

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BRONXVILLE
HELD ON FEBRUARY 14, 2005 AT VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

PRESENT:	Nancy D. Hand	Mayor
	Thomas M. Leslie	
	Frank V. Sica	
	Mary C. Marvin	
	Glenn D. Bellitto	Trustees
ALSO PRESENT:	Ned W. Branthover	Village Counsel
	Harold Porr III	Village Administrator
	Rocco Circosta	Superintendent of Public Works
	Brian M. Downey	Chief of Police
	Vincent Pici, P.E.	Superintendent of Buildings
	Robert J. Fels	Village Treasurer
	William J. Murphy	Parking Commissioner

Mayor Hand called the meeting to order at 7:20 p.m. The mayor called for a motion to go into executive session to discuss litigation and personnel issues. A motion was made by Trustee Marvin, seconded by Trustee Bellitto, and approved unanimously to go into executive session.

EXECUTIVE SESSION

(In attendance: Mayor Hand and Trustees Marvin, Leslie, Sica and Bellitto, Administrator Porr and Village Counsel Branthover.) A motion was made to come out of executive session at 8:00 p.m., moved by Trustee Marvin, seconded by Trustee Sica and approved unanimously.

Mayor Hand opened the regular monthly meeting of the Village Board of Trustees at 8:00 p.m.

POLICE DEPARTMENT AWARD PRESENTATION

The first order of business was a presentation of awards to members of the Bronxville Police Department.

Police Chief Downey related events that happened on June 7, 2004, and the quick action and excellent judgment of P.O. Joseph Murray, with the assistance of P.O. John Casullo and Detective Steven Gallo, which resulted in the arrest of a suspect charged with burglary in the second degree.

Mayor Hand presented Certificates of Meritorious Police Duty to Detective Stephen Gallo and John Casullo for performing their police duties in an outstanding and efficient manner and for their actions and perseverance which resulted in the arrest of a suspect charged with burglary in the second degree.

Mayor Hand thanked the three police officers involved, on behalf of the Board of Trustees and the residents of Bronxville, for going above and beyond the call of duty. She said she would present the Certificate of Meritorious Police Duty to Police Officer Joseph Murray who was not present this evening.

EASTCHESTER VOLUNTEER AMBULANCE CORPS

EVAC President Jude Valerioti presented their request for funds from the Village for 2005/2006. He gave a brief report on EVAC activities during 2004, and submitted a breakdown of calls and a budget draft to the Board of Trustees. He said EVAC appreciates the years of support from the Village. Mr. Valerioti extended special thanks to the Bronxville Police Department for their help.

Mayor Hand said the Village is very appreciate of all that EVAC does for the community and we will do our best to meet their request for funds when we prepare our budget.

CABLE TV COMMITTEE

Steve Lysohir, Chairman of the Joint Village/School Cable TV Committee, gave an update on some of the work the Cable Committee has been doing. He said more than ever our two cable stations are important additions to the life of Bronxville. The Cable Committee is trying to get channels 74 and 76 up to their full potential. Mr. Lysohir thanked the members of the Cable Committee. He spoke about their plans in preparation for the renovation of Village Hall. They have made plans for the equipment and storage. He noted that the Village Board meetings will be moving across the street to the Yeager Room at the Library during the renovation. The Yeager Room has seen a lot of activity this past year. As a Library Board Trustee, he said he is trying to coordinate use of the Library facilities as well.

Mr. Lysohir said the next item on their agenda is our negotiation with Cablevision and he turned the microphone over to Village Administrator Porr.

Village Administrator Porr said it has been a pleasure to work with the Bronxville Cable Committee and said he and Steve have been in constant communication. He said the Cablevision negotiations have been ongoing and we are working with the Village of Tuckahoe and the Town of Eastchester. The Cable Committee put together a list of equipment which we have submitted to Cablevision. Mr. Porr said we are getting close to finalizing an agreement with Cablevision probably in a few months.

Mr. Lysohir reiterated the Cable Committee's request for a third camera in the Yeager Room at the Library. He thanked the Board for their support and the community for the positive feedback that the committee receives so often.

