

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BRONXVILLE HELD ON MAY 12, 2008 AT THE VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

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PRESENT:	Mary C. Marvin	Mayor
	Glenn D. Bellitto	Trustees
	William H. Barton, Jr.	
	Robert S. Underhill	
ALSO PRESENT:	Harold Porr III	Village Administrator
	Lino J. Sciarretta	Village Attorney
EXCUSED:	Anne W. Poorman	Trustee

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**WORK SESSION & EXECUTIVE SESSION**

In attendance were Mayor Marvin, Trustee Bellitto, Trustee Underhill and Trustee Barton. Also, Village Administrator, Harold Porr; Superintendent of Public Works, Rocco Circosta; Village Treasurer, Robert Fels; Village Engineer, Vincent Pici; and, Chief of Police, Christopher Satriale.

On motion of Trustee Underhill and second by Trustee Barton, the Mayor opened the work session at 6:33PM. The Trustees reviewed the meeting agenda items and 2008-2009 Capital Improvement Plan.

At 7:01PM, on motion of Trustee Barton, second by Trustee Bellitto, the Trustees entered into Executive Session to discuss contract negotiations with WCI and then to discuss on-going negotiations with the Bronxville PBA. Mr. Jerry O'Connor joined the Board to provide counsel on the WCI negotiations.

At 7:47PM, on motion of Trustee Bellitto, second by Trustee Underhill, the Board re-opened the meeting and continued with the discussion of the Capital Improvement Plan.

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

Mayor Marvin administered the oath of office to Trustee William H. Barton, Jr. who was re-elected for a two year term.

Mayor Marvin then called up Chief of Police, Christopher Satriale, who introduced all of the officers present at the meeting. He then introduced newly appointed officer, Erik van der Leeuw, who was appointed in March 2008. Officer van der Leeuw is an avid bagpiper and will be leading the police at the Memorial Day parade. Chief Satriale reported that Officer van der Leeuw has done an excellent job to date.

Mayor Marvin thanked Officer van der Leeuw for coming tonight and for bringing his family.

Chief Satriale then introduced Sergeant Craig Jarvis, the newly appointed sergeant as of March 2008. Chief Satriale commented that Sergeant Jarvis has received good reports with regard to progress. Sergeant Jarvis has been a member of the force since 1990. Chief Satriale stated that this is an important position and Sergeant Jarvis will receive all of the support that he needs.

Mayor Marvin thanked Sergeant Jarvis and his family for coming tonight.

Chief Satriale then recommended that one of his police officers be promoted to police sergeant. Officer Casullo joined the force in 1990 and is a dedicated and loyal employee. Chief Satriale asked that this promotion be effective 12:01AM on May 13, 2008.

**RESOLUTION - Police Officer Promotion to Sergeant**

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

**BE IT RESOLVED** that the Board of Trustees of the Village of Bronxville appoints John Casullo to police sergeant of the Village of Bronxville Police Department effective at 12:01AM on Tuesday, May 13, 2008 at an annual salary of \$97,349.00.

Chief Satriale then asked Sergeant Casullo to introduce the members of his family that were present.

Sergeant Casullo said that this is an exciting time in the department and he looks forward to serving the Village.

Chief Satriale then mentioned that Officers Panzarino and Murray were both in the running for this sergeant position and that they both did an outstanding job. He thanked them both for coming tonight.

Mayor Marvin thanked the entire police department for their hard work on behalf of the Village.

Mayor Marvin mentioned that Trustee Poorman was not in attendance as her father passed away in Pennsylvania so her report is interwoven with the Mayor's report.

### **MAYOR'S REPORT**

Now that the 2008-2009 operating budget has been adopted, our priority turns to the capital expenditure plan. We have been trying to synchronize our plan with those of Eastchester and Tuckahoe allowing us to take advantage of bulk purchasing, such as blacktop.

Items in our capital budget must have a minimum life of one year and have been typically financed by the issuance of debt or State aid.

By way of perspective, our capital budgets have increased in recent years from approximately \$600,000 to \$1 million in response to repairing an aging infrastructure. For example, last year we appropriated over \$400,000 for street milling, paving and curbing.

We conduct the process in much the same way we do our operating budget. Department Heads put together a needs list which is reviewed in house and then by the Trustees. The draft document is available now. There will be a formal public hearing at the June 9<sup>th</sup> meeting to take public comment.

Other initiatives this month include a thorough review of our parking operations. We called in a staff expert from the Office of Court Administration to spend time in the Village to observe operations and offer recommendations for improvements.

Thanks to the efforts of our IT person, Julie Cagliostro, the Village received a grant to image all our paper birth and death records, Village minute books, etc. It is a laborious process but it moves us so far forward technologically.

