

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE
OF BRONXVILLE HELD ON NOVEMBER 8, 2010 AT THE VILLAGE HALL, 200
PONDFIELD ROAD, BRONXVILLE, N.Y.

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PRESENT: Mary C. Marvin Mayor
Glenn D. Bellitto Trustees
William H. Barton, Jr.
Robert S. Underhill
Anne W. Poorman

ALSO PRESENT: Harold Porr III Village Administrator
James Staudt Village Attorney

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WORK SESSION & EXECUTIVE SESSION

Mayor Marvin called the meeting to order at 6:32PM.

In attendance were Mayor Marvin, Trustee Bellitto, Trustee Barton, Trustee Underhill, Trustee Poorman, Village Administrator Harry Porr, Village Attorney Jim Staudt, Village Engineer Vincent Pici, School officials: Rick Rugani, James Hudson and Dan Carlin, Folchetti Associates engineer Paul Pelusio and labor attorney Chris Kurtz.

There was a presentation given by Paul Pelusio of Folchetti Associates, an engineering company, on flood mitigation grant application. Village Engineer, Vincent Pici, participated. There was a Q&A by both Village and School officials in attendance.

RESOLUTION – Pre Disaster Mitigation Grant

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

WHEREAS, the Village of Bronxville has applied for a Pre Disaster Mitigation Grant through the New York State Office of Emergency Management regarding chronic flooding at and in the vicinity of the campus of the Bronxville Union Free School District; and

WHEREAS, the Village of Bronxville is addressing this flooding issue in cooperation with the Bronxville Union Free School District;

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Village acknowledges its understanding that if such a grant should be made and accepted by the Village, the Village, in cooperation with the School District, would be responsible for funding at least 25 percent of the total cost of the project.
2. The Village recognizes that the funding referred to in paragraph "1" above must be from a non-federal source.

3. It is the present intention of the Village that the source of funds the Village would contribute to the project would be from bonding.
4. The Village currently has more than adequate bonding limit available to fund the amount it would anticipate being required from the Village for this project.
5. If the project is constructed, the Village is committed to operating and maintaining the flood mitigation system over the useful life of the installed equipment.

The Board then reviewed the meeting agenda.

At 7:30PM, on motion of Trustee Bellitto, second by Trustee Barton, the Trustees entered Executive Session to discuss personnel matters in the administration, police and parking departments. Labor attorney, Christopher Kurtz, participated in the discussion.

At 8:03PM on motion of Trustee Barton, second by Trustee Poorman, the Trustees ended the executive session and entered into the public session.

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Mayor Marvin opened meeting at 8:07PM.

Mayor Marvin welcomed Joyce Balint of the Bronxville Women's Club.

Ms. Balint gave an update on the Women's Club and said that they have been working very hard in the last year to get the building back to the way it was originally. They have opened their membership up to all and she invited everyone to go on their website and see what they have to offer.

MAYOR'S REPORT

First, I want to report very good news. Our assessing team has assured us that they will meet our very aggressive goal of completing the periodic property revaluation in time for the 2011 tax roll. They have been working 24/7 on this and I know many of you have seen them out in the streets. Thanks to their efforts our upcoming tax roll will be more equitable – so very important this year in light of the great fluctuations in property values.

In conjunction with a revaluation plan, both initial revals and updates, the New York State Office of Real Property Services (ORPS) requires that certain procedures be addressed, one of which is the so called Homestead Option. Even though a municipality is not required to have an official vote on Homestead, to ignore the issue is essentially a decision not to adopt Homestead.

Rather than ignore Homestead, all of the Trustees wanted to be re-educated on the topic vis-à-vis 2010 conditions. In the past weeks, we have met with officials from ORPS as well as our special tax counsel and members of the School Board and the school financial staff.

During these discussions, our ORPS experts advised us that after a long and careful read of the Homestead Law language, staff and counsel at ORPS believe there is ambiguity as to whether a school district that is co-terminus with its village assessing unit can take part in the Homestead Option. The unusual circumstance seems to have occurred because at the time of the drafting of the law, several decades ago, no one seems to have taken into account our Village, which was the only

co-terminus school/Village assessing unit in the entire State. Since that time, only one other community, the Village of Kiryas Joel, a Hasidic village in Orange County, qualifies in our unique category.

