

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
BRONXVILLE HELD ON MAY 9, 2011 AT THE VILLAGE HALL, 200 PONDFIELD ROAD,
BRONXVILLE, N.Y.**

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PRESENT: Mary C. Marvin Mayor
Robert S. Underhill Trustees
William H. Barton, Jr.
Anne W. Poorman
Donald M. Gray

ALSO PRESENT: Harold Porr III Village Administrator
Joanna Feldman Associate of Village Attorney

WORK SESSION & EXECUTIVE SESSION

The meeting was called to order at 6:34PM on the motion of Trustee Poorman, second by Trustee Gray. In attendance were Mayor Marvin, Trustee Underhill, Trustee Poorman, Trustee Barton, Trustee Gray, Village Administrator Porr, and Village Attorney Staudt.

On motion of Trustee Underhill, second by Trustee Poorman, the Board entered into Executive Session at 6:36PM to discuss personnel matters in the Village Court, to discuss preparations for PBA/Teamster labor contract negotiations and to discuss real estate matters.

On motion of Trustee Barton, second by Trustee Underhill, the Board closed the Executive Session at 7:34PM and re-opened the work session.

Village Administrator, Harold Porr, reviewed the meeting agenda.

Village Engineer, Vincent Pici, discussed issues in regards to a possible capital improvement program for 2011/2012.

Along with Village Attorney, James Staudt, the Board discussed the 117 Pondfield Road Village project.

At 8:07PM on motion of Trustee Poorman, second by Trustee Gray, the Trustees entered into the public session.

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Mayor Marvin called the meeting to order at 8:09PM.

MAYOR'S REPORT

This past month has been pretty much all about the budget. Last Tuesday, after months of work, we adopted a budget with a tax levy increase of 3.56%. This number turns out ironically to be almost exactly the amount of the pension cost increase that we received from the State. Quite frighteningly, employee benefits now comprise a staggering 34.4% of your Village tax bill. Clearly this cannot continue.

We only arrived at the 3% number by leaving a police officer position vacant, unfunding two positions in the Department of Public Works, and eliminating two full time positions – one in parking and another in our administrative office. In the last four years, we have trimmed the workforce by 15%.

To translate into real dollars, the Village will collect \$7,912,956 from taxpayers to run the Village in the next budget cycle, approximately 15% of your Village tax bill. If your taxes averaged approximately \$30,000 last year, you will see a \$356 increase in your next year's bill.

At the local level, we truly did the best we could – now it is up to our elected officials at the State level to reform these benefit packages and unfunded mandates that are crippling local governments.

In other news, probably of less import but still central to running Village government, we have interfaced with the County a great deal on two matters - one to ensure that the water purifying project currently under construction at Scout Field would have no deleterious effects on the school – the good news is in fact it will have a flood mitigation effect as a component part.

We are also negotiating with the County over an inter-municipal agreement for use of Scout Field so our school and day camp can be assured of continued usage. In prior agreements, the Village seemed to get 50% of the usage and 100% of the associated costs so we are in the process of negotiating a more equitable agreement. In that same vein, Village Administrator Porr attended the Bronx River Conservancy meeting on behalf of the Village to keep us abreast as to any future County plans and he also attended a meeting just today chaired by Nita Lowey with the Army Corp of Engineers and the State's Department of Environmental Conservation to learn of any State or Federal initiatives that may help us.

We continue to negotiate with our police and library unions to craft new contracts. Everything is quite cordial and moving forward.

Village Administrator Porr and I attended the annual League of Women Voter's luncheon which this year honored our so deserved Village residents Vicki and Si Ford. We also attended a very informative seminar for County officials hosted by our labor attorneys. They discussed very serious subjects such as how communities are considering bankruptcies to get out from under onerous labor contracts. I was elected Treasurer of the Westchester County Municipal Officials Association and this group will be meeting this coming week with County Executive Astorino.

Our staff is gearing up for the annual Memorial Day parade. Since Eastchester is holding its parade the Saturday before instead of on Memorial Day, as was tradition, we are the beneficiaries of more groups including music and most importantly the marching of local veterans. Great collaboration with our friends in Eastchester – benefit both parades.