Mayor Hand thanked Mr. Lysohir and the Cable Committee for all their work, and said she is amazed at all the programs they make available.

APPROVAL OF MINUTES

On motion of Trustee Bellitto, seconded by Trustee Marvin, the Board approved the minutes of the Regular Meeting and Public Hearing of January 10, 2005, as drafted.

DEPARTMENT REPORTS

Department reports were presented by Chief of Police Downey, Superintendent of Buildings Pici, Superintendent of Public Works Circosta, Village Treasurer Fels, Parking Commissioner Murphy and Village Administrator Porr.

RESOLUTION: Reconciliation Tax & Warrant

Village Treasurer and Tax Collector Fels furnished information concerning unpaid taxes in the amount of \$421,313.03 as of January 31, 2005. (Recap of Taxes, Warrants and Collections as of January 31, 2005 is attached to the official minutes.)

On motion of Trustee Marvin, seconded by Trustee Sica, the Board of accepted information the information presented by Treasurer Fels as set forth above.

RESOLUTION: Tax Lien Sale

On motion of Trustee Marvin, seconded by Trustee Bellitto, and unanimously carried, the following resolution was adopted:

Be it resolved by the Board of Trustees of the Village of Bronxville, that the Village Treasurer be authorized to advertise and sell tax liens for the fiscal year 2004-2005 on March 16, 2005 as shown in the account of unpaid taxes and in accordance with Article 14, Title 3 of the Real Property Tax Law (Section 1455), and that the advertisement of the notice required by law be inserted in the Review Press, the official newspaper of the Village, and that said notice shall be published once a week for three consecutive weeks and the last date for publication shall be made on or before the 10th day of March 2005.

BE IT FURTHER RESOLVED that said notice shall be substantially the following:

VILLAGE OF BRONXVILLE
Statement of Real Estate upon which
taxes for the year 2004-2005 are unpaid, and
NOTICE OF TAX SALE

Pursuant to the provisions of Article 14, Title 3 of the Real Property Tax Law (Section 1455).

NOTICE IS HEREBY GIVEN that the taxes for the year 2004-2005 of the Village of Bronxville are unpaid on the real estate described as shown on a tax list filed with the Village Clerk.

The description of each parcel of said real estate is designated by Section, Block and Lot numbers as shown on the Assessment Map of the Village of Bronxville, Town of Eastchester, Westchester County, New York, which roll and map are on file in the office of the Village Clerk at 200 Pondfield Road, Bronxville, New York.

Following is a list of parcels of real estate on which the taxes remain unpaid for 2004-2005, as of January 31, 2005.

RESOLUTION – Retainer Agreement – Computer Consultant

On motion of Trustee Sica, seconded by Trustee Leslie, and unanimously carried, the following resolution was adopted:

BE IT RESOLVED the Board of Trustees authorizes the Mayor to sign a retainer agreement with the computer consulting firm of Advanced Technology Group for computer and network advice and representation in conjunction with the modernization project for Village Hall at an hourly rate of \$150.00 not to exceed \$12,000, as per the attached agreement.

RESOLUTION – Authorization to Request a Waiver of Part 594 of the Rules of the New York State Department of Public Service

Village Administrator Porr stated that Verizon plans to bring cable service into the Village of Bronxville. It should be available sometime in the fall of 2005. In discussions with Verizon they advised that in order for them to offer competing cable television service to Village residents, the Village should ask the Public Service Commission for a waiver of Part 594 of their rules establishing procedures for franchise agreements for the delivery of cable television service by private service providers. Accordingly, Village Administrator Porr requested Board approval of the following resolution, which would permit us to enter into negotiations with both Verizon and Cablevision of Westchester for franchise agreements to deliver cable television service.

