

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
BRONXVILLE HELD ON NOVEMBER 14, 2005 AT THE BRONXVILLE LIBRARY, 201 PONDFIELD
ROAD, BRONXVILLE, N.Y.

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PRESENT:	Mary C. Marvin	Mayor
	Frank V. Sica	
	Glenn D. Bellitto	
	Robert S. Underhill	
	Anne W. Poorman	Trustees
ALSO PRESENT:	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
	Gerry Iagallo	Village Assessor

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Mayor Marvin called the meeting to order at 7:00 p.m.

WORK SESSION

(Present were Mayor and Trustees, Village Administrator, Parking Commissioner, Police Chief, and Labor Counsel Terry O'Neil.) Administrator Porr reviewed agenda with Board members. Chief Downey discussed traffic issues with the Board. Street parking improvements for Park Place.

Motion was made by Trustee Bellitto to go into executive session to discuss the PBA contract negotiations at 7:30 p.m., seconded by Trustee Poorman, and approved unanimously.

EXECUTIVE SESSION

By motion of Trustee Sica, seconded by Trustee Underhill, the Board voted unanimously to leave executive session at 8:00 p.m.

Mayor Marvin re-opened the regular monthly meeting of the Village Board of Trustees at 8:00 p.m. She noted that we are now conducting the Village Board meeting at the Library since the Village Hall will be undergoing renovations. She said we would not have the Pledge of Allegiance this evening since we didn't bring the American flag over with us. As we just celebrated Veterans Day, the Mayor took a moment to honor all our veterans, including Trustee Sica, for their courage and sacrifice in protecting our freedom.

The regular meeting was recessed at 8:05 p.m. to go to a public hearing, and reopened at 8:10 p.m.

MAYOR'S REPORT

Mayor Marvin began her report by talking about tax assessment, which she said is and will continue to be our number one priority. Since our last meeting, she said, we have moved aggressively to update and restore our assessing office. The three staffers we authorized hiring at our October Trustees' meeting came on board almost immediately, and our part-time assistant to the assessor has become full time.

Mayor Marvin said our problem continues to be the quality of our records. Our records are in bad shape. There is no getting around it. Updating and in some cases

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recreating them is a major task for any staff, but even more so for our small government. Our goal is to put in place mechanisms to produce a sustainable system of data collection to generate long term equity. Bottom line, we know without good records to start, no tax system, new or old, can succeed. Precisely because of the condition of our records, it is going slower than we had hoped in collecting all the data needed for the revaluation "modeling" study. The modeling study requires us to assemble precise data pertaining to commercial sales (including co-ops and condos) and residential home sales for the last four years and then matching inventory records for such properties including square footage of living area, land area, number of rooms, relative condition of the structures and any renovation dates. All this information must be collected carefully and accurately because flawed data will produce flawed results and we are talking about the long term financial impact on one of your most valuable assets, your home. She said we have to get it right – and it will take time to do so.

Mayor Marvin said, being realistic, the study will not be ready for December discussion. We do anticipate having the findings from the research discussing our options vis a vis the Eastchester Town Roll ready in December. Upon receipt of the studies, she said, we will make all the information available to the public and schedule a forum much like the last one to receive public comment, answer questions and hopefully allay some concerns.

The mayor said one of the concerns she will put to rest tonight – many residents called or stopped her on the street concerned about the need for more public comment time to fully understand the issues. She assured them that just as we took the time to understand and analyze our tax equity problems in a fair, comprehensive and methodical way, so, too, will we take the time to analyze the solutions. She said that no community has committed to the full revaluation option without first modeling its effect on the taxpayers. And we will do the same. It is irresponsible not to.

Mayor Marvin said she knows some people think we are moving too slowly and others are thinking we are moving too fast. We have to accept that and continue on a course that in our judgment is the right one. She said our commitment is steadfast – to restore greater equity to our tax roll, and she can honestly say we work every day to advance the process. In order not to lose momentum while waiting for the results of our studies, we are in the process of developing an RFP or request for professional services document directed to companies that do revaluations, to have ready as the need arises.

