

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE
OF BRONXVILLE HELD ON DECEMBER 12, 2011 AT THE VILLAGE HALL, 200
PONDFIELD ROAD, BRONXVILLE, N.Y.**

PRESENT:	Mary C. Marvin	Mayor
	Robert S. Underhill	Trustees
	William H. Barton, Jr.	
	Anne W. Poorman	

ALSO PRESENT:	Harold Porr III	Village Administrator
	James Staudt	Village Attorney

EXCUSED:	Donald M. Gray	Trustee
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WORK SESSION & EXECUTIVE SESSION

The meeting was called to order at 6:30PM on the motion of Trustee Barton, second by Trustee Underhill.

Village Administrator, Harold Porr, reviewed the meeting agenda.

On motion of Trustee Underhill, second by Trustee Barton, the Board entered into Executive Session at 6:34PM to discuss on-going negotiations with the Bronxville PBA and other personnel matters.

On motion of Trustee Barton, second by Trustee Underhill, the Board closed the Executive Session at 7:51PM and re-opened the work session.

Alan Kassay of O'Connor, Davies, Munns & Dobbins gave a brief presentation on the 2010/2011 Fiscal Year Audit.

On motion of Trustee Underhill, second by Trustee Barton, the Board entered into Executive Session at 7:58PM to discuss personnel matters related to the 2010/2011 Village Audit.

At 8:07PM on motion of Trustee Barton, second by Trustee Underhill, the Trustees entered into the public session.

Mayor Marvin called the meeting to order at 8:11PM.

Mayor Marvin introduced Alan Kassay of O'Connor, Davies, Munns & Dobbins who reviewed the May 31, 2011 financial statements. Mr. Kassay reported that the independent auditors report showed that the financial statements were presented properly and the Village received an unqualified opinion. He reported that the revenues and the expenditures resulted in a positive budgetary variance. The fund balance is in a very good position.

Trustee Underhill said the fund balance is so important and keeping a AAA rating because they ultimately minimize tax increases.

Mr. Kassay replied that the Village is well prepared even in these economic times.

Trustee Underhill reported that the Finance Committee will be meeting on January 13, 2012 at 7:30AM and that they will be having an in depth review of the audit results.

MAYOR'S REPORT

I spent a great deal of time this month on the flooding issue – with our school officials, our engineers, political representatives and FEMA. We are truly, truly in the finals for what promises to be a multi-million dollar grant to help mitigate flooding in the area of the school and surrounding neighborhood. We should know something definitive by year's end.

We also met with the engineering firm hired by the Village to begin our \$500,000 remediation work throughout the Village which will start with cameraing, cleaning and repairing if necessary drainage pipes, starting in the most flood prone areas of the Village.

We are also working on an end of year report for the Affordable Housing Monitor as required by the stipulation agreement. We have been working very closely with staff from Westchester County to try to identify some units in Bronxville per the settlement agreement. So far, we have been unsuccessful, frankly due to the high cost of property in the Village.

The Village is working with our municipal government colleagues in Westchester County, and even around the State to develop a set of legislative priorities that will help local governments.

Some of the most important priorities include:

- Reinstating municipal employees 3% pension contribution
- Amending the tax cap to allow for exemptions for capital improvements
- Abolishing some of the over 200 current State unfunded mandates
- Establish minimum health insurance contribution levels for employees and retirees

Last Saturday, thanks to our wonderful Chamber of Commerce, we had a very special light up the town ceremony and a long visit from Santa who arrived by police car.

The Citizens Advisory Committee met in late November and gave us terrific suggestions for repairs/improvements throughout the Village – terrific group of people who are our eyes and ears in their particular neighborhoods, and now all our departments are working on a “to do” list per their suggestions.

- Police negotiations still continuing – good news we are all still at the table.
- We are already starting to think about how to tackle the upcoming budget because we see no marked improvement in the economy as it affects Village government from last year.

Some important announcements:

- Fire Board election will be here at Village Hall tomorrow Tuesday, December 13th from 2PM to 9PM. So important that you vote because the people you elect are in charge of a budget that is currently bigger than our own Village budget.

- Village taxes are due now. They can be paid up until January 3rd without incurring a penalty. We will be sending several e-alert reminders about this – just another reason to join our e-alert system.

Finally, I want to congratulate Trustee Barton and his wife, Maureen, on being honored for all they do and have done for our Village by Concordia College. The recognition was so well deserved. All of us here were in attendance and it was a very special night.

TRUSTEE REPORTS

Trustee Underhill – reported that the Fire District budget is very meaningful and of great magnitude for residents.

Trustee Underhill also encouraged all residents to shop locally.

Trustee Barton – no report.

Trustee Poorman – no report.

