

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BRONXVILLE HELD ON JANUARY 14, 2008 AT THE VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.**

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|---------------|------------------------|-----------------------|
| PRESENT:      | Mary C. Marvin         | Mayor                 |
|               | Glenn D. Bellitto      | Deputy Mayor          |
|               | William H. Barton, Jr. | Trustees              |
|               | Anne W. Poorman        |                       |
|               | Robert S. Underhill    |                       |
| ALSO PRESENT: | Harold Porr III        | Village Administrator |
|               | Lino Sciarretta        | Village Attorney      |

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**WORK & EXECUTIVE SESSION**

In attendance were Mayor Marvin, Trustee Bellitto, Trustee Poorman, Trustee Underhill and Trustee Barton. Also, Village Administrator, Harold Porr, and Village Attorney, Lino Sciarretta.

At 7:03PM, on motion of Trustee Bellitto, second by Trustee Barton, the Work Session was called to order by Mayor Marvin. The Mayor discussed ideas and initiatives for 2008 including traffic improvements, the vibration study for the railroad neighborhoods, solutions for flooding problems and improving street lighting.

At 7:14PM, on motion of Trustee Poorman, second by Trustee Bellitto, the Trustees entered into Executive Session to discuss litigation with Guardian News, contract issues with WCI, and contract negotiations with the police and public works employees.

On motion by Trustee Barton, second by Trustee Underhill, the Trustees exited the Executive Session at 7:48PM.

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Mayor Marvin called the meeting to order at 8:10PM.

Mayor Marvin introduced a special guest, Jude Valerioti, President of EVAC, who gave an update and fundraising news on EVAC.

Mr. Valerioti reported that in December 2007, there were 33 calls for Bronxville. EVAC will be mailing out information on their fundraiser soon and he asked that everyone please contribute. EVAC operates on donations and this fundraiser is extremely important. Mr. Valerioti stated that he will send Mayor Marvin an end-of-year report that she and the Trustees can review.

Mayor Marvin stated that she was surprised to learn that EVAC is completely a volunteer organization. She thanked them for all that they do.

**MAYOR'S REPORT**

Happy New Year!

Though we have a light agenda tonight, we have many initiatives for 2008.

Top of our list is a resolution of the Kensington Road site. The last few weeks brought further bad financial news for the developer WCI. According to WCI executives, there will be a major corporate announcement on January 17<sup>th</sup>. We await the news.

I can speak for all of us on this that we are very disappointed that the project is at this point. We really believed the end result was a quality project, well done and good for the neighborhood both in beauty and in effect on property values. We really thought after almost two decades of nothing, we had a quality project and most importantly clean up almost \$7 million worth of contaminants. Just to be clear, the Village never turned over ownership of the property. We were very cautious and are letting the market guide us. In essence, we own the property, WCI owns the plans.

Another major priority this year is dealing with flooding throughout the Village. Just recently, the School and Village signed an agreement to be joint partners in a study evaluating the ramifications of a pumping plan.

Separate from the School, the Village is concentrating on flooding issues in the Sherman Avenue, Garden Avenue and Paxton Avenue neighborhoods. The pipes on Garden Avenue were recently photographed. There were some sediment and tree roots in the pipes that were cleaned so now the pipes are cleaned from the tennis court to the School.

Our third goal is under the large heading of quality of life that encompasses many projects in the Village. Just to name a few initiatives:

