

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF BRONXVILLE HELD FEBRUARY 13, 2023 AT 7:00PM
AT VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.**

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

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WORK SESSION

At 6:05pm, on a motion by Trustee Knapp, seconded Trustee Behrens the Village Board unanimously convened a Work Session. The Village Administrator took the Village Board through the agenda.

There was a discussion on the role of the Design Review Committee (DRC) concerning these changes to the sign regulation proposal. The Village Board requested that the DRC, Zoning Board of Appeals and Planning Board be invited to comment on these changes at the next Village Board meeting.

The Village Board discussed the planned improvements for Maltby Park and agreed to cap the Village’s expenses at \$150,000. Resident Ashley Sharpe was in attendance and summarized fundraising efforts to date.

REGULAR MEETING

At 7:10pm, Mayor Marvin re-opened the Regular Meeting of the Board of Trustees.

Trustee Behrens gave an update on planned improvements to Maltby Park and then introduced Ashley Sharpe, a Village resident, who also gave an update on the Friends of Maltby Park fundraising efforts and the ongoing outreach to Village residents.

Mayor Marvin introduced County Legislator James Nolan who gave a brief update on various projects currently underway including the walking bridge over the Bronx River and reinstating a dive/scuba team with the County Police.

MAYOR’S REPORT

Mayor Marvin gave a brief update on what she has been working on. Mayor Marvin mentioned that Bronxville has become A Tree City USA again thanks to Stephen Shallo’s, Assistant Village Administrator, efforts. Mayor Marvin was also happy to announce that The Picture House celebrated their one year anniversary and continues to ask the community for its support of the movie theatre. Iona University held their grand opening at their new Bronxville campus and she is meeting with consultants this week to discuss outdoor dining and reimagining downtown. Mayor Marvin also attended the Mayor’s Conference in Albany last week and briefly discussed Governor Hochul’s Housing Compact proposal.

Trustee Knapp attended the Chamber of Commerce’s meetings with Jim and Mayor Marvin and thanked The Chamber of Commerce for all they have done for the Village.

ADMINISTRATOR’S REPORT

Village Administrator, James Palmer, gave a brief update on what he has been working on. Mr. Palmer mentioned that the Board of Trustees have retained Street Plans to reimagine downtown and that they will be meeting with merchants who offer outdoor dining.

APPROVAL OF MINUTES

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

- 1. Executive/Work Session January 9, 2023
- 2. Regular Meeting January 9, 2023
- 3. Work Session January 11, 2023

NEW BUSINESS

A. RESOLUTION – Authorizing the Purchase and Funding of LED Street Lights

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

WHEREAS, the Board of Trustees approved the 2022-23 Five Year Capital Plan which included \$30,000 for LED street light conversion, and

WHEREAS, the Board of Trustees in October, 2022 approved the purchase and funding of 166 LED street lights, and

WHEREAS, the Village of Bronxville needs an additional 66 LED street lights to complete the conversion, and

WHEREAS, the cost is estimated to be \$13,100,

NOW, THEREFORE, BE IT

RESOLVED that the Board of Trustees hereby authorizes the purchase of 66 LED street lights, and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes the transfer of \$13,100 from general fund unassigned fund balance to the capital fund, and

BE IT FURTHER RESOLVED that the Village Administrator and Village Treasurer record all necessary transactions as required.

B. RESOLUTION – Authorizing the Sale of Surplus Equipment

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

WHEREAS, the Village police interceptors and two pieces of DPW equipment 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	2016	Ford Explorer Utility		1FM5K8AR1GGD16337	PD
02	N/A	Coats 5050AX Tire Changer	N/A		DPW
03	N/A	Whelan Light Bar	N/A	Model SL8RRRR	DPW
04	2013	Ford Explorer Utility		1FM5K8AR7DGB28790	PD

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.

