

**MINUTES OF REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF BRONXVILLE HELD SEPTEMBER 13, 2021 AT 7:00PM
AT VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.**

PRESENT:	Mary C. Marvin	Mayor
	Robert S. Underhill	Deputy Mayor
	Bill Fredericks	Trustee
	Helen Knapp	Trustee
	Mary Taylor Behrens	Trustee
ALSO PRESENT:	James Palmer	Village Administrator
	Amanda Brosy	Village Attorney

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WORK SESSION

At 6:00pm on a motion by Trustee Knapp, seconded by Trustee Fredericks, the Village Board convened the Work Session. The Village Administrator reminded the Village Board that the Library Board President and Library Director will be coming to the regular meeting to provide updates to the Village Board. He explained that the Village Board will need to approve funding for some additional HVAC work and he explained how it relates to the past HVAC improvements. He agreed to provide the Village Board a current breakdown of the Library Trust Fund Balance.

The Village Administrator went through the agenda items with the Village Board including the leaf blower ordinance and proposed closing of Palumbo Place. He will provide the Village Board a copy of the proposed layout for Palumbo and arrange site visit.

The Village Administrator suggested that the Village Board consider adopting the speed hump policy that was previously circulated. The Board agreed to include it on the next agenda. Deputy Mayor Underhill asked about the status of the movie theater.

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Mayor Marvin opened the Regular Meeting at 7:00pm on a motion by Trustee Fredericks, seconded by Deputy Mayor Underhill.

Mayor Marvin introduced Library Board President Margaret Mager and Library Director Greg Wirszyła for an update on the efforts of the Library during COVID and their current program offerings. They explained that the Bronxville Public Library has been back open since June 2020 and was the 2nd Library in the County to re-open that quickly. Circulation is currently 18% above pre-pandemic levels and the highest since 2013. The Library also completed a survey recently as part of their effort to update their strategic plan and they received more than 824 responses. Responses will be used to help shape priorities for the coming year(s).

MAYOR'S REPORT

Mayor Marvin gave a brief update on what she has been working on. She also mentioned the devastating flooding throughout the Village from the September 1 storm. Many residents still recovering from the flood damage. Mayor Marvin also mentioned the progress of the DPW garage and that it is on schedule and within budget.

ADMINISTRATOR'S REPORT

Village Administrator, James Palmer, gave a brief update on what he has been working on. Mr. Palmer also reminded residents that construction debris must separate from regular trash when placed curbside. Some residents along Parkway Rd are still without power due to the storm even of September 1. He thanked the community for their patience and applauded the efforts of the DPW, Building Inspector and Eastchester Fire Department.

APPROVAL OF MINUTES

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

1. July 22, 2021 – Work Session
2. July 22, 2021 – Regular Meeting

PUBLIC HEARING

A. Proposed Local Law 10-2021 – A Local Law to Amend the Code of the Village of Bronxville by Amending the Leaf Blower Ordinance.

At 7:30pm, Mayor Marvin opened the public hearing on a motion by Deputy Mayor Underhill, seconded by Trustee Fredericks for Proposed Local Law 10-2021.

Mayor Marvin gave a brief description of this local law. Trustee Knapp worked with the Green Committee to put together a policy regarding the gas powered leaf blower ban. Trustee Fredericks suggested that homeowners and landscapers be held accountable for violating ordinances.

Some members of the Green Committee spoke in favor of the importance of its adoption.

Dr. Steven Schaefer, Village resident, made a few comments regarding this local law and shared some of his other concerns including speeding on Pondfield Road.

Justin Smith, Village resident, also made a few comments about this local law and his support of the gas powered leaf blowers.

Larry Wilson, landscape contractor and President of the NYS Landscape and Turf Association, also made a few comments in opposition of the ban.

There being no further comments, the public hearing was closed at 8:11pm on a motion by Trustee Behrens, seconded by Trustee Knapp.

