

**VILLAGE OF ARDSLEY
BOARD OF TRUSTEES
REGULAR MEETING
MONDAY, JULY 1, 2013**

Present:	Mayor Trustee Trustee Trustee	Peter Porcino Nicole Minore Larry J. Nardecchia Nancy Kaboolian
Excused:	Deputy Mayor/Trustee	Gary Malone
	Village Clerk Village Attorney Recording Secretary	Barbara Berardi Robert J. Ponzini Anne Hohlweck
Excused:	Village Manager	George Calvi

Mayor Porcino called to order the Regular Meeting at 8:02 p.m.

Mayor Porcino said Trustee Malone will not be present this evening.

I. ANNOUNCEMENT OF EXIT SIGNS

II. PLEDGE OF ALLEGIANCE

FIRE DEPARTMENT REPORT:

Fire Chief Mark Florkowski reported the following activities for June:

- 21 Calls for the month
 - 57 New York State training hours
 - 60 Maintenance hours
 - 107 In-house drill training hours
- Other June activities attended by Officers and Firefighters
- Annual Fire Department inspection
 - Ice cream social at Pascone Park
 - Hudson Valley parade – Glens Falls

III. APPROVAL OF MINUTES: Regular Meeting – June 17, 2013

Trustee Minore: RESOLVED, the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of Monday, June 17, 2013 as submitted.

Seconded by Trustee Nardecchia and passed unanimously.

DEPARTMENT REPORTS:

LEGAL REPORT:

Judge Ponzini had no report.

Mayor Porcino said there will be an Executive Session.

MANAGER'S REPORT:

Mayor Porcino read the Village Manager's report on behalf of George Calvi.

VILLAGE MANAGER REPORT FOR MONDAY, JULY 1, 2013 PREPARED BY GEORGE CALVI ON JUNE 21

1. **HOLIDAY OBSERVANCES**: Village offices will be closed Thursday, July 4, in observance of Independence Day. The regular Thursday commingled containers collection will be picked up the day before along with the regular Wednesday paper collection. Should you have any questions, kindly telephone our DPW at 693-0117, or refer to your 2013 Sanitation Schedule.

2. **TAX COLLECTION**: The first installment of the 2013-2014 Village taxes was due at the end of today's business day (4:00 p.m.). Payments made in person in the Office of the Village Treasurer on Tuesday, July 2nd, or which arrive in the mail with a U.S. postmark of July 2nd or later must be assessed a penalty in accordance with New York State Real Property Law. Mailed payments which arrive without a U.S. Postmark must also be assessed a penalty. Such penalties cannot be waived by local officials. Should you have any questions, kindly telephone the Village Treasurer during normal business hours at 693-1550.

3. **FIREWORKS**: As our late Village resident Bill Foss used to emphasize, not only are fireworks illegal, they are dangerous. Thus, please avoid temptation in handling them. Fireworks will be confiscated on sight by our police department. Should you have any questions, please call Police Chief Emil Califano or the Police Desk at 693-1700.

4. **PUBLIC FIREWORKS DISPLAY**: Speaking of fireworks, the Town of Greenburgh is planning a fireworks extravaganza on July 20 in Anthony Veteran Town Park (rain date July 21) as part of its 225th anniversary of its founding at approximately 8:23 p.m. which is the expected

sunset according to www.sunrisesunset.com. Earlier on that day the Town will be opening the Anthony Veteran Park pool to all Town and Village residents for a fee of \$5. McDowell Park will be serving as the overflow parking area for both activities. Ardsley Little League is contemplating opening the snack bar for the events, and there may be an air castle for the little ones on one of the ball fields. Details are still being finalized but as they become known, they will be distributed on our village-wide e-mail blast.

