

MINUTES OF REGULAR MEETING OF BOARD OF TRUSTEES OF VILLAGE OF BRONXVILLE HELD
ON MARCH 13, 2000 AT VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

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|---------------|-------------------------|--------------------------------|
| PRESENT: | Nancy D. Hand | Mayor |
| | Thomas M. Leslie | |
| | John O'Callahan | |
| | Mary C. Marvin | Trustees |
| ABSENT: | Frank V. Sica | Trustee |
| ALSO PRESENT: | Bohn C. Vergari | Village Attorney |
| | William T. Regan | Village Administrator |
| | Peter J. Woodcock | Superintendent of Public Works |
| | Alexander W. DiVernieri | Chief of Police |
| | Vincent Pici, P.E. | Superintendent of Buildings |
| | Robert J. Fels | Village Treasurer |

Mayor Hand called the meeting to order at 6:50 PM. On motion of Trustee O'Callahan, seconded by Trustee Leslie, the Board voted to enter executive session to discuss labor negotiations. (Present were Mayor and Trustees Leslie, Marvin and O'Callahan, Village Counsel, Village Administrator, Terry O'Neil until 7:30 PM, and Robert Balog from 7:30 PM.)

EXECUTIVE SESSION

Labor Counsel Terry O'Neil advised the Board regarding the contract settlement with the police union. No votes were taken in executive session. Terry O'Neil left the meeting at this point.

BOARD OF ASSESSMENT REVIEW

At 7:30 PM the Mayor called to order the meeting of the Board of Assessment Review. Assessor Robert Balog attended this meeting. The Board voted to deny all grievances on motion of Trustee Leslie, seconded by Trustee O'Callahan with the following exceptions: 9 White Plains Road, Section 7F, Block 2, Lot 6, the assessment was reduced to \$53,000; 1 Hamilton Road, Section 8, Block 4, Lot 8, the assessment was reduced to \$40,700. Regarding 36, 38 & 40 Palmer Avenue, Section 2, block 2, Lots 13, 14, 15 and 33, the Board authorized counsel Jeffrey Shumejda to settle the grievance within certain parameters, and if no settlement is reached the Board voted to deny the grievance.

Mayor Hand opened the regular meeting at 8:00 p.m.

PROCLAMATION - Bronxville High School

Mayor Hand began by recognizing Bronxville High School for the special honor it received by being ranked # 5 in the nation by "Newsweek" magazine. On behalf of the Board of Trustees, the Mayor commended the Bronxville Public School for its remarkable achievement and offered congratulations by issuance of a Proclamation to recognize the efforts of the many people who helped to attain this honor and declared Monday, March 13th as "Bronxville High School Day" in the Village. The Proclamation was accepted by School Board members Georgia Gogel and Maureen Barton.

Mayor Hand stated that as part of the budget preparation representatives of the Youth Council and Cable Committee were invited to present special reports to the Board of Trustees.

YOUTH COUNCIL

Donald Lucas, Director for the Youth Council, talked about some of the activities during the past year. Monthly meetings start in September and membership is open to any 9th to 12th grader. Attendance at meetings increased to 35-40 from 30-35 last year.

Senior Liz Hayden spoke about some of the events the Youth Council held during past year. This year they had 150 students at the Back to School Barbecue, up from 120 last year. The Halloween Parade was very successful and more than 2,000 children from Bronxville and the surrounding communities participated. Around Christmas time they had a Stuffed Animal Drive and collected 1200 stuffed animals for needy children. They run one event a month. One of the new events this year was a band concert.

Mayor Hand commented that the Youth Council does a wonderful job in contributing to the community and running fun events for the young people and extended thanks to the Student and Parent Boards.

CABLE COMMITTEE

Nancy Vittorini, Vice-Chair of the Joint Village/School Cable TV Committee, gave a brief report. She said they were dismayed to learn last week that Cablevision has chosen to move our channels to 72 and 74. She reported that the Media 100 system is finally here and they are already producing their first show on it. They continue to produce *Around Bronxville* and *Living History* with Marcia Lee. They are also covering more special events.

Mayor Hand asked Nancy Vittorini to extend thanks to the members of her committee for all they do and noted how important it is for local people to keep informed.

PUBLIC COMMENTS

Claire Esposito said she was here tonight on behalf of the Parkway Community Association to speak about some of their concerns. They had heard that Avalon Bay has purchased property on Parkway Road across from the Avalon and intends to build 50 apartments. She said that even consideration of Avalon's plans seems outrageous. For the association, she said, the only acceptable proposal for the site would be a landscaped parking lot with possibly one level of parking underground. She said they would fight Avalon's proposal every step of the way and asked for the Board's support in this effort. Mayor Hand said she understood the concerns of residents in the immediate area. However, to date, the owners of the property have not come before any boards with specific plans for the property and at this point there is nothing we can do.

Richard Magat, Westbourne, Alger Court, addressed the Board on the subject of excessive driving speeds in the Village, especially in and around the circle between Lawrence Hospital, the railroad station and Pondfield and Kraft Avenues. He said something more needs to be done besides Yield signs, which barely slow down determined drivers and often are ignored altogether. He said pedestrians are also largely ignored even at crosswalks. He suggested speed bumps or flashing lights on both entrances to the underpass and strictly enforcing speed limits.

