

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE
OF BRONXVILLE HELD ON NOVEMBER 9, 2009 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
	James Staudt	Village Attorney

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WORK SESSION & EXECUTIVE SESSION

The meeting was called to order at 6:33PM, on motion of Trustee Bellitto, second by Trustee Poorman, and in attendance were Mayor Marvin, Trustee Bellitto, Trustee Poorman, Trustee Barton, Trustee Underhill, Village Administrator, Harold Porr and Village Attorney, James Staudt

The Trustees discussed the recent decline in parking revenues. The meeting agenda was reviewed. There was a discussion of the Kensington RFP.

At 7:34PM, on motion of Trustee Barton, second by Trustee Underhill, the Trustees entered Executive Session to discuss personnel matters in Village Court and also to seek legal advice on the day camp program.

At 8:09PM, on motion of Trustee Poorman, second by Trustee Barton, the Trustees re-opened the work session and entered into the public session.

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Mayor Marvin called the meeting to order at 8:12PM.

Mayor Marvin spoke about the three honorees – Richard Bunyan, Guido Mignardi and Maryann Urrico - of the evening. They have earned certificates of public service awards from NYCOM. All have given incredible service to the Village. They are professional, loyal and the residents honor them as well as the Trustees.

Mayor Marvin called up Maryann Urrico who has worked for the Village of Bronxville for 35 years. She commented that the residents appreciate her professionalism and kindness, Maryann knows everyone by address and she does a lot of morale building for the staff by making things special.

Mayor Marvin then asked Guido Mignardi to come up. He has been working for the Village for 30 years and is kind, loyal and appreciated by all residents. He introduced his wife, Allison, and his uncle Luigi who also works for the Village.

Finally, Mayor Marvin brought up Lt. Richard Bunyan who has served the Village for 25 years. Mayor Marvin thanked him for his competence and professionalism.

Chief Satriale congratulated all recipients on their awards. He then reported that Halloween was very quiet. He mentioned that larcenies are up and that the Village is not alone with this trend. The Village has joined forces with Yonkers and Tuckahoe. He urged residents to lock vehicles, not to leave valuables in their vehicles and that if they hear or see anything to call the police as soon as possible.

Superintendent of Public Works, Rocco Circosta, congratulated the honorees as well. He apologized to residents for the paving at 3AM in the central business district.

MAYOR'S REPORT

So much has happened since the last meeting, I do not know where to begin.

However, in sheer amount of time spent on an issue, it would be the Affordable Housing Settlement Agreement. Our public meeting from October 29th is now running on cable, as

to the status of the implementation of the agreement it appears to be in limbo due to the change in leadership coming at the County Executive level. I promise to stay on top of this because it is so important to the future of the Village.

- We held the recent Chamber of Commerce meeting at Village Hall and have been working with merchants, landlords, prospective merchants to help our business district. I will be visiting merchants this week with Executive Director, Ruth Wood, to remind merchants to keep their stores neat and remove the proliferation of paper signs, advertisement on store windows.
- Chief Satriale and I attended a wonderful event explaining initiatives to promote walking in small towns and villages. The Chief and I would like to work with the School and residents to encourage more of you to walk to school or to the business district.
- We will be repairing the wall at Sagamore and Avon Roads that was damaged in the July storm and we will have it done before winter is upon us.
- Many of you have asked about the wall and sidewalk on Palmer Avenue. That is County property and despite repeated calls from our Village and Yonkers, nothing has been done.
- Mr. Porr and I attended the Annual Fall School run by the Conference of Mayors and Municipal Officials. I found it very instructive. I went to the planning and zoning classes, met with the head of the Committee on Open Government to make sure we were doing things correctly at the Village and also attended a class on untapped revenues for municipalities. I think these will be helpful going forward.
- I also joined the Executive Committee of the Westchester Mayors' Association – working together with my colleagues on the Affordable Housing Stipulation.
- We continue to move forward on the refurbishment of Sagamore Park and Maltby Field and we are on schedule for spring repairs and renewal to these properties.
- We have invited State staffers down to Village Hall to train our staff on procedures to further professionalize our operations.
- We will be challenging the tax equalization rate determined by the NYS ORPS. In their infinite wisdom, they have decided that our home values rose 7.5% last year. Really frustrating, due to their incompetence, we will be incurring additional legal fees. This is another reason to keep valuation in the hands of local experts.
- To save time, money and to be a little more green we sent out only one tax bill this year in June with first half and second half stubs. However, since this is a departure from the traditional process, we are mailing a reminder post card in the next few weeks. If you cannot locate the stub, a check with your street address on it will suffice.
- We will be planting 30 new trees in the coming weeks and I want to thank Bronxville resident and young student Henry Blais for spearheading our Tree Donation Fund.
- Our Community Plan, redone about every 5 years, is finalized and will be placed on the web and hard copies available for review at Village Hall.
- I want to thank the Rotary Club for donating four new recycling containers that will be placed near the Bronxville School and on the West side.
- Village's own Janet DiFiore won re-election and Rob Astorino defeated Andy Spano for County Executive.
- Bill Fredericks appointed to Zoning Board replacing Guy Longobardo.
- We filmed a new addition of One Square Mile for cable TV. As a reminder, the Village channel is 74 on Cablevision and 47 if you have Verizon FIOS.