C. RESOLUTION – to Schedule a Public Hearing for Proposed Local Law 2-2023, to Amend Section 310 (Zoning Code) to Increase the Number of Members of the Design Review Committee

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

WHEREAS, Village Counsel has drafted a local law amending the Village of Bronxville’s procedures for the issuance of a sign permit, expanding the number of members of the Design Review Committee, and expanding the permissible qualifications for members of the Design Review Committee; and

WHEREAS, having received proposed Local Law # 2-2023, the Board of Trustees 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 # 2 - 2023 amending the Village of Bronxville’s procedures for the issuance of a sign permit, expanding the number of members of the Design Review Committee, and expanding the permissible qualifications for members of the Design Review Committee will be held on March 13, 2023 at 7:00 p.m. in the Trustees Room of the Village Hall located at 200 Pondfield Road, Bronxville, NY.
2. The Village Board directs that all requisite notices be published and circulated in accordance with applicable laws and regulations.

PROPOSED LOCAL LAW # 2 - 2023

A Local Law to amend Section 310 of the Code of the Village of Bronxville

Section One: Section 310-23 of the Code of the Village of Bronxville is hereby amended by adding thereto the new subsection 310-23 O to read as follows:

- O. Regulations for institutional uses in residential zones: The Planning Board is authorized to modify the foregoing **provisions?** of this chapter on a case-by-case basis as they deem appropriate when considering sign applications for institutional uses (including, but not necessarily limited to, any use that fulfills a role related to healthcare, education, recreation, worship or public works) located within a residential district. In an application to modify said restrictions, the Planning Board shall consider such factors as the Planning Board deems appropriate including, but not limited to, the protection and preservation of the character of the surrounding neighborhood. The Planning Board is further authorized from time to time to adopt sign regulations for institutional uses located in residential zones by resolution.

Section Two: Section 310-23 of the Code of the Village of Bronxville is hereby amended by deleting Section 310-23 F in its entirety and replacing it with the following:

- F. Hearing and action. Except on occasions when an application is deemed approved pursuant to Subsection P of this section, the Planning Board shall review each permit application and shall approve, disapprove or approve subject to modifications or conditions, being guided by the purpose and intent of this Zoning Code, the report of the Design Review Committee, the requirements of this § [310-23](#), any regulations pertaining to signs adopted by the Planning Board pursuant to Subsection [N](#) of this section and other laws of the Village of Bronxville. The Superintendent shall, within five working days of approval or within five working days of compliance with any modifications or conditions required for approval, as the case may be, issue a permit for the erection of the proposed sign.

Section Three: Section 310-23 of the Code of the Village of Bronxville is hereby amended by adding thereto the new subsection 310-23 P to read as follows:

- P. In an application where the sole relief sought is a sign permit, if the Design Review Committee issues a positive recommendation on the application and the Planning Board Chair does not, within five (5) business days of receipt of the recommendation, direct that the application be placed on a Planning Board agenda, the application will be deemed approved in accordance with the Design Review Committee by the Planning Board and the sign permit shall be issued.

Section Four: Section 310-43 of the Code of the Village of Bronxville is hereby amended by deleting Section 310-43 D (1) in its entirety and replacing it with the following:

- (1) The Design Review Committee shall consist of five Advisors and two alternate Advisors. For purposes of duties, responsibilities and requirements of this § 310-43D, alternate Advisors shall be deemed Advisors unless otherwise specified. Advisors shall be residents of the Village of Bronxville and, insofar as practicable, individuals especially qualified in design by reason of training, education and/or experience in historic preservation, visual arts, architecture, landscape architecture, urban design, engineering, building construction or similar business or profession. Advisors shall be appointed by the Mayor with the consent of the Board of Trustees. An Advisor may, but need not, be a member of the Planning Board. A Chairman of the Design Review Committee shall be appointed by the Mayor, with the consent of the Board of Trustees, from among its members. His or her term of office as such shall be two years with eligibility for reappointment.

Section Five: Section 310-23 of the Code of the Village of Bronxville is hereby amended by adding thereto the new subsection 310-23 C(1)(j) to read as follows:

- (j) Signs in residential zoning districts with the exception of those permitted under 310-23 J(1) (a), (b), (c), (e), (f), (g), 310-23 B(3)(a) and 310-23 O.

