MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BRONXVILLE HELD NOVEMBER 12, 2024 AT 7:00PM AT VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

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

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WORK SESSION

At 5:00pm, on a motion by Trustee Fredericks, seconded by Trustee Behrens, the Village Board unanimously convened the meeting for the purposes of entering into an Executive Session to interview a candidate for Police Officer. At 6:20pm, on a motion by Deputy Mayor Underhill, seconded by Trustee Knapp, the Village Board unanimously ended the Executive Session and entered into the Work Session.

The Village Administrator and Village Treasurer introduced Alan Kassay of PKF O'Connor Davies to summarize the 2023-2024 Financial Statements for the Village Board. There was a discussion on fund balance and Village investments and the Administrator stated that he would work with the Treasurer and provide the Village Board a fund balance policy and investment policy for their consideration.

At 6:40pm, on a motion by Deputy Mayor Underhill, seconded by Mayor Marvin, the Village Board asked the Treasurer and Administrator to leave the room and reentered into Executive Session.

At 7:00pm, on a motion by Trustee Knapp, seconded by Trustee Fredericks, the Village Board closed the Executive Session and re-opened the meeting.

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

MAYOR'S REPORT

Mayor Marvin gave a brief report on what she has been working on. She reminded everyone that Take Back Day will take place this Saturday, November 16th, from 10 a.m. to 1 p.m. Mayor Marvin also urged residents to be cautious when placing leaves on the sidewalk, ensuring they are not in the right of way or near catch basins. The Picture House will be holding a fundraiser and encouraged everyone to support the Village's 98-year-old movie theater. Mayor Marvin further highlighted that Small Business Saturday falls on November 30th and emphasized the importance of shopping locally. The Historical Conservancy has replaced and added new artwork in the Trustees Room. Trustee Fredericks also expressed gratitude to the Conservancy for refurbishing the stone pillars on Avon Road.

Trustee Knapp shared that the Chamber of Commerce will be organizing several holiday events, starting on December 7th with a pajama party and movie at The Picture House. The Village's tree lighting ceremony is scheduled for December 8th in front of M&T Bank on Kraft Ave.

Trustee Fredericks also noted that the Nature Preserve will hold its fall cleanup on November 23rd from 10 a.m. to 12 p.m. and invited anyone interested in volunteering to join the effort.

ADMINISTRATOR'S REPORT

Village Administrator, James Palmer, gave a brief report on what he has been working on. Mr. Palmer updated residents on the downtown curbing and sidewalk improvements starting next week on Monday or Tuesday on Kraft Ave/Park Place and Pondfield Rd/Valley Rd. He also mentioned that outdoor dining with cease on December 2nd until the spring.

APPROVAL OF MINUTES

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

1. Executive/Work Session of October 15, 2024
2. Regular Meeting of October 15, 2024

NEW BUSINESS

A. RESOLUTION – Authorizing Purchase & Finance of Software Upgrade for Building Department

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

WHEREAS, the Village's building department's current software was installed in 2014, and since that time an updated version this program has become available, and

WHEREAS, an upgrade of the building department's software will streamline the application process, enhance record management abilities, allow for public online access, processing and payment of building department applications, and

WHEREAS, the Village has received a quote from ICC for Municity 5 web-hosted software initially costing the Village $63,850, and

WHEREAS, subsequent annual maintenance fees would cost roughly $12,500 per year, and

WHEREAS, this software is currently being effectively used in numerous Westchester County communities of comparable size,

NOW, THEREFORE, BE IT

RESOLVED that the Board of Trustees hereby authorizes the purchase of Municity 5 software from ICC, for $63,850, and

BE IT FURTHER RESOLVED that to fund this purchase, the Board of Trustees authorizes the use of prior period debt issued for building department computer and record management and archiving projects, and

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

B. RESOLUTION – Designating Village Election Polling Places for 2025

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

BE IT RESOLVED the hours for Village Election Day, Tuesday, March 18, 2025 be set from 6:00am to 9:00pm, and that the polling places shall be as follows:

- Village Hall - Districts 16 & 17 - 200 Pondfield Rd
- Fire House - Districts 18, 19 & 21 - Corner of Midland Ave and Palumbo Place
- Christ Church - District 20 & 22 - 18 Kensington Road

BE IT RESOLVED that March 7, 2025 is the LAST day a voter may register with Board of Elections to vote in a Village election.

Note: In the event that the Eastchester Fire House is unavailable due to construction then the polling location for Districts 18, 19, 21 shall be the Reformed Church of Bronxville at 180 Pondfield Road.

