

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BRONXVILLE HELD ON MARCH 10, 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	
ALSO PRESENT:	Harold Porr III	Village Administrator
EXCUSED:	Robert S. Underhill	Trustee
	Lino J. Sciarretta	Village Attorney

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WORK SESSION & EXECUTIVE SESSION

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

At 7:00PM, on motion of Trustee Poorman, second by Trustee Barton, the Work Session was called to order by Mayor Marvin. The Trustees reviewed the meeting agenda and discussed the date for the budget work session.

At 7:09PM, on motion of Trustee Bellitto, second by Trustee Barton, the Trustees entered into Executive Session to discuss personnel issues in the police department, labor contract negotiations with the PBA and the Teamsters, and contractual matters regarding WCI.

On motion of Trustee Poorman, second by Trustee Bellitto, the Trustees exited the Executive Session at 8:08PM.

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Mayor Marvin called the meeting to order at 8:15PM.

Mayor Marvin reported that Trustee Underhill is travelling for business and Village Attorney, Lino Sciarretta, was not at the meeting due to a family emergency.

Mayor Marvin welcomed several students from Bronxville High School who were at the meeting as part of their political science class.

Mayor Marvin introduced the Eastchester Irish-American Society and asked that their representatives John Collins and Tom Huvane speak about the St. Patrick's Day Parade.

John Collins of the Eastchester Irish-American Society wanted to spread the word about the parade on Sunday, March 16th at 3PM. This year the Society will honor Margaret Colavita who has been a member for 40 years. The parade will begin at Immaculate Conception Church, run along Route 22, and end at Lake Isle. There will be 15 marching bands. He encouraged everyone to attend. For further information, residents can go to the website: www.eastchesterirish.org.

MAYOR'S REPORT

I want to update the community on continuing initiatives by the Board of Trustees.

Besides tonight's four public hearings to make changes in Village law, in the pipeline are many more initiatives which I want to announce and elicit public comment and suggestions.

Right turn on red – Approximately 10 days ago, we permitted a right turn on red from Pondfield Road to Gramatan Avenue. It has been monitored by our police department especially at peak times and the Police Chief believes it is working well. It is important to note that changes like these are employed to ease congestion not to speed up traffic.

Flooding – We are moving forward on our micro-flooding remediation study in Village neighborhoods. To that end, we have hired Dvirka and Bartilucci Engineering Company to assist us in devising some realistic short term mitigation measures. We have asked neighborhood representatives in affected areas to document the frequency and severity of flooding, especially their experience during the April 15, 2007 storm.

Professional Services – We continue to undertake studies to address quality of life issues throughout the Village. Vibration engineers toured the area along the railroad tracks from the Tuckahoe border to the end of Parkway Road and Midland Gardens. In the coming days, noise and vibration levels will be recorded at various locations along the route. We are also finalizing a proposal for our traffic engineer to begin analysis of the intersections near St. Joseph’s Church and Starbucks. They have long been problem areas and it is time to implement some improvements.

Organic Landscaping – In the past months, the Village contracted to use only organic lawn products on all Village owned property. We are proud to be in the forefront as a community and hope residents will follow our lead on their own properties. The detrimental effects to health and the environment are well documented and as locations where children play, Village parks and open spaces should be the standard for a healthy environment.

Cell Phone Monitoring – Due to a noticeable increase in the use of cell phones while driving throughout our Village, the police department will begin an aggressive monitoring and ticketing program in the coming weeks. What has been particularly disturbing is the cell phone use while driving in the crowded business district and near our school at dismissal time.

Police Recruitment – Last month we appointed a new Lieutenant, Richard Bunyan, and this week we promoted officer Craig Jarvis to Sergeant. We continue to interview for the three unfilled police officer slots and hope to have a full complement of officers by Summer, and actually offered employment to an applicant just this afternoon.

Verizon – Verizon began to lay their fiber optic cable lines in two locations in the Village last week. They worked in the area of 77 Pondfield Road and the Bronxville Towers at the intersection of Pondfield Road and Tanglewylde Avenue. They are required to put any streets back to their original condition including re-striping where necessary. We do not know, as yet, what areas are next for cable installation.

