

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BRONXVILLE HELD ON JUNE 4, 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.
Anne W. Poorman
Robert S. Underhill

ALSO PRESENT: Harold Porr III Village Administrator
Lino J. Sciarretta Village Attorney

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WORK SESSION & EXECUTIVE SESSION

In attendance were Mayor Marvin, Trustee Bellitto, Trustee Underhill, Trustee Barton and Trustee Poorman. Also, Village Administrator, Harold Porr, and Village Attorney, Lino Sciarretta.

On motion of Trustee Poorman and second by Trustee Barton, the Mayor opened the work session at 7:10PM. The Trustees reviewed the meeting agenda items and 2008-2009 Capital Improvement Plan.

At 7:24PM, on motion of Trustee Underhill, second by Trustee Barton, the Trustees entered into Executive Session to discuss WCI contract and legal issues and labor negotiations with the PBA and the Teamsters.

At 8PM, on motion of Trustee Bellitto, second by Trustee Poorman, the Board re-opened the meeting and re-entered the public session.

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Mayor Marvin called the meeting to order at 8:05PM.

Mayor Marvin welcomed the Bronxville High School seniors who were in attendance as part of their political science class.

MAYOR'S REPORT

I wanted to update residents on a variety of initiatives occurring in the Village this spring. The Trustees have trimmed the capital budget in the last two weeks from a proposed budget of \$1,504,000 to \$1,194,000. The new number is also lower than last year's \$1,341,000. We are mindful of the challenging economic times so we worked hard to craft a lean budget while not sacrificing maintenance of our infrastructure. For example, we are allocating more in this year's proposal on piping, sewers, and drainage, than in past budgets. The paving and curbing budget has remained essentially flat but with a 25% increase in pavement costs, we will pave less streets than desired. Reductions were found by essentially requiring things to last a little longer, as we are all doing in our homes. We have put off the purchase of some vehicles, equipment and painting projects.

We will, however, be painting all the crosswalks in the business district in the coming weeks. We are hoping that the increased visibility will promote safer walking throughout the Village. We continue to look at the intersection at Park Place and Kraft Avenue near Starbucks and improvements will be made in the near future.

We were blessed with spectacular weather on Memorial Day which helped make our veterans' remembrance a huge success. Thanks goes to residents Cindi Callahan and Jane Staunton for spearheading this effort which has become a model for Westchester. If you would like to add your name to the Village's Veterans' Scroll of Honor, just call Village Hall. We would be happy to include you.

I want to also thank our Grand Marshals Si and Vicki Ford. Selecting the Fords as Grand Marshals was just a small way to say thank you to an exemplary couple for their decades of service to our Village.

Our vibration and noise study quantifying the effects of the new third high speed track on adjacent Village homes is nearing completion. All the field readings have been

collected, with samples from homes from the Tuckahoe border to the Yonkers line. The engineers hired by the Village also have all the Metro North documents to compare information and refute if warranted. We expect a draft report by month's end.

Our negotiations for a new contract with the Teamsters, who represent our 23 public works employees, have begun. We are also continuing our talks with the police union in the hopes of reaching agreement very soon. Our negotiations are very positive and collegial. Our police officers had a very successful fundraiser/social at the Women's Club over the Memorial Day weekend. I know I can speak for them as well as all our Village employees when I express their appreciation and gratitude for any kindnesses extended.

In the past week, the Village received word that our grant request to the State Assembly for "open space" monies had been approved. This was all thanks to the efforts of our Assemblywoman Amy Paulin. The Village will receive \$25,000 to be used for costs associated with the rehabilitation and enhancement of Village parks. We are targeting refurbishment work at Sagamore Park and Bicentennial Park.

Our next Citizens' Advisory Committee will take place this week as well as the last meeting of the Cabin Committee chaired by former Mayor Sheila Stein. Both committees have been much needed additions to Village government. The Citizens' Advisory Committee, with two members from every election district, has become the eyes and ears of our community and helped the Trustees be ahead of the curve on many issues.

