

Mayor Leon opened the March 21, 2011 Regular Meeting at 8:00 p.m.

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

I. PLEDGE OF ALLEGIANCE

**8:00 P.M. – SWEARING IN OF NEW LIBRARY BOARD MEMBERS –
VALERIE LALLI AND STEPHANIE BONNEY**

II. APPROVAL OF MINUTES

Tr. Porcino: Resolved, that the Village Board of the Village of Ardsley hereby approves the minutes of the regular meeting of March 7, 2011, as amended.
Seconded by Tr. Levine and passed unanimously.

III. DEPARTMENT REPORTS

FIRE REPORT: Chief Coulehan delivered the February fire report. Tr. Nardecchia questioned the second follow up for one of the inspections and Chief Coulehan stated that there are issues with the restaurant which need to be followed up on with the PD.

POLICE REPORT: Chief Califano delivered the February police report. Tr. Nardecchia mentioned that 10 accidents occurred on Saw Mill River Road and this will be addressed during the intersections committee meeting.

LEGAL REPORT: Attorney Ponzini was absent this evening.

MANAGER'S REPORT: Mr. Calvi reported the following:

**VILLAGE MANAGER REPORT & BUDGET MESSAGE
PREPARED BY GEORGE F. CALVI
FOR MONDAY, MARCH 21, 2011**

PARCEL Q – THE PARCEL WITH A LIFE OF ITS OWN: As you may recall newly elected County Legislator Mary Jane Shimsky appeared at our last Village Board meeting. During her visit she announced that the County Board of Legislators had finally approved the legislation to partition County-owned parcel Q and transfer portions to the Town of Greenburgh and the Village of Ardsley. As Mayor Leon explained he was quite pleased because it was something that he and Trustee Nardecchia and Greenburgh Historian Frank Jazzo had been working on for a number of years. The parcel is surplus property at the northerly dead end of Old Sprain Road and just south of the southern terminus of McDowell Park. Someday when funds become available the Town and Village hope to jointly create a nature trail through the parcel. This past Thursday in response to an inquiry from my office, County Legislator Shimsky advised that the bill should be signed by the County Executive on or about March 25. Thereafter, the bill will return to the County Board for Certification which is described as a ministerial act. Thereafter, the Law Department will draft a contract, the Planning Department will review it, the Board of Acquisitions and Contracts will yield its final approval, and at some point someone will ask me or the Mayor to sign some paperwork. Given the great number of steps involved, it will require my diligence from time to time to check up on the County, and I encourage my Board members to check up on me until this matter is put to rest once and for all. Should anyone have any questions for the County Legislator about this matter or anything else you are encouraged to telephone her directly at 995-2821.

ARDSLEY LITTLE LEAGUE: Residents are advised that Opening Day for Little League is Saturday, April 9. The day starts off with a parade which kicks off at 1:00 pm at the Concord Road Elementary School and proceeds up Heatherdell Road to McDowell Park where ceremonies are expected to commence at approximately 1:30 pm. Elected officials are expected to RSVP by April 2nd to Frank Belarge who can be reached at 914 907-1749. The general public may also call Mr. Belarge if they have any questions.

SKATE PARK OPENS FOR THE SEASON: Parks Commission member Lorraine Kuhn has advised me that Spring is here and the Skatepark started opening weekends on March 7. The skatepark will go into 7 days per week operation starting on April 7

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

George Constantonides residing at 338 Sprain Road, Scarsdale NY 10583; Eric Diamond residing at 616 Ashford Avenue, Ardsley NY 10502; Joshua Eng Morris residing at 35 Boulder Ridge Road, Scarsdale NY 10583; Scott Federico residing at 7 Highland Drive Ardsley NY 10502; Remy Stern residing at 100 Woodlands Avenue, White Plains NY 10607; Andrew Versace residing at 25 Lewis Avenue, Dobbs Ferry NY 10522; and Joseph Zacchio residing at 529 Almena Avenue, Ardsley NY 10502 are hereby appointed by the Village Manager at the recommendation of Parks Commission member Lorraine Kuhn as skate park attendants for the period March 1, 2011 through November 30, 2011 at the hourly rate of \$7.25. Please bear in mind that the operation of the skate park is not to exceed 25 hours per week, and those hours are to be divided amongst the seven referenced individuals.

TEMPORARY BUILDING INSPECTION ARRANGEMENTS: Residents and contractors are advised that the Building Inspector, Larry Tomasso, is expected to remain out of the office for at least another week while he convalesces from his shoulder surgery. During his absence he will be monitoring his email from home, and he will reply to inquiries from time to time. Inspections will be performed by Greenburgh Inspector Steve Fraietta. To have an inspection appointment arranged, please do not hesitate to telephone Lois Duggan or Johanna Scala at 693-1550. Code Enforcement matters will be handled in the same manner. New building, plumbing, and electrical applications will be processed by the Building Inspector upon his return to the office.