New Snow Equipment – You might have noticed that most of our streets were streaked with a whitish substance prior to the last two snow storms. The material is a high concentrate salt spray from our new brine machine. The spray keeps roads from freezing and making a hard pack on road surfaces which is both dangerous and difficult to remove. The Department of Public Works was very pleased with the results of the new equipment purchase.

In the lull between snow and leaf season, Public Works is concentrating on cleaning up our parks and open spaces to prepare them for spring plantings and increased use.

Westchester Municipal Officials Association – This week Bronxville will take its turn hosting other Westchester County Mayors and Village officials for dinner and a program featuring Bronxville resident William Mulrow as guest speaker. We have become more involved with our neighboring governments to increase our opportunities for cost savings, shared services and present a united front when necessary on issues important to the Village.

Board of Assessment Review will be deliberating on March 18th so that a final assessment roll can be filed with the Clerk with any changes attached by April 1st.

TRUSTEE REPORTS

Trustee Bellitto reported on the police department stating that this was a quiet month for activity. The Labor Board meeting has been scheduled for March 26th. Ned Branthover, a member of this board, has retired. Trustee Bellitto wished him luck.

Tax assessment – Trustee Bellitto met with Assessing Consultant, Gerry Iagallo, and reviewed the grievance process.

Parking – the Trustees are still interested in hiring a parking “guru” to manage the office. As far as revenues are concerned, it was a solid month.

Trustee Barton reported on the general fund status. Overall, it is a favorable picture – strong revenue trend and a favorable expense trend to date.

Trustee Poorman reported on the initiative presented last month regarding Memorial Day. There have been 417 names received for the veteran scroll. There will be a pre-Memorial Day event at the Women’s Club on May 11th from 2PM – 5PM where the scroll will be displayed. There will also be a viewing of the award winning documentary “*Art in the Face of War*” which was created by a resident. Also, there will be poppies distributed at the parade to residents.

Library – Trustee Poorman stated that on March 30th at 2:30PM author Michael Gill will be speaking.

Chamber of Commerce – Mayor Marvin and Trustee Poorman met with website designers to discuss enhancing on-line shopping capabilities of Bronxville stores.

There will be a landlord summit scheduled in the near future to improve communication between tenants and landlords.

APPROVAL OF MINUTES

On motion of Trustee Bellitto, second by Trustee Poorman, the Board approved the minutes of the Regular Meeting on February 11, 2008, as drafted.

NEW BUSINESS

RESOLUTION – Appointment of Police Sergeant

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

BE IT RESOLVED that the Board of Trustees of the Village of Bronxville appoints Craig Jarvis to police sergeant of the Village of Bronxville Police Department effective at 12:01AM on Monday, March 17, 2008 at an annual salary of \$97,951.00.

Chief Chris Satriale stated that a promotion committee was formed. This committee interviewed the top three candidates and then selected the top candidate. Chief Satriale then gave a brief biography of Craig Jarvis.

Mayor Marvin felt this was a terrific choice. She stated it was important to put together a promotion committee. She asked that Sergeant Jarvis come to another trustee meeting so that he can be introduced to residents.

RESOLUTION - Police Officer Appointment

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 appoints Erik T. Van der Leeuw to the position of second year Police Officer at the second year Police Officer’s salary of forty-nine thousand seven hundred seventy-three dollars (\$49,773.00) effective at the earliest date following successful completion of all medical requirements.

Chief Chris Satriale gave some background on the search. The proposed candidate does not need to go to the police academy as he is currently on the NYPD.

Mayor Marvin reported that this officer was looking for a community based job and that he was a wonderful choice. She asked that, when appropriate, Officer Van der Leeuw attend a board meeting so that he can be introduced to residents.

Chief Chris Satriale read a letter from a resident thanking Officers Fleming and Anderson for their rapid response to an emergency call. Chief Satriale was happy to report that services are being provided in a professional manner.