Our Cabin Committee is a cross section of cabin neighbors and Village residents and the Trustees placed our confidence in their recommendations for the property going forward. They will have a final report in the coming weeks.

As your representatives, the Trustees and I have received many letters from politicians and citizen groups questioning the need for and size of government at the County level. I would like to hear your thoughts on this topic, so please feel free to call or e-mail at bronxvillemayor@optonline.net. By way of information, the Village's portion of the County property tax bill is approximately \$8 million yearly.

Finally, we received word that former Bronxville Mayor Bert Hugill turned 100 at his home in California. Bert was Mayor from 1959 to 1965 and served as a Trustee for five years prior. One of his proudest accomplishments was assisting in settling a strike at Lawrence Hospital. Perhaps Bert's milestone demonstrates that public service prolongs life!

TRUSTEE REPORTS

Trustee Bellitto gave his report on the police department. He stated that the department has been following up on the driver education effort and have issued 276 tickets. This was an effort to make the business district safer. He reported that there were two day time burglaries in the past month. One took place on Parkway Road and the other on Sagamore Road. Trustee Bellitto urged residents to be vigilant in looking for any suspicious activity.

Parking – the twelve month report was a good one and the revenues are better than last year.

Trustee Barton reported on the Department of Public Works. He stated that the Trustees have been trying to be more efficient in many areas with this department. Superintendent, Rocco Circosta, has been hiring employees that have a particular skill. Trustee Barton was pleased to announce the appointment of a new laborer who has a background in electrical work.

RESOLUTION - DPW Laborer Appointment

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

WHEREAS, the Superintendent of Public Works, Rocco Circosta, recommends the appointment of Russell M. Jeffreys as a laborer to fill a vacancy in the Department of Public Works

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Bronxville appoints Russell M. Jeffreys, of 351 North Broadway, Yonkers, NY to the position of laborer in the Department of Public Works on a probationary basis effective Monday, June 23, 2008, at the starting salary of \$49,320.00.

Trustee Underhill reported on the Building Department. He stated that the alteration costs are at a comparable level of activity with last year.

WCI – Trustee Underhill said that the Trustees have elected not to extend the contract with WCI but continue a dialogue with them and are evaluating all options.

Trustee Poorman reported on the Library. They will be having for the first time readings from Ulysses.

Chamber of Commerce – the Sidewalk Sale was very successful.

Farmer's Market – this is going strong. There are new vendors this year – a pickle vendor and a fresh fish vendor.

APPROVAL OF MINUTES

On motion of Trustee Bellitto, second by Trustee Underhill, the Board approved the minutes of the Regular Meeting on May 12, 2008 and the Special Meeting on June 4, 2008, as drafted.

Mayor Marvin asked Harold Porr, Village Administrator, to give the Stormwater Report for Superintendent of Public Works, Rocco Circosta.

Village Administrator, Harold Porr, gave the background and reported that the Federal Clean Water Act (CWA) prohibits discharges of pollutants except those in compliance with the ACT. Discharges of stormwater were generally exempt from these requirements until 1994. At that time, the USEPA established a comprehensive regulatory framework for regulating storm water discharges. The three regulatory components were:

1. The regulation of Construction Activities
2. The regulation of Industrial Activities
3. The regulation of Municipal Separate Storm Water Systems (MS4s)

The program was implemented in two phases. Phase I which dealt with the construction activities for sites greater than 5 acres, 10 classes of industrial activities and very large MS4s. Phase II extended to construction activities involving one or more acres and to large, medium and small MS4s.

The Village of Bronxville is considered small MS4 and was required to fully meet the requirements of the CWA by January 8, 2008. In doing so we were required to file for a SPDES Permit (State Pollution Discharge Elimination System) with the NYSDEC in March 2003. As part of this filing, we provided DEC our initial storm water management plan that contains a listing of initial management practices and initial measurable goals for the following five years. These goals were developed in accordance with the six minimum measures required by the CWA. The six minimum measures are:

1. Public Education and Outreach
2. Public Involvement/participation in the planning and implementation process
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff
5. Post Construction Run-off Control
6. Pollution Prevention/Good Housekeeping

Furthermore, DEC requires each MS4 to hold an annual meeting to discuss the progress on the initially submitted plan and any revisions or changes to that plan.