APPROVAL OF MINUTES

On motion of Trustee Poorman, second by Trustee Underhill, the Board approved the minutes of the Regular Meeting on November 14, 2011.

PUBLIC HEARINGS

Village Attorney, James Staudt, reviewed the three proposed local laws and assured residents that these were keeping the Village Code up-to-date. He said that Local Law #8-200 was requested by the Police Chief and that this would be memorialized; Local Law #9-2011 removes old language referencing stop signs and puts in traffic lights; and Local Law #10-2011 references parking meters on Kensington Road and gives a number of spots a proper designation of time.

At 8:32PM, on motion of Trustee Barton, second by Trustee Poorman, the Board opened the public hearing for Proposed Local Law #8-2011, Proposed Local Law #9-2011 and Proposed Local Law #10-2011.

Mayor Marvin commented that this is a clean-up and helps with enforcement.

Village Attorney, James Staudt, reported that he had received a memo from resident Thomas Wolff and that he wanted to respond to it. With regard to Proposed Local Law #8-2011, this law deals with the traffic flow in the lot.

Village Administrator, Harold Porr, said that this law has nothing to do with the traffic around People's Bank.

Village Attorney, James Staudt, spoke about Proposed Local Law #9-2011 and that technical questions were raised. This is a matter of substance and should be made a sub-section, not a paragraph. Laws do not use the word "pedestrian". The Village laws sync up with New York State laws and therefore need to use the general word "traffic".

Village Attorney, James Staudt, then spoke about Proposed Local Law #10-2011 and that this law deals with parking meters on Kensington Road. Mr. Wolff questioned if two meters exist and after speaking with Parking Commissioner, Bill Murphy, Mr. Staudt is confident that these meters do indeed exist.

Mr. Wolff, 230 Pondfield Road, said he wanted it on the record that the road by People's Bank could be used by everyone except between the hours of 5PM -7PM. He thought that this may have been overlooked by Proposed Local Law #8-2011.

Mr. Wolff said he respectfully disagrees about the sub-section (#13) and feels it should be a paragraph. He said that Article 14, Chapter 290 allows the Village Trustees to make a substantive change at a public hearing and feels they should make this change. The new traffic control/device is very sophisticated with pedestrian type buttons and this does not fit what is currently in the law for traffic controlled devices. He feels this should be updated.

And finally, Mr. Wolff spoke about Proposed Local Law #10-2011 and that he was confident that after speaking with Parking Commissioner, Bill Murphy, that the two meters do in fact exist.

At 8:43PM, on motion of Trustee Underhill, second by Trustee Poorman, the Board closed the public hearing.

Village Attorney, James Staudt, told the Trustees that he is confident that these laws sync up with the New York State laws and that all of the language is appropriate.

THEREFORE on motion of Trustee Barton, second by Trustee Poorman, this was unanimously approved.

LOCAL LAW NO. 8 - 2011

A LOCAL LAW TO AMEND THE TRAFFIC AND VEHICLE LAW OF THE VILLAGE OF BRONXVILLE, CHAPTER 290, BY REVISING SECTION 290-17 REGARDING ONE-WAY STREETS AND PARKING LOT DRIVE AISLES

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

Section One. The heading and introductory language of section 290-17, which concerns one-way traffic movement, are hereby revised to read as follows:

§ 290-17. One-way streets and parking lot drive aisles.

The following streets and parking lot drive aisles, for the portion indicated, are hereby designated as one-way streets and drive aisles, and signs forbidding entry and indicating the direction of travel shall be maintained at every intersection where movement in the opposite direction is prohibited as follows:

Section Two. Section 290-17.P of the Code of the Village of Bronxville, which concerns the Kraft Avenue Parking Lot, is hereby revised to read as follows:

§ 290-17. One-way streets and parking lot drive aisles.

§ 290-17.P In the Kraft Avenue Parking Lot: The entrance from Kraft Avenue located at the north end of the lot shall be one-way in (west) only. The exit to Kraft Avenue located near the south end of the lot shall be one-way out (east) only. The drive aisle running from the north end of the lot to the above-referenced exit shall be one-way in a southerly direction only.

Section Three. 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 Four. This local law shall take effect immediately upon filing with the Secretary of State.

THEREFORE on motion of Trustee Underhill, second by Trustee Barton, this was unanimously approved.

LOCAL LAW NO. 9 - 2011

A LOCAL LAW TO AMEND THE TRAFFIC AND VEHICLE LAW OF THE VILLAGE OF BRONXVILLE, CHAPTER 290, BY ADDING A NEW TRAFFIC CONTROL SIGNAL AT THE INTERSECTION OF KRAFT AVENUE AT CEDAR STREET IN LIEU OF STOP SIGNS

BE IT ENACTED by the Board of Trustees of the Village of Bronxville as follows:

Section One. Section 290-18.A of the Code of the Village of Bronxville, which provides for the installation, maintenance, and operation of traffic control signals at particular intersections, is hereby revised to add the following subsection (13):

§ 290-18. Traffic control signals.