5. SIDEWALK PROJECT UNDERWAY: The long awaited, fully federally-funded project to reconstruct the sidewalks on the north side of Heatherdell Road between Farm Road and Olympic Lane is imminent. On Wednesday, June 19, a pre-construction meeting for the project was held in Village Hall, and a tentative work timetable was established. We are anticipating that you will begin to see activity early during the week of July 8. The whole schedule is contingent upon Consolidated Edison relocating utility poles, or our contractor's ability to work around them. It is anticipated that two weeks will be needed to excavate for the new sidewalk and curb. The curb installation is expected to require a week, and the sidewalks from two to three weeks. Thereafter, another week will be needed to apply top soil and seed, and an additional week for road markings. Once actual dates are provided to us, an update will be provided by the Village Manager's office. A full set of plans of the project should be available by now on line at www.ardsleyvillage.com. Hit the link for "SRTS Sidewalk Project" which you will find on the homepage. Should you encounter a problem with the link, please do not hesitate to notify the Village Clerk.

The Village will ensure access to the driveways of the impacted homeowners at all times. Although work is expected to be contained within the hours of 9:00 a.m. and 3:00 p.m. daily, residents should be prepared for some noise and dust, and that there will be periodic lane closures. Thus, please plan your trips accordingly. For our pedestrians, there will be a temporary passage erected on the south side of Heatherdell when the existing sidewalks are excavated. The first in a series of notices was mailed out to the impacted residents of Heatherdell Road and Jordan Lane on June 25.

TREASURER'S REPORT: Ms. Berardi read the Treasurer's Report on behalf of Marion DeMaio.

Ms. Berardi stated that the bills for the past two weeks totaled as follows: General Fund: \$115,215.53; Trust & Agency Fund: \$1,822.37; and nothing from the Capital Fund.

Trustee Nardecchia: RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the General Fund: \$115,215.53; and from the Trust & Agency Fund: \$1,822.37. **Seconded by Trustee Minore and passed unanimously.**

MAYOR'S ANNOUNCEMENTS:

- Received a letter announcing the new officers for the Volunteer Ambulance Corps and read their names aloud
- The Village sent a letter to the *Rivertowns Enterprise* editor regarding the Rivertowns Square project that was approved. The Village took exception, and has filed a lawsuit regarding the environmental studies

COMMITTEE & BOARD REPORTS:

TRUSTEE NARDECCHIA:

- Seniors picnic was attended by three villages. A thank you to Ardsley Highway department, PBA, Dobbs Ferry PBA, and others, who all helped make this event very successful
- Thank you to Ms. Berardi for getting the permit to hold the seniors picnic at Macy Park
- Summer floral display last week
- Discussed Village trees, and recommended a Work Session take place to set a policy on cutting down Village trees, and management of tree removal requests made by residents and business owners. Village trees are growing into the power lines. Trees should not be planted under the wires. Recommended that the tree not be replaced that was recently taken down for a business owner that was blocking his signage

TRUSTEE MINORE:

- July 9: 'Ardsley Day' meeting at Ardsley Community Center at 8:00 p.m.
- Thank you to the Carvel Foundation for their annual gift that helps with 'Ardsley Day'
- Website is proceeding on schedule. Design layouts will be available shortly
- Ardsley Improvement Committee noted some issues in the downtown area that may be code violations, and is being looked into

TRUSTEE KABOOLIAN:

No report

V. VISITORS:

No visitors

VI. OLD BUSINESS:

No Old Business to discuss

VII. NEW BUSINESS:

1. Resolution Regarding Attendance of Police Chief at Annual NYS Chiefs of Police Conference in Lake Placid

RESOLUTION RE ATTENDANCE OF POLICE CHIEF AT ANNUAL NYS CHIEFS OF POLICE CONFERENCE IN LAKE PLACID

Trustee Kaboolian: RESOLVED, that the Village Board of the Village of Ardsley hereby approves the attendance of the Police Chief at the New York State Association of Chiefs of Police Conference in Lake Placid scheduled for July 20 through July 23, 2013 at an estimated cost of \$800 for registration and lodging. **Seconded by Trustee Nardecchia and passed unanimously.**

2. Resolution to reduce Building Permit/Inspection Fees for Affordable Housing Project on former Water Wheel Restaurant Site

Resolution was adjourned to Monday, August 5, 2013, Board of Trustees meeting.

