

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BRONXVILLE HELD ON JULY 13, 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

ALSO PRESENT: Harold Porr III Village Administrator
James Staudt Village Attorney

EXCUSED: Robert S. Underhill Trustee

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WORK SESSION & EXECUTIVE SESSION

The meeting was called to order at 6:37PM, on motion of Trustee Bellitto, second by Trustee Barton, and in attendance were Mayor Marvin; Trustee Bellitto; Trustee Poorman; Trustee Barton; Village Administrator, Harold Porr and Village Attorney, James Staudt.

The Trustees discussed the capital improvement program for 2009/2010 and reviewed the meeting agenda.

At 7:10PM, on motion of Trustee Poorman, second by Trustee Barton, the Trustees entered Executive Session to discuss personnel matters in Village Court, potential litigation regarding certiorari matters, and legal advice on the Kensington Project RFP.

At 8:00PM, on motion of Trustee Bellitto, second by Trustee Poorman, 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 8:09PM.

Mayor Marvin told the public that counsel needed to leave for another meeting and that some business needed to be taken care of before he left.

RESOLUTION – Consultant Contract with Iagallo Appraisal/Geographic Service LLC

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

WHEREAS, Iagallo Appraisal / Geographic Service L.L.C. (“Iagallo Appraisal”) is in the business of providing real property appraisal services and Geographic Information System services, and has extensive experience providing such services to municipalities; and

WHEREAS, it is in the best interests of the Village to engage Iagallo Appraisal as an independent consultant who will provide appraisal, Geographic Information System and related services to the Village,

NOW, THEREFORE, BE IT RESOLVED, that Board of Trustees of the Village of Bronxville authorizes the Mayor to sign an agreement with Iagallo Appraisal / Geographic Service L.L.C. for various consulting services outlined in the attached contract at a rate of \$105 per hour.

RESOLUTION – Paddle Tennis Pro Contract

Mayor Marvin commented that this was brought to the Village by the Paddle Tennis Committee in the hopes of getting more people involved in paddle. She reminded residents that they must have a permit to participate.

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

WHEREAS, Rodrigo Schtscherbyna is a PPTA certified platform tennis professional who has many years of experience in paddle and tennis instruction; and

WHEREAS, the Village Board has determined that it is in the Village's best interest to engage Schtscherbyna as an independent contractor who will provide paddle tennis instruction at the Village's paddle tennis facilities to persons holding valid paddle tennis permits issued by the Village; and

WHEREAS, for each hour of instruction conducted, Schtscherbyna shall pay the Village \$10,

NOW, THEREFORE, BE IT RESOLVED, that Board of Trustees of the Village of Bronxville authorizes the Mayor to sign an agreement with Rodrigo Schtscherbyna to provide paddle tennis instruction at the Village's paddle tennis facility as outlined in the attached contract for which Schtscherbyna shall pay the Village \$10 for each hour of instruction.

RESOLUTION – Insurance Broker Services

Mayor Marvin told residents that this is part of the continued program to look at the budget and shop around for services. This represents a savings of almost \$25,000 for the Village.

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

BE IT RESOLVED that the Board of Trustees authorizes the Mayor to enter into an agreement with Arthur J. Gallagher Risk Management Services of White Plains, NY for insurance broker services for the Village of Bronxville as per the attached agreement.

MAYOR'S REPORT

So much has happened since our June meeting that I will just report in chronological order.

The Tuckahoe, Bronxville and Eastchester joint fundraiser to help ECAP was a huge success and showed how well our three communities can work together to help one of our own – great template for future inter-municipal cooperation.

The Passport Day at Village Hall on the 15th where we requested the County Passport Mobile for the one stop ease of processing brought many Villagers so we will certainly request it again.

Trustee Poorman and I along with Trustee Barton, who was also lucky to have the dual role of parent of a graduate, attended the High School graduation. In spite of the weather causing it to have to go indoors, it was as beautiful as ever. Bronxville really knows how to do a graduation.