§ 290-18.A Pretimed fully automatic traffic control signals

(13) Kraft Avenue at Cedar Street.

Section Two. Section 290-15 of the Code of the Village of Bronxville, which designates certain intersections as stop intersections and requires the maintenance of stop signs at such intersections, is hereby revised to remove the following intersections:

§ 290-15. Stop intersections.

<u>Stop Street</u>	<u>Through Street</u>	<u>Location of sign</u>
Cedar Street	Kraft Avenue	On northeast corner
Cedar Street	Kraft Avenue	On southeast corner

Section Three. 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 Four. This local law shall take effect immediately upon filing with the Secretary of State.

THEREFORE on motion of Trustee Barton, second by Trustee Underhill, this was unanimously approved.

LOCAL LAW NO. 10 - 2011

A LOCAL LAW TO AMEND THE TRAFFIC AND VEHICLE LAW OF THE VILLAGE OF BRONXVILLE, CHAPTER 290, BY MODIFYING THE TIME LIMITS OF PARKING METERS ON KENSINGTON ROAD

BE IT ENACTED by the Board of Trustees of the Village of Bronxville as follows:

Section One. Section 290-41.F of the Code of the Village of Bronxville, which provides for three-hour parking meters, is hereby revised to remove the reference to Kensington Road.

Section Two. Section 290-41.B(2) of the Code of the Village of Bronxville, which provides for two-hour parking meters on particular streets, is hereby amended to include the following street and parking meters:

§ 290-41. Parking time limits.

§ 290-41.B Two-hour parking

§ 290-41.B(2) Streets

Kensington Road, west side, parking meters numbered KRN31 through KRN 38.

Section Three. Section 290-41.I of the Code of the Village of Bronxville, which provides for twelve-hour parking meters on particular streets, is hereby amended to include the following street and parking meters:

§ 290-41. Parking time limits.

§ 290-41.I Twelve-hour parking.

Kensington Road, west side, parking meters numbered KRN17 through KRN 30.

Kensington Road, east side, parking meters numbered KRS1 through KRS16.

Section Four. 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 Five. This local law shall take effect immediately upon filing with the Secretary of State.

NEW BUSINESS

RESOLUTION # CONTRACT FOR BOND, SCHOENECK & KING, PLLC

On motion of Trustee Poorman, second by Trustee Underhill, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees authorizes the Mayor to enter into a retainer renewal agreement with Bond, Schoeneck & King, PLLC of Garden City, NY for legal services related to labor issues in the Village of Bronxville for a period of three (3) years from December 1, 2011 through November 30, 2014 at a fee of \$33,000 per year payable in equal monthly payments as per the attached contract.

RESOLUTION – BOARD OF TRUSTEES JANUARY MEETING DATE CHANGE

On motion of Trustee Barton, second by Trustee Poorman, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees is officially now moving the date of the January 2012 meeting from Monday, January 9, 2012 to Tuesday, January 17, 2012 with the work session beginning at 6:30PM and the regular meeting beginning at 8PM. It will be located at Village Hall, 200 Pondfield Road, Bronxville, NY. This change will be posted in Village Hall and on the Village website.

BOND RESOLUTION – ACQUISITION OF VARIOUS EQUIPMENT

On motion of Trustee Poorman, second by Trustee Underhill, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees authorizes the issuance of up to \$784,664 serial bonds of the Village of Bronxville, Westchester County, New York to pay the cost of the Acquisition of Various Equipment and Furnishings; the Acquisition of Vehicles; the Acquisition of Parking Meters; the Acquisition, Construction or Reconstruction of or addition to any physical public betterment or improvement; and the Acquisition, growing, planting, preservation, removal, disposal and replacement of trees, all in and for the Village. All have a period of probable usefulness of five years.

Roll call responses: Trustee Poorman “aye”; Mayor Marvin “aye”; Trustee Underhill “aye”; Trustee Barton “aye”

BOND RESOLUTION – ACQUISITION OF TRAFFIC SIGNS, CONSTRUCTION OF SIDEWALKS & REPLACEMENT TO SEWER SYSTEM

On motion of Trustee Underhill, second by Trustee Barton, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees authorizes the issuance of up to \$100,101 serial bonds of the Village of Bronxville, Westchester County, New York to pay the cost of the Acquisition of Traffic Signs and Sign Supports; the Construction or reconstruction of a Curb or Sidewalk; and Replacements to the Sewer System, in and for the Village. All have a period of probable use of ten years.

