

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE  
VILLAGE OF BRONXVILLE HELD ON DECEMBER 14, 2009 AT THE VILLAGE  
HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.**

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

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**WORK SESSION & EXECUTIVE SESSION**

The meeting was called to order at 6:35PM, on motion of Trustee Bellitto, second by Trustee Poorman, and in attendance were Mayor Marvin, Trustee Bellitto, Trustee Poorman, Village Administrator Harold Porr and Village Attorney James Staudt.

The Trustees discussed the agenda, wall repairs in Village Hall with Village Engineer Vincent Pici and the proposed moratorium local law.

At 7:27PM, on motion of Trustee Poorman, second by Trustee Bellitto, the Trustees entered Executive Session to discuss personnel matters in Village Court and seek legal advice on the Kensington Project.

At 7:58PM, on motion of Trustee Poorman, second by Trustee Bellitto, the Trustees re-opened the work session and entered into the public session.

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Mayor Marvin called the meeting to order at 7:59PM.

Mayor Marvin introduced Nick Stephens, Board President, and Tracy Rutherford, Executive Director, of The Community Fund. The Fund is celebrating its' 90<sup>th</sup> anniversary this year. Mr. Stephens thanked residents for their support. He reported that the Fund supports over 30 agencies throughout the Town of Eastchester. This year the Fund bought a new ambulance for EVAC. He encouraged residents to contribute if possible.

Mayor Marvin thanked Mr. Stephens and Ms. Rutherford for coming and for all that the Fund does for the community.

**MAYOR'S REPORT**

Despite the holidays, it never seems to slow down at Village Hall. Since our last meeting we arranged meetings with two of our most important Village partners Con Edison and the MTA. As you know, we have been dissatisfied with the performance of both entities, so we decided to confront the issues head-on. The results of our meetings are thus:

- Con Edison has designated a municipal representative responsible only for Bronxville in any future outages.
- We did learn some valuable information worth transmitting. Despite the high level of technology, the bottom line to get the best service you must phone in your outage directly to Con Edison. You cannot assume that because your street is out that Con Edison knows your house does not have power.
- Also, should you have access to a computer at work or a neighbors, there is a new site under the [www.ConEdison.com](http://www.ConEdison.com) site called Storm Central which provides helpful and updated information such as how widespread the outage is, estimated repair times, etc.

The MTA meeting followed and we expressed our dissatisfaction on three issues which I wrote in depth about in this week's column.

1. The general condition and maintenance of the station in particular but also the MTA adjoining property from Midland Gardens on to Kensington Road.
2. The timeliness of repairs and the communication to us whether our requests for repairs have been completed and reported – no one closes the loop.
3. The overarching issue of noise and vibration levels that exceed Federal standards and what was stipulated in the agreement reached prior to the installation of the third track.

Please e-mail me with times and dates of particular disturbances; whistle blowing of certain trains to help us formulate a record.

Read in the paper that our water company, United Water, is asking PSC for over a 20% rate hike. What is even worse is their request to raise hydrant maintenance from \$543.00 per year to \$1,504.00 per year.

Thanks frankly to the efforts of Town Councilwoman Sheila Marcotte, we have learned our hydrant costs as well as Tuckahoe and Eastchester are quite high and there seems to be no standardized cost throughout the United Water system. I will keep you posted as to how we fight the individual homeowner rate increase, but the Village will aggressively fight the hydrant fees.

Changing gears, our auditors came to Village Hall and their report will be received shortly. In the same vein, we are already beginning our Village budget planning process not due until April because the year is so challenging.

We did plant 30 new street trees in the past few weeks and thank residents for their input because by and large we planted in locations you suggested.

Big for us, we will be instituting a credit card system for paying fees in the parking office. The State has a program for parking violations only – not property taxes, etc. that provides the service at no fee – not the usual 2% or 3% for municipalities. We will give it a try and see if it works.

The Village is going to recognize John DeCecco who will be celebrated upon his retirement of 31 years of service to our Village at our holiday party this Friday. Also, I am announcing the retirement of Michele Pinto our Court Clerk for over 15 years.

