

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE
OF BRONXVILLE HELD ON MARCH 14, 2011 AT THE VILLAGE HALL, 200 PONDFIELD
ROAD, BRONXVILLE, N.Y.

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PRESENT:	Mary C. Marvin William H. Barton, Jr. Anne W. Poorman Donald M. Gray	Mayor Trustees
ALSO PRESENT:	Harold Porr III James Staudt	Village Administrator Village Attorney
EXCUSED:	Robert S. Underhill	

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WORK SESSION & EXECUTIVE SESSION

Mayor Marvin called the meeting to order at 6:34PM and in attendance were Mayor Marvin, Trustee Barton, Trustee Poorman, Trustee Gray, Village Administrator Harold Porr, Village Attorney James Staudt and Village Treasurer Robert Fels.

The Trustees reviewed the meeting agenda and discussed various items. Village Treasurer, Robert Fels, discussed the proposed Village budget and set dates for budget workshops. There was a discussion regarding fund balance and bond ratings. A sub-committee headed by Trustee Barton was established to review downtown zoning issues.

At 7:10PM, on motion of Trustee Gray, second by Trustee Barton, the Trustees entered Executive Session to discuss personnel matters in the Public Works Department, to discuss preparations for PBA/Teamster labor contract negotiations and to discuss real estate matters.

At 8:03PM on motion of Trustee Poorman, second by Trustee Gray, the Trustees re-opened the work session.

The Trustees entered into the public session at 8:05PM.

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Mayor Marvin opened meeting at 8:07PM.

Village Treasurer, Robert Fels, introduced Allan Kassay of O'Connor, Davies, Munns & Dobbins who gave the Annual Audit Report for 2009/2010. Mr. Kassay reported that the independent auditors report showed that the financial statements were presented properly and the Village received an unqualified opinion. He reported that the revenues and the expenditures resulted in a positive budgetary variance. The fund balance is running a little low.

Trustee Barton asked what an appropriate fund balance would be for a village.

Mr. Kassay replied that to keep a AAA rating it would be between 10 and 20%. This is for undesignated funds.

Trustee Gray asked what some of the other things that raters look at to maintain a AAA rating.

Mr. Kassay responded that the fund balance is the most important but that they also look at liability and how it is funded.

Village Treasurer, Robert Fels, said agencies look at the increase of the tax levy (or margin) and in the Village we have a very large tax margin.

Mayor Marvin thanked Mr. Kassay and Village Treasurer, Robert Fels, for their hard work.

MAYOR'S REPORT

Month filled with many disparate things.

Mr. Porr and I spent far too much time just trying to figure out voting machines for tomorrow's election. Here is how disorganized our State government is. The lever machines were declared legal for use to meet new Federal standards if used in a school or fire district election but illegal if used in a municipal election. Then the County decided that we could not use the electronic machines that we all paid for in last year's County taxes. It took a rebellion by all the Village clerks to finally get this change. Believe it or not, it took a new act of the Legislature to allow us to use the same level machines you will be using in May at the school budget vote.

Tomorrow is the Village election for Mayor and two Trustees. Polls are open from 6AM to 9PM and everyone votes at Village Hall.

On the theme of needless mandating by the State of New York:

- Local governments must now verify incomes for certain residents to now qualify for the STAR tax exemption. Even though the State has easy access to all income tax records, we were required to generate and mail over 500 letters to residents who now have the onus on them to prove they qualify for STAR.
- In the same vein, we are required to do birth and death certificates and we cannot charge for the initial birth certificates. We produced over 2,200 last year. However, in a new twist, if the State feels that the cause of death is incomplete, the onus is now on us to call doctors and hospitals to perfect the document. Needless to say, this takes a great deal of staff time.

In other news:

- The Eastchester Town Board held their March meeting at our Library. The change of venue was an effort to bring the Town government closer to the residents.
- We continue with contract negotiations with both the police and library staff.
- We continue to work with the Bronxville Historical Conservancy on developing a map of all the physical resources of the Village including such things as storm drains and street trees.
- I read to children in Ghana via Skype and their Mayor read to Mrs. Palacio's 2nd grade as part of Read Aloud Day.
- Mr. Porr and I have been actively working with our landlords to attract new merchants to fill our empty store fronts. We met with prospective merchants and made a visit to Rye to meet

with their mayor and manager and visit a few shops possibly interested in coming to Bronxville.