SHUTTLE DIPLOMACY TO VALHALLA FOR ROUTE 9A: Viewers of the last Village Board meeting may recall a small debate on whether or not the New York City Department of Environmental Protection which owns Bicentennial Park might be inclined to transfer a narrow sliver of land on the west perimeter to accommodate a realigned northbound traffic lane to better accommodate a new dedicated left turn lane into Colonial Court North and the Village Green parking lot behind it. The day after that meeting, with the Board's blessing, I made a pitch to my contacts in Valhalla where the Office of Waters and Land is located about the above referenced matter, and I am pleased to advise tonight that Village Trustee Larry Nardecchia, Greenburgh Planning Commissioner Tom Madden and I will be meeting with representatives of NYC DEP on Monday, March 28 at 2:00 pm to determine if there is any chance the City will entertain this idea. This proposition could be a tough sell, but we will give it our best shot. Please keep your fingers crossed.

RIVERTOWNS SQUARE SCOPING SESSION: On March 14th the Dobbs Ferry Village Board held a work session on the development of the Rivertowns Square project. This may be an understatement but it is my understanding the meeting was well attended. Dobbs Ferry will be holding another important meeting known as a public scoping session on Tuesday March 29 at 7:00 pm where individuals and groups can express and/or document their position on the project. At the request of the Mayor, comments are being forwarded to my office from various department heads and committees so that the Village of Ardsley government can deliver a

cohesive document in opposition to this project. This effort does not at all negate the need for the general public to make known their feelings as well. No doubt the Mayor or one or more of the Village Trustees will expound upon this matter later in the evening.

ANNUAL BUDGET MESSAGE:

Tonight's 2011-2012 annual tentative budget message is dedicated to the earthquake victims of New Zealand and Japan, the Libyan rebels, and my besieged colleagues in the Wisconsin public sector. I wish to stress that the few opinions which lace my budget message are strictly my own, and not necessarily that of anyone else in the room, particularly those sitting on the dais of the Village Board of Trustees.

PROPOSED BUDGET AT A GLANCE:

Appropriations (Spending): \$10,022,265 up \$590,351 or up 6.3%

Est. Revenues: \$2,172,515 up \$279,921 or up 14.8%

Appropriated Surplus -0-

Tax Levy: \$7,849,750 up \$310,430 or up 4.1%

Tax Base or Assessment Roll: \$31,171,887 down \$454,938 (14.4%)

Proposed Tax Rate: \$251.82/ \$1000 or 5.63% Increase

The estimated unreserved surplus as of 5/31/11 for the General Fund is \$983,346. The estimated reserved surplus as of 5/31/11 is \$352,229. The fiscal year 2011-12 Tentative Budget proposes to compensate the governing board of the Village of Ardsley as follows: Mayor \$4,800.00 and Members of the Board of Trustees \$2,400.00 each. The preceding information which has not always been an integral part of the Manager's budget message in the past was brought to my attention last year that it is required by NYS law. This requirement must be a component not only of the Village Manager's budget message but the notice of public hearing on the budget in the media.

The Village of Ardsley's property tax rate would rise 5.63% under the proposed budget released this afternoon in comparison with the 3.76% increase adopted last year (2010-2011), the 1.74% increase adopted for fiscal year 2009-2010, the 2.74% increase adopted for fiscal year 2008-2009, and the 3.06% increase adopted in 2007-2008. The upward tic in the tax increase for this and last year has been in part due to an incredibly shrinking assessment roll which has been buffeted by increasingly successful residential property tax grievances, commercial certioraris, and overly generous assessed value reductions bestowed upon utility companies by the State's Public Service Commission. This is the fourth straight year the Village is experiencing a drop in its assessment roll after many years of growth, with this year being the worst so far with an almost 15% drop over the prior year. Unless this hemorrhaging is stemmed, and the trajectory of the plunging Residential Assessment Ratio is not reversed, this community and others like it will be in very serious trouble in the years to come.

This year's proposed budget is basically a maintenance budget. The proposed budget ensures that most services are maintained. However, no new services are being created and no services are being enhanced. No large capital projects are proposed. I have taken a request for a \$35,000 Police cruiser and the \$25,000 appropriation known as the Reserve for Road Paving out of the General Fund and am proposing that the Village Board approve a bond anticipation note for these items. In fact, I am proposing that the Board contemplate borrowing far more than the \$25,000 paving reserve to address many of the roads that were battered this past winter. For those keeping track, the usual \$85,000 appropriation remains in the General Fund for road resurfacing, as it should be, because it is refunded almost in its entirety by CHIPs, the consolidated highway improvement fund, a form of state revenue sharing.