You may have noticed all the work being done on our traffic circle. That is all thanks to the Bronxville Beautification Committee with some assistance from our very helpful Department of Public Works staff. It was badly in need of sprucing and replanting and we thank them for taking on this task especially in these economic times.

We also met with representatives from Westchester County Parks to agree on the maintenance and control of the Scout Field going forward. Karen Petersen, Athletic Director at the School, also was there working together to make sure joint needs are met.

Thankfully the Eastchester Town agreed to be the managing agent going forward in exchange for improvements to the soccer field and separate area for dogs. It is a win-win situation for everyone. The field is unplayable due to its current condition and it will balance the needs of dog owners.

I refused to continue an agreement that divided maintenance responsibilities between the Village and Mount Vernon because the bottom line is that Mount Vernon did not hold up their part of the bargain.

And finally, I attended a Pearl Harbor Ceremony with Trustee Poorman and Chief Satriale that was extraordinary. Our School organized a beautiful ceremony whose featured speaker was a Westchester gentleman, Chick Galella, who not only survived Pearl Harbor but fought at Guadalcanal. It was beautiful and so moving. I am so proud of our School and most importantly the respect shown by our students.

## TRUSTEE REPORTS

**Trustee Underhill** (*given by Mayor Marvin*) – a Request For Proposal for the Kensington Road Development Project was sent out. The due date has been extended to February 1, 2010 to allow developers more time to complete the proposal. Mayor Marvin reported that there is definitely interest in this project.

**Trustee Bellitto** reported on the police department. In November, there were 2 felonies and 12 misdemeanors. Trustee Bellitto congratulated Patrol Officer Richie Anderson who has been taking on some detective responsibilities.

Parking – Trustee Bellitto reported that revenues are above budget.

Green Committee – This committee had another meeting this past week. At the next meeting in January they will have a guest speaker.

Financials – Trustee Bellitto reported that the Village is in sound financial shape.

**Trustee Poorman** reported that the Library continues with their union negotiations. The next meeting will be in January. There was a proposal submitted by the union in November and there will be a counter-proposal made by the Village most likely in January. The union is CSEA and was chosen by the Library employees.

Trustee Poorman asked that the phone number for Con Edison be published on the Village website. She also commented that the Village is more robust and lively.

### **APPROVAL OF MINUTES**

On motion of Trustee Bellitto, second by Trustee Poorman, the Board approved the minutes of the Regular Meetings on November 9, 2009, as drafted.

### **PUBLIC HEARING**

On motion of Trustee Bellitto, second by Trustee Poorman, the Board opened the public hearing.

Village Attorney, James Staudt, gave some background on the local law. He stated that this law places a moratorium on structures and permits for alternative energy structures. These structures are becoming more and more popular and our regulations need to catch up with technology. Safety and aesthetic issues need to be addressed as well.

Trustee Bellitto commented that he would like the Green Committee to be involved with this and he looks forward to a first rate law.

Trustee Poorman thanked Village Engineer, Vince Pici, for alerting the Trustees to these issues.

Mayor Marvin said the Village will be on the forefront of this and will put together regulations that encourage people to use green methods.

Barrett Silver of Mercury Solar Systems in Port Chester, NY applauded the intentions of this proposed law but he was baffled by the moratorium. He felt it is a strange way to get an arm around green technologies. So, he gave some of his insights into the process. He encouraged the Trustees to re-think the moratorium and to gain a better understanding with respect to solar energy.

Trustee Bellitto responded that this moratorium is an opportunity to have six months for a Village conversation on solar energy and he would welcome any literature that Mr. Silver could provide.

Mayor Marvin said that the Village has such close property lines that she wants to make sure that the law is right and to keep neighbors from having any conflicts. She attended a conference sponsored by the New York Conference of Mayors (NYCOM) recently and they were suggesting that communities have a moratorium. The Trustees are looking at long term green initiatives and want a comprehensive, well thought out law.