February 14, 2005

Page 4

On motion of Trustee Sica, seconded by Trustee Bellitto, and unanimously carried, the following resolution was adopted:

- WHEREAS, the New York Public Service Commission (PSC) enacted Part 594 of their rules establishing procedures for franchise agreements for the delivery of cable television service by private service providers, and
- WHEREAS, Part 594 was enacted at a time when relatively few municipalities had franchised cable television service, and
- WHEREAS, in New York State, 95% of all municipalities are now serviced by at least one cable service provider, and currently because of this high level of penetration, several sections of Part 594 dealing with initial establishment of franchise agreements are dated and should be waived, and
- WHEREAS, the PSC has granted waivers on several occasions to municipalities exempting them from several procedural steps set forth under Part 594, Sections 1 - 4, ruling that they are no longer necessary in communities that have at least one cable television service provider, and
- WHEREAS, the Village Administrator and the Chairman of the Bronxville Cable Committee recommend that the Village Board authorize the request of a waiver, and
- WHEREAS, the Village Board of Trustees wishes to obtain a waiver from the procedural steps set forth in Part 594 of the New York State Public Service Commission's cable franchising rules to encourage additional competition for cable television, now therefore be it
- RESOLVED, that the Village Board, herein, authorizes the Village Administrator to request a waiver from the New York State Department of Public Service allowing the Village of Bronxville to bypass the franchise procedures set forth under Part 594, Sections 594.1, 594.2, 594.3, and 594.4 of the New York Public Service Commission Rules in order to expedite the franchising process and introduce additional competition in the provision of multi-channel programming service.

RESOLUTION – Salary for Election Inspectors

On motion of Trustee Marvin, seconded by Trustee Bellitto, and unanimously carried, the following resolution was adopted:

BE IT RESOLVED the Board of Trustees approves the rate of \$10.00 per hour for election inspectors.

RESOLUTION – PBA Settlement

Village Administrator Porr advised that an agreement was reached with the Bronxville Policemen's Benevolent Association for a one year contract from June 1, 2004 to May 31, 2005, granting a salary increase of 3.75%. Mr. Porr expressed thanks to the PBA for the gracious manner in which they handled the negotiations.

On motion of Trustee Leslie, seconded by Trustee Marvin, and unanimously carried, the following resolution was adopted:

BE IT RESOLVED the Village of Bronxville Board of Trustees ratifies a contract between the Village of Bronxville and the Bronxville Policemen's Benevolent Association for a period of one year to run from June 1, 2004 through May 31, 2005.

RESOLUTION – Bronxville Village Hall, Construction Management Services

Village Administrator Porr thanked Vincent Pici and Rocco Circosta who have been part of the team to find a contractor for the Village Hall renovation project. He said they had seven responses and interviewed three candidates. All three companies came out very strongly and it was a difficult decision. Background checks were done on the individuals. After careful consideration, it was decided to go with Calgi Construction Management.

On motion of Trustee Sica, seconded by Trustee Leslie, and unanimously carried, the following resolution was adopted:

BE IT RESOLVED the Village of Bronxville Board of Trustees authorizes the Mayor to enter into a contract with Calgi Construction Company, Inc. for construction management services relating to the Village Hall renovation project.

CODE AMENDMENT RESOLUTION # 1 - 2005

Mayor Hand said she had received correspondence from several residents concerning a traffic control problem at the intersection of Tanglewylde and Woodland Avenues. Chief Downey stated that following a review of department records, numerous on-site observations, and a traffic survey of the intersection performed by the Automobile Club of New York, Inc. (AAA), it was the recommendation of the Police Department that yield signs be installed at the intersection of Tanglewylde Avenue and Woodland Avenue.

On motion of Trustee Leslie, seconded by Trustee Bellitto, and unanimously carried, the following resolution was adopted:

BE IT RESOLVED the Board of Trustees adopts the following Amendment to the Code of the Village of Bronxville, Chapter 290, Vehicles and Traffic, Section 290-16:

§ 290-16. Yield intersections.

Add the following locations:

<u>Yield Street</u>	<u>Through Street</u>	<u>Location of Sign</u>
Woodland Avenue	Tanglewylde Avenue	Northeast corner of triangle
Tanglewylde Avenue	Woodland Avenue	Southwest corner of triangle

BE IT FURTHER RESOLVED, that these regulations shall become effective immediately upon adoption by the Board of Trustees.