I know that our Village Court Liaison Trustee Poorman will speak in greater detail on the subject, but we bid goodbye on Friday to our Court Clerk and Village resident, Maryann Palermo. She has decided to go back into legal practice in the City. We certainly understand, but what a loss to Village government. She was beyond terrific and such a smart and special presence in Village Hall.

Just as a point of information, some of you have asked why the new street light at Kraft Avenue and Cedar Street has the overhead component, missing say from the Midland Avenue and Pondfield Road intersection. This is mandated by State law – any new traffic control signal you see in the State must be of this overhead type. We have tried to make the color as well as the plantings as attractive as possible and blend in with the beautiful architecture of St. Joseph's Church.

And finally, on an extremely sad note, our other Court Clerk and Village employee, Susan Ricci, who handled so much of the parking duties and interfaced with our residents so cheerfully on a daily basis lost her battle with cancer and died yesterday at Calvary Hospital. She handled her illness with such bravery and dignity and was an inspiration to all of us at Village Hall. She will be so very missed.

TRUSTEE REPORTS

Trustee Underhill encouraged residents to patronize the Wine Emporium in the Village. The owners have been extremely good to all and the recent death of Alfredo is a tragedy.

Trustee Barton reported on the Department of Public Works and that this Saturday, May 14th from 10AM – 2PM the County shredder will be at the high school.

Trustee Gray said that he is the new liaison for the Green Committee and that he will have a report next month.

Trustee Poorman reported on the Library and urged residents to fill out the survey and return it as soon as possible. This survey will help the Library Board apportion funds, upgrade/purchase computers, satisfy the music/cd collection and offer valuable programs. If there is no resident response, the Library Board will have to rely on the non-resident responses.

Trustee Poorman gave the police report. She urged residents to stay off their cell phones and not text while they are driving.

She also reported that Maryann Palermo left last Friday so that she could pursue her law career in New York City. She sifted through old files and captured revenue. Mrs. Palermo was instrumental in applying for grants. She provided a sense of humor and warmth to the Parking/Court offices.

APPROVAL OF MINUTES

On motion of Trustee Underhill, second by Trustee Poorman, the Board approved the minutes of the Regular Meeting on April 11, 2011 as well as the Special Meeting/Budget Workshops on April 5, 2011, April 20, 2011 and April 26, 2011.

APPOINTMENT TO BOARDS AND COMMITTEES

To the **Ethics Board** – John W. Priesing and Wendy Riggs reappointed for two year terms to 2013.

To the **Planning Board** – Randolph Mayer appointed for a five year term to 2016.

PUBLIC HEARING

PROPOSED LOCAL LAW #4-2011

At 8:29PM, on motion of Trustee Gray, second by Trustee Barton, the Board opened the public hearing for Proposed Local Law #4-2011.

Mayor Marvin said that this committee is advisory in nature. They have three members and at times it is hard to get everyone together. The current committee members felt it would be better to have an alternate.

Trustee Underhill commented that it is important to support the businesses with the proper staffing to allow the review of these reports.

Mr. Thomas Wolff, 230 Pondfield Road, asked the Trustees if they were comfortable with the wording of the proposed local law.

Mayor Marvin replied that the Village Attorney is comfortable with the law as it is written and therefore she is as well.

Joanna Feldman, associate of Village Attorney, said that the term advisor/advisors is applied to different time periods and is correct. There will only be one alternate advisor appointment each time but over time there could be more than one alternate on the committee.

Mr. Wolff said he does not feel the timing matches up with the law. He respectfully submitted that his concerns are valid and that it is incumbent to make a ruling on this. He would prefer to hear from the Trustees individually.

Trustee Poorman replied that the Trustees have conferred and agree with the opinion of the Village Attorney.

Mr. Wolff said that he was sure the Trustee Poorman was capable of speaking for herself.

Trustee Gray replied that the opinion of the Trustees will be reflected in the vote on the proposed local law.

At 8:35PM, on motion of Trustee Underhill, second by Trustee Barton, the Board closed the public hearing.

THEREFORE on motion of Trustee Underhill, second by Trustee Gray, this was unanimously approved.