The vibration study along the railroad tracks is underway and the engineers will be taking noise and vibration readings at various predetermined addresses all along the route from the Tuckahoe border to the Yonkers border.

Also, our flood mitigation study targeting certain neighborhoods is well underway and we are applying for County grant money for mitigation projects. For example, our engineer is recommending that we rebuild the existing berm along Parkway Road that was allowed to erode over the years. Just one example of the kind of project we are looking at for each neighborhood.

Last Saturday, there was a terrific lecture by Chip Osbourne on organic lawn care to kick off the Beautify Bronxville Naturally week. The lecture was so good that I urge you to watch it on cable or even request a copy to show it to your specific civic groups. I am proud that the Village has led the way in not using chemical products on our public spaces. So much of what is done throughout the Village to make it look so beautiful is through the volunteer effort of our four beautification groups: The Bronxville Beautification Council, Working Gardens, Boulder Ledge Garden Club and the members of the Nature Preserve as well as the incredible efforts of our own Department of Public Works. So thank you all. The Village looks beautiful.

On Sunday, the Bronxville Veterans Committee hosted a very beautiful and well attended reception at the Women's Club with some truly poignant letters and photos on

display as well as the scroll of over 1,400 Bronxville veterans. As we head toward Memorial Day, the photos and remembrances will be displayed in our merchants' windows throughout the business district.

Speaking of Memorial Day, our parade begins at 9AM on Monday the 26<sup>th</sup>. We are privileged to have Si and Vicki Ford as our grand marshalls. They do so much for our community that this is a long overdue honor. And, if any groups want to march with us this year, just call Village Hall and we will make room.

Our Farmer's Market will kick off on Saturday, May 31<sup>st</sup> and will be open every Saturday from 8:30AM to 1PM through November.

Also on Saturday, June 1<sup>st</sup>, our chamber will have their annual Sidewalk Sale so please come out and support our merchants.

Other news – our quarterly newsletter will be mailed by the end of this week. We have tried to make it a bit more reader friendly and informative so tell us what you think. Also, Mr. Porr and I were interviewed on radio station WVOX in a series highlighting interesting communities throughout Westchester.

I am pleased to report that we have approximately two-thirds less small claims proceedings than we did last year. Most communities see a spike in claims the year of reassessment and even more in the following year but we did not follow the norm. Thanks to the expert work of our revaluation company, CLT, and the on-going perfection of the roll by Misters DeBellis and Iagallo.

Finally after 33 years of service to our senior citizens, Kathy Studwell is stepping down.

The Village cannot say thank you enough for all she has done for our seniors. She had such quiet grace, but a steely resolve to help everyone in need. She will be so very missed.

The senior search committee was fortunate to find Sue Tozzi from New Rochelle to step in. She has vast experience in the New York City Office of the Aging, most recently as the Director of the Bronx Jewish Community Council home care program.

We welcome her and wish her success. She has very big shoes to fill.

## **TRUSTEE REPORTS**

**Trustee Bellitto** – Chief Satriale reported back on the cellphone and crosswalk education program and said that it went very smoothly. The police are now concentrating on enforcing these laws. The PBA negotiations are still going on and the Village hopes to have an agreement reached by May 31, 2008. The monthly report shows an uptick with 5 felonies and 9 misdemeanors.

Parking – there have been parking meetings to discuss plans for the upcoming year. Trustee Bellitto thanked Maureen Curran for her help in getting parking information from other communities.

**Trustee Underhill** - discussed WCI and that the Trustees continue to monitor the financial condition of WCI very carefully. An unofficial deadline for contract modifications has been set for May 31, 2008. The Trustees continue to press on with this in resolute fashion.

**Trustee Barton** – gave the financial report which was a very good one overall.

Department of Public Works – Trustee Barton said that Route 22 is horrendous and the State has slotted for it to be fixed sometime next year. He reported that a letter was sent today from the Public Works Departments of Bronxville, Tuckahoe and Eastchester to put pressure on the State.

Also, some trees have been planted in the Village as donations.

Mayor Marvin reported that 8 trees have been donated already and that these donations are needed in the Village. She said the generosity of residents is greatly appreciated.

## **APPROVAL OF MINUTES**

Trustee Underhill asked for a change in some of his wording regarding WCI on page 6 and then approved the minutes.

On motion of Trustee Bellitto , second by Trustee Barton, the Board approved the minutes of the Regular Meeting on April 14, 2008 and the Special Meeting on April 11, 2008, as drafted.

