

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE
OF BRONXVILLE HELD ON OCTOBER 12, 2010 AT THE VILLAGE HALL, 200
PONDFIELD ROAD, BRONXVILLE, N.Y.

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

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WORK SESSION & EXECUTIVE SESSION

Mayor Marvin called the meeting to order at 6:32PM and in attendance were Mayor Marvin, Trustee Bellitto, Trustee Barton, Village Administrator Harry Porr, Village Attorney Jim Staudt and Assessing Consultant Gerry Iagallo.

Village Administrator, Harold Porr, reviewed the meeting agenda.

Assessing Consultant Gerry Iagallo provided an update on the current revaluation program.

At 7:17PM, on motion of Trustee Barton, second by Trustee Bellitto, the Trustees entered Executive Session to discuss personnel matters in the administration department and parking office.

At 8PM on motion of Trustee Bellitto, second by Trustee Barton, the Trustees re-opened the work session and then entered into the public session

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Mayor Marvin opened meeting at 8:04PM.

Mayor Marvin welcomed Juli Jackson, Chair of the Bronxville Adult School Board and Barbara Beggert, Director of the Bronxville Adult School.

PRESENTATION BY BRONXVILLE ADULT SCHOOL

Juli Jackson spoke about the Adult School and that it is in its 68th year. It is offering a wonderful fall/winter curriculum and it is not too late to register. The newest development is in personnel. They have hired a new Executive Director, Barbara Beggert, who has outstanding credentials.

Barbara Beggert gave a brief overview of the fall curriculum. She mentioned that you can register either on-line or via the phone. Some of the course highlights are: history of jazz, a walking tour of haunted Greenwich Village, skin care and makeup classes, and a great cooking class for turkey leftovers.

MAYOR'S REPORT

This past month was like the start of a New Year in many ways for Village government and many of our committees.

Our Green Committee invited me to their recent meeting and they continue to have innovative ideas that I know Committee Chair Trustee Bellitto will speak to in his report.

Superintendent of Public Works, Rocco Circosta, and I met with the Boulder Ledge Garden Club. The Club has decided to direct their efforts this year to help the Village refurbish Bicentennial Park, the much used pocket park across from the school.

Our Citizens' Advisory Committee also had their inaugural fall meeting. With representatives from each of the seven election districts, these folks have served as our eyes and ears in every neighborhood and have been invaluable in pointing out issues/concerns we need to address and that we might not notice without their help.

I also attended one of the Senior Citizens' first fall event. Our Senior Director, Sue Tozzi, is really reaching out to seniors in the Village offering every kind of assistance. The Chief and I are scheduled this week to speak with our senior residents in Midland Gardens.

Thanks to a grant from Senator Klein, we took delivery of a new police car that we needed but had no funds for since we opted not to have a capital program due to budget constraints. Also, just last Friday, a Brownie Troop came for a visit and they got to turn on the siren and lights in the new police car. Thank you Senator.

I filmed a cable show with Chamber Executive Director, Ruth Wood, to showcase all the new and expanded businesses in our west side business district.

Village Administrator, Harry Porr, and I attended an updating meeting on the status of the Affordable Housing Agreement. After spending a million plus dollars on lawyers and consultants, they still cannot agree on what constitutes a unit of affordable housing.

Honestly most of my daily work was spent strategizing with our staff on budget issues such as where to find the \$230,000 or 3 plus tax points of money to cover new pension costs, and what other unfunded mandates we can anticipate from the State. Due to the severe budget crunch, we are starting our budget cycle a full three months early.

Our assessing staff continues to work on the revaluation effort. Our goal is still to try to have it done for the next tax cycle, but it is not easy with some of the wild fluctuations in values we are seeing. As always, we want to do it right, so we will keep the process moving forward but in the end we will not sacrifice accuracy for speed.

Come to the November 8th Trustee meeting to share your thoughts on the Homestead issue. We will not have the formal hearing until all the data is in. This discussion must be considered late in the process because the data needs to be fresh and accurate.

TRUSTEE REPORTS

Trustee Bellitto reported that the Green Committee will have their next meeting on November 1st at 7:15PM at Village Hall.

Police – there were three felonies and six misdemeanors last month.

Parking – the revenues last month were excellent.

Trustee Barton reported on the finances and that the Village is in good shape.

APPROVAL OF MINUTES

On motion of Trustee Bellitto, second by Trustee Barton, the Board approved the minutes of the Regular Meeting on September 13, 2010 as drafted.

PUBLIC HEARING

At 8:21PM, on motion of Trustee Barton, second by Trustee Bellitto, the Board opened the public hearing for Proposed Local Law #3-2010 regarding the regulation of unreasonable noises by dogs and other animals.

Village Attorney, James Staudt, commented that this law has a general statement about persistent barking. The courts prefer specificity and a general definition of unreasonable noise – continuous barking for a period of time. The practical policy protects residential peace and tranquility. Most complaints seem to come from residential properties. On the legal side the law upheld by the courts deals with disturbances “across a residential property.”

Mayor Marvin said this may seem like minor tweaking but it is a real issue for people.