It appears our situation was simply overlooked and the legislative intent was to include all assessing units in New York. However, based on the very legitimate ambiguity in the legislative language, our counsel as well as our Trustees, have concurred with ORPS that we do not stand on firm enough legal ground to avoid a possible challenge. The only recourse we have, should the Trustees decide, is to petition one of our elected officials to have the law amended on our behalf, to give greater choice to future Village boards.

Net-net, the Trustees were then left with the option of going forward with Homestead on only the 15% portion of the Village tax which is Village, not School taxes. The 15% would then be applied against the 18% of the tax base which represents the values of our Village commercial properties. As a result, the value of the option was now diminished to the point where the Trustees believed it was not worth the additional costs to administer dual tax rolls and cause community concern when the benefit was negligible to all.

That being said, it is a great source of frustration, and frankly disappointment, for myself that our co-ops, condos and commercial buildings continue to file certiorari petitions on a regular basis.

From my perspective, based on our team's years of work in developing values and capitalization rates, I think Village commercial values are not only advantageous but extremely fair.

In the belief that we have produced very equitable tax values, we will spend what resources we have to substantiate our capitalization rate and vigorously defend our values in all certiorari proceedings.

The next step in the periodic revaluation process is to send every resident a Disclosure Notice, or impact statement, by the end of the year. This is not required, but we thought it would be helpful to all our residents. The Notice will show a property's former assessed value and last year's tax rate as compared to the new assessed value and a projected new tax rate based on the new values of the entire Village.

After the Disclosure Notice is received, the Village will put in place an informal procedure to resolve any valuation disagreements so residents can avoid the more formal and expensive grievance procedure which takes place on the third Tuesday in February. Should residents want to avail themselves of the formal grievance process, applications are always available at Village Hall. This process should not be seen as adversarial but rather as a collaborative effort to achieve the most accurate values.

On February 1st, the Tentative Assessment Roll must be filed with the State.

If property owners availed themselves of the formal grievance process, they should expect a notification from the Board of Assessment Review prior to the filing of the Final Assessment Roll on April 1st.

On other topics, this past month was one of reaching out in the community to speak on a variety of topics. The Police Chief and I spoke to seniors at Midland Gardens to address issues particular to them.

I also spoke about the State of the Village with the Rotary Club discussing our budget, our pension obligations, etc.

I met with Ley Management regarding information on taxes, the revaluation and the number of vacant stores.

French Exchange Students visited Village Hall to see our government at work.

The League of Women Voters' notified me that on November 16, 2010 there will be a coffee held where the topic will be the fire district upcoming election and budget. It is important that people attend as residents of the Town of Eastchester, including Tuckahoe and Bronxville, pay over \$14 million for fire service.

Finally, in what was truly wonderful news our Department of Public Works Luigi Mignardi received one of the highest honors possible from the New York Chapter of the American Public Works Association. Those of you who know Luigi, know there is no one more deserving of being honored for his hard work and professionalism. Luigi is best known as the man who is out early in the morning running the sweeper. He is the longest tenured Department of Public Works employee, having served the Village with pride for over 36 years. Luigi started his career as a landscaper and continued in that profession even after he was hired by the Village. He works closely with the Bronxville Beautification Committee and takes great pride in using his considerable talents to make our Village more attractive. Despite all his landscaping talents, he said his favorite part of the job is just talking to our residents. So next time you see Luigi, congratulations are certainly in order.

TRUSTEE REPORTS

Trustee Bellitto reported on the Green Committee. He invited residents to attend an event on January 18, 2011 at 7:30PM in the Yeager Room of the Library where they will discuss doing your part on being more green.

Police – there were 16 felonies compared to 19 last year.

Parking – revenues are favorable to the prior year.

Trustee Barton reported on the Fire District. He attended the budget meeting and found it to be quite interesting. It certainly has a very different tone in civility than our Trustee meetings. There will be 0% increase in their budget. He advised residents to watch this as they are a large budget that affects all who live in the Town of Eastchester.

Public Works – they are in full swing for the leaf season. There are three crews operating for picking up leaves. He urged residents to put leaves at curbside without other debris.

Finances – Trustee Barton reported that revenues are up and that expenses are below. The Village is in good financial shape.

