

Mayor Leon opened the May 16, 2011 Regular Meeting at 8:00 p.m.

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

I. PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE – LORI E. HUNTER, RECREATION ASSISTANT & PLANNING BOARD MEMBER

PRESENTATION OF NYCOM PLAQUE BY MAYOR LEON TO PATRICIA BASINI, COURT CLERK FOR 35 YEARS OF PUBLIC SERVICE.

Mayor Leon presented Ms. Basini with the NYCOM plaque and highlighted Pat's many accomplishments.

PRESENTATION BY PIERRETTE RISSLAND, SENIOR CITIZEN COORDINATOR, TO ANTHONY VACCA, COMMUNITY POLICE OFFICER.

Ms. Rissland thanked Mr. Vacca for all of his support to the seniors and the community.

SWEARING IN OF NEW FIREFIGHTER, JENNIFER PIRRAGLIA.

Ms. Jennifer Paraglia was sworn in as a new firefighter by Mayor Leon.

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 May 2, 2011, as submitted. **Seconded by Tr. Levine and passed unanimously.**

III. DEPARTMENT REPORTS

LEGAL REPORT: Attorney Ponzini has nothing to report other than those items he is working on with the Village Manager including the 9A project, which is moving along. There are a substantial number of tax grievances this year.

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

The bills for the last two weeks for the General Fund totaled \$74,498.05; from the Trust & Agency Fund: \$12,807.27 and from the Capital Fund: \$34,177.99.

Tr. 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: \$74,498.05; from the Trust & Agency Fund: \$12,807.27 and from the Capital Fund: \$34,177.99. **Seconded by Tr. Porcino and passed unanimously.**

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

VILLAGE MANAGER REPORT PREPARED BY GEORGE CALVI FOR MONDAY, MAY 16, 2011

1. PARADE: Residents are reminded that the annual Memorial Day parade, sponsored by the Ardsley American Legion Post, will kick off from the corner of Park and Ashford Avenue at 10:00 am on Monday, May 30 and will proceed down to Ashford Park where services will be held. All are invited to attend!

2. OFFICES CLOSED: Since May 30 is Memorial Day, Village offices will be closed, and there will be no trash collection. There will be a double collection on Tuesday May 31 covering the entire Village. Lastly, owing to a quirk in the calendar, the next Village Board meeting will not be two weeks from now, but rather will be three weeks away on Monday, June 6.

3. NEW RECYCLING RULES: Wednesday, June 1 will not only be the commencement of our new fiscal year, it will also be the commencement of the new recycling container laws. No longer will residents be limited to recycling containers made of plastics 1 and 2, they will be able to fill their containers with plastics numbers 3, 4, 5, 6, and 7 which pretty much covers the gamut. More information will be coming from our Environmental

Chairwoman Susan Porcino in the coming weeks via Constant Contact and the July edition of the Ardsley Villager. By the way, if you haven't subscribed to Constant Contact yet you really need to do so. As of today there are 450 subscribers which is a little more than 10 percent of our population. To subscribe visit the homepage of our website at www.ardsleyvillage.com.

4. LEAF BLOWERS: Speaking of the environment, residents are reminded that we have a leaf and grass blower law in this village. Any gas leaf blowers in operation must be registered with the Village and sport a shiny decal issued by the Village Clerk's office. If you are using a gas powered leaf blower, or your landscaper is doing so, without benefit of a registered decal, the local law is being violated. For information, please contact Village Clerk Barbara Berardi at 693-1550.

5. RIDGE HILL UPDATE: About Ridge Hill, appraisers have been solicited, and quotes have been received for the takings of properties on Route 9A and Ashford Avenue. However, a special meeting with the County on Friday will determine if we can move forward with the takings on Ashford. The tentative schedule still remains for a resolution calling for a public hearing be passed on June 6 with the actual public hearing on July 5. Also, NYC DEP has resigned itself to the fact that NYS DOT wishes to maintain a sidewalk on the western perimeter of Bicentennial Park and has requested a copy of the most recent plans for the site. Such plans have been emailed to NYC DEP for their review.

6. NYCOM AWARD: We learned late this afternoon that the VOC's efforts for joint road paving amongst the six Greenburgh villages which resulted in thousands of dollars of savings for the communities over the past two years has been recognized by NYCOM with a second place Local Government Achievement Award in the category of Public Management and Administration. The Villages will be recognized at an awards ceremony in Saratoga on May 24 and featured in NYCOM magazine, in the Empire Report, and by the National League of Cities. The VOC is the moniker for the monthly meetings of six Village Mayors and the six respective Managers in Greenburgh. Recently, our group expanded to include a 7th village, Sleepy Hollow. Although it is located in the Town of Mount Pleasant, it shares many areas of mutual concern.

7. SCHOOL BUDGET VOTE: Don't forget. Tomorrow is school budget vote day in Ardsley and elsewhere. In addition, Ardsley has four candidates running for school board. For information please call School District Clerk Barbara Koppel at the Central Office at 693-6300.

