

Mayor Leon opened the July 5, 2011 Regular Meeting at 8:00 p.m.

Present:	Mayor	Jay Leon
	Deputy Mayor/Trustee	Peter Porcino
	Trustee	Larry J. Nardecchia
	Trustee	Beverly A. Levine

Absent:	Trustee	Gary Malone
	Village Manager	George Calvi
	Village Attorney	Robert J. Ponzini
	Village Clerk	Barbara Berardi
	Recording Secretary	Lorraine McSpedon

I. PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE – WARD THROPE

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 June 20, 2011, as amended. **Seconded by Tr. Nardecchia and passed unanimously.**

(Changes have been made and revised minutes have been forwarded to the Village Clerk)

III. DEPARTMENT REPORTS

LEGAL REPORT: Attorney Ponzini had nothing to report.

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 totaled: \$67,702.09; from the Trust & Agency Fund: \$4,082.29 and from the Capital Fund: \$6,037.00.

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: \$67,702.09; from the Trust & Agency Fund: \$4,082.29 and from the Capital Fund: \$6,037.00. **Seconded by Tr. Porcino and passed unanimously.**

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MANAGER'S REPORT: Mr. Calvi did not have a report this month, however, did pass the following request along from long-time resident Marie Agnano, who requested that participants at the meetings speak louder and into the microphones.

FIRE DEPARTMENT REPORT: Chief Coulehan read the report for the month of June, 2011.

POLICE DEPARTMENT REPORT: Chief Califano read the report for the month of June, 2011.

BUILDING DEPARTMENT REPORT: Tr. Nardecchia read the report for the month of June, 2011.

8:15 P.M. – PUBIC HEARING – For the purpose of adopting a new Chapter 141 of the Ardsley Village code – Naming Policy for Village Facilities.

Mayor Leon read the legal notice and explained that this application came about as a result of multiple deaths in the Village of prominent residents. Many suggestions and thoughts were heard regarding the possibility of naming a building or a park after the decedents. Mr. Calvi has suggested that a policy be adopted for naming Village facilities.

Mayor Leon questioned why streets were not included in the policy. Mr. Calvi explained that they were already covered in the State Code and that the only area the Village was interested in was buildings and parks. Mr. Calvi also noted that he, personally, would prefer that streets not be included since the homeowners would be greatly inconvenienced with the name changes. Tr. Nardecchia mentioned that, historically, street name changes have been unsuccessful.

The date of September 25th was mentioned as being dedicated for a ceremony in memory of Louis Pascone. Mayor Leon questioned the anniversary date of Mr. Pascone's passing and Mr. Calvi stated that it will be over one year on September 25th.

Tr. Porcino requested clarification as to whether or not living individuals could be memorialized. Tr. Nardecchia explained that a plaque or a marker may be placed in a location with the name of the living individual, but the name of the venue cannot be changed while the individual is alive.

After much discussion regarding the living memorials, the Board was not in agreement as to the language in the policy. As a result, a motion was made to continue the Public Hearing to September 6 at 8:30 p.m.

Tr. Porcino: Resolved, that the Village Board of the Village of Ardsley hereby continues the public hearing to September 6, 2011 at 8:30 p.m. for the purpose of adopting a new Chapter 141 of the Ardsley Village code - Naming Policy for Village Facilities. **Seconded by Tr. Levine and passed unanimously.**

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8:30 P.M. – PUBLIC HEARING – To inform the public, review the public use and impact on the environment and residents of the locality, and receive public commend regarding a proposed amendment to Ardsley Zoning Ordinance Subsection 200-82 G. Road improvements & widening by allowing for transfer of land from a private owners to a governmental entity.

This public hearing was opened. Minutes were transcribed by the Court Stenographer and are under separate cover.

MAYOR'S ANNOUNCEMENTS:

- 1) Ardsley Day plans are moving forward. The Day is planned for September 25, 2011. The next meeting is Thursday, July 28, 2011. A food court may also be available.
- 2) Met with the Ridge Hill Intersections Committee. Phase 1B (left hand turn into Colonial Court North) is looking good. Had a favorable letter from NYC Department of Environmental Protection. Their letter of approval should be forthcoming this week or next. Phase 1A will be discussed tonight. Phase 2 (Ashford Avenue) is contingent upon what happens with Jackson Avenue. There are issues with the straightening out of the "S" curve on Jackson Avenue.
- 3) Ardsley was the recipient of a NYCOM Award for participating along with the other five Villages in the shared services program, including road service.

