

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE  
OF BRONXVILLE HELD ON APRIL 9, 2012 AT THE VILLAGE HALL, 200 PONDFIELD  
ROAD, BRONXVILLE, N.Y.**

\* \* \* \* \*

|                 |                     |          |
|-----------------|---------------------|----------|
| <b>PRESENT:</b> | Mary C. Marvin      | Mayor    |
|                 | Robert S. Underhill | Trustees |
|                 | Anne W. Poorman     |          |
|                 | Donald M. Gray      |          |
|                 | Guy Longobardo      |          |

|                      |                 |                                |
|----------------------|-----------------|--------------------------------|
| <b>ALSO PRESENT:</b> | Harold Porr III | Village Administrator          |
|                      | Robert Fels     | Village Treasurer              |
|                      | Vincent Pici    | Village Engineer               |
|                      | Rocco Circosta  | Superintendent of Public Works |
|                      | Richard Bunyan  | Police Lieutenant              |

**WORK SESSION & EXECUTIVE SESSION**

The meeting was called to order at 6:30PM on the motion of Trustee Underhill, second by Trustee Poorman.

Village Administrator Harold Porr reviewed the meeting agenda.

Village Engineer Vincent Pici discussed the Building Department budget and answered questions from the Village Trustees.

Superintendent of Public Works Rocco Circosta discussed the Department of Public Works budget and answered questions from the Village Trustees.

Lieutenant Richard Bunyan discussed the Police budget and answered questions from the Village Trustees.

At 7:58PM on motion of Trustee Barton, second by Trustee Gray, the Trustees entered into the public session.

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Mayor Marvin called the meeting to order at 8:00PM.

**MAYOR'S REPORT**

My report is short because my time was spent in-house working on the budget with the staff - clearly our most important duty as Trustees.

We just completed a budget workshop just prior to tonight's meeting and we will have another one open to the public this Wednesday night starting at 6:30PM - location will be the Yeager Room at the Library.

We will schedule a special meeting for the budget vote prior to May 1<sup>st</sup>, tentatively now scheduled for April 25<sup>th</sup>.

We have also been very busy in Village Hall just working with the Department of Public Works sprucing up the Village for the spring and summer months. Work has begun on Sagamore Park and we are hopeful the completion date remains Memorial Day weekend. Then the contractor will head over immediately to Maltby Park to begin work there.

We are still negotiating with our police and library unions but I can report no settlements.

We had the County shredder here last Saturday and many residents availed themselves of the service to get rid of unwanted papers.

The Fire Board meeting will again be in Bronxville on April 19<sup>th</sup> at 7PM. I encourage residents to attend to learn about the Board. Their activities have a great affect on your wallet as their budget is actually larger than our budget to run the Village.

### **TRUSTEE REPORTS**

No reports from Trustee Underhill and Trustee Longobardo.

Trustee Gray reported that the Chamber of Commerce has a new Director and that he will be meeting with her soon.

Mayor Marvin thanked Peggy Conway for doing such a great job.

Trustee Poorman reported on the police department. There was continued activity with regard to underage drinking. The police have put on four extra officers on patrol for Friday and Saturday nights. These extra efforts allow for a walking patrol. The Chief will be attending a local forum on teens and substance abuse and the legal consequences at the Maxwell Institute.

### **APPROVAL OF MINUTES**

On motion of Trustee Poorman, second by Trustee Underhill, the Board approved the minutes of the Regular Meeting on March 12, 2012 and Annual Meeting on April 2, 2012.

### **PUBLIC HEARING – PROPOSED LOCAL LAW #1-2012 TAX CAP OVERRIDE**

At 8:19PM, on motion of Trustee Underhill, second by Trustee Gray, the Board opened the public hearing for Proposed Local Law #1-2012.

Trustee Gray stated that the all residents should read the Mayor's recent column about this override. This is a very serious issue and this law will allow the Trustees to take back some of our freedoms. It is a political issue with the Governor. The 2% cap would not be sufficient for the pension costs given to the Village by New York State.

Trustee Underhill said Trustee Gray's comments reflect his view. He does not want to relinquish any rights that the Trustees have. He is extremely proud of the performance of the Board of Trustees during Mayor Marvin's tenure.

Trustee Longobardo agreed with the other Trustees and said that the pension costs are the clearest and easiest example to use.

Mayor Marvin commented that if we added up all of the unfunded mandates, the Village would have an almost 5% tax increase but would have to hold to the tax cap at 2% if they did not override it. Some items not exempt from the 2% tax cap are the MTA tax and debt service. In looking at costs, fuel costs have increased, interest income has decreased. The only reform offered by the State is a Tier 6 pension which really is as Governor Cuomo says a "pension for the unborn". This tax cap usurps local control and causes us to become a victim of sloganeering. The Trustees are keeping costs as low as possible.

