

**VILLAGE OF ARDSLEY  
BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, FEBRUARY 19, 2013**

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

Mayor Porcino called to order the Regular Meeting at 8:00 p.m.

**I. ANNOUNCEMENT OF EXIT SIGNS**

**II. PLEDGE OF ALLEGIANCE**

**8:00 P.M. BRIEF PRESENTATION – Theresa Del Grosso, SAYF Coordinator re CADCA Plaque, Police Alcohol Abuse Awareness Training, and Ardsley Day Alcohol Request**

Ms. Del Grosso gave a presentation on underage drinking and drug use and is working with the Ardsley police on this initiative. The SAYF Coalition has provided funding for extra surveillance and training. Upon completion of the training, the officers will be better equipped to detect underage drinking and drug use.

Regarding *Ardsley Day*, the SAYF Coalition has been preparing for this event. Ms. Del Grosso read into the record a letter prepared by the Coalition. The Coalition is requesting for Ardsley Day that the teen area be relocated, that there be an *adult only* area where vendors and those drinking are in the same designated area, and a table set up with information on alcohol and drug use education.

Ms. Del Grosso talked about the graduation ceremony that she and Officer Tony Vacca participated in on February 5 in Washington, DC. Ms. Del Grosso and Officer Vacca were given a plaque that she presented to the Village of Ardsley on behalf of the SAYF Coalition. Mayor Porcino came forward to accept the plaque.

The Board thanked Ms. Del Grosso for her hard work and commitment.

**Fire Chief Mark Florkowski gave his January report as follows:**

- OSHA training was completed
- 417 hours of in-house training took place during January
- 21 calls for the month
- no major incidents were reported

**Police Chief Emil Califano gave his January report as follows:**

- value of property lost or stolen - \$10,810
- property recovered - \$8,000
- court fines and fees collected - \$11,569
- 153 summonses issued
- 8 reported arrests
- 9 reported traffic accidents
- A local Brownie troop was given a tour of police station
- Ardsley safety school meeting with all three schools
- Ardsley High School wellness meeting

**Building Inspector Larry Tomasso gave his January report as follows:**

- 10 building permits issued
- 18 Certificates of Occupancy
- 9 new applications
- 7 electrical permits
- 5 plumbing permits
- 1 Letter of compliance
- 9 violation notices issued
- 1 fire inspection performed
- \$11,802 - revenue received for the month of January

**III. APPROVAL OF MINUTES:** Regular Meeting – February 4, 2013

**Trustee Malone: Resolved,** that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of February 4, 2013 as submitted. **Seconded by Trustee Nardecchia and passed unanimously.**

**IV. DEPARTMENT REPORTS:**

**LEGAL REPORT:**

Judge Ponzini had no report. He stated that he is available for an Executive Session. Mayor Porcino said there will be an Executive Session.

## **MANAGER'S REPORT:**

### **VILLAGE MANAGER REPORT FOR TUESDAY, FEBRUARY 19, 2013 PREPARED BY GEORGE F. CALVI**

**1. NYCOM CONFERENCE:** Between February 10-12, I joined many of my government colleagues at the annual New York Conference of Mayors and Officials in Albany. The event is an opportunity to catch up on the latest developments in local government, and an opportunity to match the face with the voice of many who I communicate with regularly throughout the year. Though some may find the subject matter of the agenda dry, I always manage to capture some interesting tidbits of information.

This time around I learned that those of us in Westchester County are eons ahead of our counterparts in upstate communities when it comes to communications with the citizenry. I felt trapped in a time warp when I attended a presentation suggesting we use novel approaches like utilizing email and websites to disseminate information, and to attach various statistical charts to printed documents like paper budgets. I was even more astounded to hear recommendations for new local legislation to be printed on flyers to be stuffed in outgoing property tax bills something that is specifically illegal under New York State Real Property Law. When I quietly advised the presenters after the program that the Village of Ardsley broadcasts its meetings live, rebroadcasts it several time between meetings, and even has call-ins during the meeting, they looked at me as if I were spouting science fiction at a Star Trek convention. I didn't dare mention robo calls generated by Nixle and Reverse 911.

