

MINUTES OF PUBLIC HEARING HELD BY BOARD OF TRUSTEES OF VILLAGE OF
BRONXVILLE ON DECEMBER 13, 2004 AT VILLAGE HALL, 200 PONDFIELD ROAD,
BRONXVILLE, N.Y.

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PRESENT:	Nancy D. Hand	Mayor
	Frank V. Sica	
	Mary C. Marvin	
	Glenn D. Bellitto	Trustees
ABSENT:	Thomas M. Leslie	Trustee
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

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Mayor Hand called the public hearing to order at 8:05 P.M. She advised that the purpose of the public hearing was to solicit opinions of the public with regard to renewal of our Cable TV franchise agreement.

Village Administrator Porr verified that due notice of the public hearing had been given by posting and publication.

Mayor Hand asked Village Administrator Porr to give a little background about the process of renegotiating our franchise agreement with Cablevision.

Administrator Porr said that for several months the Village of Bronxville, along with the Village of Tuckahoe and the Town of Eastchester have been working together on plans to renegotiate the Cable TV franchise agreement. There are a number of steps that they followed. The public hearing tonight is one of those steps. We are trying to get as much input as possible regarding cable TV service in Bronxville. The committee first asked the State Public Service Commission to do a financial audit and technical audit of the infrastructure of Cablevision.

Administrator Porr said around June or July a survey was conducted of all residents of the three communities and we received a good response – 155 responses for Bronxville. While most people were satisfied with Cablevision service, the major complaint was the high cost. Some people said they wanted to choose individual channels instead of purchasing a package of channels. They also wanted to see improved customer service. There was a broad range of opinions. A summary of all the responses from Bronxville residents was compiled here at Village Hall.

Mayor Hand noted that Emilie Spaulding, Director of Government and Public Affairs for Cablevision, was present this evening to answer any questions. The mayor then asked if anyone from the public wanted to comment.

Dorothy Brennan said she recently moved within the Village and for the first time in 40 years has a cable box that was provided by Cablevision. She said that Cablevision had told her the box was free and not to worry about it, but she is being charged a nominal fee. She is having trouble operating the cable box. Mrs. Brennan wanted to know why they are charging

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her for the convertor box. She said she accepted the fact that over the years the cost for cable service has to go up.

Ms. Spaulding told Mrs. Brennan to call her the next day and she would help her resolve the problem. She explained that if you have basic or family service with up to 66 channels you do not have to have a convertor box – you only need one if you have premium or digital service. Ms. Spaulding said it may be that Mrs. Brennan has upgraded to the premium package.

Ms. Spaulding gave some of the statistics about Cablevision. She said they are very proud to be the cable provider in Bronxville. There are 2,086 families in Bronxville who have cable service and some also have Internet and phone service. The franchise fees that Cablevision pays annually to the Village were \$85,000 for the past year. For the last two years revenues continued to increase. Ms. Spaulding said one of the things they like to do in working with municipalities is to upgrade equipment of the local channel. They also offer a free cable modem to the Village. She said if you already have Internet service here in the Village you might want to choose another location such as a senior citizen center or library.

Ms. Spaulding said that at this point the Village is not getting fees on cable modem service. She recommended that we put language in the franchise agreement that says if and when the courts decide about collecting fees for cable modems the Village would have the option to get fees on those fees if they so choose. Ms. Spaulding said the Village has done a very good job of needs assessment. She said one thing Cablevision is asking is that if competition comes into Bronxville that we require that a competitor to do the same thing or equivalent. She said this provision was added in section 33.1 and that's the only thing that's different than what the Village has now.

Mayor Hand asked the Trustees if they had any questions.

Trustee Sica asked what the annual franchise fee is. Ms. Spaulding said the franchise fees for Bronxville last year amounted to \$85,460. She said it varies depending on such things as how many movies people ordered, etc.

Trustee Bellitto said he was impressed by the work of the Cable Committee under Steve Lysohir. He said they had a special meeting last week and they drew up a list of equipment that would be beneficial. He said he hoped for a good resolution to the contract.

Mayor Hand noted that we will have a new cable TV room in Village Hall when it's renovated and it's important to get new equipment in there. Ms. Spaulding said one thing the Village might want to consider is that they also can provide assisted hearing devices.

There being no further comments, the public hearing was adjourned at 8:17 PM.