- On the tax front, the Grievance Board is continuing to compile information and input for each case. There are approximately 100 cases pending. Roughly 40 are the typical commercial type and 60 are single family homes. Over all the count is similar to last year possibly, a little less, but not as much as could be expected in a revaluation year. The review process is 75% finished and Gerry Iagallo is scheduled to meet with the Board on March 22nd.
- Mr. Porr and I also attended the New York State Conference of Mayors and Municipal Officials Annual Legislative Conference. We worked with our colleagues around the State to deal with the big issues including escalating pension and health care costs, unfunded State mandates and the tax cap. All mayors and administrations agree this is the most difficult year in recent memory in trying to fashion municipal budgets. Paying all the monies to the State and trying to preserve municipal services. For example, ten years ago our pension obligation to New York State was \$4,674 and this year, it will be a staggering \$753,255 or over 10% of the Village's operating budget.

Thank you to Trustee Poorman for representing the Village in the St. Patrick's Day Parade in Eastchester.

One announcement:

- Village's Green Committee is having a talk by resident Pamele Lippe who was Executive Director of Earth Day NY for 20years on how we can green our lives one step at a time. It will be on March 29th at 7:30PM in the Library.

Trustee Gray – reshuffling liaison assignments in the next two weeks to coincide with our new Village budget year – reprieve for two weeks.

Deputy Mayor Underhill had to be in San Francisco today so I will turn to Trustee Barton.

TRUSTEE REPORTS

Trustee Gray had no report.

Trustee Poorman reported on the Library and that they are in the process of completing a State mandated 5 year long range plan. They will be mailing a survey to all residents – one per household. It is important for everyone to take the time to fill this survey out and return it. Also, the librarians are brainstorming on summer programs. The theme for adults is "Around the World" and encourages residents to read authors from all seven continents.

Police – Trustee Poorman reported that there was a modest bump in misdemeanors and crimes. The department is devoting a lot of hours to solving the burglaries that occurred in the Fall.

Parking – Trustee Poorman said that summonses are a necessary evil. The Village and merchants need the parking space turnover. Ticket revenues reduce taxes.

Trustee Barton reported on the Department of Public Works and that the hot mix is in and the Village can now repair potholes. The traffic signal work has begun at Kraft Avenue and Cedar

Street. It should be up and working by June 1st. Landlord, John Gordon, will be replacing sidewalks in front of his buildings and the Village will be replacing the curbs.

Chamber – Trustee Barton said that there are several new members. The Chamber has a fund in honor of Joy Kilbourn. There will be two more Winter Farmer's Markets.

APPROVAL OF MINUTES

On motion of Trustee Poorman, second by Trustee Gray, the Board approved the minutes of the Regular Meeting on February 7, 2011 and Special Meeting on February 8, 2011 as drafted.

PUBLIC HEARING

At 8:34PM, on motion of Trustee Barton, second by Trustee Poorman, the Board opened the public hearing for Proposed Local Law #1-2011.

Village Attorney, James Staudt, commented that the changes proposed in this local law were made on the recommendation of Chief Satriale. This law will create parking where it has been previously prohibited as well as more site distance on Tanglewylde.

Bill Rizzo, 46 Forest Lane, said he is in favor of this law. There currently are "no parking" signs but no enforcement. The area around the school is not safe and it is clear luck that no one has been injured to date. He encouraged the Village to enforce this law vigorously. He feels the Village and school should come up with a way to deal with the cars and have a much bigger police presence. The taxpayers spent a lot on improving the school and the Village needs to make improvements around the perimeter.

Mayor Marvin said she will talk to Chief Satriale and to the school. She said that there was no parking added when the school was done but that the school added more staff.

Mr. Rizzo told of his father being hit by a car several years ago and making the comment that "it is time to put aesthetics aside and make the streets safe."

Trustee Barton encouraged Mr. Rizzo to write a letter and to get involved.

Mr. Rizzo said he would be happy to.

Mr. Tony Lemberger, 2 Hemlock Road, commented that he is in favor of this law and asked the Trustees to extend it to the other side of the street as well. He said that people speed down Midland Avenue. Last week when it flooded, the school told the teachers to park on the east side of Midland. There was an accident. This is too dangerous. He encouraged the village not give permission for this parking.

Mayor Marvin replied that in an ideal world, there would be no parking on Midland Avenue during the day. The Village is trying to accommodate the needs of the school whose staff exceeds the size of its parking lot.