**NEW BUSINESS**

**RESOLUTION - Buckhurst Fish & Jacquemart, Inc. (BFJ) Planning**

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 authorizes BFJ Planning, 422 Summer Street, Stamford, CT, to provide professional planning services to assist the Planning Board in updating the Community Plan on an hourly basis, for a cost not to exceed \$10,000.00, including preparation of required SEQRA forms and a presentation of the Plan at a public hearing prior to adoption by the Board of Trustees.

**RESOLUTION - General Code**

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

**WHEREAS** in conjunction with the grant funding received from the New York State Education Department \$17,820 has been allocated for General Code to provide document scanning, imaging, microfilm and indexing.

**BE IT RESOLVED** that the Board of Trustees authorizes the Mayor to sign a contract with General Code for these services related to the purpose set forth in the grant application.

**RESOLUTION - Surplus Equipment**

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

**WHEREAS**, the Superintendent of Public Works has reviewed the list of equipment below, and

**WHEREAS**, the Superintendent has requested that the Village Board of Trustees declare this equipment as "SURPLUS" in order to properly dispose at Public Auction,

**NOW THEREFORE, BE IT RESOLVED** that the Board of Trustees of the Village of Bronxville, hereby declares this list of equipment as " SURPLUS " and authorizes the Superintendent to dispose of this equipment in a fair process that will result in the greatest beneficial gain for the Village of Bronxville.

275 Gallon Water Tank w/Gas Engine  
Henderson 1-2 yd Salt Spreader w/Gas Engine

1991	SRECO	Sewer Rodder	
1991	GMC	Spreader	Vin # 1GDM7H1JM500333
1999	Ford	Crown	Vin #2FAFP71W4XX108902
		Victoria	
2002	Chevrolet	Impala	Vin #2G1WF55E3292Y8755

**RESOLUTION - Year End Budget Transfers**

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

**BE IT RESOLVED** that the Board of Trustees authorizes the Village Treasurer to make necessary year-end budget transfers at the close of the Village's 2007/2008 fiscal year.

**RESOLUTION - General Fund Budget**

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 Village Treasurer to amend the Village of Bronxville’s General Fund 2007/2008 operating budget by \$21,548.00 and to adjust the following line items:

Increase:		
	A.1326100 Personal Services	\$ 3,728.00
	A.1326445 Fees	<u>\$17,820.00</u>
		<u>\$21,548.00</u>
Increase:		
	A.3009000 St Aid – SARA Grant	<u>\$21,548.00</u>

Village Administrator, Harold Porr, stated that the money was provided by the State in a grant so we can hire a firm to do photographic images of our birth and death records as well as our Village meeting minutes.

**RESOLUTION - Auditing Services Retainer Agreement**

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

**BE IT RESOLVED** that the Board of Trustees authorizes the Mayor to sign the multi-year agreement between the Village and O’Connor, Davies, Munns & Dobbins for auditing services for May 31, 2008 through May 31, 2012. Fee schedule for five year agreement is the following:

Fiscal year ended	May 31, 2008	\$33,150
	May 31, 2009	\$34,200
	May 31, 2010	\$35,350
	May 31, 2011	\$36,500
	May 31, 2012	\$37,700

**RESOLUTION - Home Rule Request (Kensington Parking Lot)**

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

**BE IT RESOLVED** that the Board of Trustees hereby requests that the New York State Legislature enact a Special Law to amend Chapter 619 of the laws of 2006, amending the Vehicle and Traffic Law relating to the residential parking system in the Village of Bronxville, County of Westchester (the "Act").

**BE IT FURTHER RESOLVED** that such Act would amend Chapter 619 of the law of 2006 by extending the provisions of a residential parking system in the Village of Bronxville, County of Westchester from January 1, 2009 to January 1, 2011.

Village Administrator said that Ellen Likovich and Assemblywoman Paulin assisted the Village in getting the extension from the State.

**RESOLUTION - FP Clark Reimbursement**

Village Administrator, Harold Porr, gave the background on 100 Pondfield Road project.

Mayor Marvin said FP Clark has done an excellent job and deserves to be paid.

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

**WHEREAS** Frederick P. Clark Associates, Inc. of Rye, NY undertook planning work for the Village of Bronxville in regard to the 100 Pondfield Road project, which was to be paid by applicant, Stephen Green,

**WHEREAS** the owner of the property, Stephen Green, has refused to pay FP Clark Associates for the work completed for the 100 Pondfield Road project,

**WHEREAS** the Village of Bronxville took Mr. Green to court to direct him to pay for services provided by FP Clark Associates, and

**WHEREAS** the court directed that Mr. Green pay these fees, and

**WHEREAS** Mr. Green has refused to pay these fees directed by the court causing the Village of Bronxville to return to court once again, and

**WHEREAS** the court has come to an agreement between Mr. Green and the Village of Bronxville to have the Village of Bronxville reimbursed \$12,000 for FP Clark Associates for these services upon the sale of the 100 Pondfield Road property.