I learned that the State of New York is preparing to offer a service to have Notice of Claims mailed directly to their office for the princely sum of \$250. No reasons were given as to why this is more efficient than filing one for nothing at your local Village Clerk's office. We were assured however that the State would notify the local municipality if a claim is filed with them, and share 50% of the fee. Personally, I don't give this new revenue enhancement effort by the State much chance of success.

I also learned that the I-9 forms which were implemented in 1986 for all new hires to fill out to certify they were citizens or documented aliens is now being extended to elected officials if they are receiving a paycheck, according to a new opinion from the IRS. Of course, this begs the question that we are determining if public officials are actually citizens in the first place when they run for public office but the presenters did not seem to want to tread there. Nevertheless, our Mayor, Board, and Village Justice will shortly be provided with I-9 forms to complete and submit to our Village Treasurer for filing in their personnel jackets.

Though there is a proposal in the Governor's proposed budget to limit arbitration awards for union contracts to 2% for distressed cities, there is an effort underway to extend that limitation to all communities.

Lt. Governor Duffy advised us that there are at least 5 non-Indian casino locations under consideration upstate, and that 66% of every dollar collected will be set aside for education purposes. Sounds promising, but one wonders just how long it will take before funds are siphoned off for general revenue purposes as was the case for the New York State Lottery. He also mentioned that he is making efforts to establish a whitewater rafting competition for elected officials called the Adirondack Challenge. We'll be hearing more of that in the coming months.

The Westchester Municipal Officials Association, represented by the Mayors of Port Chester, Croton, Ossining, Peekskill, White Plains, and the Yonkers City Council President, was on hand to lobby extending the hotel occupancy tax to all villages and towns in Westchester County; to eliminate the MTA payroll tax for municipalities; to allow the issuance of Bond Anticipation Notes (BANS) in excess of 5 years; to allow pension cost increases beyond 2% be excluded toward meeting the 2% property tax cap as already done in New Jersey; to allow local governments to extend the gross receipt tax to include cellular phone service; and to support a county wide reassessment which requires special state legislation.

The most curious thing I heard about at the conference is that the NYS is working on legislation to address the handling of vacant and abandoned properties. There is actually thought about extending the definition of abandoned properties to include those properties that may have their tax payments up to date, but are not well maintained. These properties could face foreclosure if a landlord ignores several official notices to maintain the property to acceptable standards. I imagine this would be applied only in extreme cases, but if passed, it definitely changes the rules of the game. So absentee landlords, beware!

**2. AFFORDABLE HOUSING LOTTERY:** At the last Village Board meeting I made mention that from time to time, the Village receives requests to be placed on the affordable housing list. Since a shovel in the ground has not taken place yet the patent response to date has been 'please call us in the coming months.' I learned a few weeks ago that all such requests received in the Office of the Village Clerk from this point forward for the 17 affordable units should be forwarded to Rosemarie Noonan at [rnoonan@affordablehomes.org](mailto:rnoonan@affordablehomes.org) who will be handling the process on behalf of the Village and the County of Westchester in conformity with the rules and regulations of the federal settlement that calls for regional advertisement and eligibility. This will not be a first come first serve arrangement. Moreover, all requests will be certified for eligibility, and then a lottery will determine the actual occupants.

The five work force housing units though will be handled differently. The Village Code already states that Ardsley volunteer **fire fighters** and **ambulance volunteers** have first preference. Once the list of eligible fire fighters and ambulance volunteers is exhausted then the other local categories in descending priority as detailed in the Village Code will be adhered to.

At the last meeting I failed to mention ambulance volunteers in the same breath as the fire fighters that generated much buzz in the ASVAC community, and I apologize for that omission.

