

Mayor Leon opened the February 15, 2011 Regular Meeting at 8:10 p.m.

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

I. PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE – MARY R. CONNICK, Retired Village Manager and Police Secretary

ASSUNTA BERARDI – Mother-in-law of our Village Clerk

Mayor Leon reminded the residents that tonight was grievance night in the Village and he invited anyone who wished to grieve their taxes to stop in before 9:00 p.m.

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 Thursday, February 3, 2011. **Seconded by Tr. Levine and passed, with Mayor Leon abstaining since he was not present at the February 3, 2011 meeting.**

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 \$39,558.42; from the Trust & Agency Fund: \$9,108.31 and from the Capital Fund: \$11,325.

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: \$39,558.42; from the Trust & Agency Fund: \$9,108.31

and from the Capital Fund: \$11,325. **Seconded by Tr. Porcino and passed unanimously.**

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

**VILLAGE MANAGER REPORT
FOR TUESDAY, FEBRUARY 15, 2011
PREPARED BY GEORGE F. CALVI**

1. TRAIN STATION PARKING PERMITS: The renewal process for parking permits at the Dobbs Ferry train station has been completed, and there are 7 permits available for immediate sale. The permits are for the six month period of February 14 through August 15 and cost \$462.50. If you are a bona fide resident of the Village of Ardsley you are eligible to secure one of these permits. Unincorporated Greenburgh residents with Ardsley postal addresses or residing in the Ardsley School District are not eligible. Interested parties may call me at 693-3435 or email me at ardsleymanager@optonline.net.

While we are on the subject of commuting, I would like to take this opportunity to repeat the various options our residents have for commuting into the city. In addition to purchasing a train station parking permit for the Dobbs Ferry train station which is on the Hudson Line, one may take the Bee Line Bus #66 down Ashford Avenue to the same train station. One may also take the same bus down Ashford Avenue in the opposite direction to the Scarsdale train station which is on the Harlem Line. Just steps south of the Scarsdale train station is a parking lot operated by the Town of Eastchester exclusively for train commuters which is open to the general public. On the north side of the Village one may take advantage of the Bee Line Bus #39 which traverses Heatherdell Road to the Hartsdale train station. If Heatherdell Road is not convenient for one to walk to, one can also drive to the park and ride facility at McDowell Park and grab the 39 bus at that location. Lastly, there are a number of privately-owned parking garages open to the public in Hastings and Irvington. Of course, one can always drive into Manhattan, but with all these options available, one can't help asking -- why?

2. HOLIDAY OBSERVANCE: Village offices will be closed Monday, February 21 in observance of President's Day. The Monday trash collection will be deferred until Tuesday when the entire Village will be collected. Should you have any questions please call the Ardsley DPW office at 693-0117 or your 2011 Notice of Sanitation calendars.

3. SPECIAL ELECTION: The polls will remain open for another 45 minutes. Thus, if you haven't voted yet today, I encourage you to flip off the television and rush down to your designated polling place at either the Community Center or St. Barnabas Episcopal Church. There is a hotly contested election between a Democratic and a Republican candidate for County Legislator. You will have to live with the winner of tonight's election until this November, and owing to the power of incumbency, you may be living with the same candidate for two years thereafter. So again, if you haven't voted, you still have 45 minutes.

POLICE REPORT: Lt. Piccolino delivered the January police report in Chief Califano's absence. Mayor Leon commented on the success of the recent school dance.

FIRE REPORT: Chief Coulehan delivered the January fire report.

BUILDING REPORT: Tr. Nardecchia delivered the January building report in Mr. Tomasso's absence.

MAYOR'S ANNOUNCEMENTS:

- 1) Mayor Leon announced that Village resident, Randee Ginsberg, 423-5009, Rginsberg@jcy.wcp.com who is the head of recruiting and public relations and the manager of the JCY Westchester Community Program, has a program entitled "Reading Buddies After School" and also "Homework Help for Students" for which she is recruiting volunteers who are willing to commit to one hour, once per week during the school year, for one child at a time. This program is similar to SMART (Students and Mature Adults Read Together). Mayor Leon stated that an announcement would be sent out on the Village's e-mail distribution list regarding this program.
- 2) Attended a meeting with Village Manager Calvi and Village Trustee Levine and representatives of the Morris Company, who are developing a site in Yonkers on the Greenburgh border, north of Stew Leonard's, which will include a 150,000 sq. ft. big box store and other retail space. Also, on the Northern side of Austin Avenue, abutting Sprain Road and the Donald Park area, a proposed development of 400 single family units is being considered.
- 3) Attended a meeting on Wednesday with Village Trustee Porcino and Village Manager Calvi and Village officials from Dobbs Ferry to discuss the Rivertown Square project which is located on the Saw Mill River Parkway at Lawrence Street, on the old AKZO Nobel property. This property is considered Dobbs Ferry; however, it is located in the Ardsley school district. The proposed development includes 220 single family

rental units, a 70,000 sq. ft. supermarket, 40,000 sq. ft. of additional retail space, and a 107 room hotel, as well as two restaurants.