At 8:44PM, on motion of Trustee Gray, second by Trustee Barton, the Board closed the public hearing.

THEREFORE on motion of Trustee Poorman, second by Trustee Gray, this was unanimously approved.

LOCAL LAW #1-2011 TO AMEND THE TRAFFIC AND VEHICLE LAW OF THE VILLAGE OF BRONXVILLE, CHAPTER 290, BY ADDING LOCATIONS WHERE PARKING IS PROHIBITED

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

Section One. Section 290-28(A)(14) of Chapter 290 of the Code of the Village of Bronxville is hereby amended by adding the following subparagraph (h) :

§ 290-28. Parking prohibited in designated locations.

§ 290-28(A)(14) Midland Avenue.

- (h) On the west side, from the entrance driveway to the Bronxville School, northerly therefrom, to the intersection of Vine Street.

Section Two. Section 290-29(M) of Chapter 290 of the Code of the Village of Bronxville is hereby amended in its entirety to read as follows:

§ 290-29. Limited parking permitted in designated locations.

§ 290-29(M) Tanglewylde Avenue

- (1) On the east side, from the south curblane of Willow Road, for a distance of 150 feet, southwesterly therefrom, to the edge of the driveway at #26 Tanglewylde, for a period not to exceed one hour.
- (2) On the east side, from the north curblane of Willow Road, northeasterly therefrom to a point 29 feet southwesterly from the south curblane of Vine Street, for a period not to exceed three hours, Monday through Friday.
- (3) On the east side, from the north curblane of Vine Street, northeasterly therefrom to the southern edge of the driveway at #61 Tanglewylde Avenue, for a period not to exceed three hours, Monday through Friday.
- (4) On the north side, between Park Avenue and Midland Avenue, for a period not to exceed three hours, Monday through Friday.

Section Three. Section 290-28(A)(28) of Chapter 290 of the Code of the Village of Bronxville is hereby amended by adding the following subparagraph (h):

§ 290-28. Parking prohibited in designated locations.

§ 290-28(A)(28) Tanglewylde Avenue.

- (h) On the east side, from the south curblane of Vine Street for a distance of 29 feet southwesterly therefrom.

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

At 8:45PM, on motion of Trustee Barton, second by Trustee Poorman, the Board opened the public hearing for Proposed Local Law #2-2011

Village Administrator, Harold Porr, said this law makes sure that all Village regulations match State and Federal levels.

Mr. Thomas Wolff, 230 Pondfield Road, reviewed the language in the proposed local law.

Village Attorney, James Staudt, responded to these recommendations. He did not agree with the removal of Schedule A as it allows the Village to create its own Schedule a on a case-by-case basis. The Village wants to require a maintenance agreement and some of the details of the maintenance agreement will be in Schedule A.

At 8:58PM, on motion of Trustee Gray, second by Trustee Barton, the Board closed the public hearing.

RESOLUTION - SEQRA NEGATIVE DECLARATION REGARDING LOCAL LAW #2 – 2011 TO UPDATE THE STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL LAW

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

WHEREAS, the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (the “SPDES General Permit”) was issued in 2010; and

WHEREAS, the New York State Stormwater Management Design Manual (the “Design Manual”) is a key component of New York State’s regulation of stormwater discharges and control of erosion and sediment; and

WHEREAS, in light of the SPDES General Permit and recent amendments to the Design Manual, the Board of Trustees (the “Board”) of the Village of Bronxville (the “Village”) wishes to update its stormwater laws to encourage the use of green infrastructure to control stormwater runoff, as well as require oversight by and accountability from qualified personnel having specific levels of knowledge and training in erosion and sediment control practices (collectively, the “Action”); and

WHEREAS, under the State Environmental Quality Review Act (“SEQRA”) and corresponding regulations, the Action is an Unlisted Action requiring the completion of a short Environmental Assessment Form (“EAF”) to assist the Board in determining whether the Action will result in any adverse environmental impacts; and

WHEREAS, the Action is intended to improve surface and stormwater quality and quantity, and decrease the potential for erosion, drainage and flooding problems; and

WHEREAS, the Board has reviewed the EAF and evaluated the Action's potential impacts using the criteria for determining significance set forth in the SEQRA implementing regulations

NOW THEREFORE, IT IS RESOLVED THAT pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQRA) of the Environmental Conservation Law, the Board hereby determines that the Project will not have a significant effect on the environment and adopts and issues the Negative Declaration (Notice of Determination of Non-Significance) for the reasons set forth therein.