Trustee Poorman and Deputy Mayor Bellitto will speak about the Chamber events, concerts and the Green Day that also took place in this time frame.

The three Garden clubs held their joint tour – again the bad weather affecting the level of participation but it was expertly run and had all three of our garden groups teaming up to raise funds all going to beautify the Village. Speaking of beautifying the Village, we were notified that we received a grant in the amount of \$175,000 through the efforts of Assemblywoman Paulin's office to refurbish, landscape and make accessible Sagamore Park.

All 100+ second graders came to Village Hall for a visit and tour. Based on the quality of their questions, we can have great confidence in the next generation. Though as hard as I tried, I lose out based on interest and popularity to the chief and his police car and jail cell tour.

The Bronxville Senior Class also did their special day at Village Hall where they learn skills helpful to them going forward such as changing a flat tire, setting up checking accounts, emergency medical techniques – very helpful information. I hope it becomes a

tradition that they hold it at Village Hall because I would like to have as many community members as possible enjoying this building.

And then came the storm.....

The Police Chief, Rocco, Mr. Porr and myself were sadly frustrated yet again at the speed of response from Con Edison. Sadly, we all really have to yell and scream for the service we deserve.

The first twelve hours post storm we saw no trucks in the Village and did not get a rep assigned to us until 3PM the afternoon following. All the promises made to us following the last Con Edison blackout were not followed through on. The Chief, Rocco and I are meeting with some senior management next week to express our disapproval.

It is quite frustrating because we have very little recourse. For example after the last storm, the Trustees wrote a strong letter to the Public Service Commission (PSC) – along with many other communities resulting in an unprecedented fine of \$5 million – but ultimately you and I paid for it in our bills.

This time, I just wrote to the Chairman notifying him that we as a Village will be offsetting our unnecessary overtime expenses generated due to their slow response against our municipal power bill – at least we will get their attention. Their service is a classic example of the negative effects of a monopoly.

I toured the Village with members of our staff and the damage was widespread and extensive.

As a result of the storm, portions of a retaining wall on Sagamore Road collapsed, approximately 50 mature trees were lost throughout the Village, several dozen cars destroyed or damaged and several houses damaged. Most importantly, no one was hurt. I want to thank the entire Village Hall team especially our police, public works and engineering departments for working round the clock. People literally came back from their vacations and stepped in.

A point of levity - one of my friends that I often meet in town said in good Bronxville fashion, we lost 250 year old trees but not one of our trusty parking meters.

I also want to thank the residents for their patience and understanding as we sorted through this together.

In light of the necessity for clean-up, we have temporarily relaxed the ban on leaf blowers and have allowed weekend clean-up work and will be picking up curbside small size debris for the next few weeks.

First true emergency we used our e-alert system and residents said it was helpful in getting the little information we had from Con Edison to the residents.

Finally, as is tradition, there will be no August Trustee meeting so we will meet here again on September 14th.

Trustee Underhill was travelling and not able to attend so Mayor Marvin gave his report. Upon his recommendation and that of many other real estate and legal professionals, we are not sending out the RFP for the Kensington Project at this time. Rather, Trustee Underhill and Mr. Porr are testing the waters and meeting individually with any potential developer and gauging their level of interest, commitment and solvency. We will resume the discussion about timing at the September meeting.

TRUSTEE REPORTS

Trustee Bellitto reported that the Green Day that took place on June 13th at the Eastchester Town Hall was a terrific event and is hopeful that with continued collaboration more events on green issues will occur.

Police – Trustee Bellitto reported that felonies were down for the month.

Parking –Trustee Bellitto reported that revenues were higher than budget.

Trustee Barton commented on the remarkable performance of the Department of Public Works staff in the clean up after the storm of July 7th. He wanted to make sure that the staff knows how much they are appreciated for all they do.

Public Works – Trustee Barton reported that there will be resurfacing of streets starting soon and should be finished by September.

Financial – Trustee Barton reported that the Village is doing a better job on the expenses than with revenues compared to the fiscal year.

