

Mayor Porcino opened the Monday, February 6, 2012 regular meeting at 8:00 p.m.

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

**I. PLEDGE OF ALLEGIANCE**

County Legislator Mary Jane Shimsky presented herself to the Board and gave an update of the activities of her office which include monitoring the progress of the Ashford Avenue bridge renovation plans.

**II. APPROVAL OF MINUTES**

**Tr. Malone: Resolved,** that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of January 17, 2012, as submitted. **Seconded by Tr. Levine and passed unanimously.**

**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 past two weeks from the General Fund totaled: \$215,821.84; from the Trust and Agency Fund: \$2,645.26, and from the Capital Fund: \$0.

**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: \$215,821.84; from the Trust and Agency Fund: \$2,645.26, and from the Capital Fund: \$0. **Seconded by Tr. Levine and passed unanimously.**

Mayor Porcino acknowledged receipt of the Treasurer's Report of uncollected taxes report as of January 31, 2012.

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

**VILLAGE MANAGER REPORT  
PREPARED BY GEORGE CALVI  
FOR MONDAY, FEBRUARY 6, 2012**

**1. HOLIDAY OBSERVANCES:** Please be advised that the Village administrative offices, the DPW, and the Community Center will be closed Monday, February 13 in observance of our 16<sup>th</sup> President's birthday, Abraham Lincoln. I must emphasize however that the Ardsley Public Library will be open, and the Village Justice Court will be in session. Getting back to DPW, the regular Monday trash collection will be picked up on Tuesday.

The same arrangement will be in place on Monday, February 20, when the Village will be observing the birthday of our 1<sup>st</sup> President, George Washington. To confirm these dates, please review our 2012 Sanitation Schedule calendar, the Village website at [www.ardsleyvillage.com](http://www.ardsleyvillage.com), or phone the DPW at 693-0117. Last but not least, for the sake of your neighbors, please don't leave your trash cans out Sunday night so that your neighbors have to stare at them all day Monday. Put them out Monday night. Your neighbor will thank you, the DPW thanks you, and I thank you.

**2. MEETING RESCHEDULED:** As a result of the Village's observance of George Washington's birthday the next Village Board meeting will take place Tuesday, February 21. Bear in mind that this day has traditionally been the day that the Village Board acted as the Board of Assessment Review, and people had the opportunity to walk into a Board meeting and grieve their property assessments. For those of you who have been following our meetings, email distributions, and village newsletters, you know that the Village transferred the duty of handling assessment grievances to the Town of Greenburgh back in October. Thus, the next opportunity for residents to grieve their taxes is in June at Town Hall located at 177 Hillside Avenue. AGAIN, I REPEAT, PLEASE DO NOT PRESENT US WITH GREIVANCE APPLICATIONS ON FEBURARY 21.

**3. EMINENT DOMAIN PROCEEDINGS:** A number of people have called our offices recently inquiring about the eminent domain negotiations for the various parcels along Route 9A. By their very nature, negotiations regarding land acquisition should not be publically aired otherwise they can be seriously compromised. However, what I can say is that negotiations are in progress, that the negotiation process commenced the first week of January; there is a 90 day allowable period for such negotiations, and chances are they won't be completed until the first week of April

**4. ON LINE TAX FILINGS:** Two weeks ago, I had a very frustrating telephone conversation with a representative of NYCOM and a retired member of the New York State Tax Department. It's a classic case of the law not keeping up with technology. Long story short, if you are going to rely on a private Internet tax service, do not wait until the last few days of the month to pay your taxes. Since your Internet tax bills are bundled and qualify for bulk or pre-sort mailings, your payment does not get stamped with a United States postmark which is the sole evidence that the New York State tax department recognizes for timeliness. This year was the perfect storm because New Year's Day fell on a Sunday with the holiday being recognized on Monday, and with New Year's Eve being on a Saturday, many businesses including banks closed early on Friday. Thus, if you authorized a payment on Friday, December 30, chances are the tax payment check did not arrive at the post office until Tuesday, January 3, and at the earliest arrived at a tax office on Wednesday, January 4, in which case it was late and subject to penalty - - unless - a bank is willing to certify the check was at the post office on Tuesday, January 3, the last possible day to make a payment without incurring a penalty as prescribed by law.