- I want to congratulate our four new Eagle Scouts in the Village: Elliott Bartsch, Austin Engros, Jonathan Sturr and Bradley Davies. I am in awe of their achievement.
- I want to congratulate our colleagues in Eastchester who won election - Anthony Colavita as Supervisor, Sheila Marcotte and Fred Salanitro. I look forward to continuing the very collaborative relationship we have with the Town Board.

TRUSTEE REPORTS

Trustee Bellitto reported on the Green Committee who met on October 29th. The group was very enthusiastic and talented. It included two students from the high school as well. Trustee Bellitto encouraged residents to join the committee and mentioned that the next meeting will be after Thanksgiving.

Citizens' Advisory Committee – this committee met on September 29th and has six new members. The guest speaker was Ruth Wood from the Chamber of Commerce who spoke about the state of the Village business district. Trustee Bellitto urged residents to use local merchants

Parking –Trustee Bellitto reported that revenues are better than last year for October.

Trustee Barton reported on the Department of Public Works and that they just paved Cedar Street and Wood End Lane. The paving is finished for the current year. There was no recycling on Wednesday due to the Veterans' Day holiday.

Financial – Trustee Barton reported that revenues are holding up pretty well even with the economic forces taking a toll on everything. Revenues and expenses are on target.

Trustee Poorman reported on the Library. She said that the CSEA negotiations have begun and the Library Board of Trustees has asked Village Administrator, Harold Porr, to negotiate on their behalf. The Village will give full back-up to the Library staff – professional or otherwise. Trustee Poorman reported that there are legal costs involved with these negotiations.

Chamber of Commerce – Trustee Poorman urged residents to shop at the new stores. She reported that on December 5th Santa will be coming to the Village and the Farmer's Market is open until November 25th.

Trustee Underhill reported that the Paddle Committee has done a fabulous job in getting this program going.

Kensington Road Project – Trustee Underhill reported that he has spent quite a bit of time speaking to several parties interested in this project. He is pleased with the interest and it is time to release the new Request for Proposal (RFP). The project has been approved by all Boards and local authorities. The Village will review the response and see where we go from there.

APPROVAL OF MINUTES

On motion of Trustee Bellitto, second by Trustee Poorman, the Board approved the minutes of the Regular Meeting on September 21, 2009, as drafted.

Mayor Marvin thanked Mike Frittola from Senator Jeffrey Klein's office for coming this evening.

NEW BUSINESS

RESOLUTION – Appoint Members of the Board of Assessment Review

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

BE IT RESOLVED that the Board of Trustees of the Village of Bronxville hereby appoints the following members of the Village of Bronxville Board of Assessment Review for terms commencing on the 1st day of October 2009:

- **Lisa Connors** for a two year term expiring on September 30, 2011
- **Christina Eldridge** for a three year term expiring on September 30, 2012
- **William W. Staudt** as an alternate for a three year term expiring on September 30, 2012
- **John Hill** for a 4 year term expiring on September 30, 2013
- **Stephen Howard** for a 5 year term expiring on September 30, 2014

RESOLUTION – 2009 SCAR Settlement

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

WHEREAS, Small Claims Assessment Review petitions having been filed by each property owner identified on the annexed schedules to this resolution challenging real property tax assessments on the Village's 2009 Final Assessment Roll.

