

MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF BRONXVILLE HELD ON JULY 9, 2007 AT THE VILLAGE HALL, 200
PONDFIELD ROAD, BRONXVILLE, N.Y.

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PRESENT:	Mary C. Marvin	Mayor
	Glenn D. Bellitto	
	William H. Barton, Jr.	
	Anne W. Poorman	Trustees
EXCUSED:	Robert S. Underhill	
ALSO PRESENT:	Lino J. Sciarretta	Village Attorney
	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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The meeting was opened at 7:04PM on motion of Trustee Bellitto and second by Trustee Poorman.

WORK SESSION

In attendance were the Mayor and Trustees, Village Administrator and Village Attorney.

The Trustees reviewed the agenda for the July 9, 2007 meeting.

EXECUTIVE SESSION

At 7:28PM, on motion of Trustee Bellitto and second by Trustee Poorman, the Board moved to Executive Session to discuss matters leading to the appointment of an individual to the Village of Bronxville Zoning Board of Appeals, to discuss the employment history of an individual and to discuss the sale of public real property.

At 7:59PM, on motion of Trustee Bellitto and second by Trustee Poorman, the Board moved from Executive Session and into Regular Meeting of the Board.

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Mayor Marvin called the public hearing to order at 8:20PM. She stated that the purpose of the public hearing was to hear and consider comments concerning the proposed franchise agreement with Verizon and the proposed local law for Kensington Road Parking.

PUBLIC HEARING – Proposed Franchise Agreement with Verizon for Cable Services

Village Administrator Porr verified that due notice of the public hearing had been given by posting and publication.

Catherine Gasteyer of Verizon presented the franchise application with Verizon and thanked Village Administrator Porr for his hard work. Verizon is looking forward to delivering FIOS service to Bronxville and to having Bronxville join other communities in having two cable choices, having more cable channels and value.

David Mullen, representative for Verizon spoke about the high capacity of FIOS tv and how it is a new alternative to cable; it is a nationwide multi-year project with clear sound and picture. He also thanked Village Administrator Porr for his hard work and for telling Verizon what the Village wants. He feels that Verizon is providing Bronxville with a tremendous agreement that includes DVR (digital video recording) without using a VCR, tapes or dvds; an interactive programming guide that allows the customer to search two weeks in advance for shows to watch; and, 24 hours/7 days a week customer service.

Steve Zohn, outside counsel for Verizon, discussed the PSC amendment and a level playing field.

Mayor Marvin asked about the roll out of service and asked if it will be done in segments. She also asked how long it will take to service the entire Village.

Mr. Zohn said that Verizon is committed to having this completed within 5 years but are aiming at a 12 – 18 months time frame. It is referenced in Exhibit B that 56% of households should have service within six months.

Mr. Mullen stated that this is determined by providing service through an aerial view and then secondly through underground. This underground service is more cumbersome and requires permits, etc. Multi-dwelling units are more complicated because negotiations with owners are needed to get permission to get on-site and have access. Then, the customers are the last people to be contacted.

Mayor Marvin wanted Verizon to be aware that 40% of our residents live in co-op residences.

Mr. Zohn reported that they have had engineering units already in the area polling sites for co-ops and condos to determine these locations.

Mr. Bill Grealy, 95 Kensington Road, wanted to make sure that there are choices to continue to use copper wires and DSL service. His concern was that electricity that powers the service may go out during a power outage. He was very happy with the copper option.

Mr. John Urban, a representative from Cablevision, stated that there are aspects of the agreement with Cablevision and Verizon, as well as other important issues, that need to be addressed before a decision is made. He stated that it is mandatory that Verizon complete this project within five years and that it is not their right to complete it within this time frame.

Mayor Marvin stated that the Board was not voting on this tonight and that they would be happy to review any information they were sent before making any decisions. The trustee vote will take place in a public session on another date.

Mr. Urban mentioned that Cablevision would like to have the public hearing continued.

Mayor Marvin said they would negotiate with Cablevision on their agreement but not tonight and not on television.

Michelle McCarthy, a resident and Verizon employee, thinks that competition is very important. She thanked the Board for offering the Village options.

Mr. Mullen stated that in the agreement section 6.5, the language has been changed and has been given to Cablevision.

Mayor Marvin thanked Village Administrator Porr for his hard work on this over the last 8 months.

There being no further comments, the public hearing was adjourned at 8:50PM by motion of Trustee Bellitto and seconded by Trustee Poorman.