On behalf of one taxpayer I discovered that many banks are not only unwilling to do that, they are incapable of doing it. When I described this state of affairs to the two aforementioned parties in excruciating detail, they responded that they recognized the problem but admitted that changes to legislation comes glacially with the state. I would have accepted that response at one time, but having borne witness to how the state rammed through the prematurely released municipal consolidation bill, and the poorly written tax levy cap bill in a matter of months, I'm not buying such a response anymore. In conclusion, until the State gets around to comprehending it is in its best interest to amend the tax laws to serve our constituents properly, my advice is to all residents who use Internet tax paying services, or who are planning to in the near future, if you want peace of mind, make your payments at least one week in advance of the deadline to ensure your bills arrive in our offices in time. There are just far too many vagaries to contend with involving the state, the post office, and your own bank.

**5. RAILROAD PARKING PERMITS:** A few weeks ago, the Village of Dobbs Ferry announced it was holding a public hearing to raise the price of the six month parking permits for Ardsley commuters 15% beyond the current rate of \$462.50. In response, our Mayor Peter Porcino drafted a letter to the Dobbs Ferry Village Board, a copy of which he shared with the general public in our email distribution list. Additionally, he encouraged commuters to attend the public hearing. I am happy to report that Zoning Board member Nancy Kaboolian, former Village Trustee Serge Del Grosso, and a third yet unidentified Village resident took up the call and attended the public hearing. Their arguments must have been persuasive because the Dobbs Ferry Village Board ultimately reduced the increase to 9%. Thus, I thank our Mayor, Ms. Kaboolian, Mr. Del Grosso, and our Mystery resident for their efforts on behalf of all our permit holders at the Dobbs

Ferry train station. The current permit cost is now \$507.50, and I have a grand surplus of one in case any bona fide Ardsley Village resident is interested.

**6. RESOLUTION LAW:** A few weeks ago, yet another law was created by our friends in Albany to generate more work for our Village Clerk. Thanks to a certain Assemblyperson, out of our district, who shall remain unnamed, the Village Clerk now has to ensure that all resolutions and documents discussed at a Village Board meeting must be made available to the general public prior to the meeting – to the extent practicable. To meet the spirit of that new law, she has been working with our webmaster, and they have devised a special file on our website to compile all the resolutions that will be discussed at this evening's Village Board meeting. So, if you want to follow along this evening, log on to [www.ardsleyvillage.com](http://www.ardsleyvillage.com). When you get to the homepage, go to the left column, and hit the link for government. This will provide you with a drop down menu. Hit the link for Minutes / Agendas. You will see another link for Board of Trustee resolutions – dated February 6, 2012. Of course, this latest unfunded mandate from Albany, ironically conceived during a period of discussions to eliminate unfunded mandates, comes with no funding for the opportunity costs lost for when our Village Clerk could be performing more beneficial tasks for the Village.

**7. RECESSION:** Recently, there has been a lot of talk on whether or not the recession is over. Depends on which indicators you follow. New car sales are up. Housing sales are down. Sales tax receipts are up, creation of new full-time jobs remain stagnant. As a Village Manager, I have two economic barometers at my disposal, parking permits and trash.

In the last few months, with the exception of one, we have wiped out our surplus of parking permits made available to us at the Dobbs Ferry train station. A number of the recipients shared with me they were happy to have new jobs in New York City. Yet, last week I received the December 31, 2011 invoice from the Westchester County Department of Environmental Facilities which documents how much trash Ardsley shipped to the Charles Point plant in Peekskill in 2012. For the fifth straight year in a row we have seen a decline in the amount of trash Ardsley residents are generating.

Some optimistic people might say that is a result of increased recycling efforts, and I have to concede that there may be a grain of truth to that theory. However, my theory is that Ardsley residents are still hurting, and thus are not spending as much as they did in pre-2008 years. Some may say that is a good thing; that we're not being as wasteful as we were before. Again, there may be some truth to that as well. I'm very happy for the people who found jobs in New York. I wish them much success in their new careers. However, based on my garbage barometer, my conclusion folks is, despite what some in the media would like us to believe, we're not quite out of the woods yet. That's all for tonight!