Trustee Poorman reported on the Chamber. They held the Halloween event and a Sidewalk Sale that were both successful. They are planning a holiday event for some time in December. Two stores are celebrating 10 years in our business district – J. Pocker and Silver Spoon.

Ruth Wood is resigning from the Chamber. She is responsible for the innovation of the summer concerts, networking breakfasts for the merchants. There is a search committee that is well underway and they are hopeful that they will have a new director selected in the next few weeks.

Library – there is a new book delivery system where books are pulled for seniors who are homebound and delivered with the Meals-on-Wheels. Again this year, the library and Womrath's are doing the joint venture to supplement library resources. Trustee Poorman urged residents to buy books at Womrath's from this wishlist.

Trustee Underhill reported on the Building Department and that alterations are up from last year by almost 50%.

APPROVAL OF MINUTES

On motion of Trustee Poorman, second by Trustee Bellitto, the Board approved the minutes of the Regular Meeting of October 12, 2010 and of the Special Meeting on October 29, 2010 as drafted.

PUBLIC HEARING

At 8:28PM, on motion of Trustee Underhill, second by Trustee Bellitto, the Board opened the public hearing for Proposed Local Law #3-2010 amending the definition of bicycle to include unicycle.

Village Attorney, James Staudt, gave an update on the proposed local law and said this is really a simple amendment. He commented that unicycles are back in vogue and that there have been several incidences where they have been ridden on the sidewalks in the business district.

Mayor Marvin said some of the police officers wanted this to be included in the bicycle law. It really is a safety issue.

There were no public comments.

At 8:32PM, on motion of Trustee Underhill, second by Trustee Bellitto, the Board closed the public hearing.

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

A LOCAL LAW TO AMEND THE DEFINITION OF BICYCLE TO INCLUDE UNICYCLES

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

Section 1.

The definition of BICYCLE contained in Section 260-8 of the Code of the Village of Bronxville is hereby amended to read as follows:

BICYCLE – Every one, two or three-wheeled device upon which a person or persons may ride, propelled by human power through pedals, a belt, a chain or gears, or such a device, friction driven, designed to be propelled by a motor of one horsepower or less with a maximum attainable speed of not more than 17 miles per hour, with a single wheel, wheels in tandem or tricycle.

Section 2.

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

NEW BUSINESS

RESOLUTION - SETTING PUBLIC HEARING ON PROPOSED LOCAL LAW #5-2010 TO AMEND THE TRAFFIC AND VEHICLE LAW OF THE VILLAGE OF BRONXVILLE, NY, CHAPTER 290, BY ADDING LOCATIONS WHERE PARKING IS PROHIBITED

On motion of Trustee Underhill, second by Trustee Bellitto, 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, adding locations where parking is prohibited; and

WHEREAS, having received proposed Local Law # 5 - 2010, 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 #5 - 2010 will be held on Monday, December 13, 2010 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.

RESOLUTION – TRANSFER OF DOG LICENSING

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

WHEREAS, as of January 1, 2011, the State of New York will no longer be responsible for the licensing of dogs, and such licensing function shall be the responsibility of local government; and

WHEREAS, New York villages outside of the Counties of Westchester and Nassau are not required to accept applications for dog licenses; and

WHEREAS, pursuant to Article 7 of the Agriculture and Markets Law as amended by Chapter 59 of the Laws of 2010, the Village Board of Trustees (the "Village Board") may, by resolution, provide that applications for licenses for dogs harbored within the Village shall be made to the town in which the Village is situated; and

WHEREAS, the Village Board believes it is in the best interest of the Village of Bronxville for the Clerk of the Town of Eastchester to manage and administer the licensing of dogs harbored within the Village,

NOW THEREFORE, BE IT RESOLVED that effective January 1, 2011, applications for licenses of dogs harbored within the Village shall no longer be made to the Village Clerk, but shall be made to the Clerk of the Town of Eastchester pursuant to Article 7 of the Agriculture and Markets Law, as amended.

RESOLUTION – SURPLUS EQUIPMENT

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

WHEREAS, the Village Administrator has reviewed the attached list of equipment, and

WHEREAS, the Village Administrator has requested that the Village Board of Trustees declare this equipment as “SURPLUS” in order to properly dispose of at Public Auction,

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 Village Administrator to dispose.

