

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE
OF BRONXVILLE HELD ON JANUARY 14, 2013 AT THE VILLAGE HALL, 200 PONDFIELD
ROAD, BRONXVILLE, N.Y.**

PRESENT:	Mary C. Marvin	Mayor
	Robert S. Underhill	Trustees
	Anne W. Poorman	
	Donald M. Gray	
	Guy Longobardo	

ALSO PRESENT:	Harold Porr III	Village Administrator
	James Staudt	Village Attorney
	Vincent Pici	Village Engineer
	Christopher Kurtz	Labor Attorney

WORK SESSION & EXECUTIVE SESSION

The meeting was called to order at 6:36PM on the motion of Trustee Poorman, second by Trustee Gray.

In attendance were all Trustees, Village Administrator Harold Porr, Village Attorney James Staudt, Labor Attorney Christopher Kurtz and Village Engineer Vincent Pici.

Village Administrator, Harold Porr, reviewed the meeting agenda.

Village Engineer, Vincent Pici, reviewed the issue of generators, the Midland drainage basin storm water mitigation project status and the Brooklands flood mitigation project.

On motion of Trustee Underhill, second by Trustee Longobardo, the Board entered into Executive Session at 7:31PM to discuss labor negotiations, personnel matters and confer with staff and legal counsel regarding real estate issues.

At 8:10PM on motion of Trustee Longobardo, second by Trustee Gray, the Trustees entered into the public session.

RESOLUTION – SALARY ADJUSTMENT

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

BE IT RESOLVED that the Board of Trustees hereby authorizes the base salary of Court employee Linda Henry to be \$48,000 effective Monday, January 14, 2013.

RESOLUTION – CONTRACT AMENDMENT

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

BE IT RESOLVED that the employment agreement between the Village of Bronxville and Village Administrator Harold Porr III is amended as per the attached memorandum.

* * * * *

Mayor Marvin called the meeting to order at 8:12PM.

PRESENTATION – GORDON BURROWS, COUNTY LEGISLATOR

Mr. Burrows wished all residents a Happy New Year. He said he wanted to focus on what the Legislators do and specifically the budget. The budget was done for the County in December 2012. He reported that Westchester County is the highest taxed county in the nation. The 2013 County budget was a bi-partisan budget. There will be a 0% tax increase on the tax levy with a 1% decrease on the Eastchester tax levy. This is a high mark for the County Executive. In this budget cycle, the County urged all unions to contribute to their medical insurance; they maintained essential services and most importantly did not have to use the reserve fund. He feels compromise is a good thing but it is important to stick with your values.

Mayor Marvin commented that the Village sends the County \$8 million a year and that residents are very aware of how their money is spent.

PRESENTATION – GLENN BELLITTO, TOWN COUNCILMAN

Glenn Bellitto, former Trustee and now Eastchester Town Council member, reported that the Town tax rate in 2013 will be 0.27%. The Town is doing its best to keep the expenses down. He also reported on Scout Field and that the Town is in negotiations with the County to manage the field. The Town will be putting in capital project money into field improvements. He hopes to have good news for the Village in the new few months. The County Legislators will need to approve this inter-municipal agreement. The proposed field will give the Village more of their share of the Town money and will benefit all children of the Town. He asked the Mayor if more Town meetings could be held here in Bronxville in 2013.

Mayor Marvin said she thought the news about Scout Field was wonderful and she welcomed more Town meetings here in the Village.

Trustee Longobardo inquired about how the fields will be scheduled and wanted to make sure that this relates to Town fields and not school fields.

Mr. Bellitto replied that the Town fields will be scheduled by Eastchester.

Mayor Marvin said that she was assured by the Town that no team would be displaced and that the Recreation Department of Eastchester is responsible for Town fields and not school fields.

Trustee Poorman commented that Scout Field is heavily utilized by the Bronxville School and requested assurance this arrangement would continue.

Mr. Bellitto said this will remain the same and that the School programs scheduled for the Scout Field will continue to be scheduled by the School.

Village Administrator Harold Porr said that there is a County policy in place whereby school districts cannot enter field use agreements with Westchester County. Agreements must be between the County and a municipality.

MAYOR'S REPORT

I will keep my comments short both because we have a lengthy agenda today and the fact that due to the holidays, late December was quieter than usual.