8. ASSESSMENTS: If you were contemplating grieving your Town taxes, you better get a move on. Grievance time in Greenburgh is from June 1 through June 21. For information, call the Assessor's office at 993-1520. The

town assessment impacts your assessment not only for town taxes but for the county and school taxes as well. Village assessments are grieved in February.

9. RYAN NELSON: For the last several weeks, as part of his High School graduation requirements Ryan Nelson has been working in our offices tending to various tasks, most vitally, reviewing recently scanned historical documents for record-keeping accuracy. Ryan has four more hours of service to perform and thus will be done this week. I wish to take this opportunity to publically thank him for his service to the community.

FIRE DEPARTMENT REPORT: Chief Coulehan delivered the April, 2011 report.

POLICE DEPARTMENT REPORT: Chief Califano delivered the April, 2011 report.

Mayor Leon requested the year-ago report which was not included in his package.

8:30 P.M. – PUBLIC HEARING – For the purpose of receiving comments regarding the 2011 Village Storm Water Annual Report – Lorraine Kuhn.

Mayor Leon read the legal notice and encouraged the public to participate.

Lorraine delivered the Annual Report.

Lorraine mentioned that perennial plants were preferable to annuals since they require less care and the root system, during the winter, holds the soil in place. Mayor Leon requested a list of flowering perennial plants. Lorraine agreed to post the names of these plants on the web site.

Mayor Leon mentioned that the Eagle Scout projects should take place in the Village where the scouts live, as well as the Girl Scouts' Gold Ribbon Program.

BUILDING DEPARTMENT REPORT: Tr. Nardecchia delivered the April, 2011 report.

MAYOR'S ANNOUNCEMENTS:

- 1) Attended the Eagle Scout induction ceremony for David Fishman on Sunday.
- 2) Eagle Scout Justin De La Garza will be inducted this Sunday.
- 3) There will be an Ardsley Day Meeting tomorrow at 8:00 at the Community Center.
- 4) The Memorial Day Parade will take place on Monday, May 30.
- 5) The Inspection Dinner will take place on June 4.
- 6) The school elections will take place tomorrow.
- 7) The e-mail distribution alerts should be utilized by as many residents as possible and residents were encouraged to sign-up.
- 8) Appeared in the play Bye Bye Birdie in Irvington last week.

IV. COMMITTEE AND BOARD REPORTS:

Tr. Porcino:

- 1) Attended the regular meetings of the Youth Council and the Environmental Advisory Committee.
- 2) Attended the Eco Car Wash and got a personal tour of the premises.

Tr. Nardecchia:

- 1) The Seniors are having bingo and social coffee this week and next week they will have a trip to Arthur Avenue.
- 2) There will be a Recreation Commission meeting tomorrow night.
- 3) A gun control program will take place on May 19th at the Hastings Community Center at 9:00 p.m.

Tr. Malone:

- 1) Mentioned that the school budget voting hours are 6:00 a.m. – 10:00 a.m. and 2:00 p.m. – 9:00 p.m. in the Ardsley HS cafeteria.

Tr. Levine:

- 1) The ASVAC numbers for April were:

35 total
19 days
11 evening
5 night
2 mutual aide

ASVAC was present at the health fair and the Little League parade.

- 2) The Greenburg Veteran's Living History Project has interviewed Louise Giusti regarding her husband, Augie, who was a Pearl Harbor survivor. Also, Frank Spano will be interviewed. This will be aired this week. Memorial weekend will include all of the interviews which have been done thus far.

V. VISITOR'S**VI. OLD BUSINESS**

**RESOLUTION ADOPTING 2011
STORMWATER ANNUAL REPORT**

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley Hereby adopts the Stormwater Annual Report for 2011. **Seconded by Tr. Porcino and passed unanimously.**

VII. NEW BUSINESS

**ANNUAL RESOLUTION TO MODIFY THE 2010-2011 VILLAGE BUDGET TO
RECONCILE APPROPRIATION LINE ITEMS**

Tr. Porcino: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to modify the 2010-2011 Village Budget by transferring the aggregate amount of \$119,320 from the listed under-spent line items as follows:
Seconded by Tr. Levine and passed unanimously.

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|-------------------------------------------|----------|
| 5142.101 Snow Overtime | \$21,995 |
| 9010.801 Employee Retirement System | 42,594 |
| 9010.825 Police Retirement System | 37,851 |
| 9710.700 Bond Anticipation Notes Interest | 16,880 |

To the over-expended line items listed below:

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| 1640.481 Diesel Fuel (DPW) | \$14,164 |
| 1910.400 Unallocated Insurance | 3,758 |
| 1325.100 Treasurer | 5,811 |
| 1355.460 Assessor | 6,674 |
| 1964.462 Certiorari | 4,135 |
| 3120.111 Compensation Cash-out | 11,688 |
| 3410.481 Diesel Fuel (Fire Dept.) | 3,500 |
| 5182.490 Street Lighting | 10,000 |
| 9060.807 Hospitalization | 35,066 |
| 9045.805 Unemployment Insurance | 6,524 |
| 5142.490 Sand & Salt for Snow Plowing | 18,000 |

Note: Special mention should be made that thanks to the re-working of the DPW schedules, enough snow overtime was saved by our new Highway Foreman to more than compensate for the overage in sand and salt usage this past winter.