PROPOSED LOCAL LAW NO. 10 - 2021

A LOCAL LAW TO AMEND CHAPTER 210, PEACE AND GOOD ORDER, BY RESTRICTING THE USE OF INTERNAL COMBUSTION LEAF BLOWERS

Section 1: Section 210-8.I. of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

I. Reserved.

Section 2: Article IV of Chapter 210 of the Code of the Village of Bronxville is hereby re-numbered Article V.

Section 3: Section 210-17 “Violations and penalties” within Article V of Chapter 210 of the Code of the Village of Bronxville, is hereby re-numbered Section 210-23.

Section 4: The Code of the Village of Bronxville hereby revised to enact a new Article IV within Chapter 210, to read as follows:

Article IV. Internal Combustion Leaf Blowers

§ 210-17 Purpose.

The Village of Bronxville finds and declares that internal combustion leaf blowers represent a significant source of environmental pollution in the form of high and low-frequency noise, carbon and noncarbon emissions, and dust particulate, which represent a present and increasing threat to the public peace and to the health, safety, and welfare of the residents of the Village and its visitors. Noise generated by leaf blowers has the effect of interfering with the psychological well-being of persons, as leaf blowers generate low-frequency noise at high decibel levels, exposure to which is recognized to generate more severe adverse health effects when compared to high frequency noises, including hearing loss, tinnitus, reduced cognitive performance, heart disease, and hypertension. Additionally, internal combustion leaf blowers displace significant amounts of particulate matter, spreading pollen, mold, chemical pesticides, and other fine particulates. Internal combustion leaf blowers are also recognized as hyper-polluters, emitting significant carbon and noncarbon emissions in greater magnitudes than automobiles over similar operating periods. Accordingly, it is the policy of the Village to regulate the use of internal combustion leaf blowers to minimize and mitigate the harmful impacts of their use.

§ 210-18 Definitions.

INTERNAL COMBUSTION LEAF BLOWER – A leaf blower which is powered by an internal combustion engine/motor. An electric leaf blower being used while plugged into an operating generator which is powered by an internal combustion engine shall be deemed an internal combustion leaf blower.

§ 210-19 Prohibition on the operation of internal combustion leaf blowers during certain months.

Internal combustion leaf blowers shall not be operated during the following periods of the year: December 15 through March 15; May 15 through October 15.

§ 210-20 **Prohibition on the operation of internal combustion leaf blowers during certain hours of the day.**

During the months when internal combustion leaf blowers are permitted to be operated in the Village of Bronxville, they may only be operated during the following hours: Monday through Saturday, excluding holidays: between 8:00 a.m. and 6:00 p.m.

§ 210-21 **Temporary suspension for storm and hurricane cleanup.**

In the event of a hurricane, tropical storm, or similar extreme weather event, the Mayor of the Village of Bronxville in their sole discretion, may temporarily suspend provisions of this Chapter to allow the use of internal combustion leaf blowers for debris cleanup.

§ 210-22 **Violations and penalties, responsible parties.**

- A. Responsible parties. The following parties shall have committed a violation of this Article if it is not complied with:
 - (1) The party operating the internal combustion leaf blower; and
 - (2) The party who employed the person to operate the internal combustion leaf blower at the time of violation; and
 - (3) The party who owns the property where the violation occurs.
- B. Penalties. Any person violating any of the provisions of this Article shall be subject to a fine upon conviction thereof, not exceeding \$250 for the first offense, \$500 for the second offense, and \$1,000 for the third offense and any subsequent offenses. Conviction for violation of this Article shall be deemed a violation, not a misdemeanor or a felony.
- C. In addition to the penalties provided in subsection B above, the Village Administrator may, upon providing notice and an opportunity to be heard, suspend the Gardener's license (as described in Chapter 164 of the Village Code) of any responsible party holding such a license upon determination of the Village Administrator that such party has violated the provisions of this Article.

Section 5: Section 210-23 of the Code of the Village of Bronxville is revised in its entirety to read as follows:

§ 210-23. **Violations and penalties.**

- A. Any person who violates any provisions of Chapter 210, Article 4, shall be subject to penalties as provided in § 210-22 of this Chapter.
- B. Any person who violates any provision of this Chapter 210 other than those in Article 4 shall, upon conviction thereof, be guilty of a violation punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment.

