

Mayor Porcino opened the February 21, 2012 Regular Meeting at 8:02 p.m.

Present:	Mayor	Peter Porcino
	Deputy Mayor/Trustee	Gary Malone
	Trustee	Larry J. Nardecchia
	Trustee	Nicole Minore
	Trustee	Beverly A. Levine
	Village Manager	George Calvi
	Village Attorney	Robert J. Ponzini
	Village Clerk	Barbara Berardi
	Recording Secretary	Lorraine McSpedon

I. PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

Tr. Malone: Resolved, that the Village Board of the Village of Ardsley hereby approves the minutes of the regular meeting of February 6, 2012, as submitted. **Seconded by Tr. Levine and passed unanimously.**

III. DEPARTMENT REPORTS

FIRE DEPARTMENT REPORT: Chief Coulehan delivered the report for the month of January, 2012.

POLICE DEPARTMENT REPORT: Chief Califano delivered the report for the month of January, 2012.

Mayor Porcino mentioned the situation on Heatherdell Road and that he noticed the speed trailer had been put in place.

BUILDING DEPARTMENT REPORT: Mr. Tomasso delivered the report for the month of January, 2012.

Mayor Porcino questioned Mr. Tomasso on the new Building Department software in terms of property data. Mr. Tomasso stated that the history records needed to be input, which will take approximately two months, and thereafter the information will be readily accessible.

LEGAL REPORT: Attorney Ponzini had nothing to report other than those items which had been submitted in memorandum form.

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

The bills for the last two weeks from the General Fund were: \$169,696.59; from the Trust & Agency: \$2,301.05 and from the Capital Fund: \$154.80.

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to pay the following:

From the General Fund: \$169,696.59; from the Trust & Agency Fund: \$2,301.05 and from the Capital Fund: \$154.80. **Seconded by Tr. Levine and passed unanimously.**

MANAGER'S REPORT: Mr. Calvi did not have a formal report. He did, however, mention that the renewal period for the Dobbs Ferry parking lot is officially over, though he does have nine permits available for purchase.

Additionally, over the past two weeks, Mr. Calvi mentioned that he had met with the Department Heads for budget work sessions.

Had a meeting with Mayor Porcino, Attorney Ponzini, Mr. Tomasso and Trustee Levine at the County Office Building last Wednesday regarding the housing implementation plan (HIP).

Reminded residents that the following day was Ash Wednesday.

8:15 P.M. – CONTINUATION OF PUBLIC HEARING – Parasol development Site Plan application for construction of six town houses and associated site improvements on a 22,564 square foot parcel of land located on Saw Mill river Road, Ardsley, New York designated at Section 18, Sheet 15A, Block 1732, Lot 6-10.

Mayor Porcino read the legal notice.

The application was adjourned due to the fact that the applicant did not show up for the hearing.

Tr. Levine: Resolved, that the Village Board of the Village of Ardsley hereby adjourns the public hearing for Parasol Development site plan application for construction of six town houses to March 5, 2012, at 8:45 p.m. **Seconded by Tr. Malone and passed unanimously.**

MAYOR'S ANNOUNCEMENTS:

- 1) Attended the Pinewood Derby prior to the last meeting.
- 2) Attended a meeting with Tr. Malone and Bruce Bolger regarding a tourism issue.
- 3) Attended a meeting with Mr. Tomasso, Mr. Calvi, Atty. Ponzini, Ms. Levine with Norma Drummond, Deputy Planning Commissioner regarding the Water Wheel Project and the context of affordable housing.
- 4) Attended a status meeting of the Ridge Hill Committee.
- 5) Spoke to Detective Piccolino regarding the situation on Heatherdell Road.
- 6) Received information and notices from the County regarding the Ashford Avenue bridge.
- 7) Received a report with a timeline for the bridge work from the County.
- 8) The TPPCS Committee has requested updates on the 9A Ridge Hill Project. Mr. Madden, from Greenburgh, will respond.
- 9) A bond will be issued to cover the cost of the fire truck, sanitation truck and salt shed. A rating of AAII has been received.

IV. COMMITTEE AND BOARD REPORTS:

Tr. Minore:

- 1) The High School dance will take place on March 2, 2012.
- 2) The police are working with the SAYF Coalition to establish DWI checkpoints.
- 3) Appealed for membership for the SAYF Coalition. The next SAYF Coalition will be held on February 29, 2012.

