MINUTES OF REGULAR MEETING OF BOARD OF TRUSTEES OF VILLAGE OF BRONXVILLE HELD ON JANUARY 13, 2003 AT VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

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| PRESENT: | Nancy D. Hand | Mayor |
| | Frank V. Sica<br>John O'Callahan<br>Mary C. Marvin | Trustees |
| ABSENT: | Thomas M. Leslie | Trustee |
| ALSO PRESENT: | Ned W. Branthover | Village Counsel |
| | William T. Regan | Village Administrator |
| | Peter J. Woodcock | Superintendent of Public Works |
| | Thomas Ambrosino | Police Lieutenant |
| | 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 meeting to order at 7:10 p.m. On motion of Trustee O'Callahan, seconded by Trustee Marvin the Board voted to enter executive session to discuss litigation and personnel matters.

EXECUTIVE SESSION

(Present were Mayor and Trustees Sica, O'Callahan and Marvin, Village Counsel, Village Administrator and Village Assessor Robert Balog.) Village Assessor Balog discussed pending certiorari cases with the Board and proposals from consultants to provide appraisals for these cases. No action was taken during executive session.

At 7:40 p.m. the Board invited John and Jacqueline Brusco and Mr. Brusco's father to join the executive session to discuss their request for reconsideration of the moratorium waiver which was denied at the December 9, 2002 meeting. The Brusco's described their hardship to the Board. No action was taken during executive session on this matter.

The Board ended the executive session at 8:00 p.m. to open the regular monthly meeting.

BUILDING MORATORIUM WAIVER REQUESTS

Mayor Hand stated that the Board of Trustees would be considering two moratorium waiver requests by property owners to determine if they should be approved to go before the Zoning Board to seek required variances.

Mayor Hand noted that the Board of Trustees had received an appeal from John and Jacqueline Brusco. Their moratorium request had been considered by the Board at the December meeting and was denied.

Trustee O'Callahan offered a motion, seconded by Trustee Marvin, and unanimously carried, to reconsider the appeal of John and Jacqueline Brusco for a moratorium waiver.

Mayor Hand said the Trustees had reviewed additional information supplied by the Brusco's in support of their unique hardship. She said that the Board was prepared to reconsider their request for a moratorium waiver.

The following resolution was moved by Trustee O'Callahan, seconded by Trustee Marvin, and unanimously carried:

BE IT RESOLVED that the Board of Trustees hereby grants the applicant **John and Jacqueline Brusco** a waiver of the 2002 Zoning Moratorium Law of the Village of Bronxville (Local Law #5 - 2002) for the property located at **40 Elm Rock Road** in accordance with Section 4 thereof. Said waiver is granted to allow the application to proceed to the Zoning Board of Appeals to seek required variances.

The Board has received the recommendation of the Planning Board and based upon a review of the information provided and the unique hardship to the applicant resulting from the timing of the Moratorium the Board of Trustees hereby grants the waiver requested.

Mayor Hand asked the Trustees to consider granting the waiver request of Jon Raiff for the property located at 47 Tanglewylde Avenue. Douglas Cooper, architect, representing Mr. Raiff, described to the Board the project that has been underway since last June. He said Mr. Raiff was requesting a parking space/turn around area at the front yard as indicated in the site plan. He said this is necessary in order to back out of the garage, turn the car around and face forward onto Tanglewylde. He said the request was an immediate hardship as they need to provide drainage and proper dry walls. Following due deliberation of Mr. Raiff's request the Trustees determined that he did not demonstrate a unique hardship.

The following resolution was moved by Trustee O'Callahan, seconded by Trustee Sica:

BE IT RESOLVED that the Board of Trustees hereby grants the applicant **Jon Raiff** a waiver of the 2002 Zoning Moratorium Law of the Village of Bronxville (Local Law #5 - 2002) for the property located at **47 Tanglewylde Avenue** in accordance with Section 4 thereof. Said waiver is granted to allow the application to proceed to the Zoning Board of Appeals to seek required variances.

The Board has received the recommendation of the Planning Board and based upon a review of the information provided and the unique hardship to the applicant resulting from the timing of the Moratorium the Board of Trustees hereby grants the waiver requested.

Voting was as follows: 4 opposed; 0 in favor. Waiver denied.