No public comment.

At 8:25PM, on motion of Trustee Poorman, second by Trustee Longobardo, the Board closed the public hearing.

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

#### **LOCAL LAW NO. #1-2012**

#### **A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C**

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

**Section One.** Legislative Intent. It is the intent of this local law to allow the Village of Bronxville to adopt a budget for the fiscal year commencing June 1, 2012, that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**Section Two.** Authority. This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**Section Three.** Tax Levy Limit Override. The Board of Trustees of the Village of Bronxville, County of Westchester, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2012, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

**Section Four.** Severability. 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.** Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

## **PUBLIC HEARING – 2012/2013 BUDGET**

At 8:26PM, on motion of Trustee Gray, second by Trustee Poorman, the Board opened the public hearing for the 2012/2013 Budget.

Village Treasurer, Robert Fels, gave an overview of the working budget. There is an increase of 2.27% in spending. The largest single item increase is in pensions. We will still have the same level of employees, except for one less in the library. There will be one position reinstated, the parking clerk, to full time designation due to the demand of this position. The lack of this position has prevented the main office from functioning properly. On the expenditure side, there was an increase of 3.59% which reflects services by other municipalities that we utilize and have to pay for. He expects debt service to increase by 1.7%. On the funding side, which includes operating revenues, the general fund and the library fund are expected to decrease. The one shot revenues were all received last year. The fund balance will increase by \$125K by May 31, 2012. The Village fund balance should be between 12% - 13% of the subsequent year's budget - this is a comfortable position and where the Village needs to be in order to maintain its bond rating. The tax levy is projected to be at a 3.73% increase and the tax rate is projected to increase by 3.71%.

Mayor Marvin commented that our assessment remains flat which is terrific. She thanked Village Treasurer Fels for his hard work.

Trustee Underhill said he was very impressed with the job that Village Administrator Porr and Village Treasurer Fels do working on the budget. The Trustees are very focused on appropriations of the fund balance and want to keep the fund very strong. He said that the Trustees are going to have to start weaning off using appropriations from the fund balance.

No public comment.

At 8:37PM, on motion of Trustee Poorman, second by Trustee Underhill, the Board closed the public hearing.

## **NEW BUSINESS**

### **RESOLUTION - SURPLUS EQUIPMENT**

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

**WHEREAS**, the Manager of Information Systems has reviewed the list of equipment attached, and

**WHEREAS**, the Manager of Information Systems has requested that the Village Board of Trustees declare this equipment as "SURPLUS" in order to properly dispose,

**NOW THEREFORE, BE IT RESOLVED** that the Board of Trustees of the Village of Bronxville, hereby declares this list of equipment as " SURPLUS " and authorizes the Manager of Information Systems to dispose of this equipment.

Trustee Underhill wanted to make sure that "surplus" really means not functioning and with no value.

**RESOLUTION - TAX CERTIORARI SETTLEMENT – JOHN C. FOGARTY (64 KRAFT AVE, SECTION 4- BLOCK 3 LOT 23)**

On motion of Trustee Poorman, second by Trustee Gray, 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> |
|-----------------------|----------------------------|----------------|
| John C. Fogarty       | Section 4- Block 3 Lot 23  | 2006-2011      |

**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:

| <u>YEAR</u> | <u>ASSESSMENT</u> | <u>REVISED<br/>ASSESSMENT</u> | <u>REDUCTION</u> |
|-------------|-------------------|-------------------------------|------------------|
| 2006        | 70,000            | 70,000                        | NONE             |
| 2007        | 2,933,800         | 2,500,000                     | 433,800          |
| 2008        | 2,933,800         | 2,500,000                     | 433,800          |
| 2009        | 2,716,481         | 2,400,000                     | 316,481          |
| 2010        | 2,716,481         | 2,400,000                     | 316,481          |
| 2011        | 2,487,650         | 2,400,000                     | 87,650           |

**RESOLUTION - TAX CERTIORARI SETTLEMENT – 29 PARK PLACE LLC (29 PARK PLACE, SECTION 4/BLOCK 3/LOT 1)**

On motion of Trustee Poorman, second by Trustee Gray, 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> |
|-----------------------|----------------------------|----------------|
| 29 Park Place LLC     | Section 4- Block 3 Lot 1   | 2004-2011      |

