

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BRONXVILLE HELD ON SEPTEMBER 21, 2009 AT THE VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

* * * * *

PRESENT: Mary C. Marvin Mayor
Glenn D. Bellitto Trustees
William H. Barton, Jr.
Anne W. Poorman

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

EXCUSED: Robert S. Underhill Trustee

* * * * *

WORK SESSION & EXECUTIVE SESSION

The meeting was called to order at 6:40PM, on motion of Trustee Barton, second by Trustee Bellitto, and in attendance were Mayor Marvin, Trustee Bellitto, Trustee Poorman, Trustee Barton, Village Administrator, Harold Porr and Village Attorney, James Staudt.

The Trustees reviewed the meeting agenda.

At 7:02PM, on motion of Trustee Bellitto, second by Trustee Barton, the Trustees entered Executive Session to discuss personnel issues in the Village Court and received legal advice regarding the Kensington Road project and labor relations.

At 7:58PM, on motion of Trustee Poorman, second by Trustee Bellitto, the Trustees re-opened the work session and entered into the public session.

* * * * *

Mayor Marvin called the meeting to order at 8:05PM.

Mayor introduced the evening's guest speaker, Juli Jackson, Chair of the Bronxville Adult School Board.

Ms. Jackson spoke about the Adult School, its mission and history. The Adult School started last week with 1,060 students enrolled for the fall classes. The school is in its 67th year, offers 91 courses and 6 trips from September through February. The school philosophy is that lifelong learning can and should be stimulating and fun. Ms. Jackson stated that the school was chartered by the New York State Board of Regents. She encouraged all residents to sign up for a class.

Mayor Marvin thanked Ms. Jackson for coming.

MAYOR'S REPORT

Welcome back to all our residents who have been traveling this summer. Though the Trustees do not meet as a group in August, a great deal of activity still occurs at Village Hall.

This summer, the maintenance of the Village infrastructure was our number one capital priority. To this end, we expended \$300,000 on our summer paving and curbing initiative including resurfacing the entire length of Sagamore Road, a long overdue, and much needed project. Unfortunately, the summer storms destroyed over 50 mature trees throughout the Village as well as a retaining wall on Sagamore Road, adding to our list of infrastructure expenditures. In the coming months, we will be replacing some of the lost street trees and welcome any donations to the Village Tree Fund.

Speaking of infrastructure, you may have noticed that a water main broke at Village Hall. It was an ancient iron pipe that literally crumbled from age.

One of our greatest Village assets is our very few open spaces. Plans are now well underway for the refurbishment of both Sagamore Park and Maltby Field. Our goal for Sagamore Park is to update, re-landscape, improve safety conditions and make the

area fully handicapped accessible. Our first steps at Maltby will be to completely refurbish the field area and make it usable for recreational activity. Because the area was once an ash dump as well as a snow dumping site, the current conditions render it unsuitable for play at this time. As part of stage one, we also plan to add a scenic pathway. The projects in both parks will be completed in segments as money becomes available and the weather permits.

We have also spent a great deal of time working with Village landlords, merchants and the Chamber of Commerce to help stimulate business for current merchants as well as reaching out to potential quality merchants to come to Bronxville. In the coming weeks, you will see some new stores opening but we still have a long way to go. Our Citizens' Advisory Committee will be focusing on this topic at the September 29th meeting but we also welcome suggestions and comments from any resident. As usual, please try to look locally first for your individual shopping needs.

The BAMS gas station was torn down on schedule and we are in the process of working with a traffic consultant and our police department to maximize parking while reconfiguring the difficult intersection at Kraft Avenue and Cedar Street.

Metro North continues to offer road blocks instead of constructive solutions to the increased vibration and noise conditions along the rail corridor. In lieu of using their funds for mitigation measures, Metro North has now decided to hire their own vibration engineer with, I can only assume, the goal of refuting our vibration study findings. As a result of their responses, I am more resolute than ever in seeking mitigation remedies for our residents. I will also engage the help of our Federal and State elected officials going forward.

Our County Legislator, Gordon Burrows, and our neighboring Legislator, Vito Pinto, held a meeting last Wednesday to discuss the Affordable Housing Settlement Agreement. It was a very informative meeting attended by about 100 area residents.

I have written at length on the agreement for my column this week as well as placing my column along with the entire 38 page stipulation agreement on our Village website. I urge you to read the agreement and reach out to your County Legislators particularly our own Legislator Gordon Burrows to share your thoughts at 995-2830.