Chief Satriale reported that the trial period for the right on red from Pondfield Road to Gramatan Avenue has been preventing the stacking of cars on Pondfield Road. He looks forward to the Trustees making this permanent in the future.

Village Administrator, Harold Porr, mentioned that there will be a Village election on Tuesday, March 18th. Polls will be open from 6AM – 9PM and voting for all districts will take place at Village Hall. The election will be for two Trustees and one Justice. He encouraged everyone to vote.

RESOLUTION – Library Budget 2007/2008

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 Bronxville Public Library’s 2007/2008 operating budget by \$4,050.00 and to adjust the following line items:

Increase:	L.2705000	Gifts & Donations	\$4,050.00
Increase:	L.7410483	Special Programs	\$4,050.00

RESOLUTION – IMA for the Westchester County Land and Legal Records Public Viewing Application System

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

WHEREAS, Westchester County has created an internet-based public viewing system of land records entitled the “Westchester County Land and Legal Records Public Viewing Application (L&LR) and made it available at no cost to municipal governments, and

WHEREAS, although the information will be available to the public, access to the L&LR system will be limited to staff from the Assessor’s office, via user identification numbers and passwords and further limited to land records only, and

WHEREAS, the L&LR system streamlines the manual, labor-intensive, costly and time consuming process currently utilized by the Westchester County Clerk’s office for the preparation and dissemination of deeds, mortgages and other land records documents, and

WHEREAS, the Village of Bronxville will benefit from this system as a result of this increased efficiency, and

WHEREAS, Westchester County recently submitted a proposed Inter-municipal Agreement to the Village of Bronxville that shall commence upon execution, and shall expire on December 31, 2008.

NOW THEREFORE BE IT RESOLVED, that the Mayor is herein authorized, on behalf of the Village of Bronxville, to execute an Inter-municipal Agreement with Westchester County to provide for remote access to the Westchester County Land and Legal Records Public Viewing Application System.

Mayor Marvin stated that this upgrades information and offers immediate access.

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

PUBLIC HEARING – A Local Law adding Chapter 194 “Newsracks” to the Village Code of the Village of Bronxville.

Mayor Marvin said this is the Village's effort to codify placement of newsracks throughout the Village. The paramount goal is safety. Trustees have kept in mind the balance of needs but also the safety of residents.

Mr. Thomas Wolff, 230 Pondfield Road, stated that he is in favor of this law and feels it is detailed and well-organized. However, there are no fees listed for permits, inspections, etc. There also were some typographical errors that need to be addressed before approval.

Trustee Barton thanked Mr. Wolff for finding the typographical errors and said these will be corrected.

Mayor Marvin stated that the Trustees can pass the ordinance and collate the fee schedule at a later date.

Mr. James Kroulas, 70 Parkway Road, mentioned that there are several fee schedules referred to in this law. He asked when the fee schedule for monetary penalties is created what the process was.

Mayor Marvin responded that it is done by resolution.

At 8:55PM, on motion of Trustee Bellitto, second by Trustee Poorman, the public hearing was closed.

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

PUBLIC HEARING – *A Local Law amending Chapter 47 “Residency Requirements” to the Village Code of the Village of Bronxville.*

Village Administrator, Harold Porr, stated that this law establishes residency within 60 miles of the Village of Bronxville.

Mayor Marvin credited resident, Mr. Thomas Wolff, for bringing this matter to the attention of the Board.

Mr. Wolff, 230 Pondfield Road, supports this amendment to the Code. However, he felt this law would allow the Village positions to be residents outside of New York State. He stated that there are a number of opinions handed down by the Attorney General that a town officer may live any place in the State of New York. He felt that there is a provision in this law that supercedes Village law and Town law. There is no basis that he can find that allows a Village law to go beyond its boundaries.

Mayor Marvin reported that Village Attorney, Lino Sciarretta, had worked on this diligently and that other villages have this same law. The radius of 60 miles makes sense. She reiterated that Village Attorney, Lino Sciarretta, was following State law and reflecting best practice of the modern job market. This is the idea in order to get the best candidates for the job.

Trustee Poorman stated that the Office of Assessor is a specialized field and that there are not many candidates to choose from.

