

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
BRONXVILLE HELD ON MAY 10, 2010 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

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**WORK SESSION & EXECUTIVE SESSION**

The meeting was called to order at 6:36PM and in attendance were Mayor Marvin, Trustee Bellitto, Trustee Barton, Trustee Poorman, Trustee Underhill, Village Administrator Harold Porr, Village Attorney James Staudt and Village Assessing Consultant Gerry Iagallo.

Village Assessing Consultant, Gerry Iagallo, discussed revaluation issues with the Board.

Village Administrator, Harold Porr, reviewed the meeting agenda.

At 7:14PM, on motion of Trustee Poorman, second by Trustee Barton, the Trustees entered Executive Session to discuss personnel matters in the Library and to seek legal advice regarding cable franchise negotiations.

On motion of Trustee Barton, second by Trustee Underhill, the Trustees re-opened the work session and entered into the public session at 8:07PM.

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Mayor Marvin called the meeting to order at 8:11PM.

**MAYOR'S REPORT**

This past month we seemed to have tackled issues relating to some of our major utilities including United Water and Metro North.

United Water is still asking for astronomical hikes in both the cost of water which will increase by 30% and a 125% increase in hydrant service fees to over \$1,200 per hydrant if their proposed rate increases are approved by the Public Service Commission. With almost 200 hydrants in the Village, this is a huge amount of money at stake for the Village budget. We continue to be part of a 10 community consortium fighting these increases. Senator Jeff Klein met with the group last week to understand the issues and he has agreed to advocate on our behalf. Deputy Mayor Bellitto is the point person on this for the Village working with Sheila Marcotte from the Eastchester Board.

Also, with the help of Senator Klein, Metro North agreed to meet with us to discuss outstanding issues such as noise, vibration, weeds, garbage, track repair, rodents and painting of the underpass. Some of the track repairs have been completed and we are working with them on the others. Given their current dire financial shape, we do expect needed improvements to be made in the near future. We will continue to press for what our residents need along the rail corridor because this is a real quality of life issue. If finances permit, we may undertake some of the weeding, painting in the station area.

After several months of discussion among ourselves and with outside experts, tonight we will be putting in place a Village reassessment policy going forward. I will speak more to it when we reach that point in the agenda.

Mr. Porr and I have spent a lot of time this month with our colleagues in government both on the State and local levels. In essence, our efforts have been to preserve what little non-property tax revenues we receive and look for ways to make

Bronxville eligible for other funding opportunities both at the State and County levels. I guess a benefit of a financial crisis is that we are motivated to look at every possible funding source. Given how much money we direct to the County, I am trying to find ways to have some of it actually come back to the Village.

Some other updates:

We hope to be starting the improvements to Maltby Field this summer. We are just waiting to have grant monies securely in hand before beginning.

The Sagamore refurbishment is slightly behind, again because we are waiting to have money in hand before starting any projects at this time. But I assure you, they will be completed.

We have just recently sent out documents soliciting bids to reconfigure the intersection near St. Joseph's Church and the BAMS parking area to make that entire area safer for drivers and pedestrians.

We are restriping most all of our Village crosswalks in the coming weeks.

We continue to have issues with the number of teens congregating in the business district on weekend nights. A week ago Saturday, there were over 120 kids on Pondfield Road and Park Place. This past weekend, there were 70 plus on Friday night and Saturday night a little less due to the cold weather. Two serious incidences occurred. One youth was hospitalized with alcohol poisoning and the other was brought in by the police because he had gloves weighted with some heavy materials.

Bottom line, everyone is welcome in our Village business district on weekends, resident or non-resident visitors as long as they conduct themselves in an appropriate manner. We will not tolerate bad behavior by anyone, resident or non-resident. It is just unfair to the rest of the folks who live or work here or come to visit and try to enjoy their weekends or run a business to turn a blind eye to bad behavior.