APPROVAL OF MINUTES

On motion of Trustee O'Callahan, seconded by Trustee Marvin, the minutes of the Regular Meeting and Public Hearing of February 14, 2000 and the Grievance Hearing of February 15, 2000 were approved as drafted.

DEPARTMENT REPORTS

Department reports were presented by Chief of Police DiVernieri, Superintendent of Buildings Pici, Superintendent of Public Works Woodcock, Village Treasurer Fels, and Village Administrator Regan.

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RESOLUTION - Traffic Safety Grant

Mayor Hand called for adoption of a resolution authorizing her to sign an Intermunicipal Agreement with Westchester County. This agreement would grant the police department \$2,900 to be spent for enforcement activity focusing on special areas of traffic safety.

On motion made by Trustee Leslie, seconded by Trustee O'Callahan, and unanimously carried, the following Resolution was hereby adopted:

BE IT RESOLVED the Board of Trustees authorizes the Mayor to sign the Intermunicipal Agreement for Selective Enforcement for Traffic Safety for the period October 1, 1999 to September 30, 2000 (copy attached).

RESOLUTION - Public Hearing - 2000-2001 Operating Budget

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

BE IT RESOLVED the Board of Trustees schedules the public hearing for the 2000-2001 fiscal year operating budget for Monday, April 10, 2000 in Village Hall at 8:00 p.m.

RESOLUTIONS - Contract with PBA

Mayor Hand stated that the Board had reached a settlement agreement with the PBA after several months of negotiations. She said the discussions resulted in a good and fair contract both for the village and members of the police department.

On motion of Trustee Marvin, seconded by Trustee Leslie, the Board unanimously passed the following resolution:

BE IT RESOLVED the Board of Trustees authorizes the Mayor to enter into a contract with the Bronxville Police Taylor Act Committee for the period June 1, 1999 through May 31, 2002 as per the attached Stipulation of Agreement dated February 16, 2000.

On motion of Trustee Marvin, seconded by Trustee Leslie, the Board unanimously passed the following resolution:

BE IT RESOLVED the Board of Trustees authorizes the funding of the agreement with the Bronxville Police Taylor Act Committee for the period of June 1, 1999 through May 31, 2000.

RESOLUTION - Special Meeting March 20, 2000

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

BE IT RESOLVED the Board of Trustees schedules a special meeting for Monday, March 20, 2000 in Village Hall at 7:00 p.m.

RESOLUTION - In Opposition to Cable Channel Realignment

Mayor Hand stated that the Village received notification from Cablevision a few weeks ago informing us of their intention to move public access channels 15 & 16 to channels 72 & 74. This decision was made without consulting municipalities in Westchester. The mayor called for a resolution to join Eastchester and other communities in Westchester in opposing the unilateral moving of public access channels by Cablevision.

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

WHEREAS, UA-Columbia Cablevision of Westchester, Inc., d/b/a TCI Cable of Westchester, ("Franchisee") is the duly authorized holder of a non-exclusive cable television franchise (the "Franchise"), authorizing the use of the Village of Bronxville public streets, roads and rights-of-way for the operation and maintenance of a cable television system (the "System") and authorizing Franchisee to serve the Village of Bronxville (the "Franchising Authority") with cable television services; and

WHEREAS, an integral part of the franchise agreement between the VILLAGE and the Franchisee is conditioned and contingent upon the Franchisee's continual compliance with the franchise agreement's requirements, as well as those contained in State and Federal law, that the Franchisee make available channels for public, educational and governmental (PEG) program access, for use by the public and by the government of the Village of Bronxville and the additional channels for use by the Town of Eastchester, Village of Tuckahoe, and School Districts of Eastchester, Bronxville, and Tuckahoe, and by qualified educational institutions for distribution of non-commercial access program material throughout the geographic area of said VILLAGE to subscribers who are residents therein; and

WHEREAS, the Town of Eastchester and the Village of Bronxville and Village of Tuckahoe, as Franchising Authorities, has had a long-standing history of providing PEG access facilities and channels to its citizens and is nationally recognized as one of New York State's foremost and finest community access program providers; and

WHEREAS, the placement of PEG channels at 14, 15, 16, 17, 18 and 19 has also had a long-standing history in the Town of Eastchester, Village of Bronxville and Village of Tuckahoe, and has always been a pivotal and salient item of discussion and focus in the Town's and Villages' business dealings with the Franchisee which the Franchisee has even acknowledged, recognized and consistently made representations to that effect; and

WHEREAS, according to Cablevision, channels 14, 15, 16, 17, 18 and 19 would be replaced with the TV Guide Channel/Local programming (presently located on channel 28); MSG Network (presently located on channel 64); and Metro Guide (presently located on channel 67), respectively; and

