

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BRONXVILLE HELD ON APRIL 13, 2009 AT THE VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

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PRESENT: Mary C. Marvin Mayor
Glenn D. Bellitto Trustees
William H. Barton, Jr.
Anne W. Poorman
Robert S. Underhill

ALSO PRESENT: Harold Porr III Village Administrator
James Staudt Village Attorney
Robert Fels Village Treasurer

WORK SESSION & EXECUTIVE SESSION

A work session meeting was held. The meeting was called to order at 6:38PM on the motion of Trustee Bellitto, and second by Trustee Poorman. In attendance were Trustee Bellitto, Trustee Barton, Trustee Poorman, Trustee Underhill, Mayor, Mary Marvin, Village Administrator, Harold Porr, Village Attorney, James Staudt, and Village Treasurer, Robert Fels. The Board reviewed the agenda for the regular meeting and discussed the proposed 2009-2010 budget.

On motion of Trustee Barton and second by Trustee Underhill the Board entered into Executive Session at 7:11PM to discuss personnel issues and litigation.

On motion of Trustee Poorman and second by Trustee Bellitto the Board ended Executive Session at 7:58PM.

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

SWEARING IN OF MAYOR AND TRUSTEES

Judge Mayer swears in Mayor Mary Marvin, Trustee Glenn D. Bellitto and Trustee Robert S. Underhill.

“HEARTS TO HOME” PRESENTATION

Michael McManus, a member of the Bronxville Youth Council, reports that Hearts to Home, a troops support program, has raised more than \$56,000 since Valentine’s Day 2008, sending over 1 million minutes of talk time to the troops. United Service Organizations will be honoring Hearts to Home at an event hosted by Concordia College on April 26, 2009, between 4:00 P.M. to 5:30 P.M., at the Schoenfeld Campus Center. The suggested donation will be \$15.00, of which 100% of the proceeds will be used to purchase more calling cards for the troops.

“RELAY FOR LIFE’ PRESENTATION

Rob Sampogna, event chair, describes how Relay for Life, a fundraiser for the American Cancer Society, will be a 12-hour walk-a-thon held on Saturday, May 16, 2009, 7:00 P.M., to Sunday, May 17, 2009, 7:00 A.M., at the Concordia College Quad with the cooperation of the communities of Bronxville, Eastchester and Tuckahoe. The event will celebrate the lives of those who are battling cancer, remember loved ones lost to cancer and raise money to find a cure for cancer.

SPECIAL WELCOME

Mayor Marvin welcomed Eastchester Councilwoman Sheila Marcotte.

Councilwoman Marcotte congratulated Mayor Marvin, Trustee Bellitto and Trustee Underhill on behalf of the Eastchester Town Board. She also wanted to commend Mayor Marvin on doing a tremendously good job and states how she's worked well with the Village Board on projects in the past and looks forward to working with the Board on projects in the future.

ANNUAL APPOINTMENTS

Mayor Marvin announced the following appointments:

<u>Office</u>	<u>Term</u>	<u>Name</u>
Deputy Mayor	1 year term	(incumbent) Glenn D. Bellitto
Treasurer & Budget Officer	2 year term	(incumbent) Robert J. Fels
Village Clerk	2 year term	(incumbent) Harold Porr, III
Deputy Treasurer/Tax Assessment	2 year term	(incumbent) Janet Grosso
Village Assessor	1 year term	(incumbent) Anthony DeBellis
Deputy Village Clerk	1 year term	(incumbent) MaryAnn Urrico
Parking Violations Hearing Officer	1 year term	(incumbent) Patricia M. Smith
Village Historian	1 year term	(incumbent) Eloise L. Morgan

TRUSTEE ASSIGNMENTS

Mayor Marvin announced the following Trustee liaison assignments:

Trustee Glenn D. Bellitto	<ul style="list-style-type: none">- Deputy Mayor- Planning Board- Police- Parking- Assessor Liaison
Trustee Robert S. Underhill	<ul style="list-style-type: none">- Finance Committee- School Finance- Tennis/Paddle Liaison- Eastchester Town Budget- Real Estate Related Matters
Trustee Anne W. Poorman	<ul style="list-style-type: none">- Library Board- School and Youth Liaison- Senior Citizen- Chamber of Commerce/Business- District Liaison
Trustee William H. Barton, Jr.	<ul style="list-style-type: none">- Zoning Board- Department of Public Works/ Quality of Life Issues- Eastchester Fire Department- Cable