We are working diligently with our merchants, Chamber and landlords to see what we can do to stem the loss of businesses. At this juncture, our merchants need you now more than ever. We lost two more stores at year's end. We need to encourage stores we think would be successful in our market. So please shop local.

We have become concerned/engaged in a Yonkers Zoning petition that would allow Brooklands apartments to build a 10 foot wall around some of their property. We appreciate how much flood damage their residents received, but we are concerned that the diversion of water due to this wall structure will negatively impact our residents.

Mr. Porr and I have been very active with our County colleagues. We invited our new State Senator George Latimer down for a day to meet our staff, some constituents and learn about the Village. In a redistricting plan, Senator Latimer replaced Senator Klein as our State representative. We are still represented by Assemblywoman Amy Paulin.

We also worked with our counterparts in the other Westchester communities to formulate our priority list for 2013 for the next Legislative session.

In a very sad commentary, since absolutely none of the needs/suggestions of the 45 Westchester communities were enacted in the last Legislative session, we simply re-dated the document.

We also met face-to-face with Comptroller DeNapoli, I asked about pension reform and honestly did not get an answer.

Trustee Longobardo, Mr. Porr and I attended an Affordable Housing Seminar at Pace University to learn more about the requirement/progress of the Settlement Agreement.

In the interim, we had Fire Election voting at Village Hall. We have a new Fire Commissioner, Mr. Stephen Baker of Eastchester.

On a local note, any of the street lights near your home that have been out for more than several days are still the result of Sandy. Con Edison is having trouble repowering them. We are constantly calling to get their attention our way.

Point of clarification. Tax Grievance applications are available at Village Hall and on-line. They may be submitted any time between February 1st through 9PM on Grievance Night, February 19th. If you would like to appear in person to speak at Grievance Night, which is 5PM to 9PM on February 19th, residents can start calling for appointments on February 1st.

TRUSTEE REPORTS

Trustee Poorman – no report.

Trustee Gray – reported that he will be meeting with Lawrence Hospital regarding the construction project in the next few weeks.

Trustee Underhill – no report.

Trustee Longobardo – no report.

APPROVAL OF MINUTES

On motion of Trustee Poorman, second by Trustee Underhill, the Board approved the minutes of the Regular Meeting on December 10, 2012.

Village Deputy Treasurer, Peggy Conway, reviewed the local laws. Local Law #1 was adjusted to get the fee schedules in line. Local Law #2 deals with the Maltby parking lot and the objective is to make this parking lot strictly for permitted pre-paid parking. This will be for both residents and merchants. Some meter parking will be changed outside of this area.

Trustee Underhill inquired if the meters will be removed from the Maltby parking lot.

Trustee Longobardo commented that during flooding these are the meters that get affected.

Ms. Conway said that these local laws really make sure the Village Code is in line with practice. The PEO's will be checking cars for permits. Stone Place has 2 hour and 10 hour parking and these are underutilized.

Mayor Marvin said that Ms. Conway has visited these lots and is really getting the maximum use of this area.

Village Administrator Harold Porr reported that this is the beginning of an overhaul of all parking matters in the Village.

Village Attorney James Staudt said that Local Law #2 had some typos but they were corrected and revisions made but there was nothing substantive changed.

PUBLIC HEARING –

At 8:48PM, on motion of Trustee Longobardo, second by Trustee Gray, the Board opened the public hearings for both Proposed Local Law #1-2013 and Proposed Local Law #2-2013.

There was no public comment.

At 8:49PM, on motion of Trustee Poorman, second by Trustee Underhill, the Board closed the public hearing.

THEREFORE on motion of Trustee Underhill, second by Trustee Poorman, the following was unanimously approved.

LOCAL LAW #1 – 2013 FEE SCHEDULE IN SECTION A321-5

The Village hereby adopts the following revisions to the fee schedule set forth in Section A321-5 of the Village Code:

§ A321-5. Chapter 290, Vehicles and Traffic

D. Section 290-47. Parking permits.

- (3) Off-street public parking lot parking permit:
 - (a) Colodny Lot: \$110 per month.
 - (b) Maltby Parking Lot: \$110 per month.
 - (c) Upper Kensington Road Parking Area (also known as Kensington I): \$110 per month.
 - (d) Kensington II Lot (also known as Lower Kensington Road Parking Area): \$110 per month.
 - (e) Stone Place Parking Area: \$110 per month per single space; for spaces in tandem, \$55 per month per space.