**NOW THEREFORE BE IT RESOLVED** that the Mayor is authorized to pay FP Clark Associates a sum of \$16,176.04 for services rendered on the 100 Pondfield Road project.

### **PUBLIC HEARING**

Village Attorney, Lino Sciarretta, read the resolutions pertaining to the public hearings scheduled for June 9, 2008.

### **RESOLUTION - Newsrack Fee Schedule**

Village Attorney, Lino Sciarretta, gave some background on the newsrack law previously passed.

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

**BE IT RESOLVED** that the Board of Trustees shall schedule a public hearing on proposed Local Law # 5 establishing a newsrack permit fee in the amount of \$25 per annum on June 9, 2008 at 8PM at Village Hall located at 200 Pondfield Road, Bronxville, NY.

Mayor Marvin stated the need for a fee schedule to help determine the locations of these boxes.

Village Administrator, Harold Porr, said this fee is really an administrative fee.

Trustee Underhill asked if other communities have done this.

Village Attorney, Lino Sciarretta, responded that they have.

Mayor Marvin said the concern is that some boxes are close to corners, ramps, private property and that by way of inventory we can make safety a priority for our residents.

### **RESOLUTION - Five Year Capital Improvement Plan**

Mayor Marvin said that the preliminary budget is available at Village Hall.

Village Administrator, Harold Porr, mentioned that it will be up on the website as well in a few days.

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

**BE IT RESOLVED** that the Board of Trustees shall schedule a public hearing on the proposed 2008 – 2009 Capital Improvement Plan on June 9, 2008 at 8PM at Village Hall located at 200 Pondfield Road, Bronxville, NY.

### **PUBLIC COMMENTS**

Mr. Thomas Wolff, 230 Pondfield Road, stated that he had several questions regarding the Kensington Project. He asked if the home rule request was available to residents and then asked if the proposed legislation had any wording changes to the ones amended a few years ago.

Village Administrator, Harold Porr, responded that the wording is the same as that submitted prior.

Mr. Wolff asked if the Board was aware that the most recent financial statement of WCI reported a negative gross margin.

Mayor Marvin responded yes.

Trustee Underhill said that every publicly traded homebuilder reported losses as well.

Mr. Wolff commented that he read a transcript from the earnings conference held on May 7, 2008 by WCI in which the President of WCI said that some of the holders of the convertible bonds would reach out to WCI and that WCI plans to hold discussions with them. A positive picture is not painted.

Mayor Marvin assured Mr. Wolff that the Trustees are on top of all of the information regarding WCI.

Ms. Stephanie Harrington, Halstead Ave, Mamaroneck ([www.myhometownbronxville.com](http://www.myhometownbronxville.com)), asked Mayor Marvin about her April 1, 2008 column in which the Mayor mentions a figure for a completion bond and Ms. Harrington would like to know where this figure comes from.

Mayor Marvin responded that the figure is from an independent analysis done for the Village.

Ms. Harrington said she does not remember this number in any prior discussions.

Mayor Marvin said that this figure relates to the cost of soil remediation, parking garage construction, and the topping off of the parking garage.

Trustee Underhill said this is a proposed deal term within a very large contract but this remains for a contract discussion and not for this forum.

Ms. Harrington asked if this has been discussed recently and how can we anticipate being able to stop the project at completion of the parking garage with a contract for a coop.

Trustee Underhill said it is not the intent to stop anything.

Mayor Marvin said this is contingency money as a protection for the Village

Ms. Harrington asked if it was feasible to think that if a closing and title of that land went to Bank of America, can Bank of America lay claim to the land if WCI falters.

Trustee Underhill responded that deals are structured in various fashions and bankruptcy does not mean anything here. There are many companies that receive monies and continue on with business as usual. Trustee Underhill said that the protection we are seeking is if work ceases and we have the right to complete the project. He did not want to make any more comments due to very active contract negotiations.

Mr. Wolff asked if using completion bond was proper terminology.

Trustee Underhill said there are various terms but did not want to elaborate due to contract negotiations.

Mr. Wolff asked if WCI goes into bankruptcy by August 2008, does the Village want WCI to sell the project if the completion bond is not for 100% of the project.

Trustee Barton responded that since contract negotiations are going on there would be no response.

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There being no further comments, the meeting was adjourned at 9:10PM by motion of Trustee Barton, second by Trustee Underhill.

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Harold Porr III  
Village Administrator/Village  
Clerk