

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF BRONXVILLE HELD JANUARY 14, 2019
AT THE VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.**

PRESENT:	Mary C. Marvin	Mayor
	Robert S. Underhill	Deputy Mayor
	Randolph Mayer	Trustee
	William H. Barton	Trustee
	Mark Wood	Trustee
 ALSO PRESENT:	 James Palmer	 Village Administrator
	James Staudt	Village Attorney

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WORK SESSION & EXECUTIVE SESSION

At 6:30pm on motion by Trustee Mayer, seconded by Trustee Barton, the Village Board convened a Work Session. Village Attorney Jim Staudt took the Village Board through the proposed changes to Chapter 112-Building Construction and the request for a demolition permit. The Village Board discussed some changes and Village Attorney Jim Staudt agreed to revise the draft law.

The Village Board discussed the draft comprehensive plan survey. It was agreed that the Village Board would provide any additional changes to the Village Administrator so a new draft survey could be circulated later this month.

At 7:30pm on motion of Deputy Mayor, seconded by Trustee Wood, the Village Board closed the Work Session and entered into Executive Session.

At 8:00pm, on a motion of Trustee Barton, seconded by Trustee Mayer, the Executive Session was closed.

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At 8:08pm, Mayor Mary Marvin re-opened the Regular Meeting of the Board of Trustees.

MAYOR'S REPORT

Mayor Mary Marvin, gave a brief report on what she has been working on. She welcomes everyone to our first meeting of 2019.

VILLAGE ADMINISTRATOR

James Palmer, Village Administrator, gave a brief report on what he has been working on.

APPROVAL OF MINUTES

On motion of Trustee Wood, seconded by Trustee Mayer, the Board approved the minutes of the following meetings:

- Work Session and Regular Meeting of December 10, 2018
- Special Meeting of December 10, 2018

NEW BUSINESS

A. RESOLUTION – TO AUTHORIZE BPAS TO PROVIDE GASB 75 ACTUARIAL VALUATION SERVICES TO THE VILLAGE OF BRONXVILLE

On motion of Deputy Mayor Underhill, seconded by Trustee Mayer, the following resolution was unanimously approved:

WHEREAS, the Village has worked with BPAS since 2013, and

WHEREAS, the Village is satisfied with the high quality of their services at a competitive price, and

WHEREAS, the Village would like to continue retaining the services of BPAS for 2019-2020,

THEREFORE BE IT RESOLVED that the Board of Trustees authorizes the Village Administrator to take administrative actions necessary to execute a one year contract with BPAS.

B. RESOLUTION – RATIFYING STIPULATION AGREEMENT WITH IBT

On motion of Trustee Barton, seconded by Deputy Mayor Underhill, the following resolution was unanimously approved:

WHEREAS, the negotiating committees for the Village and Local 456, I.B. T. had engaged in negotiations in good-faith in an effort to arrive at a successor agreement to a contract that expired on May 31, 2017; and

WHEREAS, the parties arrived at a tentative agreement on December 31, 2018 and executed a stipulation of agreement on said date; and

WHEREAS, said stipulation of agreement was subject to the ratification of both the Local 456, I.B. T. bargaining unit employed by the Village of Bronxville and the Village Board of Trustees; and

WHEREAS, said stipulation of agreement was ratified by Local 456, I.B.T. bargaining unit on December 20, 2018;

NOW THEREFORE, BE IT RESOLVED:

That the Board of Trustees of the Village of Bronxville hereby ratifies the stipulation of agreement dated December 13, 2018 and further authorizes the Mayor to execute a successor agreement incorporating the stipulation of agreement.

C. RESOLUTION – VILLAGE ELECTION – NO REGISTRATION DAY

On motion of Deputy Mayor Underhill, seconded by Trustee Wood, the following resolution was unanimously approved:

BE IT RESOLVED the hours for Village Election Day, Tuesday, March 19, 2019 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 possible use of up to four voting machines.

BE IT RESOLVED the Village Clerk is authorized to appoint up to four inspectors each from the Democratic and Republican parties to serve on Election Day, as needed, at a rate of \$12.00 per hour.

BE IT RESOLVED that there will be no Village registration day.