RESOLUTION REGARDING ANNUAL ACTIONS

Mayor Marvin announced the following annual authorizations:

<u>Auditor to Board of Trustees</u>	Village Administrator for a 1 year term - for the purpose of checking monthly abstracts of purchases as prepared by the Village Treasurer, Village Administrator/Clerk.
<u>Auditor to the Justice Court</u>	Village Treasurer Robert J. Fels
<u>Village Auditor</u>	Bennett Kielson Storch DeSantis, The Government Services Division of O'Connor Davies Munns & Dobbins, LLP
<u>Signatures</u>	<p>Section 1. Checks drawn on the bank accounts of the Village of Bronxville be signed by any two of the following: Mayor, Deputy Mayor, Village Administrator or Treasurer</p> <p>Section 2. Checks drawn on the account of Justice Court of the Village of Bronxville, established for deposit of fines, fees and forfeited bail, shall be signed by a Village Justice.</p> <p>Section 3. Bank transfers and federal wire transfers to be signed by any two of the following: Mayor, Deputy Mayor, Village Administrator or Treasurer.</p>
<u>Bank Depositories</u>	Authorize depositories for Village funds with J.P. Morgan Chase Bank, Hudson Valley Bank and HSBC
<u>Surety Bonds</u>	<p>That surety bonds be filed in the following amounts, premiums to be paid by Village:</p> <p>All employees \$200,000 per loss</p>
<u>Official Newspaper</u>	Designate the "Review Press," "The Town Report" and "The Journal News" as the official newspapers for the Village of Bronxville during the ensuing official year. Publication of legal notices will appear in one or the other from time to time as required.
<u>Meeting Date</u>	Resolve that the regular meeting date of the Board of Trustees will be held at 8:00 P.M. on the 2 nd Monday of each month.

ANOTHER SPECIAL WELCOME

Mayor Marvin welcomes Supervisor Anthony S. Colavita.

Supervisor Colavita congratulates Mayor Marvin and the Trustees on behalf of the Town Board. He also wanted to commend Mayor Marvin for doing a sensational job and pledges to work together in the coming year.

MAYOR'S REPORT

- Attended the Mayors' Conference with Village Administrator Porr in Albany to learn how to apply for stimulus funding. Reports that the Village has applied for funding for various projects.
- While at the Mayors' Conference, learned that due to losses in the State pension fund, we can expect local retirement costs to escalate into the double digits within the next few years.
- Since last meeting: we reached an agreement with the Teamster's Union, which represents Department of Public Works staff. A special meeting was held to hire new police officers, who will be introduced at the May Trustees' meeting.
- Have focused efforts on Village court and parking operations to make sure maximizing efficiency in revenue.
- Finished doing a cleaning of pipes and drains in and around school area and are beginning to make repairs, which have already improved water flow.
- Remarketing Village insurance to make sure the Village has the necessary coverage in the most cost-effective manner.
- Working on parks this week, both near the Maltby Field area and Sagamore Park.
- The week of April 20, Sagamore Park will be closed for cleanup and refurbishment.
- Partnering with the school's Environmental Club to continue to push for organic gardening, and, hopefully, to bring a program to encourage more walking throughout the village.
- Met with a professor from Syracuse University to discuss possibility of doing some statistical analysis of the tax roll to help further refine it.
- Had two long budget workshops to arrive at the proposed budget.

TRUSTEE REPORTS

Trustee Bellitto reports that Police Chief Satriale announced that a number of police officers will be receiving awards from the Policemen's Benevolent Association of Westchester County at its awards and scholarship lunch.

As per a completed police investigation, a shot fired by a Yonkers policeman at the corner of Edgewood and North Road on February 18th was determined to be justified. Local and federal law enforcement officials were chasing a suspect who was a steroid dealer. When the suspect tried to run down a police officer, a Yonkers policeman fired a shot to try to stop him. The incident was captured and recorded on videotape from one of the police vehicles.