**RESOLUTION REGARDING FUND BALANCE TRANSFER – YEAR END
APPROPRIATIONS**

Tr. Malone: Resolved, that the Village Board of the Village of Ardsley hereby modifies the 2010-2011 Village Budget by transferring the amount of \$55,000 from Fund Balance to appropriations line items to cover shortfalls: **Seconded by Tr. Levine and passed unanimously.**

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| 3410.430 Utilities - Fire Department | \$25,000 |
| 3410.453 Hydrant Rental | \$30,000 |

**RESOLUTION ENABLING VILLAGE TREASURER TO MAKE NECESSARY
TRANSFERS WITHIN THE GENERAL FUND**

Tr. Levine: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make all the necessary transfers in the 2010-2011 Village budget, with the exception of the Contingency line item and the surplus accounts. **Seconded by Tr. Malone and passed unanimously.**

**RESOLUTION ESTABLISHING STANDARD WORK DAY OF VILLAGE
MANAGER**

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby establishes the following as standard work day for appointed officials and will report the following days worked to the New York State and Local Employees Retirement System based on the time keeping record of activities maintained and submitted by the officials to the Village Treasurer;

Be it further resolved, that the standard work day for the Village Manager George Calvi is at least seven hours; and the days per month, based on the submitted Record of Activities for Village Manager George Calvi is at least 20;

Be it further resolved, that the expiration of the term of the Village Manager is December 5, 2011;

Be it further resolved, that this resolution will be maintained on the Village website for a minimum of 90 days. **Seconded by Tr. Levine and passed unanimously.**

DISCUSSION REGARDING PROPOSED SCAR

LEGISLATION AMENDEMENTS

Mayor Leon explained that SCAR stands for Small Claims Appeal Legislation. When taxes are grieved, the Board of Assessors in Ardsley determines the outcome which can either be accepted or appealed.

Attorney Ponzini explained further that the residents can be heard before a judicial hearing officer in White Plains which is the equivalent of Small Claims Court for taxpayers. There are generally no attorneys involved and the Village is represented by the Assessor. It is an informal hearing. The taxpayer may file an appeal through an Article 78 proceeding. The assessor has encouraged legislation be pursued on the State level and has indicated it is being sponsored by Assemblywoman Amy Paulin and State Senator Jeff Klein. The legislation will allow municipalities to also appeal if it is a small claims assessment review and the decision has violated the act or the decision sets a precedent which is in violation of the act.

The Villages are being asked to get behind the legislation since it will benefit municipalities.

Mayor Leon questioned whether the municipality would appeal to the same SCAR court. Attorney Ponzini explained that an Article 78 proceeding would be heard by the Supreme Court Judge.

Tr. Levine brought up the cost factor involved with such appeals. Attorney Ponzini agreed and mentioned the large increase in the filing fees for court appearances.

Attorney Ponzini stated that this option would be used mainly to prevent precedents from occurring.

There will be a resolution on the next agenda for this amendment.

**DISCUSSION REGARDING PROPOSED
PARKING SPACE CODE AMENDMENTS**

Mayor Leon explained that as part of the Route 9A construction, a certain sliver of land needs to be maintained along Route 9A. This land enters into the parking lots of two properties and a parking space may be eliminated for both. This issue of penalization for not adhering to the site plan regarding parking spaces needs to be addressed.

It is suggested that a code provision be passed so that if the land is transferred in the public interest with a public purpose, and the parking requirements are affected, the requirement can be waived.

Tr. Nardecchia favored the concept so long as greater non-conforming does not come into affect.

Attorney Ponzini stated the purpose of the legislation is not to penalize someone who may lose a portion of their land and future building calculations will include the lost piece of property. Also, if the transfer is made voluntarily, they will benefit from the legislation, however, if the property is taken by Eminent Domain they will not receive the benefits. They will then become a non-conforming property.

Tr. Nardecchia explained that waivers are currently in place at some of the properties in question.

Tr. Levine confirmed with Attorney Ponzini that monetary rewards would be realized by voluntary participants.

Attorney Ponzini requested that the new planner integrate this into the Code.

Attorney Ponzini stated he would confer with the Town of Greenburgh regarding specifics of the proposed legislation.

ADJOURNMENT OF MEETING: Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby adjourns the Regular Meeting of Monday, May 16, 2011, at 9:35 p.m. **Seconded by Tr. Levine and passed unanimously.**

Respectfully submitted,

Lorraine McSpedon
Recording Secretary