

**VILLAGE OF ARDSLEY
BOARD OF TRUSTEES
REGULAR MEETING
MONDAY, MARCH 7, 2016**

Present:	Mayor	Peter R. Porcino
	Trustee	Gary Malone
	Trustee	Mollie Monti
	Trustee	Andy DiJusto
	Village Manager	Meredith S. Robson
	Village Clerk	Barbara A. Berardi
	Village Attorney	Robert J. Ponzini
	Recording Secretary	Donna Fusco
Absent:	Deputy Mayor/Trustee	Nancy Kaboolian

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. – PUBLIC HEARING – To consider a proposed permit to convert the vacant office space on the second floor at 475 Ashford Avenue into two apartments

8:15 P.M. – PUBLIC HEARING – To consider a resolution to override the property tax levy for fiscal year 2016-2017

III. APPROVAL OF MINUTES: Regular Meeting – February 16, 2016

Trustee Malone: RESOLVED, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of Tuesday, February 16, 2016 as submitted. **Seconded by Trustee DiJusto and passed unanimously.**

II. DEPARTMENT REPORTS:

LEGAL REPORT:

Village Attorney Ponzini stated that there is nothing to report other than several items that he has worked on this month one of which will be discussed in Executive Session. Mr. Ponzini stated that he is available for an Executive Session if necessary.

MANAGER'S REPORT:

VILLAGE MANAGER'S REPORT FOR MONDAY, MARCH 7, 2016

- 1. ASHFORD AVE BRIDGE:** There will be a single lane closure of Ashford Avenue of the right lane in the westbound direction within the above limits beginning Monday March 7, and continuing daily until Friday, March 11, 2016 between the hours of 9:30 am and 3:30 pm. We will do our best to keep sending out alerts as we get them, but it is very important that individuals access the County information using the links below. And whenever possible, please use alternate routes, depending on particular destinations.

www.westchestergov.com/subscribe

www.westchestergov.com/ashfordavenuebridge

- 2. 9A Project Update:** We recently met with representatives from Suez, Con Ed, the 9A project engineer, the 9A contractor and the Town of Greenburgh to discuss the status of the water line that Suez will be putting across 9A. There were some issues raised about location of the water line that Suez now has to investigate with the State. Those issues are not expected to result in major changes to their design. The best case scenario is that the water line work will begin at the end of the month and be completed within three weeks, at which time the 9A contractor will complete the final paving of 9A. The worst case expected would be that the entire remaining work, including the installation of the water line across 9A, will be complete by approximately June 1st.
- 3. State Comptroller's Report:** I am pleased to report that this year's State Comptroller's fiscal monitoring report has been released and the Village has a "No Designation" stress level. Last year's report classified the Village under "Moderate Fiscal Stress", largely because of the fund balance level. Though we have improved enough to come off the fiscal stress list, monitoring and improving our fund balance level will remain a critical component of our financial operations. This will be part of our budget discussions each year.
- 4. Sale of Fire Apparatus:** Unfortunately, the sale of the 1992 Beck Pumper has not gone as hoped. The Board will recall its authorization to sell this late last year with the requirement that we come back to the Board if it could not be sold for at least \$35,000. Since it has not sold, I am requesting authorization from the Board again to sell below this figure. We would like to get it sold as quickly as possible since the new fire apparatus is due in within the week.
- 5. 2016/17 Budget:** Although there are a number of items still being investigated, we have done enough work to-date to have a good idea of where the budget stands for next year. At this point, it appears that I will not be able to bring it in under the tax cap without significantly impacting operations, future plans and

fund balance strength. Therefore, it is my recommendation that the Board pass the Local Law on tonight's agenda that will allow us to override the tax cap. If, during upcoming budget discussions, it is determined that reductions will be made that render the override unnecessary, the Village Board can rescind the override action.