While on the topic of affordable housing, the regional director of HUD recently issued a press release balking at the County of Westchester providing infrastructure funding to the Village of Ardsley towards the completion of the affordable housing project on the former Waterwheel property citing the Village had not passed a model ordinance with language approved by HUD. Sadly, had she done her homework she would have discovered that the Village Board of the Village of Ardsley had approved just such an ordinance after a series of public hearings on November 12, 2012, upon recommendation by the Westchester County Planning Department. Furthermore, the HUD director failed to remember that the terms of the federal settlement apply to the County only, and not the villages and towns. Moreover, the model ordinance was not referenced in the federal settlement at all. Rather than glossing over the facts and throwing up obstacles wherever it can, HUD should remember what its acronym stands for, Housing & Urban Development, and should start applauding the efforts of communities like Ardsley and others to construct needed affordable housing for our volunteers and others.

**3. SRTS SIDEWALK BID PACKETS STILL SELLING:** At the last meeting, I advised that the Notice to Bidders for the construction of sidewalks on the north side of Heatherdell Road between Farm Road and Olympic Lane had generated the sale of 8 bid packets by prospective bidders. I am happy to report tonight that number is now up to 15. Also, despite the threat of blizzard conditions, our highly recommended pre-bid information meeting went on as scheduled last Friday, February 8. Two intrepid prospective bidders were in attendance along with our consultants. Members of NYS DOT phoned in from Poughkeepsie to respond to questions. The e-mailing of questions to NYS DOT period ended on Friday, February 15. The bid opening is scheduled for 11:00 am, March 1 in the Village Board room. You may recall that the project is financed with a grant through the federal government's Safe Route to School program. Lastly, in speaking with Carolyn Ryan, our Regional Local Projects Liaison at NYS DOT on Friday, I determined these funds are categorized as obligated, and not subject to any of the sequestering discussions currently taking place in our nation's capital.

**4. PERSONNEL:** In accordance with the civil service rules of the Westchester County Department of Human Resources, the following is hereby entered into the official minutes:

The Village Manager hereby accepts the resignation of Anne Hohlweck as Recording Secretary, effective February 5, 2013.

Please bear in mind that Ms. Hohlweck is not leaving the employ of the Village of Ardsley. She is merely changing her status from that of a payroll employee to that of a vendor, at her request. In essence, she will no longer receive a paycheck, but will be paid for her recording services via voucher on the bill abstract.

**5. KUDOS TO THE HIGHWAY DEPARTMENT:** Last but not least, I wish to profusely thank the members of the Highway Department for performing a wonderful job in getting our roads plowed during the blizzard of February 8 and 9! Undoubtedly, it was a very long, arduous night for them. I also am grateful that we have a very responsible Highway Foreman like Rick Thompson at the helm of the snow removal operations who is the polar opposite of the now

unemployed Highway Foreman of Brookhaven, Long Island who decided to call in sick during the blizzard.

One last note: on behalf of the Highway Department, whenever possible, please do not shovel the snow from your driveway into the street, particularly the narrow roads like Taft Lane, and Lincoln Avenue. Hazardous icy conditions are thus created for motorists and pedestrians alike. Moreover, it will be your next door neighbor who will be the likely recipient of the residue from your driveway making him or her an unhappy camper, and no one needs an unhappy neighbor.

**6. HOLIDAY PARKING TICKETS:** If by chance you were issued a parking ticket for not feeding the meters yesterday, February 18, on a federal holiday, we apologize for the error, and ask that you return them to the Office of the Court Clerk where they will be dismissed. The Court Clerk's phone number is 693-1703.

Mr. Calvi reported that Mr. Pellegrino informed him there will be a program at the Ardsley Public Library on March 3 at 2 p.m. on the "History of the Hamlet called Ashford".

Mayor Porcino inquired if there has been any feedback on the new sanitation schedule. Mr. Calvi stated that residents are happy with the new schedule and there have been no complaints.

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

Mr. Calvi said that two additional bills were added to the General Fund today. The first bill was for fencing, and the second bill was for child car seats bringing the total to \$60,927.24.

Mr. Calvi stated that the bills for the past two weeks totaled as follows: General Fund: \$60,927.24; Trust & Agency Fund: \$458.69; and Capital Fund: \$164.80.