C. RESOLUTION – Authorizing Capital Project for Retaining Wall at End of Milburn St.

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

WHEREAS, the Village is desirous of evaluating the structural integrity of the retaining wall at 39 Milburn Street, and

WHEREAS, Grossfield Macri Consulting Engineers, PC (GMCE) specializes in this type of engineering service and comes highly recommended, and

WHEREAS, GMCE has submitted a proposal to the Village to prepare a condition report to evaluate the damage and suggest a method of repair, and

WHEREAS, this report will cost the Village approximately $1,800, and

WHEREAS, this amount is considered both reasonable and competitive;

NOW, THEREFORE, BE IT

RESOLVED that the Board of Trustees hereby authorize engagement of GMCE to prepare a condition report on the 39 Milburn Street retaining wall, and

BE IT FURTHER RESOLVED, that the Village Board of Trustees authorize a capital project for the restoration of the 39 Milburn Street retaining wall, and

BE IT FURTHER RESOLVED, that the Village Board of Trustees authorize debt service of $75,000 to cover both engineering and construction costs to renovate the 39 Milburn Street retaining wall, and

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

D. RESOLUTION – Authorizing Payment to David Phillips for Managing Giving Garden for 2024 Season

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

WHEREAS, the Bronxville Giving Garden has enjoyed another successful year donating thousands of pounds of fresh organic fruit and vegetables to a Mt. Vernon foodbank as well as the Eastchester Community Action Partnership (ECAP), and

WHEREAS, the mission statement for the Giving Garden clearly states that it will be operated by volunteers, and

WHEREAS, the Giving Garden committee members have acknowledged that the Garden's success, in large part, is due to the tireless work of Farmer David Phillips, and

WHEREAS, the Garden committee members are desirous of acknowledging David Phillips invaluable contribution to the Garden's success,

NOW, THEREFORE, BE IT

RESOLVED that the Board of Trustees hereby authorizes the issuance of a $1,000 honorarium to David Phillips for his contributions to the Village's Giving Garden, and

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

E. RESOLUTION – Authorizing Execution of Maintenance Agreement with NYSDOT for New Lighting Fixtures on DeWitt Bridge

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

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of DeWitt Avenue over Sprain Brook Parkway Bridge Deck Replacement in the Village of Bronxville, located in the Town of Eastchester, Westchester County, PIN 8816.64, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the replacement and addition of street lighting and appurtenances, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the NYSDOT, and

WHEREAS, the service life of the new and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

NOW, THEREFORE,

BE IT RESOLVED: That the Village of Bronxville approves of the replacement and addition of street lighting and appurtenances and the above mentioned work performed on the project and shown on the contract plans for the portion located within their municipal jurisdiction relating to the project and that the Village of Bronxville will energize and maintain or cause to be maintained the adjusted street lighting facilities performed as above stated for twenty five (25) years and as shown on the contract plans (for the portion located within the Village).

BE IT FURTHER RESOLVED that James M. Palmer, Village Administrator has the authority to sign, with the concurrence of the Village Board of Trustees, any and all documentation that may become necessary as a result of this project as it relates to the Village of Bronxville, and

BE IT FURTHER RESOLVED: That the Clerk of the Village of Bronxville is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

F. RESOLUTION – Supporting Continued Increase in State AID For Local Government

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

WHEREAS, until 2024, cities, villages and towns had not received an increase in unrestricted state aid (AIM funding) in 15 years, significantly impacting their ability to provide essential services to their residents; and

WHEREAS, after a prolonged period without financial support, local governments finally received an increase of $50 million in unrestricted state aid; and

WHEREAS, local officials express their gratitude for the $50 million increase in unrestricted state aid, recognizing it as a positive step towards addressing long-standing funding challenges; and

WHEREAS, the State has referred to this new aid as Temporary Municipal Assistance, suggesting that such increase may not continue, jeopardizing the sustainability of crucial municipal programs and services; and

WHEREAS, the property tax cap further limits the ability of local governments to properly fund the programs and services their residents need; and

WHEREAS, increased and ongoing state aid for local governments is vital for maintaining infrastructure, public safety, housing and other municipal services; and

WHEREAS, the challenges of inflation, the increasing costs of labor and supplies, and the end of extraordinary federal aid only accentuate the need for consistent and predictable funding to effectively plan for the future and meet the growing needs of their residents;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Bronxville calls upon the Governor and the State Legislature to commit to continuing the additional $50 million in unrestricted state aid in the 2025-26 State Budget and beyond, and

BE IT FURTHER RESOLVED, that the Village of Bronxville urges state officials to recognize the need for a long-term plan that ensures consistent and predictable increases in financial support for local governments that keep pace with inflation.