At 9:07PM, on motion of Trustee Poorman, second by Trustee Barton, the public hearing was closed.

At 9:08PM, on motion of Trustee Barton, second by Trustee Bellitto, the Public Hearing was opened.

PUBLIC HEARING – *A Local Law amending Chapter 290 “Vehicles and Traffic” of the Village Code of the Village of Bronxville.*

Chief Satriale said this law provided for a pick-up and drop-off lane in front of the School. There was an extensive trial period.

Trustee Poorman asked what the intent of the police department was as far as enforcement.

Chief Satriale said that the trial period was long enough and that summonses will be given.

Mayor Marvin reported that this is being done in conjunction with the School.

Chief Satriale confirmed this statement by saying that all representatives were in full support of this.

Mr. Thomas Wolff, 230 Pondfield Road, expressed concerns on the wording of this law. He does support it however he felt the directional descriptions were not in accord with reality. He also felt this law should be added to section 29 and not to section 28 of Chapter 290.

Mayor Marvin asked Chief Satriale if he had any concerns about the placement of this law in the Code.

Chief Satriale replied that the wording is correct and that it could be placed in section 29. The location of the Code will not affect its validity.

Trustee Barton questioned the northerly direction.

Chief Satriale said the direction gets confusing and that it really depends on where you are standing (the starting point).

Mr. Wolff asked if the purpose of the law is to replace the temporary signs that are there now.

Mayor Marvin responded that this was correct. She said that the important thing is that we all know the area being spoken about. She then asked Chief Satriale if this is descriptive enough and if he was comfortable with this law.

Chief Satriale responded that he was indeed comfortable with this law.

Mr. James Kroulas, 70 Parkway Road, stated he believes we need a reference point. There is no indication of where the sign is going to be.

Mayor Marvin replied that the Trustees will talk to Chief Satriale and Village Attorney, Lino Sciarretta, and make any additions/changes if necessary.

At 9:19PM, on motion of Trustee Bellitto, second by Trustee Poorman, the public hearing was closed.

At 9:20PM, on motion of Trustee Poorman, second by Trustee Bellitto, the Public Hearing was opened.

PUBLIC HEARING – *A Local Law amending Chapter 290 “Vehicles and Traffic” of the Village Code of the Village of Bronxville.*

Chief Satriale stated that this traffic engineer looked at this and recommended turn lanes. The markings may not be visible because we did not know if the trial period would work. Once the weather warms up and the law is passed, the markings will be made clear.

Mayor Marvin asked if the School was on board with this law and if this turn lane would ease congestion and not increase speed.

Chief Satriale responded that the School is very supportive and that there has been no increase in speed. It has prevented one car from taking up two lanes of traffic. It allows proper navigation.

At 9:23PM, on motion of Trustee Barton, second by Trustee Poorman, the public hearing was closed.

At 9:24PM, on motion of Trustee Bellitto, second by Trustee Barton, the public hearings were closed.

Trustee Barton asked that Village Attorney, Lino Sciarretta, make sure that the Trustees have not overstepped their bounds with these laws.

Mayor Marvin responded that she will have counsel review them again.

Village Administrator, Harold Porr, read the resolutions for each proposed local law and the vote to approve these laws was as follows:

Local Law #1 - *A Local Law adding Chapter 194 "Newsracks" to the Village Code of the Village of Bronxville.*

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

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

Section 1. Adding Chapter 194 "Newsracks"

§ 194-1. Intent.

A. Findings.

The Board of Trustees of the Village of Bronxville hereby finds that:

(1) The uncontrolled placement, lack of maintenance, and the attachment of newsracks to municipal property in public rights-of-way present a danger to the safety and welfare of persons using such rights-of-way, including pedestrians, persons entering and leaving vehicles and buildings, and persons performing essential utility, traffic control and emergency services.

(2) Newsracks located so as to obstruct walkways or crosswalks or to endanger persons using public rights-of-way constitute public nuisances.