Many of the department operating budgets are at last year's spending levels or less. Specifically, spending for the Board of Trustees, the Mayor, the Village Manager, the Village Clerk, Law, Building, Central Garage, Traffic Control, Street Maintenance, Snow Removal, Community Center, Village Historian, Celebrations, CATV Committee, Zoning, Planning, Environmental Control, Community Beautification, Refuse & Garbage, Shade Trees, and Debt Interest, are proposed to be less than last year's levels. It is important to note that the Refuse and Garbage department's appropriations are reduced this year because I have chosen to leave vacant and defer for one year the hiring of a \$49,145 "Laborer I" employee along with the ancillary benefits.

New funding includes a new annual debt service payment of \$177,205 towards our recent purchase of an \$830,000 fire truck that is being financed by a five year bond anticipation note. Also appearing on our debt service schedule is a new annual debt service payment of \$39,497.50 towards our recent purchase of a \$185,000 sanitation truck. It should be noted that on the revenue side, our Fire Chief, Vincent Coulehan, predicts we should hope for \$50,000 on the sale of the old fire truck known as a Quint. As everyone knows our Fire Department takes excellent care of its fleet, and thus we have been very successful in selling our last two trucks at a nice price, respectively, to the British Overseas Territory of Montserrat in the Caribbean, and the Hartsdale Fire District. Additionally, our new DPW Foreman, Rick Thompson, feels we should clear about \$8,000 for the old sanitation truck, and perhaps \$2,000 for an old pickup truck, all three of which will be placed out for bid sometime during the summer months. On a minutely smaller scale several dollars have been added to expand a few hours for the part-time staff in the Front office, and the Justice Court so that the work flow backlog is somewhat relieved for our Court Clerk, Patricia Basini, during her scheduled and highly rare, unscheduled absences.

In "rounding up the usual suspects" to borrow a phrase from Casablanca's Captain Louie Renault, the major items driving this year's tax rate increase are State Pension costs, Medical Insurance premiums, Workers Compensation, Hydrant fees, and my least favorite of all, the onerous MTA payroll tax.

According to AARP and other publications, the New York State Retirement System is the strongest and most well funded public pension system in the country. Yet, the bill for the annual retirement costs for non-union and Teamster employees has been increased by \$79,108 or almost 34%. Projected Police retirement costs will also increase by \$77,677 or 18.5%. There is a major disconnect here. The establishment of a new Tier 5 and a discussion about a new Tier 6 are steps in the right direction. However, tangible results of these actions will only materialize years from now. The State Comptroller and the State Legislator need to analyze what is wrong with the current system, and make corrections that will have an impact in the near future.

A joint telephone call by Village Treasurer Marion DeMaio and I to the NYS Department of Civil Service this past week yielded little in the way of tangible explanation as to why Empire Plan premiums are being increased this year by \$140,751 or nearly 16%. The response was a mishmash of blaming the rising cost of prescription drug plans, the addition of young adults between the ages of 21 and 26 to family plans as per the edict of the federal government, and the failure of formulas meeting anticipated projections, whatever that was supposed to mean. No mention was made of efforts to cap medical malpractice premiums, tort claims, or determining why drugs were escalating so rapidly in the first place.

The misfortune of several workers compensation cases, particularly in the DPW, has impacted our experience rating thus increasing that appropriation line item by \$40,000 or almost 30%. In response to that increase I have already been in touch with PERMA, the Public Employers Risk Management Association, to arrange a meeting with the DPW management team to work on improving safety standards, and exploring light duty or transition rules to bring injured men back to work faster

Thanks once again to our so-called friends at the NYS Public Service Commission, the cost of using our 147 hydrants which are rented from United Water has seen an increase of \$43,715 or 67%. It should be noted that due to the efforts of the nine member municipal United Water Consortium which includes Ardsley, a bill has been introduced in Albany sponsored by Assemblypersons Amy Paulin and George Latimer to have hydrant costs removed from the municipal tax bill and rightfully placed on water usage bills which would force entities like schools, colleges, cemeteries, hospitals, nursing homes, group homes, houses of worship, railroads, charities, and other tax exempt organizations to pay their fair share of the cost of operating hydrants effectively lowering the cost borne by residential and commercial property owners.