Patrick from Nature's Cradle Nursery commented that he is concerned about the green building project moratorium. He said people are afraid of something new and that this moratorium does not encourage people to try these alternative methods.

Village Attorney, James Staudt, answered that this wording is not in this particular law and that it only references energy producing structures.

Trustee Poorman said that the Trustees are looking at aesthetics and safety comprehensively.

Mayor Marvin said that these methods are not in any existing codes.

Charles a resident of Tuckahoe and Chairman of the Environment Committee in Tuckahoe asked the Trustees to consider the credits being offered by the government for these types of energy and that they are only good through 2010. He feels the Trustees should have a shorter moratorium on solar.

Mayor Marvin reported that to date there have been no applications for solar panels.

Mr. Thomas Wolff, 230 Pondfield Road, asked if this would be an unconsolidated law.

Village Attorney, James Staudt, commented that this law will not be placed in the General Code Book because by the time it is processed by General Code the law will have expired. It will however be sent to the State and will be posted on the Village website so that residents are aware of the law.

Mr. Wolff asked if any other laws are not listed in the Code Book.

Mayor Marvin responded that there are other moratoriums and that they were sent to the State to be codified and by the time they were processed had expired and were not added to the Code Book.

Mike Frittola of Senator Jeff Klein's office commented that the Senator has put together a packet that encourages people to use solar energy. If residents are interested in receiving this information, Mr. Frittola recommended that residents contact the Senator's office in the Bronx.

Village Attorney, James Staudt, suggested that section two, line 3 of the proposed law be changed to reflect the following: "processed by the Village Building Inspector/Engineer/Superintendent of Buildings." This change is not a material change.

Trustee Bellitto said this period of time will be spent well and that people are committed to green issues in Bronxville. He feels this law really puts parameters around the issue.

On motion of Trustee Poorman, second by Trustee Bellitto, the Board closed the public hearing.

**RESOLUTION - Proposed Local Law #4 to implement a moratorium regarding the installation of solar panels, wind driven turbines and other alternative energy structures**

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

Section One. Purpose

A. The Village of Bronxville wishes to promote the installation of solar panels, wind driven turbines and other conservation oriented energy producing structures in an environmentally sensitive manner. For the purposes of this Local Law, solar panels, wind driven turbines and other conservation oriented energy producing structures shall be collectively referred to as Alternative Energy Structure(s). The Village Board recognizes the desirability of Alternative Energy Structures and is commencing a process of study and review to determine how best to accommodate their installation while preserving the aesthetic character and environmental balance of the Village's neighborhoods. The study will also consider other issues related to Alternative Energy Structures including their structural integrity and the integrity of the structures to which they might be attached, issues of safety relating to the electricity which they produce and other environmental issues such as drainage and vegetation removal associated with the installation of these devices.

B. The Village hereby determines that, pending its completion of the appropriate studies, a moratorium on the construction of Alternative Energy Structures should be implemented in order to protect the public health, safety and welfare during a reasonable period of consideration.

Section Two. Moratorium

A. Notwithstanding any other provision of law to the contrary, for a period of 180 days from the effective date of this Local Law, no application for a building permit for the construction or installation of an Alternative Energy Structure shall be accepted or processed by the Village Building Inspector/Engineer/Superintendent of Buildings.

Section Three. Appeals/Variances

A. The Village Board will act as hearing officer for appeals to avoid or minimize any inequities or hardships which may derive from the strict application of the moratorium provided for in Section Two above. Any person, firm or corporation who may be aggrieved by any provision of this Local Law shall have the right to appeal to the Village Board, as follows:

1. An application shall be submitted in writing setting forth 1) the reasons for the appeal, 2) the specific hardship suffered by the applicant as a result of the implementation of this Local Law, 3) the manner in which a variance from the provisions of this Local Law will affect the health, safety and welfare of the residents of the Village. The application must contain all materials typically required for a Zoning Board of Appeals use variance application, including a detailed plan of the installation proposed, and depiction(s) of its environmental setting.