**MAYOR'S ANNOUNCEMENTS:**

- 1) Held a Village work session on January 30, 2012. Capital needs were reviewed.
- 2) Attended an environmental quorum sponsored by SWEAC.
- 3) Met with the school superintendent and other school representatives regarding synergies and to compare issues such as the 2% tax levy cap.
- 4) Attended the monthly Village Officials Committee meeting with the Village Manager in Tarrytown.

**IV. COMMITTEE AND BOARD REPORTS:**

**Tr. Minore:**

- 1) Attended the Capital Project Work Session.
- 2) Gave the SAYF Coalition update.
- 3) Will meet with the Village Clerk regarding the website.

**Tr. Nardecchia:**

- 1) Attended the Capital Project Work Session.
- 2) Discussed the issues regarding Rivertowns Square.
- 3) The Recreation Dept. worked on the ball field renovations.
- 4) The Volleyball plans have been designed.
- 5) The senior's schedule was announced.

**8:30 P.M. – CONTINUATION PUBLIC HEARING** – For the purpose of modifying an existing site plan for Ardsley Snack Mart located at 730 Saw Mill River Road, Ardsley, NY – **ABANDONED APPLICATION.**

**Tr. Malone:**

- 1) Attended the Ardsley Environmental Task Force meeting.

**Tr. Levine:**

- 1) The Ardsley SECOR Volunteer Ambulance Corp. numbers for January are:  
Total: 58 – Day - 34; Evening – 20; Night – 4 and Mutual Aide: 2.

2) Gave a brief overview of the story of the missing 1949 passport of former Ardsley resident, Elizabeth Hatfield, found in a Parisian flea market by a Portuguese medical student in 2011.

**V. VISITOR'S**

**8:45 P.M. – CONTINUATION PUBLIC HEARING** – Parasol Development Site Plan application for construction of six town houses and associated site improvements on a 22,564 square foot parcel of land located on Saw Mill River Road, Ardsley, NY designated at Section 18, Sheet 15A, Block 1732, Lot 6-10.

Mayor Porcino read the legal notice.

Mr. Escaladas, contractor, presented himself to the Board and gave an overview of the project. Four of the six townhouses are larger than the other two. The two smaller units will be affordable, rental units. There will be ample parking underneath the units.

Mayor Porcino confirmed with the applicant that all necessary variances have been granted by the Zoning Board of Appeals. Mr. Escaladas also mentioned that the DOT had given their approval of the project.

Tr. Nardecchia questioned how many walls were going to be located on the site. Mr. Escaladas explained that there will be three. The height of the walls was discussed as was the fact that the walls were reinforced concrete. Tr. Nardecchia questioned the site distance of the property.

Mr. Escaladas explained that he would be presenting to the Board of Architectural Review the following day.

Tr. Minore questioned the definition of permitted use for the project and Mr. Tomasso explained that the Zoning Board had granted a variance for this use. Mr. Escaladas gave Ms. Minore an overview of the history of this project.

Tr. Nardecchia discussed with Mr. Escaladas the plans for excavating the land.

Mr. Hugh Greechan, Woodard & Curran, presented himself to the Board and explained that all of his concerns have been answered and that he had no further issues with the projects.

The hearing was opened for public comment.

Ms. Minore questioned the likelihood of being able to rent these units.

Mr. Patrick Cleary, Cleary Consulting, set forth the steps required for approval of this project. He also explained that the negative declaration would need to be adopted.

**Tr. Malone: Resolved,** that the Village Board of the Village of Ardsley hereby adjourns the public hearing on Parasol Development Site Plan application for the construction of six town houses to the Village Board meeting of February 21, 2012 at 8:15 p.m. **Seconded by Tr. Levine and passed unanimously.**

## **VI. OLD BUSINESS**

### **RESOLUTION TO AUTHORIZE MANAGER TO SIGN AMENDED AGREEMENT WITH ENGINEERING FIRM FOR SOLAR PANEL INSTALLATION AT FIRE HOUSE (FOR TRACKING PURPOSES ONLY)**

**Tr. Levine: Whereas,** the Village Board of the Village of Ardsley authorized the Village Manager to sign a agreement on July 5, 2011 for professional services in connection with a photovoltaic installation (solar panels) at the Ardsley Public Library with O'Dea, Lynch, Abbatista, [OLA) Consulting Engineers of Hawthorne, New York 10532 in an amount no to exceed \$17,500.00; and

**Whereas,** it has been determined that the Ardsley Fire House is more suitable for this installation necessitating additional design work for OLA in the amount of \$4,200.00,

**Be it resolved,** that the Village Board hereby authorizes the Village Manager to sign off on an amendment to the original agreement at a new total project cost of \$21,700.00.