I save my harshest words for the relatively new MTA payroll tax which in and of itself is a modest \$18,000 to the tax burden but a tax nevertheless. This is a tax which never should have been created, a tax which actually taxes a tax exempt entity such as ourselves, and while it also taxes the Ardsley School District, refunds their contributions but unfairly not ours, and all for a bloated entity which ravenously continues to raise commuter rail fees anyway. What were our elected state representatives thinking when they should have been focusing on imposing the

needed sugar tax on unhealthy soft drink products to help balance our State budget rather than kowtowing to the interests of the Coca Cola lobby . I call upon our state legislators to repeal the MTA law, and reconsider the imposition of the soft drink tax.

Salary increases for the DPW Teamster Union members were negotiated four years ago, and are slated to increase 3.6% on June 1, 2011. Their five year old labor agreement expires on May 31, 2012. The PBA, which represents the police rank and file from Patrolmen to Lieutenants, has been without a contract since it expired on May 31, 2010, and remains unsettled. Thus, the PBA membership will be entering a second fiscal year without a salary increase except for the few officers who have not yet achieved the rank of First Grade Patrolman. An extremely modest salary increase has been proposed for the remaining 11 full time non-union employees, and the several part-time employees but is subject to the discretion of the Village Board.

This year's spending plan has been developed along with a close eye on the health of the local economy. Signs of economic distress are evident everywhere though there are some reassuring bright spots. The Rite Aid store in the Towne Plaza shopping center, almost a casualty last year, is slated to re-open soon, and a new Radiology business is re-opening in the Ardsley Mall replacing the one abandoned some time ago. We have a new Italian restaurant, La Catena; a new Indian restaurant, Calcutta Wrap & Roll; a new liquor store, Captain's Wines and Spirits; and we have a new pizzeria, Stagioni. I wish them all much success! Encouraging progress of sorts has been made with the development of 22 affordable housing units on the site of the former Water Wheel restaurant, as well as with a proposed 12 single family home development between Cross Road and Ashford Avenue, and a proposed 5 single family home development at the end of Fairmont Avenue South. Sales tax revenues are increasing faster than expected, mortgage tax revenues are increasing at a slower rate but increasing nevertheless, and building permit fee estimates have already exceeded their annual expectations three quarters of the way into the fiscal year. Even interest earnings have edged up slightly. Soberly, all of these reassurances could be blown out of the water should the events in the Middle East and North Africa spin out of control driving the cost of gasoline to new record heights.

I have opted not to appropriate any monies from the Fund Balance for the proposed budget. The Fund Balance, also known as the Rainy Day Fund, generally should only be used to address large unforeseen expenditures during the course of a fiscal year or to offset unrealized revenue estimates. Later in fiscal year 2011-2012 I fully expect the Village Board to make a \$30,000 transfer from the Fund Balance for the first of two equal payments to the New York State Attorney General's Office in settlement of the nefarious oil spill that originated beneath our Library back in November 1996. Thanks to the skill and persistence of our Village Attorney Robert Ponzini over 14 years, and without going into too much detail, the Village's exposure was reduced from an original high of nearly \$330,000 to a more digestible \$60,000 payable over two years.

The proposed General Fund spending plan would add \$215.04 to the annual Village tax bill of the owner of a typical home assessed at \$16,000. The typical Village tax bill would be \$4,029.12. For a home assessed at \$20,000 the tax bill would increase by \$268 to \$5,036.80.

So, what is the typical homeowner getting for his or her money?

For \$11.04 a day that typical homeowner is enjoying round the clock police protection. This 20 man force with 21 weekly shifts, three shifts daily comprised of two men on the road and one at the desk, responds in mere minutes to every call.

For \$11.04 a day, the typical homeowner is enjoying round the clock fire protection comprised of 54 volunteer fighters who also respond in mere minutes to every call. You might ask "Well, if they're volunteers why is there a cost?" Fair question. The answer is these volunteers cannot do their job properly or safely without their fire house, their fire engines, and their fire gear all of which have become very expensive in recent years.

For \$11.04 a day, the typical homeowner enjoys the services of the Department of Public Works. This department of only 14 men picks up his/her trash twice a week, collects the recyclables once a week, snow plows the streets in the dead of winter nights so he/she can get to work in the morning, collect the leaves in the autumn and the grass clippings in the summer, and in between all that maintain all the village's fleet of vehicles, unclog the catch basins, rebuild the collapsed sanitary sewer and storm sewer lines, replace the light bulbs in the street lights and traffic lights, restore the broken curbs and everyone's favorite, fill in the potholes.