THEREFORE on motion of Trustee Poorman, second by Trustee Gray, this was unanimously approved.

**LOCAL LAW #2-2011 TO AMEND THE STORMWATER MANAGEMENT
AND EROSION AND SEDIMENT CONTROL LAW TO IMPROVE STORMWATER
CONTROL PRACTICES**

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

Section One. Subsection 257-1(B) of Chapter 257 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 257-1. General provisions; exemptions.

(B) Purpose. The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the environment and the general health, safety and welfare of the Village of Bronxville, its residents and their property, and to address the findings of fact in § 257-1A hereof. This chapter seeks to meet those purposes by achieving the following objectives:

- (1) Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Systems (MS4s), Permit No. GP-0-10-002, or as amended, revised, or superceded;
- (2) Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-10-001, or as amended, revised or superceded;
- (3) Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- (4) Minimize increases in pollution caused by stormwater runoff from land development activities that would otherwise degrade local water quality;
- (5) Minimize the total annual volume of stormwater runoff that flows from any specific site during and following development to the maximum extent practicable;

- (6) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices, and to ensure that these management practices are properly maintained and eliminate threats to public safety; and
- (7) Encourage the use of green infrastructure practices to control stormwater runoff such as protecting natural areas, reducing impervious cover, and using runoff reduction techniques to the maximum extent practicable.

Section Two. The following definitions in Section 257-2 of Chapter 257 of the Code of the Village of Bronxville are hereby revised in their entirety to read as follows:

§ 257-2. Definitions.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL STORMWATER SEWER SYSTEMS

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

Section Three. Section 257-2 of Chapter 257 of the Code of the Village of Bronxville is hereby revised by adding the following definitions:

§ 257-2. Definitions.

GREEN INFRASTRUCTURE

Green infrastructure approaches infiltrate, evapotranspire or reuse stormwater, using soils and vegetation, rather than hardscape collection, conveyance and storage structures. Common green infrastructure approaches include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains.

QUALIFIED INSPECTOR

A person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), or a Registered Landscape Architect, or someone working under the direct supervision of, and in the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control.

TRAINED CONTRACTOR

An employee from the contracting or construction company who has received four hours of Department-endorsed training in proper erosion and sediment control principles. After receiving the initial training, the trained contractor shall receive four hours of training every

three years. Trained contractor may also mean an employee from the contracting or construction company that meets the qualified inspector qualifications.

Section Four. Subsection 257-3(B)(2) of Chapter 257 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 257-3. Stormwater pollution prevention plans.

(B) Contents of stormwater pollution prevention plans

- (2) Land development activities as defined herein and meeting Condition A, B, C or D below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in § 257-4C as applicable:
 - (a) Condition A: Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - (b) Condition B: Stormwater runoff from land development activities disturbing five or more acres.
 - (c) Condition C: Stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of a single family home not located in one of the relevant watersheds identified in the SPDES General Permit for Construction Activities and not directly discharging to one of the waters identified on the Department's 303(d) list of impaired waters, and construction activities at agricultural properties.
 - (d) Condition D: Stormwater runoff from land development activities disturbing between one and five acres of land for a single family residential subdivision that will result in greater than twenty-five percent impervious cover at total build out.

Section Five. The heading of subsection 257-3(B)(3) of Chapter 257 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 257-3. Stormwater pollution prevention plans.

(B) Contents of stormwater pollution prevention plans

- (3) SWPPP requirements for Conditions A, B, C and D.

Section Six. Subsection 257-3(B)(3)(b) of Chapter 257 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 257-3. Stormwater pollution prevention plans.

(B) Contents of stormwater pollution prevention plans

- (3) SWPPP requirements for Conditions A, B, C and D.
- (b) Description of each postconstruction stormwater management practice, including documentation of the five-step planning process for stormwater management using green infrastructure as outlined in the Design Manual;

Section Seven. Subsection 257-5(A) of Chapter 257 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 257-5. Maintenance, inspection and repair of stormwater facilities.