Mayor Marvin said that Trustee Bellitto, Mr. Porr and Mr. Iagallo and she also met with a representative of Cole, Laver and Tremble, the company foremost in the field of property revaluation and we have requested a proposal outlining the cost, timetable, process and staffing needed for revaluating Bronxville's property mix. She said we also had a very productive meeting with school officials, Mr. Priesing head of the School Board, Mr. Jumper Chief Financial Officer, Mr. Porr, Village Treasurer Bob Fels, Trustee Bellitto, our assessor Mr. Iagallo, herself and our Eastchester assessor, Mr. O'Donnell, to discuss potential certiorari cases going forward and a coordinated response. She also met with other assessors and lawyers on both sides of certiorari cases to learn the protocol from the people who do this every day.

Mayor Marvin said many residents have also met our Assessor, Mr. Iagallo, as he is out inspecting property in order to prepare the 2006 tax roll. She said he will speak to that during his report. She said we are assessing improvements made in 2005 as we should and the law requires. She said she knows it is frustrating to those being reassessed when others in the past have not. But we had to begin and re-set the clock and do it right. We cannot solve a past inequity by simply perpetuating it. Mayor Marvin personally thanked everyone for their understanding as we correct the roll going forward.

Mayor Marvin said our next area of activity is the Village Hall renovation. The project has begun in earnest. Drilling for the geothermal heating and cooling system continues until December 1st on the Village lawn. Palumbo Place is now closed to through traffic for the duration of the project. She said we anticipate being operational in our trailer offices by December 1st. Mayor Marvin said it has been a huge upheaval for the whole staff, cleaning

out a building from 1942 and she thanked them all. She extended a special thank you to our DPW workers who are doing much of the site work for the project. She said that all of our Trustee meetings will now be held here in the Yeager Room of the Library, and she thanked the Library staff, especially Angel, for accommodating us so well.

Mayor Marvin said she was extremely disappointed to report that the Village's attempts to negotiate a new contract with the Police Department have been unsuccessful. Over the course of many months, the Village's labor counsel has worked closely with Mr. Porr and Mr. Sica, the Board's police liaison, to provide what we genuinely believed to be generous and creative contract offers. From the outset, the Village worked hard to make substantial contractual improvements in the areas specifically selected by the PBA. The PBA has informed the Village that it has rejected our latest contract proposal. She said that we as Trustees are very disappointed with this result. We now must proceed to resolve the contract in accordance with NYS law and procedures.

Mayor Marvin thanked Mr. Porr for his time and hard work on these negotiations. She also specifically acknowledged Trustee Sica for the many hours he spent to meet with the PBA in an attempt to make a deal that would provide a win-win for both the Village and the PBA.

Mayor Marvin said that this is an unprecedented period of activity for Village government and it is vital that we keep people informed. With that in mind, she said we are making every effort to reach residents in a variety of new venues. She said we have re-instituted the Village newsletter. Our goal is to publish quarterly and provide everyone with project updates, important meeting dates and new initiatives. She said we have also added to the Village Web site Planning Board and Trustee meeting minutes and the entire Draft Environmental Impact Study for the Kensington Road project is now available on the Web. Mayor Marvin said she asked all three newspapers to run a column which she will write to keep residents updated on Village Hall events on a weekly basis. She said that if anyone has any other ideas how we can reach even more of our residents, she welcomes them.

Mayor Marvin said we had a wonderful visit from Madame Jouas and the French Exchange Students at Village Hall. And all 5 Third grades came over in conjunction with their study of their community.

Mayor Marvin asked people to please keep in mind that we need some residents to volunteer to help us with the Memorial Day parade, and told them to call Village Hall if they can lend a hand.

TRUSTEE REPORTS

Trustee Sica commented on the Kensington Road Project. He recapped why we are doing this project and the financial impact on the Village. He said first, we are doing this to significantly enhance the financial and business condition of the Village. The Village will receive \$1 million from the sale of the property to the developer. We will lease back the garage at no cost. We will get approximately \$300,000 in building permit fees; however, we will suffer a short term loss of parking revenues. He said the Village already received \$300,000 from the last developer.