(3) The existence of these factors constitutes an unreasonable interference with and obstruction of the use of public rights-of-way; a potentially dangerous condition; and an obstruction of the free use of property as to interfere with the comfortable enjoyment of life and property by the entire community.

(4) The Village Board of Trustees recognizes, however, that the use of such rights-of-way is historically associated with the sale and distribution of newspapers and publications and that access to those areas for such purposes should not be absolutely denied. The Village Board of Trustees further finds that these strong and competing interests require a reasonable accommodation which can be achieved satisfactorily only through the means of this chapter, which is designed to accommodate such interests regulating the place and manner of using such newsracks.

B. Purpose.

The provisions and prohibitions of this Chapter have the purpose of securing and promoting the public health, safety and general welfare of persons in the Village in their use of public rights-of-way through the regulation of placement, appearance, number, size and servicing of newsracks on the public rights-of-way so as to:

(1) Provide for pedestrian and driving safety and convenience.

(2) Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress to, or egress from, any place of business or from the street to the sidewalk, or access to drop curb cuts.

(3) Provide reasonable access for the use and maintenance of sidewalks, poles, posts, traffic signs, hydrants and similar appurtenances.

(4) Protect the aesthetics and value of surrounding properties.

(5) Reduce exposure of the Village to personal injury or property damage claims and litigation.

(6) Protect the right to distribute information protected by the United States and New York State Constitutions through the use of newsracks.

C. Preservation of constitutional rights.

It is not the intent of this Chapter to, in any way, discriminate against, regulate or interfere with the publication, circulation, distribution or dissemination of any printed material that is constitutionally protected.

§ 194-2. Definitions.

BLOCK – One side of the street between two consecutive intersecting streets.

DISTRIBUTOR – The person responsible for placing and maintaining a newsrack in a public right-of-way.

NEWSRACK – Any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display, sale or distribution of newspapers, advertising materials, or other written materials.

RIGHT-OF-WAY – The area between property lines which may be unimproved or surfaced and which may include public highways, streets, roadways and sidewalks.

ROADWAY – That portion of a street improved, designed or ordinarily used for vehicular travel.

SIDEWALK – Any surface provided for the exclusive use of pedestrians.

STREET – All the area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, highways, alleys, sidewalks and unimproved areas.

VILLAGE ENGINEER – Refers to the Village Engineer of the Village of Bronxville or the designee of the Village Engineer.

§ 194-3. Permit required.

It shall be unlawful for any person, firm or corporation to install, place, maintain or operate on any public street or sidewalk or in any other public way or place in the Village, any newsrack, without first having obtained a permit from the Village Engineer specifying the exact location of such newsrack. One permit may be issued to include up to five newsracks, provided that all newsrack locations are indicated on the permit.

§ 194-4. Application for permit; fee.

Application for such permit shall be made, in writing, to the Village Engineer upon such form as shall be provided by him or her and shall contain the name and address of the applicant, the contact person's name, title, telephone and facsimile number and e-mail address, and the proposed specific location of each newsrack. In addition, the applicant must provide the physical dimensions of the newsrack and a description of how each newsrack will be secured and shall be signed by the applicant.

From the above information, the Village Engineer shall approve or disapprove the locations in accordance with the standards and criteria set forth in this Chapter within 15 days of filing a complete application for such permit. In any case where the Village Engineer disapproves of a particular location, such disapproval shall be without prejudice to the applicant designating a different location.

The Village Engineer shall grant a permit if the location and installation of the newsrack complies with all of the standards and criteria set forth in this Chapter and if all other requirements of this Chapter are met.

§ 194-5. Conditions and duration of permit.

Permits may be issued for the installation of a newsrack or newsracks without prior inspection of the location, but such newsrack or newsracks and their installation, use or maintenance shall be conditioned upon continued observance of the provisions of this Chapter.

Such permits shall be valid for one year and shall be renewable pursuant to the criteria and standards for original applications and upon payment of the permit fee.

Newsrack permits shall not be assignable.