Mayor Leon expressed his displeasure with both of the above projects. Additionally, the Mayor of Hastings advised Mayor Leon that the Saw Mill River Lofts, on Route 9A in the Ardsley school district, municipality of Hastings, is going to be coming before them shortly. This project will consist of 50-60 single family units. Including Ridge Hill, there will be approximately 1,200 – 1,500 single family units within a few miles of Ardsley, not to mention hundreds-of-thousands of sq. ft. of retail space.

Since no commercial traffic is permitted on the Saw Mill Parkway, commercial vehicles will either travel through 9A on Jackson Avenue or through Ardsley or Broadway and commute on local streets. In any event, this is not good for either Ardsley or Dobbs Ferry, according to Mayor Leon.

There is currently a proposal being considered to improve Route 9A, however, those improvements will be voided if these projects come to fruition.

Mayor Leon stated that he has expressed his concerns at both meetings and urged the public to speak out against these projects. Mayor Leon recommended the public consider spending some time to arrange and organize a local opposition group, if they feel it is important, if not, Mayor Leon agreed to back off and allow the development to move forward.

If the public feels they want to oppose these developments, Mayor Leon urged them to come forward to express their concern.

Tr. Porcino urged Dobbs Ferry residents to voice their concerns regarding these projects.

Tr. Nardecchia suggested any concerns be addressed to the Dobbs Ferry Planning Board where presentations can be made.

Tr. Levine expressed her concern for the increased traffic which will result if these proposed developments move forward.

Mayor Leon stated that although it appears the Ardsley school district will receive ample tax revenue, the figures do not show a positive return and services may need to be cut. The concept of property values was also discussed by the Mayor.

Mr. Calvi recalled the concern expressed at the meeting of children from Dobbs Ferry in the Ardsley school district naturally will want to play with

their classmates and thus they will be utilizing Ardsley's facilities (ball fields, parks, etc.). Mayor Leon agreed.

In summary, Mayor Leon expressed his belief that if these proposed projects come to fruition, they will have a tremendous negative impact on the quality of life in Ardsley.

The issue of regional cooperation between the Rivertowns was raised. Mayor Leon stated that there is no regional planning in Westchester County. There is a Westchester County Department of Planning; however, the type of planning needed for the purposes at hand has never been done. As far as cooperation, Mayor Leon stated that he has met with the Mayor of Dobbs Ferry and that they did not agree on certain things.

IV. NEW BUSINESS

9:00 P.M. – PRESENTATION BY EXTENET WIRELESS SYSTEMS

Ms. Carly Cowher, Extenet Wireless Systems, presented herself to the Board and explained that Extenet builds distributed antenna networks which run on fiber and are located on utility poles and run back to existing cellular locations.

Ms. Cowher explained the contents located in the packets which had been presented to the Board. Included was a photograph of a utility pole, representing one of four poles which are proposed to be installed throughout the Village.

Ms. Cowher explained that the point of her presence this evening was to introduce herself to the Board, present photos of the proposed equipment and field any questions.

Mayor Leon expressed his confusion as to the actual purpose of this request. Ms. Cowher explained that the purpose was for wireless service. She explained that Extenet owns and operates the network and the wireless carriers (AT&T, etc.) would be located on the network.

Tr. Porcino stated that each of the carriers also has their own networks. Ms. Cowher agreed but explained that the carriers would become tenants on Extenet's network.

Tr. Levine questioned if private cell phones would be accommodated by this service. Ms. Cowher explained that all cell phones would be accommodated as well as data plans, e-mail, etc. Ms. Cowher further explained that this system would address the problem of capacity issues to the current network.

Tr. Porcino clarified with Ms. Cowher that additional infrastructure was being added to the existing wireless networks.

Tr. Porcino expressed concern that the existing networks would contest this proposal.

Jeffrey Binder, Esq., explained that Extenet is a certified public exchange carrier with legal rights to reside on the infrastructure. Therefore, any carrier who expresses a competitive opinion would be off-base in their opposition. Extenet should be considered as a utility.