TREASURER'S REPORT: Village Manager, Robson read the Treasurer's Report on behalf of Marion DeMaio:

Ms. Robson stated the bills for the past two weeks (February 1, 2016) totaled as follows: From the Trust & Agency Fund: \$116,801.58 and from the Capital Fund: \$40,114.20.

Trustee DiJusto: RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the Trust & Agency Fund: \$116,801.58 and from the Capital Fund: \$40,114.20. **Seconded by Trustee Monti and passed unanimously.**

Ms. Robson stated the bills for the past two weeks (March 7, 2016) totaled as follows: From the General Fund: \$404,770.14; From the Trust & Agency Fund: \$737.16 and from the Capital Fund: \$805,159.70.

Trustee DiJusto: RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the General Fund: \$404,770.14; From the Trust & Agency Fund: \$737.16 and from the Capital Fund: \$805,159.70. **Seconded by Trustee Monti and passed unanimously.**

MAYOR'S ANNOUNCEMENTS:

- I had a meeting with members of the general public regarding the Jefferson building down on Lawrence Street; this is before the Greenburgh Town Board and they are still in the process of developing the scoping document; we passed the deadline for comments; they will publish the final scoping document and we may have an opportunity to comment on that as well. Once the scoping document is finalized, then the developer can start to put together the draft and we will have opportunity to comment on that; there has been a fair amount of letter writing and calls to our State Legislators about the problem with the Lawrence Street/Saw Mill River Parkway intersection where what the State is calling a pocket which was the turn off lane on the northbound Saw Mill River Parkway; this turn off lane was taken away and many people objected to that; it creates an unsafe situation there; State Legislators are putting pressure on the DOT; still pushing on that
- Little League parade scheduled for 4/9 at 1:00; ceremony at Little League field is around 1:30
- St. Patrick's Day Parade coming this Sunday, 3/13; the parade travels up and down Main Street and Broadway between Sleepy Hollow and Tarrytown

- Manager Robson and I attended the Village Official's Committee Meeting last week
- The pothole killer was on my street last week
- We were told that you will be getting letters for a projected assessment; it will have instructions for a preliminary informal objection to your assessment that will be scheduled with the Greenburgh Assessor's offices
- We are again submitting a request to the State to allow us to pass a hotel tax; it passed both State legislatures last year and it was vetoed by the Governor
- We had a presentation of sustainable Westchester; they have a program where you can have your house assessed for how insulated it is, they will test it with infrared lights and they have some grant money to reduce costs

COMMITTEE & BOARD REPORTS:

TRUSTEE DIJUSTO:

- 2/27 – Attended Garden Club Irish Afternoon
- 3/5 – TPPCS Chairman, Frank Doherty and I met with Police Chief Califano and Lt. Piccolino to ask them to look into sending two officers for NYS DOT Commercial Truck Inspection Classes; We also talked to the Village Manager about making this work

TRUSTEE MONTI:

- Attended Garden Club St. Patrick's Day Dinner

TRUSTEE MALONE:

- Attended Meeting of Ardsley Library Board of Trustees

TRUSTEE KABOOLIAN:

- Absent

III. VISITORS

IV. OLD BUSINESS

1. Discussion regarding installing lights at McDowell Park, Ardsley Little League baseball fields

Mayor Porcino stated that he would like for the Little League to be allowed to go forward with the installation of lights and believes that the League should pay for the costs including electricity. Mayor Porcino also stated that he would like to see some limitation on the number of times to the extent that they could limit how late the games go on at night. Mayor Porcino also stated that this field should be allowed for Little League only.

Sue Woodrow, 505 Heatherdell Road, Ardsley, appeared and stated that she thinks that they should compromise and she thinks that everything that was stated by the Mayor would be fair. Ms. Woodrow stated that she feels that 8:00 P.M. would be a good cut off time.

Village Attorney stated that he met with the Village Manager and Village Attorney further stated that the Village Manager should put together a series of bullet points and based on that they are going to draft up a document. Village Manager stated that they are going to come up with a schedule where they would allow for certain times for later games.