For \$11.04, the typical homeowner enjoys a modern Public Library which operates with only two full time employees and an assortment of part-timers, pages, and volunteers making available volumes and volumes of books, magazines, CDs, DVDs, and audio-books, as well as providing public computer work stations enabling anyone the opportunity to perform research on the Internet. Lastly, it is a quiet pleasant place to relax and escape from the demands of the day.

I could, time permitting, detail all our one man operations such as –

- the Village Clerk, Barbara Berardi, who graciously handles requests for death certificates and issues various permits;
- the Court Clerk, Patricia Basini, who juggles parking tickets and court sessions;
- the Building Inspector, Larry Tomasso, who beyond issuing permits handles plumbing, electrical, and code enforcement issues;

- and the Parks Supervisor, Trish Lacy, who manages the Community Center, our two major parks, and various recreational activities for both young and old. They, too, are all included in the \$11.04 a day that the typical homeowner pays.

There are perhaps a number in this community who feel that \$11.04 a day is just too much and are contemplating moving to points north. Bear in mind, however, that many communities in points north do not have round the clock police and fire protection, do not have their trash and recyclables collected, do not have piped in running water but must rely on ground water, do not have sanitary sewer lines and must rely on septic tanks, do not have street lights on every road, do not even have curbs to control drainage, nor do they have a Village Treasurer who, as tax deadlines approach, telephones in reminders so penalties can be avoided, or a full-time Village Manager, if they have one at all, who runs interference with utility companies, neighboring communities, the MTA, the county, the state or the feds on their behalf. In my humble estimation, the residents of this community are receiving a pretty big bang for their \$11.04 a day!

Statutorily, the public hearing on the 2011-12 Tentative Village Budget needs to take place on or before April 15. The public hearing has been scheduled for Monday, April 4 during the regularly scheduled Village Board meeting when residents customarily attend. Also statutorily, the Board must adopt a budget in its final form on or before May 1. Since May 1 falls on a Sunday which is not customarily a business day, the Village Board will have the opportunity to vote on the 2011-12 Village Budget on Monday, May 2nd at 8:00 pm which is its regular first meeting of the month. Public work sessions to review the budget are to be scheduled for Wednesday, March 30, Wednesday, April 6, Wednesday, April 13, Monday, April 25, and Wednesday, April 27, if this last date is necessary at all.

Tax bills will be in mailboxes by Friday, May 27, 2011. The first installment will be payable without penalty until the end of the business day on Thursday, June 30. The second installment will become payable on December 1, and due without penalty until the end of the business day on Tuesday, January 3, 2012.

Copies of the proposed budget will be available in the Office of the Village Clerk later this week. A special thank you to those department heads who held the line in their operating budgets, cut spending, or deferred purchasing of large items to next year and beyond. A big thank you particularly to Village Treasurer Marion DeMaio who devoted countless hours in assisting the Village Manager in crafting this proposed budget, a big thank you to Dipika Patel who ran off numerous expenditure reports, and a big thank you to our Village Clerk Barbara Berardi who had the privilege of entering all the data into the Excel sheets many times over. Her patience, perseverance, and tolerance of the Village Manager's quirks, rantings, and badgering is most appreciated!

In closing, I appeal to Governor Cuomo not to rush into this tax cap business, as presently worded, in his zeal to incorporate it into his proposed April 1st state budget,

and if he doesn't get his way with the Legislature, impose it in his Emergency Spending bill. Of course, everyone loves the concept of a property tax cap, so do I! However, few actually know what it means and how it will adversely impact our small communities. Thus, I say, with all due respect, the governor is going about this all wrong.

One cannot achieve a real tax cap unless he gets his own house in order by eliminating the State's unfunded mandates on local municipalities. Yes, I have read that he has made assurances that he will address this matter once the tax cap is in place. However, assurances like promises and engagements are often broken. Mandate relief first, then we talk tax caps. For months Mayors across the state and the New York Conference for Mayors has been telling him: "You can't cap what you can't control."

Next, he is capping the wrong variable in the tax formula. For those of you not familiar with the formula let me assure you the math is quite simple: Spending minus Non-Property Tax Revenues equals the Tax Levy which when divided by the Taxable Assessment Roll yields a Tax Rate / \$1000. The prior year's Tax Rate subtracted from the proposed Tax Rate then divided by the prior year's Tax Rate yields the Tax Rate Percentage Increase.

The Governor should not cap the tax levy at 2%. Cap the tax rate increase at 2%. John Q. Public does not care how much communities are spending. John Q. Public cares how hard the tax bill hits his pocket. It's a nuance, but a very important nuance nevertheless. It would be criminal if our rates were to grow exponentially owing to subdivision development and generating a stable tax rate, while we were prevented to commensurately increase spending to provide expanded or enhanced services because the levy was capped. That would be akin to winning the New York Lottery and being forced to remain living in a trailer park. It just doesn't make sense.