RESOLUTION – New York State Snow & Ice Agreement Extension 2006/2007 Snow Season

On motion of Trustee Bellitto, seconded by Trustee Marvin, and unanimously carried, the following resolution was adopted:

WHEREAS, the Village of Bronxville has entered into Agreement # DO1075 with the New York State Department of Transportation entitled "Indexed Lump Sum Snow and Ice Agreement" dated August 15, 1997; and

WHEREAS, the original agreement allowed for annual extensions to the contract; and

WHEREAS, the present term of the agreement expires on June 30, 2006;

NOW, THEREFORE BE IT RESOLVED, that the Village of Bronxville Board of Trustees authorizes the Mayor to sign the extension of the Indexed Lump Sum Municipal Snow and Ice Agreement between the New York State Department of

Transportation and the Village of Bronxville for the period of one year commencing July 1, 2006 through June 30, 2007 at an annual rate of \$3,320.50.

RESOLUTION - Approving Use of Parking Space - Senior Citizens Council

On motion of Trustee Marvin, seconded by Trustee Bellitto, and unanimously carried, the following resolution was adopted:

BE IT RESOLVED the Board of Trustees approves the use of a parking space in a Village owned parking lot by the Senior Citizens Council as per the attached request.

RESOLUTION - Rescheduling Regular Meeting Date of Board of Trustees in March

On motion of Trustee Sica, seconded by Trustee Marvin, and unanimously carried, the following resolution was adopted:

BE IT RESOLVED the Board of Trustees reschedules their regular monthly meeting from Monday, March 14, 2005 to Monday, March 7, 2005.

MAYOR'S REPORT

Mayor Hand reported that over the past few months the Paddle Committee has been raising money for new paddle tennis courts. She noted that our courts are not in good condition, and paddle tennis is an important recreational program for the residents of Bronxville and the surrounding area. Mayor Hand said that the chairpersons of the Paddle Court Renovation Committee presented her with a check last week for \$20,000 to help undertake the work on the paddle courts. She noted that Lynn Joyce, chairperson of the committee, was present this evening. Mayor Hand expressed thanks to the Paddle Committee for the great work they did in raising funds and for their generous donation.

PUBLIC COMMENTS

Dorothy Brennan, 59 Sagamore Road, asked the Board why the Town of Eastchester had reassessed over 600 properties, while during the same time period the Village of Bronxville only reassessed 39 properties.

Mayor Hand responded that Mrs. Brennan must be referring to a letter written by two village residents, Mr. Hutton and Ms. Harding, regarding their views on Village-wide property revaluation. Mayor Hand said that in all the years she has served on the Village Board she has always found the Board of Trustees receptive to all legitimate questions and concerns brought to them by residents. The mayor noted that the persons who wrote the letter were not here this evening. Mayor Hand asked if anyone else wanted to speak on the subject.

Betsy Howard, said she lives on Homesdale Road, and said her home was reassessed upward after she had added a mud room and updated her kitchen but that neighboring homes that had been significantly renovated were not reassessed. She thought her new tax rate was fair; however, what was unfair was that her neighbors, who had made much more extensive and costly improvements, were paying the same taxes they had paid before the improvements.

A Normandy Road resident, said last evening she found out about the letter writer's web site. She said although she did not write the letter, we need to know as a community why there were no reassessments.

Mayor Hand said it was a disappointment to her personally that there was a letter writing campaign that produced a document making sweeping assumptions with some seriously flawed reasoning leading to conclusions that for the most part distort the truth. They try to compare the increase in the Village of Bronxville and the Town of Eastchester assessment rolls when they are 20 years apart. Mayor Hand noted that the Board of Trustees has in the recent past explored the idea of a Village-wide assessment on its own. A review of the potential effects of a revaluation

February 14, 2005

Page 7

was undertaken by our Village Assessor. This document was submitted to the Board in draft form for discussion and based on the information contained in this report the Board and the Assessor concluded that it was not in the best interests of the Village as a whole to pursue reassessment on our own. The Board further concluded that without a Town-wide, and preferably a County-wide revaluation, any plan to reassess would not be advisable. That work was done two to three years ago.