Parking Department revenues for the month are on budget and for the ten months year-to-date are \$25,000 greater than budget.

There will be a Green Meeting and Summit on Saturday, June 13th, 2009, at the Eastchester Town Hall.

Trustee Barton reports that the Community of Bronxville is ranked among the leaders of recycling in Westchester County. The Community of Bronxville ranked 4th out of 42 communities in Westchester.

Trustee Poorman announces that Laura Eckley has been hired as Permanent Director of Library Services.

A special thank you to outgoing Library Trustee President, Margaret Pyle, and a welcome to incoming Library Trustee President, Vicki Manley.

Trustee Underhill reports that as to the Kensington Road Project, Village Administrator Porr has been reaching out to all the groups that have expressed interest in the past to determine their level of interest in light of the current economic and credit crunch. Based on a strong level of current interest expressed by a number of groups and improvements in credit markets, an RFP will be submitted to a number of groups sometime in May.

PUBLIC HEARINGS

2009/2010 Budget – Robert Fels

On Motion by Trustee Underhill, second by Trustee Bellitto, a public hearing is opened for the 2009/2010 Budget.

Robert Fels listed the details of the proposed budget. One of the key points is that no increase in the village tax levy will be imposed on village residents and that whatever budget cuts were made were necessary to achieve that end.

There being no further comment, on Motion by Trustee Barton, second by Trustee Bellitto, the public hearing is closed for the 2009/2010 Budget.

Revision of the Streets and Sidewalks Law – James Staudt

Mr. Staudt explains that the law currently provides that people who have paved sidewalks have to clear snow, but people whose sidewalks are not paved do not, and the main purpose of amending the law was to require that everyone has to.

Mr. Staudt says that he discovered that this law also covers a number of street and sidewalk issues such as cleaning debris from sidewalks and repairing broken sidewalks.

Mr. Staudt says that the current law provides that homeowners who are being asked to either fix or clean up their sidewalks get 45 days' notice, which works when asking for construction activity but not for cleanup of debris.

Mr. Staudt says he needs more time to sit down with the Director of Public Works and the Building Inspector to see what they think is reasonable notice for the different categories of repairs one is required to do to his or her adjacent sidewalk and draft something new for the Board's consideration.

Mayor Marvin agrees to re-notice the public hearing for a May meeting.

Revision of the Parking Limit Law – James Staudt

On Motion of Trustee Poorman, second Trustee Bellitto, a public hearing is opened for the revision of the parking limit law.

James Staudt explains how currently the law has requirements for the amount of money you have to put in meters but does not have any overall time limitation. This revision of the traffic and vehicle law would provide for a two-hour time limit for parking at meters on Paxton Avenue, Pondfield Road and Park Place. You would be required to move your car and not just feed the meter all day long and leave your car in one location.

Trustee Underhill voiced concern that this is communicated to merchants so that it is not punitive.

Mayor Marvin sent three or four notices to the Chambers of Commerce to alert their members. She also points out that this revision in the law was brought forward by many of the Chambers' members who felt it was hurting their business because employees would park in front of their stores for six to eight hours. It was their desire to see business district parking spaces turn over to help customers.

There being no further comment, on motion of Trustee Underhill, second by Trustee Poorman, the public hearing for the revision of the parking limit law is brought to a close.

APPROVAL OF MINUTES

On motion of Trustee Bellitto, second by Trustee Poorman, the Board approved the minutes of the Regular Meeting on March 9th, 2009, the Special Meeting on March 26th, 2009 and the Special Meeting on April 2nd, 2009, as drafted.

NEW BUSINESS

2009/2010 BUDGET

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

WHEREAS, upon presentation of the tentative budget for fiscal year 2009-2010, the Board of Trustees reviewed said tentative budget and made such changes, alterations and revisions as it considered advisable; and

WHEREAS, the Board of Trustees held a duly noticed public hearing on the tentative budget, as changed, altered and revised; and

WHEREAS, after completion of the public hearing, the Board of Trustees further changed, altered and revised the tentative budget in accordance with applicable provisions of the Village Law;

NOW THEREFORE BE IT RESOLVED, that the above-described budget, including such changes, alterations and revisions as have been made by the Village Board since the filing of the tentative budget with the Village Clerk, is hereby adopted as the budget of the Village of Bronxville for the fiscal year 2009-2010.

