

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF BRONXVILLE HELD ON MAY 13, 2013 AT THE VILLAGE HALL, 200
PONDFIELD ROAD, BRONXVILLE, N.Y.**

* * * * *

PRESENT:	Mary C. Marvin	Mayor
	Robert S. Underhill	Deputy Mayor
	Anne W. Poorman	Trustees
	Donald M. Gray	
ALSO PRESENT:	Harold Porr III	Village Administrator
	James Staudt	Village Attorney
EXCUSED:	Guy Longobardo	

WORK SESSION & EXECUTIVE SESSION

The meeting was called to order at 6:40PM on the motion of Trustee Gray, second by Trustee Poorman.

Village Administrator, Harold Porr, reviewed the meeting agenda and discussed the Memorial Day Parade arrangements.

On motion of Trustee Underhill, second by Trustee Gray the Board entered into Executive Session at 7:18PM to discuss labor negotiations, personnel matters and real estate issues.

At 8:05PM on motion of Trustee Poorman, second by Trustee Underhill, the Trustees entered into the public session.

* * * * *

Mayor Marvin called the meeting to order at 8:07PM.

SPECIAL GUEST – RICHARD SZYPULA

Mayor Marvin introduced Richard Szypula who has volunteered for the Village for the last 20 years on the Zoning Board. He has served the last five years as the Chairman which is not an easy task. Any big project in the Village has been worked on by Mr. Szypula. He has done a great balancing act. Every project that has been finished is a better project because of Mr. Szypula and his board. He has worked hard, has been committed and has the true spirit of volunteerism. She thanked him on behalf of the Village for his service.

Mr. Szypula thanked the Mayor for her comments. He has enjoyed his work. He would like to share this honor with his colleagues.

Mayor Marvin gave Mr. Szypula a small token of thanks from the Village.

Trustee Poorman commented that it was a pleasure to work with Mr. Szypula. His job really was a balancing act as the homeowner has an interest and the neighbors have another interest and he was responsible for coming to a fair decision.

Mayor Marvin said she knew it was hard to make decisions when he knew the people as the Village is so small. This made the job very delicate.

MAYOR'S REPORT

Due to our concern about the number of empty stores in our business district, Trustee Gray and I organized a Landlord Roundtable and we are in the process of forming a committee of citizens to get their input as to where they shop, where the gaps are in merchandise in the Village and what services are needed.

On the Village's part, we are looking to streamline our zoning and planning approval processes and frankly make it easier to change uses or open service businesses. The retail paradigm has changed and we have to change with it.

Thanks to our Green Committee and its Chair Mary Liz Mulligan, the Village had a hugely successful "Take Back" Day collecting literally tons of electronic equipment for recycling and offering the services of the County shredder. In fact, residents brought as much paper for shredding and the shredder hit capacity an hour before the event was over.

The Chief, myself and several of his officers participated in the School's "Walk to School" week which was a huge success. We noticed Midland Avenue and Pondfield Road stayed back-up free all week.

Mr. Porr and I spent a great deal of time trying to just understand and meet our role in the Affordable Housing Settlement Agreement. We attended three 3-hour meetings on zoning laws, site planning, financing and met with HUD officials to determine their goals.

We are also working with local realtors to identify properties for sale or rental units that may be suitable under the terms of the agreement with HUD but as yet after analysis by the County Planning Department, no scenario has proven economically feasible.

Finally, I read poetry at the library with 12 other Villagers last weekend and thanks to the efforts of Friends of the Bronxville Library Board Member Ellen de St. Phalle, there is a vibrant poetry program at our Library.

We continue to work collaboratively with our colleagues in all the other Westchester municipalities through the Municipal Officials Association. You will see our efforts in a resolution on fire hydrant costs that is on our agenda tonight.

TRUSTEE REPORTS

Trustee Underhill – no report.

Trustee Gray – reported that he has spoken with Ed Dinan, President of Lawrence Hospital, and the hospital would like to participate in the business district roundtable in June.

Trustee Poorman – reported that leaf blowers are prohibited after June 1st.

Police – the grace period for the annual alarm permit fee has expired. Residents can be given a violation ticket that will be handled through the court system if they do not get this permit.

