

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF BRONXVILLE HELD MAY 10, 2021 AT 6:00PM VIA ZOOM
AT VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.**

PRESENT:	Mary C. Marvin	Mayor
	Robert S. Underhill	Deputy Mayor
	Bill Fredericks	Trustee
	Helen Knapp	Trustee
	Mary Taylor Behrens	Trustee
ALSO PRESENT:	James Palmer	Village Administrator
	James Staudt	Village Attorney
	Lori Voss	Village Treasurer
	Stephen Shallo	Asst. to Village Administrator

The public was advised through the Village website, agenda and email alerts that they were also able to join the meeting.

Mayor Marvin opened the Regular Meeting at 6:00pm on a motion by Trustee Knapp, seconded by Deputy Mayor Underhill.

MAYOR’S REPORT

Mayor Marvin gave a brief update on what she has been working on. Mayor Marvin thanked the Bronxville Beautification Committee, Boulder Ledge and Green Committee for helping with the Village triangles and work in Bacon Woods Park. Mayor Marvin also reminded all property owners that the sidewalk in front of their property is their responsibility to maintain hazard free while the curbing is the responsibility of the Village.

Mayor Marvin also clarified some misinformation circulating regarding Maltby Park parking lot property. The idea of constructing a parking garage is a concept not a project. Mayor Marvin also reiterated that she together with the Board of Trustees are available to answer any questions anyone has regarding this. Trustee Fredericks also commented on the Mayor's message regarding the garage **idea, and reiterated his understanding that, if and when such an idea advances to the stage of an actual proposal for the Village to consider, there will be a full and robust opportunity for meaningful public comment before any such proposal might actually be approved by the relevant Village boards.**

Trustee Behrens asked the Mayor to clarify where the Village is in this process with the County and the Parks Department. **Mayor Marvin further clarified that the Village’s pending request to the County is to confirm that the Village may continue to use the real estate immediately adjacent to the south side of Stone Place for parking (without having said real estate or Maltby real estate revert to County ownership under certain agreements dating back to the 1950s), and that the Mayor views obtaining this confirmation from the County as a prerequisite to – and certainly *not* as a substitute for – later discussions and/or proceedings to actually develop, review and potentially approve actual plans for a possible garage (assuming that the garage idea actually advances to the stage of an actual proposal for the Village to consider).** Trustee Knapp also affirmed that the Board of Trustees will take all issues into consideration when it comes to green space.

ADMINISTRATOR’S REPORT

Village Administrator, James Palmer, gave a brief update on what he has been working on. He provided the Village Board and the public with a background to the MS4 Program and the annual storm water report that will be filed with the N.Y.S.D.E.C. for the activity completed for the year ending March 2021. The report will be on the Village website under Public Works. Mr. Palmer also mentioned that he and Trustee Knapp have met with Ellen Edwards, Chair of the Green Committee, to review the leaf blower ordinance and what their recommendations are. Take Back Day is scheduled for June 5, 2021, the shredder will be located in the elementary school lot and the collection of other items will be on Palumbo Place behind Village Hall. Trustee Behrens asked if the leaf blower survey is still on the website and Mr. Palmer confirmed that it is.

APPROVAL OF MINUTES

On motion of Trustee Behrens, seconded by Trustee Fredericks, the Board unanimously approved the minutes of the following meeting:

- 1. April 12, 2021 Regular/Annual Meeting held virtually
- 2. April 22, 2021 Special Meeting held virtually

NEW BUSINESS

A. RESOLUTION – Acknowledging 19-20 Justice Court Audit and Submittal to OCA

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

WHEREAS, the Uniform Justice Court Act requires that the Village Board of Trustees of Trustees, as the Auditing Board of Trustees of the Village, examine the records of the Justice Court, at least once per year, and

WHEREAS, the Board of Trustees has delegated that responsibility to the Village Treasurer, as Accountant for the Justice Court, and

WHEREAS, the Treasurer has completed such examination for the fiscal year ended May 31, 2020 and provided a copy of the report (attached) to the Trustees, and

WHEREAS, the Board of Trustees has examined this report and has determined that the fines therein collected have been turned over to the proper Village officials,

NOW, THEREFORE, BE IT

RESOLVED that the Village of Bronxville Board of Trustees acknowledges that the required examination was conducted, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded along with a copy of the report to the NYS Office of Court Administration.