Atty. Ponzini questioned Atty. Binder as to whether or not he pays NY State franchise tax. Atty. Binder responded he did not believe so, however, Extenet was licensed through the State by the licensing entity who licenses utilities. Atty. Binder further explained that within each municipality, Extenet works out an arrangement to be located in the public right-of-way. The ultimate result will be a contract between Extenet and municipality entitled the "Right of Way Agreement." Specific terms and benefits to the town or village are outlined in exchange for the use of the right of way.

Atty. Ponzini questioned if they have entered into any contracts in the County. Ms. Cowher confirmed that contracts have been entered into in Mt. Vernon and Yonkers but with no other villages or towns.

Mr. Calvi clarified with the applicant that a contract would be specifically with the municipality rather than with the utility who owns the pole. Ms. Cowher explained that an agreement is in place with Con Edison for the pole attachments.

Mr. Calvi questioned Atty. Binder as to the increased value to the utility pole and whether or not that would increase the utility's assessment. Atty. Binder stated that he would not be the one to determine that; it would be something determined by the New York State Office of Real Property Services.

Atty. Binder explained that the value to the Village would lie within the use of the right of way agreement which would be agreed to. Since the fiber runs along the public right of way, the Village maintains the right to regulate the usage of the right of way.

Mayor Leon stated that not one benefit to the Village has been presented by the applicant and further stated that he has not received a single complaint from a Village resident regarding their present network service.

Ms. Cowher defended Extenet's presence in the Village by stating that testing has shown there is a need for their services.

Mayor Leon questioned again what the benefit to the Village will be for accommodating this network. Ms. Cowher explained that Extenet's network, which will be located on utility poles, will expedite the determination of call locations by dispatch in emergencies.

Atty. Binder explained that once the fiber is up, dark or unused fiber may be used by the Village to connect to their local emergency services or municipal buildings.

Mayor Leon questioned whether or not there would be any noise associated with these nodes. Ms. Cowher stated a study would be conducted on each node to determine the noise associated with such nodes. The study will determine the output of the antenna and what the safe limits are. Atty. Binder stated that this area is heavily regulated by the Federal Government.

Mr. Calvi questioned the size of the equipment which would be placed on the utility poles and suggested poles in wooded areas be chosen versus poles in front of residences.

Atty. Binder and Ms. Cowher explained the safeguards in place for any damaged nodes.

Atty. Binder explained that all of Southern Westchester is being approached by Extenet for this purpose.

Mayor Leon expressed his confusion as to who will ultimately choose the pole selections. Ms. Cowher explained that she would prefer to have a mutual arrangement for the choices being made.

Atty. Binder questioned the Village as to their procedure in terms of presenting this application.

Ms. Cowher stated that tonight's meeting was strictly introductory and that there was more work to be done on Extenet's part prior to making a formal application to the Village.

Mayor Leon thanked the applicants for their presentation.

V. COMMITTEE AND BOARD REPORTS:

Tr. Porcino: Nothing to report.

Tr. Nardecchia:

- 1) Attended the work session regarding 9A.
- 2) The seniors had a very good breakfast last Wednesday.

Tr. Malone: Absent

Tr. Levine:

- 1) Presented the ASVAC numbers for the month of January:

46 Total
32 Day
11 Evening
3 Night
4 Mutual Aide

VI. VISITOR'S

Ms. Patricia Hoffman, 69 Bramblebrook Road, presented herself to the Board and explained that although there is a discussion of 9A later in the evening on the agenda, she requested her comments be heard at this time.

Ms. Hoffman stated that she is a member of the TPPS Committee, who has had many meetings on the proposed changes to Route 9A and the intersections planned. Ms. Hoffman stated that since the Village is under a time constraint, the Ridge Hill Committee would like to move forward with the approvals from New York State DOT.

Ms. Hoffman had sent an e-mail to the Board and TPPS Committee members and stated that she is not sure that all of the input is in place for a discussion and decision to be made. She stated that she was surprised that no representatives of the police department, fire department or highway department were present at the last Board meeting. Ms. Hoffman stated that this project will be a huge change to the Village, regardless of which plan is chosen. Ms. Hoffman feels that the discussions which have taken place up to this point have been fairly closed between the TPPS Committee and the Ridge Hill Committee and the merchants have not yet been involved.

Tr. Porcino stated that for the past 1-1/2 to 2 years there has been general agreement from everyone that there ought to be three lanes in the downtown area on 9A. The engineering is now taking place. Presently, there is consensus between TPPS and the Board that three lanes are being considered. There is, however, a difference of opinion as to which direction the lanes should be going in.