**Seconded by Tr. Malone and passed unanimously.**

### **RESOLUTION TO AUTHORIZE TREASURER TO MODIFY 2011-2012 VILLAGE BUDGET TO RECOGNIZE ANTICIPATED INCREASE OF NYSERDA FUNDS FOR FIRE HOUSE SOLAR PANEL PROJECT (FOR TRACKING PURPOSES ONLY)**

**Tr. Levine:** Whereas, on July 6, 2011 the Village Board authorized the Village Treasurer to modify the 2011-2012 Village Budget by increasing Capital Fund revenue line item H3989 by \$140,000 and Capital line item H741.250 by \$140,000 to recognize the anticipated receipt of NYSERDA funds to cover the costs of the solar panel project;

**Be it resolved,** that the Village Board hereby authorizes the Village Treasurer, again, to modify the 2011-2012 Village Budget by increasing Capital Fund revenue line item H3989 by \$15,000 and Capital line item H741.250 by \$15,000 to recognize the anticipated receipt of increased NYSERDA funds to cover the costs of the solar panel project on the fire house. **Seconded by Tr. Malone and passed unanimously.**

**RESOLUTION REQUESTING ENACTMENT OF SPECIAL LAW – HOTEL  
OCCUPANCY TAX KNOWN AS HOME RULE REQUEST  
ASSEMBLY BILL 8804**

**Tr. Nardecchia:** **Resolved**, that pursuant to Article IX of the New York State Constitution, the Village Board of the Village of Ardsley hereby requests enactment of Assembly bill 8804 entitled “ An Act to amend the tax law, in relation to authorizing the town of Greenburgh to adopt a law to impose a hotel / motel occupancy tax for hotels not located in a village; authorizing specified villages in the towns of Greenburgh and Mount Pleasant to adopt local laws to impose a hotel / motel occupancy tax in such villages”

**Be it further resolved**, that the Village Clerk is authorized to certify a Home Rule Request form and forward four original copies to the State Assembly and four original copies to the State Senate. **Seconded by Tr. Minore and passed by a vote of 4-1 with Tr. Levine opposed.**

**VII. NEW BUSINESS**

**DISCUSSION – ELM STREET SPORTS GROUP  
CRANE REQUEST**

Mr. Tomasso explained that an e-mail had been received from the Elm Street builders who explained that the structural steel frame needed to be constructed and a crane is going to be needed to be located on Elm Street for this purpose.

Due to the safety issues regarding extremely large cranes, it was recommended by Mr. Tomasso that a smaller crane be used, however, it would require the closing down of Elm Street for a period of time of approximately 3-4 weeks. The estimated start date is March 12<sup>th</sup>.

The possibility of snow removal was discussed.

Attorney Ponzini stated he would like to see a firm start and no later than end dates with a financial penalty clause indicated in the resolution.



Mayor Porcino reviewed the necessary conditions of the resolution which included traffic access, insurance, signage, barriers and pavement markings to the satisfaction of the police, all businesses on Elm Street should be notified two weeks in advance of street closing, the by-pass would need to be lighted, there will be a phone number posted which will be a contact for the owner for traffic concerns.

**RESOLUTION TO MODIFY 2011-2012 VILLAGE BUDGET TO TRANSFER  
\$49,000 FROM FUND BALANCE TO ACQUIRE TWO FIRST RESPONDER  
VEHICLES**

**Tr. Minore: 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 aggregate amount of \$49,000 from the Fund Balance to Fire Department appropriations new line item 3410.230 in the amount of \$42,000, and to Police appropriations line item 3120.230 in the amount of \$7,000. **Seconded by Tr. Levine and passed unanimously.**