Mr. Thomas Wolff, 230 Pondfield Road, was concerned about why the law only mentions residential.

Another resident said she is a single woman and has a dog for protection. She questioned the time limits on the barking and asked if this new law will replace the older version.

Village Attorney, James Staudt, responded that this new law will indeed replace the older one and that the time for barking pertains to continuous barking.

Mayor Marvin said the old law was not dog friendly.

Trustee Bellitto commented that he likes this legislation a lot and feels that the time constraints are very helpful.

At 8:34PM, on motion of Trustee Barton, second by Trustee Bellitto, the Board closed the public hearing.

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

A LOCAL LAW TO AMEND THE ANIMAL LAW OF THE VILLAGE OF RONXVILLE, NEW YORK, CHAPTER 92, TO REGULATE UNREASONABLE NOISES BY DOGS AND OTHER ANIMALS

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

Section One. Section 92-2(A) of Chapter 92 of the Code of the Village of Bronxville, "Definitions," is hereby amended by adding the following definitions:

§ 92-2. Definitions.

- A. As used in this chapter, unless otherwise expressly stated or unless the context or subject matter otherwise requires:

RECEIVING PROPERTY

Real property, including but not limited to buildings, grounds, offices and dwelling units, from which sound levels from sound sources outside such property may be measured. For the purposes of this definition, individual offices or dwelling units within a building may constitute a receiving property.

UNREASONABLE NOISE

Any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivities, injures or endangers the health or safety of a reasonable person of normal sensitivities or which causes injury to plant or animal life, or damage to property or business.

Section Two. Section 92-6(C) of Chapter 92 of the Code of the Village of Bronxville, prohibiting public nuisances by dogs, is hereby revised in its entirety to read as follows:

§ 92-6. Public nuisances prohibited.

- C. No person having charge, care, custody or control of any dog shall cause or permit such dog to cause unreasonable noise including, but not limited to, any sound that is plainly audible at any location within any residential receiving property as set forth below:
- (1) At or after 7 a.m. and before 10 p.m., continuously for a period of ten (10) minutes or more.
 - (2) At or after 10 p.m. and before 7 a.m., continuously for a period of five (5) minutes or more.

Section Three. Section 92-12(B) of Chapter 92 of the Code of the Village of Bronxville, prohibiting public nuisances by animals other than dogs, is hereby revised in its entirety to read as follows:

§ 92-12. Prohibition on public nuisance.

- B. No person having charge, care, custody or control of any animal shall cause or permit such animal to cause unreasonable noise, including, but not limited to, any sound that is plainly audible at any location within any residential receiving property as set forth below:
- (1) At or after 7 a.m. and before 10 p.m., continuously for a period of ten (10) minutes or more.

- (2) At or after 10 p.m. and before 7 a.m., continuously for a period of five (5) minutes or more.

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.

NEW BUSINESS

RESOLUTION – PROPOSED PUBLIC HEARING FOR LOCAL LAW #4-2010 DEFINING BICYCLES INCLUDING UNICYCLES

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

BE IT RESOLVED, that the Village of Bronxville Board of Trustees hereby schedules a Public Hearing to receive comment on the draft Local Law #4-2010 entitled, "A Local Law to Amend the Definition of Bicycle to Include Unicycles." Said Public Hearing will be held at the Bronxville Village Hall, 200 Pondfield Road, Bronxville, NY in the Village Board public meeting room on November 8, 2010 at 8:00PM where all interested parties will be heard; and

BE IT FURTHER RESOLVED that the Village's staff is hereby directed to publish and disseminate a Notice of Public Hearing in accordance with applicable law.

PUBLIC COMMENTS –

Megan McKinley, 6 Crampton Road, questioned the proposed legislation of a cap on property taxes and if this will take into consideration the increases of local budgets and unfunded mandates.

Village Administrator, Harry Porr, responded that the idea of a property tax cap has been discussed for many years and that it is basically a diversion or a distraction from the real problem, a long term dysfunctional State government.

Mayor Marvin said that this cap sounds wonderful in concept, but not in reality due to unfunded mandates.

Ms. McKinley then asked what the procedure is currently being used by the Assessing Consultant, Gerry Iagallo, for the revaluation.

Mayor Marvin answered that Mr. Iagallo is doing comp sheets for each property and using the most current data available.

Ms. McKinley responded that at some point all of the properties need to be treated fairly and questioned what time period of data is being used.

Trustee Barton said Mr. Iagallo would most definitely not be using pre-crash data.

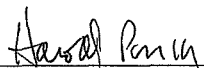
Betsy Harding, 39 Homedale Road, commented that she was sorry to hear that the Homestead Option issue is coming up again. She asked the Board to consider inviting the School Board to the meeting.

Mayor Marvin thought this was a good idea. She said that the Village is legally required to discuss the Homestead Option. A revaluation is also the only way to capture undervalued homes and to make the tax roll fair.

Mayor Marvin introduced Steven Schrapa the new Village Liaison for the Bronxville School.

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There being no further comments, the meeting was adjourned at 8:48PM by motion of Trustee Bellitto, second by Trustee Barton.



Harold Porr III,
Village Administrator/Village Clerk