

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF BRONXVILLE HELD ON DECEMBER 14, 2015 AT VILLAGE HALL,
200 PONDFIELD ROAD, BRONXVILLE, N.Y.**

PRESENT:	Mary C. Marvin	Mayor
	Robert S. Underhill	Deputy Mayor
	Anne W. Poorman	Trustee
	Guy Longobardo	Trustee
	Randolph Mayer	Trustee
ALSO PRESENT:	James Palmer	Village Administrator
ABSENT:	James Staudt	Village Attorney

WORK SESSION & EXECUTIVE SESSION

The meeting was called to order at 6:00PM by Mayor Marvin.

On motion of Deputy Mayor Underhill, seconded by Trustee Poorman, the Board entered into Executive Session at 6:01PM to discuss personnel matters.

At 6:30PM on motion of Trustee Poorman, seconded by Trustee Longobardo, the Trustees adjourned the Executive Session and entered into the public work session.

Paul Pelusio of J. Robert Folchetti and Associates updated the Village Board on the flood mitigation project.

At 7:20PM on a motion by Trustee Longobardo, seconded by Trustee Poorman, the Village Board re-entered the Executive Session to meet with the Village's auditor. (Treasurer and Village Administrator not present for this discussion)

The Executive Session was closed at 8:00PM.

Mayor Marvin re-opened the regular meeting of the Board of Trustees at 8:05 PM.

MAYOR'S REPORT

No Mayor's Report

ADMINISTRATOR'S REPORT

Jim Palmer gave a brief report on some items he has been working on. Reminded Village residents that 2nd half of tax payments are due by December 31, 2015 without penalty. Village offices will be closed December 25 and January 1, 2016 for the holiday. The Village will be doing a soft roll out of PANGO this Friday, December 18, 2015.

Park Avenue restoration is largely complete, new gas line and drainage system was installed.

APPROVAL OF MINUTES

On motion of Trustee Longobardo, seconded by Deputy Mayor Underhill, the Board approved the minutes of the Executive Session and Regular Meeting of November 9, 2015.

AUDITOR'S PRESENTATION

There was a special presentation during the Executive Session from Alan Kassay, partner at O'Connor, Davies, LLP. Deputy Mayor Underhill summarized the meeting with Mr. Kassay and the audit that O'Connor, Davies, LLP had performed in connection with the Village's financial statements for the year

ending May 31, 2015. The Village ended the year in a very strong financial position consistent with past years and it continues to maintain a AAA bond rating.

PUBLIC HEARING – LOCAL LAW 10-2015

At 8:14PM, on motion of Deputy Mayor Underhill, seconded by Trustee Poorman, the Village Board of Trustees opened the public hearing for Local Law 10-2015, a local law to amend the streets and sidewalks law of the Village of Bronxville, Chapter 260, by providing standards for the excavation and restoration of streets.

Village Administrator, Jim Palmer gave a brief description of this local law.

No Public Comment

At 8:18PM, on motion of Deputy Mayor Underhill, seconded by Trustee Mayer, the Village Board of Trustees closed the public hearing for Local Law 9-2015.

LOCAL LAW NO. 10 - 2015

A LOCAL LAW TO AMEND THE STREETS AND SIDEWALKS LAW OF THE VILLAGE OF BRONXVILLE, CHAPTER 260, BY PROVIDING STANDARDS FOR THE EXCAVATION AND RESTORATION OF STREETS

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

Section One.

Chapter 260 of the Code of the Village of Bronxville is hereby revised by adding a new Section 260-26.1 to read as follows:

§ 260-26.1. Specifications.