B. RESOLUTION – Authorizing Year End Budget Transfers

On a motion by Trustee Knapp, seconded by Trustee Behrens, the following resolution was

WHEREAS, in accordance with Village Law, when it shall appear probable that the expenditure in any budgetary account will be in excess of the original estimated budgeted amount, it is then necessary to bring these accounts in balance by transferring from other budgetary accounts, and

WHEREAS, it is not known at this time all the accounts that will be affected as of May 31, 2021, it is requested that the following blanket resolution authorizing transfers be approved by the Board of Trustees; and

WHEREAS, during the year the Village Administrator and the Treasurer need to make transfers from like accounts, within departments (e.g. .100 to .102 or .403)

NOW, THEREFORE, BE IT RESOLVED that the Village Administrator is hereby authorized to make the necessary transfers from the unexpended balance of certain budgetary accounts to those accounts that require additional appropriation, in order to affect the Fiscal Year 2020-2021 budgetary close out; and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes the Village Administrator to transfer budgeted funds from like accounts to like accounts, within departments, for upcoming fiscal year, 2021-2022, to ensure the smooth operation of Village government, with the understanding that any transfers that are either from one department to another department, or that are appropriations of fund balance or contingency, or an overall increase in revenues and/or appropriations, require authorization by resolution from the Board of Trustees.

C. RESOLUTION – Scheduling a Public Hearing for Local Law 7-2021 – V&T Amendments

On a motion by Trustee Fredericks, seconded by Deputy Mayor Underhill the following resolution was approved:

WHEREAS, the Board of Trustees (the “Board”) of the Village of Bronxville (the “Village”) requested Village Counsel to draft a local law revising the Traffic and Vehicle Law of the Village, Chapter 290, by Stop Intersections and Amending Parking Prohibited in Designated Areas; and

WHEREAS, having received proposed Local Law # 7-2021, the Board is prepared to hold a public hearing on such proposed law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. A public hearing on proposed Local Law # 7-2021 will be held on the 14th day of June 2021 at 6:00p.m. at Village Hall located at 200 Pondfield Road, Bronxville, NY unless otherwise noticed.
2. The Village Board directs that all requisite notices be published in accordance applicable laws and regulations.

LOCAL LAW NO. 7 - 2021

**A LOCAL LAW TO AMEND THE VEHICLES AND TRAFFIC LAW
OF THE VILLAGE OF BRONXVILLE, CHAPTER 290, BY STOP INTERSECTIONS AND
AMENDING PARKING PROHIBITED IN DESIGNATED AREAS**

Section 290-15. of Chapter 290 of the Code of the Village of Bronxville is hereby revised by adding the following:

§ 290-15 The following intersections are hereby designated as stop intersections, and stop signs shall be maintained at entrances thereto as indicated:

Stop Street	Through Street	Location of Sign
Northwest Way	Northway	On Northeast Corner
Northwest Way	Westway	On Southwest Corner

Section 290-28. of Chapter 290 of the Code of the Village of Bronxville is hereby revised by adding the following:

§ 290-28.A The Parking of vehicles is hereby prohibited in or at the following locations. Signs prohibiting such parking shall be maintained at such locations:

- (3) Paradise Road.
 - (a) On the West Side of Paradise Road from a point 88 feet north from the entrance of 17 Sunset Avenue.
- (4) Paddington Road
 - (a) On the North Side of Paddington Road from a point of 30 feet east from the stop sign located at the intersection with White Plains Road.

D. RESOLUTION – Scheduling a Public Hearing for Local Law 8-2021 – Peace and Good Order Amendments Concerning Prohibition of Smoking in Certain Public Spaces

On a motion by Trustee Behrens, seconded by Trustee Fredericks, the following resolution was approved:

WHEREAS, the Board of Trustees (the “Board”) of the Village of Bronxville (the “Village”) requested Village Counsel to draft a local law revising the Peace and Good Order Law of the Code of the Village of Bronxville, Chapter 210, to Prohibit Smoking in Public Places; and

WHEREAS, having received proposed Local Law # 8-2021, the Board is prepared to hold a public hearing on such proposed law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. A public hearing on proposed Local Law # 8-2021 will be held on the 14th day of June 2021 at 6:00p.m. at Village Hall located at 200 Pondfield Road, Bronxville, NY unless otherwise noticed.

2. The Village Board directs that all requisite notices be published in accordance applicable laws and regulations.

LOCAL LAW NO. 8- 2021

A LOCAL LAW TO AMEND THE PEACE AND GOOD ORDER LAW OF THE CODE OF THE VILLAGE OF BRONXVILLE, CHAPTER 210, TO PROHIBIT SMOKING IN CERTAIN PUBLIC PLACES

Section 1: Chapter 210 of the Code of the Village of Bronxville is hereby amended to renumber existing Article IV as described in Section 2 below, and to add a new Article IV titled “Smoking in Public Places” as follows:

Article IV Smoking in Public Places

§ 210-17 Definitions.

SMOKING – means the inhaling, exhaling, burning, or carrying of: any lighted cigar, cigarette, pipe, or any other lighted tobacco product, cannabis, or any other lighted substance intended for inhalation.

VAPING – means the use of an electronic cigarette or e-cigarette.

ELECTRONIC CIGARETTE or E-CIGARETTE – means an electronic device that delivers vapor which is inhaled by an individual user and shall include any refill cartridge and any other component of such device.

