

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF BRONXVILLE HELD JULY 22, 2021 AT 7:00PM
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
	Stephen Shallo	Asst. to Village Administrator

WORK SESSION

At 6:10pm on a motion by Trustee Knapp, seconded by Trustee Behrens, the Village Board convened the Work Session. The Village Administrator introduced consulting engineer Arshad Jalil of PCI Professional Consulting to update the Village Board on the Village’s ongoing work on the sanitary sewer system. He explained that the Village will be going out to bid in September for the next phase of the Village’s sanitary sewer televising and cleaning for the lines on the Village’s West Side.

The Village Administrator and consulting engineer also explained the planned work for Wood End Lane and the Village Board agreed to authorize the private construction of the new sanitary sewer force main down Wood End Lane to Locust Ave subject to the support of the residents on the street and also the Village Attorney’s review and approval.

Mayor Marvin opened the Regular Meeting at 7:00pm on a motion by Trustee Behrens, seconded by Trustee Fredericks.

Mayor Marvin introduced Village Justices William Primps and Natasha Nordahl and Court Clerks Kelly DeSimone and Yecenia Tovar to provide an update on the work of the Justice Court.

MAYOR’S REPORT

Mayor Marvin gave a brief update on what she has been working on. Mayor Marvin announced some exciting news about Iona College and NYP-Lawrence Hospital collaborating to offer the Iona School of Health Services at the former Concordia College campus commencing Fall of 2022. She also mentioned that the Giving Garden is looking for volunteers to help with harvesting. Eastchester Volunteer Ambulance Corp (EVAC) is also looking for donations as they are 100% reliant on private donations for funding after insurance reimbursements.

ADMINISTRATOR’S REPORT

Village Administrator, James Palmer, gave a brief update on what he has been working on. Con Edison will be working along Midland Ave, Elm Rock to Oriole and Pondfield to Locust for the next few weeks. Mr. Palmer also mentioned that he had a meeting with the County Planner regarding the improvement of walkability and feasibility of a crosswalk across Route 22.

Trustee Knapp mentioned that she has been communicating with County Legislator, Ruth Walter, on a biweekly basis to keep the lines of communication open.

Trustee Fredericks suggested that a link for Senior Resources be added to the monthly One Square Mile newsletter.

APPROVAL OF MINUTES

On motion of Trustee Knapp, seconded by Deputy Mayor Underhill, the Board unanimously approved the minutes of the following meetings:

- 1. June 14, 2021 Executive/Work Session
- 2. June 14, 2021 Regular Meeting

PUBLIC HEARING

A. **Proposed Local Law 9-2021** – A Local Law to Amend the Code of the Village of Bronxville by adding a New Chapter 120 Opting Out of the Licensing and Establishing of Retail Cannabis Dispensaries and On-Site Cannabis Consumption Establishments

At 7:40pm, Mayor Marvin opened the public hearing on a motion by Trustee Fredericks, seconded by Trustee Behrens for Proposed Local Law 9-2021.

Mayor Marvin gave a brief description of this local law. Jim Staudt, Village Attorney, also explained that the Village would not be able to opt out after the deadline but can choose to opt in at any time afterward.

No Trustee comments.

No public comments.

There being no further comments, the public hearing was closed at 7:44pm on a motion by Deputy Mayor Underhill, seconded by Trustee Behrens.

LOCAL LAW NO. 9 - 2021

**A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF BRONXVILLE BY
ADDING A NEW CHAPTER 120 OPTING OUT OF THE LICENSING AND
ESTABLISHING OF RETAIL CANNABIS DISPENSARIES AND ON-SITE CANNABIS
CONSUMPTION ESTABLISHMENTS WITHIN THE VILLAGE OF BRONXVILLE**

Section 1: The Code of the Village of Bronxville is hereby amended to enact a new Chapter 120 to read as follows:

**Chapter 120.
CANNABIS DISPENSARY AND ON-SITE CONSUMPTION OPT-OUT**

§ 120-1 Legislative Intent

It is the intent of this local law that the Village of Bronxville opt out of having retail cannabis dispensaries and on-site cannabis consumption establishments licensed to operate or established within the Village of Bronxville.

§ 120-2 Authority

This local law is adopted pursuant to New York Cannabis Law § 131, which expressly authorizes villages to opt-out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments to be licensed or established within their boundaries.