- (A) Maintenance and inspection during construction.
 - (1) The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty percent.
 - (2) For land development activities as defined herein and meeting Condition A, B, C, or D in § 257-3, the applicant shall have a qualified inspector conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within twenty four hours of any storm event producing 0.5 inch of precipitation or more. Inspection reports shall be maintained in a site log book.
 - (3) Construction activities disturbing five acres or more at any one time shall be inspected by a qualified inspector twice every seven days.
 - (4) The applicant or developer or their representative, one of which must be a trained contractor, shall be on-site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

Section Eight. Section 257-7 of Chapter 257 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 257-7. Conflict; severability.

- A. In the event of any conflict between a provision of this Chapter 257 and a provision of applicable federal or state laws or regulations, the more restrictive provision shall control.
- B. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter.

Section Nine. In section 257-8 of Chapter 257 of the Code of the Village of Bronxville, the enumerated second and fourth paragraphs of the sample agreement are hereby revised in their entirety to read as follows:

§ 257-8. Sample stormwater control facility maintenance agreement.

2. The Facility Owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices, stormwater ponds and wetlands, bioretention and rain gardens, tree boxes, green roofs, stormwater planters, rain tanks and cisterns, and porous pavement.
4. The Facility Owner shall provide for the periodic inspection of the stormwater control measures, at the frequency recommended in the Design Manual, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within thirty days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.

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. Schedule A to Chapter 257 of the Code of the Village of Bronxville shall be deleted in its entirety.

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

NEW BUSINESS

RESOLUTION – 2010 SCAR SETTLEMENTS (Batch #2)

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

WHEREAS, Small Claims Assessment Review petitions having been filed by each property owner identified on the annexed schedules to this resolution challenging real property tax assessments on the Village's 2010 Final Assessment Roll.

WHEREAS, petitioners' court challenges are now pending in the Supreme Court, Arbitration Division, Westchester County,

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 Assessment Consultant to execute those proceedings marked "Settled" on behalf of the Village and School reducing the assessments to no less than the following amounts:

<u>TYPE</u>	<u>ADDRESS</u>	<u>ORIGINAL AV</u>	<u>REDUCED AV</u>	<u>REDUCTION</u>	<u>REFUND (VILLAGE)</u>	<u>REFUND (SCHOOL)</u>	<u>TOTAL REFUND</u>
Settled	1 Orchard Place	1,832,870	1,700,000	132,870	\$355.03	\$1,774.35	\$2,129.37
Settled	1 Orchard Place	52,130	25,000	27,130	\$72.49	\$362.29	\$434.79
Settled	28 Homesdale Road	2,250,000	2,200,000	50,000	\$133.60	\$667.70	\$801.30
Decision	63 Kensington Road	750,698	750,698	-	-	-	-
Decision	1 Park Avenue Terrace	1,022,104	1,022,104	-	-	-	-
				TOTAL	\$561.12	\$2,804.34	\$3,365.46

RESOLUTION – 2010 SCAR SETTLEMENTS (Batch #3)

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

WHEREAS, Small Claims Assessment Review petitions having been filed by each property owner identified on the annexed schedules to this resolution challenging real property tax assessments on the Village's 2010 Final Assessment Roll.

WHEREAS, petitioners' court challenges are now pending in the Supreme Court, Arbitration Division, Westchester County,

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 Assessment Consultant to execute those proceedings marked "Settled" on behalf of the Village and School reducing the assessments to no less than the following amounts:

<u>TYPE</u>	<u>ADDRESS</u>	<u>ORIGINAL AV</u>	<u>REDUCED AV</u>	<u>REDUCTION</u>	<u>REFUND (VILLAGE)</u>	<u>REFUND (SCHOOL)</u>	<u>TOTAL REFUND</u>
Settled	376 New Rochelle Rd	2,159,300	2,159,300	-	-	-	-
Settled	376 New Rochelle Rd	1,300,000	1,000,000	300,000	\$801.60	\$4,006.20	\$4,807.80
Decision	19 Ridge Road	2,020,370	1,760,000	260,370	\$695.71	\$3,476.98	\$4,172.69
Decision	32 Sturgis Road	3,546,759	3,000,000	546,759	\$1,460.94	\$7,301.42	\$8,762.36
				TOTAL	\$2,958.25	\$14,784.60	\$17,742.85

RESOLUTION - FOR NON-BARGAINING UNIT EMPLOYEES

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

WHEREAS, the Village of Bronxville ("the Village") acknowledges that the current economic times require unique measures aimed at the reduction of personnel-related expenditures in the Budget; and

WHEREAS, the Village is desirous of reducing the Village's personnel costs through attrition and in an effort to avoid or reduce the need for a reduction in staff; and

WHEREAS, the Village has concluded that a retirement incentive may help achieve a reduction in Village personnel expenditures; and

NOW, THEREFORE, BE IT RESOLVED:

The Village shall hereby offer a retirement incentive to those non-bargaining unit employees who are employed by the Village in accordance with the terms and conditions set forth below. All terms and conditions set forth below must be satisfied for payment to be made to eligible participants.