One issue is the business district is Swoozies. It looks awful and now there are folks with placards walking around the Village advertising the going out of business sale. We spoke to the liquidating company and sent violations. However, what they are doing is specifically allowed/encouraged by the bankruptcy judge that adjudicated the case in Federal Court in Georgia. In essence, we have learned that the Federal Law trumps our local Village Code so we are stuck with the situation until they leave on June 3<sup>rd</sup>. We are not alone. Several other communities protested as we did to no avail.

Mayor Marvin announced that effective June 1, 2010 the parking meters will be enforced beginning at 8AM and not 9AM.

## **TRUSTEE REPORTS**

**Trustee Bellitto** reported on the police department. During the month of April there were 6 misdemeanors and one felony.

Parking – Trustee Bellitto reported that revenues were lower than last year and budget.

Green Committee – the next meeting of this committee will be on June 7<sup>th</sup> at Village Hall. All are invited to attend.

**Trustee Barton** reported that the finances of the Village remain healthy.

**Trustee Poorman** reported on the Court Office of the Village. The new Village Court Clerk, Maryann Palermo, is working out wonderfully and is bringing new ideas and organization to the office. The Court is now accepting credit card payments – either over the phone or on-line. They are hoping to avoid transaction fees.

Chamber – Trustee Poorman reported that the Farmer's Market opens soon and that the Annual Sidewalk Sale will be on June 5<sup>th</sup>. For the Sidewalk Sale, Park Place will be closed down so that vendors and music will attract foot traffic.

## **APPROVAL OF MINUTES**

On motion of Trustee Barton, second by Trustee Bellitto, the Board approved the minutes of the Regular Meeting on April 12, 2010 as drafted.

**NEW BUSINESS**

**RESOLUTION - ESTABLISHING A POLICY TO MAINTAIN VILLAGE ASSESSMENTS AT A UNIFORM PERCENTAGE OF VALUE**

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

**WHEREAS**, in 2007 a Village wide real property assessment revaluation was completed at the direction of the Bronxville Village Board, and

**WHEREAS**, the 2007 revaluation involved a substantial expenditure of Village funds and manpower, and

**WHEREAS**, the 2007 revaluation significantly improved the equity and fairness of the Village assessment roll for Village property owners, and

**WHEREAS**, the Village Board is desirous of ensuring that the benefits of the expenditures the Village has made in the revaluation process continue to be realized, and

**WHEREAS**, the Village Board is desirous of ensuring that the equity and fairness of the Village assessment roll be maintained on an ongoing basis, and

**WHEREAS**, the Village Board has considered the appropriate equity standards to be maintained and the appropriate frequency of revaluation which should be employed in order to assure a continuing fair and equitable assessment roll, and

**WHEREAS**, in considering this issue the Village has, among other things, examined methodologies and equity standards employed and recommended by other taxing jurisdictions, and by the New York State Office of Real Property Services and the International Association of Assessing Officers,

**NOW THEREFORE BE IT RESOLVED** by the Board of Trustees of the Village of Bronxville as follows:

1. That it shall be the policy of the Village of Bronxville that a Village wide revaluation shall be conducted the earlier of 1) every three years or 2) such time as the equity level of the assessment roll exceeds 12% coefficient of dispersion for the residential property group over a trailing 12 month period as validated by our expert.
2. Unless and until a contrary policy to that described in paragraph "1" above is established by Village Board resolution, the Village of Bronxville Village Board shall cause updated revaluation(s) to be performed as described in paragraph "1" above.

**RESOLUTION – REVALUATION AUTHORIZATION**

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

**WHEREAS**, Section 305 of the New York State Real Property Tax Law mandates uniform and equitable assessments; and

**WHEREAS**, computer-assisted mass appraisal systems, technical advice, and financial assistance may be available by cooperative agreement with the New York State Office of Real Property Services; and

**WHEREAS**, the last Village reassessment of our real property took place in 2007 and it is necessary to conduct a reassessment again at this time in order to maintain fairness and equity and to comply with recognized assessing standards;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Bronxville, NY, as follows:

SECTION 1. That the Assessor of the Village of Bronxville is hereby authorized to undertake and implement a reassessment for the 2011 assessment roll or as soon thereafter as is practicable (the "Reassessment").