Mayor Leon pointed out that the Intersections Committee includes the Chief of Police of Greenburgh, the Superintendent of Highways of Greenburgh and the Commissioner of Planning of Greenburgh. The traffic consultants and engineers have also given their input. Ms. Hoffman mentioned that she did not feel the traffic consultant was aware of certain things. She requested that Police Chief Califano be involved with the process as well as the Highway Department and the Fire Chief.

Ms. Hoffman expressed her concern regarding the turnaround time for projects which are presented to the DOT. She expressed her feelings that a disservice was being done to the Village as well as the various individual police, fire and highway departments by excluding them from the process.

Tr. Porcino stated that a member of the police department is on the TPPS Committee. Ms. Hoffman clarified that this individual's input is as a TPPS member and it would be beyond his scope if he were to represent the police department.

Ms. Hoffman reiterated the fact that it is now time to come together to make a decision.

Mayor Leon stated that the additional proposed projects previously mentioned were not included in the traffic counts which the consultants have done through the year 2028. Since these projects will increase the commercial traffic, the left turns are rarely a factor since commercial traffic is thru traffic. Additionally, he stated that he has mentioned via e-mail since 2005, the suggestion of lanes with stacked traffic at the Ashford Avenue light coming out of Route 9A. Initially, the consensus was in favor of this prospect. The issue of eliminating four parking spots and adding a thru lane created issues due to the bus stop; however, the idea of using a lane of stacking traffic was acceptable at the time.

Mayor Leon has since concluded, after much discussion, that the consensus has always been to have two lanes coming down Route 9A. We have now gotten sidetracked with the left turn lane. We are now talking about spending hundreds of thousands of dollars in order to make a left turn into Ardsley Tire and Liggett Rexall's shopping center. This does not make sense according to the Mayor and the consultants and planners as well as the committee members and law enforcement agree.

Tr. Nardecchia suggested making a left turn into Colonial Court North which will reduce the storage of the two lanes from 39 cars to 36 cars and the impact is not detrimental. Tr. Nardecchia had a plan which he requested the consultant review. A scale of the drawing was previously given to Mr. Calvi and the TPPS Committee was advised of the plan and Tr. Nardecchia requested that they review it once again. This should not adversely affect the thru lane concept. Tr. Nardecchia explained his concept by showing the aforementioned plan to the Board and suggested the consultant make the appropriate changes. Tr. Nardecchia stated that this plan does not touch the blow off property.

Tr. Porcino reviewed the recommendations made by the TPPS Committee. Tr. Porcino voted to have two southbound lanes but would be open to changes in the future.

Tr. Levine stated that a turning lane should be created coming North into Ardsley Tire and Rexall's shopping center. Additionally, Tr. Levine stated there are many cars that make a left hand turn onto Ashford Avenue from Route 9A. Discussion ensued among the Board regarding the traffic counts which favor the right hand turn onto Ashford Avenue. Tr. Nardecchia stated that while left hand turns should be allowed at the aforementioned locations, he did not believe a dedicated lane was necessary. Tr. Nardecchia stated that the concepts should not impede on the current curbing.

Ms. Hoffman reminded the Board that 18 months ago, the decision was made to dispel the concept of two southbound lanes. Ms. Hoffman stressed the importance of the turn lane at Center Street.

Mayor Leon stated his frustration with the concept suggested by Ms. Hoffman due to financial and time restraints. Ms. Hoffman explained that if there is a dedicated left hand turn lane southbound into Center Street, it will eliminate the back up. Mayor Leon again stated his frustration due to the fact that professional traffic consultants and the TPPS Committee disagree on certain issues.

Tr. Nardecchia, while in agreement with Ms. Hoffman, did not have a problem with the building either way since the decisions can be remedied by remarking with paint.

Ms. Hoffman stated her concern with the financial burden to the Village of the potential restriping. Tr. Nardecchia agreed with Ms. Hoffman and also agreed that there is a possibility of having to adjust the initial decision.

Mayor Leon outlined several options which were available. One was to wait until the next meeting and the other was to vote this evening.

Tr. Nardecchia stated that he would like to present his plan to the consultants prior to voting and mentioned that he would contact Tom Madden the following day.

Mayor Leon stated that this topic will be adjourned until the March 7, 2011 meeting.

The next meeting of the Board of Trustees will be held on Monday, March 7, 2011.

ADJOURNMENT OF MEETING:

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby adjourns the revised meeting of Tuesday, February 15, 2011 at 10:23 p.m. **Seconded by Tr. Porcino and passed unanimously.**

Respectfully submitted,

Lorraine McSpedon