

Mayor Leon opened the April 4, 2011 Regular Meeting at 810 p.m.

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
	Village Clerk	Barbara Berardi
	Recording Secretary	Lorraine McSpedon

I. PLEDGE OF ALLEGIANCE

Mayor Leon read the legal notice regarding the public hearing to consider the proposed budget for the fiscal year beginning 6/1/11 through 5/31/12.

Nicole Galletta, Ardsley High School Junior, presented herself to the Board to explain a project she is working on in Ashford Park to install a sand beach volleyball court. Nicole explained that she has received approval from the Village on her plans and she will be holding a fundraiser this month. She will also hold a clinic. However, the monies received from the clinic can be deposited into the Girl Scout Troop's bank account, yet the fundraising money will need to be deposited into a separate bank account.

Mayor Leon explained that the monies can be deposited into the Village's Trust & Agency account and that the Village Treasurer would assist her in this regard.

Nicole described the project and mentioned that the clinic would be held on April 23rd for K-8th grade girls. Part of the fundraising will involve a 10% donation of dinner checks by Pumpernickel Restaurant every Wednesday night.

Nicole hopes to build and complete the project this summer. Volleyball lessons will be given to girls and there will be leagues and games set up.

The location will be alongside the snack bar, on the northern side. The court will be regulation sized can also be rentable to outsiders. The net will be weatherproofed and will stay up year-round.

Tr. Porcino questioned the frequency of the sand replacement. Tr. Nardecchia stated it should be replaced every three years.

Nicole estimates the total cost to be between \$4,000 - \$5,000.

Mr. Calvi stated that this project is the Girl Scout Gold Award Project, which is the equivalent of an Eagle Scout. Mr. Calvi also advised any potential donors to make their checks payable to "Sand Beach Volleyball Fund."

Nicole stated that once her hours are completed, she will receive the Gold Award. There will be a ceremony and Mayor Leon wished her luck and requested that Nicole's parents keep the Board apprised of her progress.

Mr. Michael Kolesar, 23 Park Avenue, Ardsley, New York resident, presented himself to the Board. Mayor Leon advised Mr. Kolesar that there is a 10 minute limit on his remarks.

Mr. Kolesar requested that the hearing be adjourned and that he return next month for a lengthier discussion.

Mr. Kolesar proposed to lower the proposed tax rate from the current 5.6% to 1.3%.

Mr. Kolesar suggested that since there is a healthy Unreserved Fund balance, according to the forecasts, the Board may consider using some of those monies.

Several driving forces behind the Village's expenses, according to Mr. Kolesar are:

- Compensation
- Misc. small supplies
- Contractual
- Debt Service
- Employee Benefits

Mayor Leon reminded Mr. Kolesar of State mandates.

Mr. Kolesar suggested the following in order to lower the tax rate:

- Debt Service – Serial bonds should be considered for the new fire truck, the sanitation truck, the library and the salt shed.

Mr. Calvi questioned the timeframe to apply for a serial bond. Mr. Kolesar stated that, generally, it would take 2-1/2 to 3 months.

Mr. Kolesar explained how the tax rate could be stabilized by earmarking monies for future debt payments.

8:30 P.M. - CONTINUATION – PUBLIC HEARING – To consider to place a maximum of six tables and a maximum of 15 seats on sidewalk in front of Stagioni Pizzeria at 2 Bridge Street - TO BE ADJOUNED TO APRIL 20, 2011.

Tr. Malone: Resolved, that the Village Board of the Village of Ardsley hereby adjourns the Public Hearing on the proposal to place a maximum of six tables and a maximum of fifteen seats on the sidewalk in front of Stagioni Pizzeria at 2 Bridge Street, to April 20, 2011 at 8:30 p.m. **Seconded by Tr. Levine and passed unanimously.**

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 the Board of Trustees of March 21, 2011, as submitted. **Seconded by Tr. Nardecchia and passed unanimously.**

III. DEPARTMENT REPORTS

LEGAL REPORT: Attorney Ponzini had nothing to report.

Mayor Leon wished Attorney Ponzini's wife a speedy recovery.