LOCAL LAW #4-2011 TO AMEND THE ZONING LAW TO PROVIDE FOR ALTERNATE ADVISORS OF THE DESIGN REVIEW COMMITTEE

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

Section One. Subsection 310-43.D. of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

ARTICLE VIII. Planning Board.

§ 310-43. General.

§ 310-43.D. Design Review Committee.

- (1) The Design Review Committee shall consist of three Advisors and one alternate Advisor. For purposes of duties, responsibilities and requirements of this subsection 310-43.D., alternate Advisors shall be deemed Advisors unless otherwise specified. Advisors shall be residents of the Village of Bronxville and, insofar as practicable, individuals especially qualified in design by reason of training, education and/or experience in architecture, landscape architecture, urban design, engineering, building construction or similar business or profession. Advisors shall be appointed by the Mayor with the consent of the Board of Trustees. An Advisor may, but need not be a member of the Planning Board. A Chairman of the Design Review Committee shall be appointed by the Mayor, with the consent of the Board of Trustees, from among its members. His or her term of office as such shall be two years with eligibility for reappointment.
- (2) The provisions of Subsection B of this section 310-43 regarding terms, vacancies, compensation and interest of members of the Planning Board shall apply to Advisors, except that the term of each Advisor shall be three years.
- (3) The Advisors and any non-member Secretary shall be entitled to participate in all activities of the Planning Board as if they were members, except that, unless they are members of the Planning Board, they shall not be entitled to a Planning Board vote and shall not be counted in determining the presence of a quorum.
- (4) In addition to the other duties and responsibilities set forth in this article, the Design Review Committee shall review such aspects of an application for development as the Planning Board may refer to it, conduct such investigations as it may deem appropriate and make recommendations thereon to the Planning Board.
- (5) The Design Review Committee's meeting shall be open to the public and held on notice to members, Advisors, Secretary, Counsel, the applicant and the public, in accordance with applicable legal requirements.
- (6) The alternate Advisor shall attend meetings of the Design Review Committee and shall be entitled to participate in all activities of the Design Review Committee as if such alternate Advisor is a member, but shall vote only in the event that an Advisor who is not an alternate is absent, has a conflict of interest or is otherwise unable to vote with respect to a particular matter and the Chairman of the Design Review Committee designates such alternate to so vote. At any meeting at which the Chairman of the Design Review Committee determines that an Advisor who is not an alternate is unable to vote for any of the foregoing reasons, the Chairman may (but shall not be required to) designate the alternate to vote at such meeting in place of such Advisor.

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 - SETTING PUBLIC HEARING ON PROPOSED LOCAL LAW #5 – 2011 TO PROVIDE FOR A NEW ZONING DISTRICT KNOWN AS THE CENTRAL BUSINESS A TRANSITION DISTRICT

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

WHEREAS, Village Counsel has drafted a local law amending the Zoning Law of the Village, Chapter 310, to provide for a new zoning district known as the Central Business A Transition (CBAT) District; and

WHEREAS, having received proposed Local Law #5 - 2011, the Board of Trustees 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 # 5 - 2011 will be held on June 13, 2011 at 8:00 p.m. at Village Hall located at 200 Pondfield Road, Bronxville, NY.
2. The Village Board directs that all requisite notices be published and circulated in accordance applicable laws and regulations.

Joanna Feldman, associate of Village Attorney, commented that this new zoning arose out of the application for new use at 117 Pondfield Road – the proposed use of an art gallery and business space. It is an overlay zone that eases the transition out of the business district. This structure of this district follows controlled development.

Mayor Marvin said this applies to a building like 117 Pondfield Road because it abuts the business district. However, it does not apply to the church behind 117 Pondfield Road.

Ms. Feldman responded that that is correct. It only applies to properties that abut the business district.

