

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BRONXVILLE HELD ON MARCH 9, 2009 AT THE VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

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PRESENT:	Glenn D. Bellitto	Deputy Mayor
	William H. Barton, Jr. Anne W. Poorman Robert S. Underhill	Trustees
ALSO PRESENT:	Harold Porr III James Staudt Robert Fels	Village Administrator Village Attorney Village Treasurer
EXCUSED:	Mary C. Marvin	Mayor

WORK SESSION & EXECUTIVE SESSION

A work session meeting was held. The meeting was called to order at 6:42PM on the motion of Trustee Barton, and second by Trustee Poorman. In attendance were Deputy Mayor Bellitto, Trustee Barton, Trustee Poorman, Trustee Underhill, Village Administrator, Harold Porr, Village Attorney, James Staudt, and Village Treasurer, Robert Fels. The Board reviewed the agenda for the regular meeting. Treasurer Fels discussed the 2009-2010 village budget and various impacts and challenges facing the village as the budget is prepared.

On motion of Trustee Underhill and second by Trustee Poorman the Board entered into Executive Session at 7:21PM to discuss personnel issues in the village court, Teamsters negotiations, police personnel issues and Kensington project legal issues.

On motion of Trustee Underhill and second by Trustee Barton the Board ended Executive Session at 8:05PM.

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Deputy Mayor Bellitto called the meeting to order at 8:08 P.M. He announced that Mayor Marvin is travelling.

Trustee Barton introduced John Collins, a member of the Public Relations Committee for the Eastchester Irish American Social Club.

**PRESENTATION BY EASTCHESTER IRISH AMERICAN SOCIAL CLUB
RE: ST. PATRICK'S DAY PARADE**

John Collins was happy to announce the Eastchester Irish American Social Club, marking its 43rd anniversary, will be sponsoring the 5th Annual St. Patrick's Day Parade to take place on Sunday, March 15th, 2009, at 3:00 P.M., at which the Grand Marshal will be Mr. Eamon Fitzpatrick. The parade will feature eight Irish pipe bands, three marching bands, three school bands, a police motorcycle brigade, antique cars, Irish dancers and musicians from over fifty community groups. The parade route will start at Immaculate Conception Church, proceed north on Route 22, through Eastchester, and end at Lake Isle Country Club.

DEPUTY MAYOR'S REPORT

Two public safety incidents involving groups of youths that fought, one on February 7th, 2009 in front of Starbucks, and one on February 21st, 2009 on Meadow Avenue near the Bronxville School field, received lots of media coverage and email attention. In both instances, the Bronxville police responded in a rapid and exemplary fashion. As a result, for the past two weekends, the Bronxville police have increased their presence in the central business district.

The PTA Health & Wellness Committee sponsored a school meeting on alcohol and substance abuse by minors on Tuesday, February 24th, 2009, at which the mayor and chief of police were part of the panel. Some of the ideas discussed included a safe homes program in which parents pledge not to allow alcohol at home gatherings of minors, a mentoring program of high school athletes and an increase in communication between parents and teachers.

Trustee Bellitto attended a green meeting at Sarah Lawrence College on Saturday, February 28th, 2009, at which it was decided it would be a terrific idea to build on Eastchester's previously-scheduled green day by inviting all Bronxville, Tuckahoe and Eastchester residents to attend. There will be interesting lectures, ecological displays and hands-on demonstrations of easy ways to bring more green consciousness into our lives. This green day event will be held on Saturday, June 13th, 2009, at Eastchester Town Hall.

TRUSTEE REPORTS

Trustee Underhill reports that continuing work is being done on modifying a request for proposal (RFP) for the Kensington Road Project and the Trustees will be in touch with interested groups to gauge current levels of interest in the current environment.

Trustee Poorman announced that Swoozies, a stationery and paper goods store has opened in the space vacated by Blue Tulip at the corner of Pondfield Road and Cedar Street.

Trustee Poorman reminded to patronize Bronxville shops whenever possible for the personal attention, variety of goods and fair prices available.

The Bronxville Library will offer free, entertaining and intellectual programs such as Friday afternoon lectures in which authors will read from their books and answer questions about the writing process. The next event will be on Friday, March 27th, 2009, between 11:30 A.M. and 2:00 P.M., featuring Author Phoebe Damrosch.