APPROVAL OF MINUTES

On motion of Trustee Underhill, second by Trustee Poorman, the Board approved the minutes of the Regular Meeting on April 8, 2013; Special Meeting on April 16, 2013 and Special Meeting on May 1, 2013.

PUBLIC INFORMATION – MS4 UPDATE - Annual Stormwater Management Meeting

Superintendent of Public Works, Rocco Circosta, provided the Village Board and the public with a background to the MS4 Program and the original storm water management plan that was filed with the N.Y.S.D.E.C. in March 2003.

Mr. Circosta then reviewed the Annual Report with emphasis on the six minimum measures in the plan, the accomplishments that the Village made over the past year and the program for next year.

Mayor Marvin thanked Mr. Circosta for being so incredibly pro-active.

Village Administrator Harold Porr asked Mr. Circosta to report on the audit done by the DEC on this program.

Mr. Circosta answered that this is part of a five year permit that was to have the Environmental Protection Agency audit the Village through the DEC. There were minor conditions for the Village to get this permit which included tracking pamphlet numbers for example. Everything was found to be acceptable.

Upon completion of the report, Mayor Marvin asked for public comment and there was none.

There were approximately 20 people in attendance and the meeting was broadcast live on Village TV.

PUBLIC HEARING – CABLEVISION FRANCHISE AGREEMENT

At 8:29PM, on motion of Trustee Poorman, second by Trustee Gray, the Board opened the public hearing for proposed renewal of Cablevision franchise agreement.

Trustee Poorman thanked Village Administrator Porr for his years of tireless work on obtaining this agreement.

Village Administrator Porr gave the background on this agreement. This deal is a 15 year renewal and the Village will receive 5% in gross receipts tax. The Village will receive a PEG grant of \$135,000 as part of this agreement payable through the term of the agreement. The PEG channels also will remain on the Cablevision basic tier. There will be free service to the Village Hall, the Library, the fire house and other municipal buildings.

Mr. Robert Hoch, attorney for Cablevision, thanked Mr. Porr for a great job and said that Cablevision was pleased to serve the Village of Bronxville.

At 8:35PM, on motion of Trustee Poorman, second by Trustee Underhill, the Board closed the public hearing.

RESOLUTION – RENEWED CABLEVISION FRANCHISE AGREEMENT

On motion of Trustee Underhill, second by Trustee Gray, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees authorizes the Mayor of Bronxville to enter into an agreement with Cablevision of Southern Westchester, Inc. as per the attached document.

PUBLIC HEARING – PROPOSED LOCAL LAW #4-2013

At 8:32PM, on motion of Trustee Gray, second by Trustee Poorman, the Board opened the public hearing for proposed Local Law #4-2013 to amend the Avalon Parking Code.

Village Attorney James Staudt gave the background on the changes made. This law is really memorializing in the Village Code the Village's procedures for the Avalon lot. This lot is used both residentially and commercially.

No public comment.

At 8:34PM, on motion of Trustee Poorman, second by Trustee Gray, the Board closed the public hearing.

RESOLUTION - ADOPTION OF LOCAL LAW #4 – 2013

On motion of Trustee Underhill, second by Trustee Gray, the following resolution was unanimously approved:

WHEREAS on May 13, 2013, the Board held a duly noticed public hearing on Proposed Local Law # 4-2013;

NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby adopts Local Law # 4-2013, a local law to amend the Traffic and Vehicle Law of the Village of Bronxville, Chapter 290, to include the Avalon Parking Lot.

LOCAL LAW NO. 4 – 2013

A LOCAL LAW TO AMEND THE TRAFFIC AND VEHICLE LAW OF THE VILLAGE OF BRONXVILLE, CHAPTER 290, TO INCLUDE THE AVALON PARKING LOT

BE IT ENACTED by the Board of Trustees of the Village of Bronxville as follows:

Section One. Paragraph 290-28.I.(5) of Chapter 290 of the Code of the Village of Bronxville is hereby added to read as follows:

§ 290-28. Parking prohibited in designated locations.

- I. Resident Parking Lots. The parking of vehicles, other than those displaying resident parking permits obtained pursuant to § 290-47, is hereby prohibited for the hours enumerated, in the following locations. Signs prohibiting such parking shall be maintained at such locations:

- (5) Avalon Parking Lot, for 24 hours.

Section Two. Subsection 290-47.E. of Chapter 290 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 290-47. Parking permits.