Section Six: 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 Seven: Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

D. RESOLUTION – to Schedule a Public Hearing for Proposed Local Law 3-2023, Tax Cap Override

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

WHEREAS, pursuant to New York State Law, the Village must hold a public hearing and adopt a local law when the annual operating budget exceeds the State allowable levy growth (tax cap); and

WHEREAS, for the 2023-24 fiscal year it may be necessary for the Village to exceed the allowable levy growth (growth factor of 2%); and

WHEREAS, the adoption of a local law authorizing a property tax levy increase in excess of the annual allowable limit established in the General Municipal Law Section 3-C will allow the Village to be compliant with New York State Law in the event the 2023-24 adopted budget exceeds the allowable State limit;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hold a public hearing for Local Law # 3 – 2023, authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-C.

NOW, THEREFORE, BE IT FURTHER RESOLVED AS FOLLOWS:

1. A public hearing on proposed Local Law # 3 - 2023 will be held on the 13th day of March, 2023 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

E. RESOLUTION – Authorizing Tax Lien Sale 2022-23

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

BE IT RESOLVED by the Board of Trustees of the Village of Bronxville, that the Village Treasurer be authorized to advertise and sell tax liens for the fiscal year 2022-2023 on March 9, 2023, at 10:00 a.m. in the Village Hall conference room, as shown in the account of unpaid taxes and in accordance with Article 14, Title 3 of the Real Property Tax Law (Section 1455), and that the advertisement of the notice required by law be inserted in The Journal News, the official newspaper of the Village, and that said notice shall be published once a week for three consecutive weeks and the last date for publication shall be made on or before the 9th day of March 2023.

BE IT FURTHER RESOLVED that said notice shall be substantially the following:

VILLAGE OF BRONXVILLE
Statement of Real Estate upon which
taxes for the year 2022-2023 are unpaid, and
NOTICE OF TAX SALE

Pursuant to the provisions of Article 14, Title 3 of the Real Property Tax Law (Section 1455).

NOTICE IS HEREBY GIVEN that the taxes for the year 2022-2023 of the Village of Bronxville are unpaid on the real estate described as shown on a tax list filed with the Village Clerk.

The description of each parcel of said real estate is designated by Section, Block and Lot numbers as shown on the Assessment Map of the Village of Bronxville, Town of Eastchester, Westchester County, New York, which roll and map are on file in the office of the Village Clerk at 200 Pondfield Road, Bronxville, New York.

F. RESOLUTION – Authorizing Agreement with Friends of Maltby Park

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

WHEREAS, the Mayor and Board of Trustees have jurisdiction over Maltby Park (the “Park”), located in the Village of Bronxville; and

WHEREAS, the Village desires to improve the Park with additional recreation equipment, principally playground equipment consistent with a schematic design provided by Mario F. Nievera, Landscape Architect and to enter into an agreement with the Friends of Maltby Park (the “Friends”) to help fund such improvements; and

WHEREAS, the terms of the agreement will include the Village accepting and acknowledging pledged gifts made in response to the Friends solicitation to raise funds to contribute toward the Park improvements; and

WHEREAS, when the Friends pledges reach \$350,000, the Village will then commit \$150,000 of Village funds towards the equipment and Park improvements; and

WHEREAS, the Village will order and/or bid the improvements for the Park following the receipt of funds from the pledged gifts; and

WHEREAS, the agreement is subject to an environmental review of the proposed project; and

WHEREAS, the agreement is subject to the terms and conditions to be drafted by the Village Attorney and agreed to by the Friends;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorize the Village Attorney to draft an agreement which defines the terms and conditions regarding the purchase and installation of recreation improvements to the Park and further authorizes the Mayor and/or Administrator to execute the agreement subject to the above.

G. RESOLUTION – Authorizing Additional Funding for Playground Improvements for Sagamore Park

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

WHEREAS, on May 13, 2019, the Board of Trustees approved various capital projects and authorized debt financing that included \$30,000 for Sagamore Park Playground upgrades, and

WHEREAS, on April 25 2022, the Board of Trustees approved various capital projects and authorized debt financing that included \$70,000 for Sagamore Park Playground upgrades, and

WHEREAS, current estimates from vendors on New York state contract are roughly \$150,000 for upgraded playground equipment and related installation and landscaping costs,

NOW, THEREFORE, BE IT

RESOLVED that the Board of Trustees hereby authorizes the purchase and installation of playground equipment at Sagamore Park, and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes the transfer of \$50,000 from general fund unassigned fund balance to the capital fund, and

BE IT FURTHER RESOLVED that the Village Administrator and Village Treasurer to execute all related vendor contracts and record all necessary transactions as required.