PUBLIC HEARING - Local Law – Kensington Parking Regulations

Mayor Marvin stated that there will be no overflow parking on Avon Road and Leonard Road. Garden Avenue will be for overflow parking. The law will be very specific with distance markers. This law is not ready to be passed tonight but is open for comments.

Mr. Palmeri, 64 Sagamore Road & 3 Beverly, wanted more clarity on the comment that Mayor Marvin made with regard to Avon Road.

Mayor Marvin said overflow parking on Avon and Leonard Road was not something granted by the State and so it has been removed from the local law.

Village Administrator Porr wanted to make it clear that this will not eliminate any spots.

Mr. Palmeri thanked Parking Commissioner Murphy and Village Administrator Porr for keeping Sagamore Road and Kensington Road residents informed. He asked that they continue to keep them updated after the law is enacted – keeping a open dialogue.

Mayor Marvin agreed completely with this.

Mr. Grealy, 95 Kensington Road, wanted to know if the change in the law limits parking up to Oval Court but closer to Pondfield Road – north of Beechtree.

Village Administrator Porr stated that nothing will be allowed that isn't safe. There will be some north and some south of Beechtree.

Mr. Grealy said that he can't overstate enough the safety factor. He asked if it would be possible to have a dry run of the plan to surface some of the real issues.

Mr. Palmeri would like to know the timing of the project and if the police have been working on speeding problems on Kensington Road and Sagamore Road. Sagamore Road is quite dangerous and he is surprised that someone hasn't gotten hurt.

Mayor Marvin said they have been working with Police Chief Downey about Kensington Road. She has been working with the Trustees on lowering the speed limits in the Village from 30 to 25.

There being no further comments, the public hearing was adjourned at 9:03PM.

MAYOR'S REPORT

It has been a very busy month. Knowing we don't meet again until September 10th, we have been trying to anticipate our fall activities and get a head start by scheduling public hearings and reviewing ordinances.

Since two of our three big initiatives are coming to closure, the Village Hall renovation and the Tax Reassessment, we are concentrating on many of the less complicated but equally important topics brought forward by residents in the past few months. As a side bar, 5 Westchester communities have contacted the village for our template for revaluation.

We have also filmed a new addition of one square mile, the Village cable show, we are mailing our quarterly newsletter tomorrow and the Citizen's Advisory Committee postcard will be mailed by the end of the week to help us gather the information for our Village-wide e-mail base.

But looming above all of these things are our efforts to explore mitigation solutions to our perpetual village flooding problems and make sure Bronxville stays in the mix for any Federal, State and County funding sources for flood remediation.

Mr. Porr, Mr. Circosta, myself and many representatives from the School attended the County Summit on flooding which laid out the County's initiatives for flood abatement.

Just as a reminder, the Village is one of 20,000 communities nationwide that formed the FEMA administered National Flood Insurance Program so FEMA backed flood insurance is available through your private carrier for all Village residents and businesses.

Very disappointed to report that our third major project undertaken by this board will need an extension due quite frankly to unreasonable demands placed on the developer by the MTA.

For example, they want the developer to pay to fill an old United Water tunnel and redirect old drain pipes – both completely unrelated to the project. I know they don't do this to projects in other communities along their routes so it is very frustrating.

PALUMBO PLACE – very pleased to report that the school and the Village are again working collaboratively and the school will take over our trailers as interim office space. Luckily, the timing worked because the very expensive phone and computer hookups are still in place so the move to our trailers will be seamless and quite inexpensive. We recognize that our use of the trailers on Palumbo Place as well as the anticipated use by the school has caused traffic backups in the area especially at school drop-off and pick-up times and special problems to our neighbors at Alden Place and Normandy Terrace. We are working with our traffic consultants to improve all our intersections near the school and Village Hall – for example, reviewing the need for the stop bars near the Fire House and at the intersection of Pondfield Road and Gramatan Avenue and the possibility of a right turn only at Midland and Pondfield to improve the flow near the Elementary entrance to the school.

We are also using the summer months to coordinate with the Chamber of Commerce to prioritize what we can do together to enhance our business district. For example, we are reviewing the proliferation of merchandise on our sidewalks and some of the safety issues associated with limiting sidewalk space for pedestrians.

Also, our Department of Public Works is in the midst of a sidewalk and garbage can cleaning program in our business district. We love having our food establishments but they do require us to increase our vigilance in keeping the streets clean of food debris, and odors.