SECTION 2. That the Village Board does hereby agree, in conjunction with the New York State Office of Real Property Services to support the Village's assessment staff in this Reassessment.

SECTION 3. That the Village Board and the assessor are authorized to enter into agreements necessary to achieve this purpose. In particular:

A. The Village is authorized to enter into an agreement with Huff, Wilkes, Cavallaro & Loveless, LLP, ("Huff Wilkes") which will serve as Reassessment Contract Administrator and provide all such services as are related to the administration of the Reassessment contracts and the provision of legal counsel in connection with the Reassessment on a time and expense basis at the following hourly rates: Senior Partners: \$275.00; Partners: \$250.00; Associates: \$200.00; Paralegals: \$75.00.

B. The Village is authorized to enter into an agreement with Iagallo Appraisal & Geographic Services, LLC ("Iagallo") for services in connection with the Reassessment (the "Reassessment Services") on the essential terms indicated below, with further implementing terms, time schedules and related matters to be included in such agreement upon review and approval by the Contract Administrator in consultation with the Village Manager and Village Board:

1. Iagallo will hire and provide necessary trained staff, supply equipment and vehicles necessary to perform a reassessment of all real property in the Village of Bronxville;

2. In the interest of preserving Village resources, the Reassessment Services will be performed with a minimal inspection of each parcel from the street level.

3. Reassessment staff will review relevant comparable sales, income and expense data where applicable and available, and construction cost data where relevant.

4. Iagallo will develop competent computer assisted appraisal and mass appraisal techniques and models to estimate supportable fair market values of each parcel in the Village. Upon inspection, each residential parcel will be analyzed in direct comparison with at least three sales of highest comparability according to professional judgment. Each commercial property will be valued individually employing the income approach to value utilizing the most recent financial data received by the Village from the owner of the subject property.

5. Iagallo will correct all existing records maintained on the Village RPSV4 to reflect the new fair market values.

The aforementioned Reassessment Services shall be provided for a total fee of \$60,000.00, payable as follows: \$6,667.00 per month for work commencing as of May 11, 2010, due and payable as of May 31, 2010, prorated for the month of May, and each monthly payment due and payable as of the last day of each month thereafter until such time as the total fee has been paid.

Further, Iagallo shall provide all necessary trained staff for the processing and review of School Tax Relief ("STAR"), Veteran, and Senior property tax exemptions at an additional hourly rate of \$25.00, such exemption-related fees not to exceed a total of \$15,000.00.

C. The Village is authorized to enter into an agreement with Manatron, Inc., by its Vice President, Joseph K. Eckert, PhD, to provide an initial ratio study, computer assisted mass appraisal services, neighborhood analysis, statistical analysis, final ratio study, and related work, in support of the Reassessment and Reassessment Services, on a time and expense basis at the rate of \$1,100.00 per day and an estimated 17 days of work, such agreement to be entered into upon review and approval by the Contract Administrator in consultation with the Village Manager and Village Board.

This Resolution shall take effect immediately.

**RESOLUTION – TAX CERT SETTLEMENT – ESTATE OF CHARLES HOLDEN**

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>
Estate of Charles Holden	Section 2 Block 2 Lot24-A 2008 Section 2 Block 2 Lot 28 Section 2 Block 3 Lot 16 Section 2 Block 3 Lot 17	

**WHEREAS**, petitioner's court challenges are now pending in the Supreme Court, Westchester County; and

**WHEREAS**, the Village and the property owners 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:

**2008 YEAR**

<u>S/B/L</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2/2/24A	894,300	550,000	344,300
2/2//28	942,300	500,000	442,300
2/3/16	779,100	490,000	289,100
2/3/17	851,800	535,000	316,800

**RESOLUTION – TAX CERT SETTLEMENT – A’MANGIARE HOLDINGS LLC**

On motion of Trustee Bellitto, second by Trustee Barton, 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>
A’Mangiare Holdings LLC	Section 2 Block 2 Lot 28	2009