Attorney Ponzini advised Mayor Leon that he had not spoken to Tom Madden this week. Mr. Calvi stated that he had spoken to him.

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 \$205,819.25; from the Trust & Agency Fund: \$3,321.67 and from the Capital Fund: \$354.80.

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley authorizes the Village Treasurer to pay the following:

From the General Fund: \$205,819.25; from the Trust & Agency Fund: \$3,321.67, and from the Capital Fund: \$354.80. **Seconded by Tr. Porcino and passed unanimously.**

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

**VILLAGE MANAGER REPORT
PREPARED BY GEORGE F. CALVI
FOR MONDAY, APRIL 4, 2011**

1. **MEETING CHANGE:** Residents are reminded that at the last meeting the Village Board rescheduled the April 18th meeting to Wednesday, April 20 so as not to conflict with the first two days of Passover.
2. **BUDGET SCHEDULE:** The public hearing on the Village Budget was held earlier this evening. A budget session was held on March 30, and the next one will be held in this room on Wednesday evening at 8:00 pm. The Board is expected to vote on the final budget on Monday, May 2nd.
3. **LITTLE LEAGUE OPENING DAY:** Little League will be holding its annual parade up Heatherdell Road to McDowall Park this Saturday. The parade kicks off from the Concord Elementary School at 1:00 pm and ceremonies will begin at about 1:30 pm. All are invited to attend and cheer on our junior baseball players. The Mayor may say a bit more about Little League later in the evening.
4. **ROUTE 9A:** - Last week, Trustee Nardecchia, Planning Commissioner Madden and I had a fruitful trip to the NYC DEP office in Valhalla regarding the forthcoming improvements to 9A. However, he was the senior member of the entourage, and so I will defer to his report later in the evening.

MAYOR'S ANNOUNCEMENTS:

- 1) Best wishes to Mr. Ponzini's wife who is recuperating from an operation.
- 2) The Little League Parade will be held at 1:00 p.m. on Saturday, unfortunately, Mayor Leon is unable to attend.
- 3) Thanks were expressed to the Little League for the repairs that they are making to McDowell Park, specifically, the snack bar roof. The Highway Department was also thanked for making repairs to the dugout.
- 4) Tuesday, March 21st was the Rivertowns Square scoping session. Comments will be accepted, in writing, to the Village of Dobbs Ferry, until April 22nd.
- 5) The Ridge Hill Intersections Committee met last Thursday. Mayor Leon attended with Tr. Porcino. The Jackson Avenue projects were discussed as well as the Ardsley proposals.

8:45 P.M. – PUBLIC HEARING – To consider placing a Paraco gas Propane cylinder exchange cage at Ardsley Gas Station (Getty) – 657 Saw Mill River Road.

Mayor Leon read the legal notice.

Mr. Ralph Gorthey, Account Executive, Paraco Gas, presented himself to the Board and explained that Ardsley's Getty gas station is attempting to install propane cages to better serve the community.

The National Gas Code as well as local rules and regulations will be followed. The fire marshal has inspected the premises.

Tr. Porcino questioned whether the tanks would be filled at the location. Mr. Gorthey responded that they would not; that they would simply be exchanged for empty tanks. Tr. Nardecchia was advised that the tanks would not be filled on the premises, that they would be filled in Mt. Vernon and brought filled to the gas station.

Tr. Nardecchia noticed on the site plan map dated 2008 does not indicate an offset distance from the gas cage to the property line. Mr. Gorthey advised that the distance is 10 feet, which is in compliance with the Code.

Tr. Nardecchia questioned the distance required for the tanks to be in relation to gas filled automobiles. Mr. Gorthey responded that it is not issue since it would not be near any automobiles. Tr. Nardecchia expressed his concern for leaky gas from vehicles. Mr. Gorthey responded that bollards would be present around the cage. Mr. Gorthey advised Tr. Nardecchia that the two gas tanks in the rear of the premises were underground.

Tr. Nardecchia requested a new plan with dimensions indicated as well as a notation regarding the distance of cars or prohibition for such cars.