**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: \$60,927.24; Trust & Agency Fund: \$458.69; and from the Capital Fund: \$164.80. **Seconded by Trustee Minore and passed unanimously.**

## **MAYOR'S ANNOUNCEMENTS:**

- Participated in a phone meeting with the Ashford Avenue Bridge Stakeholders group for a status on the bridge. The repairs are mostly completed
- The Sanitation department did a great job clearing the streets during the recent snow storm
- Residents should clear fire hydrants near their houses
- No snow should be pushed into the streets
- Sanitation schedule was sent out. No garbage cans should be put out on a holiday

## COMMITTEE & BOARD REPORTS:

### TRUSTEE NARDECCHIA:

- Highway staff did an excellent job on clearing the roads during the recent snow storm
- Senior Valentine's Day party was successful with 45 people in attendance
- Wednesday, February 20, pizza social at the Irvington Senior Center. Busing is available
- Wednesday, February 27, Winter concert at the Community Center at 12:30 p.m.
- Wednesday, March 13, St. Patrick's Day luncheon at Rory Dolan's in Yonkers. Cost is \$25. Bus will leave the Community Center at 11 a.m.

### TRUSTEE MINORE:

- Website meeting will be scheduled shortly. There are pending issues with the current supplier
- Attended the SAYF Coalition and Youth Council meetings last week

### TRUSTEE MALONE:

- No Report.

### TRUSTEE KABOOLIAN:

- Ardsley Garden Club will meet on Sunday, February 24 at St. Barnabas for an "Irish" afternoon. Corned beef and cabbage and all the trimmings will be served
- Attended the Ardsley-Secor Volunteer Ambulance Corps meeting. There were 71 emergency calls for the month of January

**8:30 P.M. – PUBLIC HEARING – To hear and consider comments on an application for the extension of the site plan approval for a 22-unit multi-family, workforce and affordable housing development and associated improvements submitted by Ardsley Waterwheel Partners, LLC, that was approved on December 5, 2011.**

Mayor Porcino read into the record the public notice.

Mark Weingarten, Esq., DelBello Donnellan Weingarten, et al, appeared for the applicant. He said the site plan was approved on December 5, 2011 for 17 affordable housing units and 5 workforce units for a total of 22 housing units. Mr. Weingarten stated that there have been complicated issues during the past year, resulting in their request for a one-year extension of time to December 5, 2013. He stated the approved site plan will not change. The closing should take place on or before February 28, 2013. He noted that bank financing has been approved.

Mayor Porcino asked if there were any questions from the audience.

**James Damascus**, owner of 25 Alexander Hamilton Avenue, raised concerns about water runoff that is coming onto his property from above the Waterwheel property.

**Cary Damascus** came forward and addressed soil erosion and rocks falling onto his property.

Judge Ponzini responded and recommended they both meet with the Building Inspector, Larry Tomasso, to go over the plans. He said a public hearing was held and the application was approved over a year ago.

**Anne Polsky** raised safety concerns. She inquired if a traffic light will be put up to aid crossing Route 9 at Revolutionary Road to get to Macy Park.

Mayor Porcino said there is no plan for a traffic light at this time. He stated that traffic studies were conducted prior to approval.

Mayor Porcino said the phone lines will remain open for comments and questions.

## **V. VISITORS:**

**James Chin** came forward and said he has been a member of the Ardsley Affordable Housing Committee since 2000. Documents relating to this matter date back to 1994. The Village will benefit as this is taxable property. The County also will benefit. The workforce housing will give EMS workers, volunteer fire fighters, police, etc. the opportunity to live close by. He urged the Board to approve the extension.

## **VI. OLD BUSINESS:**

### **1. Resolution Awarding Bid for Sale of Surplus Patrol Car – 1999 Crown Victoria**

#### **RESOLUTION AWARDING BID FOR SALE OF SURPLUS PATROL CAR – 1999 CROWN VICTORIA**

**Trustee Minore: Resolved**, that the Village Board of the Village of Ardsley hereby awards the bid for the sale of a surplus 1999 Crown Victoria to Richard Geraghty residing at 91 Blueberry Lane, Stormville, New York 12582 at the amount of \$2,100.00. **Seconded by Trustee Nardecchia and passed unanimously.**

Mayor Porcino noted the price was not as high as hoped but recommended approving the sale.