**WHEREAS**, petitioner's court challenges are now pending in the Supreme Court, Westchester County; and

**WHEREAS**, the Village and the property owners 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:

**2009 YEAR**

<u>S/B/L</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
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2/2/28	700,000	500,000	200,000

**RESOLUTION – TAX CERT SETTLEMENT – ADB REALTY LLC**

On motion of Trustee Poorman, 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>
ADB Realty LLC	Section 2 Block 3 Lot 16 Section 2 Block 3 Lot 17	2009

**WHEREAS**, petitioner's court challenges are now pending in the Supreme Court, Westchester County; and

**WHEREAS**, the Village and the property owners 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:

**2009 YEAR**

<u>S/B/L</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2/3/16	571,389	436,775	134,614
2/3/17	638,704	488,225	150,479

**RESOLUTION – MUTUAL AID & RAPID RESPONSE IMA**

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

**BE IT RESOLVED** that the Village Board of Trustees authorizes the Mayor to renew the Inter-Municipal Agreement with Westchester County Department of Public Safety for the Mutual Aid & Rapid Response effective July 31, 2010 through July 30, 2015.

**RESOLUTION – YEAR END BUDGET TRANSFERS**

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

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

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

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

**NOW THEREFORE BE IT RESOLVED** that pursuant to Village Law §5-520, the Village Board of Trustees hereby authorizes and directs the Village Treasurer to make necessary year end transfers in the 2009 – 2010 budget.

**RESOLUTION – INCREASING ANNUAL ALARM USER PERMIT FEE**

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

**WHEREAS**, Chapter A321, “Fees Schedule,” of the Code of the Village of Bronxville (the “Village Code”) sets forth fees established by the Board of Trustees by resolution, including the annual alarm user permit fee for both residential and commercial properties, which is set forth in section A321-1, entitled “Chapter 80, Part 2, Alarm Fees and Charges,” and

**WHEREAS**, the Village Board believes it is necessary to increase such fee,

**NOW THEREFORE BE IT RESOLVED** by the Board of Trustees of the Village of Bronxville that paragraph A321-1(A) in the Village Code is hereby amended to read as follows:

- A. Annual user permit fee for both residential and commercial property: \$50.

and that such fee increase shall be effective June 1, 2010.

Village Administrator, Harold Porr, commented that this is the first time in 19 years that this fee has been increased.

**RESOLUTION – MODIFYING FEES FOR BUILDING DEPARTMENT RELATED ACTIVITIES**

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

**WHEREAS**, Chapter A321, “Fees Schedule,” of the Code of the Village of Bronxville (the “Village Code”) sets forth fees established by the Board of Trustees by resolution, including various fees for Building Department related activities, which are set forth in section A321-3, entitled “Chapter 112, Building Construction,” and

**WHEREAS**, the Village Board believes it is necessary to modify such fees,

**NOW THEREFORE BE IT RESOLVED** by the Board of Trustees of the Village of Bronxville that section A321-3 in the Village Code is hereby amended to read as follows:

§ A321-3. Chapter 112, Building Construction.

Section 112-22, Fees:

- B. Building permits (new buildings or structures): \$425; plus \$15/\$1,000 of estimated cost.
- C. Building permits (alterations, additions, repairs): \$150; plus \$15/\$1,000 of estimated cost.
- D. Plumbing permits: \$100; plus \$10/fixture over three fixtures.
- E. Electrical permits: \$100.
- F. Fences and sheds: \$100; plus \$15/\$1,000 of estimated cost.
- G. Signs and awnings: \$100.
- H. Elevators: Same as building permit.
- I. Demolition: Same as building permit.
- J. Certificate of occupancy.
  - (1) One- or two-family: \$125.
  - (2) Multiple-family: \$125/family or unit.
  - (3) Commercial: \$200/floor, including basement.
  - (4) Industrial: \$275/floor.
  - (5) Copy in file: \$10.
  - (6) Temporary certificate of occupancy: Same as listed above for certificate of occupancy and for each thirty day extension.
- K. Zoning Board application: filing fee of \$300, plus transcription costs.