Thank you to the 3rd Graders who were the first official visitors to the new Village Hall.

A special thank you to St. Joseph's Church who immediately volunteered to host the Bronxville Day Camp when the Bronxville School couldn't as a result of the flooding damage. It is just another example of the cooperation and kindness of all the different institutions in our Village and another example of what makes this Village so special.

Finally, I want to extend our collective thanks to two very special police officers who have recently retired after over 20 years of service to the Village, Rich Romangnoli and Mike Pirriello. I want to thank them for all they have done for this Village and wish them every happiness and success in the next chapter of their lives.

Verizon - negotiated very productively for over a year. We are working with consultants and attorneys who are considered the finest in this very specialized area and we relied on their professional judgment in attaining for the Village what we know is as good an agreement as any community has received in New York State.

We worked very hard on this – special thanks to Village Administrator Porr who I know worked almost daily on perfecting this agreement – pleased to offer our residents a choice and let them decide on what service they prefer.

TRUSTEE REPORTS

Trustee Bellitto congratulated the retiring police officers and hopes they look back with a real sense of satisfaction for the work they have done.

Trustee Barton gave an update on four quality of life issues that he has been working on:

1. Sagamore Park – there had been reports of horrible conditions. He hasn't visited it personally but has been cleaned up by the Department of Public Works and a picnic table has been added. Village Administrator Porr walked the park and reported that it looks good.
2. Outdoor fireplace – there is smoke rising into a neighbors window. There is no ordinance that covers this. This is being worked on currently.
3. Complaints about leaf blowers – this was addressed in the Mayor's newsletter. Fines are \$250 per incident and/or up to 15 days in jail. To date, there have been 12 summonses issued since June 1, 2007.
4. Business District – various food establishments have caused sidewalk issues – litter, etc. The Department of Public Works has cleaned the trash cans and their liners. They have made the hygiene of the business district a priority.

APPROVAL OF MINUTES

On motion of Trustee Poorman, seconded by Trustee Bellitto, the Board approved the minutes of the Regular Meeting and Public Hearings June 11, 2007, as drafted.

DEPARTMENT REPORTS

Department reports were presented by Chief of Police Downey, Superintendent of Buildings Pici, Superintendent of Public Works Circosta, Village Treasurer Fels, Parking Commissioner Murphy, and Village Administrator Porr.

Chief of Police, Brian Downey, reviewed recent police activity with that of last year's. He asked that people make sure to lock their cars, set their alarms and hide their valuables. He also mentioned that on Thursday, July 12, 2007 from 1PM – 3PM he will be holding a “Meet the Chief” in his office. All are invited to attend. He thanked officers Romagnoli and Pirelli for their fine work and said that they will be missed.

Superintendent of Buildings, Vincent Pici, mentioned that in response to concerns about the Girl Scout Cabin that they will continue to demolish the building. They could not salvage the foundation so rather than have an eye sore and safety hazard, it will be filled in the next week.

He also advised that the Planning Board is schedule to meet on Wednesday, July 11, 2007 in the Library. They will be discussing two site developments – Haiku and Il Bacio – who have asked for sidewalk cafés, as well as 99 Pondfield Road who has asked for pre-approval to convert the second floor to residential status while a frame studio will use the ground floor.

It continues to be busy with the increased number of renovation permits. The numbers are up. Some electrical permits may still be out due to flood damage but they continue to work on this and reimburse owners.

Superintendent of Public Works, Rocco Circosta, reported that with the adoption of the capital plan they have been working with Tuckahoe and Eastchester on resurfacing. The pricing of asphalt has increased by 15 – 20%.

As far as clean up is concerned, he asked for assistance from both merchants and property owners.

He continues to work with FEMA on the April 15, 2007 storm with regard to storm water management and water qualities.

The purchase of GPS equipment has been approved. This is part of an Eagle Scout project that allows for the inventory of street trees which helps protect the environment.

Superintendent Circosta reported that the trash bin at Bacon Woods is temporary and that the ornamental bins have been ordered and will replace the concrete one once they arrive.

Mayor Marvin thanked Superintendent Circosta for his quick response to the downtown issues.

Village Treasurer, Robert Fels, reviewed the budget. He stated that we are in good financial shape and well within budget estimates. He said that the fiscal year ended on a very positive note.

