

MINUTES OF PUBLIC HEARING HELD BY BOARD OF TRUSTEES OF VILLAGE OF
BRONXVILLE ON NOVEMBER 13, 2006 AT THE BRONXVILLE LIBRARY,
201 PONDFIELD ROAD, BRONXVILLE, N.Y.

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PRESENT:	Mary C. Marvin	Mayor
	Glenn D. Bellitto	
	Robert S. Underhill	
	Anne W. Poorman	
	William H. Barton, Jr.	Trustees
ALSO PRESENT:	Harold Porr III	Village Administrator
	Rocco Circosta	Superintendent of Public Works
	Brian M. Downey	Chief of Police
	Vincent Pici, P.E.	Superintendent of Buildings
	Robert J. Fels	Village Treasurer
	William J. Murphy	Parking Commissioner

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Mayor Marvin called the public hearing to order at 8:30 p.m. She advised that the purpose of the public hearing was to hear and consider comments with regard to a proposed Local Law to adopt the provisions of Real Property Tax Law, Section 1903, concerning homestead base proportions.

(It is noted that immediately prior to the formal public hearing an informational meeting was held on the Homestead option attended by approximately 200 members of the public. During the informational meeting John Wolham of the New York State Office of Real Property Services presented a projection of tax shifts with and without homestead. It was projected that the revaluation will raise homeowners' tax burden from approximately 77 percent to 84 percent and reduce the burden of the commercial sector including coops, condos and businesses from 23 percent to 16 percent. Many of the people in attendance were co-op and condo residents. Most of the speakers expressed support for reassessment as a means to restore a fair apportionment of the property tax burden; however, they were opposed to adoption of the Homestead option. A few single family home owners in attendance expressed their support for adopting Homestead.)

Mayor Marvin called for Trustee comments on the proposed local law concerning homestead base portions.

Deputy Mayor Bellitto said that before buying a home he had lived in a co-op in Bronxville and was president of its board. He said he was absolutely delighted when he heard that representatives of Bronxville co-op boards met for the first time last week to discuss the Homestead option and other issues. He said that the coming together of co-op boards to act in

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concert was the culmination of something that he has been hoping to see for about a dozen years. Trustee Bellitto said he pays about \$40,000 a year in property taxes and one of his neighbors also pays about \$40,000 in taxes and has no children in the school. He said his neighbor pays more than his fair share. He said his \$40,000 annually gets him the high house value and his two children educated in the Bronxville school. Trustee Bellitto said he can't think of anything more contrary to the work of community-building than for us to create two tax rates in our village – one for single-family homeowners and another for co-op residents and merchants. Trustee Bellitto said he thinks that the adoption of the Homestead Option, with its two tax pools and two tax rates, would strike at the heart of what it means for us to be one community. He said he wants Bronxville residents to face the future together as one, cohesive village.

Trustee Poorman commented on the Homestead option. She noted that according to New York State property tax law cooperative apartments and most condominiums are categorized as commercial buildings and hence they are taxed differently than single family homes. She said New York State has created a distinction among property classes that in some cases has been unfavorable to the single family homeowner. The co-op owner typically pays a lower property tax than the single family homeowner. She said that as Trustees we are charged with looking after the interests of all Village residents. Trustee Poorman said she has worked with the Chamber of Commerce and does not want to see more stores shuttered. If Homestead is adopted and their taxes increase, these shopkeepers could be irreparably hurt. The lifestyle of Bronxville citizens and our property values could be diminished. For that reason alone, she said Homestead may very well be wrong for Bronxville. However, Trustee Poorman said she will keep an open mind, favoring no group over another.

Trustee Underhill said he took an oath of office to uphold the laws of the State of New York and to represent all of the residents of the Village of Bronxville. He said he received the revaluation data that was presented this evening just today. He said for him to make a determination tonight would be a violation of that trust. He said he does think it has been great to have the opportunity to hear everyone's thoughts. Trustee Underhill commended Mayor Marvin for having done a tremendous job in communicating every step of the revaluation to residents through the various media. He said that you would be hard pressed to find another municipality doing a better job in communicating with the residents. Trustee Underhill said he thinks the objective of tax equality is a difficult challenge given the laws of the State of New York. We can't get fairness because the laws of New York State prevent us from getting fairness. He said he does have a bias against having two separate tax rates. Trustee Underhill said he was very disappointed and concerned by the divisiveness and emotion engendered by this issue.