The Bronxville Library will feature a fireside reading of the drama History Boys hosted by Peter Royal, Bronxville High School Drama Teacher, on Wednesday, March 25th, between 7:00 P.M. and 9:00 P.M.

The Bronxville Library will also feature a Cary Grant films series on Saturday, March 21st, 2009, at 2:00 P.M.

Trustee Barton reported that a fair Labor Agreement was entered into with the Department of Public Works.

Trustee Barton reported that the Village financial situation continues to be in good shape, with revenues at 68.85% and expenses at 62.86%.

APPROVAL OF MINUTES

On motion of Trustee Poorman, second by Trustee Barton, the Board approved the minutes of the Regular Meeting on February 9th, 2009, as drafted.

NEW BUSINESS

NEGATIVE DECLARATION: ADOPTION OF THE 2008 VILLAGE OF BRONXVILLE COMMUNITY PLAN

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

WHEREAS, a committee of the Village of Bronxville Planning Board updated the 2002 Community Plan during the fall of 2008; and

WHEREAS, pursuant to 6 NYCRR. §617.6(b)(1), the Village of Bronxville Board of Trustees is the SEQR Lead Agency for the proposed action; and,

WHEREAS, the trustees reviewed the Community Plan and held a public hearing on December 8th, 2008; and,

WHEREAS, the Trustees had completed Phase 1 EAF in December 2008 pursuant to the State Environmental Quality Review Act [“SEQR” (6 NYCRR. Part 617)]; and,

WHEREAS, the Trustees further reviewed and edited the plan in January 2009; and,

WHEREAS, the Trustees completed Part 2 of the EAF in February 2009; and,

WHEREAS, the Part 2 EAF has considered the relevant impact issues and determined that the proposed action will have no significant adverse impacts on the environmental conditions of the village;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Pursuant to SEQR, the Trustees hereby determine that the proposed action will not have a significant adverse effect on the environment and find that a Draft Environmental Impact Statement (DEIS) will not be prepared.

ADOPT THE VILLAGE OF BRONXVILLE COMMUNITY PLAN

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

WHEREAS, a committee of the Village of Bronxville Planning Board updated the 2002 Community Plan during the fall of 2008; and

WHEREAS, the Trustees reviewed the Community Plan and held a public hearing on December 8th, 2008; and

WHEREAS, the Trustees further reviewed and edited the plan in January 2009;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Bronxville hereby adopts the 2008 Community Plan.

RESOLUTION – Tax Ceriorari Settlement – Midland Gardens Owners

On Motion of Trustee Barton, second by Trustee Poorman, 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>
Midland Gardens Owners	Section 3 Block 3 Lot 1.A,1.B,1.C,1.D & 14.A Midland & Kraft Ave	2005-2008

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>
2005	1,576,780	1,529,470	47,310
2006	1,576,780	1,482,170	94,610
2007	51,044,900	51,044,900	None
2008	51,044,900	51,044,900	None

RESOLUTION – Tax Ceriorari Settlement – Rivermere Apartments Inc. –

On Motion of Trustee Poorman, second by Trustee Underhill, 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>
Rivermere Apartments Inc.	Section 21 Block 3 Lot 1 Lake Ave adjacent to railroad	2001-2008

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>
2001	400,000	400,000	None
2002	400,000	400,000	None
2003	400,000	400,000	None
2004	400,000	375,980	24,020
2005	400,000	376,060	23,940
2006	400,000	368,000	32,000
2007	11,266,800	11,266,800	None
2008	11,266,800	11,266,800	None

RESOLUTION – Tax Ceriorari Settlement – Gramatan Office Building –

On Motion of Trustee Underhill, 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 parcels:

<u>Property Owner</u>	<u>Address Description</u>	<u>Year(s)</u>
Gramatan Office Bldg.	Section 4, Block 1, Lots 1-5A.B etc (69-77 Pondfield Road)	2007-2008

WHEREAS, petitioner’s court challenges are now pending in the Supreme Court, Westchester County; and

WHEREAS, the Village and the property owner 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>
2007	7,266,500	6,557,250	709,250
2008	7,266,500	6,885,100	381,400