Trustee Poorman reported on the Chamber of Commerce. The summer band concert series will continue. The inaugural event was held in June. The concert in August will be on the 27th and on Park Place. The Farmer's Market continues on Saturday mornings until November. Also, the traditional band concerts on the School lawn will continue on Wednesday evenings in July at 8PM.

APPROVAL OF MINUTES

On motion of Trustee Bellitto, second by Trustee Barton, the Board approved the minutes of the Regular Meetings on May 11, 2009 and June 8, 2009, as drafted.

PUBLIC HEARING

On motion of Trustee Barton, second by Trustee Poorman, the Board opened the public hearing at 8:35PM. There was no public comment.

2009-2010 Capital Improvement Program (CIP)

Village Administrator, Harold Porr, said that the bulk of the money is going to the Department of Public Works. The original proposed budget was \$839,000 but it has been reduced to \$797,500, which is the lowest the Village has had in years.

On motion of Trustee Poorman, second by Trustee Barton, the Board closed the public hearing at 8:40PM.

RESOLUTION - Capital Improvement Program

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

BE IT RESOLVED that the Board of Trustees of the Village of Bronxville adopts the 2009/2010 five year capital improvement program as attached.

On motion of Trustee Barton, second by Trustee Poorman, the Board opened the public hearing at 8:36PM.

Proposed Local Law #2 - To revise the Traffic and Vehicle Law of the Village of Bronxville, NY, Chapter 290, by adding a designated area in which parking is permitted within specific time limits

Village Administrator, Harold Porr, reported that this has been in effect and monitored by the Chief of Police, who has reported it has been working very well.

Trustee Poorman recused herself from this vote and discussion as it pertains to her neighborhood.

Mayor Marvin said that this hearing is dealing with a street that has huge abuse but that the Village must look at on street parking globally. There may be some streets that may have to go to 6 hour parking. We cannot provide free parking for commuters. She asked residents to think about this.

There was no public comment.

On motion of Trustee Bellitto, second by Trustee Barton, the Board closed the public hearing at 8:38PM.

RESOLUTION – Local Law #2: Revise the Traffic and Vehicle Law, Chapter 290, by adding a designated area in which parking is permitted within specific time limits

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

BE IT ENACTED by the Board of Trustees of the Village of Bronxville as follows:

Section One. Section 290-29 of Chapter 290 of the Code of the Village of Bronxville is hereby revised by the addition the following subsection:

Park Avenue, on the east side, between Tanglewylde Avenue and Sycamore Street, for a period not to exceed three hours from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Section Two. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Three. This local law shall take effect immediately upon filing with the Secretary of State.

On motion of Trustee Poorman, second by Trustee Barton, the Board opened the public hearing at 8:40PM.

Proposed Local Law #3 - To revise the Traffic and Vehicle Law of the Village of Bronxville, NY, Chapter 290, by adding two designated stop intersections

There was no public comment.

On motion of Trustee Poorman, second by Trustee Bellitto, the Board closed the public hearing at 8:42PM.

RESOLUTION – Local Law #3: Revise the Traffic and Vehicle Law, Chapter 290, by adding two designated stop intersections

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

BE IT ENACTED by the Board of Trustees of the Village of Bronxville as follows:

Section One. Section 290-15 of Chapter 290 of the Code of the Village of Bronxville is hereby revised by the addition of two designated stop intersections as follows:

Stop Street	Through Street	Location of Sign
Hemlock Road	Studio Lane	On south corner
Hawthorne Road	Studio Lane	On south corner

Section Two. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Three. This local law shall take effect immediately upon filing with the Secretary of State.

NEW BUSINESS

RESOLUTION – Tax Certiorari Settlement – Milburn Realty Corp.