Tomorrow Mr. Porr and I are headed to Albany for the Conference of Mayors. Though these events are not my favorite thing, it is an important way to connect with our elected officials and meet with our colleagues and help keep Bronxville in the mix for potential funding and honestly I learn a great deal so I do not have to reinvent the wheel on many issues.

I would like to share some sobering information we received this week. Since the State Common Retirement Fund has lost 26% of its value, communities must cover these losses. For us it will result in sending the State 11% of the value of the non-uniformed employees payroll and 18% of our police payroll. Personally, without changing the pension system, communities could easily bankrupt themselves in the not too distant future.

Finally, I have a few announcements:

Residents have asked for the County Shredder to be in Bronxville so we will have it here on October 3rd from 10AM to 2PM in front of Village Hall. You may bring items such as pre-approved credit card applications, old credit card bills, receipts, bank statements, old tax returns or any other documents containing your name, address and other identifying information. For further information regarding recycling you can call 995-2155 or visit www.westchestergov.com/recycling.

Every resident should have received our Fall newsletter and I want to thank resident, Maryann Maher, who helps so much with this.

The Village Finance Department will be sending out arrears notices on unpaid taxes for the 1st half of the year.

It is now time to apply for your yearly resident parking permit. If you did not receive a renewal notice in the mail or would like to apply for the first time, just call our parking office at 337-2024.

I will also report for Mr. Underhill who works so hard for this Village on a daily basis but occasionally must travel for his first job on the nights we choose for meetings.

Paddle season has begun. To sign up for a permit call 779-4022 or visit Village Hall and ask for Susan. There is an early bird discount if you sign up by October 1st.

The Building Department is still running at 1/3 of the number of issued building permits in comparison to past years.

Mr. Porr and Mr. Underhill have had many breakfast meetings talking with developers about Kensington Road and based on the very healthy level of interest, we will be sending out our new RFP to essentially build the complex that was approved for our former developer.

I want to congratulate our Village Administrator, Harold Porr, on being appointed to New York State Conference of Mayors and Municipal Officials Executive Committee. He recently completed his term as President of the New York State City and County Management Organization.

His involvement has truly helped the Village in many ways – including keeping abreast of grant opportunities, connecting with elected officials and the great sharing of information with and from other communities that has really advanced the Village.

And finally with great respect and admiration, I want to acknowledge the 97th birthday of Village resident Mildred McLearn. Mildred is one of the reasons why you should live in Bronxville. She is an amazing woman - on top of every issue and I mean every issue – she calls me because she has read everything and is concerned how it affects our Village. Her sustained love and concern for this Village is an inspiration to me. Some people want to be like Mike, I want to be like Mildred – 97, smart, concerned and loving Bronxville.

Mayor Marvin announced that there has been a date change for the October Trustee meeting. It will be scheduled for Monday, October 19th due to the national holiday.

TRUSTEE REPORTS

Trustee Underhill (given by Mayor Marvin) reported that the paddle season has begun. Permits are available at Village Hall and there is an early bird special running until October 1st.

Building Department – Trustee Underhill (given by Mayor Marvin) reported that permits are down to 1/3 of where they were before the economic downturn.

Trustee Bellitto reported that a Green Committee is being formed and will be a forum to discuss ideas on how the Village can become more green. There also is an informal Steering Committee with members from Eastchester, Tuckahoe, Concordia College and Sarah Lawrence College that has been meeting and will continue to do so.

Citizens' Advisory Committee – membership has been increased and we have added several at large members as well.

Police – Trustee Bellitto reported that felonies are down by half from last year.

Parking – Trustee Bellitto reported that revenues are less than budget and that a parking enforcement officer retired over the summer contributing to this.

Trustee Poorman reported that due to the budget crunch the Library has reduced hours and has cut back on the purchase of new books. She strongly encouraged contributions be made to the Friends of the Bronxville Library. Also, Womraths Bookstore is partnering with the Library and has a “wish list” from the Library so that once purchased, the book will be donated to the Library.

Chamber of Commerce – The Fall Festival will be held on Saturday, October 3rd and there will be a sidewalk sale, music, food and some safety demonstrations. She encouraged residents to shop Bronxville first for their needs.

Trustee Barton gave the report on the Public Works Department. He stated that due to the summer storm of July 12th, the Village experienced several areas of damage.