There will be 36 full tanks to start, according to Mr. Gorthey.

Mayor Leon questioned the setbacks required for the cage. Tr. Nardecchia explained that the offset had been clarified.

Mayor Leon also requested that bollards be installed.

Tr. Porcino questioned the potential exposure for the tanks. Mr. Gorthey explained the fact that the tanks cannot be overfilled due to the floats involved and the relief valves on the tanks will prevent them from exploding.

Mayor Leon opened the hearing to the public for comments.

Tr. Nardecchia requested that the site plan should be returned with the Building Inspectors comments included regarding the offset distances. Tr. Nardecchia also expressed concern regarding the parking of cars within a given radius as well as the installation of the bollards.

Tr. Nardecchia suggested approval contingent on the above criteria.

Mayor Leon suggested leaving the public hearing open and voting on this application later in the evening.

IV. COMMITTEE AND BOARD REPORTS:

Tr. Porcino:

- 1) Attended the regular meeting of the SAYF Coalition. The grant application has been submitted.
- 2) Discussed Rivertowns Square comments and advised the public that comments will concern the existing draft of the scoping document which can be found on the Dobbs Ferry website and advised the public to be specific with their queries.
- 3) Attended a memorial dedication for Larry Dengler, Trustee, in Dobbs Ferry.

Tr. Nardecchia:

- 1) Attended a meeting regarding Route 9A and gave a brief review of same. Minor revisions to Scheme B were presented which included a dedicated center lane/left turn lane. The curbs will be changed and the specifics of the proposed sidewalk were discussed. There continues to be disagreement with the possibility of taking land. Mayor Leon expressed his agreement with the proposed plan and discussed the issue of the bus stop and the increased impervious surface involved with the installation of the sidewalk. Tr. Porcino also liked the plan but mentioned that the project is behind schedule and the grant money will only be available until 2014. Tr. Nardecchia stated his unhappiness with the DEC's issue with the sidewalk. Tr. Nardecchia stated that he and Mr. Calvi will go to the DOT to discuss the sidewalk issue further. Mayor Leon stated that the visit needs to take place in conjunction with Mr. Madden and his consultants. Tr. Nardecchia expressed his concern for the slow progress by Mr. Madden and the consultants. Tr. Porcino explained the reasons for the delays and stated that the consultants have been doing their work in a timely fashion.
- 2) The seniors will have a breakfast the second Wednesday of the month.

Tr. Malone: Nothing to report.

Tr. Levine:

- 1) March ASVAC numbers: 61 total, 43 day, 13 evening, 5 night, 5 mutual aide.

V. VISITOR'S

Frank Dougherty, TPPS Committee, spoke regarding the turn lane which was the suggestion of the Ridge Hill Committee and stated that they are wasting time. Tr. Porcino explained that once it was studied, it was realized that there will be some taking and the Committee then pulled back.

Mr. Dougherty requested that he be advised of future Ridge Hill Committee meetings. Mayor Leon stated that the meetings are announced at the Board meetings but that he would forward an e-mail.

VI. OLD BUSINESS

**RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE
AUTHORIZE THE TOWN OF GREENBURGH AND THE VILLAGES OF
ARDSLEY, DOBBS FERRY, ELMSFORD, HASTINGS-ON-HUDSON,
IRVINGTON AND TARRYTOWN TO ADOPT A LOCAL LAW TO IMPOSE A
THREE PERCENT (3%) HOTEL/MOTEL OCCUPANCY TAX**

Trustee Porcino: WHEREAS, Section 1202 of the New York State Tax Law authorizes and empowers certain cities and counties in New York State to adopt and amend local laws imposing a Hotel and/or Motel "Occupancy Tax" upon persons occupying hotels or motels in certain counties and cities; and

WHEREAS, Section 1202 is not applicable to "Permanent Residents" of a hotel or motel which are persons occupying any room or rooms in a hotel or motel for at least thirty (30) consecutive days; and