Lucy Gratzon and Steve Gratzon appeared. Lucy Gratzon, President of the Little League stated that time is closing in as season is approaching. Manager Robson asked Ms. Gratzon what the contractor needs from the Little League in order to order the lights, get started and further asked if there is a possibility for Ms. Gratzon to say that there was some indication from the Board that this is moving forward so the process will proceed.

Ms. Gratzon stated that she is going to explain to the Little League Board that they will be limited and she will reply back to the Board.

Mayor Porcino asked the Village Attorney if he could draft an agreement to the Little League and the Village Manager before the next meeting. Village Attorney stated that he will contact the Village Manager tomorrow.

2. Resolution to consider granting permission to Ganesh Real Estate Venture for a request to convert the vacant office space into two apartments located at 475 Ashford Avenue

8:00 P.M. – PUBLIC HEARING – To consider a proposed permit to convert the vacant office space on the second floor at 475 Ashford Avenue into two apartments

Open Public Hearing

Mayor read the Public Notice into the record

Architect, Ted Rieper appeared with Applicant in support of their application to convert the vacant office space. Mr. Rieper stated that the space has been vacant since the property was purchased 2 ½ years ago. Mr. Rieper stated that they are going to install energy efficient heating systems and Mr. Rieper further stated that the parking requirements have decreased.

Public Comments

Mayor Porcino asked if there were any comments from the public. There were no comments.

Close Public Hearing

RESOLUTION TO CLOSE THE PUBLIC HEARING GRANTING PERMISSION TO GANESH REAL ESTATE VENTURE FOR A REQUEST TO CONVERT THE VACANT OFFICE SPACE INTO TWO APARTMENTS LOCATED AT 475 ASHFORD AVENUE

Trustee Monti: RESOLVED, that the Village Board of the Village of Ardsley hereby closes the public hearing at 8:50 p.m. granting permission to Ganesh Real Estate Venture for a request to convert the vacant office space into two apartments located at 475 Ashford Avenue. **Seconded by Trustee Malone and passed unanimously.**

RESOLUTION GRANTING PERMISSION TO GANESH REAL ESTATE VENTURE FOR A REQUEST TO CONVERT THE VACANT OFFICE SPACE INTO TWO APARTMENTS LOCATED AT 475 ASHFORD AVENUE

Trustee Monti: RESOLVED, that the Village of Ardsley hereby grants permission to Ganesh Real Estate Venture to convert the vacant office space on the second floor into two apartments located at 475 Ashford Avenue with the following conditions: **Seconded by Trustee DiJusto and passed unanimously**

1. The applicant must provide plans for the build-out showing full compliance with the NYS Building Code.
2. The applicant must obtain the required permits prior to commencing construction for build-out
3. BAR approval will be required if any modifications will be made to the façade of the building including but not limited to the installation of egress windows.
3. Resolution to consider a local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

8:15 P.M. – PUBLIC HEARING – To consider a local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c.

Open Public Hearing

Mayor read the Public Notice into the record

Public Comments

Mayor Porcino asked if there were any comments from the public. There were no comments.

Close Public Hearing

**RESOLUTION TO CLOSE THE PUBLIC HEARING TO CONSIDER A LOCAL
LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

Trustee Malone: RESOLVED, that the Village Board of the Village of Ardsley hereby closes the public hearing at 8:52 p.m. to consider a local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c. **Seconded by Trustee Monti and passed unanimously.**

**RESOLUTION TO CONSIDER LOCAL LAW AUTHORIZING A
PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW §3-c**

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

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Ardsley to adopt a budget for the fiscal year commencing June 1, 2016 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

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

Section 3. Tax Levy Limit Override

The Village Board of Trustees of the Village of Ardsley, County of Westchester, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2016 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the

remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State by the Village Clerk.