WHEREAS, petitioners' court challenges are now pending in the Supreme Court, Arbitration Division, Westchester County,

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 Assessment Consultant to execute those proceedings marked "Settled" on behalf of the Village and School reducing the assessments to no less than the following amounts:

TYPE	Address	Original AV	Reduced AV	Reduction	Refund (Village)	Refund (School)	Total Refund
Decision	15 Locust Lane	2,160,000	2,160,000	Dismissed	\$ -	\$ -	\$ -
Settled	356 Pondfield Road	2,120,370	1,700,000	420,370	\$1,122.81	\$5,641.37	\$6,764.17
Settled	15 Crows Nest Road	2,195,092	1,700,000	495,092	\$1,322.39	\$6,644.13	\$7,966.53
Settled	5 Greenfield Avenue	1,650,370	1,350,000	300,370	\$802.29	\$4,030.97	\$4,833.25
Decision	40 Elm Rock Road	1,839,074	1,740,000	99,074	\$264.63	\$1,329.57	\$1,594.20
Decision	32 Sturgis Rd 6 & 7	3,546,759	3,546,759	Dismissed	\$ -	\$ -	\$ -
Decision	230 Pondfield Road	1,452,458	1,452,458	Denied	\$ -	\$ -	\$ -
Settled	22 Gladwin Place	4,467,592	4,250,000	217,592	\$581.19	\$2,920.08	\$3,501.27
Decision	45 Greenfield Avenue	1,689,815	1,600,000	89,815	\$239.90	\$1,205.32	\$1,445.21
Settled	20 Avon Road	3,305,555	2,995,000	310,555	\$829.49	\$4,167.65	\$4,997.14
Settled	45 Tanglewylde Avenue	1,950,000	1,800,000	150,000	\$400.65	\$2,013.00	\$2,413.65
Decision	9 Paradise Road	3,148,148	3,148,148	Withdrawn	\$ -	\$ -	\$ -
Settled	5 Middle Road	3,809,074	3,600,000	209,074	\$558.44	\$2,805.77	\$3,364.21
Decision	12 Paddington Road	3,703,703	3,600,000	103,703	\$276.99	\$1,391.69	\$1,668.68
				TOTAL:	\$6,398.77	\$32,149.56	\$38,548.32

RESOLUTION – Tax Certiorari Settlement – Bronxville Towers Apts. Inc.

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

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>
Bronxville Towers Apts. Inc.	Section 4 Block 1 Lot 11 Section 5 Block 3 Lot 1 & 1A	2005-2009

7 Tanglewylde & 22 Garden Avenue

WHEREAS, petitioners' 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>
2005	445,596	433,750	11,846
2006	445,596	416,600	28,996
2007	12,201,400	12,201,400	None
2008	12,201,400	12,201,400	None
2009	11,297,591	11,297,591	None

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2005	273,204	265,950	
2006	273,204	255,400	
2007	8,824,100	8,824,100	None
2008	8,824,100	8,824,100	None
2009	8,170,462	8,170,462	None

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2005	14,000	14,000	None
2006	14,000	14,000	None
2007	477,000	477,000	None
2008	477,000	477,000	None
2009	441,667	441,667	None

TOTAL: Village \$5,827 School \$31,156

RESOLUTION – Verizon Publication Education Grant

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

BE IT RESOLVED that the Board of Trustees authorizes the Village Treasurer to establish project # 20092010-0021-1110 Village Cable Systems Upgrade in the amount of \$5,000.00. The funding for this project is to come from the payment received as part of the Village's cable TV franchise agreement with Verizon FIOS.

RESOLUTION – Village Library CSEA Negotiations

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

BE IT RESOLVED that the Mayor is authorized to sign a stipulation agreement between the Village of Bronxville and the Village of Bronxville Library regarding the Taylor Law and negotiations with the Civil Service Employees' Association.