WHEREAS, Section 1202 provides that any tax imposed shall be paid by the person liable thereof to the owner of the room for hire, or to the person entitled to be paid the rent or charge for the room, and that such owner or person shall be liable for collection and payment of the tax to the chief fiscal officer of the municipality; and

WHEREAS, the New York State Legislature has, over the past few years, authorized a Hotel and/or Motel Occupancy Tax for the City of White Plains, the City of New Rochelle, the City of Peekskill and the Village of Rye Brook; and

WHEREAS, there are more than 2,000 rooms for rent in the Town of Greenburgh and the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings-on-Hudson, Irvington and Tarrytown that would be subject to the occupancy tax; and

WHEREAS, the adoption of legislation that provides for a Hotel and/or Motel Occupancy Tax by local option via local law will provide the Town and Villages another source of funds to provide much needed services to our residents that are becoming much more difficult to provide due to the economic situation impacting local governments; and

WHEREAS, the implementation of a Hotel and/or Motel Occupancy Tax will not have a cost impact upon the residents of our communities since the tax is paid by visitors to our communities and not the local residents; and

WHEREAS, the implementation of a hotel tax will more directly align the interests of the hotel industry with that of the municipalities and will provide an incentive for the municipalities and the hotel industry to work collaboratively to further those interests; and

WHEREAS, the past actions of the New York State Legislature to adopt legislation for a Hotel and/or Motel Occupancy Tax in White Plains, New Rochelle, Peekskill and Rye Brook are applauded by our communities and the Town of Greenburgh and the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings-on-Hudson, Irvington and Tarrytown hereby request the same consideration from the New York State Legislature.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Ardsley does hereby support the legislation sponsored by Assemblyperson Thomas Abinanti (A05191) which authorizes the Town of Greenburgh and the six Villages in the Town of Greenburgh to adopt local laws in their respective local governments to impose a three percent (3%) hotel/motel occupancy tax. **Seconded by Malone and passed with a vote 4-1 with Trustee Levine voting nay.**

**RESOLUTION TO APPROVE THE PLACEMENT OF A PARACO GAS
PROPANE CYLINDER EXCHANGE AT ARDSLEY GAS STATION (GETTY)
LOCATED AT 657 SAW MILL RIVER ROAD, ARDSLEY, NEW YORK**

Trustee Nardecchia: RESOLVED, that the Village Board of the Village of Ardsley hereby closes the public hearing for the placement of a Paraco Gas propane cylinder exchange cage at the Ardsley Gas Station (Getty) located at 657 Saw Mill River Road, Ardsley, New York. **Seconded by Trustee Porcino and passed unanimously.**

Trustee Nardecchia: RESOLVED, that the Village Board of the Village of Ardsley hereby approves the placement of a Paraco Gas propane cylinder exchange cage at Ardsley Gas Station (Getty) located at 657 Saw Mill River Road, Ardsley, New York with the following conditions: **Seconded by Trustee Porcino and passed unanimously.**

- A building permit will not be issued until compliance with the NY State Uniform Fire Prevention Building Code is verified.
- There should be an annual inspection and certification by the Fire Inspector.
- The facility must be maintained and operated in compliance with all applicable codes and FPA guidelines.
- The limit of the number of full and empty tanks on the premises for a total of 36 must be complied with.
- There will be no filling or repairing of the tanks on the premises.
- All signage must be approved by the BAR. No banners, flags, freestanding signs, window signs or temporary signs will be permitted.
- The plan must be detailed to show the offsets from the property line, particularly on the Ridge Street side.
- Add two six inch concrete bollards according with the NY Fire and Building Construction Code and the NFTA Guidelines.
- A distance of prohibition for parking adjacent to or in the vicinity of the cage should be added to the approval.