The Village Engineer must be notified in writing of a proposed newsrack replacement with a new or different newsrack or the relocation of a newsrack to a different location, which location shall be specified in such notice. The Village Engineer shall approve or disapprove such replacement or relocation, in accordance with the criteria and standards set forth in this Chapter, for a permit within 15 days of receipt of such written notification. If the replacement is approved by the Village Engineer, the existing permit shall be amended to reflect the change approved.

§ 194-6. Indemnification.

As a condition of approval of any newsrack permit, the distributor shall file a written statement with the Village Engineer, in a form satisfactory to the Village Attorney, by which the owner agrees to indemnify, hold harmless and defend the Village, its officers and employees against any loss, liability or damage, including expenses and costs, for bodily or personal injury and for property damage sustained by any person as a result of the installation, use and/or maintenance of a newsrack within the Village.

§ 194-7. Insurance.

As a condition of approval of any newsrack permit, the distributor shall file with the Village Engineer a certificate of insurance from an AM Best A – rated insurance company authorized to conduct business in New York, demonstrating that the distributor has general liability insurance with the limits of at least \$1 million each occurrence and \$2 million general aggregate. The insurance policy must name the Village of Bronxville as an additional insured. The insurance shall be maintained during the permit period of any newsrack and provide for not less than 30 days notice of cancellation to the Village Engineer.

§ 194-8. Location, placement and number of newsracks.

Any newsrack that rests, in whole or in part, on any portion of a public right-of-way or which projects onto, into or over any part of a public right-of-way shall be located in accordance with the following provisions:

A. No newsrack shall project onto, into or over any part of the roadway of any public street, nor shall it rest, wholly or in part, upon, along, or over any portion of the roadway of any public street or be affixed to anyone else's property – public or private.

B. Newsracks may be placed next to each other, provided that no more than three newsracks may be grouped, which group of newsracks shall not extend for a distance of more than eight feet. All newsracks in a group of newsracks shall abut the adjacent newsrack in such group unless safety considerations require otherwise. There shall be a space of not less than three feet between each group of newsracks.

C. No newsrack shall be placed, installed or maintained:

- (1) Within five feet of a marked crosswalk.
- (2) Within ten feet of a street corner without a marked crosswalk.
- (3) Within fifteen feet of a fire hydrant.
- (4) Within five feet of a fire call box or police call box.
- (5) Within five feet of a driveway or alley.
- (6) In a place that reduces the clear space for the passageway of pedestrians to less than four feet.
- (7) On any access ramp for disabled persons.
- (8) Where such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including parked or stopped vehicles, or the ingress to or egress from any residence or place of business.
- (9) Where such installation, use or maintenance endangers the safety of persons or property.
- (10) Within three feet of any display window of any building abutting the sidewalk in such a manner as to impede or interfere with the reasonable use of such window for display purposes.
- (11) Within 250 feet of any other newsrack on the same side of the street in the same block containing the same issue or the same publication.
- (12) Within 50 feet of any fire or police station

D. Except as provided in §194-8(B) of this Chapter, no more than one newsrack shall be located on any public right-of-way within a space of 100 feet in any direction within the same block of the same street; provided, however, that no more than eight newsracks shall be allowed on any one block except the area adjacent to the Metro North railroad station.

§ 194-9. Standards for maintenance and installation.

Any newsrack that, in whole or in part, rests upon, in or over any public sidewalk or street shall comply with the following standards:

No newsrack shall exceed five feet in height, 30 inches in width, or two feet in thickness.

Newsracks must be secured in a safe manner. No newsrack, however, shall be chained, bolted or otherwise attached to any municipal fixture, such as a parking meter, stop sign, street sign, or other traffic sign or control device, located in the public right-of-way, or to any tree or tree support.

No newsrack shall be used for advertising signs or publicity purposes other than those dealing with the display, sale, purchase or distribution of the newspaper or periodical sold or distributed in the newsrack.

Each coin-operated newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event that the person is unable to receive the publication. The coin-return mechanism shall be maintained in good working order.

Each newsrack shall have affixed to it, in a readily visible place so as to be seen by anyone using the newsrack, the permit number, together with a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction, or to secure a refund in the event of a malfunction of the coin-return mechanism or to give any notice provided for in this Chapter.