3. Resolution Advertising Notice to Bidders for Summer Road Resurfacing Program for six villages

RESOLUTION ADVERTISING NOTICE TO BIDDERS FOR SUMMER ROAD RESURFACING PROGRAM FOR SIX VILLAGES

Trustee Nardecchia: RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Clerk to advertise a Notice to Bidders for the furnishing and/or placing of the following materials on behalf of the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings, Irvington, and Tarrytown: milling existing roadway surfaces, adjusting manholes, valve boxes, curbing, catch basins, and resurfacing with top course. Specifications and Bid proposal forms will be available in the Office of the Ardsley Village Clerk for a non-refundable fee of \$25.00. Sealed bids will be received and publicly opened and read aloud in the Office of the Village Clerk no later than 2:00 p.m., Monday, July 22, 2013. **Seconded by Trustee Minore and passed unanimously.**

4. Resolution Approving the Designation and Appointing Individual whom the Secretary of State must mail notice of claims

RESOLUTION APPROVING THE DESIGNATION AND APPOINTING INDIVIDUAL WHOM THE SECRETARY OF STATE MUST MAIL NOTICE OF CLAIMS

Trustee Kaboolian: RESOLVED, WHEREAS, General Municipal Law, §53 requires villages to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim serviced upon the Secretary as the villages agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a village is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedents estate;

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Ardsley, County of Westchester, designates Barbara A. Berardi, in her capacity as Village Clerk, to receive notices of claims served upon the Secretary of State by mail at 507 Ashford Avenue, Ardsley, New York 10502 or e-mail at ardsleyclerk@optonline.net.

BE IT FURTHER RESOLVED, that the Village Board of the Village of Ardsley hereby directs the Village Clerk to file the required certificate with the Secretary of State informing him or her of the village's designation and applicable time limitation for filing a notice of claim with the village on or before July 14, 2013. **Seconded by Trustee Nardecchia and passed unanimously.**

5. Resolution Authorizing the purchase of a police vehicle, and authorizing the issuance of \$42,000 Serial Bond

**A RESOLUTION AUTHORIZING THE PURCHASE OF A POLICE VEHICLE,
IN AND FOR THE VILLAGE OF ARDSLEY, WESTCHESTER COUNTY, NEW
YORK, AT A MAXIMUM ESTIMATED COST OF \$42,000 AND
AUTHORIZING THE ISSUANCE OF \$42,000 SERIAL BONDS OF SAID
VILLAGE TO THE COST THEREOF**

Trustee Nardecchia: RESOLVED, WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed,

NOW, THEREFORE BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Ardsley, Westchester County, New York, as follows: **Seconded by Trustee Kaboolian and passed unanimously.**

Section 1. The purchase of a police vehicle, including equipment, apparatus and incidental expenses in connection therewith, in and for the Village of Ardsley, Westchester County, New York, is hereby authorized at a maximum estimated cost of \$42,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$42,000 serial bonds of said Village hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is three years, pursuant to subdivision 77 (1st) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized therefore will not exceed five years.

Section 4. The faith and credit of said Village of Ardsley, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form, and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an objects or purposes for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or

proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

TRUSTEE NARDECCHIA	VOTING	AYE
TRUSTEE MINORE	VOTING	AYE
TRUSTEE KABOOLIAN	VOTING	AYE
TRUSTEE MALONE	VOTING	ABSENT
MAYOR PORCINO	VOTING	AYE

6. Resolution approving and accepting the settlement of Anthony Coscia 2009-2011 – 631 Saw Mill River Road and 645 Saw Mill River Road

**A RESOLUTION APPROVING AND ACCEPTING THE SETTLEMENT OF
ANTHONY COSCIA 2009-2011 – 631 SAW MILL RIVER ROAD (LOT 5), 645 SAW
MILL RIVER ROAD (LOT 1)**