A copy of this resolution shall be sent to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Shelley Mayer, Assemblymember Amy Paulin and the New York State Conference of Mayors (NYCOM).

G. RESOLUTION – Approving Library Change Orders for Outdoor Reading Garden

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

WHEREAS, on November 13, 2023, the Library Board of Trustees and the Village of Bronxville Board of Trustees, in collaboration with the Friends of the Bronxville Public Library, finalized a design for a Library reading garden, and

WHEREAS, the total cost was expected to be $775,000, and

WHEREAS, following recommendations by the Project Architect Ronen Wilk of Peter Gisolfi Associates LLP, the Village accepted a low bid from Toni Casale, Inc. for $646,000 (exclusive of landscaping); and

WHEREAS, thirteen change orders (including landscaping adjustments) from Toni Casale totaling $182,734.99 net of a $2,500 credit, were approved by the Library, and

WHEREAS, this amount requires an increase in the project budget,

NOW, THEREFORE, BE IT

RESOLVED that the Board of Trustees hereby approves all change orders listed on the attached schedule, and

BE IT FURTHER RESOLVED, that the Friends of the Bronxville Public Library (FOBPL) will fund the remaining project balance of $30,972.87, and

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

H. RESOLUTION – Approving Environmental Compliance Resolution for Police Vehicle Purchases and Equipment Purchases

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

WHEREAS, The Village of Bronxville is planning on purchasing new police Vehicles and also replacing aging equipment in both the Police Department and Department of Public Works; and

WHEREAS, In order to consider financing this acquisition through debt issuance, the Village is first required by law to adopt an environmental compliance resolution.

NOW, THEREFORE, BE IT

RESOLVED that the Village Board of Trustees hereby approves the following environmental compliance resolution attached hereto.

I. RESOLUTION – Authorizing Bond Sale to Fund Vehicles and Equipment

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

WHEREAS, the Board of Trustees of the Village of Bronxville (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of (i) the acquisition of police vehicles ($145,860) and (ii) the acquisition of various equipment for the police and DPW departments ($31,609.80), in and for the Village, including any preliminary and incidental costs related thereto, at a total estimated cost not to exceed $177,469.80, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Bronxville, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed $177,469.80 pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

Section 2. The specific objects or purposes, or classes of objects or purposes, to be financed pursuant to this bond resolution (collectively, the "Project"), the respective estimated maximum cost of such specific objects or purposes, the principal amount of serial bonds, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, authorized for such specific objects or purposes, and the period of probable usefulness of such specific objects or purposes, or classes of objects or purposes, pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition of police vehicles, including any preliminary and incidental costs related thereto, at an estimated maximum cost of $145,860 for which $145,860 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of three (3) years pursuant to subdivision 77 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of three (3) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(b) The acquisition of various equipment for the police and DPW departments, including any preliminary and incidental costs related thereto, at an estimated maximum cost of $31,609.80 for which $31,609.80 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of five (5) years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project are not to exceed $177,469.80; (b) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds; (c) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (d) the maximum maturity of such serial bonds authorized herein shall not be in excess of three (3) years with respect to those objects or purposes as described in Sections 2(a) hereof and shall not be in excess of five (5) years with respect to those objects or purposes as described in Section 2(b) hereof; and (e) on or before the expenditure of moneys to pay for any costs in connection with the Project for which the proceeds of any obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, including whether to issue such serial bonds having substantially level or declining annual debt service, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to impress the seal of the Village (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. The faith and credit of the Village are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the Journal News, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with at the date of the publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The Village covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the Village, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond resolution, or any other provisions hereof, until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Board of Trustees of the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Village agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of such obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution will take effect immediately upon its adoption by the Board of Trustees of the Village.

TRUSTEE COMMENTS – Mr. Palmer mentioned that a candidate for police officer was interviewed during Executive Session. Currently there are 25 approved positions with 23 filled. The Village Administrator also mentioned Alan Kassay of PKF O'Connor Davies was present during the Executive Session to take the Village Board through the 2023-24 audited financial statements. Trustee Fredericks thanked Mr. Palmer and Ms. Voss for all their hard work.

PUBLIC COMMENTS – NONE

Mayor Marvin ended the meeting by thanking all Veterans for their service. Trustee Behrens also thanked Bronxville's two officers who are also Veterans.

There being no further comments, Mayor Marvin adjourned the Regular Meeting of the Board of Trustees at 7:52pm on a motion by Deputy Mayor Underhill, seconded by Trustee Knapp.

The next regularly scheduled Village Board of Trustees meeting will be Monday, December 9, 2024 at 7:00pm.

James M. Palmer, Village Administrator/Clerk