Moreover, what would be the incentive for our Village, Planning, and Zoning Boards to continue working diligently for the greater good of the community if all their effort to expand the assessment roll were for naught? Does the state really expect us to rely on our non-property tax revenues? Or will our residents be hit with a bevy of new and hated user fees to make up the difference in a desperate attempt to stay within the 2% tax levy cap? Do we really want to be like Connecticut which slaps its residents with a litany of user fees and luxury taxes? Do we want to be like New Hampshire which provides its indigent and others in need of social services one way bus tickets to Boston? In other states with tax caps debt service payments are excluded from such restrictions. In our own State Constitution it reads that the ability of a local community shall not be impaired to service its debt. Yet, our newly elected Governor is brashly ignoring the State Constitution. Word has also reached my ears that the City of New York and the other four largest cities in the state will be exempted from this legislation. Could it be because the legislation he spearheaded a few years ago while still Attorney General to consolidate towns and villages failed miserably one referendum after another that this is his new backdoor approach to accomplishing that

task? Why else would the big cities be exempted from the proposed cap legislation? It hasn't gone unnoticed about State Assemblyman Sheldon Silver, perhaps the most powerful man in Albany, that his constituency, the City of New York, goes unscathed.

I have been advised by the executive director of the New York Conference of Mayors that our elected state representatives are aware of the flaws in the proposed legislation, but no one as of yet has taken the lead in having it amended. According to my managerial colleagues around the state, this legislation as it is currently worded, has the potential to bring all capital projects to a halt, the eventual dismissal of many public sector workers, and ultimately the demise of many private sector vendors who rely on public sector business which will have ripple effects far and wide throughout our towns and villages, in the midst of a depressed economy no less! Our communities will be stripped of their functions to far less than we now enjoy, and we just cannot allow that to happen. To all those of you out there clamoring for a tax cap, please, wake up and smell the coffee. What you wish for may not in the end be what you want at all.

Respectfully,
George F. Calvi
Village Manager

8:30 P.M. – PUBLIC HEARING – To consider a request for permission to place a maximum of 6 tables and a maximum of 15 seats on the sidewalk in front of the Stagioni Pizzeria located at 2 Bridge Street, Ardsley, New York.

Mayor Leon read the legal notice.

Mr. Michael Borelli, one of the owners of Stagioni Pizzeria, presented himself to the Board to request outdoor seating in front of the restaurant. Approximately 4-6 table for two were being requested, for a maximum of 12 individuals at a time.

Mayor Leon stated that according to the notes from the Building Inspector, the sidewalk in the front of the restaurant is only 4 feet wide, so there will not be room for pedestrian access, including handicapped access when the tables are in place. The Building Inspector also noted that an alternate means of pedestrian access should be identified, possibly by the use of pavement markers. A handicapped access ramp should also be identified.

Mr. Borelli stated that the sidewalk is actually 4-1/2 feet and mentioned that as far as the handicapped access, he would like to install a portable ramp to the front door which is not permanent since the outdoor seating is seasonal and the ramp would eliminate on parking space.

Additionally, in place of the cement slabs in the parking spaces, Mr. Borelli would like to place planters, which are approximately 3' x 2' with flowers placed on the top and they would be positioned at the edge of the sidewalk, increasing the area by approximately 2-3 feet. The cars would pull up to the planters.

Mr. Borelli also stated that he plans to purchase 18" tables, rather than the standard 24" tables.

Tr. Nardecchia stated that his interpretation of the Building Inspector's notes is that the pedestrian access to the table area should be 4 feet. Tr. Nardecchia did not believe the applicant's plan showed the full access to the tables since the parking spaces would need to back up 5-1/2 feet to put the planters in. Mr. Borelli stated he would have to look at the site in order to determine if this would be possible.

Tr. Porcino confirmed that the planters would be in the actual parking spaces.

Mayor Leon reminded the applicant that the original site plan approval was contingent upon having a certain amount of parking spaces. The elimination of a parking space for handicapped access may change the parking requirement. Mr. Borelli did not believe this would pose a problem given the parking available on the side and front of the building and the fact that Riviera Bakery will be closed in the evening.

Tr. Nardecchia mentioned that if the seating capacity is increased, the parking requirements are also usually increased.

Mayor Leon mentioned that the questions regarding parking would need to be clarified prior to a vote taking place and suggested this application be adjourned until April 4, 2011.