**RESOLUTION TO MODIFY 2011-2012 VILLAGE BUDGET RE ACCEPTANCE  
OF DONATION TO RENOVATE SOFT BALL FIELD**

**Tr. Malone: RESOLVED**, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to modify the 2011-2012 Village Budget by increasing revenue line item A2003 by \$9,400 and increase Parks appropriations line item 7110.452 by \$9,400 to recognize the receipt of a donation from AYSO and the anticipated expenditure of monies for the renovation of the softball field in Pascone Park. **Seconded by Tr. Levine and passed unanimously.**

**RESOLUTION GRANTING TAX REFUNDS RE SCAR PROCEEDINGS –  
FEBRUARY 6, 2012 (\$522.50)**

**Tr. Nardecchia: Resolved**, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to refund a portion of Village tax payments on 2 residential properties as the result of a Small Claims Assessment Review proceeding settlement for tax year 2011-2012 in the aggregate amount of \$522.50, **assuming that taxes based on the over assessment were in fact actually paid.** **Seconded by Tr. Levine and passed unanimously.**

PROPERTY OWNER	SEC/BL/LOT	ADDRESS	REFUND
Karen Gallagher	6-80-57-8	24 Eastern Drive	\$211.49
Mark & Esther Mildner	6-80-82-3	54 Prospect Avenue	\$311.01

**RESOLUTION TO ACCEPT, WITH REGRET, RESIGNATION OF PLANNING  
BOARD MEMBER – PAUL PAINO**

**Tr. Minore: Resolved**, that the Village Board of the Village of Ardsley hereby accepts, with regret, the resignation of Paul Paino from the Planning Board, effective immediately. **Seconded by Tr. Nardecchia and passed unanimously.**

**APPOINTMENT OF NEW PLANNING BOARD MEMBER – ART HUNTER**

Mayor Porcino appointed Art Hunter, residing at One Chimney Pot Lane, Ardsley, New York 10502 to the unexpired five year term of Paul Paino, effective immediately through December 3, 2012.

**APPOINTING MEMBER TO TPPS – MARY ANN MATELLI**

Mayor Porcino, of the Village of Ardsley, hereby appoints Mary Anne Matelli residing at 26 Euclid Avenue, Ardsley, New York 10502 to the Traffic, Parking, & Pedestrian Safety Committee, effective immediately through December 3, 2012.

**RESOLUTION TO EXECUTE AND RENEW IMA TO PARTICIPATE IN THE  
TRACS SYSTEM**

**Tr. Levine: Resolved**, that the Village Board of the Village of Ardsley hereby authorizes the Police Chief to sign an inter-municipal use and dissemination agreement with the Westchester County Department of Public Safety and the New York State Police to enable us to participate in the State of New York electronic ticket and accident report program also known as TRACS, commencing April 30, 2012 for a period of five years thereafter (April 2017). **Seconded by Tr. Malone and passed unanimously.**

**RESOLUTION TO UPDATE VILLAGE PROCUREMENT POLICY**

**Tr. Nardecchia: Whereas**, the Village Board of the Village of Ardsley established a procurement policy based on New York State guidelines on January 21, 1992, and

**Whereas**, the State of New York over the last few years increased the thresholds for competitive bidding for purchase contracts from \$10,000 to \$20,000, and for public works contracts from \$20,000 to \$35,000, and

**Whereas**, our auditors this year pointed out to us that although the Village has been following the state amendments we need to memorialize the new thresholds in our own procurement policy,

**Therefore, be it resolved**, that the Village Board of the Village of Ardsley hereby amends its procurement policy to reflect the increased thresholds of purchase contracts

from \$10,000 to \$20,000 and public works contracts from \$20,000 to \$35,000, effective immediately. **Seconded by Tr. Levine and passed unanimously.**

**RESOLUTION TO SCHEDULE A PUBLIC HEARING – REGARDING  
PROPERTY TAX LEVY OVERRIDE**

**Tr. Minore: Resolved,** that the Village Board of the Village of Ardsley hereby schedules a public hearing for Tuesday, February 21, 2012 at 8:45 pm for the purpose of considering a local law authorizing a property tax levy increase in excess of the limit established by General Municipal Law Section 3-C. **Seconded by Tr. Levine and passed unanimously.**

**ADJOURNMENT OF MEETING:**

**Tr. Nardecchia: Resolved,** that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of February 6, 2012 at 10:04 p.m. **Seconded by Tr. Levine and passed unanimously.**

Respectfully submitted,

Lorraine McSpedon  
Recording Secretary