1. For the 2010-11 fiscal year only (ending May 31, 2011), non-bargaining unit members employed by the Village who are eligible to retire into the New York State and Local Employees' Retirement System shall be eligible for a retirement incentive in the amount of \$5,000 each. In the event that more than five (5) eligible employees choose to participate, this retirement incentive amount shall be increased (for each employee) by an additional \$1,000 for each additional eligible individual above five (5), to a maximum of \$10,000 (*e.g.*, 6 employees retire = \$6,000, 8 employees retire = \$8,000, 10 employees retire = \$10,000).

2. To be eligible for the incentive set forth in Paragraph 1 above, participating employees must submit an irrevocable, written notice of resignation for purposes of retirement to Harold Porr III, Village Administrator, with an effective date of the close of business on Tuesday, May 31, 2011. To be effective, this notice must be received in the Office of the Village Administrator (Harold Porr III), by no later than 4:00 p.m. on Friday, April 15, 2011. Failure to submit a written notice by such deadline shall be deemed a waiver of the incentive benefits described herein and result in the employee(s) not being eligible to receive any such benefits set forth herein. Once submitted, this notice is irrevocable unless an individual suffers an extraordinary and unexpected life circumstance beyond his/her control that significantly alters his/her ability to participate in the incentive. In such circumstances, such individual must rescind his/her notice of resignation for purposes of retirement in writing. Such rescission notice must be received in the Office of the Village Administrator (Harold Porr III), by no later than 4:00 p.m. on May 27, 2011.

3. Payment to eligible participants receiving the applicable incentive amount shall be made on a single lump sum basis on or before June 15, 2011. Such payments shall be afforded tax treatment by the Village as required by law.

4. This Resolution shall not be used as a precedent with regard to how similar situations involving the Village's financial condition may be handled in the future. The Village is under no obligation to offer this incentive or any other incentive in the future.

5. Participation in this retirement incentive program is entirely voluntary. No individual is required to participate in this program. Individuals wishing to participate in the program are urged to consider all ramifications of their decision to resign from the Village for purposes of retirement, and should, if they so desire, consult with an attorney and/or the New York State and Local Employees' Retirement System.

RESOLUTION - FOR POLICE & TEAMSTERS EMPLOYEES

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

WHEREAS, the Village of Bronxville ("the Village") and [*the Bronxville Police Taylor Act Committee / Local 456, I.B.T.*] ("the Union") are parties to a collective bargaining agreement covering the period June 1, 2008 – May 31, 2011; and

WHEREAS, the Village and the Union acknowledge that the current economic times require unique measures aimed at the reduction of personnel-related expenditures in the Budget; and

WHEREAS, the Village and the Union are desirous of reducing the Village's personnel costs through attrition and in an effort to avoid or reduce the need for a reduction in staff; and

WHEREAS, the Village and the Union have concluded that a retirement incentive may help achieve a reduction in Village personnel expenditures; therefore

IT IS HEREBY STIPULATED AND AGREED, by and between the Village and the Union that the following terms and conditions are agreed to, as and for a Stipulation of Agreement ("Stipulation"):

