

Mayor Leon opened the October 3, 2011 Regular Meeting at 8:00 p.m.

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

**I. PLEDGE OF ALLEGIANCE**

**II. APPROVAL OF MINUTES**

Tr. Levine requested a correction on page 6 of the September 19, 2011 minutes. ASVAC should be "Ardsley Secor Volunteer Ambulance Corp." This correction was made and revised minutes were submitted to the Village Clerk.

**Tr. Porcino: Resolved,** that the Village Board of the Village of Ardsley hereby approves of the Regular Meeting of September 19, 2011, as amended. Seconded by Tr. Levine and passed unanimously.

**III. DEPARTMENT REPORTS**

**LEGAL REPORT:** Attorney Ponzini had nothing to report other than those items which may have been submitted in memorandum form. Atty. Ponzini did have a couple of resolutions on the agenda this evening on matters which have been recently settled.

**TREASURER'S REPORT:** Ms. Berardi read the Treasurer's Report on behalf of Marion DeMaio.

The bills for the past two weeks from the General Fund totaled \$39,301.31; from the Trust and Agency Fund: \$17,877.87 and from the Capital Fund: \$1,200.00.

Mayor Leon mentioned that he indicated on one of his invoices that he had a question and requested Ms. Berardi bring it to Ms. DeMaio's attention. Ms. Berardi agreed.

**Tr. Nardecchia: Resolved,** that the Village Board of the Village of Ardsley hereby authorizes the Treasurer to pay the following: From the General Fund: \$39,301.31; from the Trust and Agency Account: \$17,877.87, and from the Capital Fund: \$1,200.00. **Seconded by Tr. Porcino and passed unanimously.**

**MANAGER'S REPORT:** Due to Mr. Calvi's absence there was no Manager's Report available.

**MAYOR'S ANNOUNCEMENTS:**

- 1) Ardsley Day was a tremendous success. Thanks were extended to those who made it all possible.
- 2) October 22, 2011 is Ardsley Cares Day, sponsored by the PTA.

The Board of Trustees of the Village of Elmsford presented Mayor Leon with gifts to commend him on his tenure as mayor due to his forthcoming retirement.

- 3) Had several conversation with County Executive, Rob Astorino, regarding the Ashford Avenue bridge pending reconstruction. Additionally, has been speaking with Mary Jane Shimsky since July. Progress was being made until a press release was issued and an article appeared in the newspaper. A meeting is scheduled for October 13, 2011 in White Plains.
- 4) A public hearing will be scheduled later this evening regarding Route 9A and the improvements. This project is essential due to future traffic projections due to Ridge Hill as well as other development pending in the surrounding area. There is controversy surrounding the proposed left hand turn lanes but the plan in place is a good plan.
- 5) The make up date for the naming of the Louis Pascone Park will take place on October 16<sup>th</sup> at 11:00 a.m.

**8:30 P.M. – PUBLIC HEARING –** To discuss the proposed local law for the abolishment of the assessment function of the Village of Ardsley and its transfer to the Town of Greenburgh.

Mayor Leon read the legal notice and gave a brief background of the public hearing issue. Basically, there are currently two separate tax rolls: One for the Town which covers the school district and county taxes and the second in Ardsley. Therefore, both Boards hear all grievances brought before them.

The tax assessor, Gerry Iagallo, has recently retired and the opportunity to either hire another assessor, collaborate with the Town in order to utilize the Town assessor for the

Village or the third option, which entails the abolishment of the Village assessment function and having it turned over to the Town.

The advantage is the cost savings since the assessment duties will not longer have to be paid to the assessor and the Town Clerk will be freed up to do other things and the residents will only have to grieve once.

The Town and Village assessments are almost identical in Ardsley, therefore, there will not be any substantial tax losses to the Village by eliminating the Village Assessor.

A disadvantage is the fact that the Village of Ardsley Board has less autonomy regarding assessments.