As to why adjustments haven't been made some years and were made other years, the Mayor said was a determination for the Village Assessor. There are legal constraints as to what changes can be made to an assessment. All home improvements, even those involving a building permit, do not necessarily legally allow for an increase in a particular assessment. Mayor Hand pointed out that relative percentage increase on any adjustment is hardly relevant as evidenced by the fact that in the majority of properties which were evaluated, the Village translated market value exceeds, or is similar to, the translated Town market value. She said they tried to compare apples and oranges and they are not being fair to the residents of this community.

Mayor Hand said the issue of revaluation and its impact upon the Village is an extremely complicated matter, one that should hardly be handled in a hasty manner. She said whatever decision we make should be prudent and deliberate and in the best interests of the Village as a whole.

Trustee Sica said the comments made in the subject letter were scurrilous and libelous. He said the fundamental problem with taxes is the ratio for single family homes compared to commercial properties including condominiums and cooperatives. He noted that 70% of the taxes in the Village are paid by the single family residences. In the late 1980's Bronxville tried to address this problem and went to the Court of Appeals. He said the methodology and equalization rates coming down from the State of New York leads to the certioraries.

Trustee Leslie commented that he has sat on the Board of Trustees for ten years, volunteering for the Village. He said every single time Mrs. Brennan had an issue she came to the Village Board and spoke to the Trustees and expressed her opinion. This letter comes out of left field. Not once did the writers come to Village Hall, not once did they come to the Trustees. They write a letter, criticizing Board members. He said that Board members would never interfere with the assessment process. They are listening to the people and will do what makes sense for all of the residents of the Village of Bronxville. Trustee Leslie said he wants an equitable solution. He agreed there should be revaluation County-wide.

Bill Ellis, a long time Village resident, said he was actually here for another reason. He said he was impressed with the very valuable service of the Board of Trustees that everybody in the Village has benefitted from. He said he was surprised at the allegations raised in the letter and didn't understand the cheap shot aspect. Mr. Ellis said he spoke for hundreds of the people in the Village that trust the Board and believe they are doing an outstanding job.

Mayor Hand said what disappointed the Board the most was that the letter was written by people who never spoke to them. If they had legitimate concerns they could have approached the Board. It really does this community a disservice to write a document like this and put it on the Internet.

Trustee Marvin said that this document was received by Board members last Tuesday, the same day as the letter was received by the New York Times. She said we disagree with many of the facts, but will continue to deliberate very carefully on this subject. She said we are very concerned about the proper information getting out to the public. She promised that the Board would take a careful approach, weigh all the information, get expert advice, and proceed with the best interests of all the Village. Trustee Marvin said this letter particularly saddened her – to receive something in the mail that attacks her character and that of her colleagues is wrong. She said we have to continue to treat each other with the dignity we all deserve.

Trustee Sica said we would like to set up a meeting to address either individual or group concerns about tax assessment issues. If anyone has issues and particular points, he said the Board would be happy to answer individual questions.

Trustee Bellitto said he and Trustee Marvin spoke to some residents on Greenfield Avenue on Saturday and they wanted to discuss taxes. He said he looked at the website and he thought that the raw tax data presented there was good. What he was appalled with on the website was the letter denigrating the integrity of some Board members. He said for the two years he has been on the Board he has not seen anybody act in any way that was not good for the Village. Other than that major issue, he thought the Village taxes being out there is a good thing. He said the Board had talked about revaluation. Trustee Bellitto urged all residents to contact the Board if they have any questions. In the final analysis, he said, what we need to do is what's fair for all Bronxville taxpayers.

In conclusion, Mayor Hand noted that the information on revaluation is almost two years old. She said the Board would welcome dialogue on that as well as on adjustments made to properties. She said the Board will try to schedule a meeting for Village residents who are interested in the tax assessment process to have their questions answered. The Mayor said that we would continue to have dialogue on this subject.

EXECUTIVE SESSION

Mayor Hand asked for a motion to go back into executive session to discuss litigation and personnel issues at 9:40 p.m. A motion was made by Trustee Sica, seconded by Trustee Bellitto, to go into executive session and approved unanimously.

A motion was made by Trustee Leslie, seconded by Trustee Marvin, and unanimously approved, to close executive session at 11:05 p.m.

* * * * *



Harold Porr III, Village Clerk