1. For the 2010-11 fiscal year only (ending May 31, 2011), those bargaining unit members who are eligible to retire into the New York State and Local Employees Retirement System shall be eligible for a retirement incentive in the amount of \$5,000 each. In the event that more than five (5) eligible unit members choose to participate, this retirement incentive amount shall be increased (for each member) by an additional \$1,000 for each additional eligible individual above five (5), to a maximum of \$10,000 (*e.g.*, 6 unit members retire = \$6,000, 8 unit members retire = \$8,000, 10 unit members retire = \$10,000).
2. To be eligible for the incentive set forth in Paragraph 1 above, participating unit members must submit an irrevocable, written notice of resignation for purposes of retirement to Harold Porr III, Village Administrator, with an effective date of the close of business on Tuesday, May 31, 2011. To be effective, this notice must be received in the Office of the Village Administrator (Harold Porr III), by no later than 4:00 p.m. on Friday, April 15, 2011. Failure to submit a written notice by such deadline shall be deemed a waiver of the incentive benefits described herein and result in the unit member(s) not being eligible to receive any such benefits set forth herein. Once submitted, this notice is irrevocable unless an individual suffers an extraordinary and unexpected life circumstance beyond his/her control that significantly alters his/her ability to participate in the incentive. In such circumstances, such individual must rescind his/her notice of resignation for purposes of retirement in writing. Such rescission notice must be received in the Office of the Village Administrator (Harold Porr III), by no later than 4:00 p.m. on May 27, 2011.
3. Payment to eligible participants receiving the applicable incentive amount shall be made on a single lump sum basis on or before June 15, 2011. Such payments shall be afforded tax treatment by the Village as required by law.
4. The parties agree that this Stipulation shall not be used as a precedent with regard to how similar situations involving the Village's financial condition may be handled in the future. The Village is under no obligation to offer this incentive or any other incentive in the future.

5. Participation in this retirement incentive program is entirely voluntary. No individual is required to participate in this program. Individuals wishing to participate in the program are urged to consider all ramifications of their decision to resign from the Village for purposes of retirement, and should, if they so desire, consult with their union representative, an attorney and/or their applicable New York State pension/retirement system.
6. This Stipulation constitutes the entire agreement between the parties hereto and supersedes all prior agreements, memoranda, correspondence, conversations, discussions and/or negotiations held/or which have taken place between the parties regarding a retirement incentive for the 2010-11 fiscal year.
7. This Stipulation, including this paragraph, may not be altered except by a writing signed by all parties. This Stipulation may not be changed orally.
8. The language of all parts of this Stipulation shall be construed as a whole, according to its fair meaning, and not strictly for or against either party, regardless of who drafted it.
9. This Stipulation shall not become binding or effective until executed by all parties and ratified by the Village Board of Trustees.
10. This Stipulation shall be governed by and construed in accordance with the laws of the State of New York.

RESOLUTION - FOR LIBRARY CSEA EMPLOYEES

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

WHEREAS, the Village of Bronxville ("the Village"), the Bronxville Public Library ("the Library") and CSEA, Local 1000 ("the Union") are in negotiations for a first collective bargaining agreement between the Library and the Union, but the parties nonetheless recognize the Union's present position as collective bargaining representative for a unit of Library employees; and

WHEREAS, the Village/Library and the Union acknowledge that the current economic times require unique measures aimed at the reduction of personnel-related expenditures in the Budget; and

WHEREAS, the Village/Library and the Union are desirous of reducing the Village's personnel costs through attrition and in an effort to avoid or reduce the need for a reduction in staff; and

WHEREAS, the Village/Library and the Union have concluded that a retirement incentive may help achieve a reduction in Village/Library personnel expenditures; therefore

IT IS HEREBY STIPULATED AND AGREED, by and among the Village, the Library and the Union that the following terms and conditions are agreed to, as and for a Stipulation of Agreement ("Stipulation"):

1. For the 2010-11 fiscal year only (ending May 31, 2011), those Library bargaining unit members who are eligible to retire into the New York State and Local Employees' Retirement System shall be eligible for a retirement incentive in the amount of \$5,000 each.

In the event that more than five (5) eligible unit members choose to participate, this retirement incentive amount shall be increased (for each member) by an additional \$1,000 for each additional eligible individual above five (5), to a maximum of \$10,000 (*e.g.*, 6 unit members retire = \$6,000, 8 unit members retire = \$8,000, 10 unit members retire = \$10,000).