**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:

| <u>YEAR</u> | <u>ASSESSMENT</u> | <u>REVISED<br/>ASSESSMENT</u> | <u>REDUCTION</u> |
|-------------|-------------------|-------------------------------|------------------|
| 2004        | 33,200            | 32,650                        | 550              |
| 2005        | 33,200            | 32,200                        | 1,000            |
| 2006        | 33,200            | 32,250                        | 950              |
| 2007        | 1,361,400         | 1,100,000                     | 261,400          |
| 2008        | 1,361,400         | 1,100,000                     | 261,400          |
| 2009        | 1,260,555         | 1,050,000                     | 210,555          |
| 2010        | 1,260,555         | 1,050,000                     | 210,555          |
| 2011        | 1,020,000         | 1,020,000                     | NONE             |

**RESOLUTION - TAX CERTIORARI SETTLEMENT - EASTBOURNE APARTMENTS  
(PONDFIELD ROAD WEST - SECTION 11/3/5, 5A & 5B)**

On motion of Trustee Poorman, second by Trustee Gray, 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> |
|-----------------------|-----------------------------------------------|----------------|
| Eastbourne Apartments | Pondfield Rd. West<br>Section 11/3/5, 5A & 5B | 2001-2011      |

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:

| <u>YEAR</u> | <u>ASSESSMENT</u> | <u>REVISED<br/>ASSESSMENT</u> | <u>REDUCTION</u> |
|-------------|-------------------|-------------------------------|------------------|
| 2001        | 230,000           | 230,000                       | NONE             |
| 2002        | 230,000           | 230,000                       | NONE             |
| 2003        | 230,000           | 230,000                       | NONE             |
| 2004        | 230,000           | 213,700                       | 16,300           |
| 2005        | 230,000           | 201,300                       | 28,700           |
| 2006        | 230,000           | 198,950                       | 31,050           |
| 2007        | 7,644,400         | 7,510,000                     | 134,400          |
| 2008        | 7,644,400         | 7,510,000                     | 134,400          |
| 2009        | 7,078,147         | 7,078,147                     | NONE             |
| 2010        | 7,078,147         | 7,078,147                     | NONE             |
| 2011        | 7,100,000         | 7,100,000                     | NONE             |

**RESOLUTION - TAX CERTIORARI SETTLEMENT – ARTHUR MILLER I/T/F WINDSOR JUNIOR LTD. (85-89 PONDFIELD ROAD – SECTION 4/BLOCK 1/ LOT 9 & 9A)**

On motion of Trustee Poorman, second by Trustee Gray, 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:

| <b><u>Property Owner</u></b>       | <b><u>Address Description</u></b> | <b><u>Year(s)</u></b> |
|------------------------------------|-----------------------------------|-----------------------|
| Arthur Miller I/T/F Windsor Junior | Section 4- Block 1 Lot 9 & 9A     | 2004-2011             |

**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:

Lot 9A:

| <b><u>YEAR</u></b> | <b><u>ASSESSMENT</u></b> | <b><u>REVISED<br/>ASSESSMENT</u></b> | <b><u>REDUCTION</u></b> |
|--------------------|--------------------------|--------------------------------------|-------------------------|
| 2004               | 111,850                  | 96,050                               | 15,800                  |
| 2005               | 111,850                  | 96,075                               | 15,775                  |
| 2006               | 111,850                  | 95,350                               | 16,500                  |
| 2007               | N/A                      | N/A                                  | N/A                     |
| 2008               | N/A                      | N/A                                  | N/A                     |
| 2009               | 2,892,500                | 2,650,000                            | 242,500                 |
| 2010               | 2,892,500                | 2,700,000                            | 192,500                 |
| 2011               | 2,792,500                | 2,792,500                            | NONE                    |

Lot 9:

| <b><u>YEAR</u></b> | <b><u>ASSESSMENT</u></b> | <b><u>REVISED<br/>ASSESSMENT</u></b> | <b><u>REDUCTION</u></b> |
|--------------------|--------------------------|--------------------------------------|-------------------------|
| 2004               | 13,845                   | 13,845                               | NONE                    |
| 2005               | 13,845                   | 13,845                               | NONE                    |
| 2006               | 13,845                   | 13,845                               | NONE                    |
| 2007               | N/A                      | N/A                                  | N/A                     |
| 2008               | N/A                      | N/A                                  | N/A                     |
| 2009               | 614,167                  | 614,167                              | NONE                    |
| 2010               | 614,167                  | 614,167                              | NONE                    |
| 2011               | 690,000                  | 690,000                              | NONE                    |

**PUBLIC COMMENTS –**

Mr. Josh Semendoff, new editor for the Bronxville Patch, introduced himself.

\* \* \* \* \*

There being no further comments, the meeting was adjourned at 8:42PM by motion of Trustee Longobardo, second by Trustee Gray.

A handwritten signature in black ink, appearing to read "Harold Porr III", written over a horizontal line.

Harold Porr III  
Village Administrator/Village Clerk