Tr. Nardecchia:

- 1) The seniors program consisted of 45 people last year.
- 2) Attended the senior's budget work session.
- 3) A proposal for the sand volleyball court will be going out shortly.
- 4) Attended a TPPCS Committee meeting.

Tr. Malone:

- 1) Attended a meeting with Mayor Porcino and Bruce Bolger re tourism. The possibility of promoting the bike path was discussed as was inviting Bruce Bolger to the March 19th meeting.

Tr. Levine:

- 1) Attended nine of the budget meetings with the staff.
- 2) Attending the affordable housing meeting.
- 3) Suggested a work session be scheduled regarding reverse 911.

V. VISITOR'S

Ms. Patricia Hoffman, 69 Bramblebrook Road, presented herself to the Board regarding the Dobbs Ferry DEIS report and her concern for a response from Mr. Madden regarding the 9A Ridge Hill project.

VI. OLD BUSINESS

A RESOLUTION APPROVING THE TEMPORARY CLOSING OF ELM STREET DURING THE DEMOLITION/CONSTRUCTION OF THE ELM STREET SPORTS GROUP PROJECT

Trustee Minore: WHEREAS, the Elm Street Sports Group ("ESSG") has received approval for the construction of a community recreational sports facility in the Village of Ardsley ("Ardsley"), and

WHEREAS, in order for ESSG to complete construction of that facility, significant demolition will be required utilizing heavy duty construction equipment, including a crane, and

WHEREAS, ESSG could use what may best described as a very tall crane, which would accomplish the demolition work in a shorter time but with the concomitant public safety and construction risks that ensue with the use of such a tall crane, and

WHEREAS, ESSG has requested that Ardsley permit the temporary closing of Elm Street so that smaller and safer cranes may be used to accomplish the same demolition task, and

WHEREAS, Ardsley has evaluated the merits of each construction method and believes the safety of the public significantly outweighs the inconvenience of the temporary street closing and has discussed those issues with the staff professionals available to the village, including the Building Inspector, the Chief of Police, the Fire Chief, the ASVAC Captain and the Highway Foreman, and

NOW THEREFORE BE IT RESOLVED, that Elm Street will be closed to all vehicles except those involved in the demolition/construction of the ESSG project, commencing 8:00 in the forenoon on the 12th day of March 2012 and each day thereafter for a total of (25) twenty-five days over a (6) six week period in (3) three phases. Exact dates to be

determined by the Building Inspector with additional notice to property owners, subject to the following conditions: **Seconded by Trustee Levine and passed unanimously.**

1. Alternate access for traffic must be provided by ESSG at all times while Elm Street is closed.
2. ESSG must provide an insurance policy in a form and amount suitable to Ardsley, naming Ardsley as an additional insured, together with a hold harmless clause in favor of Ardsley, all subject to the review of the Village Attorney.
3. ESSG must provide any and all requested traffic control devices, and lighting, including but not limited to, signs, traffic cones, barricades, pavement markings, etc., subject to the continuing review and approval of the Chief of Police. ESSG will also provide a street closure sign with contact information at street entrances.
4. ESSG must provide personnel as required for the direction of traffic, i.e., flag people, subject to the review and approval of the Chief of Police.
5. ESSG shall notify by certified letter, return receipt requested, all affected businesses and property owners affected by the street closure at least two (2) weeks prior to the closure date. That notification list shall be prepared in coordination with the Village Building Inspector.
6. If ESSG fails to complete the crane work as requested within 35 days in total, it shall be liable to Ardsley for a daily penalty in the amount of \$100 for each day the street remains closed,
7. ESSG specifically acknowledges that, if for any reason, Ardsley is required or finds it necessary to reopen Elm Street to general traffic other than ESSG, that ESSG will hold Ardsley harmless for any damages it may incur and not hold Ardsley responsible for any damages, whether actual or consequential. In that regard, Ardsley, in its sole discretion, may terminate this street closure on three (3) day's notice, or without notice in the event of an emergency.