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>
Milburn Realty Corp.	Section 2 Block 2 Lot 3.A <i>39 Milburn Street</i>	2007-2009

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>
2007	4,333,600	2,500,000	1,833,600
2008	4,333,600	2,250,000	2,083,600
2009	3,436,000	2,250,000	1,186,000

RESOLUTION – Tax Certiorari Settlement – Studio Arcade LLC

On motion of Trustee Bellitto, 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>
Studio Arcade LLC 2001-2009	Section 11 Block 4 Lot 1 <i>Pondfield West & Lake Ave</i>	

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	200,000	200,000	-
2002	200,000	192,100	7,900
2003	200,000	187,200	12,800
2004	200,000	177,175	22,825
2005	200,000	183,000	17,000
2006	200,000	180,075	19,925
2007	5,650,200	5,500,000	150,200
2008	5,650,200	5,500,000	150,200
2009	5,231,666	5,000,000	231,666

The Mayor noted that we also settled a case resulting in the petitioner receiving no refund.

RESOLUTION – General Fund Budget 2008/2009 – Senator Klein Grant

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

BE IT RESOLVED that the Board of Trustees authorizes the Village Treasurer to amend the Village’s General Fund Budget for the 2008/2009 fiscal year to account for the State grant received in the amount of \$25,000.00 to fund two traffic studies. The Mayor thanked the Senator for his continued support.

Increase \$25,000.00	A.3089000	State Aid – Other
Increase \$25,000.00	A.1924500	Consulting Engineer

RESOLUTION – NYS Parks Grant

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

BE IT RESOLVED that the Board of Trustees authorizes the Village Treasurer to amend project #20082009-0037-5110 Village Parks Improvements by \$25,000.00 (from \$27,000.00 to \$52,000.00) to account for the use of the NYS grant received.

Mayor Marvin commented that this grant was received through the assistance of Assemblywoman Amy Paulin, who the Mayor thanked for her help.

RESOLUTION – IMA for Street Resurfacing & Repairs for Asphalt Concrete

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

WHEREAS, the Village of Bronxville, Village of Tuckahoe and the Town of Eastchester have jointly released bids for Street Resurfacing, and

WHEREAS, the Town of Eastchester has publicly advertised and received bids for said Contract, and

WHEREAS, Intercounty Paving Associates LLC of 385 West John Street, Hicksville, N.Y. was the low bidder for this Contract at the unit prices described below:

Item # 1 – Asphalt Concrete Top	\$ 90.90 per ton
Item # 2 – Key Cut Castings	\$ 194.00 ea.
Item # 3 - Adjust Manholes	\$ 485.00 ea.
Item # 4– Roto Milling	\$ 3.50 per s.y.
Item # 5- Line Striping	\$.50 per l.f.
Item # 6 – Asphalt Surcharge for night resurfacing	\$7.50 per ton
Item # 6A – Roto Milling Surcharge for night work	\$1.60 per s.y.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Mayor to execute an Inter-Municipal Agreement with the Town of Eastchester and the Village of Tuckahoe for resurfacing and repairing of various streets located within the Town and Villages in accordance with the attached document.

The Mayor noted that this inter-municipal cooperation results in a substantial monetary savings.

RESOLUTION – IMA for Scout Field

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

BE IT RESOLVED the Board of Trustees of the Village of Bronxville authorizes the Mayor to enter into an agreement with the Westchester County Parks Department for the

use of Scout Field by the Village of Bronxville for a 6 month period commencing June 1, 2009 and terminating on December 31, 2009.

RESOLUTION – IMA for RICI System (Repository for Integrated Criminalistic Information)

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

WHEREAS, Westchester County has implemented a system called Westchester County Repository for Integrated Criminalistic Information (“RICI System”) to allow for the electronic transmission and storage of criminal record and police blotter information; and

WHEREAS, the information is stored chronologically on a central computer maintained by the County and is shared by multiple law enforcement agencies having access to the system; and

WHEREAS, the Village is desirous of obtaining access to the RICI System and receiving supplemental computer services from the County;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is authorized to execute the inter-municipal agreement with Westchester County to obtain access to the RICI System, which agreement was transmitted to the Village by letter dated July 7, 2009, from Constance Sirena of the Westchester County Department of Public Safety.