2. To be eligible for the incentive set forth in Paragraph 1 above, participating Library unit members must submit an irrevocable, written notice of resignation for purposes of retirement to Harold Porr III, Village Administrator, with an effective date of the close of business on Tuesday, May 31, 2011. To be effective, this notice must be received in the Office of the Village Administrator (Harold Porr III), by no later than 4:00 p.m. on Friday, April 15, 2011. Failure to submit a written notice by such deadline shall be deemed a waiver of the incentive benefits described herein and result in the unit member(s) not being eligible to receive any such benefits set forth herein. Once submitted, this notice is irrevocable unless an individual suffers an extraordinary and unexpected life circumstance beyond his/her control that significantly alters his/her ability to participate in the incentive. In such circumstances, such individual must rescind his/her notice of resignation for purposes of retirement in writing. Such rescission notice must be received in the Office of the Village Administrator (Harold Porr III), by no later than 4:00 p.m. on May 27, 2011.
3. Payment to eligible participants receiving the applicable incentive amount shall be made on a single lump sum basis on or before June 15, 2011. Such payments shall be afforded tax treatment by the Village/Library as required by law.
4. The parties agree that this Stipulation shall not be used as a precedent with regard to how similar situations involving the Village's/Library's financial condition may be handled in the future. The Village/Library is under no obligation to offer this incentive or any other incentive in the future.
5. Participation in this retirement incentive program is entirely voluntary. No individual is required to participate in this program. Individuals wishing to participate in the program are urged to consider all ramifications of their decision to resign from the Village/Library for purposes of retirement, and should, if they so desire, consult with their union representative, an attorney and/or the New York State and Local Employees' Retirement System.
6. This Stipulation constitutes the entire agreement among the parties hereto and supersedes all prior agreements, memoranda, correspondence, conversations, discussions and/or negotiations held/or which have taken place among the parties regarding a retirement incentive for the 2010-11 fiscal year.
7. This Stipulation, including this paragraph, may not be altered except by a writing signed by all parties. This Stipulation may not be changed orally.
8. The language of all parts of this Stipulation shall be construed as a whole, according to its fair meaning, and not strictly for or against either party, regardless of who drafted it.
9. This Stipulation shall not become binding or effective until executed by all parties and ratified by the Village Board of Trustees and Library Board of Trustees.
10. This Stipulation shall be governed by and construed in accordance with the laws of the State of New York.

RESOLUTION - SETTING PUBLIC HEARING ON THE PROPOSED LOCAL LAW #3 - 2011 TO AMEND THE TRAFFIC AND VEHICLE LAW OF THE VILLAGE OF BRONXVILLE, CHAPTER 290, BY REPEALING PARKING PROHIBITIONS ON PORTIONS OF PARKWAY ROAD AND STUDIO ARCADE

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

WHEREAS, the Board of Trustees (the "Board") of the Village of Bronxville (the "Village") requested Village Counsel to draft a local law amending the Traffic and Vehicle Law of the Village, Chapter 290, repealing locations where parking is prohibited during certain times; and

WHEREAS, having received proposed Local Law # 3 - 2011, the Board is prepared to hold a public hearing on such proposed law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. A public hearing on proposed Local Law # 3 - 2011 will be held on April 11, 2011 at 8:00PM at Village Hall located at 200 Pondfield Road, Bronxville, NY.
2. The Village Board directs that all requisite notices be published in accordance applicable laws and regulations.

PUBLIC COMMENTS –

Mrs. Betsy Harding, 39 Homesdale Road, inquired about the fire at the Village Day Spa and that a number of windows were sheetrocked over causing the fire department trouble getting in. She wanted to know if this was a building code violation and how the Village carries out inspections – do they stop at the end of construction or are they done on an on-going basis.

Mayor Marvin replied that Village Engineer, Vincent Pici, inspects until the final inspection is done which is at the end of construction.

Village Administrator, Harold Porr, said that Village Engineer, Vincent Pici, was at the Village Day Spa the morning after the fire and that he determined that the sheetrocked windows were not a violation. Also, an inspector from the fire department works together with Mr. Pici.

Mrs. Megan McKinley, 6 Crampton Road, asked about the early retirement incentive and if the Village pays for the healthcare for retired employees.

Mayor Marvin responded that those employees thinking about retirement could get benefits and pay a percentage.

Ms. McKinley said the Village will have to pay a portion of new employee benefits as well as if we incentivize people to retire.

Village Administrator, Harold Porr, responded that each position that is left open will be evaluated.

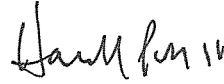
Ms. McKinley asked the Village to look at the appropriateness of this economic incentive and the overall costs.

Mr. Thomas Wolff, 230 Pondfield Road, asked Trustee Barton about the new traffic signal and why it takes 28 days for the concrete to cure for the lamp posts.

Trustee Barton responded that Superintendent of Public Works, Rocco Circosta, told him that this is the length of time it takes and they want to make sure this project is done correctly.

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There being no further comments, the meeting was adjourned at 9:10PM by motion of Trustee Poorman, second by Trustee Gray.



Harold Porr III,
Village Administrator/Village Clerk