VII. NEW BUSINESS

**RESOLUTION TO TEMPORARILY CLOSE COLONIAL COURT FOR
HARMONIES FOR HUMANITY**

Trustee Porcino: RESOLVED, that the Village Board of the Village of Ardsley hereby approves the request to close Colonial Court (South) in the Village Green on Sunday, May 15, 2011 from 10:30 am to 5:30 pm to enable the Ardsley High School chapter of Amnesty International to hold its annual Harmonies for Humanity event. **Seconded by Trustee Levine and passed unanimously.**

**RESOLUTION REGARDING AN RFP FOR OPERATION OF ASHFORD PARK
SNACK BAR**

Trustee Malone: RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Clerk to advertise a Request for Proposal for the Operation of the Ashford Park Snack Bar. Forms are available in the Office of the Village Clerk located at 507 Ashford Avenue, Ardsley, New York 10502, and submissions are returnable no later than 3:00 p.m. Tuesday, April 12, 2011. **Seconded by Trustee Levine and passed unanimously.**

RESOLUTION GRANTING PERMISSION TO ERECT TWO BANNERS IN CONNECTION WITH THE FIRE FIGHTER CARNIVAL

Trustee Levine: Resolved, that the Village Board of the Village of Ardsley hereby approves a request from Ardsley Ex-Chief Ronald Gretczko to erect two banners, one on the guard rail at the southwest corner of Route 9A / Ashford Avenue, and the other on the split rail fence at the northbound jug handle of McCormick Drive, advertising the Fire Fighter Carnival scheduled for May 10 through May 15. Such banners would be in place from April 25 through May 16. **Seconded by Malone and passed unanimously.**

RESOLUTION INCREASING COMMUNITY CENTER RENTAL FEES

Trustee Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby amends the Ardsley Village Code section A210-3 Fees (N)(14)(a)(b) as follows: **Seconded by Trustee Levine and passed unanimously.**

Community Center rental fee:

- 1. For residents: [\$175] **\$200**
- 2. For non-residents: [\$200] **\$250**

RESOLUTION GRANTING TAX REFUNDS RE SCAR PROCEEDINGS – FEBRUARY 14, 2011; MARCH 25, 2011

Trustee Porcino: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to refund a portion of Village tax payments on four residential properties as the result of a Small Claims Assessment Review proceeding settlement for tax year 2010-2011 in the aggregate amount of \$3,206.21, **assuming that taxes based on the over assessment were in fact actually paid.** **Seconded by Trustee Levine and passed unanimously.**

Property owner name, section/block/lot and amount of refund for each listing

Karram	3D-1200-8	\$3,500 assessment reduction	refund: \$834.33
Howard/Jacobs	7-1168-9	\$3,950 assessment reduction	refund: \$941.60
Shifren	1C-1188-55	\$3,000 assessment reduction	refund: \$715.14
Acsher	1- P53	\$3,000 assessment reduction	refund: \$715.14

**RESOLUTION RE ATTENDANCE OF MANAGER AT NYCCMA
CONFERENCE IN WATKINS GLEN**

Trustee Malone: Resolved, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to attend the annual New York State City County Management Association Conference to be held in Watkins Glen, New York from May 22 through May 25, 2011 in an amount not to exceed \$772.70 **Seconded by Trustee Levine and passed unanimously.**

**RESOLUTION ESTABLISHING TRUST & AGENCY ACCOUNT FOR SAND
BEACH VOLLEY BALL COURT FUNDRAISER**

Trustee Levine: Whereas, Nicole Galletta has received approval from the Ardsley Parks & Recreation Commission to raise funds for the creation of a sand beach volley ball court in Ashford Park adjacent to the skate park as part of her Girl Scout Gold Award project;

Resolved, that the Village Board of the Village of Ardsley authorizes the Village Treasurer to establish a Trust & Agency account to receive donations. Donors may mail checks payable to "Sand Beach Volleyball Fund" and mail them to the attention of the Village Treasurer at Ardsley Village Hall, 507 Ashford Avenue, Ardsley, New York 10502 . **Seconded by Trustee Nardecchia and passed unanimously.**

The next meeting of the Board of Trustees will take place on Wednesday, April 20, 2011.

ADJOURNMENT OF MEETING:

Tr. Nardecchia: Resolved, that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of the Board of Trustees of April 4, 2011, at 10:01 p.m. **Seconded by Tr. Levine and passed unanimously.**

Respectfully submitted,

Lorraine McSpedon
Recording Secretary