RESOLUTION – Tree Maintenance (Contract No. 0901)

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

WHEREAS, Bid specifications for Contract No. 0901 were prepared by the Department of Public Works in accordance with local and State requirements ; and

WHEREAS, one bid was received and publicly opened on July 7, 2009; and

WHEREAS, Almstead Tree and Shrub Care Co. of 58 Beechwood Avenue, New Rochelle, N.Y. submitted the following unit price bids for the work specified:

Item 1 – Foreman	\$ 34.75/ hr.
Item 2 – Trimmers	\$ 30.48/ hr.
Item 3 – Groundsman	\$ 29.42/ hr.
Item 4 – Debris Disposal	\$ 12.00/ cy.
Item 5 – Aerial Truck/w Chipper Box	\$ 20.63/ hr.
Item 6 – Brush Chipper	\$ 8.10/ hr.
Item 7 – Stump Grinder	\$ 4,19/dia. in.
Item 8 – Prentice Loader	\$ 31.25/ hr.
Item 9 – Dump Truck	\$ 11.30/ hr.

WHEREAS, the Superintendent of Public Works has reviewed all the submitted documentation and finds that Almstead Tree and Shrub Care Co. meets all bid requirements and is the lowest responsible bidder.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Bronxville hereby awards Contract No. 0901 to Almstead Tree and Shrub Care Co. of 58 Beechwood Ave., New Rochelle, N.Y. at the unit bid prices specified and authorizes the Mayor to enter into such contract such contract on behalf of the Village of Bronxville.

As a result of the competitive bidding, Village tree maintenance costs are lower than they were five years ago.

RESOLUTION - Justice Court Grant

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 Justice Court to apply for a 2009/2010 grant for a security system and

furniture in the Court offices as well as the Main Office, the Mayor's office and the Court Room from the State of New York for an amount of up to \$30,000. This grant is to be filed by August 2009.

PUBLIC COMMENTS –

Maureen Curran, 100 Parkway Road, spoke about the letter from Senator Oppenheimer received by residents regarding bill 1706a, which would value coops in the same manor as single family homes. She was concerned about the Town Report article that if this is passed it will affect Westchester County only and Bronxville in particular.

Mayor Marvin said that the bill was pulled by Senator Oppenheimer and will not be on the docket for this year. She said that the Village's recent revaluation valued properties under current NYS law and that the bill, if passed, would change the method of valuation affecting the Village's tax roll.

Ms. Curran wanted to know if the residents should begin looking at this in January of 2010 and why only Westchester would be affected.

Mayor Marvin said that they should keep an eye out for this in January. This bill wants a co-op valued on sale price and not on rental potential. It certainly will change the valuation of commercial properties.

Village Administrator, Harold Porr, said that Westchester is affected because that is the way the bill was written.

James Kroulis, 78 Parkway Road, thanked the Mayor for keeping residents in the loop with regard to Metro North. He realizes that maintenance needs to be done. He thought that maybe a stimulus payment to Metro North might be the answer.

Mayor Marvin thanked him for his input and said she hopes that residents will continue to give it. This is a case of constantly keeping concerns on the front burner.

Mr. Kroulis asked about the status of the appropriation from the County with regard to the flooding issue.

Mayor Marvin said some communities have made it through the first round, Bronxville did not. So, the Village is re-crafting the application.

Village Administrator, Harold Porr, commented that the Village needs to link any money we get with a County asset. This is done by tying our projects to a County asset, for example, the Bronx River. He commented that the Village needs to be more persuasive.

Mr. Kroulis asked if a commercial property has vacancies if this was a trigger for a tax certiorari. He also asked what happens when the increase of the profit goes into that building when tenants eventually move in.

Mayor Marvin said that most of the tax certioraris are from back settlements. So assessments for the current year are not affected. She was not positive going forward how this will work.

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There being no further comments, the meeting was adjourned at 9:24PM by motion of Trustee Barton, second by Trustee Poorman.

Harold Porr III
Village Administrator/Village
Clerk