- A. The street opening and the final restoration shall be performed in accordance with rules and regulations promulgated and approved by the Superintendent, but shall include the following as minimum requirements, unless otherwise waived by the Board of Trustees:
 - (1) All excavations shall be backfilled with materials approved by the Superintendent.
 - (2) If a new patch is to be made where there is an existing patch, the entire pavement area shall be removed and replaced.
 - (3) Restoration of pavement shall be curb to curb and shall extend at least two feet on either side of the trench. Where no curb exists, the restoration shall extend to the existing pavement limits.
 - (4) If any excavation for which a permit has been issued hereunder exceeds 25 feet in length, the permittee shall be responsible for resurfacing the street from curb to curb over the entire area in such manner as required by the Superintendent on a case-by-case basis. Where no curb exists, the resurfacing shall extend to the existing pavement limits.
 - (5) If there are multiple patches and the area of disturbance exceeds 20% of the length of a street block multiplied by one foot, then the entire road in the block shall be resurfaced in a manner and with materials required by the Superintendent.
 - (6) Without limiting the generality of the foregoing, repaving materials will match the materials that were removed. For example, if the pavement removed is a brick type pavement the restoration pavement will be a matching brick.
- B. Except in the case of an emergency, excavation and/or restoration work shall not be done on weekends or on legal holidays.
- C. All work shall be done in a good and workman-like manner, and will be inspected by the Village Superintendent or Engineer, as follows:
 - (1) Standard inspection: Inspection at excavation; at compaction of base; prior to and during backfill of utility lines; and during road restoration.
 - (2) Resident inspection: As determined by the Superintendent or Engineer on a case-by-case basis in connection with installations, repairs or new residential connections to Village sanitary sewer or storm drains.
- D. If any restoration completed by a permittee is not satisfactory to the Superintendent, and the permittee shall fail to correct the work to the satisfaction of the Superintendent, the Superintendent may cause such work to be done by Village employees or third party contractor(s) to his satisfaction. All expenses incurred by the Village shall be recovered from the deposit or bond provided by the

permittee under this Article. If such deposit or bond are insufficient to cover such expenses, the permittee shall pay the excess to the Village within thirty (30) days of written demand by the Village.

E. Security; traffic mitigation plan

- (1) The permittee shall erect and maintain suitable barricades and fences around all of the work until it is completed, as well as arrange for the work to be done in such a manner so as to cause a minimum of inconvenience and delay to vehicular and pedestrian traffic. As a condition of approval of an application for a permit, the Village Administrator, or his or her designee, may, upon the recommendation of the Police Chief or his or her designee require a traffic mitigation plan from the applicant.
- (2) The permittee shall provide warning flags or signs, suitably lighted flashing lights, and watchmen in such number as deemed necessary by the Village, in accordance with the New York State Department of Transportation Manual on Uniform Traffic Control Devices.
- (3) Where the free flow of traffic is interfered with, the permittee shall designate competent persons to direct and expedite traffic by means of lights or flags.
- (4) Unless otherwise authorized by the Village, vehicular traffic shall be maintained at all times during the progress of the work being performed under the permit.
- (5) The aforementioned security and protective measures shall be performed in accordance with the New York State Department of Transportation Manual on Uniform Traffic Control Devices.

F. The permittee shall keep the original copy of the permit and an approved copy of the plan at all times while such work is in progress at the location for which the permit was granted and show such permit or plan upon demand by the Village.

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 its adoption and filing with the Secretary of State.

NEW BUSINESS

A. RESOLUTION – Adopting Local Law 10-2015 - Chapter 260, by Providing Standards for the Excavation and Restoration of Streets

On motion of Trustee Mayer, seconded by Deputy Mayor Underhill, the following resolution was unanimously approved:

WHEREAS, having received proposed Local Law # 10 – 2015 the Village Board is prepared to approve such proposed law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: A public hearing on the following proposed Local Law was held at 8:00pm on Monday December 14, 2015 at Village Hall located at 200 Pondfield Road, Bronxville, New York.:

The Village Board hereby adopts Local Law No. 10 - 2015

B. RESOLUTION – Ratification of Stipulation of Agreement with the Bronxville PBA Committee

On motion of Trustee Poorman, seconded by Trustee Longobardo, the following resolution was unanimously approved:

WHEREAS, the negotiating committees for the Village and the Bronxville Police Taylor Act Committee had engaged in negotiations in good-faith in an effort to arrive at a successor agreement to a contract that expired on May 31, 2015; and

WHEREAS, the parties arrived at a tentative agreement on December 1, 2015 and executed a stipulation of agreement on said date; and

WHEREAS, said stipulation of agreement was subject to the ratification of both the Bronxville Police Taylor Act Committee bargaining unit employed by the Village of Bronxville and the Village Board of Trustees; and

WHEREAS, said stipulation of agreement was ratified by the Bronxville Police Taylor Act Committee bargaining unit on December 7, 2015;

NOW THEREFORE, BE IT RESOLVED:

That the Board of Trustees of the Village of Bronxville hereby ratifies the stipulation of agreement dated December 1, 2015 and further authorizes the Mayor to execute a successor agreement incorporating the stipulation of agreement.