RESOLUTION – Tax Ceriorari Settlement – Normandy Homeowners Association –

On Motion of Trustee Poorman, 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>
Normandy Homeowners Assoc.	Section 6.H Block 4 Lot 29 Pondfield Rd.	2007-2008

WHEREAS, petitioner’s court challenges are now pending in the Supreme Court, Westchester County; and

WHEREAS, the Village and the property owner 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>
2007	452,200	402,200	50,000
2008	452,200	402,200	50,000

RESOLUTION – Tax Certiorari Settlement – Mosbacher Settlement Proposals –

On Motion of Trustee Barton, second by Trustee Poorman, 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>
Mosbacher et al	102 Pondfield Rd – SBL 4./3/10 28 Palmer Ave. - SBL 2./2/17 76 Pondfield Rd - SBL 4./2/5 94 Pondfield Rd - SBL 4/3/6 110 Pondfield Rd - SBL 4/3/14 8 Cedar St - SBL 4/3/17.A 100 Pondfield Rd - SBL 4/3/9	1992-2008

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>
102 Pondfield Rd – SBL 4./3/10			
1992	72,000	72,000	
1993	72,000	72,000	
1994	72,000	72,000	
1995	72,000	72,000	
1996	72,000	72,000	
1997	72,000	72,000	
1998	72,000	72,000	
1999	72,000	72,000	
2000	72,000	72,000	
2001	72,000	72,000	
2002	72,000	72,000	
2003	72,000	72,000	
2004	72,000	72,000	
2005	72,000	72,000	
2006	72,000	72,000	
2007	2,525,600	2,415,000	110,600
2008	2,525,600	2,415,000	110,600

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
28 Palmer Ave. - SBL 2./2/17			
1992	50,000	50,000	
1993	50,000	50,000	
1994	50,000	50,000	
1995	50,000	50,000	
1996	50,000	50,000	
1997	50,000	50,000	
1998	50,000	50,000	
1999	50,000	50,000	
2000	50,000	50,000	
2001	50,000	47,660	2,340
2002	50,000	44,300	5,700
2003	50,000	43,260	6,740
2004	50,000	41,215	8,785
2005	50,000	43,005	6,995
2006	50,000	41,590	8,410

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
76 Pondfield Rd - SBL 4./2/5			
1992	210,000	210,000	
1993	210,000	210,000	
1994	210,000	210,000	
1995	210,000	210,000	
1996	210,000	210,000	
1997	210,000	210,000	
1998	210,000	210,000	

1999	210,000	210,000	
2000	210,000	210,000	
2001	210,000	210,000	
2002	210,000	210,000	
2003	210,000	205,920	4,080
2004	210,000	190,230	19,770
2005	210,000	193,060	16,940
2006	210,000	186,080	23,920

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
94 Pondfield Rd - SBL 4/3/6			
1992	100,000	100,000	
1993	100,000	100,000	
1994	100,000	100,000	
1995	100,000	100,000	
1996	100,000	100,000	
1997	100,000	100,000	
1998	100,000	100,000	
1999	100,000	100,000	
2000	100,000	100,000	
2001	100,000	100,000	
2002	100,000	100,000	
2003	100,000	100,000	
2004	100,000	100,000	
2005	100,000	100,000	
2006	100,000	100,000	

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
110 Pondfield Rd - SBL 4/3/14			
1992	182,000	182,000	
1993	182,000	182,000	
1994	182,000	182,000	
1995	182,000	182,000	
1996	182,000	182,000	
1997	182,000	182,000	
1998	182,000	182,000	
1999	182,000	182,000	
2000	182,000	182,000	
2001	182,000	182,000	
2002	182,000	182,000	
2003	182,000	182,000	
2004	182,000	182,000	
2005	182,000	182,000	
2006	182,000	182,000	

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
8 Cedar St - SBL 4/3/17.A			
1998	28,700	28,700	
1999	28,700	28,700	
2000	28,700	28,700	
2001	28,700	28,700	
2002	28,700	28,700	
2003	28,700	28,700	
2004	28,700	28,700	
2005	28,700	28,700	