**2. Resolution to approve the extension of the site plan approval for a 17-unit multi-family affordable housing plus 5 workforce housing development – Ardsley Waterwheel Partners LLC**

**Trustee Nardecchia: Resolved**, that the Village Board of the Village of Ardsley hereby closes the Public Hearing. **Seconded by Trustee Minore and passed unanimously.**

**RESOLUTION APPROVING THE  
EXTENSION OF THE SITE PLAN  
SUBMITTED BY ARDSLEY WATERWHEEL PARTNERS, LLC.  
VILLAGE OF ARDSLEY PARCEL ID #6.20-3-7  
(FORMERLY KNOWN AS) SECTION 16, SHEET 1A, BLOCK 0000, LOT P4**

**Trustee Nardecchia: Resolved**, that the Village Board of the Village of Ardsley hereby approves the extension of the site plan approval for a 17 unit multi-family affordable housing plus 5 workforce housing development units and associated improvements, submitted by Ardsley Waterwheel Partners, LLC, that was originally approved on December 5, 2011 and will expire on December 5, 2013;

**AND FURTHER BE RESOLVED**, that the applicant is required to immediately place \$5,000 in escrow to cover outstanding review fees.

**BE IT FINALLY RESOLVED**, that the Village Board of the Village of Ardsley hereby approves a one-year extension of time to December 5, 2013 for the site plan that was approved on December 5, 2011 for 17 multi-family affordable housing units and 5 workforce housing units. **Seconded by Trustee Minore and passed unanimously.**

**VII. NEW BUSINESS:**

**1. Resolution for approval of an IMDA regarding Affordable Housing Infrastructure Improvements at former Waterwheel site**

**RESOLUTION FOR APPROVAL OF AN IMDA REGARDING AFFORDABLE  
HOUSING INFRASTRUCTURE IMPROVEMENTS AT FORMER WATERWHEEL  
SITE**

**Trustee Malone: Resolved**, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to execute an Inter-municipal/Developer (IMDA) Agreement on behalf of the Village of Ardsley with the County of Westchester located at 148 Martine Avenue, White Plains, New York and Ardsley Waterwheel Partners, LLC., located at 2 Executive Drive, Suite 1600, Fort Lee, New Jersey, in connection with the development of affordable housing units at the former Waterwheel site. **Seconded by Trustee Minore and passed unanimously.**

Mayor Porcino said the County supports this project. The Westchester County engineering department will supervise the infrastructure installations. The Final Draft Agreement has been reviewed by the Board of Trustees of the Village of Ardsley and Judge Ponzini.

**2. Resolution regarding Developer Indemnification - Ardsley Waterwheel Partners LLC**

**RESOLUTION REGARDING DEVELOPER INDEMNIFICATION AGREEMENT  
ARDSLEY WATERWHEEL PARTNERS, LLC**

**Trustee Kaboolian: Resolved**, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to execute an Indemnification Agreement between the Village of Ardsley and Ardsley Waterwheel Partners, LLC, located at 2 Executive Drive, Suite 1600, Fort Lee, New Jersey regarding infrastructure improvement costs referenced in the Westchester County IMDA. **Seconded by Trustee Malone and passed unanimously.**

Mayor Porcino stated the Agreement has been reviewed by the Board of Trustees of the Village of Ardsley and Judge Ponzini.

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

**IX. ADJOURNMENT OF MEETING**

There being no other business, the meeting was adjourned.

**Trustee Nardecchia: Resolved**, that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of Tuesday, February 19, 2013 at 8:52 p.m. **Seconded by Trustee Malone and passed unanimously.**

**X. NEXT VILLAGE BOARD MEETING:** Monday, March 4, 2013 at 8:00 p.m.

Respectfully submitted,

Anne Hohlweck  
Recording Secretary