This brings us to tonight's meeting where we will review the measures taken by the Village in the past year and provide additional measures for next year.

Public Education and Outreach

- a) Continue to provide handouts in Village Hall with regard to lawn care, pet waste, chemical and household waste.
- b) Provide information in annual refuse calendar with regards to medical and chemical waste.
- c) Illicit discharge information to be provided with annual refuse calendar.

Public Involvement/Participation

- a) Continue to work with volunteer groups for purposes of stenciling storm drains. Boy Scouts completed approximately 200 basins.

- b) Continue to work with Westchester County Parks Department for annual “Friends of Parks” clean-up day.

Illicit Discharge Detection and Elimination

- a) The Village enacted an ordinance over the past year. This law is available through a link on the Village’s website.
- b) Various employees were trained over the past year to sample and identify illicit discharges.
- c) Outfall mapping and GIS/Aerial Photography are available on the Westchester County website.
- d) Information on illicit discharges will be made available on Village website.

Construction Site and Post Construction Storm water Run-off Control Regulatory Mechanism

- a) The Village enacted an ordinance over the past year. This law is available through a link on the Village’s website.
- b) No applications requiring Storm water Management Plans came before the Planning Board.

Post-Construction Storm water Management

- a) No post construction activities have taken place this year.
- b) Procedures for inspections and maintenance will be developed this year.

Pollution Prevention/Good Housekeeping Program

- a) Street sweeping/catch basin cleaning and litter control are all continuing.
- b) Storm water Pollution Prevention Plan has been developed for the municipal garage and is reviewed annually.
- c) Formal training for staff will be provided this year.
- d) Grant applications have been filed for oil/water separators at municipal garage.

Village Administrator, Harold Porr, stated that if there are any comments or suggestions from the public he invited them to speak during the public comments section of tonight’s meeting or to send their comments or suggestions to our Superintendent of Public Works at Village Hall as soon as possible.

NEW BUSINESS

RESOLUTION - Tax Cert Settlement – GCV Properties LLC (51-59 Pondfield Road)

On motion of Trustee Bellitto, 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>
GCV Properties LLC	Section 12 Block 4, Lot 2 51-59 Pondfield Road	2003- 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>
2003	76,500	67,070	9,430
2004	76,500	63,975	12,525
2005	76,500	66,782	9,718
2006	76,500	62,426	14,074
2007	1,820,600	1,820,600	-
2008	1,820,600	1,820,600	-

RESOLUTION - Contract Award: Furnishing & Installation of Curbing

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

WHEREAS, bid specifications for Contract No. 0801 were prepared by the Department of Public Works in accordance with local and State requirements; and

WHEREAS, seven bids were received and publicly opened on May 14, 2008; and

WHEREAS, Tony Casale Inc. of 1185 Saw Mill River Road, Yonkers, NY submitted the following unit price bids for the work specified:

Item 1	Restoration of Ex. Granite Curbing (Labor)	\$12.50/l.f.
Item 2	Installation of new Granite Curbing (Labor)	\$15.50/l.f.
Item 3	Georgia Granite, 4" (Material)	\$10.50/l.f.
Item 4	Split Face, Sawn Top Granite (Material)	\$17.00/l.f.
Item 5	Restoration of Ex. Concrete Curbing	\$16.50/l.f.
Item 6	Installation of New Concrete Curbing	\$23.00/l.f.
Item 7	Concrete Sidewalk	\$ 8.00/s.f.

WHEREAS, the Superintendent of Public Works has reviewed all the submitted documentation and finds that Tony Casale Inc. 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. 0801 to Tony Casale Inc. of 1185 Saw Mill River Road, Yonkers, NY at the unit bid prices specified and authorizes the Mayor to enter into such contract on behalf of the Village of Bronxville.