RESOLUTION - SETTING PUBLIC HEARING ON PROPOSED LOCAL LAW #6 – 2011 TO AMEND THE ZONING MAP TO DESIGNATE A CENTRAL BUSINESS A TRANSITION DISTRICT

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

WHEREAS, Village Counsel has drafted a local law amending the Zoning Law of the Village, Chapter 310, to amend the Zoning Map to designate a lot as within the Central Business A Transition District; and

WHEREAS, having received proposed Local Law #6 - 2011, the Board of Trustees 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 #6 - 2011 will be held on June 13, 2011 at 8:00 p.m. at Village Hall located at 200 Pondfield Road, Bronxville, NY.
2. The Village Board directs that all requisite notices be published and circulated in accordance applicable laws and regulations.

RESOLUTION - SETTING PUBLIC HEARING ON THE PROPOSED RESOLUTION SETTING PERMITTED USES, BULK AND OFF-STREET PARKING REGULATIONS FOR 117 PONDFIELD ROAD WITHIN THE CBAT DISTRICT

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

WHEREAS, Village Counsel has drafted a resolution setting the permitted uses, bulk and off-street parking regulations for 117 Pondfield Road within the zoning district known as the Central Business A Transition (CBAT) District; and

WHEREAS, pursuant to § 310-21-c.C and § 310-21-c.D. of new Article IV-A of the Zoning Law as proposed by Local Law #5-2011, the Board of Trustees will be required to hold a public hearing on such resolution,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. A public hearing on proposed resolution setting bulk and off-street parking regulations for 117 Pondfield Road within the CBAT District will be held on June 13, 2011 at 8:00 p.m. at Village Hall located at 200 Pondfield Road, Bronxville, NY.
2. The Village Board directs that all requisite notices be published and circulated in accordance applicable laws and regulations.

RESOLUTION - YEAR END BUDGET TRANSFERS

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

WHEREAS pursuant to the provisions of Village Law (Section 5 – 520), the Board of Trustees of the Village of Bronxville, by resolution, may increase existing appropriations by transferring funds from the unexpended balance of another appropriation, from the contingent account, from available cash surplus or unanticipated revenues within a fund, or by borrowing, and

WHEREAS at the end of the fiscal year, it is necessary to make modifications to the areas in the budget that had insufficient appropriations based on actual results of operations, and

WHEREAS, in all cases, there are sufficient unexpended balances in other appropriations accounts, excess revenues, or fund balances available to cover the transfers,

NOW THEREFORE BE IT RESOLVED that pursuant to Village Law (Section 5 – 520), the Village Board of Trustees hereby authorizes and directs the Village Treasurer to make necessary year end transfers in the 2010/2011 budget.

Mayor Marvin said that this is for line items that go over budget and allows for the Village to move money to cover shortfalls.

RESOLUTION – POLICE EQUIPMENT STATE GRANT

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

BE IT RESOLVED that the Board of Trustees authorizes the Mayor to enter into an agreement with the Westchester County District Attorney’s Office for receipt of up to \$6,000 of monies for the purpose of the acquisition, installation and training in use of Video Recording Equipment to enhance law enforcement efforts and prosecution outcomes through videotaping of interviews and interrogations from beginning to end.

PUBLIC INFORMATION – MS4 UPDATE - Annual Stormwater Management Meeting

Mr. Harold Porr III, Village Administrator, provided the Village Board and the public with a background to the MS4 Program and the original storm water management plan that was filed with the N.Y.S.D.E.C. in March 2003.

Mr. Porr then reviewed the Annual Report with emphasis on the six minimum measures in the plan, the accomplishments that the Village made over the past year and the program for next year.

Upon completion of the report, the Mayor asked for public comment and there was none.

There were approximately 15 people in attendance and the meeting was broadcast live on Village TV.

PUBLIC COMMENTS –

Mr. Jim Rudio, attorney for Lombardo LLC, thanks the Village Administrator and the Village Attorney for the work on this new zoning. He commented that he is looking forward to the public hearing next month and eager to get this project moving along.

Mayor Marvin said that she personally thinks this project is going to be great and that the Trustees are really trying to move this as fast as they can.

Former Mayor, Marcia Lee, introduced Marie Westgate who will be the new reporter covering the Village for myhometownbronxville.com.

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There being no further comments, the meeting was adjourned at 8:53PM by motion of Trustee Gray, second by Trustee Underhill.

Harold Porr III
Village Administrator/Village Clerk