§ 120-3 Local Cannabis Retail Dispensary and On-Site Consumption Opt-Out

- A. The Board of Trustees of the Village of Bronxville, County of Westchester, hereby opts-out of having retail cannabis dispensaries and on-site cannabis consumption establishments licensed or established within the boundaries of the Village of Bronxville, Westchester County, New York.
- B. Pursuant to the New York Cannabis Law § 131, the Village of Bronxville hereby requests the Cannabis Control Board to prohibit the establishment of retail dispensary licenses and on-site consumption licenses contained in Article Four of the New York State Cannabis Law (Chapter 7-A of the Consolidated Laws) within the jurisdiction of the Village of Bronxville, Westchester County, New York.

Section 2: 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 3: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to New York State Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

B. Public Hearing on the submittal of two Community Development Block Grant (CDBG) applications to Westchester County for the purposes of applying for federal funding.

- Application #1: Pedestrian and traffic signal improvements to the intersection of Midland and Pondfield
- Application #2: West Side Circle pedestrian and traffic safety improvements

At 7:45pm, Mayor Marvin opened the public hearing on a motion by Trustee Knapp, seconded by Trustee Fredericks.

James Palmer, Village Administrator, explained these two CDBG applications. Mr. Palmer also gave a detailed explanation on the above two applications and the importance of receiving the grant monies.

Trustee Behrens asked Mr. Palmer if the Village is prepared to cover overage costs should the funds received from the grant not be enough, Mr. Palmer said we are. Trustee Knapp also asked about the amount of the grant we are requesting and Mr. Palmer replied that we are requesting 50% of each project. Trustee Fredericks also commented on the importance of upgrading the four corners of Pondfield Road and Midland Avenue.

No further Trustee comments.

No public comments.

There being no further comments, the public hearing was closed at 7:53pm on a motion by Trustee Fredericks, seconded by Trustee Behrens.

NEW BUSINESS

A. RESOLUTION – Adopting Local Law 9 – 2021 - A Local Law to Amend the Code of the Village of Bronxville by adding a New Chapter 120 Opting Out of the Licensing and Establishing of Retail Cannabis Dispensaries and On-Site Cannabis Consumption Establishments

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

On roll call, voting was as follows: Trustee Knapp, Trustee Fredericks, Trustee Behrens, Deputy Mayor Underhill, Mayor Marvin

WHEREAS, the Board of Trustees (the “Board”) of the Village of Bronxville (the “Village”) requested Village Counsel to draft a local law by adding a new Chapter 120 Opting out of the cannabis dispensaries and on-site cannabis consumption establishments within the Village of Bronxville; and

WHEREAS, having received proposed Local Law # 9 - 2021, the Board is prepared to approve such proposed law; and

NOW, THEREFORE, BE IT RESOLVED, a public hearing on Proposed Local Law 9-2021 was held and closed on July 22, 2021; and

BE IT FURTHER RESOLVED, The Board of Trustees of the Village of Bronxville hereby adopts Local Law 9-2021.

B. RESOLUTION – Public Hearing on the submittal of two Community Development Block Grant (CDBG) applications to Westchester County for the purposes of applying for federal funding.

- **Application #1:** Pedestrian and traffic signal improvements to the intersection of Midland and Pondfield

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

On roll call, voting was as follows: Trustee Knapp, Trustee Fredericks, Trustee Behrens, Deputy Mayor Underhill, Mayor Marvin.

WHEREAS, the Village joined the Westchester Urban County Consortium to participate in the federal Community Development Block Grant (CDBG) program among other benefits; and

WHEREAS, the CDBG program is a major federal program that provides millions of dollars to the Consortium annually; and

WHEREAS, the Village has engaged the entire community and received input from our residents concerning community development needs; and

WHEREAS, the intersection of Midland Avenue and Pondfield Avenue has been selected for significant safety improvements which is consistent with the Village's recent comprehensive plan; and this project enhance traffic and pedestrian safety as well as increase walkability in our community;

NOW THEREFORE, BE IT RESOLVED the Village Board of Trustees hereby authorizes the submittal of the CDBG application for the Midland & Pondfield Intersection Improvements to the Urban County Consortium for consideration in the program funding years of 2022 – 2024.

- **Application #2:** West Side Circle pedestrian and traffic safety improvements

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

On roll call, voting was as follows: Trustee Knapp, Trustee Fredericks, Trustee Behrens, Deputy Mayor Underhill, Mayor Marvin.

WHEREAS, the Village joined the Westchester Urban County Consortium to participate in the federal Community Development Block Grant (CDBG) program among other benefits; and

WHEREAS, the CDBG program is a major federal program that provides millions of dollars to the Consortium annually; and

WHEREAS, the Village has engaged the entire community and received input from our residents concerning community development needs; and

WHEREAS, the West Side Traffic Circle linking Palmer Road, Pondfield Road West, Parkway Road, and Pondfield Road has been selected for substantial improvements to increase pedestrian safety; these improvements are consistent with the Village's recent comprehensive plan and this project will keep motorists and pedestrians safe while increasing walkability in our community;

NOW THEREFORE, BE IT RESOLVED the Village Board of Trustees hereby authorizes the submittal of the CDBG application for the West Side Pedestrian Traffic Circle Improvements to the Urban County Consortium for consideration in the program funding years of 2022 – 2024.