Mayor Marvin said this contractor will be the one to do the work once the Capital Budget is approved.

At 8:30PM, on motion of Trustee Poorman, second by Trustee Barton, the Public Hearing was opened.

PUBLIC HEARING – *A Local Law amending Chapter A321 “Fee Schedule” of the Village Code of the Village of Bronxville.*

Mayor Marvin stated that this local law was put into place two months ago and that a fee schedule was needed. This law has to do with safety. The fee that will be put in place is the “going” rate.

Trustee Underhill asked if the Village had a fee previously.

Mayor Marvin responded that the Village does not. Also, this fee is not to diminish the number of racks but to ensure safety.

James Kroulas, 70 Parkway Road, wanted clarification as to whether this was a registration fee and what would happen if there was a violation.

Village Attorney, Lino Sciarretta, stated that a violation has to be issued and that this is an administrative fee.

Mr. Kroulas asked if the rack could be moved around once the fee is paid.

Village Attorney, Lino Sciarretta responded that the newspaper companies will provide the location and that they have the right to bolt the racks, which is actually the preferred method of “locking” the racks.

Thomas Wolff, 230 Pondfield Road, asked if this is a permit fee and commented that there are other fees listed in the law previously passed that do not have fees associated with them.

Mayor Marvin asked for the specific items Mr. Wolff was referencing.

Mr. Wolff responded Section 10, the inspection fee and the impound fee.

Mayor Marvin stated that the Village Attorney will review the law and make sure it is clear.

Village Attorney, Lino Sciarretta, commented that the \$25 fee will cover all fees because it is used over time. He also said that there has been no enactment of inspection fees in other municipalities.

Mr. Kroulas stated that if a newsrack is registered but placed incorrectly, it should have fees assessed and that the law should make this clear. He feels this gives administrative leeway.

Mayor Marvin reported that Building Engineer, Vincent Pici, has the right to go up to \$250 for violations.

Mr. Kroulas and Mr. Wolff both reiterated that the law should make this clear for residents.

At 8:44PM, on motion of Trustee Poorman, second by Trustee Barton, the public hearing was closed.

On motion of Trustee Poorman, second by Trustee Underhill, the above Local Law was unanimously approved

At 8:45PM, on motion of Trustee Underhill, second by Trustee Barton, the Public Hearing was opened.

PUBLIC HEARING – *Capital Budget*

There were no public comments.

At 8:46PM, on motion of Trustee Bellitto, second by Trustee Barton, the public hearing was closed.

On motion of Trustee Poorman, second by Trustee Barton, the above Local Law was unanimously approved

Trustee Underhill commented that he is very pleased with the budget especially in this economic environment. The Trustees were very focused on maintaining quality of life.

PUBLIC COMMENTS

Mr. Thomas Wolff, 230 Pondfield Road, asked that a reminder be mentioned about taxes that are due.

Mayor Marvin thanked Mr. Wolff for keeping her on her toes.

Betsy Harding, 39 Homesdale Road, asked about the toxic waste deadline at the Kensington Road site.

Mayor Marvin responded that if that area is not touched it will be fine.

Mrs. Harding then asked what the plan is going forward with regard to the updating the reassessment. She was interested in the time frame – 2, 3 or 5 years.

Mayor Marvin responded that all of the Trustees are reading materials on this topic and have not made any decision. She agreed that there is a need to regularize this. Mayor Marvin reported that from what she has read that if it is less than 3 years, there is uncertainty. She also mentioned that this is something that needs to be discussed with the assessor and consultant.

Trustee Underhill commented that he feels there should be an established policy put into place.

Mrs. Harding mentioned that in the 1960's she believes it was every 10 years. She was happy to hear that the Trustees were in favor of a regular plan.

Mrs. Harding then asked where the property cards were located at this point in time.

Mayor Marvin said that the physical cards were at Village Hall.

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There being no further comments, the meeting was adjourned at 8:50PM by motion of Trustee Barton, second by Trustee Underhill.

Harold Porr III
Village Administrator/Village
Clerk