RESOLUTION – Professional Engineering Services, Flood Abatement

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

BE IT RESOLVED that the Board of Trustees authorizes the Mayor to sign an agreement with the engineering firm of J. Robert Folchetti & Associates. LLC, Somers, NY for professional engineering services to assist in the preparation of the Unified Hazard Mitigation Assistance (HMA) Program funding application for the Midland Valley Drainage Basin Flood Mitigation Project, as described in the attached proposal and fee schedule dated October 10, 2009.

RESOLUTION – Pitney Bowes

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

BE IT RESOLVED that the Mayor is authorized to sign a service level agreement with Pitney Bowes for maintenance of our postage machine.

RESOLUTION – Hudson Engineering & Consulting

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

WHEREAS, the Village of Bronxville has received a proposal for Traffic Signal Design Services from Hudson Engineering & Consulting P.C., 55 South Broadway, Tarrytown, NY, 10591 for the purposes of traffic signal design and intersection improvements at Kraft Avenue and Cedar Street, and

WHEREAS, such proposal includes the project description, the scope of work, the fee schedules, additional services, the terms and conditions and the exclusions and termination sections;

NOW, THEREFORE BE IT RESOLVED, that the Village of Bronxville Board of Trustees authorizes the Mayor to enter into agreement with Hudson Engineering & Consulting P.C., 55 South Broadway, Tarrytown, NY, 10591 for Professional Services related to traffic signal design and intersection improvements at contract amount of \$9,200 and in accordance with their proposal dated October 1, 2009.

Village Administrator, Harold Porr, commented that this is a complicated intersection and that it is best to get recommendations from the experts to achieve a much safer intersection. He commented that the BAMS lot is a work in progress. The Village received a request from Midland Gardens to have some residents use a few parking spots for a month or two. So the Village has allowed them to use ten spots for two months and is realizing \$1,000 for the Village.

Mayor Marvin commented that there are still 18 other parking spots for others to use.

RESOLUTION – Justice Court Examination

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

WHEREAS, the Uniform Justice Court Act requires that the Village Board of Trustees, as the auditing board of the Village, examines the records of the Justice Court, at least once per year, and

WHEREAS, the Board has delegated that responsibility to the Village Treasurer, as Accountant for the Justice Court, and

WHEREAS, the Treasurer has completed such examinations for the fiscal year ended May 31, 2009 and provided a copy of the report to the Trustees (attached), and

WHEREAS, the Board has examined this report and has determined that the fines therein collected have been turned over to the proper Village officials

NOW THEREFORE BE IT RESOLVED that the Village of Bronxville Board of Trustees acknowledges that the required examination was conducted, and be it further resolved that a copy of this resolution be forwarded along with a copy of the report to the NYS Office of Court Administration.

RESOLUTION – IMA for Disposal of Solid Waste and Recyclables

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

WHEREAS, the Village of Bronxville is presently a participant in the Westchester County Waste Disposal District, and

WHEREAS, the present Agreement has expired on October 21, 2009, but being honored by the County of Westchester and,

WHEREAS, the County of Westchester has prepared a new agreement for all the participants of the Solid Waste District that commences October 22, 2009 and will remain in effect for a period of ten years with an optional five year renewal, and

WHEREAS, County of Westchester has established the tipping fee for solid waste at an amount of \$ 25.00/ton through October 21, 2010, and will be subject to an adjustment factor equal to the Consumer Price Index for each year thereafter, and

WHEREAS, the County of Westchester will continue to accept recyclables at the specific transfer site at no cost to the Village and in accordance with Section 305 of the agreement;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Bronxville hereby authorizes the Mayor to enter into an Inter-municipal Agreement between the Village of Bronxville and the County of Westchester for the purposes of Solid Waste Disposal and Disposal of Recyclable Materials.