Any newsrack installed shall be of rigid and secure construction to prevent the newsrack from swiveling, turning or otherwise moving from the location of placement by the distributor. In addition, each newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:

- (1) It shall not be permitted to remain empty for a period exceeding thirty consecutive days.
- (2) It is reasonably free of dirt and grease.
- (3) It is reasonably free of chipped, peeling and cracked paint in the visible painted areas.
- (4) It is reasonably free of rust and corrosion in the visible unpainted metal areas.
- (5) The clear plastic or glass parts, if any, through which the publications are viewed are unbroken and reasonably free of cracks and dents.
- (6) The structural parts are not dented or broken.
- (7) It is free of graffiti.

No newsrack shall be illuminated or connected to a power source.

No newsrack shall be placed or allowed to remain in any location so that it interferes with the removal of snow or ice or the removal of leaves or debris, whether the removal is a public or private duty.

§ 194-10. Violations; removal; inspection fees.

Upon determination by the Village Engineer that a newsrack has been installed, used or maintained in violation of this Chapter, the Village Engineer shall issue an order to the distributor of the newsrack to correct the violation. Such order shall be sent by mailing a copy of the order by certified mail, return receipt requested. The order shall specifically describe the violation, suggest actions necessary to correct the condition, and inform the distributor of the right to appeal. Failure to properly correct the offending condition within ten business days after the mailing date of the order or to appeal the order as provided in § 194-12 within five days after its receipt shall result in the offending newsrack being summarily removed and possessed as unclaimed property. If the offending newsrack is not properly identified as to owner under the provisions of this Chapter, it shall be removed immediately and processed as unclaimed property. An impound fee, which shall be measured by the Village's cost and expense of impounding, shall be assessed against each newsrack summarily removed. The Village Engineer shall cause inspection to be made of the corrected condition or of a newsrack reinstalled after removal under this section. The distributor of said newsrack shall be charged an inspection fee for each newsrack so inspected in an amount established by the Village Board. This fee shall be in addition to all other fees and charges required under this Chapter.

§ 194-11. Penalties for offenses.

Any person who places in operation a newsrack without first obtaining a permit or who places in operation or maintains in place a newsrack which violates any of the provisions of the Chapter shall be guilty of a violation of this Chapter. Each violation of this Chapter shall be punishable by a fine not to exceed \$250 or imprisonment for a period not to exceed 15 days, or both.

§ 194-12. Appeals.

Any person aggrieved by a finding, determination, notice, order or action taken under this Chapter may appeal to the Village Administrator or the Village Administrator's designee. An appeal must be perfected within five days after receipt of notice of any protested decision or action, by filing with the Village Administrator a letter of appeal briefly stating the basis for the appeal. A hearing shall be held on a date not more than 15 days after receipt of the letter of appeal. The appellant shall be given at least five days notice of the time and place of the hearing. The Village Administrator or the Village Administrator's designee shall give the appellant, and any other interested party, a reasonable opportunity to be heard in order to show cause why the determination of the Village Engineer should not be upheld. At the conclusion of the hearing, the Village Administrator shall make a final decision. The decision shall be immediately appealable to a court of competent jurisdiction.

§ 194-13. Existing newsracks.

Any newsrack in existence prior to the effective date of this Chapter and which does not have a newsrack permit shall be removed or brought into conformance with the provisions of this Chapter, including the issuance of a permit for such newsrack, within 45 days after the effective date of this Chapter. If the distributor fails to comply with this provision, the Village Engineer shall issue an order to the distributor of the newsrack to correct such violation in accordance § 194-10.

§ 194-14. Emergencies.

Nothing contained in this Chapter shall be interpreted to limit or impair the exercise by the Village of its police power, in the event of an emergency, as determined by the Village Engineer, to remove any newsrack that presents a danger of imminent personal injury or property damage to users of the Village rights-of-way or would otherwise hamper or impair the fulfillment by the Village of its governmental obligations, including, but not limited to, snow removal and street cleaning.

Section 2. Severability.