## AUDITORS' REPORT

Susan Friend, a partner of the firm Bennett, Kielson, Storch, DeSantis & Company, gave an overview of the audit report for the fiscal year ending May 31, 2002. Once again the Village received an unqualified opinion, which is the highest you can receive. She stated that the Village is in excellent financial condition. Mayor Hand acknowledged receipt of the audit report by the Board of Trustees.

Trustee Sica commented that the auditors' report to the Finance Committee was quite complimentary.

## APPROVAL OF MINUTES

On motion of Trustee Marvin, seconded by Trustee Sica, the Board approved the minutes of the Regular Meeting of December 9, 2002, as drafted.

## DEPARTMENT REPORTS

Department reports were presented by Police Lieutenant Ambrosino, Superintendent of Buildings Pici, Superintendent of Public Works Woodcock, Village Treasurer Fels, Parking Commissioner Murphy and Village Administrator Regan.

RESOLUTION - Appointment of Parking Enforcement Officer

The Board, on motion of Trustee O'Callahan, seconded by Trustee Sica, adopted the following resolution:

BE IT RESOLVED the Board of Trustees approves the probationary appointment of Rosemarie Camacho to the position of Parking Enforcement Officer effective January 21, 2003 from Civil Service List No. 64-761 at an annual salary of $33,078.00 subject to the rules and regulations of the Westchester County Personnel Department.

RESOLUTION – Capital Project Amendment - Curbing Projects

Village Treasurer Fels stated that during the summer and fall months of 2002, the Village completed its annual paving and curbing work. However, during the course of the work several unanticipated curbing projects needed to be addressed. On December 19, 2002 the Village received $106,827.34 in CHIPS aid. The projects financed with CHIPS state aid are interchangeable with the other road improvement projects within the Village's capital budget. While the Village's capital budget has sufficient funds to cover the paving costs, there is not enough available curbing funding to cover the aforementioned unanticipated work. Included in the Village's 2002/2003 adopted Capital Budget is a project for paving in the amount of $85,000. Mr. Fels recommended that the village close this project and transfer the funds to the CBD Project (Central business District) in order to provide sufficient funding for the curbing work. As such he requested the following resolution be adopted:

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

BE IT RESOLVED that the Board of Trustees authorizes the Village Treasurer to close project # 20022003-0029-5110 Paving in the amount of $85,000 and transfer those funds to project # 20022003-0034-5110 Central Business District to provide sufficient funds to cover the unanticipated curbing and sidewalk work completed by the Village.

BID RESOLUTION - Digital Logging Recorder

Mayor Hand stated that bids for a Digital Logging Voice Recorder for the Police Department were advertised in the newspaper and were opened on November 4, 2002. Due to possible changes in the telephone system during the renovation of Village Hall, she recommended that the Board of Trustees reject the bids at this time.

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

BE IT RESOLVED the Board of Trustees rejects all bids for a Digital Logging Recorder which were received by the Village Clerk on November 4, 2002.

RESOLUTION - Board of Assessment Review

On motion of Trustee O'Callahan, seconded by Trustee Marvin, the Board unanimously adopted the following resolution:

BE IT RESOLVED the Board of Trustees, as the Board of Assessment Review, will meet on Tuesday, February 25, 2003 from 5:00 PM to 9:00 PM at Village Hall, 200 Pondfield Road, to hear and consider grievances relating to the 2003 tentative Village assessment roll.

RESOLUTIONS – Annual Village Election

On motion of Trustee O'Callahan, seconded by Trustee Sica, the Board unanimously adopted the following resolution:

BE IT RESOLVED the hours for Village Election Day, Tuesday, March 18, 2003 be set from 7:00 a.m. to 9:00 p.m., and that the polling place shall be Village Hall, 200 Pondfield Road, Bronxville, N.Y.

BE IT RESOLVED the Village Clerk is authorized to contact the Town of Eastchester Clerk requesting the use of four voting machines.

BE IT RESOLVED the Village Clerk be authorized to appoint four inspectors each from the Democratic and Republican parties to serve on Election Day.