C. RESOLUTION – Appointing Peter Thorp as Village's CDAG Representative

On motion of Trustee Knapp, seconded by Trustee Fredericks, the following resolution was unanimously approved:

WHEREAS, the Village joined the Westchester Urban County Consortium to participate in the federal Community Development Block Grant (CDBG) program among other benefits; and

WHEREAS, the CDBG program is a major federal program that provides millions of dollars to the Consortium annually; and

WHEREAS, participating communities in the Consortium are each represented by a citizen that makes up the Community Development Advisory Group (CDAG) which is responsible for advising the County Executive, through Department of Planning staff, on the programs and priorities contained in the application to the U.S. Department of Housing and Urban Development; and

WHEREAS, the CDAG also approves the submission of local proposals for activities to the CDBG program; and

WHEREAS, the Village has submitted two applications involving pedestrian safety improvements to the CDBG program for the 2022-2024 year; and

WHEREAS, resident and community activist Peter Thorp has a direct understanding of these improvements and the need to enhance the safe walkability of the downtown, especially for our seniors who do not drive but primarily walk to the Hospital, supermarket, train station and shops for goods and services;

NOW THEREFORE, BE IT RESOLVED:

That the Village Board of Trustees hereby appoint Peter Thorp as the Village' representative on CDAG.

D. RESOLUTION – Proposed Local Law 10-2021, to Schedule a Public Hearing on Amending the Leaf Blower Ordinance

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

WHEREAS, the Board of Trustees (the “Board”) of the Village of Bronxville (the “Village”) requested Village Counsel to draft a local law to amend the code of the Village of Bronxville Chapter 210, Peace and Good Order, by Restricting the Use of Internal Combustion Leaf Blowers, and;

WHEREAS, having received proposed Local Law # 10 - 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 # 10 - 2021 will be held on the 13th day of September 2021 at 7:00p.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.

**PROPOSED LOCAL LAW NO. 10 - 2021
A LOCAL LAW TO AMEND CHAPTER 210, PEACE AND GOOD ORDER,
BY RESTRICTING THE USE OF INTERNAL COMBUSTION LEAF BLOWERS**

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

Section 1: Section 210-8.I. of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

I. Reserved.

Section 2: Article IV of Chapter 210 of the Code of the Village of Bronxville is hereby re-numbered Article V.

Section 3: Section 210-17 “Violations and penalties” within Article V of Chapter 210 of the Code of the Village of Bronxville, is hereby re-numbered Section 210-23.

Section 4: The Code of the Village of Bronxville hereby revised to enact a new Article IV within Chapter 210, to read as follows:

**Article IV.
Internal Combustion Leaf Blowers**

§ 210-17 Purpose.

The Village of Bronxville finds and declares that internal combustion leaf blowers represent a significant source of environmental pollution in the form of high and low-frequency noise, carbon and noncarbon emissions, and dust particulate, which represent a present and increasing threat to the public peace and to the health, safety, and welfare of the residents of the Village and its visitors. Noise generated by leaf blowers has the effect of interfering with the psychological well-being of persons, as leaf blowers generate low-frequency noise at high decibel levels, exposure to which is recognized to generate more severe adverse health effects when compared to high frequency noises, including hearing loss, tinnitus, reduced cognitive performance, heart disease, and hypertension. Additionally, internal combustion leaf blowers displace significant amounts of particulate matter, spreading pollen, mold, chemical pesticides, and other fine particulates. Internal combustion leaf blowers are also recognized as hyper-polluters, emitting significant carbon and noncarbon emissions in greater magnitudes than automobiles over similar operating periods. Accordingly, it is the policy of the Village to regulate the use of internal combustion leaf blowers to minimize and mitigate the harmful impacts of their use.

§ 210-18 Definitions.

INTERNAL COMBUSTION LEAF BLOWER – A leaf blower which is powered by an internal combustion engine/motor. An electric leaf blower being used while plugged into an operating generator which is powered by an internal combustion engine shall be deemed an internal combustion leaf blower.

§ 210-19 **Prohibition on the operation of internal combustion leaf blowers during certain months.**

Internal combustion leaf blowers shall not be operated during the following periods of the year: December 15 through March 15; May 15 through October 15.