COMMITTEE AND BOARD REPORTS:

Tr. Porcino:

- 1) Attended the Regular Meeting of the Environmental Advisory Committee.
- 2) Attended the Youth Council and the SAYF Coalition Meeting.
- 3) Training sessions were held regarding compliance checks made for merchants serving alcohol to minors.
- 4) Attended the Ridge Hill Intersections Committee meeting. Regarding Phase 2, the issues concern coordination with the County regarding their improvements to the Ashford Avenue bridge. The County has advised that that is not going to happen prior to 2016 and that their improvements are more limited than what is desired.

Tr. Nardecchia:

- 1) Had a very successful Seniors barbecue this week.
- 2) Tomorrow, the Seniors will have a joint play of Mama Mia at the Irvington Library.

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- 3) Dobbs Ferry, Irvington and Ardsley's Recreation Committees are merging together and merging Senior activities.
- 4) Had a Recreation Commission meeting last month. Another meeting will be held tomorrow.
- 5) Three projects being worked on are: The turf on the fields (baseball and volleyball), water usage and some wrinkles which need to be straightened out on the volleyball field prior to bringing it to the Board.

Tr. Levine:

- 1) The next person to be interviewed for the Greenburgh Veteran's project will be Martin Engelman. It will start on Thursday.
- 2) Happy Birthday USA.

9:00 P.M. – PUBLIC HEARING – To inform the public, review the public use and impact on the environment and residents of the locality, and receive public comment regarding the acquisition of approximately (2,989) square feet, more or less, comprised of portions of three different parcels of land.

This public hearing was opened. Minutes were transcribed by the Court Stenographer and are under separate cover.

IV. VISITOR'S

Mayor Leon encouraged participation in the Visitor's Section.

V. OLD BUSINESS

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby closes the meeting for the zoning code amendments for the transfer of lands for road widening purposes and will accept written comments to that affect until the August 1st meeting. **Seconded by Tr. Levine and passed unanimously.**

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley closes the public hearing for the eminent domain questions but will leave the record open for written comments until the August 1st meeting. **Seconded by Tr. Levine and passed unanimously.**

**RESOLUTION TO CONSIDER SITE PLAN APPROVAL FOR PROPOSED
STORAGE SHED LOCATED AT LA CATENA RESTAURANT –
875 SAW MILL RIVER ROAD
(TABLED FROM 6/20/11 MEETING)**

Tr. Porcino gave an overview of the proceedings at the June 20, 2011 meeting by explaining that the applicant had apparently built a shed without the approval of the

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Village and the Building Inspector has suggested a proposed solution be to move the shed from behind the premises since it is now blocking the flow of traffic. The proposed solution requires that the shed be relocated to the far southeast corner of the parking lot across from the animal hospital and behind an existing garbage enclosure.

Tr. Nardecchia stated that the access way behind the building is not sufficient for emergency traffic, therefore, the shed will be located in the existing garbage enclosure. The size of the storage shed is 4' x 12'. The applicant, Emilio, stated that clearance is possible if the shed is located properly. Tr. Nardecchia requested plans showing the proper clearance.

Mayor Leon questioned why the storage issue was not addressed when the restaurant was opened. The applicant, Emilio, could not answer the question. Mayor Leon questioned what the applicant would do if the shed were not approved. Emilio replied that he would probably have to close his business since he would not be able to accommodate his customers since the shed would be used for the storage of table and chairs for catering.

Emilio explained that his business scope has changed to include catering since his original application.

Mayor Leon explained his concern that a precedent will be set if approval is given to La Catena. Mayor Leon suggested a vote be postponed until a full Board is present at the next meeting and suggested the applicant present a drawing of the clearance or have the fire chief present at the next meeting.

Tr. Nardecchia suggested a metal shed of the dimensions mentioned earlier be proposed to the Board in August, which allows for emergency vehicle clearance.

Mayor Leon suggested the application be adjourned until the next meeting, August 1, 2011.