He also reported that the paving project for the summer is almost complete. Sagamore Road was the biggest area and will probably not be completed until next spring. In the next several weeks, Cedar Street and Wood End will be paved.

Finances – Trustee Barton reported that the revenues are higher than budgeted and expenses are below. This reflects the great efforts of the staff and the Village is right on target.

APPROVAL OF MINUTES

On motion of Trustee Bellitto, second by Trustee Poorman, the Board approved the minutes of the Regular Meetings on July 13, 2009, as drafted.

NEW BUSINESS

RESOLUTION – 2009 SCAR Settlement

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

WHEREAS, Small Claims Assessment Review petitions having been filed by each property owner identified on the annexed schedules to this resolution, challenging real property tax assessments on the Village's 2009 Final Assessment Roll.

WHEREAS, petitioners' court challenges are now pending in the Supreme Court, Arbitration Division, Westchester County,

WHEREAS, the Village and the property owners have reached a mutually agreeable resolution;

NOW THEREFORE BE IT RESOLVED, that the Village Board hereby authorizes the Village Assessment Consultant to execute those proceedings marked "Settled" on behalf of the Village and School reducing the assessments to no less than the following amounts:

TYPE	ADDRESS	ORIGINAL AV	REDUCED AV	REDUCTION	REFUND (VILLAGE)	REFUND (SCHOOL)	TOTAL REFUND
Settled	5 Fordal Rd	2,473,000	2,211,500	261,500	\$698.47	\$3,509.33	\$4,207.80
Settled	10 South Rd	2,220,000	2,220,000	-	-	-	-
Settled	69 Kensington Rd	745,833	665,000	80,833	\$215.90	\$1,084.78	\$1,300.68
Settled	1 South Rd	3,501,116	3,250,000	251,116	\$670.73	\$3,369.98	\$4,040.71
Settled	55 Tanglewylde	2,184,500	1,900,000	284,500	\$759.90	\$3,817.99	\$4,577.89
Settled	25 Valley Rd	2,458,483	1,875,000	583,483	\$1,558.48	\$7,830.34	\$9,388.82
Settled	3 Leonard Rd	3,522,962	3,350,000	172,962	\$461.98	\$2,321.15	\$2,783.13
Settled	12 Paddington	3,703,703	3,703,703	-	-	-	-
Settled	30 Homesdale	3,251,018	3,000,000	251,018	\$670.47	\$3,368.66	\$4,039.13
					\$5,035.94	\$25,302.23	\$30,338.16

RESOLUTION – Professional Services Contract for Hudson Engineering & Consulting, P.C.

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

WHEREAS, on July 12, 2009, the Village of Bronxville suffered major damages due to a wind and rain storm, and

WHEREAS, such event caused the collapse of a stone retaining wall along the shoulder of Sagamore, which resulted in immediate action of the Village to stabilize that area, and

WHEREAS, three Engineering Consultants were called to provide a field inspection, a temporary shoring plan and design services for construction of a new wall, and

WHEREAS, Hudson Engineering and Consulting of 55 South Broadway, Tarrytown, N.Y., immediately responded to the site and provide an immediate plan of action, and

WHEREAS, Hudson Engineering also provided a proposal for professional engineering services for the design and preparation of bid documents for the replacement of the collapsed retaining wall, and

WHEREAS, Hudson Engineering is a respected engineering firm for Site and Civil Engineering and has completed projects of the like in the Westchester County area.:

NOW, THEREFORE BE IT RESOLVED, that the Village of Bronxville Board of Trustees hereby approves the contract with Hudson Engineering & Consulting of 55 South Broadway, Tarrytown, N.Y. in the amount of \$10,900.00 plus any and all support engineering and reimbursables as outlined in their August 7, 2009 proposal, and

BE IT FURTHER RESOLVED, that the Village Board of Trustees authorizes the Superintendent of Public Works to sign and act as agent for the Village.

RESOLUTION – Riley Land Surveying LLP

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

WHEREAS, on July 12, 2009, the Village of Bronxville suffered major damages due to a wind and rain storm, and

WHEREAS, such event caused the collapse of a stone retaining wall along the shoulder of Sagamore, which resulted in immediate action of the Village to stabilize that area, and

WHEREAS, a topographical survey was required by the Design Engineer to begin remediation work:

NOW, THEREFORE BE IT RESOLVED, that the Village of Bronxville Board of Trustees hereby approves the contract with Riley Land Surveyors, LLP of 69 Main Street, Tarrytown, N.Y. in the amount of \$2100.00, and

BE IT FURTHER RESOLVED, that the Village Board of Trustees authorizes the Superintendent of Public Works to sign and act as agent for the Village.