2006	28,700	28,700	
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<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
100 Pondfield Rd - SBL 4/3/9			
1996	33,500	10,325	23,175
1997	33,500	9,425	24,075
1998	33,500	9,340	24,160
1999	33,500	7,990	25,510
2000	33,500	7,200	26,300
2001	33,500	6,475	27,025
2002	33,500	5,650	27,850
2003	33,500	5,200	28,300
2004	33,500	4,660	28,840
2005	33,500	4,575	28,925
2006	33,500	4,290	29,210
2007	367,800	125,000	242,800
2008	367,800	125,000	242,800

RESOLUTION - MIS Sciences Corporation Agreement

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

BE IT RESOLVED that the Board of Trustees authorizes the Mayor to enter into a contract with MIS Sciences of Burbank, CA, to provide eAlert services to the Village of Bronxville per the attached fee schedule. The service will include the ability to send important email or text message notifications from the Administration and/or Police Department to interested individuals from any computer with internet access and the proper user authentication and authorization.

FEE SCHEDULE MIS SCIENCE EALERT

MIS Sciences Monthly Fee: \$30.00
MIS Sciences Yearly Fee: \$360.00

RESOLUTION - Ratification of Agreement between Village of Bronxville and Local 456 of the Teamsters Union

On motion of Trustee Barton, 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 enter into a 3-year agreement with the Village employees represented by Local 456 of the Teamsters Union for a 3-year agreement in the attached stipulation.

1. Duration: Three (3) years – June 1, 2008 through May 31, 2011.
2. Time Clocks: The Union agreed that we may implement time clocks.
3. Wages: They will receive the same increases as agreed to by the PBA:

June 1, 2008 3.85%
June 1, 2009 3.85%
June 1, 2010 4.0%

PROPOSED PUBLIC HEARINGS

Snow & Ice Removal

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

WHEREAS, the Board of Trustees of the Village of Bronxville requested Village Counsel to draft a local law revising the Streets and Sidewalks Law of the Village (Chapter 260) to require removal of snow and ice from all sidewalks intended for the public use of pedestrians; and

WHEREAS, having received proposed Local Law No.1 - 2009, the Board is prepared to hold a public hearing on such proposed law,

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. A public hearing on proposed Local Law No.1 - 2009 will be held on Monday, April 13th, 2009 at 8:00 P.M. at the Village Hall located at 200 Pondfield Road, Bronxville, NY.
2. The Village Board directs that all requisite notices be published in accordance with applicable laws and regulations.

Parking Meter Time Limits

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

WHEREAS, the Board of Trustees of the Village of Bronxville requested Village Counsel to draft a local law revising the Traffic and Vehicle Law of the Village, Chapter 290, by limiting parking to two hours at parking meters on certain streets; and

WHEREAS, having received proposed Local Law No. ____ - 2009, the Board is prepared to hold a public hearing on such proposed law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. A public hearing on proposed Local Law No. ____ - 2009 will be held on Monday, April 13th, 2009 at 8:00 P.M. at the Village Hall located at 200 Pondfield Road, Bronxville, NY.
2. The Village Board directs that all requisite notices be published in accordance with applicable laws and regulations.

PUBLIC COMMENTS –

William Rizzo, a resident of Bronxville, was concerned about a police car chase through Eastchester, Tuckahoe and Bronxville in which the perpetrator was ultimately apprehended in his neighborhood. He reported that a bullet found its way into the living room of a neighboring home and felt such conduct was reckless. Not being fully aware of what transpired and not wanting to prejudge the Bronxville Police Department, he requested more information about the event.

Deputy Mayor Bellitto reported that his belief is that the suspect rushed a police officer in an attempt to run the officer over. Police departments from Bronxville, Eastchester and Yonkers were present. To prevent potential injury to a police officer, a Yonkers police officer fired a shot and, unfortunately, it went into the home.

Mr. Rizzo felt that if the suspect was, in fact, using his vehicle as a deadly weapon, then the police action was appropriate. However, if the shot was fired only in an attempt to stop the suspect's vehicle, then he has a problem with it, as there are other ways to stop a vehicle.

Deputy Mayor Bellitto reports that a full, ongoing investigation is being conducted and, as liaison to the police force, he would personally keep Mr. Rizzo informed, let him know exactly what's going on and how it is resolved.

Mr. Rizzo expressed appreciation at being kept apprised by Deputy Mayor Bellitto.

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There being no further comments, the meeting was adjourned at 8:47 P.M. by motion of Trustee Poorman, second by Trustee Barton.