THEREFORE on motion of Trustee Longobardo, second by Trustee Gray, the following was unanimously approved.

**LOCAL LAW #2-2013 MODIFYING PARKING METER AREAS AND PARKING
METER TIME LIMITS**

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

Section One. Subsection 290-28.I.(4) of Chapter 290 of the Code of the Village of Bronxville is hereby revised to read as follows:

290-28. Parking prohibited in designated locations.

I. Resident Parking Lots. The parking of vehicles, other than those displaying resident parking permits obtained pursuant to § 290-47, is hereby prohibited for the hours enumerated, in the following locations. Signs prohibiting such parking shall be maintained at such locations:

- (4) Maltby Parking Lot, for 24 hours, at parking spaces restricted to vehicles displaying resident parking permits.

Section Two. Subsection 290-28.J.(5) of Chapter 290 of the Code of the Village of Bronxville is hereby revised to read as follows:

290-28. Parking prohibited in designated locations.

J. Merchant Parking Lots. The parking of vehicles, other than those displaying merchant parking permits obtained pursuant to § 290-47, is hereby prohibited for the hours enumerated, in the following locations. Signs prohibiting such parking shall be maintained at such locations:

(5) Maltby Parking Lot, for 24 hours, at parking spaces restricted to vehicles displaying merchant parking permits.

Section Three. Subsection 290-38.B. of Chapter 290 of the Code of the Village of Bronxville is hereby revised by deleting “Maltby Parking Lot” from the list of designated off-street parking meter areas.

Section Four. Subsection 290-41.B.(2) of Chapter 290 of the Code of the Village of Bronxville, concerning two-hour metered parking, is hereby revised by adding “Stone Place, north side” to the list of locations.

Section Five. Subsection 290-41.C. of Chapter 290 of the Code of the Village of Bronxville, concerning ten-hour metered parking, is hereby revised by deleting “Maltby Parking Lot” from the list of locations.

Section Six. Subsection 290-41.E. of Chapter 290 of the Code of the Village of Bronxville, concerning four-hour metered parking, is hereby repealed in its entirety.

Section Seven. Subsection 290-41.I. of Chapter 290 of the Code of the Village of Bronxville, concerning twelve-hour metered parking, is hereby revised by modifying the “Stone Place” designation to read “Stone Place, south side”.

Section Eight. Subsection 290-47.E.(2) of Chapter 290 of the Code of the Village of Bronxville is hereby revised by changing the name “Maltby Park Parking Area” to “Maltby Parking Lot”.

Section Nine. Subsection 290-48.G. of Chapter 290 of the Code of the Village of Bronxville is hereby revised by changing the name “Maltby Park Lot” to “Maltby Parking Lot”.

Section Ten. 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 Eleven. This local law shall take effect immediately upon filing with the Secretary of State.

Trustee Underhill commented that it is important for people to understand the complexity of parking in the Village.

NEW BUSINESS

RESOLUTION – VILLAGE ELECTION

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

BE IT RESOLVED the hours for Village Election Day, Tuesday, March 19, 2013 be set from 6:00AM to 9:00PM, and that the polling place shall be Village Hall, 200 Pondfield Road, Bronxville, N.Y.

BE IT RESOLVED the Village Clerk is authorized to contact the County Board of Elections requesting the use of up to four voting machines.

BE IT RESOLVED the Village Clerk is authorized to appoint up to four inspectors each from the Democratic and Republican parties to serve on Election Day, as needed, at a rate of \$12.00 per hour.

BE IT RESOLVED that there will be no Village registration day.

RESOLUTION – BOARD OF POLICE COMMISSIONERS (PERSONNEL ISSUE)

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

WHEREAS, Joseph Stancarone has been employed as a Police Officer by the Village of Bronxville since May 11, 2008; and

WHEREAS, Mr. Stancarone has now been absent from work for more than one year pursuant to a disability as defined under New York State Civil Service Law § 71,

NOW THEREFORE BE IT RESOLVED, that Officer Stancarone is hereby terminated from employment with the Village of Bronxville, effective the date of this Resolution, January 14, 2013, pursuant to New York State Civil Service Law § 71.