Trustee Barton said he intentionally did not prepare comments prior to this meeting because he didn't know what the tenor of the meeting would do to his comments. He noted that all five board members live in single family homes and have children in the school and therefore there might be a perception that they are biased. He said he wanted to assure the community

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that we are taking this very seriously. He said it is the Trustees' fiduciary duty to consider the Homestead option. He said, what if the law had the opposite effect that you were going to tax co-ops more than single family homeowners? Trustee Barton pointed out that the community will always have two classes because of the New York State property tax law. Single family homes are taxed on their market value and co-ops are taxed on an income stream basis. If you have a home that is valued at \$1 million and a co-op valued at \$1 million the tax on the co-op will be 40% of the tax on the home. He said it's the law and we have to live with it. Trustee Barton said that the revaluation process was handled exceptionally well. Trustee Barton said the argument was raised earlier that residents of co-ops are less likely to use the school and other services than residents who live in single family homes. He noted that of the 100 homes on the Hilltop where he lives approximately 40% of the residents do not send children to public school. He said we all benefit from the school that is exceptional in this community. Trustee Barton said let's get back to Bronxville as it used to be, as it should be, and that is a community that works together and comes together for a common good. He said we will come to a conclusion that will be fair and it will be thoughtful.

Mayor Marvin said she spoke at length this evening during the public informational meeting prior to this, so she would make just a few remarks. She said she has done a great deal of research, sought the advice of experts and has listened to all the comments made by concerned citizens, and she will be prepared to vote at the appropriate time when all the data is available and analyzed.

Mayor Marvin said she is very mindful of her duty to do what's best for the Village as a whole – balancing the concerns of the single family homeowners whose house must be valued at their market value in contrast to the potential rental income stream approach – and the 40% of our homeowners who live in cooperative apartments and will be affected by the dual tax rate ramification – and our commercial sector – the small business owners – the vast majority who have leases that obligate them to absorb the lion's share of the tax increases to their landlords. Mayor Marvin said that from a policy point of view, she has great reservations about the entire concept of a dual tax system, something this Village has never had. As she said before, this is a difficult decision, but eminently solvable. Let us resolve not to let it be a divisive one. Mayor Marvin said she will rely on the facts to point the way to make the right decision for the Village.

Mayor Marvin then asked for public comments.

Betsy Harding, 39 Homesdale Road, said she wanted to thank John Wolham for the three excellent presentations he gave on the Homestead option. She asked Mr. Wolham if the computer system that he used was able to distinguish between apartments and business buildings. She said if Homestead is adopted there could be a pretty significant shift.

Mr. Wolham responded that the program they use for doing assessment disclosure is an old program and explained the way it breaks out properties based on classification.

Ms. Harding said she was personally against Homestead. She said a lot of people would like to look at the C.B.R. Ellis CAP rate report. She asked when it would be made available to the public. Ms. Harding said she personally got involved in all of these tax issues because she was concerned about all the ongoing certiorari cases and the effect they have on the school budget. She said she thinks it's in everybody's interest to have the CAP rate set at a rate that isn't challenged.

There was some discussion how the CAP rate is set. Assessing consultant Gerry Iagallo said it was important for everyone to understand that we don't arbitrarily select a CAP rate. He said we interpret what the market is doing, look at sales and interpret what is happening in the market.

Jim Kroulas, Parkway Road Community Association, asked about the time line for voting on the Homestead option. Mayor Marvin said the Board would have to vote on it at least 60 days prior to the filing of the tentative assessment roll on February 1st. She said December 2nd is the last day the Trustees could make a decision on this.

Mr. Kroulas asked how many days prior to the vote will residents receive notices about their new assessments. Mayor Marvin said that notices will be sent out immediately after Homestead is voted on. She said there would then be a three week review process that residents can informally grieve their new assessments.

Megan McKinley, said she was wondering how the date and time of the special meeting to vote on Homestead was going to be announced to the public. She also asked if there would be another public hearing.

Mayor Marvin said that a notice would be posted on the Village web site and also sent to the newspapers. She said that we will leave tonight's hearing open so that people can send written comments and they will be made part of the official record.

Jon Gordon said he is in the business of managing commercial real estate and he is familiar with the firm of C.B. Richard Ellis and they have an impeccable reputation. He asked if the CAP rate is solid. Mr. Iagallo said he didn't see any significant change in the CAP rate. There was some more discussion on the CAP rate.

There being no further comments from the public, Mayor Marvin said she would leave the hearing open on the proposed local law concerning homestead base proportions so people would have an opportunity to mail in their comments.

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Mayor Marvin then opened the public hearing to amend Chapter 268 of the Code of the Village of Bronxville, Article II, to provide for an increase in the income levels to be eligible for a Senior Citizen Property Tax Exemption.

Assessing Consultant Gerry Iagallo said that from year to year New York State raises the income level for seniors to qualify for the senior citizen property tax exemption. He noted that from year to senior citizens receive a modest increase in Social Security benefits which may disqualify them from continuing to receive any benefit from this exemption. The State allows us to raise the income limits and that is what is being done here.

Mayor Marvin called for any public comments on the proposed local law.

Betsy Harding commented that there is also a law the Board could consider regarding property tax exemptions for persons with disabilities.

Mayor Marvin said the Board hasn't discussed extending the property tax exemption for persons with disabilities who have a limited income, but if Mr. Iagallo could give them more information on this the Board would take a look at it.

There being no further comments, the public hearing was closed at 9:00 p.m.

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