RESOLUTION – Sagamore Road Retaining Wall Project Replacement – Contract No. VM-0903

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

WHEREAS, bid specifications for Contract No. VM-0903 were prepared by the Department of Public Works and project engineer Hudson Engineering in accordance with local and State requirements and were duly advertised in the Journal News on October 9, 2009; and

WHEREAS, twelve bids were received and publicly opened on October 28, 2009; and

WHEREAS, Vernon Hills Contracting Inc, 305 N. Macquesten Parkway, Mount Vernon, NY 10550 submitted the lowest bid for the work specified: **\$91,634.00** (Ninety one thousand six hundred and thirty four dollars and zero cents); and

WHEREAS, the Superintendent of Public Works, Village Engineer and project consultant Hudson Engineering have reviewed all the submitted documentation and find that Vernon Hills Contracting Inc. meets all bid requirements.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Bronxville hereby awards Contract No. VM-0903 to Vernon Hills Contracting Inc, 305 N. Macquesten Parkway, Mount Vernon, NY 10550 at the price specified including the unit bid prices specified there in and authorizes the Mayor to enter into such contract on behalf of the Village of Bronxville.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Bronxville hereby authorizes funding of \$150, 000.00 (One hundred and fifty thousand dollars and zero cents) to complete Contract No. VM-0903, including engineering fees, barrier rental and project contingencies.

AND BE IT FURTHER RESOLVED that the Board of Trustees authorizes the Village Treasurer to create capital project #20092010-0022-5110 Sagamore Road Wall Replacement in the amount of \$150,000 to account for this work.

RESOLUTION - Set a Public Hearing on Proposed Local Law #4 - 2009 Imposing a Moratorium on Permits for Construction of Alternative Energy Structures

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

WHEREAS, the Village of Bronxville Board of Trustees wishes to promote the installation of Alternative Energy Structures in an environmentally sensitive manner; and

WHEREAS, the Village of Bronxville Board of Trustees is considering the enactment of a Local Law to implement a moratorium on the installation of solar panels, wind driven turbines and other Alternative Energy Structures while a study is conducted to determine how best to accommodate their installation while preserving the aesthetic character and environmental balance of the Village's neighborhoods; and

WHEREAS, the Village of Bronxville Board of Trustees has caused to be drafted a Local Law which would implement such a moratorium; and

WHEREAS, the Village of Bronxville Board of Trustees is desirous of receiving public comment on the proposed Local Law.

NOW THEREFORE, BE IT RESOLVED, that the Village of Bronxville Board of Trustees hereby schedules a Public Hearing to receive comment on the draft Local Law entitled "A Local Law to implement a moratorium regarding the installation of solar panels, wind driven turbines and other Alternative Energy Structures". Said Public Hearing will be held at the Bronxville Village Hall, 200 Pondfield Road, Bronxville, New York in the Village Board public meeting room on December 14, 2009 at 8PM where all interested parties will be heard; and

BE IT FURTHER RESOLVED that the Village's staff is hereby directed to publish and disseminate a Notice of this Public Hearing in accordance with applicable law.

Village Attorney, James Staudt, said the proposed law provides for a 180 day moratorium which is the legal standard. The Village will undertake the necessary studies and will offer legislation from these studies.

Village Administrator, Harold Porr, discussed the MTA payroll tax which is a non-funded mandate for employers who operate in the MTA region. It is a retro tax to be paid in three or four months. The Village has already paid \$13,920 since March. Employers that operate in New Jersey and Connecticut within the MTA region are exempt from this tax.

Trustee Barton asked if there is an annualized cost.

Village Administrator Porr responded that there is and it is about \$21K and that this was an unanticipated liability.

Mayor Marvin commented on the State pension fund being down 26% this year and that it must be made whole by municipalities. This would mean a 3% tax increase for the Village in the next budget cycle.

Trustee Underhill stated that the contribution rate is to increase by 68% (\$230K in one year).

Village Administrator Porr said that pension benefits cannot be changed going backwards but there will be changes made next year by New York State for future State and local government employees. He commented that the police and fire employees are more expensive than other employee types.

Mayor Marvin urged the residents to educate themselves on the State and local budgets and to become more aware as to what they are spending their money on.

PUBLIC COMMENTS –

Mr. Thomas Wolff, 230 Pondfield Road, commented on the mobility tax which became effective on November 2, 2009 and that if residents of New Jersey and Connecticut work in New York City, their employers are required to pay this tax. He stated that it is difficult to impose an excise tax on visitors.

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There being no further comments, the meeting was adjourned at 9:17PM by motion of Trustee Poorman, second by Trustee Bellitto.

Harold Porr III
Village Administrator/Village
Clerk