RESOLUTION REGARDING OVERRIDE TO PROPERTY TAX LEVY

Trustee Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby enacts a local law establishing a property tax levy in excess of the limit established in General Municipal Law section §3-c as follows: **Seconded by Trustee Minore and passed unanimously.**

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Ardsley to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Village Board of Trustees of the Village of Ardsley, County of Westchester, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

**RESOLUTION TO ADJOURN THE PUBLIC HEARING FOR APPROVAL TO
CONVERT THE EXISTING VACANT OFFICE/RETAIL SPACE INTO TWO
RESIDENTIAL DWELLING UNITS LOCATED AT 609 SAW MILL RIVER
ROAD, ARDSLEY, NEW YORK**

Trustee Malone: RESOLVED, that the Village Board of the Village of Ardsley hereby adjourns the Public Hearing to convert the existing vacant office/retail space into two residential dwelling units located at 609 Saw Mill River Road, Ardsley, New York to Monday, March 5, 2012 at 8:30 p.m. **Seconded by Trustee Minore and passed unanimously.**

NEW BUSINESS

RESOLUTION TO CALL FOR A PUBLIC HEARING TO INCLUDE PROVISIONS FOR REQUIRING AFFORDABLE HOUSING UNITS IN RESIDENTIAL DEVELOPMENTS INCLUDING 5 OR MORE UNITS

Trustee Minore: Resolved, that the Village Board of the Village of Ardsley hereby calls for a public hearing at 8:30 pm, March 19, 2012 for the purpose of amending Chapter 200 of the Ardsley Village Code to include provisions for requiring affordable housing units in residential developments including five or more dwelling units;

Be it further resolved, that the proposed amendment be referred to the Westchester County Planning Commission c/o Norma Drummond, Deputy Commissioner for review; and that the proposed amendment to the Ardsley Village Code be posted on the village's website, www.ardsleyvillage.com. **Seconded by Trustee Levine and passed unanimously.**

Mayor Porcino appointed Brenda Macleish to the BAR, effective immediately through December, 2012.

8:30 P.M. – CONTINUATION OF PUBLIC HEARING – To consider a request to convert the existing vacant office/retail space into two residential dwelling units located at 609 Saw Mill River Road, Ardsley, New York – ***TO BE ADJOURNED TO MARCH 5, 2012.***

Mayor Porcino read the legal notice.

8:45 P.M. – PUBLIC HEARING –To consider a local law authorizing a property tax levy increase in excess of the limit established by General Municipal Law Section 3-C.

Mayor Porcino read the legal notice and explained that this regards the 2% cap issue. The law allows municipalities to override the cap by vote of 60% of the governing body. One of the main reasons for wanting to do this is since the Village budget is subject for an audit after the fiscal year in which the State Comptroller examines the financials and may determine that the cap was exceeded. Additionally, the State government mandates contributions to health and pension plans which exceed 2% increases each year. There are also inflationary costs such as fuel which need to be managed.

Mayor Porcino stated that if essential services needed to be cut back, he encouraged the public to comment.

Tr. Levine agreed with the necessity of exceeding the 2% cap in order to continue operating.

Tr. Malone agreed with the necessity of exceeding the 2% tax cap.

Tr. Minore mentioned that other municipalities across the state have overridden the cap.

**RESOLUTION FOR INTERIM APPOINTMENT TO BAR – BRENDA
MACLEISH**

Resolved, that the Mayor of the Village of Ardsley hereby makes the interim appointment of Brenda Macleish, residing at 22 Bramblebrook Road, Ardsley, New York 10502 to the Board of Architectural Review completing the unexpired term of Art Hunter, effective immediately through December 3, 2012

RESOLUTION REGARDING PARKING TICKET MANAGEMENT SYSTEM

Trustee Malone: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to engage the services of Complus Data Innovations, Inc. located at 560 White Plains Road, Tarrytown, New York 10591 to provide the Village with a Ticket Management System for the purpose of collecting unpaid overdue parking tickets, as recommended by our Village Justice and Court Clerk in a memorandum dated February 11, 2012. **Seconded by Trustee Levine and passed unanimously.**

ADJOURNMENT OF MEETING:

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of Tuesday, February 21, 2012, at 9:47 p.m. **Seconded by Tr. Levine and passed unanimously.**

Respectfully submitted,

Lorraine McSpedon
Recording Secretary