RESOLUTION - PROFESSIONAL SERVICES AGREEMENT WITH PCI (PROFESSIONAL CONSULTANTS INC.) CONSULTING ENGINEERS

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

WHEREAS, the Village of Bronxville has received a Engineering Proposal from PCI Consulting Engineers, Octagon 10 Office Center, 1719 Route 10, Suite 314, Parsippany, N.J. 07054 for the purposes of developing and initiating a Village wide Sanitary Sewer Management Plan for the Village of Bronxville, and

WHEREAS, such proposal includes the project description, the scope of work, the fee schedules and a rate schedule for additional services, and

WHEREAS, such costs will be funded through Capital Project # 5110-2012/2013-0043 entitled “Sanitary/Storm Sewer Repairs”;

NOW THEREFORE BE IT RESOLVED that the Village of Bronxville Board of Trustees authorizes the Mayor to enter into agreement with PCI Consulting Engineers, Octagon 10 Office Center, 1719 Route 10, Suite 314, Parsippany, N.J. 07054 for Professional Services related to this project and in accordance with their proposal dated January 8, 2013.

Mayor Marvin said that this is the first step to tackle the sub-structure in the Village.

RESOLUTION – IAGALLO APPRAISAL & GEOGRAPHIC SERVICES LLC CONTRACT

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 to enter into a contract with Iagallo Appraisal & Geographic Services LLC for the purpose of undertaking an assessment roll revaluation for 2014. The contract outlining the elements of the work and payment of services rendered is attached.

BE IT RESOLVED that Iagallo Appraisal & Geographic Services LLC will receive a rate of \$125 per hour for work regarding all functions in the Village effective upon approval of this resolution.

Village Administrator Harold Porr reported that Mr. Iagallo is estimating that the work will cost no more than \$55,000 excluding legal fees. Other municipalities have come to the Village to see how Bronxville has done their revaluation and learn from our experience.

Mayor Marvin said that the revaluation keeps the numbers fresh. Bronxville’s coefficient of dispersion (COD) is the best in Westchester County. Mr. Iagallo will not be going to anyone’s home. This will be a computer generated revaluation. They really are looking for the outliers – those paying too much and those that are not paying enough. This is a way to make the tax roll as accurate and fair as possible.

RESOLUTION – HUFF WILKES (RETENTION OF LEGAL COUNSEL)

On motion of Trustee Gray, second by Trustee Longobardo, the following resolution was unanimously approved:

WHEREAS, the Village Board wishes to retain the services of Huff Wilkes, LLP, as special counsel to assist, implement and counsel the Village and its consultants for a comprehensive revaluation program, as well as provide other legal services in connection with assessments, equalization rates, revaluation, property tax litigation, and other related legal services as needed;

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

1. That Huff Wilkes, LLP, shall be retained as Special Counsel by the Village, as more fully outlined in the engagement agreement annexed herewith.

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

SECTION 1. That the Village Board is authorized to enter into an agreement with Huff Wilkes, LLP, as more clearly set forth in the annexed letter agreement, with the pertinent provisions as follows:

- A. The Village is authorized to enter into an agreement with Huff Wilkes, LLP, ("Huff Wilkes") for the provision of legal counsel related to revaluation issues, assessments, property tax litigation, equalization rates, and other related legal services, on a time and expense basis at the following hourly rates: Partners: \$285.00; Associates: \$225.00; Paralegals: \$110.00.

This Resolution shall take effect immediately.

RESOLUTION – DIRECTING THE VILLAGE ATTORNEY TO IDENTIFY A PLANNING CONSULTANT TO ASSIST THE VILLAGE IN REVIEWING ITS REGULATIONS WITH RESPECT TO AFFORDABLE HOUSING.

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

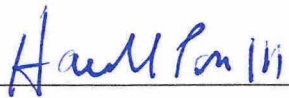
BE IT RESOLVED that in keeping with our cooperative efforts with the County, The Village Board of Trustees authorizes the Mayor of the Village of Bronxville to direct the Village Attorney to identify professional planning consultant(s) with the proper qualifications to assist the Village in reviewing its Zoning Code, related regulations and procedures to identify unreasonable impediments to affordable housing, if any, which they might contain.

PUBLIC COMMENTS –

None.

* * * * *

There being no further comments, the meeting was adjourned at 9:04PM by motion of Trustee Longobardo, second by Trustee Gray.



Harold Porr III
Village Administrator/Village Clerk