Parking Commissioner, William Murphy, reported that the Village is in good shape with regard to the striping of parking spaces.

NEW BUSINESS

Announcement by Mayor Marvin

John Brown of 47 Woodland Avenue is appointed to the Village of Bronxville Zoning Board to fill the unexpired term of Charles Jackson which expires in 2009.

RESOLUTION – Capital Project Amendment

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

BE IT RESOLVED the Board of Trustees authorizes the Treasurer to increase the following capital project to include the CDBG funding approved by the Westchester County Planning Department:

Village Hall Renovation (Project # 20042005-0043-1620)	\$300,000.00
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RESOLUTION – Animal Control Officer

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

BE IT RESOLVED the Board of Trustees designates Police Officer Joseph Panzarino an employee of the Village of Bronxville, as Animal Control Officer for the Village of Bronxville for the period of July 10, 2007 through December 31, 2008.

Police Chief Downey reported that this officer is licensed with the State and that this refers to non-domesticated animals.

RESOLUTION – Special Parking

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

BE IT RESOLVED that the Village of Bronxville Trustees hereby designate special parking along Meadow Avenue beginning at Pondfield Road and extending to Garden Avenue between the hours of 7AM – 9PM on Tuesday, July 10, 2007. All parking along that stretch of roadway will be 15 minutes to assist the Board of Education for the voting on the School bond.

RESOLUTION - Extending the Closing Date for Kensington Project to August 31, 2007

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

WHEREAS, on or about June 21, 2004 the Village of Bronxville (the "Village") entered into a Purchase, Sale and Development Agreement (the "PSDA") with Spectrum Kensington, LLC, as Purchaser and WCI Communities, Inc., as Guarantor regarding property located on Kensington Road in the Village of Bronxville (Tax Map Section 11, Block 5, Lots 1, 6 and 16); and

WHEREAS, the parties to the PSDA wish to extend the Outside Closing Date, as that term is defined in Section 15 of the PSDA, until August 31, 2007.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Bronxville, that the Board of Trustees consents and agrees to the extension of the Outside Closing Date set forth in Section 15 of the PSDA until August 31, 2007.

RESOLUTION - Adoption of the National Incident Management System

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

It is hereby resolved by the Village of Bronxville, State of New York that:

WHEREAS, In Homeland Security Presidential Directive (HSPD)-5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all federal, state, local, and tribal emergency management agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the state's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations training programs; and

WHEREAS, the National Commission of Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

NOW THEREFORE, Pursuant to the authority vested in the Board of Trustees of the Village of Bronxville, it is hereby directed that the National Incident Management System be utilized for all incident management in the Village of Bronxville.

Trustee Barton wanted to know who is funding this and who the training is for.

Police Chief Downey stated that the training is for everyone but to date the police and department of public works men have been the only ones receiving training. Without this we would not be eligible for Federal funds. The training costs are being paid for by the Village.

RESOLUTION – Village Court Grant Application

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

BE IT RESOLVED that the Mayor of Bronxville is authorized to sign a grant application for the Village Court security system for an amount up to \$33,000 with the New York State Office of Criminal Justice.

RESOLUTION – Julie Cagliostro

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

BE IT RESOLVED that Julie Cagliostro be awarded \$1,000 for consulting and design work above and beyond her normal duties at the Village.

SCHEDULE OF PROPOSED PUBLIC HEARINGS

On motion of Trustee Barton, seconded by Trustee Poorman, the following Public Hearings were unanimously approved for September 10, 2007:

1. Noise – this will prohibit deliveries and pick-ups from 11PM – 6AM.

2. Parking Enforcement – this will limit 2 hour parking adding Pondfield Road and Park Place.
3. Flood Damage Prevention – Village participation in the National Flood Insurance Program is a new model law mandated by FEMA.
4. Sidewalks – provides for maintenance and repair procedures for ice, snow and mandates owners to take care of obstructions.

Village Attorney Sciarretta made it clear that the Flood Local Law must be sent to the Secretary of State by September 28, 2007.

PUBLIC COMMENTS

Mr. Kroulas, 70A Parkway Road, asked if the project on Kensington Road has WCI as the applicant or is it the Village? He also commented that the recent advertising by WCI did not mention it was an age targeted project.

Village Administrator Porr stated that the property is currently owned by the Village but that the developer will take it over.

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There being no further comments, the meeting was adjourned at 9:55PM by motion of Trustee Barton, seconded by Trustee Poorman.