VEHICLE AND TRAFFIC/PARKING FINES AND PENALTIES

WHEREAS, certain vehicle and traffic/parking fines and penalties for violations in the Village of Bronxville have not been adjusted since approximately 2003; and

WHEREAS, the Village Board has reviewed the current fines and penalties for parking and vehicle and traffic violations; and

WHEREAS, the Village Board has determined that certain of such fines and penalties should be increased;

NOW THEREFORE BE IT RESOLVED as follows:

1. The fines and penalties for certain parking and vehicle and traffic violations in the Village of Bronxville are hereby set at the amounts shown on Schedule "A" attached hereto, effective June 1, 2009.

2. Chapter A321-5E of the Code of the Village of Bronxville is hereby amended to read as set forth in Schedule "A" attached hereto, effective June 1, 2009.

Schedule A

E. Section 290-48, Violations and penalties.

(1) Maximum penalties for violations of traffic regulations. (The penalty for each violation shall be doubled if the payment for the penalty is not made within 14 days from the date of issuance of the summons for the parking violation.)

<u>Violation</u>	<u>Current</u>	<u>Proposed</u>
No Parking 3:00 a.m. to 7:00 a.m.	\$20	\$30
No Parking Bus Stop	\$25	\$35
No Parking Loading Zone	\$50	\$70

No Parking	\$25	\$35
No Parking 10:00 p.m. to 7:00 a.m.	\$25	\$35
Excessive Standing	\$25	\$35
No Resident Permit Village Lot	\$25	\$35
No Merchant Permit Village Lot	\$25	\$35
No Parking Permit	\$25	\$35
Unregistered Motor Vehicles	\$25	\$35
Expired Inspection	\$25	\$35
Double Parking	\$50	\$70
Crosswalk	\$50	\$70
Fire Hydrant Parking	\$50	\$70
Blocking Driveway	\$25	\$35
Handicapped Parking (Street)	\$80	\$110
Handicapped Parking (Off Street)	\$80	\$110
Improper Parking – Parking Across Line	\$25	\$35
Improper Parking – Rear Wheels to Curb	\$25	\$35
Failing to Obey Sign – Stopping/Standing/Parking	\$25	\$35
Snow Removal	\$25	\$35
Fire Lane	\$50	\$70
Other	\$25	\$35

(2) Escalating penalties. There shall be an escalating maximum penalty for overtime parking in locations at which parking meters or multi-space parking machines are installed or for overtime parking in non-metered spaces enumerated in Section 290-28. The schedule of escalating penalties is based upon the number of offenses during the period commencing one year prior to the date of the most recent offense. The fine for each violation shall be doubled if the payment for the fine is not made within 14 days from the date of issuance of the summons for the parking violation.

<u>Violation</u>	<u>Current</u>	<u>Proposed</u>
(a) First to 10 th Offense	\$15	\$20
(b) Eleventh to 15 th Offense	\$25	\$35
(c) Sixteenth to 20 th Offense	\$40	\$55
(d) Over 20 th Offense	\$65	\$90

MALTBY PARKING LOT AND OTHER PUBLIC PARKING LOTS

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

WHEREAS, the Village Board is desirous of adjusting the duration and fee for the prepaid merchant parking permit for metered spaces in the Villages Maltby parking lot.

NOW THEREFORE BE IT RESOLVED as follows:

1. That Section A321-5C(8) of the Code of the Village of Bronxville is hereby amended to read as follows:

“(8) Special prepaid permit to allow merchant parking at metered spaces restricted to merchants in the Kraft Parking Lot, the Kensington III Parking Lot: \$750 for a one-year period July 1 to June 30; \$563 for the period October 1 to June 30; \$375 for the period January 1 to September 30; and \$188 for the period April 1 to June 30. Special prepaid permit to allow merchant parking at metered spaces restricted to merchants in the Maltby parking lot: \$25.00 for a one calendar month period or any part of a calendar month.”