V. NEW BUSINESS

1. Resolution to schedule Public Hearing on Tentative 2016-2017 Village Budget

**RESOLUTION TO SCHEDULE PUBLIC HEARING ON TENTATIVE
2016-2017 VILLAGE BUDGET**

Trustee Malone: RESOLVED, that the Village Board of the Village of Ardsley hereby schedules a public hearing for 8:15 p.m. Monday, April 4, 2016 to review the Tentative 2016-2017 Village Budget. **Seconded by Trustee DiJusto and passed unanimously.**

2. Resolution modifying the 2015-2016 Budget by enabling the Treasurer to transfer funds

**RESOLUTION MODIFYING THE 2015-16 BUDGET BY ENABLING
THE TREASURER TO TRANSFER FUNDS**

Trustee Monti: RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to modify the 2015-2016 Village Budget by transferring funds totaling \$151,562 from budget line: **Seconded by Trustee DiJusto and passed unanimously.**

9030.0600 BOND ANTICIPATION NOTE
TO BUDGET LINE 1964.462

CERTIORARI	
CRETAN	\$8,035.68
OSLO (ATRIA)	\$143,526.28

3. Resolution authorizing the payment of tax settlements pursuant to Stipulated Judgement in the matter of Atria (OLSL LLC) Section 6.10, block 1, Lot 21

**RESOLUTION AUTHORIZING THE PAYMENT OF TAX SETTLEMENTS
PURSUANT TO STIPULATED JUDGEMENT IN THE MATTER OF ATRIA
(OLSL LLC) Section 6.10, Block 1, Lot 21**

WHEREAS, Atria (OLSL LLC) hereinafter referred to as "Atria" is an owner of real property in the Village of Ardsley, hereinafter referred to as "Ardsley", and

WHEREAS, Atria commenced proceedings for the refund of its real estate taxes for the years 2009, 2010, 2011, 2012, 2013, 2014, and 2015, and

WHEREAS, the Village maintained and defended its tax assessment roll for the years 2009, 2010 and 2011 and was successful in having those proceedings dismissed, and

WHEREAS, for the remaining years 2012, 2013, 2014 and 2015, the Town of Greenburgh, hereinafter referred to as the "Town" assumed the assessment function for the Village and defending all tax proceeding, and

WHEREAS, the Town settled those remaining tax years with reductions in assessment for the respective years in the amounts of \$106,800, \$51,300, \$117,900, \$206, 700 which when the tax rates are applied computes to a refund in the amount of \$143,526.28, and

NOW THEREFORE BE IT RESOLVED, that the Village Treasurer is authorized to refund the amount of \$143,526.28 pursuant to the consent order entered into between the Town and Atria.

The foregoing has been reviewed with respect to legality and form by the Village Attorney

Moved: **Trustee Malone** Seconded: **Trustee DiJusto**

4. Resolution authorizing reduction in sale price of 1992 Beck Pumper

**RESOLUTION AUTHORIZING REDUCTION IN SALE PRICE OF 1992
BECK PUMPER**

Trustee DiJusto: RESOLVED, that the Village Board of the Village of Ardsley has considered the information presented by the Village Manager that the 1992 Beck Pumper, previously declared as surplus on December 7, 2015, has not sold for the original authorized amount, despite significant attempts at such sale;

BE IT FURTHER RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes a further reduction in sale price as the Village Manager may approve, in consultation with the Fire Chief, in order to sell the 1992 Beck Pumper expeditiously to allow for the acceptance of the new fire apparatus to be delivered within two weeks.

Seconded by Trustee Malone and passed unanimously.

VI. CALL FOR EXECUTIVE SESSION. Brief Executive Session to discuss legal matters

VII. ADJOURNMENT OF MEETING

Trustee Malone: RESOLVED, that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of Monday, March 7, 2016 at 8:56 p.m. **Seconded by Trustee DiJusto passed unanimously.**

VIII. NEXT VILLAGE BOARD MEETING: Monday 21, 2016 at 8:00 p.m.

Respectfully submitted,

Donna Fusco
Recording Secretary