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Harold Porr III, Village Clerk

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BRONXVILLE
HELD ON DECEMBER 13, 2004 AT VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

PRESENT:	Nancy D. Hand	Mayor
	Frank V. Sica	
	Mary C. Marvin	
	Glenn D. Bellitto	Trustees
ABSENT:	Thomas M. Leslie	Trustee
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

The meeting was called to order at 7:25 p.m. Mayor Hand asked for a motion to go into executive session to discuss litigation and personnel matters. A motion was made by Trustee Sica, seconded by Trustee Bellitto, and approved unanimously to go into executive session.

EXECUTIVE SESSION

(Present were Mayor Hand and Trustees Marvin, Bellitto and Sica, Administrator Porr, Counsel Branthover and Attorney John Watkins.) Executive session ended at 8:05 p.m. on motion of Trustee Bellitto, seconded by Trustee Marvin and approved unanimously.

Mayor Hand opened the regular monthly meeting of the Village Board of Trustees at 8:05 p.m. The first order of business was to open a public hearing on the Cable TV franchise renewal.

APPROVAL OF MINUTES

On motion of Trustee Bellitto, seconded by Trustee Marvin, the Board approved the minutes of the Regular Meeting of November 8, 2004, 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.

Village Administrator Porr reported that a couple of days ago he spoke with representatives of Verizon about providing cable services. He said Verizon could be in direct competition with Cablevision. It is anticipated that Verizon will be in a position to provide cable services in the fall of 2005. He expects to be in negotiations very soon with Verizon the same way we are with Cablevision. This could mean additional revenue from two vendors for our Cable TV Committee and greater choice in cable TV service for Bronxville residents.

RESOLUTION – Hazardous Material Consultation Services, Village Hall Renovation

Vincent Pici, Village Engineer, recommended that the Board approve a contract with J. C. Broderick & Associates to provide consulting and monitoring services related to hazardous

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material remediation associated with the planned Village Hall Renovation. Mr. Pici recommended that the Trustees approve and authorize the work described in the proposal as Part A: Confirmation Sampling and Part B: Project Planning, at this time. He requested that the Board authorize a budget amount of \$6,000 to cover the costs associated with parts A and B of the proposal. He also suggested that the Board defer action on Part C of the proposal at this time. He said once the specifications are prepared for the abatement project we will have a better handle on the costs for the monitoring phase. Given the potential variability in the cost for monitoring service he would like to have a better budget number before making a recommendation to the Board. He said Broderick Associates has successfully and professionally provided testing and monitoring services during the Trustee Meeting Room floor removal, and for the pre-construction sampling.

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

BE IT RESOLVED the Board of Trustees authorizes the Mayor of the Village of Bronxville to enter into a contract with J. C. Broderick & Associates of St. James, New York, to undertake Hazardous Material Consultation Services for the Village Hall Renovation Project. The contract for services as outlined under Part A and Part B on the attached proposal is not to exceed \$6,000.

RESOLUTION – 2004/2005 Library Fund Amendment

Village Treasurer Fels stated that on December 3, 2004, Jane Marino, the Bronxville Public Library Director, sent him a memo advising him that the Library received an additional \$5,000.00 donation from the Friends of the Library. The Library intends to use the money to buy additional videos (\$2,000), special equipment for the Children's Room (\$1,000) and a laptop computer (\$2,000). This donation was in addition to the \$11,000.00 already included in the Library's 2004/2005 estimated revenues. The Director is requesting that the Library's 2004/2005 operating budget be amended to reflect the additional \$5,000.00 contribution. As such, Treasurer Fels requested the following budget amendment be approved by the Board of Trustees.

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

BE IT RESOLVED the Board of Trustees authorizes the Village Treasurer to amend the 2004/2005 operating budget of the Bronxville Public Library to utilize the additional funding received from the Friends of the Bronxville Public Library as follows:

Increase:	Equipment (L.7410200)	\$	2,000.00
	Audio/Video (L.7410448)		2,000.00
	Special Programs (L.7410483)		<u>1,000.00</u>
	Total Appropriations Increase (L.960000)	\$	<u>5,000.00</u>
Increase:	Gifts and Donations (L.2705000)	\$	<u>5,000.00</u>
	Total Est. Revenue Increase (L.510000)	\$	<u>5,000.00</u>

RESOLUTION – Wind Energy Purchase Agreement

Mayor Hand noted that there was an item on the agenda to enter into a contract with Community Energy, Inc. to purchase wind power. She said initially we had letters from some interested residents informing us that wind energy was available in the state. Village officials met with Bob Elliott, Mayor of Croton-on-Hudson, which was the first municipality in Westchester to purchase wind energy. Since then, several municipalities in Westchester have entered into contracts to purchase wind energy. Mayor Hand said we all value the fact that this is an environmentally wise thing to do. At this time, she said we are proposing that the Village of Bronxville get 20% of their energy from wind power, which is equivalent to planting 15,500 trees or driving a car 2,500 miles less a year.