Trustee Sica said we now earn approximately \$185,000 per year from parking fees in the Kensington lot, or approximately \$1,050 per space or \$88 per month. If we only have another 25 spaces we will earn another approximately \$26,000 per year. He said if we can charge an additional \$5 per month per space, which we believe we can because this will now be covered parking, we will earn an additional \$12,000 per year. So before property taxes we should see approximately \$38,000 per year in additional value from the property. He said this translates into approximately \$760,000 of additional value.

Trustee Sica pointed out that this project is generating value for the Village of \$1.76 million. He said that is a significant amount of money. He said this added revenue will help

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defray the cost of renovating Village Hall. Trustee Sica said that the total value of this property to the Village is \$5.76 million. He said this is a village-wide issue. He said this is the most significant asset owned by the Village which can be monetized and will have a major, positive financial impact on the Village for decades to come.

Trustee Sica also commented on design of the Kensington project. He said the Board of Trustees supports the two building, four story original design. This design is one already litigated and won. More importantly, he said we feel it fits in well with the architecture of the neighborhood. Trustee Sica said that a six story building would not be out of character as there are nine buildings in the Village, not including the hospital, which are six stories high. However, he said we believe the lower profile building works well. Trustee Sica said we also asked the developer to reduce the number of units and he has agreed to reduce the density to 55 units, so we will have fewer units than originally planned.

Trustee Sica said we are in the process of finding parking for the people who now park there during this construction period. He said we are mindful of the disruption caused by this project and we will do whatever we can to minimize it.

Trustee Sica said he understood that at the last Planning Board meeting a representative of the fire department complained that the developer had not contacted the fire department. He said we have in our possession a letter from the developer to the fire department from 2004 asking for fire department input. Trustee Sica asked that the fire department work cooperatively with the developer.

Trustee Sica said there has been some speculation regarding the Kensington taxes. He said we answered the question at the last meeting that these units will be taxed as condominiums. He said we are confident that the taxes will exceed the cost of services provided by the Village. He said we are also hopeful that the taxes for the school from this project will exceed the costs for the number of children coming from this development. He said it is an age targeted project and essentially a development that will allow people to sell their homes and stay in Bronxville.

Trustee Sica said a number of e-mails were entered into the public record as comments to the EIS and they contain a number of allegations. The first is the involvement of former Trustee Tom Leslie in the decision process for picking a developer. He said Tom Leslie had no involvement whatsoever and in fact recused himself from all discussions regarding developers and developer selection and contract negotiations. Trustee Sica also disputed the allegation that he was a friend of the developer. He said he never set eyes on the developer before this project started. He said he has been accused over the past year of several improprieties in his role of Village Trustee. He asked that these allegations and accusations stop. He quoted Marcus Aurelius, who said "Leave the wrongs with the ones who did them". He said the Trustees put a lot of time and energy into Village affairs and they don't receive any pay. He said we are simply trying to do what's best for the Village. He said, if you want to have a discussion fine, but don't impugn the integrity of the Mayor and Trustees.

Concerning the police department, Trustee Sica said we are going to keep trying through mediation and arbitration to have an amicable agreement with the police.

Trustee Underhill reported on the Paddle Committee. He said they had a successful ribbon cutting on October 22nd despite the weather. He said there has been a lot of excitement about the courts, a lot of play, a lot of energy generated by the Paddle Committee and they deserve a lot of credit. He said we had a number of comments about the problems with the playing surface and we are looking into those problems. Mr. Pici is scheduling a meeting with the contractors to review those and hopefully we'll have this resolved soon.

Trustee Poorman reported that the Bronxville Public Library will be celebrating its centennial year in 2006. In connection with that event, two author visits have been scheduled. She said that on January 15th Linda Fairstein, author of a terrific murder mystery series, is going to be reading from her new book. On March 25th Susan Isaacs, a popular

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writer, will also be reading from her new book. She said they are in discussion with other author speakers and they have great ambitions.

