road at both approaches to Midland Avenue.

Village Attorney, Lino Sciarretta, advised residents that they have until March 11, 2008 to comment on these proposed laws.

PUBLIC COMMENTS

Meagan McKinley, 6 Crampton Road, asked about recycling and if there is any place to take items that are not accepted by the County, such as pizza boxes, cereal boxes, cardboard, etc.

Mayor Marvin responded that the County is trying to find a place as there is no current resale market for these items.

Mrs. McKinley then discussed the tax roll. She believes the tax assessment is the most important function of the Village. She stated that the work done in the last two years was crucial. She stated that when residents look at the tax roll, they are able to see if the assessment values are fair. She did state that she was disappointed that there was no presentation given as to how policies and procedures were used to guide the roll from year to year. She is at a loss at how to become comfortable with the assessments. She looked at a property sold in the past year for the assessed value and the sale price and they did not match. She asked why the Village is not capturing data in the tentative roll.

Mayor Marvin responded that the Village looks at the market value and not the sale price and uses this as an indice of value. It is illegal in New York State to take the sale price and make it the market value. She stated that residents should be careful to understand the difference of sale price and market value.

Mrs. McKinley asked if there was some way to understand what the process was and the determination of neighborhoods.

Mayor Marvin replied that Assessing Consultant, Gerry Iagallo, would be happy to meet with people and discuss this with residents. She also stated that Bronxville offers more data than any other municipality.

Village Administrator, Harold Porr III, commented that Assessing Consultant, Gerry Iagallo, is indeed the resource to go to.

Trustee Underhill encouraged residents to talk to Assessing Consultant, Gerry Iagallo, and said it is a good use of Village money to have the residents properly educated.

Mrs. Betsy Harding, 39 Homesdale Road, stated that the recent arms length sale is the best determination of market value. She felt the sales prices were not uniformly reflected in the tentative roll and the recent sales basis for drawing of neighborhoods. She met with Assessing Consultant, Gerry Iagallo, to discuss this.

Mayor Marvin repeated that sale price is an important indice but not the only factor in determining value.

Mrs. Harding asked what CLT had done this year and if the one liner was updated for 2008. This one liner gives the property id #, address and basic inventory information.

Mayor Marvin responded that we can get from Assessing Consultant, Gerry Iagallo, a copy of what CLT has done and that the information she is requesting will be available on a computer at the Library as of February 13, 2008.

Mrs. Harding stated she felt that the residents were not given a lot of time to grieve their taxes.

Mayor Marvin explained that as long as residents filed the one page form, they could supplement any additional information either before or at their meeting with the Board of Assessment Review.

Mr. Thomas Wolff, 230 Pondfield Road, wanted confirmation that the proposed local law for March regarding residency requirements includes the addition of the Village Assessor and the Deputy Assessor. He also asked if the Village Assessor's term will be regularized and will he sign the final tax roll.

Mayor Marvin responded that all of Mr. Wolff's information has been reviewed and the Village is trying to make the Code match reality. In response to the regularization of the term of the Assessor, the Mayor replied that it would be done at the Annual Meeting.

Village Attorney, Lino Sciarretta, said that the actions taken by the Village Assessor are still valid under case law.

Mr. Wolff asked that Village Attorney, Lino Sciarretta, provide proper citations with his response.

Mayor Marvin told Mr. Wolff that the Village does not have the time or manpower to answer his faxes in great length. The Village goes right to the issue if we need to but responses in volume are out of the question.

Mr. Wolff said that the Village Assessor's appointment did not fulfill the requirement of New York State law.

Mayor Marvin stated that the Assessor's actions are legal even if his oath of office was not signed within a specific timeframe.

Mr. Wolff then quoted his fax of February 11, 2008 to Village Administrator, Harold Porr III, in which he states that Village Attorney, Lino Sciarretta, is a Village employee and not a Village officer.

Mr. James Kroulas, 70 Parkway Road, asked if the Village has received any complaints or reactions to the left turn on Pondfield Road or Midland Avenue.

Mayor Marvin replied that only one or two complaints have come in due to the lack of signage and that with the proper paint and signage this will change.

Mr. Kroulas said it does not appear symmetrical and people just go straight through the left turn side.

Mayor Marvin reported that the paint does not adhere correctly due to the cold weather. The traffic pattern was laid out by the traffic engineers based on the actual size of the pavement.

Trustee Poorman said people create a de facto right turn lane and that the majority of people drive in the two lanes of traffic. She agreed with the width issue presented by Mr. Kroulas.

Mr. Kroulas then asked about the Mobil lot and commented that we have been lucky with the lack of snow.

Village Administrator, Harold Porr III, responded that the issue with the lease has to do with environmental liability and getting the language suitable for both sides. The Village will be sitting down with Avalon to work out the language of the lease in the next few weeks.

There being no further comments, the meeting was adjourned at 9:50PM by motion of Trustee Barton, seconded by Trustee Underhill.

Harold Porr III
Village Administrator