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Mayor Hand introduced Keith Christensen of Community Energy, Inc. Mr. Christensen said that purchasing wind power does not come without additional cost, and it would mean that Bronxville would pay about \$2,900 a year extra for its power. He said that as more municipalities sign on the price will continue to fall.

Administrator Porr asked if there were any additional costs. Mr. Christensen responded that \$2,900 is the most the Village would pay. He said the cost would not go up.

Trustee Sica said he realized the premium we will be paying for wind energy is \$2,900 a year. He asked whether we would be paying more for the major portion of our energy. He asked if the Power Authority is going to charge us a capacity charge.

Mr. Christensen said the Power Authority will continue to charge the Village the same amount. The wind power the Village is purchasing from Community Energy is putting that electricity on the grid on the Village's behalf. Mr. Christensen said NYPA would not charge the Village any different than anybody else. Purchasing your wind power through Community Energy will not change that. Trustee Sica suggested that a proviso be added to the contract to this effect. Administrator Porr stated that a proviso would be included in the contract.

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

BE IT RESOLVED the Board of Trustees authorizes the Mayor of the Village of Bronxville to enter into an agreement with Community Energy, Inc. to purchase renewal source wind energy as per the attached contract, with the additional proviso suggested this evening.

RESOLUTION – 2005 STOP-DWI Patrol Project Reimbursement Contract

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

BE IT RESOLVED the Board of Trustees authorizes the mayor of the Village of Bronxville to enter into a contract with Westchester County to allow the Village to participate in the Westchester County STOP-DWI Patrol/Datamaster Project. This agreement will allow for up to \$8,400 in County grant monies to be expended by the Bronxville Police Department for STOP-DWI/Datamaster programs.

RESOLUTION – Donation of Personal Computers from law firm of Thacher, Proffitt & Wood

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

BE IT RESOLVED the Board of Trustees gratefully accepts the donation of twelve personal computers, including monitors, keyboards and hand controls from the law firm of Thacher, Proffitt & Wood. The computers will be installed in the police, treasury, recreation and finance departments as well as the Bronxville Library and central garage.

Mayor Hand said this was a very generous gift from the law firm of Thacher, Proffitt & Wood, of which Trustee Thomas Leslie is a member.

MAYOR'S REPORT

Mayor Hand reminded residents that, as we did the previous Saturday, the Village was again providing free parking on Saturday December 17th in the Kraft Avenue and Garden Avenue parking lots as well as on Paxton Avenue. The mayor extended thanks to the real estate firm of Houlihan-Lawrence for their generosity in providing free parking in the Village on Saturday, December 4th.

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Mayor Hand said that in January we hope to have a presentation to the Board from Peter Gisolfi Associates on the Village Hall renovation project. She hopes that we can begin the project in late spring next year.

TRUSTEE REPORTS

Trustee Bellitto said he was glad to see articles in the newspaper and around the Village about the efforts of the Paddle Tennis Committee to raise funds for new paddle tennis courts.

Trustee Marvin encouraged residents to support our local merchants.

Trustee Sica reported on the Finance Committee meeting held on December 2nd. He said they reviewed Village finances with the outside auditor, and Village finances are in exemplary shape. The only recommendation that came from the Finance Committee was to keep our general fund balance at between 10 & 12% of annual revenue.

PUBLIC COMMENTS

Dorothy Brennan said she wanted to publicly thank Assemblywoman Amy Paulin for securing a \$50,000 grant for capital costs associated with renovating the Girl Scout Cabin. Mrs. Brennan said she would like the work to start in March if it is possible.

Mrs. Brennan said that since moving to Kensington Road she noticed that the street is narrow and dark at night. She said many of the people there drive SUV's very fast and she has been brushed by cars twice while walking her dog. Mrs. Brennan asked if the Village could put speed bumps on Kensington Road. Police Chief Downey responded that we could not, because State law doesn't allow it.

On motion of Trustee Bellitto, seconded by Trustee Sica, and unanimously approved, the meeting was adjourned at 9:00 p.m. to continue in executive session to discuss litigation and personnel issues.

EXECUTIVE SESSION

(Present were Mayor Hand and Trustees Marvin, Bellitto and Sica, Administrator Porr, Counsel Branthover, Labor Counsel Terry O'Neil, and Police Chief Brian Downey.) Upon motion of Trustee Bellitto, seconded by Trustee Sica, and approved unanimously, executive session ended at 11:00 p.m.



Harold Porr III, Village Clerk