Section 6: Severability. 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 7: This Local Law shall take effect immediately upon filing with the Secretary of State.

NEW BUSINESS

- A. RESOLUTION – Adopting Local Law 10 – 2021 - A Local Law to Amend the Code of the Village of Bronxville by Amending the Leaf Blower Ordinance.**

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

WHEREAS, the Board of Trustees (the “Board”) of the Village of Bronxville (the “Village”) requested Village Counsel to draft a local law by amending Chapter 210, Peace and Good Order, by Restricting the Use of Internal Combustion Leaf Blowers, and;

WHEREAS, having received proposed Local Law # 10 - 2021, the Board is prepared to approve such proposed law; and

NOW, THEREFORE, BE IT RESOLVED, a public hearing on Proposed Local Law 10-2021 was held and closed on September 13, 2021; and

BE IT FURTHER RESOLVED, The Board of Trustees of the Village of Bronxville hereby adopts Local Law 10-2021.

B. RESOLUTION – to Schedule a Public Hearing for Local Law 11-2021, A Local Law to Amend the Traffic and Vehicle Law of the Village of Bronxville, Chapter 290, by Restricting Parking on and Vehicular Access to Palumbo Place

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

WHEREAS, the Board of Trustees (the “Board”) of the Village of Bronxville (the “Village”) requested Village Counsel to draft a local law to amend the code of the Village of Bronxville Chapter 290, by Restricting Parking on and Vehicular Access to Palumbo Place

WHEREAS, having received proposed Local Law # 11 - 2021, the Board is prepared to hold a public hearing on such proposed law,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. A public hearing on proposed Local Law # 11 - 2021 will be held on the 12th day of October 2021 at 7:00p.m. at Village Hall located at 200 Pondfield Road, Bronxville, NY unless otherwise noticed.
2. The Village Board directs that all requisite notices be published in accordance applicable laws and regulations.

C. RESOLUTION – Authorizing Building Management System Upgrades for Library HVAC System

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

WHEREAS, the Bronxville Public Library is upgrading the building’s HVAC System, and

WHEREAS, this upgrade requires the connection of attic HVAC units and related equipment to the new Honeywell building management system

WHEREAS, the HVAC system contractor Clean Air Quality Service has estimated that this job would cost \$25,000 and

WHEREAS, the HVAC system engineering firm OLA has estimated that this job would cost approximately \$3,000, and

WHEREAS, the Bronxville Public Library is applying for grants to partially fund this cost,

NOW, THEREFORE, BE IT

RESOLVED that the Board of Trustees hereby authorizes the connection of the new attic HVAC units to the new Honeywell building management system, and

BE IT FURTHER RESOLVED that Library Fund unassigned fund balance will be used to fund this project, net of all grant proceeds.

D. RESOLUTION – Authorizing Salary Increase for Full-Time Non-Represented Staff

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

WHEREAS, in the 2021-22 budget, the Village budgeted for salary increases for non-represented staff in contingency funds; and

WHEREAS, in order to evaluate the Village’s financial position during the post COVID-19 re-opening, the Village did not increase non-represented staff salaries at June 1, 2021; and

WHEREAS, following a review of the 20-21 budget year as well as other collective bargaining agreements and administrative staff increases in Westchester County the Village has determined that a 2.5% increase of 21-22 is appropriate;

NOW, THEREFORE, BE IT

RESOLVED that the Board of Trustees hereby approves a 2.5% increase for non-represented full-time employees

AND FURTHER BE IT

RESOLVED that the Board of Trustees authorizes the Village Administrator and Village Treasurer to record a budget transfer from contingency funds to payroll accounts as described on the attached schedule.