- We are currently reviewing bids to hire a vibration engineer to study the vibration of the third track. We did not receive any funds from legislators but we are going forward. Starting at Kensington Road townhouses to the end of Parkway Road. There is a catch 22, neighbors believe Metro North exceeded the agreed upon vibration levels, but we must do our own study to prove it. I know it has adversely affected the quality of life of the hundreds of people living in that corridor, so we are moving forward.
- Also the temporary changes made for drop-off in front of the School and the new turn lanes at Midland Avenue and Pondfield Road will become permanent. Based on positive experience and feedback, as well as a successful trial period for the School, residents and our police department, we will have public hearing in the next few months to make the changes permanent. That will result in new signage that gives increased and advanced warning and not just the painted arrows on the pavement. Also, next step is implementing a trial right turn on red at Gramatan Avenue and Pondfield Road.
- The garbage schedule change was made effective on January 7<sup>th</sup>. We did mention it in two newspaper columns and the recent newsletter, but our yearly schedule sent directly to homes was late from the printer. The revised schedule will be mailed today or tomorrow. So, I apologize for the confusion. We did get a few calls. We promised last year when we proposed the flip in schedule for equity purposes that we would switch again this year, but going forward to save a bit of confusion, we will make it a multi-year schedule change. I know Trustee Underhill will be happy.
- We are also looking at the level and quality of lighting throughout the Village in response to residents' concerns about safety. Areas of immediate interest are around the train station, business district and Meadow Avenue where many children exit the School from lessons or sporting events.
- Our five new police officers are really working out. Please introduce yourself to the officers. We are also canvassing to fill the last three slots to reach full complement so we can increase traffic and foot patrols.
- Just as an announcement and answer to an inquiry. Verizon must have our local PEG Channels Village and School up and running by May. They could do it now. Obviously, watching us is not a sales incentive, but if you purchase a package you will receive local access channels by May.
- We hope more people will want to be involved in Village government again this year. We have a wonderful mix of all skills and political parties and please just e-mail us at [bronxvillemayor@optonline.net](mailto:bronxvillemayor@optonline.net) if you have an interest in being involved. Also, speaking of e-mail, there is a radio news station that has as its slogan, "tell us what we are not seeing." Please to that to us. We are open to new ideas, trial runs, trying things. We are not afraid to break a few eggs.

In closing, I was reading some of the files in my office and I came across an article on the first four Trustees chosen for the Village in 1898. The article was striking to me because 110 years later, their descriptions seem eerily and comfortingly similar. In describing each Trustee, Mr. Kent was noted for his love of living here and understanding of building and development. Mr. Kraft for his spirit, vigor and pride in public service, Mr. Bacon for his wholesomeness and stability, and Mr. Chambers for his foresight, business acumen and generosity. I think I am fortunate enough to have the same colleagues. So, here is to a very productive 2008.

## **TRUSTEE REPORTS**

**Trustee Bellitto** reviewed the tax assessment function and the calendar of upcoming events with regard to property deadlines. The schedule is the following:

**January 1, 2008** – tax assessment valuation date. All property is valued based on its worth as of this day. Also, the deadline for all submissions of Senior, STAR and Veteran exemptions.

**February 1, 2008** – tentative assessment roll is filed with the Village Clerk. Notices are mailed out for any property experiencing a change from last year's assessment.

**February 19, 2008** – official Grievance Day. All grievance complaints must be filed by the end of this day.

February 26, 2008 – Bronxville Board of Assessment Review re-convenes to hear grievance complaints, accept additional information, grant residents additional time to submit paperwork.

March 1 – 31, 2008 – Board of Assessment Review conducts periodical deliberations for each complaint filed.

April 1, 2008 – final assessment roll is filed with Village Clerk. Board of Assessment Review decision notices begin to be mailed out.

April 30, 2008 – small claims and certiorari claims must be filed by this date with the County Clerk.

Police Department – the five new officers are coming along with their training. We hope to have three or four new officers soon. As far as activity is concerned, it has been quiet. There was a serious crime reported last week – the rape of a Bronx woman in a Concordia College parking lot. Trustee Bellitto commended the police for their hard work on this case and for their speed in arresting the man responsible for this crime.

Parking Department – Trustee Bellitto reported that revenues were \$18,000 which was less than the same time in 2007.

Trustee Poorman reported that everything is status quo. She mentioned that the Library is having some interesting programs coming up in March with local speakers.

Trustee Underhill reviewed the Building Department activity which remained at a high level through the end of the year. This is due to the a lot of home improvement activity and work being done at Lawrence Hospital.

Kensington Road – Trustee Underhill reported that the Trustees are following WCI/Spectrum's status closely. They are highly focused on WCI's financial status. The Trustees have been discussing modifications on the agreement with WCI but all conversations are on hold at this time. On January 16, 2008, WCI is going to make an announcement on their financial status. This is critical for us to watch. Trustee Underhill stated that the Trustees want to see a high quality project on this site. They will not compromise our standards with regard to construction, planning, etc.

Trustee Barton reported on the Department of Public Works and said that there will be no trash pick-up on Monday, January 21, 2008 due to the Martin Luther King holiday.

He then reviewed the Treasurer's report and said that the Village received a clean opinion on the recent audit. The Village is in good financial shape.