§ 210-20 **Prohibition on the operation of internal combustion leaf blowers during certain hours of the day.**

During the months when internal combustion leaf blowers are permitted to be operated in the Village of Bronxville, they may only be operated during the following hours: Monday through Saturday, excluding holidays: between 8:00 a.m. and 6:00 p.m.

§ 210-21 **Temporary suspension for storm and hurricane cleanup.**

In the event of a hurricane, tropical storm, or similar extreme weather event, the Mayor of the Village of Bronxville in their sole discretion, may temporarily suspend provisions of this Chapter to allow the use of internal combustion leaf blowers for debris cleanup.

§ 210-22 **Violations and penalties, responsible parties.**

- A. Responsible parties. The following parties shall have committed a violation of this Article if it is not complied with:
 - (1) The party operating the internal combustion leaf blower; and
 - (2) The party who employed the person to operate the internal combustion leaf blower at the time of violation; and
 - (3) The party who owns the property where the violation occurs.
- B. Penalties. Any person violating any of the provisions of this Article shall be subject to a fine upon conviction thereof, not exceeding \$250 for the first offense, \$500 for the second offense, and \$1,000 for the third offense and any subsequent offenses. Conviction for violation of this Article shall be deemed a violation, not a misdemeanor or a felony.
- C. In addition to the penalties provided in subsection B above, the Village Administrator may, upon providing notice and an opportunity to be heard, suspend the Gardener's license (as described in Chapter 164 of the Village Code) of any responsible party holding such a license upon determination of the Village Administrator that such party has violated the provisions of this Article.

Section 5: Section 210-23 of the Code of the Village of Bronxville is revised in its entirety to read as follows:

§ 210-23. **Violations and penalties.**

- A. Any person who violates any provisions of Chapter 210, Article 4, shall be subject to penalties as provided in § 210-22 of this Chapter.
- B. Any person who violates any provision of this Chapter 210 other than those in Article 4 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.

Section 6: 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 7: This Local Law shall take effect immediately upon filing with the Secretary of State.

E. RESOLUTION – Approving Special Counsel for Certain Assessment Litigation

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

**GERRY IAGALLO
PRIVILEGED - INTERNAL MEMORANDUM**

TO: Honorable Mayor, Mary Marvin and Village Trustees
James Palmer, Village Administrator
Lori Voss, Village Treasurer

FROM: Gerry Iagallo, Village Assessor

DATE: July 20, 2021

RE: Special Counsel Retention – Tax Certiorari Litigation

Village Board Approval is sought to retain the services of Judson K. Siebert Esq. of Keane and Beane PC.

This request has become necessary for two reasons. First, our current Special Counsel, Mr. Peter Carparelli is reducing his work load in an effort to enjoy his retirement and a replacement is necessary. Second, recent court decisions regarding the O'Donnell litigation matter requires specialized expert counsel to prepare an appeal in the furtherance of a successful defense of this ongoing litigation.

Mr. Siebert and his associates have extensive experience in this specialized litigation. They are fully aware of our position on this matter and have provided some assistance and resources pro bono as they are involved with a number of other Westchester Municipalities and School Districts. (Please see attached)

Legal Services will be billed on a \$ 255.00 dollar per hour basis.

Paralegal Services will be billed on a \$ 95.00 per hour basis.

Considering the extent of expertise to be provided, the hourly rate are reasonable and customary. I strongly urge approval.

Thank you.



Gerry Iagallo, Village Assessor

TRUSTEE COMMENTS

Trustee Knapp mentioned how successful Coffee with a Cop was in July and that there is another one planned for August 4, 2021 at 9:30 in front of the Bronxville Diner.

Trustee Fredericks mentioned that he met new police officer, Matthew Stein, and was very impressed with him.

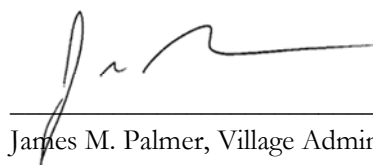
Mayor Marvin asked Ellen Edwards, Green Committee Chair, and Carol Upshur to make a few comments about the scheduled public hearing on extending the gas leaf blower ban.

PUBLIC COMMENTS

David Weir, Bronxville Cemetery manager, made a few comments about the leaf blower ban ordinance, specifically section 210-18. He suggested that the language in the proposed ordinance be more positive in nature rather than restrictive.

There being no further comments, Mayor Marvin closed the Board of Trustees meeting at 8:15pm on a motion by Deputy Mayor Underhill, seconded by Trustee Knapp.

The next Village Board of Trustees Meeting is scheduled for Monday, September 13, 2021 at 7:00pm.



James M. Palmer, Village Administrator