RESOLUTION – Contract # VM-0902 25 CY. LEAF LOADER

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

WHEREAS, Bid specifications for a 25 CY Leaf Loader were prepared by the Department of Public Works in accordance with local and State requirements and were duly advertised in the Journal News on August 3, 2009; and

WHEREAS, one bid was received and publicly opened on September 2, 2009; and

WHEREAS, Trius Inc. of 458 Johnson Ave., Bohemia, N.Y. 11716 submitted a bid in the amount of \$ 39,850.00 in accordance with the prepared specifications; and

WHEREAS, the Superintendent of Public Works has reviewed all the submitted documentation and finds that Trius Inc. meets all bid requirements.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Bronxville hereby awards the 25 CY Leaf Loader bid to Trius Inc. of 458 Johnson Ave., Bohemia, N.Y. 11716 in the bid amount of \$ 39,850.00 and authorizes the Mayor to enter into such contract with Trius Inc. on behalf of the Village of Bronxville.

RESOLUTION – New York State Snow & Ice Agreement Amendment

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

WHEREAS, the Village of Bronxville has entered into Agreement # D010765 with the New York State Department of Transportation entitled “ Indexed Lump Sum Snow and Ice Agreement”; on August 15, 1997; and

WHEREAS, the term of the said agreement was for a three year period commencing on July 1, 1996 and said agreement provides that the parties may at the end of each year of the term of the agreement extend such term for an additional year: and

WHEREAS, the present term of the agreement, as extended expires June 30, 2007;

NOW, THEREFORE BE IT RESOLVED, that the Village of Bronxville Board of Trustees authorizes the Mayor to sign all Snow & Ice Agreement Extensions with the New York State Department of Transportation in accordance with the contract agreements to June 30, 2011.

RESOLUTION – Consolidated Highway Improvement Program (CHIPS) – State Aid

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

BE IT RESOLVED that the Board of Trustees authorizes the Village Treasurer to amend the 2009/2010 Capital Budget to include the 2009/2010 CHIPS capital reimbursement State aid of \$83,908.53 and to establish project number 20092010-0020-5110.

RESOLUTION – 2009/2010 General Fund Budget Amendment

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

BE IT RESOLVED that the Board of Trustees authorizes the Village Treasurer to amend the Village’s General Fund budget for the 2009/2010 fiscal year to reflect the purchase of office furniture for the Senior Citizen’s office and Court Clerk’s office as follows:

Increase	A.1110200	Court Clerk Equipment	\$1,201.00
Increase	A.1620200	Village Hall Equipment	<u>\$2,050.00</u>
			<u>\$3,251.00</u>
Decrease	A.1990500	Contingent Account	<u>\$3,251.00</u>

PUBLIC COMMENTS –

Mr. Thomas Wolff, 230 Pondfield Road, asked about the new hours for Village Hall and commented that they have been in effect since September 8th.

Village Administrator, Harold Porr, commented that the staff is here from 8:30AM to 4:30PM even though the doors to the public are open from 9AM to 4PM. He said this has helped the office staff with efficiency.

Mr. Wolff thanked Mayor Marvin for putting the Affordable Housing Stipulation Agreement on the Village website and said that the agreement leaves the County open to unnecessary exposure.

Ms. Betsy Harding, 39 Homesdale, mentioned “brown fields” and the fact that the State provides reimbursement to developers who do the cleanup. She commented that she hopes the Village will take this into consideration when negotiating with developers for the Kensington Road site. She also said that if the Kensington Road project becomes part of the affordable housing settlement, she is concerned that the brown fields reimbursement will be affected.

In her review of the previous RFP, Ms. Harding focused on the level of garage maintenance the Village has to provide to this development. She feels that the Village should re-visit this part of the contract especially in these economic times.

Village Attorney, James Staudt, said that the "brown field" regulations were changed in the last two years and he was not sure if the changes reflect what Ms. Harding commented on but said he will research and get back to her. He did say that projects approved prior to the change are not included in these changes and he knows no reason why this would affect the "brown fields" reimbursement.

Ms. Harding agreed with Village Attorney, James Staudt.

* * * * *

There being no further comments, the meeting was adjourned at 9:03PM by motion of Trustee Poorman, second by Trustee Bellitto.

Harold Porr III
Village Administrator/Village
Clerk