The provisions of this section shall be severable, and if any clause, sentence, paragraph, subdivision or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confirmed in its operation of the clause, sentence, paragraph subdivision or part thereof directly involved in the controversy in which such judgment shall be rendered.

Section 3. This Local Law shall become effective immediately upon filing in the Office of the Secretary of State.

Local Law #2 – *A Local Law amending Chapter 47 “Residency Requirements” to the Village Code of the Village of Bronxville.*

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

BE IT ENACTED by the Board of Trustees of the Village of Bronxville that section 47-2 shall be amended as follows:

§47-2 Residency requirements.

- A. Notwithstanding any other general or special law, no person shall be eligible to be appointed to or hold office of the Village Clerk, Deputy Clerk, Village Treasurer, Deputy Treasurer, Village Assessor, Deputy Assessor, Village Court Clerk or Assistant Court Clerk who is not a citizen of the United States, is not at least 21 years of age and is not resident of Westchester County or of any Village, town or city located within 60 miles from the Village of Bronxville at the time of such appointment.
- B. This section shall change or supersede § 3-300, Subdivision 2, of the Village Law, as last amended, § 3 of the Public Officers Law, as last amended, and § 23

of the Town Law, as last amended, to the extent that the provisions thereof conflict with or are contrary to the provisions of this article.

Local Law #3 – *A Local Law amending Chapter 290 “Vehicles and Traffic” of the Village Code of the Village of Bronxville.*

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

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

Section 1. Section 290-28 “Parking prohibited in designated locations” of the Village Code of the Village of Bronxville is hereby amended by adding thereto a new subsection P. to read as follows:

P. Pondfield Road – Bronxville School. The parking of vehicles is hereby prohibited between the hours of 7:00 a.m. and 9:00 a.m. and 2:00 p.m. and 4:00 p.m., on days when school is in session, on the east side of Pondfield Road for a distance of 290 feet in a northerly direction from the current no parking zone.

Local Law #4 – *A Local Law amending Chapter 290 “Vehicles and Traffic” of the Village Code of the Village of Bronxville.*

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

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

Section 1. Section 290-18 “Traffic Control signals” is hereby amended by adding thereto new subsections C & D to read as follows:

C. There shall be a left turn only lane and a right turn through lane on Pondfield Road at both approaches to Midland Avenue. Signs permitting such turns shall be maintained at such locations.

D. There shall be a left turn only lane and right turn through lane on Midland Avenue northbound at the approach to the Pondfield Road intersection. Signs permitting such turns shall be maintained at such locations.

NEW BUSINESS

RESOLUTION - Appointment of Village Assessor

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

BE IT RESOLVED that the Board of Trustees hereby appoints Anthony V. DeBellis to serve as Village Assessor for a term of one year at a salary of \$7,000.00 effective upon taking an Oath of Office.

PUBLIC COMMENTS

Mr. Thomas Wolff, 230 Pondfield Road, asked the status of WCI obtaining a completion bond.

Mayor Marvin responded that they have until March 31, 2008.

Village Administrator, Harold Porr, said that the Village has been in contact with the WCI officials and are awaiting a response.

Mr. Wolff asked if there was no response would the project end.

Village Administrator, Harold Porr, responded that he does not have enough information at this point to make a determination.

Mr. James Kroulas, 70 Parkway Road, asked for a follow-up on WCI and its willingness to get a performance bond. He also mentioned that he assumes there is no conclusion with regard to the Mobil lot.

Village Administrator, Harold Porr, said there has been a lot of activity but no forward movement. The lease agreement has turned into a license agreement. He is confident that something will happen. He just needs the lawyers on both sides to agree.

Mr. Kroulas asked if it might be prudent to extend the March 31, 2008 date to an April date.

Village Administrator, Harold Porr, replied that he could not make that recommendation to the Board at this time.

Mayor Marvin thanked the Bronxville High School students for coming and staying the entire length of the meeting.

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There being no further comments, the meeting was adjourned at 9:34PM by motion of Trustee Bellitto, second by Trustee Poorman.

Harold Porr III
Village Administrator