RESOLUTION - To Schedule Public Hearing - Proposed Local Law to add a new chapter entitled "Residency Requirements" to the Code of the Village of Bronxville

On motion of Trustee O'Callahan, seconded by Trustee Sica, the Board unanimously adopted the following resolution:

BE IT RESOLVED the Board of Trustees schedules a public hearing for Monday, February 10, 2003, at 8:00 PM in Village Hall, 200 Pondfield Road, Bronxville, NY to hear and consider comments concerning a proposed amendment to the Code of the Village of Bronxville which adds a new chapter entitled Residency Requirements.

RESOLUTION - Schedule Public Hearing for Code Amendment - Stop Sign for Eastway at Northway

Mayor Hand advised that some residents had requested a stop sign at the intersection of Eastway and Northway. In response, the Police Department conducted a survey and Police Chief Downey recommended that Eastway, at the intersection of Northway, be designated a stop intersection.

On motion of Trustee O'Callahan, seconded by Trustee Marvin, the Board unanimously adopted the following resolution:

BE IT RESOLVED the Board of Trustees schedules a public hearing for Monday, February 10, 2003, 8:00 PM, Village Hall, 200 Pondfield Road, Bronxville to hear and consider comments concerning the proposed creation of a STOP intersection on Eastway at the Southeast corner of Northway.

APPOINTMENTS

On motion of Trustee O'Callahan, seconded by Trustee Sica, the Board unanimously adopted the following resolution:

BE IT RESOLVED the Board of Trustees approves the following appointments:

Andrew Garvey to the Planning Board as an Alternate Member for a term expiring 2003;

John A. Hill to the Board of Ethics for a term expiring 2004.

TRUSTEE REPORTS

Trustee O'Callahan reported that the committee meeting on the Zoning Law changes is making good progress. He said they would be meeting again next Tuesday and he is optimistic that the committee will be reporting to the Board and action can be taken in accordance with the moratorium law.

PUBLIC COMMENTS

Dorothy Brennan, 69 Sagamore Road, said she spoke to the Fire Department about the recent fire at Willow Circle and they promised her they would do an investigation. She said that for all the fires she had checked out there has been a lack of water pressure. Mayor Hand said she had a conversation with the Fire Chief and he assured her that in this particular case the amount of water was not a deterrent. The fire had been burning for quite a long time before it was reported and once it spread through the roof it was an unsafe condition.

Mrs. Brennan asked about the progress of the playground on Sagamore Road. Mayor Hand said the final installation of equipment will be done soon and the landscaping will be done in the spring. Mr. Regan said a new section of fence is on order.

Mrs. Brennan said she would like to get a committee together and start raising money for the Girl Scout cabin, and asked the board for their thoughts. Mayor Hand said that renovation of the cabin will be discussed during the budget sessions. She said there has been a longstanding feeling that the cabin is something we want to preserve. It could cost around $200,000 to renovate. Board members said they would like to come up with a plan for the cabin before a letter is sent out asking for contributions.

On motion of Trustee O'Callahan, seconded by Trustee Sica, the Board adjourned to go into Executive Session at 9:25 p.m. to discuss personnel matters.

EXECUTIVE SESSION

The Board met to discuss personnel issues with Village Administrator Regan. No action was taken in executive session. At 9:55 p.m. the Board, on motion of Trustee O'Callahan, seconded by Trustee Sica, voted to end the executive session and resume the public meeting. No members of the public were present at this time.

The Board, on motion of Trustee Marvin, seconded by Trustee Sica, adopted the following resolutions:

> The Board of Trustees authorizes the Assessor to hire Paul Ritzcovan of The Appraisal Services Group, Inc. in the matter of the Bank of New York, 132 Parkway Road, for an amount not to exceed $12,000.
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> The Board of Trustees authorizes the Assessor to hire Paul Ritzcovan of The Appraisal Services Group, Inc. in the matter of The Avalon, 125 Parkway Road, for an amount not to exceed $7,250.
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> The Board of Trustees authorizes the Assessor to hire Rusciano Appraisers & Consultants Inc. in the matter of The Bank of New York, 132 Parkway Road, for an amount not to exceed $9,000.
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> The Board of Trustees authorizes the hiring of Balog Consulting Corporation, Inc. for the preparation and filing of a formal challenge to the Village's 2002 NYS Equalization Rate in an amount not to exceed $12,000.
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> The meeting was then adjourned.

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William T. Regan, Village Clerk