- E. Off-street public parking lot resident parking permit. Any resident may obtain a parking permit for parking in off-street public parking lots specified below on payment to the village of the fees specified herein when space is available:
 - (1) Colodny Lot (formerly Hawkins Building Parking Area): as set from time to time by resolution of the Board of Trustees.
 - (2) Maltby Parking Lot: as set from time to time by resolution of the Board of Trustees.

- (3) Upper Kensington Road Parking Area: as set from time to time by resolution of the Board of Trustees.
- (4) Lower Kensington I and II Lots: as set from time to time by resolution of the Board of Trustees.
- (5) Stone Place Parking Area: as set from time to time by resolution of the Board of Trustees.
- (6) Avalon Parking Lot: as set from time to time by resolution of the Board of Trustees.

Section Three. Subsection 290-47.F. of Chapter 290 of the Code of the Village of Bronxville is hereby replaced in its entirety to read as follows:

§ 290-47. Parking permits.

F. Off-street public parking lot merchant parking permit. Any merchant doing business in the village may obtain a parking permit for parking in off-street public parking lots specified below on payment to the village of the fees specified herein when space is available:

- (1) Colodny Lot (formerly Hawkins Building Parking Area): as set from time to time by resolution of the Board of Trustees.
- (2) Stone Place Parking Area: as set from time to time by resolution of the Board of Trustees.

Section Four. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Five. This local law shall take effect immediately upon filing with the Secretary of State.

NEW BUSINESS

RESOLUTION - REVISE FEE SCHEDULE FOR A321-5

On motion of Trustee Poorman, second by Trustee Gray, the following resolution was unanimously approved:

NOW BE IT RESOLVED, that pursuant to section 290-47 of Chapter 290 of the Code of the Village of Bronxville, the Board of Trustees adopts the following revisions to the fee schedule set forth in section A321-5 of the Village Code:

§§ A321-5.D.(3) and (4) revised in their entirety to read as follows:

§ A321-5. Chapter 290, Vehicles and Traffic

D. Section 290-47. Parking permits.

- (3) Off-street public parking lot resident parking permit:
 - (a) Colodny Lot: \$110 per month.
 - (b) Maltby Parking Lot:
 - i. \$110 per month; or
 - ii. \$900 for a one-year period from October 1 to September 30; \$675 for the period from January 1 to September 30; \$450 for the period from April 1 to September 30; and \$225 for the period from July 1 to September 30.
 - (c) Upper Kensington Road Parking Area: \$110 per month.
 - (d) Lower Kensington I and II Lots: \$110 per month.
 - (e) Stone Place Parking Area: \$110 per month per single space; for spaces in tandem, \$55 per month per space.
 - (f) Avalon Parking Lot:
 - i. \$110 per month; or
 - ii. \$900 for a one-year period from October 1 to September 30; \$675 for the period from January 1 to September 30; \$450 for the period from April 1 to September 30; and \$225 for the period from July 1 to September 30.
- (4) Off-street public parking lot merchant parking permit:
 - (a) Colodny Lot: \$110 per month.
 - (b) Stone Place Parking Area: \$110 per month per single space; for spaces in tandem, \$55 per month per space.

RESOLUTION – TAX CERTIORARI SETTLEMENT FOR REHANA LATIF – 132
PONDFIELD ROAD (SECTION 3/BLOCK1/LOT 20 – UNIT 2)

On motion of Trustee Underhill, second by Trustee Poorman, 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>
Rehana Latif	Section 3-1-20 Unit 2	2004-2009

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

WHEREAS, the Village and the property owners have reached a mutually agreeable resolution;

NOW THEREFORE BE IT RESOLVED that the Village of Bronxville 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:

<u>Year</u>	<u>Combined Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2004	16,300	8,650	(7,650)
2005	16,300	8,930	(7,370)
2006	16,300	8,815	(7,485)
2007	308,600	265,000	(43,600)
2008	308,600	275,000	(33,600)
2009	285,741	275,000	(10,741)

Mayor Marvin said that the Village has the fewest number of tax certioraris and small claims in the history of the Village. This is an amazing feat.

Trustee Underhill commented that the Village has one of the best assessment rolls in the State. The Village has spent a lot of money and time to have a strong assessment roll. And, residents feel as if they are being taxed fairly.