In her capacity as liaison to the Chamber of Commerce, Trustee Poorman, said she has, at the Mayor's request, been chairing a committee called the "Business District Focus Group" which is charged with maintaining the vitality of Bronxville's business district. She said they had a couple of dynamic and productive meetings. Mayor Marvin has attended each of them and has charged them with the task of being creative but concrete. There has been an amazing number of really wonderful ideas planned and they now have a range of short term and long term initiatives planned for our downtown. The group has divided into three subcommittees to pinpoint seeing some of the specific projects to completion. The first is public relations and marketing of Bronxville's business district; the second is targeting new and anchor stores to Bronxville; and the third is sustaining current small business owners. She said an example of some of the longer term issues that these committees are examining is retail mix issues, such as how to attract a men's clothier to Bronxville. Another example is examining the benefits of seeking a marketing expert's opinion of what our merchants are doing right and what can be done to improve and attract local shoppers. Trustee Poorman said they have some initiatives already under way. First, they are preparing and plan to maintain a prospective merchant packet. She said the Mayor has submitted requests for two grants for \$25,000 to Assemblywoman Amy Paulin and State Senator Jeff Klein to fund a traffic flow study to make sure we are doing the best for our heavily traveled streets. Also, they are undertaking a "Shop Bronxville for the Holidays" campaign. This will kick off with a tree lighting ceremony on December 1st at Leonard Morange Square. She said we have Houlihan Lawrence to thank for having lights strung on three large evergreens along Pondfield Road.

Trustee Poorman said that in any discussion in the Village we inevitably end up discussing parking and traffic issues, and the mission of the Business District Focus Group is inextricably linked to the parking and traffic issue. She said that since Glenn Bellitto is the trustee liaison for parking she asked for his assistance and he has wholeheartedly agreed to spearhead many of the parking ideas that came out of their committees. She said he has spent a lot of time talking to the Mayor, the Police Chief and the Parking Commissioner, and she appreciates his help. Trustee Poorman then turned the podium over to Trustee Bellitto to discuss some of the parking initiatives that overlap with the objectives of the Business District Focus Group.

Trustee Bellitto spoke about some of the parking issues in Bronxville, and said with the potential approval of the Kensington project we are going to have unique parking challenges during the construction phase. He said that the time is now for Village government to start showing a flexibility and renewed energy about our present parking situation so that there will be a good basis for further collaboration in the near future among village government, residents and shoppers. He said the Mayor and Trustees want to do something helpful. What they are currently working on has three parts. The first is that between Thanksgiving and New Year's Day there will be a full time foot patrolman on duty every Saturday on Pondfield Road, Cedar Street, Kraft Avenue and Park Place to make sure that drivers obey the traffic laws and to better the quality of life for shoppers and drivers. Secondly, as soon as practical, the number of parking spaces on Park Place will be increased by three. He said Parking Commissioner Murphy has found a couple of parking spaces that are oversized and was able to configure the extra spaces. Thirdly, for handicapped spaces, on a trial basis, we will add 50% more time for the same amount of money. He said it can take persons with disabilities longer to shop and we think that adding 50 percent more time helps level the playing field a bit for them and is the right thing to do. This plan will be implemented as soon as possible.

Trustee Bellitto thanked Mayor Marvin for the high priority she put on both long term and short term parking solutions. He thanked Trustee Poorman and the members of her committee for their energy and input, particularly Maryann Bugas. He said we felt that it was

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important to include persons with disabilities, and he thanked a number of Bronxville residents who gave wonderful input and advice on the issue.

COMMUNITY FUND PRESENTATION

Mayor Marvin welcomed Linda Smith-Shearer, Executive Director, and Juliet Zygmunt, President of the Community Fund.

Ms. Zygmunt reported on a number of Community Fund projects. She said the Community Fund treasures its partnership with the Villages of Bronxville and Tuckahoe and the Town of Eastchester. She said their mission is to support social services in the community. Ms. Zygmunt highlighted some of the programs they fund in addition to the twenty services groups they support, such as the annual Community Safety Day, and providing defibrillators in all the schools and public libraries. She said they have put together a Community Fund video this year which will be running on the local cable channel.

APPROVAL OF MINUTES

On motion of Trustee Poorman, seconded by Trustee Underhill, the Board approved the minutes of the Regular Meeting of October 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, Village Assessor Gerry Iagallo and Village Administrator Porr.