VI. NEW BUSINESS

Mr. Donald Scherer, applicant, presented himself to the Board and explained his intent to locate parking underneath the building rather than behind the building since they would like to raise the building above the flood plain.

**NOTICE OF INTENT
TO SERVE AS SEQRA LEAD AGENCY
FOR THE ELM STREET SPORTS GROUP SITE PLAN
FOR PROPERTY LOCATED AT 1 ELM STREET
KNOWN & DESIGNATED AS SHEET 006.070, BLOCK 43, LOT 2**

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WHEREAS, Elm Street Sports Group, LLC, Ardsley, NY, is proposing to demolish an existing 3 story warehouse and office building, which is located on an 80,371 square foot parcel of land located on Elm Street, to support a new 85,821 square foot athletic training facility consisting of two floors of sports related playing surfaces and courts, serviced by an at-grade covered parking lot supporting 83 vehicles, and an attached 17,600 square foot, three story office, locker room, team room and waiting area building. In addition to the 83 covered parking spaces located at the ground level of the building, the existing parking lot will be reconstructed and reconfigured to provide an additional 55 parking spaces, for a total of 138 off-street parking spaces. This does not include the existing parking currently located on the 21,454 square foot portion of the site located in the Village of Dobbs Ferry. New stormwater management facilities, landscaping and associated site improvements are also proposed. The proposed building, all of the required off-street parking as well as the associated site improvements are wholly located in the Village of Ardsley; and

WHEREAS, in accordance with the provisions of 6NYCRR Part 617, the Village of Ardsley Board of Trustees intends to serve as Lead Agency for the SEQRA Review of this Unlisted Action, and in this capacity, will determine if the proposed action will have a significant effect on the environment; and

WHEREAS, it is the intention of the Lead Agency to undertake a coordinated review of this action.

NOW THEREFORE BE IT RESOLVED, that the Village of Ardsley Board of Trustees hereby designates its intention to serve as Lead Agency for the SEQRA Coordinated Review of this action.

BE IT FURTHER RESOLVED, that the applicant is hereby directed to circulate this Notice of Intent to serve as Lead Agency, along with the Environmental Assessment Form and associated documentation, to all Involved Agencies. Involved Agencies shall be given 30 days from the mailing of this Notice of Intent to serve as Lead Agency to challenge the Board of Trustee's designation.

BE IT FINALLY RESOLVED, that this resolution shall have an effective date of July 5, 2011.

On a motion of Trustee Porcino, Seconded by Trustee Levine and passed unanimously.

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

Trustee Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Clerk to advertise a Notice to Bidders for the furnishing and/or placing of the following materials on behalf of the Villages of Ardsley, Dobbs Ferry,

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Elmsford, Hastings, Irvington, and Tarrytown: milling existing roadway surfaces, adjusting manholes, valve boxes, curbing, catch basins, and resurfacing with top course. Specifications and Bid proposal forms will be available on Thursday, July 7, 2011 in the Office of the Ardsley Village Clerk for a non-refundable fee of \$25.00. Sealed bids will be received and publicly opened in the Office of the Village Clerk no later than 11:00 am, Thursday, July 21, 2011. **Seconded by Trustee Porcino and passed unanimously.**

**A RESOLUTION APPROVING AND ACCEPTING THE SETTLEMENT OF
GISONDI ASSOCIATES, LP F/K/A SAMUEL J. LEVITIN V. VILLAGE OF
ARDSLEY (TAX PETITION) – SAW MILL RIVER ROAD**

Trustee Porcino: WHEREAS, Gisondi Associates, LP f/k/a Samuel J. Levitin has commenced a proceeding in Supreme Court, Westchester County to challenge the assessments placed on his property for the tax years 2007, 2008, 2009, and 2010, and

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

WHEREAS, after consultation with its assessor and attorney, the Village of Ardsley now believes that a settlement has been achieved which represents the best interests of the Village and its residents and resolves this lawsuit with out the risk and cost of further litigation,

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

Assessment years reduced by the following amounts:

2007 - \$10,000; 2008 - \$3,675; 2009 - \$4,450; 2010 - \$5,250

**A RESOLUTION APPROVING AND ACCEPTING THE SETTLEMENT OF SR.
& JR., LTD V. VILLAGE OF ARDSLEY (TAX PETITION) –
501 ASHFORD AVENUE**