TOBACCO PRODUCT - means a cigarette, cigar, bidis, powdered tobacco, or any other products made with tobacco or a tobacco substitute.

CANNABIS - means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

§ 210-18 Smoking prohibition.

(1) Smoking and vaping is prohibited in all of the following places within the Village of Bronxville:

- (a) All Village owned parks;
- (b) All Village owned playgrounds and recreational facilities including, but not limited to, paddle courts and tennis courts;
- (c) Bronxville Village Hall property; and
- (d) Bronxville Library property.

Section 2: Existing Article IV, Section 210-17 of Chapter 210 of the Code of the Village of Bronxville is hereby renumbered to be Article V, Section 210-19 thereof, and is amended to read as follows:

§ 210-19 Violations and Penalties.

- A. Any person who violates § 210-8I concerning the seasonal prohibition of the use of gasoline-powered blowers shall, upon conviction thereof, be guilty of a violation punishable by a mandatory fine of \$250 for the first offense; for conviction of a second offense committed within 365 days of the first offense, punishable by a mandatory fine of \$500; and upon conviction of a third or subsequent offense committed within 365 days of the first offense, punishable by a mandatory fine of \$1,000.
- B. Any person who violates any provision of this Chapter 210, other than § 210-8I or by smoking Cannabis where prohibited, shall, upon conviction thereof, be guilty of a violation punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment.
- C. Any person who violates this Chapter 210 by smoking Cannabis where prohibited shall be subject to a civil penalty not exceeding twenty-five dollars or an amount of community service not exceeding twenty hours.

Section 3: 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 4: This Local Law shall take effect immediately upon filing with the Secretary of State.

E. RESOLUTION – Authorizing Sale of Surplus Equipment

On a motion by Deputy Mayor Underhill, seconded by Trustee Knapp, the following resolution was approved:

WHEREAS, the Village police interceptors have exceeded their useful life and purpose; and

WHEREAS, the Village would benefit by selling these pieces of equipment at public auction;

NOW, THEREFORE, BE IT

RESOLVED that the Board of Trustees hereby declare the following equipment as surplus Village property and authorizes the disposal of the following equipment by public sale:

Lot	Year	Make/Model/Type	Unit No.	VIN/Description	Assigned to
01	2013	Ford Explorer Utility	31	1FM5K8AR7DGA72320	PD
02	2013	Ford Explorer Utility	37	1FM5K8D82DGA71501	PD
03	N/A	Miller Wire Welder	N/A	Millermatic 175	DPW
04	N/A	Snap On Disc & Drum Lathe	N/A	N/A	DPW
05	N/A	Whelan Light Bar	N/A	Model SW8RRRR	DPW
06	N/A	Whelan Light Bar	N/A	Model SL8RRRR	DPW

BE IT FURTHER RESOLVED that the disposal of this equipment is authorized in compliance with the requirements of law, and the Village Administrator and all appropriate officials are authorized to take the actions necessary to dispose of this equipment.

TRUSTEE COMMENTS

No Trustee Comments

PUBLIC COMMENTS

Betsy Harding, Village resident, made a few comments regarding her letter and the Maltby Park garage concept. She shared her issues and concerns regarding the potential project.

Jennifer Colao, Village resident, also made a few comments regarding the Maltby Park garage concept. She would like to see the park improved as well should the garage concept move forward into the next stages. Jennifer mentioned that the hospital is tax exempt.

Joan Golin, Village resident, suggested the Mayor write in her column a more detailed explanation of the garage concept.

Priscilla Newman, Village resident, would like residents to receive some analysis to the needs and revenue to the Village regarding the conceptual parking garage. She also added her support to the smoking ban and she also requested a garbage receptacle to be added to the bus stop at the corner of Pondfield Road and White Plains Rd.

Sid, Avalon Village resident, asked if a safety analysis has been done for the garage since it is the most secluded and darkest part of the Village especially during winter months. Mayor Marvin stated that no analysis has been done yet as it is only a concept at this time.

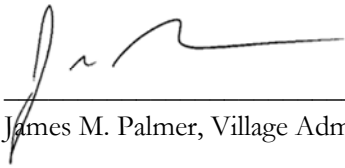
Sean Abbott, made a few comments. He also elaborated on the hospital as a non-profit non-tax paying entity. He also supports the smoking ban in the Village in certain public spaces. He would like to see smoking banned on all suburban sidewalks.

Betsy Harding also asked if hospital employees receive merchant permits and Mr. Palmer said yes, they do and are eligible to get them.

Jim Kroulas, Village resident, asked why the hospital is looking at the property and Mayor Marvin mentioned that there are limited uses for that site since it’s in a flood zone.

There being no further comments, the meeting was adjourned at 7:15PM on a motion by Trustee Behrens, seconded by Trustee Knapp.

The next Village Board of Trustees Meeting is scheduled for Monday, June 14, 2021.



James M. Palmer, Village Administrator