CODE AMENDMENT RESOLUTION # 2 - 2005

On motion of Trustee Bellitto, seconded by Trustee Sica, 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 290-15:

§ 290-15. Stop intersections.

Add the following locations:

<u>STOP Street</u>	<u>Through Street</u>	<u>Location of Sign</u>
Middle Road	Elm Lane	On northeast corner
Middle Road	Elm Lane	On southwest corner

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

BUDGET RESOLUTION – SARA Grant

Village Treasurer Fels advised that on August 5, 2005 the Village received notification from the New York State Archives and Records Administration (SARA), that a grant application was approved in the amount of \$20,505.00. The purpose of this grant is to provide funding to the Village to create a data base of all vital records maintained by the Village. Mr. Fels recommended that the following resolution be adopted.

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

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BE IT RESOLVED that the Board of Trustees authorizes the Village Treasurer to amend the 2005/2006 budget to reflect the approved SARA grant, as follows:

Increase:

SARA Grant supplies	A.1326403	\$ 3,480.00
SARA Grant fees	A.1326445	<u>17,025.00</u>
Total Increase		<u>\$20,505.00</u>

<u>Increase:</u>	A.3009000	<u>\$20,505.00</u>
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RESOLUTION – Public Hearing to Amend Parking Regulation on Midland Ave.

Village Administrator Porr stated that he had received a recommendation from Police Chief Downey to amend the Village Code to eliminate one of the spaces on Midland Avenue near the driveway for #11 Midland Avenue. He said this will greatly improve the ability of vehicles to safely enter Midland Avenue from the Parking garage of #8 and #9 Midland Gardens.

On motion of Trustee Bellitto, seconded by Trustee Poorman, the Board unanimously adopted the following resolution:

BE IT RESOLVED the Board of Trustees schedules a Public Hearing on Monday, December 12, 2005 at 8:00 PM in the Yeager Room at the Bronxville Library, 201 Pondfield Road, to take public comment on the following proposed changes to the Code of the Village of Bronxville, Chapter 290, Vehicles and Traffic.

Section 290.28. Parking prohibited in designated locations.

Amend subsection A.(14) Midland Avenue:

- (a) On the north side, from the east curbline of Parkway Road, easterly therefrom, to the driveway for #11 Midland Avenue.

RESOLUTION – New Agreement with Fire Department

Village Administrator Porr stated that our understanding of our needs during the renovation of Village Hall have become a lot more clear. We anticipated using the Bronxville Fire House for offices, but found out it would not be suitable. Village officials went back to the Fire Department asked to renegotiate the lease.

On motion of Trustee Sica, seconded by Trustee Poorman, the Board unanimously adopted the following resolution:

BE IT RESOLVED the Board of Trustees authorizes the Mayor to execute an amended contract with the Eastchester Fire District for use of the Bronxville Fire Station during the renovation of Village Hall, as per the attached agreement, at a cost of no more than \$2,000 per month.

RESOLUTION – GEM Car Donation

Village Administrator Porr said that a Bronxville family has generously donated an electrical 2002 GEM car to the Village. He said it's running well and it is a good thing for the Village. He said Ned Branthover, Village Counsel, who was not present this evening, had made the original contact.

On motion of Trustee Sica, seconded by Trustee Underhill, the Board unanimously adopted the following resolution:

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BE IT RESOLVED the Board of Trustees accepts the generous gift of one 2002 GEM Car from Bronxville residents Guy Morris and Pamela Lippe. The Board of Trustees expresses its gratitude to Guy Morris and Pamela Lippe for their generous donation of this energy efficient vehicle for Village use.

RESOLUTION – Free Parking Days in December

On motion of Trustee Bellitto, seconded by Trustee Sica, the Board unanimously adopted the following resolution:

BE IT RESOLVED the Board of Trustees approves free parking in the Kraft Avenue and Garden Avenue parking lots and on Paxton Avenue for Saturday, December 10, 2005 and Saturday, December 17, 2005.