Mayor Marvin announced the Annual Martin Luther King Breakfast at Lake Isle at 9:30AM on Monday, January 21, 2008 in memory of Vivian Yancy. She encouraged all to attend.

Trustee Underhill announced that there will be a Finance Committee meeting on Thursday, January 24, 2008 in the evening to review the Village audit from the past year and to bring the committee up to speed on WCI.

## **APPROVAL OF MINUTES**

On motion of Trustee Underhill, seconded by Trustee Bellitto, the Board approved the minutes of the Regular Meeting on December 10, 2007, and the minutes of the Special Meeting on January 4, 2008, as drafted.

## **NEW BUSINESS**

### **RESOLUTIONS – Annual Village Election**

On motion of Trustee Barton, seconded by Trustee Poorman, the following resolution was unanimously approved:

**BE IT RESOLVED** the hours for Village Election Day, Tuesday, March 18, 2008 be set from 6:00AM to 9:00PM., 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 County Board of Elections requesting the use of four voting machines.

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

**RESOLUTION - Tax Certiorari Settlement – Albina Enterprises (94 Parkway Road)**

On motion of Trustee Poorman, seconded 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> |
|-----------------------|---------------------------------------------|----------------|
| Albina Enterprises    | Section 2 Block 1, Lots 15<br>94 Parkway Rd | 1996-2007      |

**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:

| YEAR | ASSESSMENT | REVISED ASSESSMENT | REDUCTION |
|------|------------|--------------------|-----------|
| 1996 | 79,200     | 79,200             |           |
| 1997 | 79,200     | 79,200             |           |
| 1998 | 79,200     | 79,200             |           |
| 1999 | 79,200     | 79,200             |           |
| 2000 | 79,200     | 79,200             |           |
| 2001 | 79,200     | 79,200             |           |
| 2002 | 79,200     | 72,000             | 7,200     |
| 2003 | 79,200     | 69,000             | 10,200    |
| 2004 | 79,200     | 66,000             | 13,200    |
| 2005 | 64,000     | No proceeding      |           |
| 2006 | 64,000     | 64,000             |           |
| 2007 | 2,014,100  | 2,014,100          |           |

**RESOLUTION - Tax Certiorari Settlement – Ogden Tenants Corp. (Parkway Road)**

On motion of Trustee Barton, seconded by Trustee Underhill, 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> |
|-----------------------|------------------------------------------|----------------|
| Ogden Tenants Corp.   | Section 2 Block 1, Lot 11<br>Parkway Rd. | 2001-2007      |

**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:

| YEAR | ASSESSMENT | REVISED ASSESSMENT | REDUCTION |
|------|------------|--------------------|-----------|
| 2001 | 255,000    | 255,000            |           |
| 2002 | 255,000    | 255,000            |           |
| 2003 | 255,000    | 255,000            |           |
| 2004 | 255,000    | 231,260            | 23,740    |
| 2005 | 255,000    | 226,920            | 28,080    |

|      |           |           |        |
|------|-----------|-----------|--------|
| 2006 | 255,000   | 216,090   | 38,910 |
| 2007 | 6,378,900 | 6,378,900 |        |

**RESOLUTION - Tax Certiorari Settlement – Pulkkinen (3 The High Road)**

On motion of Trustee Bellitto, seconded by Trustee Underhill, 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> |
|-----------------------|---------------------------------------------|----------------|
| Pulkkinen             | Section 6B, Block 2, Lot 5<br>3 The High Rd | 2007           |

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

**WHEREAS**, the Village and the property owner 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:

| <b>YEAR</b> | <b>ASSESSMENT</b> | <b>REVISED<br/>ASSESSMENT</b> | <b>REDUCTION</b> |
|-------------|-------------------|-------------------------------|------------------|
| 2007        | 2,648,400         | 2,250,000                     | 398,400          |

Mayor Marvin spoke about her article on the valuation of property. She asked that if residents have any questions, please call Village Hall. She said that there were some suggestions to hold a public meeting for this but Mayor Marvin and the Trustees decided to do more and be a little more helpful to individual residents. Therefore, if you have any questions in general or on your specific property, please call Village Hall and set up a meeting or arrange a convenient phone time to discuss any issue with the assessing office. This way all of your questions can be answered. Mayor Marvin stated that legally the Village is required to send out notices the first week of February to any homeowner if the assessment is changed. The Trustees and she have decided to send a notice to everyone even if there was no change to avoid confusion and give the residents advance notice.