Tr. Nardecchia stated the fact that half of the isle is on one level with the curb running through the middle and the other half of the isle is on another level is not an acceptable geometrical solution but suggested the applicant call the Building Inspector for clarification. Additionally, clarification should be sought as to the number of parking spaces required with the additional seating.

Mayor Leon advised the applicant that if the parking requirement is increase, he may have to go before the Planning Board once again for a variance.

Mr. Borelli stated that the planters would be made of wood and Mr. Calvi suggested reinforced concrete be used.

Tr. Malone: Resolved, that the Village Board of the Village of Ardsley hereby adjourns the public hearing on the request of Stagioni Pizzeria located at 2 Bridge Street, Ardsley, New York to locate 6 tables and maximum of 15 seats on the

sidewalk to the Board meeting of April 4, 2011, at 8:30 p.m. **Seconded by Tr. Levine and passed unanimously.**

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

Mr. Calvi reported the following: The bills for the last two week from the General Fund totaled: \$213,215.98; from the Trust & Agency Fund: \$11,494.76 and from the Capital Fund: \$200.

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to pay the following amounts: From the General Fund: \$213,315.98; from the Trust & Agency Fund: \$11, 494.76 and from the Capital Fund: \$200. **Seconded by Tr. Porcino and passed unanimously.**

MAYOR'S ANNOUNCEMENTS:

- 1) Heard from our new County Legislator, Mary Jane Shimsky, who advised Mayor Leon that the bill concerning Parcel Q should be signed by the County Executive on or around March 25, 2011. The bill will then return to the County Board for certification. The Law Department will then draft a contract, which the Planning Department will review. The Board of Acquisitions and Contracts will grant final approval and at that time it will be signed by either Mr. Calvi or Mayor Leon.
- 2) Regarding the new debt service for the fire truck in the amount of \$177, 205, approximately \$154,000 is offset by the BAN for POMCO/MEBCO, for which the last payment was made this year. Mr. Calvi added that approximately 1/3 of the balance will be reimbursed from the monies received from the Town of Greenburgh from the fire protection districts. Therefore, this fire truck does not affect the tax increase at all. The General Fund and reserve surplus, added together, represent the fund balance, or approximately \$1.3M
- 3) The tax levy increase is 4.1% in the proposed budget. If the tax cap is passed, the levy must be reduced to 2%. The only way to accomplish this is to either raise revenues or cut services.
- 4) The scoping session for Rivertowns Square is scheduled for March 29, 2011. Public comments in written form will be accepted until April 8, 2011 and should be submitted to the Village of Dobbs Ferry. The scoping session is an opportunity for residents to offer their opinions on which items should be studied by the developer as part of the environmental study in order for the Village Board of Dobbs Ferry to determine how of if these issues will be remedied.

IV. COMMITTEE AND BOARD REPORTS:

Tr. Nardecchia:

- 1) The seniors had a St. Patrick's Day luncheon.
- 2) The seniors will have a magic show on Wednesday.

- 3) The seniors will have a breakfast in April
- 4) Had a Recreation Commission meeting

Tr. Porcino:

- 1) Attended the Pinewood Derby with Mayor Leon and the Village Manager.
- 2) Attended the regular meeting of the Environmental Advisory Committee.
- 3) The leaf blower law is now in its second year. Permits are required and are issued by the Village Clerk. Equipment must comply with 2007 EPA standards. Mr. Calvi was requested to collaborate with the police to ensure better compliance.
- 4) Regarding the Rivertowns Square, the scoping process entails the developer and the consultants to require environmental impacts. There is a document available on the Dobbs Ferry website of their proposed studies. Not only are environmental impacts studied but also traffic, economic, school, etc. impacts are studied. A public hearing will take place once the draft environmental impact study is completed. E-mail comments may be acceptable versus written comments from the public.

Tr. Malone: Nothing to report.

Tr. Levine:

- 1) The veterans project is running an interview with Norman Goodfarb. Tomorrow, John Bostonian will be featured.
- 2) The Eagle Scouts put the insulation into the walls at the Legion House last weekend. The sheetrock should be installed next weekend.
- 3) Plan A should be shown at the March 31, 2011 meeting of the Ridge Hill Intersections Committee.