RESOLUTION – Village Election

On motion of Trustee Poorman, seconded by Trustee Underhill, the Board unanimously adopted the following resolution:

BE IT RESOLVED that the Village Election Day will be held on Tuesday, March 21, 2006, and offices to be filled are two Trustees, each for a two year term, and one Village Justice for a four year term.

RESOLUTION – Retainer Agreement with Bond, Schoeneck & King, PLLC

On motion of Trustee Poorman, seconded by Trustee Underhill, the Board unanimously adopted the following resolution:

BE IT RESOLVED the Board of Trustees authorizes the Mayor to sign an agreement with Bond, Schoeneck & King, PLLC for services as special labor counsel for the period from December 1, 2005 through November 30, 2008, as per the attached agreement.

PUBLIC COMMENTS

Thomas Wolff, 230 Pondfield Road, asked the Mayor about her statement earlier in the meeting that our property cards are in bad shape. He asked if Mr. Balog was responsible.

Mayor Marvin responded that she didn't know how long the records have been incomplete, but that's certainly part of the problem.

Betsy Harding, 39 Homesdale Road, commented on the senior citizens tax exemption and the requirement to file by December 31st to qualify for the following tax year. Ms. Harding asked if the assessor will be sending out notices to people who will get their assessment changed. Village Assessor Iagallo responded that notices will go out, adding that there is a requirement under the law.

Steve Howard, 23 Homesdale Road, said he was impressed by the efforts of the administration with regard to the assessment issue. He said that as a property owner of one of the 37 houses that were reassessed, he wanted to know if there was a plan to go back and make adjustments for other capital improvements that weren't addressed in past years. He said the only way is revaluation. He asked what the schedule is at this point to prepare for a decision in time for the 2007 tax roll.

Mayor Marvin responded that all she can promise him is that we are moving as fast as possible.

Dorothy Brennan asked where the police department would be located during the renovation of Village Hall. Chief Downey said the front desk operations will be in the trailer and the administrative offices will be in the public works garage. The locker and storage

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rooms will be at the fire house. He said there will be several signs directing people looking for the police desk. Mrs. Brennan said she was disappointed that we were going back to arbitration with the police.

Dorothy Brennan said it has been bothering her that properties were not reassessed and said she has never been told why. She said its up to the Village Board to take that fiduciary responsibility. There was further discussion on subject of reassessing properties.

Mayor Marvin and Trustee Sica said the Board was as surprised as residents to learn about the condition of the records. Trustee Sica said that it was not the Village Board's job to assess properties, it was the job of the assessor.

Betsy Harding pointed out that the Village Board is also the Board of Assessment Review and she said they have to approve the assessment roll every year.

Trustee Sica said that the Village Board sits as a Board of Review and reviews peoples's petitions to lower their assessments.

Village Assessor Gerry Iagallo said that determining an assessment is the job of the assessor, not the Village Board. He said the powers of the Board of Review are to reduce an assessment, they cannot raise an assessment.

Bruce Sauter, a consultant affiliated with the International Association of Assessing Officers, and hired by residents Betsy Harding and Thomas Hutton, spoke at length about revaluation and assessments. He told the Board a revaluation could cost \$75 to \$80 per parcel.

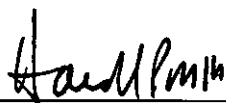
Mayor Marvin said the company that had responded to the Village's request for a proposal on a revaluation gave a figure much higher than Mr. Sauter's estimate. She said the Board would continue to interview companies and update the citizens.

Thomas Wolff commented on the tax assessment issue. He said that based on his personal experience, when the Village Board of Trustees meet as a Board of Assessment Review they do not review the total property roll of the Village, they act upon petitions of commercial and individual property owners and they evaluate the validity of the petitions. He agreed with the assessor that the Board is only empowered to review the petitions and to reduce an assessment.

Mildred McLearn expressed her opinion on the Kensington project. She said she was disappointed to hear Trustee Sica's comments that the Board favors the two building plan. She continued her appeal for a one building plan. She asked the Board to consider a compromise of one building five stories high instead of six stories.

On motion of Trustee Bellitto, seconded by Trustee Sica, the meeting was adjourned at 10:25 p.m.

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Harold Porr III, Village Clerk