E. RESOLUTION – Authorizing Replacement of Paddle Court Lighting

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

WHEREAS, the existing Bronxville Paddle Court lighting uses 8 conventional 250-watt pole heads, and

WHEREAS, the existing lighting pole heads need repair and/or replacement to continue functioning properly, and

WHEREAS, the fall paddle court use is contingent upon functional lighting, and

WHEREAS, NABER Electric Corp. quoted \$7,200 to replace the 8 conventional 250-watt pole heads with 8 new 78 watt led pole heads and related hardware, and

WHEREAS, this is the only vendor that responded to our request for bid on this project,

NOW, THEREFORE, BE IT

RESOLVED that the Board of Trustees hereby approves Naber Electric Corp. replacing the paddle court lighting,

AND FURTHER BE IT

RESOLVED that the Board of Trustees authorizes the Village Administrator to transfer funds from the general fund unassigned fund balance to the capital fund to pay for this project.

F. RESOLUTION – Authorizing Submittal of Application and Request for County Funding for Bronx River Flood Mitigation Study – Paxton Avenue and Parkway Road

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

WHEREAS, the Bronx River at Paxton Avenue and Parkway Road continues to flood the area along Paxton Avenue, Lower Milburn, Stone Place, Parkway Road and Bronx River Parkway and as storms increase in frequency and intensity these flooding conditions are becoming a regular occurrence; and

WHEREAS, NYP Lawrence Hospital is located within feet of this corridor; and

WHEREAS, the damages to life and property for the residents and businesses in this corridor continue to grow and the damages from the flooding from Hurricane Ida are already expected to be in the millions of dollars; and

WHEREAS, in 2011, Westchester County adopted a Stormwater Management Law which formalized a program to provide funding assistance to municipalities for flood mitigation projects; and

WHEREAS, Flood reconnaissance plans for the Bronx River have been prepared by the County departments of Planning, Public Works and Transportation making this location at Paxton Avenue an ideal candidate for use of County funding for further engineering review and study;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village Board of Trustees commit to working with Westchester County and any neighboring communities within the watershed to reduce flooding, flood risk and flood damage;
2. The Village Board of Trustees authorize the submittal of a phase I flood mitigation

- project application to Westchester County for the funding of up to 50% of the project cost (as outlined below);
3. The Village Board of Trustees commit to funding up to \$125,000 (through cash or in kind services) or 50% of the costs associated of an engineering study that will review past analysis and study for this location, develop alternative short and long-term solutions to the flooding problem, evaluate/prioritize the alternatives and provide detailed cost estimate of the alternatives.

G. RESOLUTION – Establishing Food Scrap Recycling Program

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

WHEREAS, Westchester County invites all communities to participate in the Residential Food Scrap Transportation and Disposal (RFSTAD) program; and

WHEREAS, participation in this program will help residents throughout the Village reduce food waste and minimize our carbon footprint; and

WHEREAS, the Village to date has taken several steps to prepare for participation in the program including signing an inter-municipal agreement concerning food waste collection, securing necessary equipment and supplies, and preparing marketing materials to educate members of the public.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby authorizes the Village of Bronxville's enrollment and participation in the Residential Food Scrap Transportation and Disposal program and further directs the Village Administrator to finalize a pick-up/drop off location and to implement remaining steps necessary to commence the program

TRUSTEE COMMENTS

Trustee Behrens mentioned the One Square Mile Newsletter and also announced that Bronxville Police together with Tuckahoe Police will be hosting a community BBQ on Saturday, September 24.

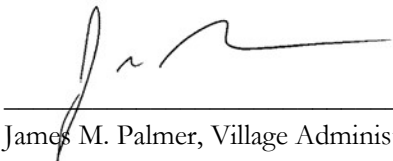
Trustee Fredericks mentioned that there was a Zoom meeting which included the Village Administrator, Village Attorney and others to discuss drafting revisions on solar ordinance.

PUBLIC COMMENTS

None

There being no further comments, Mayor Marvin closed the Board of Trustees meeting at 8:40pm on a motion by Deputy Mayor Underhill, seconded by Trustee Knapp.

The next Village Board of Trustees Meeting is scheduled for Tuesday, October 12 at 7:00pm.



James M. Palmer, Village Administrator