**RESOLUTION – TAX CERTIORARI SETTLEMENT FOR MEADOW COURT
CONDOMINIUM – 132 PONDFIELD ROAD (SECTION 3/BLOCK 1/LOT 19 – UNITS
1A – 6E AND SECTION 1/BLOCK 1/LOT 20 – UNITS 1 – 11)**

On motion of Trustee Poorman, second by Trustee Gray, 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>
Meadow Condominium	Court Section 3-1-19 etc & 3-1-20 etc	2010 - 2012

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

WHEREAS, the Village and the property owners have reached a mutually agreeable resolution;

NOW THEREFORE BE IT RESOLVED that the Village of Bronxville 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:

<u>Year</u>	<u>Combined Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2010	10,073,981	9,044,584	(1,029,397)
2011	9,680,000	9,059,243	(620,757)
2012	9,680,000	9,059,243	(620,757)

**RESOLUTION – SUPPORT FOR NYS ASSEMBLY BILL NO. A.4086 – FIRE
HYDRANT MAINTENANCE**

On motion of Trustee Underhill, second by Trustee Poorman, the following resolution was unanimously approved:

BE IT RESOLVED that the Village of Bronxville Board of Trustees does hereby support the New York State Assembly Bill No. A.4086 (authorizing the Public Service Commission, upon application by a municipality, to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality).

Village Administrator Porr gave the background on this bill. He said this bill is seeking the support of the New York State Assembly and Senate to base hydrant maintenance fees on individual account water usage.

Mayor Marvin said that the fees should be spread to all who use water and not just the property taxpayers. This includes schools, churches and hospitals.

RESOLUTION – SUPPORT FOR NYS SENATE BILL NO. S.2122 - FIRE DISTRICT ELECTION

On motion of Trustee Underhill, second by Trustee Gray, the following resolution was unanimously approved:

BE IT RESOLVED that the Village of Bronxville Board of Trustees does hereby support the New York State Senate Bill No. S.2122 (amending the law whereby the annual Fire District election shall be held on the Tuesday next succeeding the first Monday in November from 6AM until 9PM with all of the proper legal notices being posted by the Board of Fire Commissioners.)

Village Administrator Porr commented that this will expand the hours of voting and give residents a greater awareness and accessibility to ballots.

Mr. Thomas Wolff, a resident, provided some considerations for the Trustees to think about before voting on this resolution. He feels the cost of the election was miniscule. If the election could be held on a general election day, the ballot could be a crowded ballot, NY State requires that the ballot be one-sided so if it is crowded the print would be quite small and difficult to read. He also feels that moving the election date would make it a partisan election. Currently, it is not a partisan election.

Mr. Dennis Winter, Chairman of the Fire Board of Commissioners, reported that the Fire Board approved this two years ago. He said that 3% of the Town population turns out to vote. The fire district needs more focus. There are 75 paid fire fighters that respond to 3,000 calls. This is not a small volunteer department but a career fire department. This law is tailored for the Town of Eastchester. It will increase public awareness. It hopefully will change the caliber of the candidates. And, the idea of this being partisan does not matter.

Mayor Marvin responded that this will save money, add hours to the voting and gives residents the opportunity for absentee balloting.

Trustee Underhill said that the fact that this makes the election more available to people is very important. It is shocking that people are not as aware as they should be. It is critical to increase the number of people weighing in on this.

PUBLIC COMMENTS –

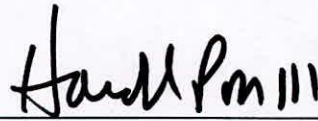
Mr. Thomas Wolff, resident, reported that there are seven surcharges and taxes that are added to a resident's quarterly United Water bill. With regard to the fire elections, he feels that the turn out can be low when the election is uncontested.

Mayor Marvin responded that moving the date of the election is important and the extended hours will give everyone the opportunity to vote and to get an absentee ballot.

Mr. Wolff answered that the Town law already covers residents receiving an absentee ballot.

* * * * *

There being no further comments, the meeting was adjourned at 9:03PM by motion of Trustee Gray, second by Trustee Poorman.

A handwritten signature in black ink, reading "Harold Porr III", written over a horizontal line.

Harold Porr III
Village Administrator/Village Clerk