H. RESOLUTION – Acknowledging Bronxville Giving Garden Mission and Operational Statement

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

WHEREAS, the Bronxville Giving Garden (BGG) has been in operation for several years; and

WHEREAS, the BGG is responsible for raising produce to distribute to local food banks, promoting sustainable farming practices, raising awareness of food insecurity and, provide educations programming to local students, and

WHEREAS, it is in the best interest of the Village of Bronxville to define the mission and operational framework for the BGG;

WHEREAS, the Village of Bronxville Board of Trustees will review and approve any future amendments to the framework;

NOW THEREFORE BE IT RESOLVED, that the Village of Bronxville Board of Trustees hereby acknowledge the Bronxville Giving Garden mission and operational statement.

I. RESOLUTION – Authorizing Participation in the Government Operations Climate Action Plan

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

WHEREAS, the Village of Bronxville pledged to take part in the NYS DEC Climate Smart Communities Certification Program that includes the preparation of a Government Operations Climate Action Plan; and

WHEREAS, a Government Operations Climate Action Plan is a strategy document that sets goals and outlines a set of initiatives that reduce greenhouse gas emissions and provides a framework for achieving those targets; and

WHEREAS, free technical assistance is available to support the development of the inventory and plan from the Hudson Valley Regional Council (HVRC) through a NYS DEC Climate Smart Communities Coordinator Services contract; and

WHEREAS, a completed climate action plan counts toward Climate Smart Communities certification, specifically;

1) PE2 Action: Government Operations Climate Action Plan; and

WHEREAS, the Climate Smart Task Force, comprised of municipal officials and environmental volunteer community leaders, will collaborate with HVRC in the development of these publications, reviewed drafts, and provide valuable feedback on iterations that result in the final draft; and

WHEREAS, the task force will provide an opportunity for public input and comment on the draft report; and

WHEREAS, the task force will present a summary of the draft government operations climate action plan to the Board of Trustees for consideration of adoption;

NOW THEREFORE BE IT RESOLVED, that the Village of Bronxville Board of Trustees hereby undertake a Government Operations Climate Action Plan; and

BE IT FURTHER RESOLVED, the Municipal Board authorizes submission of these documents to the NYS DEC Office for Climate Change for consideration of points toward Climate Smart Communities certification for the Village of Bronxville.

ADDED AGENDA ITEM:

J. RESOLUTION – Governor Hochul’s Housing Compact

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

WHEREAS, the Bronxville Village Board has discussed the Governor’s proposals for housing development mandates to be imposed by the State on local governments throughout the State, and

WHEREAS, the number of increased housing units, which would be mandated for the Village of Bronxville, is staggering and would totally overpower Village infrastructure and public service resources,

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Bronxville as follows:

The Village Board requests that any further process or action on these proposals be suspended until a transparent, collaborative process can be conducted with the meaningful participation of elected officials of the village of Bronxville and other local governments that would be affected by proposed mandates

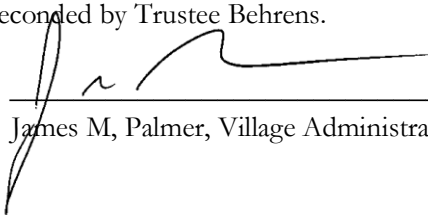
TRUSTEE COMMENTS – NONE

PUBLIC COMMENTS – Margaret Mager, Village resident and Library Board President, updated the Board of Trustees on the Library and their budget.

Several residents were in attendance to share their concerns and opposition to the crosswalk across Route 22 at Elm Rock Road. Mayor Marvin assured the residents that there is no crosswalk plan for the near future without proper notification of all neighbors that would be effected by it.

The next regularly scheduled Village Board of Trustees meeting will be Monday, March 13, 2023, at 7:00pm.

There being no further comments, Mayor Marvin closed the Regular Meeting of the Board of Trustees at 9:11pm on a motion by Trustee Knapp, seconded by Trustee Behrens.


James M, Palmer, Village Administrator/Clerk