D. RESOLUTION – DESIGNATION OF BUDGET OFFICER

On motion of Trustee Wood, seconded by Trustee Mayer, the following resolution was unanimously approved:

WHEREAS, pursuant to Village Law, the Village of Bronxville is required to prepare an annual operating budget for the purposes of detailing the annual financial plan of the Village; and

WHEREAS, also pursuant to Village Law, the Budget Officer is responsible for preparing the budget document and to work closely with the chief fiscal officer and department heads to develop a realistic tentative budget and to present it to the Village Board of Trustees; and

WHEREAS, consistent with Village Law, Chapter 61 of the Code of the Village of Bronxville authorizes the Mayor and Village Board of Trustees to designate the Village Administrator as Budget Officer;

NOW THEREFORE, BE IT RESOLVED:

That the Mayor and Village Board of Trustees hereby designate the Village Administrator as Budget Officer for the 2019-20 fiscal year responsible for preparing the operating budget of the Village of Bronxville in accordance with Village Law.

E. RESOLUTION – TO SCHEDULE A PUBLIC HEARING FOR LOCAL LAW 1-2019, DEMOLITION PERMIT

On motion of Trustee Deputy Mayor Underhill, seconded by Trustee Barton, the following resolution was unanimously approved:

Scheduling a Public Hearing for draft Local Law 1-2019 for February 11, 2019 which is outlined below.

A LOCAL LAW TO AMEND CHAPTER 112, BUILDING CONSTRUCTION, REGARDING DEMOLITION PERMITS

Be it enacted by the Board of Trustees of the Village of Bronxville as follows:

Section 1: There is hereby added to Chapter 112 of the Code of the Village of Bronxville a new Section 112-26, which shall read as follows:

§ 112-26. Demolition permits.

- A. Permit required.
- (1) The demolition or removal of more than twenty-five percent (25%) of a principal building or structure shall not be carried out until a demolition permit is obtained.
 - (2) Unless waived by the Superintendent of Buildings, a demolition permit shall be required for the demolition or removal of an accessory building or structure.
 - (3) Provided, however, if the Superintendent of Buildings so elects, demolition or removal may be approved as part of a building permit for any building or structure that is proposed to be built as a replacement for, or in or about the location of, the demolished building or structure.
 - (4) If demolition is to be conducted in pursuance of, or in any way related to, prospective additional construction on the same property where demolition is proposed, a demolition permit shall not be issued until the permit for the additional construction is issued. Provided, however, this provision may be waived by the Superintendent of Buildings where special circumstances (e.g. hazardous condition) exist.
- B. Unless waived by the Superintendent of Buildings, the following information shall be submitted as part of a demolition permit application:
- (1) The time frames during which demolition and site restoration may occur and will be completed;
 - (2) A plan to manage parking and traffic at and adjacent to the subject property throughout the demolition process;
 - (3) A requirement that the applicant provide documentation from utility companies evidencing that all utility hookups have been or will be properly terminated;
 - (4) A plan for filling all exposed below-grade areas with soil and, if relevant, that the lot be graded to match adjacent grades, all in compliance with Chapter 257, Stormwater Management and Erosion and Sediment Control;
 - (5) A plan to protect trees and other vegetation during demolition operations; and
 - (6) A post-demolition landscaping plan in accordance with the Superintendent of Building's requirements, which shall include maintenance of such landscaping and a prohibition against bare areas of soil.
- C. Notice.
- (1) In the Residence AAA, AA, and A districts (except in the case of emergencies/hazardous circumstances), at least ten (10) days prior to issuance of a demolition permit, notice, containing a description of the action proposed in the demolition permit application, shall be mailed by the applicant using the U.S. Post Office Certificate of Mailing process to the record owners of neighboring properties within 100 feet of the subject property.
 - (2) No demolition permit will be issued for the demolition or removal of a principal building or structure in the Residence AAA, AA, or A districts until proof of the above-required notice having been mailed is provided to the Superintendent of Buildings.

- (3) For the purpose of this section, the term "record owner(s)" shall mean the person(s) shown on the real property tax records of the Village of Bronxville on the date the notice is mailed as being the owner(s) of the property.
- (4) In the event there is substantial compliance with this section, the failure of any property owner to receive the required notice shall not invalidate any action taken by the Superintendent of Buildings in connection with the application to which the required notice refers.

- D. Revocation. The Superintendent of Buildings may revoke a demolition permit theretofore issued in the circumstances described in Section 112-15, Revocation of building permit.
- E. Penalties. Any person violating any of the provisions of this section shall be subject to penalties as set forth in Section 112-24, Penalties for offenses.

Section 2: Section 112-3.B of the Code of the Village of Bronxville is hereby revised to clarify that the term "demolition" shall include demolition or removal of a structure or building:

DEMOLITION

For purposes of this Chapter, the term "demolition" shall be deemed to include demolition and/or removal of all or part of a building or structure.