C. RESOLUTION – Agreement with Town of Eastchester, Town/Village of Scarsdale and Villages of Bronxville and Tuckahoe Task Force Aimed at Drug and Alcohol Enforcement

On motion of Deputy Mayor Underhill, seconded by Trustee Longobardo, the following resolution was approved, Trustee Mayer recused himself from this vote,

BE IT RESOLVED the Board of Trustees authorizes the Village Administrator to sign an agreement with the Town of Eastchester, Town/Village of Scarsdale, and the Village of Tuckahoe for the purpose of forming a task force aimed at Drug and Alcohol Enforcement (copy attached).

D. RESOLUTION – Acknowledging the Justice Court Examination for the fiscal Year Ended May 31, 2015

On motion of Trustee Poorman, seconded by Trustee Mayer, the following resolution was unanimously approved:

WHEREAS, the Uniform Justice Court Act requires that the Village Board of Trustees, as the Auditing Board of Trustees of the Village, examine the records of the Justice Court, at least once per year, and

WHEREAS, the Board of Trustees has delegated that responsibility to the Village Treasurer, as Accountant for the Justice Court, and

WHEREAS, the Treasurer has completed such examination for the fiscal year ended May 31, 2015, and provided a copy of the report (attached) to the Trustees, and

WHEREAS, the Board of Trustees has examined this report and has determined that the fines therein collected have been turned over to the proper Village officials,

NOW, THEREFORE, BE IT RESOLVED that the Village of Bronxville Board of Trustees acknowledges that the required examination was conducted, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded along with a copy of the report to the NYS Office of Court Administration.

E. RESOLUTION - Adopting the Board of Trustees Meeting Schedule for 2015

On motion of Trustee Longobardo, seconded by Deputy Mayor Underhill, the following resolution was unanimously approved:

WHEREAS, A 2016 Board of Trustees Meeting Calendar has been created.

NOW THEREFORE BE IT RESOLVED, the Village Board has authorized the Administrator to implement the 2016 Board of Trustees Meeting Calendar.

F. RESOLUTION – Adoption of Westchester County Multi-Jurisdictional Hazard Mitigation Plan

On motion of Trustee Poorman, seconded by Deputy Mayor Underhill, the following resolution was unanimously approved:

WHEREAS, all jurisdictions within Westchester County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS, a coalition of Westchester County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Westchester County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees of the Village of Bronxville hereby:

- 1) Adopts in its entirety, the 2015 Westchester County Hazard Mitigation Plan (the “Plan”) as the jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

G. RESOLUTION – Authorizing Tax Certiorari Settlement

On motion of Trustee Longobardo, seconded by Trustee Mayer, 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>
Westbourne Apartments	Section 11/3/1	2007 -2015
	50 Pondfield Rd W.	

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 Special Counsel Huff/Wilkes to execute the following settlement on behalf of the Village and School reducing the assessments to no less than the following amounts:

Year	<u>Original</u> <u>Assessment</u>	<u>Revised</u> <u>Assessment</u>	<u>Reduction</u>
2007	7,021,100	7,021,100	NONE
2008	7,021,100	7,021,100	NONE
2009	6,501,018	6,025,000	(476,018)
2010	6,501,018	6,501,018	NONE
2011	6,501,000	6,501,000	NONE
2012	6,501,000	6,501,000	NONE
2013	6,501,000	6,501,000	NONE
2014	6,300,000	6,300,000	NONE
2015	6,300,000	6,300,000	NONE
	-	-	-

PUBLIC COMMENTS

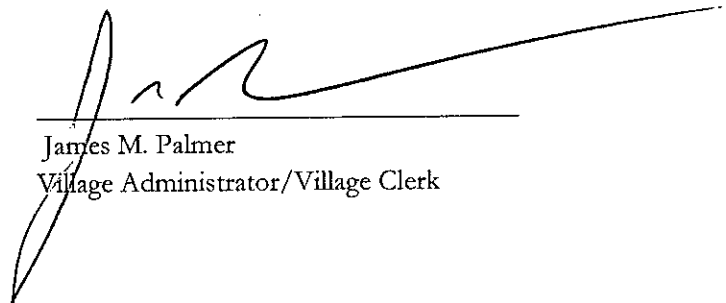
None

TRUSTEE COMMENTS

None

Next Village Board meeting is scheduled for January 11, 2016.

There being no further comments, the meeting was adjourned at 8:34PM by motion of Trustee Poorman, seconded by Deputy Mayor Underhill.



James M. Palmer
Village Administrator/Village Clerk