Trustee Porcino: WHEREAS, SR. & JR. LTD has commenced a proceeding in Supreme Court, Westchester County to challenge the assessments placed on his property for the tax year 2010, and

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

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WHEREAS, after consultation with its assessor and attorney, the Village of Ardsley now believes that a settlement has been achieved which represents the best interests of the Village and its residents and resolves this lawsuit with out the risk and cost of further litigation,

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

2010 – a reduction in value of \$12,450

**DISCUSSION / RESOLUTION REGARDING SERVICE AWARD PROGRAM
FUNDS – VANGUARD INVESTMENTS**

Tr. Porcino: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to invest \$45,000 in the Vanguard 500 Index Fund, and \$15,000 in the Vanguard International Index Fund, for the Village's Volunteer Fire Fighter Length of Service Award Program also known as LOSAP. **Seconded by Tr. Levine and passed unanimously.**

RESIGNATION OF VILLAGE ASSESSOR – GENNARO IAGALLO

Trustee Levine: Resolved, that the Village Board of the Village of Ardsley hereby accepts with regret the resignation of Village Assessor Gennaro Iagallo, effective October 1, 2011. **Seconded by Trustee Porcino and passed unanimously.**

**RESOLUTION FOR AN AGREEMENT FOR PROFESSIONAL ENGINEERING
SERVICES – SOLAR PANELS AT ARDSLEY PUBLIC LIBRARY**

Trustee Levine: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to sign an agreement for professional services in connection with a photovoltaic installation (solar panels) at the Ardsley Public Library with O'Dea, Lynch, Abbattista Consulting Engineers of Hawthorne, New York 10532 in an amount not to exceed \$17,500, effective immediately through March 2012. **Seconded by Trustee Nardecchia and passed unanimously.**

BOND RESOLUTION DATED JULY 5, 2011.

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$66,000
BONDS OF THE VILLAGE OF ARDSLEY, WESTCHESTER
COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS
VILLAGE PURPOSES IN AND FOR SAID VILLAGE.**

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Trustee Levine: WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize such capital projects and their financing;

NOW, THEREFORE, BE IT ESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Ardsley, Westchester County, New York, as follows:

Section 1. The following specific objects or purposes are hereby authorized in and for the Village of Ardsley, Westchester County, New York:

a) **Purchase of a police vehicle** to replace one in service for at least one year, including incidental equipment and expenses, at a maximum estimated cost of \$35,000, being a specific object or purpose having a period of probable usefulness of 3 years, pursuant to subdivision 77 of paragraph a of Section 11.00 of the Local Finance Law; and

b) **Purchase of software for the Building Department,** including incidental expenses, at a maximum estimated cost of \$31,000, being a specific object or purpose having a period of probable usefulness of 5 years, pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of the aforesaid aggregate maximum estimated cost of the aforesaid specific objects or purposes is by the issuance of not exceeding \$66,000 serial bonds of said Village hereby authorized to be issued therefore, allocated in accordance with the maximum estimated cost of each as set forth in Section 1 hereof.

Section 3. The faith and credit of said Village of Ardsley, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other legally available revenues, there shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be

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of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law. The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows: **Seconded by Trustee Nardecchia**

Mayor Jay Leon VOTING AYE
Deputy Mayor Peter Porcino VOTING AYE
Trustee Larry Nardecchia VOTING AYE
Trustee Beverly Levine VOTING AYE

The resolution was thereupon declared duly adopted.

**RESOLUTION REGARDING FUND BALANCE TRANSFER OF \$90,000 RE
ASTORIA FEDERAL CERTIORARI**

Trustee Levine: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to modify the 2011-2012 Village Budget by transferring the amount of \$90,000 from Fund Balance to Certiorari line item 1964.462 to cover the cost of an anticipated refund to Astoria Federal Savings Bank Shopping Center. **Seconded by Trustee 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 Tuesday, July 5, 2011 at 10:34 p.m. **Seconded by Tr. Levine and passed unanimously.**

Respectfully submitted,

Lorraine McSpedon
Recording Secretary