2005	FORD	Crown Victoria	VIN#: 2FAFP71W15X177379
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2005	DELL	Laptop	Serial #: 3KVZ971
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RESOLUTION – AGREEMENT WITH CUSHMAN AND WAKEFIELD FOR PROFESSIONAL APPRAISAL SERVICES

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

WHEREAS, Cushman and Wakefield (“Cushman”) is a recognized expert in providing appraisal services for municipalities; and

WHEREAS, the Village seeks to retain an appraisal firm to provide an appraisal for the Avalon Apartments located in the Village of Bronxville to determine the said property’s market value as of the 2007, 2008, 2009 and 2010 tax assessment years for purposes of defending the Village assessments for said years; and

WHEREAS, the Village Board finds that it is in the best interests of the Village to retain Cushman as an independent appraiser to conduct and provide an appraisal for the Avalon Apartments located in the Village of Bronxville to determine the said property’s market value as of the 2007, 2008, 2009 and 2010 tax assessment years;

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Mayor to execute an agreement with Cushman for professional appraisal services whereby Cushman shall conduct and provide an

appraisal for the Avalon Apartments located in the Village of Bronxville to determine the said property's market value as of the 2007, 2008, 2009 and 2010 tax assessment years as more particularly described in the proposed agreement attached hereto.

Section 2. Such agreement between the Village and Cushman shall be in the form attached hereto.

Section 3. That the professional appraisal services to be provided by Cushman to the Village are set forth in the proposed agreement between the Village and Cushman attached hereto.

Section 4. That the form of such agreement between the Village and Cushman has been approved by Attorneys Huff Wilkes Cavallaro & Loveless, LLP.

Section 5. That this resolution shall take effect immediately.

RESOLUTION – AGREEMENT WITH KORPACZ REALTY ADVISORS FOR PROFESSIONAL SERVICES

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

WHEREAS, Korpacz Realty Advisors (“Korpacz”) is in the business of providing specialized appraisal services and is a leading national expert in capitalization rate studies; and

WHEREAS, the Village seeks to retain a firm to provide a retrospective capitalization rate study (hereinafter a “cap rate study”) for defense of tax certiorari proceedings filed by the Avalon Apartments located in the Village of Bronxville and for the general defense of similar properties within the Village; and

WHEREAS, the Village Board finds that it is in the best interests of the Village to retain Korpacz as an independent consultant to conduct and provide a cap rate study for the Avalon Apartments located in the Village of Bronxville;

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Mayor to execute an agreement with Korpacz for professional services whereby Korpacz shall conduct and provide a cap rate study for the Avalon Apartments located in the Village of Bronxville.

Section 2. Such agreement between the Village and Korpacz shall be in the form attached hereto.

Section 3. That, the professional services to be provided by Korpacz to the Village are set forth in phases as proposed in the agreement between the Village and Korpacz attached hereto.

Section 4. That, the form of such agreement between the Village and Korpacz has been approved by Attorneys Huff Wilkes Cavallaro & Loveless, LLP.

Section 5. That, this resolution shall take effect immediately.

RESOLUTION – TAX CERT (ONE PONDFIELD ROAD)

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

WHEREAS, petitions having been filed by the property owner below, challenging real property tax assessments on the Village's Final Assessment Roll with respect to the following parcel:

<u>Property Owner</u>	<u>Address Description</u>	<u>Year(s)</u>
One Pondfield Rd. Associates	Section 11 Block 5 Lots 17	2006-2010

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:

YEARS	ASSESSMENT	REVISED ASSESSMENT	REDUCTION
2006	144,000	144,000	NONE
2007	5,775,500	5,000,000	775,500
2008	5,775,500	4,800,000	975,500
2009	5,347,684	4,700,000	647,684
2010	5,347,684	4,600,000	747,684

RESOLUTION – CCAP GRANT FOR SAGAMORE PARK

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

BE IT RESOLVED that the Board of Trustees of the Village of Bronxville shall enter into the Grant Disbursement Agreement with the Dormitory Authority of the State of New York under the Community Capital Assistance Program to receive \$175,000 for funds for the renovation and refurbishing of Sagamore Park, and the Village Administrator is authorized and directed to execute and deliver the Agreement to the Dormitory Authority.