- L. Oil burner / oil tank: \$100/burner or tank.
- M. Planning Board application: \$250 plus \$5/\$1,000 of construction cost; or 1% of the Village's assessed value if no construction is planned.
- N. Amendment to permits: \$100; plus \$15/\$1,000 of estimated cost.
- O. Reinspection fee: \$100.
- P. Mechanical/HVAC permit: \$100; plus \$10/each additional compressor.
- Q. Emergency generator: \$100; plus the greater of \$15/1,000 kWh or \$15/\$1,000 of estimated cost.

Village Administrator, Harold Porr, said that these fees have not been increased since 1996 and that the new fees are at the same level or lower than neighboring communities.

**RESOLUTION – MODIFYING FEE FOR FLOOD PLAIN DEVELOPMENT PERMIT**

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

**WHEREAS**, Chapter A321, "Fees Schedule," of the Code of the Village of Bronxville (the "Village Code") sets forth fees established by the Board of Trustees by resolution, including the fee for a floodplain development permit, which is set forth in section A321-7, entitled "Chapter 156, Flood Damage Prevention," and

**WHEREAS**, the Village Board believes it is necessary to modify such fee,

**NOW THEREFORE BE IT RESOLVED** by the Board of Trustees of the Village of Bronxville that section A321-7 in the Village Code is hereby amended to read as follows:

§ A321-7. Chapter 156, Flood Damage Prevention.

Floodplain development permit fee: \$250; plus required building permit fee.

and that such fee modification shall be effective June 1, 2010.

**PUBLIC INFORMATION – MS-4 UPDATE - Annual Stormwater Management Meeting**

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

Mr. Porr then reviewed the 2009 Annual Report with emphasis on the six minimum measures in the plan, the accomplishments that the Village made over the past year and the program for next year.

Upon completion of the report, the Mayor asked for public comment or questions. Being none, she asked for a motion to adopt the report.

On motion of Trustee Underhill, second by Trustee Barton, the above was unanimously approved.

There were approximately 8 people in attendance and the meeting is broadcast live on Village tv.

**PUBLIC COMMENTS –**

Mr. Thomas Wolff, 230 Pondfield Road, asked Village Administrator, Harold Porr, how much the revaluation would cost the Village. He also asked if this expense would be charged on a new fiscal line item of the budget.

Mayor Marvin responded that it would be about \$90 - \$100K amortized over three years and that yes it would be on a new fiscal line item.

Betsy Harding, 39 Homesdale Road, applauded the Trustees on the revaluation policy and felt that three years is an appropriate time. She is however concerned about the contractual services to do the revaluation. She feels that the Trustees should figure out what they want done, look at bids and see if this work can be done cheaper. She wanted clarification on the ORPS involvement as well.

Village Administrator, Harold Porr, responded that the Village will draw upon the expertise of the State as needed.

Ms. Harding asked about the role of Village Assessor, Anthony DeBellis, in this revaluation.

Village Administrator Porr answered that Mr. DeBellis will be involved and that the same team as before will be working on this revaluation. The previous model was successful and will be used again.

Mrs. Harding wanted to know if a Request for Proposal was put together so that the scope of the job was laid out and the best price was found.

Mayor Marvin responded that no formal RFP was put out or required but that all of the details were spelled out. The Village is relying on the professionals and their advice. The team has a terrific track record and she is confident that the Village is going in the right direction.

Megan McKinley, 6 Crampton Road, would like to see some discussion among the Trustees about what is being voted on in resolutions at Board meetings. Without this discussion, the onus is put on the public to ask questions. Not everyone can attend the Work Session to hear this discussion.

Trustee Barton answered that most people would like the meetings to be succinct and detailed and that the background work is conducted in the Work Session which is open to the public. He also said Trustees have done their homework and met with the Board of Assessment Review.

Mayor Marvin reiterated that the resolution encapsulated the Boards thoughts.

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There being no further comments, the meeting was adjourned at 9:08PM by motion of Trustee Poorman, second by Trustee Underhill.

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Harold Porr III  
Village Administrator/Village  
Clerk