Roll call responses: Trustee Poorman “aye”; Mayor Marvin “aye”; Trustee Underhill “aye”; Trustee Barton “aye”

BOND RESOLUTION – ACQUISITION, CONSTRUCTION & RECONSTRUCTION OF IMPROVEMENTS TO VARIOUS PUBLIC BUILDINGS

On motion of Trustee Underhill, second by Trustee Barton, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees authorizes the issuance of up to \$1,053,271 serial bonds of the Village of Bronxville, Westchester County, New York to pay the cost of the Original Improvement or Embellishment of a Recreational Area; the Acquisition, Construction and Reconstruction of Village Streets or Improvements in Connection therewith; and the Construction of an Addition or Additions to or the Reconstruction of a Building in and for the Village. All have a period of probable usefulness of fifteen years.

Roll call responses: Trustee Poorman “aye”; Mayor Marvin “aye”; Trustee Underhill “aye”; Trustee Barton “aye”

BOND RESOLUTION – RECONSTRUCTION OF SANITARY & STORM SEWER IMPROVEMENTS

On motion of Trustee Barton, second by Trustee Underhill, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees authorizes the issuance of up to \$511,964 serial bonds of the Village of Bronxville, Westchester County, New York to finance the costs of the construction, reconstruction of or addition to a dike, bulkhead, dam, sea wall, jetty or similar device to prevent the encroachment of or damage from flood or storm waters, in and for the Village. All have a period of probable usefulness of thirty years.

Roll call responses: Trustee Poorman “aye”; Mayor Marvin “aye”; Trustee Underhill “aye”; Trustee Barton “aye”

RESOLUTION – POLICE UNIFORMS

On motion of Trustee Barton, second by Trustee Poorman, the following resolution was unanimously approved:

BE IT RESOLVED that the Board of Trustees awards the contract for police uniforms to Buckshollow Emergency Equipment Corp, 15 Secor Road, Mahopac, NY 10541. Price list is attached.

Mayor Marvin said that Parking Commissioner, Bill Murphy, does a lot for this Village and the Village is extremely grateful for all that he does.

PUBLIC COMMENTS –

Ms. Elizabeth Maze, 12 Elm Lane, wanted to discuss some parking issues. Her first issue was parents getting tickets while attending meetings at the school. She asked if the Village could make it resident only parking on the street.

Mayor Marvin responded that the State would not allow this as it is a public street.

Trustee Poorman said that parking cannot be for residents only.

Mayor Marvin added that at one point the Village tried to make the parking for teachers only but were challenged and lost.

Ms. Maze asked if the two hour meters by the movie theater could be made three hours as it does not allow people to enjoy a movie without worrying about the meters. She also inquired about overnight parking in front of your house for guests. She would like the Village to allow residents to have three warnings and then a ticket.

Village Attorney, James Staudt, responded that to institutionalize this would mean creating a new law and would be very difficult to administer. This is more of a practical matter and prosecutorial discretion on the part of the police.

Ms. Maze also inquired about increasing the lighting in the Village and if the Village was planning on doing anything about it.

Mayor Marvin answered that the Village is looking at this in several areas.

Ms. Maze said that there is no sidewalk for the children to walk to school and asked if there is a possibility of putting one at some point on Woodland Avenue.

Mayor Marvin responded that this was looked at and is not exactly sure why this did not happen. She was going to speak with Chief of Police about it.

Ms. Betsy Harding, 39 Homesdale Road, wanted to remind the Mayor that she did not remind the residents to file their paperwork for the low income and the senior STAR exemptions.

Ms. Katherine Sharda of Senator Klein's office reminded residents that the Senator is always eager to hear what is going on in the Village.

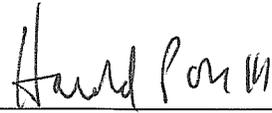
Mayor Marvin said that the Senator is always very responsive and helpful to the Village.

Mr. Thomas Wolff, 230 Pondfield Road, said the Mayor had in her column something that he wanted clarification on. It has to do with Governor Cuomo's tax cap and that the local funding source is not exempt from the tax cap.

Mayor Marvin replied that capital improvements including flooding mitigation, paving streets, etc. are not exempt from the 2% tax cap. She is hopeful that the legislature will look at this. She also noted that school districts' capital project are exempt from the tax cap.

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There being no further comments, the meeting was adjourned at 9:06PM by motion of Trustee Underhill, second by Trustee Barton.

A handwritten signature in black ink, reading "Harold Porr III". The signature is written in a cursive style and is positioned above a horizontal line.

Harold Porr III
Village Administrator/Village Clerk