V. VISITOR'S

VI. OLD BUSINESS

**RESOLUTION REGARDING FUND BALANCE TRANSFER –
CERTIORARI (TOWNE PLAZA)**

Tr. Levine: Whereas, the Village Board of the Village of Ardsley on January 18, 2011 authorized the Village Attorney to sign a stipulation of settlement for the Ardsley Associates (Towne Plaza Shopping Center) for the years 2005-2009 in the approximate amount of \$45,000, and

Whereas, the Order & Judgment finally arrived in the Village offices on Monday, March 14, 2011 demanding a refund in the amount of \$42,661, and that only \$12,000 dollars are currently available in appropriation line item - Certiorari

Be it resolved, that the Village Board of the Village of Ardsley hereby modifies the 2010-2011 Village budget by transferring the amount of \$30,661 from Fund Balance to appropriations line

item 1964.462 to cover the full cost of the refund. **Seconded by Tr. Malone and passed unanimously.**

**RESOLUTION REGARDING ASSESSOR'S FINAL ASSESSEMENT
ROLL RECOMMENDATIONS – FISCAL YEAR 2011-12**

Mr. Calvi: Resolved, that the Village Board of the Village of Ardsley, hereby accepts the recommendations of the Village Assessor. **Seconded by Tr. Levine and passed unanimously.** (See attachment)

Tr. Porcino: Resolved, that the Village Board of the Village of Ardsley hereby approves the assessors recommendations in respect to 1811.324. **Seconded by Tr. Nardecchia and passed, with Tr. Levine abstaining.** (See attachment)

VII. NEW BUSINESS

RESOLUTION FOR MAYORAL INTERIM APPOINTMENTS TO LIBRARY BOARD

Resolved, that the Mayor of the Village of Ardsley hereby makes the interim appointment of Valeri Lalli, residing at 22 Powderhorn Road, to the Library Board of Trustees, effective immediately through December 3, 2012

Be it further resolved, that the Mayor of the Village of Ardsley hereby makes the interim appointment of Stephanie Bonnie, residing at 7 Lakeview Avenue, the Library Board of Trustees, effective immediately through December 5, 2011

**RESOLUTION FOR TRANSFER FROM FUND BALANCE –
BUILDING INSPECTOR MEDICAL ABSENCE**

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby transfers monies in the amount of \$2,500 from Fund Balance to Building Inspector account code 3620.400 contractual to cover the cost of assistance during his medical absence. **Seconded by Tr. Porcino and passed unanimously.**

**RESOLUTION RESCHEDULING VILLAGE BOARD MEETING / SCHEDULING
BUDGET SESSIONS / SCHEDULING PUBLIC HEARING ON
2011-2012 PROPOSED BUDGET**

Tr. Malone: Resolved, that the Village Board of the Village of Ardsley hereby reschedules the Village Board meeting of Monday, April 18 to Wednesday, April 20, 2011 due to a conflict with Passover.

Be it further resolved, that the budget sessions for the review of the proposed 2011-2012 Village Budget are scheduled as follow:

Wednesday, March 30

Wednesday, April 6
Wednesday, April 13
Monday, April 25
Wednesday, April 27 (alternate / wrap-up)

All budget sessions will take place at 8:00 pm, here in the Village board room except for April 27 which will take place in the conference room

Be it further resolved, that the Village Board of the Village of Ardsley hereby calls for a public hearing on the proposed 2010-2011 Village Budget for 8:00 pm, Monday, April 4. **Seconded by Tr. Levine and passed unanimously.**

**RESOLUTION TO APPROVE PLACING OF LITTLE LEAGUE SPONSORSHIP
BANNERS/SIGNS AT BALL FIELDS**

Tr. Levine: RESOLVED, that the Village Board of the Village of Ardsley hereby approves the placement of Little League Sponsorship Banners/Signs, throughout the spring season, on the outfield fences at the McDowell Park ball fields. **Seconded by Tr. Nardecchia and passed unanimously.**

**RESOLUTION TO SCHEDULE A PUBLIC HEARING TO CONSIDER
A REQUEST TO PLACE A PARACO GAS PROPANE
CYLINDER EXCHANGE CAGE AT ARDSLEY GAS STATION (GETTY)
LOCATED AT 657 SAW MILL RIVER ROAD
ARDSLEY, NEW YORK**

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, April 4, 2011 at 8:45 p.m. to place a Paraco Gas Propane cylinder exchange cage at Ardsley Gas Station (Getty) located at 657 Saw Mill River Road, Ardsley, New York.

AND FURTHER RESOLVED, that the Village Board declares itself as Lead Agency for this application. **Seconded by Tr. Porcino and passed unanimously.**

ADJOURNMENT OF MEETING: Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of March 21, 2011 at 9:14 p.m. to enter into Executive Session and not to return. **Seconded by Tr. Porcino and passes unanimously.**

Respectfully submitted,

Lorraine McSpedon, Recording Secretary

ARDSLEY, NEW YORK

**BOARD OF TRUSTEES
MARCH 21, 2011**