Mayor Marvin said that speaking of assessments, she read in a recent local real estate report that thankfully Bronxville is not experiencing some of the economic downturn prevalent in other communities. She reported that last year average single family sale prices increased to \$2.4 million from \$2.1 million. In 2006, average townhouse prices increased from \$950,000 to \$1 million and co-op prices increased from an average of \$440,000 in 2006 to \$490,000 in 2007.

**PUBLIC COMMENTS**

Mr. Thomas Wolff, 230 Pondfield Road, stated that he sent the Village Administrator, Harold Porr III, a 12 page fax regarding the appointment of Village Assessor, Anthony DeBellis. Mr. Wolff feels that the Village Assessor was not appointed in the regular manner in July 2006 and this needs to be done properly. Mr. Wolff mentioned that he would be willing to share his opinion from the State Controller's Office if anyone wanted to read it.

Mr. Wolff then asked about the status of the Village Attorney, Lino Sciarretta. Mr. Wolff has not received a response to his submission on this subject from earlier in the year.

Mayor Marvin responded that she forwarded the request to Thacher, Proffitt and Wood, as well as NYCOM and it was determined that the Village disagrees with Mr. Wolff's interpretation.

Village Attorney, Lino Sciarretta, commented that it was appropriate for he or his law firm to review these materials.

Mr. Wolff asked how this could be since it deals with his tenure in office.

Mayor Marvin replied that case law, practices and opinions were reviewed and thus a determination was made.

Village Attorney, Lino Sciarretta, stated that each official has a distinct requirement and he respectfully disagreed with Mr. Wolff.

Mrs. Betsy Harding, 39 Homesdale Road, stated she was disappointed at there not being a public hearing for changes on the assessment roll.

Mayor Marvin replied that she and the Trustees thought they were being helpful because at a public hearing people do not get to ask questions on a specific property and these private meetings with the assessing consultant give more of an opportunity to do this.

Mrs. Harding wanted to know if people would be given access to neighborhood maps. She then asked what CLT did this year.

Mayor Marvin stated that CLT actually had two contracts – one to do the reval and one for support services. This involved a lot of computer work which took into consideration certiorari cases, SCAR settlements and home improvements. The work came in under budget.

Mrs. Harding asked if CLT was involved in the redefining of neighborhoods. She also asked if the one line report could be updated and posted on the website.

Mayor Marvin was not sure if CLT was involved in the redefining of neighborhoods and said the Village could certainly put the report on-line.

Village Administrator, Harold Porr, stated that there will also be a hard copy available at Village Hall and in the Library.

Mr. James Kroulas, 70 Parkway Road, asked if the Avalon lease has been signed yet and whether the parking committee has taken an interest in the remedy to issue if the Kensington Road project proceeds.

Village Attorney, Lino Sciarretta, stated that revisions were sent a while ago to Avalon and that comments were due back. He hopes that we will have an executed document ready to go very soon.

Mr. Kroulas asked if the Kensington Road status was hampered by the Avalon not moving forward.

Village Administrator, Harold Porr, responded that the Avalon lease and the Kensington project are operating on separate tracks.

Mr. Kroulas then commented on the change in garbage pick-up. He proposed a mid-year switch and will speak to Village Administrator, Harold Porr, about this.

Mayor Marvin agreed that the change in garbage pick-up needs to be better publicized. This is really the one issue that is determined by the public.

Mrs. Harding stated that she feels the garbage pick-up is fair and she is delighted. She feels every other year makes sense. She suggested that our garbage men be equipped with a GPS navigation system in order to provide on-demand garbage service.

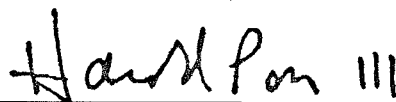
Mr. Wolff asked if there were any plans to revisit Local Law #9.

Mayor Marvin responded that she spoke with counsel and we plan to refile it with the State.

Village Attorney, Lino Sciarretta, stated this matter will be reviewed.

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There being no further comments, the meeting was adjourned at 8:58PM by motion of Trustee Poorman, seconded by Trustee Underhill.



Harold Porr III  
Village Administrator