WHEREAS, the purported justification for the realignment of the PEG access channels is that Cablevision has decided to use the mandated changes by the Federal Communications Commission (FCC) to move WXTV, Channel 41 to its "on channel" position on all New York area systems by March 31, 2000 and that other "must carries," WPXN (31) and WNJU (47) be placed on their channel numbers, to "re-evaluate Cablevision's channel lineups and reorganize them to be more logical, more customer friendly, easier to navigate and standardized throughout New York," and

WHEREAS, it is the VILLAGE's position that the aforementioned "justification" proffered by Cablevision for moving the VILLAGE's vital PEG access channel to the upper-tier channels to be replaced by such programming as a listing of TV programs and Metro Guide is irrational, and arbitrary and capricious; and

WHEREAS, the placement of a sports channel, MSG Network, on channel 15, also belies Cablevision's proffered "justification" for standardization and grouping of channels by interest and similar programming, since the major sports cable stations are proposed to be located at channels 35 and 36 (ESPN2 and ESPN) and channels 61 and 62 (Fox Sports Net New York and ESPN Classic); and

WHEREAS, at a meeting of the representatives of Congresswoman Lowey, the Supervisor of the Town of Eastchester, the Mayor of Bronxville, the Village Administrator of

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Bronxville, the Mayor of Tuckahoe, and the Superintendent of Schools of the Village of Tuckahoe and representatives of Cablevision of Westchester, the representatives of the Town, Villages and School Districts strongly opposed the general realignment as determined by Cablevision of Westchester without the prior knowledge or consent of the town, Villages, and School Districts; and

WHEREAS, given the long-standing history of over ten years of the placement of the TOWN's PEG access channels on channels 14, 15, 16, 17, 18 and 19, Cablevision's cavalier and thoughtless unilateral realignment of these channels, without even affording the Town and its residents the opportunity to be heard on this matter, violates the terms of the TOWN's franchise agreement, explicit conditions of the TOWN's consent to the Franchisee's reorganization and transfer of the franchise, as well as State and Federal law, and undermines the spirit and intent of good faith pledged by the parties in carrying out the terms and conditions of the franchise agreement, including giving their best efforts in resolving disputes under the franchise agreement.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of Trustees of Bronxville strongly opposes the unilateral realignment of the PEG access channels and may pursue all avenues at addressing this matter, including legal action by the Town Attorney, if necessary; and be it further

RESOLVED, that the VILLAGE CLERK is hereby authorized to forward a certified copy of this resolution to the governing authorities of other Westchester County communities serviced by Cablevision; members of congress representing areas of Westchester County; and members of the State Assembly and Senate representing areas of Westchester County.

MAYOR'S REPORT

Mayor Hand gave a brief update on the proposed Harlem Line Third Track Project. She said she forwarded a memorandum prepared by the Village's consultant, to Metro-North and FTA officials communicating some of the unresolved issues regarding the proposed third track project. Throughout the DEIS process, she said, there has been a pattern of disparities and deficiencies in the various documents which are extremely troubling and which call into question Metro-North's ability to provide meaningful justification for proceeding with the Third Track Project.

TRUSTEE REPORTS

Trustee Marvin reported that the Chamber of Commerce is actively working on a web site and will be discussing it at their next breakfast meeting. She reported that preliminary construction work on the Library is scheduled to start on March 22nd. On Sunday, April 9th there will be a groundbreaking ceremony at the Bronxville Public Library at 2:30 p.m. and they will proceed to the temporary library on Kraft Avenue for the official opening.

PUBLIC COMMENTS

Dorothy Brennan, 69 Sagamore Road, commented on a number of matters. Concerning Kensington Manner, she said there were a few years wasted there and she never thought it would fly, primarily for financial reasons. Whatever happens with the property, she said, she hopes parking is something the trustees think about. Mrs. Brennan commented on the "silo" at the bottom of Sagamore Road and said it is completely without character. Mr. Pici responded that the Planning Board didn't approve the structure and the owner has been on notice for 4-5 months. They will be coming back to get the design modified. Mrs. Brennan asked about putting in new light poles on Kraft Avenue. Mayor Hand said the Village will be installing new double headed light poles on the Kraft Avenue median. Mrs. Brennan asked if the Bronx River could be dredged and Mayor Hand responded that the Army Corps of Engineers didn't consider it to be a viable solution to the flooding problem.

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At 9:25 PM Trustee Leslie offered a motion, seconded by Trustee Marvin to adjourn to go into executive session and to convene as the Board of Police Commissioners.

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BOARD OF POLICE COMMISSIONERS

On motion of Trustee Leslie, seconded by Trustee O'Callahan the following resolution was passed unanimously.

BE IT RESOLVED the Board of Trustees, acting as the Board of Police Commissioners, approves the request of the Bronxville Policemen's Benevolent Association, Inc. to sell tickets and solicit gifts to be raffled at the PBA's Annual Dance in 2000 subject to the following conditions:

1. All solicitations must be conducted off duty.
2. Solicitations shall not be conducted in uniform.
3. Raffle chances are to be sold at the dance only.

No members of the public were present. The meeting was adjourned at 9:30 PM.

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William T. Regan, Village Clerk