2. The amendment to Section A321-5C(8) set forth in paragraph 1 of this Resolution shall take effect on June 1, 2009.

PARKING LIMIT LAW

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

Be it enacted by the Board of Trustees of the Village of Bronxville as follows:

Section One. Section 290-41(D) of Chapter 290 of the Code of the Village of Bronxville is hereby repealed in its entirety and replaced with new section 290-41(D), which shall read as follows:

- D. Limited two-hour parking. During the hours of parking meter operation specified in §290-40, the parking of vehicles for a period longer than two hours in the same metered space is hereby prohibited on Paxton Avenue, Pondfield Road and Park Place.

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 of New York.

IMA FOR TRANSFER OF ORGANIC WASTE FOR REFUSE DISPOSAL DISTRICT #1

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

BE IT RESOLVED that the Board of Trustees of the Village of Bronxville authorizes the Mayor of the Village to enter into an intermunicipal agreement with the County of Westchester for the Transfer of Organic Waste for Refuse Disposal District #1 as outlined in the attached contract, and the contract states \$15.00 per ton.

BID RESOLUTION – 49 KRAFT AVENUE DEMOLITION (ENVIRONMENTAL CONSULTING SERVICES)

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

BE IT RESOLVED the Board of Trustees authorizes J.C. Broderick & Associates, 420 Lake Avenue, St. James, New York 11780, to perform a predemolition asbestos survey and provide professional Hazardous Material Consulting and Testing Services as required for the demolition of the former Bam's Service Station building located at 49 Kraft Avenue in accordance with the attached proposal dated February 23, 2009 for a cost not to exceed \$1,500.00 (One Thousand, Five Hundred Dollars and zero cents.) If required, additional laboratory analysis shall be billed at the rates specified, with the prior notification and approval of the Village Engineer.

BID RESOLUTION – 49 KRAFT AVENUE DOMOLITION (UNDERGROUND HEATING TANK REMOVAL)

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

BE IT RESOLVED the Board of Trustees authorizes Northeast Environmental Inc., 225 Valley Place, Mamaroneck, New York 10543, to remove the 1,000 gallon underground fuel tank as required for the demolition of the former Bam's Service Station building located at 40 Kraft Avenue in accordance with the attached proposal dated March 13, 2009 for a cost not to exceed \$1400.00 (One Thousand, Four Hundred Dollars and zero cents.) If required, additional fuel transport and disposal fees shall be billed at the rates specified, with the prior notification and approval of the Village Engineer.

BID RESOLUTION – 49 KRAFT AVENUE DEMOLITION (Structure Demolition)

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

BE IT RESOLVED the Board of Trustees authorizes TMI Wrecking Inc., 36 Haven Avenue, Mount Vernon, New York 10553, to perform demolition services including slab and footing removal of the former Bam’s Service Station building located at 49 Kraft Avenue in accordance with the attached proposal dated March 30, 2009 for a cost not to exceed \$16,000 (Sixteen Thousand Dollars and zero cents.)

MIKE VIRGILIO – TENNIS CONTRACT

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

BE IT RESOLVED that the Board of Trustees of the Village of Bronxville authorizes the Mayor to enter into an agreement with Michael Virgilio for tennis professional services as attached.

PUBLIC COMMENTS –

Thomas Wolff asked for clarification about the underground heating tank removal at 49 Kraft Avenue and what that consists of.

Village Administrator Porr explained that as part of the demolition at 49 Kraft Avenue, it is the responsibility of the Village to first have an assessment done as to the presence of asbestos and lead, which would require removal; and then it’s necessary to remove an oil tank. While the tenant is responsible for removing the gas tanks, the heating oil tank for the building is the responsibility of the Village.

James Kroulas inquired whether, other than tagging the meters themselves on Paxton Avenue, Pondfield Road and Park Place, would there be any other notice to alert the general public as to the new two-hour parking law.

Village Administrator Porr stated signs would be posted in the areas in question and issuance of warning tickets for a particular period of time would happen first.

Mayor Marvin said she will talk to the police chief on how to get the message out to the general public.

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There being no further comments, the meeting was adjourned at 9:22 P.M. by motion of Trustee Poorman, second by Trustee Bellitto.

Harold Porr III
Village Administrator/Village Clerk