Section 3: Section 112-12 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 112-12. Change in plans or specifications.

- A. Prior to the issuance of a demolition or building permit, an applicant may not make any change in the application or in plans or specifications submitted with it, unless the Superintendent of Buildings shall consent to such change in writing.
- B. No deviation from approved plans or specifications for the construction, alteration, moving, demolition or change in the nature of occupancy of any building or other structure, for which a demolition or building permit has been issued, shall be made until the permit holder has obtained written permission from the Superintendent of Buildings, who may give such permission by signing his or her name in approval of such changes as may be submitted to him or her in writing on the required form and filed with such fee as may be required, provided that he or she finds them to be in conformance with this chapter and all other laws, rules and regulations applicable to the construction, alteration, moving or demolition of buildings or other structures. Should the changes be so extensive as, in the opinion of the Superintendent of Buildings, to require a new set of plans and specifications, an entirely new application for a demolition or building permit must be presented to him or her in regular form for his or her approval.

Section 4: Section 112-16 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 112-16. Stop Orders.

Whenever the Superintendent of Buildings has reasonable grounds to believe that work on any building or other structure is being carried out in violation of the provisions of the New York State Uniform Fire Prevention and Building Code, this chapter, or any other law, rule or regulation applicable to the construction, alteration, moving or demolition of buildings or other structures or in an unsafe or dangerous manner, or is not in conformity with the application, plans or specifications on the basis of which a demolition or building permit was issued, he or she shall notify the owner of the property, or the owner's agent, to suspend all work, and any such person shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such stop order shall be in writing, shall state the conditions under which the work may be resumed and may be served upon the owner or his or her agent personally, or by sending a copy thereof by certified mail, return receipt requested, to the owner or his or her agent at his or her address set forth in the application for a permit to construct, alter, move or demolish such building or other structure or, if no such application has been filed, at the address of the owner or agent as listed on the Village tax roll; and by posting the same upon a conspicuous portion of the premises to which the stop order applies.

Section 5: Section 112-24.A of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 112-24. Penalties for offenses.

- A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provision of this chapter or to fail in any manner to comply with a notice, directive or order of the Superintendent of Buildings or other authority, or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved demolition permit, building permit, or certificate of occupancy.

Section 6: Section 112-24.B of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 112-24. Penalties for offenses.

B. Any person who shall fail to comply with a written order of the Superintendent of Buildings or other authority, within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction, demolition, or use of any building who shall knowingly violate any of the applicable provisions of this chapter, or any lawful order, notice, directive, permit or certificate of the Superintendent of Buildings or other authority made thereunder, shall, upon conviction thereof, be subject to a fine of not more than \$250 ~~or to imprisonment for not more than 15 days, or to both such fine and imprisonment~~ 5,000.

Section 7: Section 112-25 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

§ 112-25 Abatement of violation.

~~In addition to the penalties set forth above,~~ Appropriate actions and proceedings may be taken at law or in equity to prevent unlawful demolition or construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct of business in or about any premises; and these remedies shall be in addition to the penalties prescribed in the preceding section.

Section 8: Severability. 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 9: This Local Law shall take effect immediately upon filing with the Secretary of State.

TRUSTEE COMMENTS

A new restaurant in Bronxville has opened, OpaOpa, serving Greek cuisine.

PUBLIC COMMENTS

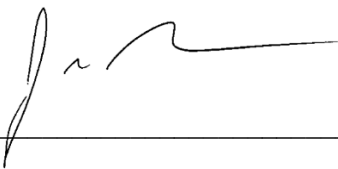
Sean Abbott, of the Bronxville Surrealist, made a few comments. The meeting was abruptly adjourned at 8:33pm on motion by Deputy Mayor Underhill, seconded by Trustee Barton due to the disruptive behavior of Mr. Abbott and the Village Board’s inability to conduct their meeting as a lawful legislative body.

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The next Village Board of Trustees Regular Meeting is scheduled for February 11, 2019.

At 8:34pm, the meeting was re-opened by Deputy Mayor Underhill, seconded by Trustee Wood to hear additional public comment. Betsy Harding, a Bronxville Resident, commented on the future DPW garage improvements and suggested that the construction of the new DPW garage be approached with the most advanced features to modernize it to the highest level the tax base would allow.

At 8:36pm, the meeting was adjourned on motion by Trustee Wood, seconded by Trustee Barton.



James M. Palmer, Village Administrator