PUBLIC COMMENTS –

Mr. Joel Demby, President of the Riverhouse Co-op, asked the Trustees to consider the definition of Homestead and said there is a legal distinction between condominiums and co-ops. He feels there is no logic in separating them in the law. He said that on a human level, there are many on fixed incomes and any increase would cause a significant impact on these people. He felt that a

cap study makes sense and that the commercial properties have pricing opportunities that the condos and co-ops do not.

Mrs. Betsy Harding, 39 Homesdale Road, asked if the Village would be leasing the machines from the County for the March election.

Village Administrator, Harold Porr, responded that the Village has asked the County for the use of their machines but has received no response. He said that NYCOM has asked the State if local elections can use lever machines if the County ones are not available. The Village cannot plan at this point. If all else fails, the Village may use paper ballots.

Mayor Marvin said that so many communities had issues with the new machines during the recent elections. She would prefer to go to paper ballots rather than have to pay for the machines.

Ms. Harding asked if there were any nibbles on the Kensington Road project.

Village Administrator, Harold Porr, responded that there was nothing solid and that the Request for Proposal was still out there.

Ms. Harding then asked if the inventory for the tax roll would be available for people to see and how it will be done mechanically.

Mayor Marvin commented that this has not been discussed but a kiosk may be done again.

Village Administrator, Harold Porr, said it can be put on the website as well as having a hard copy at Village Hall.

Ms. Harding inquired about the grant money that Assemblywoman Paulin was helping the Village obtain for Sagamore Park.

Village Administrator, Harold Porr, replied that the Village has received assistance from Assemblywoman Paulin, Senator Klein and Congresswoman Lowey.

Ms. Harding asked if there would be a chance of higher reimbursement from the government if the holding pond was installed under the ground of the school to aid in flood mitigation.

Village Administrator, Harold Porr, replied that the grant is looked at to determine what rate of reimbursement will be made and that the ratios may change.

Ms. Harding wanted to know if there was an increased risk of insect infestation if the water was standing above ground.

Mayor Marvin responded that if the field collected more water it would go back to normal much faster than it would without the drain system.

Megan McKinley, 6 Crampton Road, wanted to let residents know that with regard to the flood mitigation project, the water table at the school tends to run very high. If this drain system is installed, it will help people in a wide area so the school will not be the only ones to benefit.

Ms. McKinley advised that the new garbage truck is very long and has a very dangerous turning radius.

Ms. McKinley then spoke about the Homestead Option. She was surprised that a different version came up this time.

Mayor Marvin responded that a new set of attorneys from the Office of Real Property Services (ORPS) took on a different read of the law. They felt there was some ambiguity in the law. The Trustees felt that the incremental changes were very tiny and not worth the chance of litigation.

Ms. McKinley said she feels that Homestead should be adopted and that the Village's decision not to adopt it is based on the fear of lawsuits.

Mayor Marvin responded that the law is not as solid as the Trustees' had hoped. She said it is the idea that the law is a balancing of interests.

Village Administrator, Harold Porr, commented that the Village intends to draft a letter to the Legislature that will give future Boards the option of accepting Homestead.

Ms. McKinley asked if the school board has the authority to adopt the Homestead. She also asked if the Trustees' took a vote not to adopt the Homestead.

Mayor Marvin said they are not required legally to have a resolution one way or another.

Trustee Barton commented that the Trustees were very careful in their education of Homestead.

Trustee Underhill commented that he was surprised by the language that he saw in the law.

Ms. McKinley replied that she read in Mayor Marvin's column that the Mayor was disappointed with the certioraris. The reality is that it is naïve to think that the co-ops and condos will not come back every three years to challenge the assessments. They like to challenge the system and adopt it.

Mayor Marvin said our issue is that the Village will defend these suits with a cap rate that will stand up in court. The commercial units should be looking at fairness as opposed to ability to act.

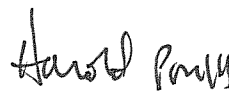
Ms. Harding responded that she felt this was a school issue and that they should be the one to change the law.

Mayor Marvin said that if the Village does not adopt the Homestead Option, the school has no option. And, if the Village is the first to adopt it, then the school board can elect to adopt it.

Trustee Barton reminded the residents that this is for future generations.

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There being no further comments, the meeting was adjourned at 9:12PM by motion of Trustee Underhill, second by Trustee Poorman.



Harold Porr III,
Village Administrator/Village Clerk