Trustee Minore: RESOLVED, WHEREAS, Anthony Coscia has commenced a proceeding in Supreme Court, Westchester County, to challenge the assessments placed on his property for the tax years 2009, 2010, and 2011, and

WHEREAS, the Village of Ardsley has contested those challenges and defended its assessment roll, and

WHEREAS, the Town of Greenburgh has defended these claims, having assumed the assessing function of the Village of Ardsley and has settled them on behalf of the Town, the School District and the Village

WHEREAS, after consultation with attorney, and in light of the settlement by the Town, the Village of Ardsley now believes that a settlement has been achieved which represents the

best interests of the Village and its residents and resolves this lawsuit without the risk and cost of further litigation,

NOW THEREFORE BE IT RESOLVED, that the Village Attorney is authorized to execute a Consent Judgment settling that property's Assessment years as follows: **Seconded by Trustee Nardecchia and passed unanimously.**

631 Saw Mill River Road (Lot 5)

Section 6.70-44-5 (F/K/A 18-12-1144-18-23)

	Assessment	Reduction	Refund
2009	58,800	22,900	5,260.82
2010	58,800	22,300	5,315.87
2011	58,800	20,200	<u>5,025.96</u>
		Refund	\$ <u>15,602.65</u>

645 Saw Mill River Road (Lot 1)

Section 6.70-44-1 (F/K/A 18-12-1144-1 and 5-9)

2009	71,250	27,750	6,375.00
2010	71,250	27,750	6,615.04
2011	71,250	27,250	6,556.14
		Refund	\$ <u>19,546.18</u>
		Total Refund	\$ <u>35,148.83</u>

7. Resolution approving and accepting the settlement of Ardsley Associates 2004-2011

**A RESOLUTION APPROVING AND ACCEPTING THE SETTLEMENT OF
ARDSLEY ASSOCIATES 2004-2011
717-725 SAW MILL RIVER ROAD**

Trustee Kaboolian: RESOLVED, WHEREAS, Ardsley Associates has commenced a proceeding in Supreme Court, Westchester County, to challenge the assessments placed on his property for the tax years 2004, 2005, 2006, 2007, 2008, 2009, 2010, and 2011, and

WHEREAS, the Village of Ardsley has contested those challenges and defended its assessment roll, and

WHEREAS, the Town of Greenburgh has defended these claims, having assumed the assessing function of the Village of Ardsley and has settled them on behalf of the Town, the School District and the Village

WHEREAS, after consultation with attorney, and in light of the settlement by the Town, the Village of Ardsley now believes that a settlement has been achieved which represents the best interests of the Village and its residents and resolves this lawsuit without the risk and cost of further litigation,

NOW THEREFORE BE IT RESOLVED, that the Village Attorney is authorized to execute a Consent Judgment settling that property's Assessment years as follows: **Seconded by Trustee Nardecchia and passed unanimously.**

17/P19/H2

Assessment years 2004 through 2011 are unchanged with a zero reduction

	Assessment	Reduction	Refund
2004	170,000	0	0
2005	170,000	13,350	2,591.64
2006	170,000	15,950	3,401.34
2007	170,000	18,151	3,989.00
2008	170,000	35,000	7,903.70
2009	170,000	50,200	11,532.45
2010	170,000	52,700	12,562.63
2011	170,000	42,000	<u>10,450.02</u>
		Total refund	<u>\$52,430.78</u>

VIII. CALL FOR EXECUTIVE SESSION. Executive Session to follow the meeting.

IX. ADJOURNMENT OF MEETING

Trustee Nardecchia: RESOLVED, that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of Monday, July 1, 2013 at 9:45 p.m. **Seconded by Trustee Minore and passed unanimously.**

X. NEXT VILLAGE BOARD MEETING: Monday, August 5, 2013 at 8:00 p.m.

Respectfully submitted,

Anne Hohlweck
Recording Secretary