2. Except as otherwise set forth herein, the Village Board shall consider said application pursuant to the pertinent provisions and procedures set forth in Village Law by which the Zoning Board of Appeals hears use variance applications. Such applications shall be heard as soon as practicable after the application is determined to be complete. Fees shall be those charged for a variance application. The Village Board shall have authority, in its legislative discretion, to vary or modify the application of any provision of this Local Law with respect to the applicant upon its determination that such variance or modification is necessary to alleviate the unusual or unnecessary hardship proven by the applicant and that such variance or modification is consistent with the protection of the health, safety and welfare of the residents of the Village.

B. A variance, following approval as outlined above, shall expire upon expiration of this moratorium law unless a building permit for the installation approved by the variance has been issued prior to such expiration.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State and shall remain in force and effect for a consecutive period of 180 days from its effective date.

NEW BUSINESS

RESOLUTION – Scout Field

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

**BE IT RESOLVED** that the Board of Trustees of the Village of Bronxville authorizes the Mayor to enter into a three month extension on the existing lease with the Westchester County Department of Parks, Recreation & Conservation for the administration and use of the property known as Scout Field.

RESOLUTION – Tax Certiorari Settlement – Estate of Renata Karas Trust, 5 Greenfield Ave. Sec 9 Block 1- Lot 4.A

On motion of Trustee Poorman, second by Trustee Bellitto, 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> |
|------------------------------|-------------------------------------------------|----------------|
| Estate of Renata Karas Trust | Section 9 Block 1, Lots 4.A<br>5 Greenfield Ave | 2008           |

**WHEREAS**, petitioner's court challenges are now pending in the Supreme Court, Westchester County; and

WHEREAS, the Village and the property tenant 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 Assessment</u> | <u>Reduction</u> |
|-------------|-------------------|---------------------------|------------------|
| 2008        | 1,782,400         | 1,582,030                 | 200,370          |

**RESOLUTION – Village Hall Leak Investigation and Repair Design (Architectural Consulting Services)**

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

BE IT RESOLVED the Board of Trustees authorizes Kaese and Lynch LLP, 324 Pearl Street Suite 1E, New York, NY 10038, to perform leak investigation and architectural design services as required for the preparation of bid specifications to correct ongoing interior wall damage in accordance with the attached proposal dated August 5, 2009 and revised September 30, 2009 for a cost not to exceed \$16,750 (Sixteen Thousand, Seven Hundred and Fifty Dollars and zero cents) for the investigation and design phases, at the rates specified.

**RESOLUTION – Village Hall Leak Investigation and Repair Design (Construction Manager Assistance Consulting Services)**

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

BE IT RESOLVED the Board of Trustees authorizes Calgi Construction Management, 116 Radio Circle, Suite 305, Mt Kisco, NY, 10549 to assist Kaese and Lynch in the performance of leak investigation including necessary tools, equipment and supplies required to gain access to exterior roof areas and concealed spaces in accordance with the attached proposal dated August 28, 2009 for a cost not to exceed \$9,700.00 (Nine Thousand, Seven Five Hundred Dollars and zero cents).

**RESOLUTION – On Demand Maintenance Agreement**

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

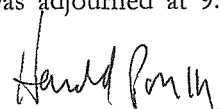
BE IT RESOLVED that the Board of Trustees authorizes the Mayor to sign an agreement with On Demand Communications Corp. of Poughkeepsie, NY to extend the Village of Bronxville's telephone maintenance contract for a three month period expiring on February 28, 2010 at a cost of \$1,010.00.

**PUBLIC COMMENTS –**

Mike Frittola of Senator Jeff Klein's office reported that Senator Klein will be in Bronxville attending an event on December 19<sup>th</sup> at the Women's Club. He will be presenting them with a \$15,000.00 grant that he secured for the organization for cultural outreach programs.

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There being no further comments, the meeting was adjourned at 9:19PM by motion of Trustee Bellitto, second by Trustee Poorman.

  
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Harold Porr III  
Village Administrator/Village Clerk