Attorney Ponzini recommended the elimination of the Village Tax Assessor.

Tr. Porcino was advised by Attorney Ponzini that the Village of Ardsley would maintain the Town's equalization rights in matter of discrepancies.

Tr. Nardecchia stated that, although he is a strong advocate of home rule, the fact that there would be shared services and that this ruling is reversible, makes him an advocate of this proposal. Tr. Porcino agreed with Tr. Nardecchia. Tr. Malone expressed his belief that the shared services concept would be more efficient than two separate assessments.

Mayor Leon expressed his belief that his philosophy is that the system is generally unfair and the only way it can be made fair would be through town-wide revaluation or if everyone grieves their taxes. Although his is in favor of this proposal, he recently grieved his taxes and was successful, therefore, he would, in fact, be voting for a tax reduction for himself if he were to vote for this proposal. Therefore, he abstained from voting.

Attorney Ponzini explained the process of tax grieving.

Tr. Levine stated that she was in support of the proposal.

The public hearing was left open for public comment.

**IV. COMMITTEE AND BOARD REPORTS:**

**Tr. Porcino:**

- 1) Attended the Regular Meeting of the Youth Council. The High School Dance to be held on October 15<sup>th</sup> was the main topic.
- 2) Attended the Regular Meeting of the SAYF Coalition. A grant was awarded from the federal government. Next Wednesday night, at 7:00 p.m. on the second floor of the Firehouse, a presentation of the results of the SAYF Coalition's survey of students on drug and alcohol abuse will be held.
- 3) Attended the Ridge Hill traffic improvements committee meeting. 9A improvements were discussed as well as improvements to Jackson Avenue.
- 4) Enjoyed Ardsley Day and thanked Mayor Leon for his participation.

**Tr. Nardecchia:**

- 1) Pleased with the weather and the outcome of Ardsley Day.
- 2) The Seniors ran a tag sale and a coffee shop in the Community Center on Ardsley Day.
- 3) The Seniors now have a Trust & Agency Account.
- 4) The Recreation Commission had discussions regarding the softball field will now get together with ASO to work out a remedy.
- 5) There is a Greenburgh Planning Board meeting for a 2-lot subdivision at 225 Sprain Road (East side). It will involve a 50-tree steep slope. Erosion and high runoff may occur.
- 6) Expressed his pleasure that Mayor Leon was recognized by the Elmsford Village Board. The program with Elmsford will be continued, if not expanded, during the next administration.

**Tr. Malone:** Nothing to report.

**Tr. Levine:**

- 1) The Ardsley Historical Society's first program for the season will take place on Sunday, October 16<sup>th</sup> at 2:00 p.m., entitled "V. Everett Macy" and his contribution to the County. Walter Schwarz will be the presenter.
- 2) The Ardsley Library is planning a tea on November 6<sup>th</sup> for residents. More information to follow.

**V. VISITOR'S**

Mr. Adam Damascus, 25 Alexander Hamilton Avenue, Ardsley, NY, presented himself to the Board and spoke regarding the water being piped in from Heatherdell and Concorde Roads.

Pat Hoffman, Bramblebrook Road, Ardsley, NY phoned in with questions regarding the assessment issues and was advised that: 1) The Village taxes will still be paid in Ardsley and 2) The RAR used to calculate taxes will be the Town RAR.

**VI. OLD BUSINESS**

**Tr. Nardecchia: RESOLVED**, that the Village Board of the Village of Ardsley, hereby closes the public hearing to adopt a resolution proposing Local Law #5-2011 for the abolition of the assessment function of the Village of Ardsley. **Seconded by Tr. Porcino and passed unanimously.**

**RESOLUTION TO ADOPT THE PROPOSED LOCAL LAW #5-2011 FOR THE  
ABOLISHMENT OF THE ASSESSMENT FUNCTION OF  
THE VILLAGE OF ARDSLEY**

**Tr. Nardecchia: RESOLVED**, that the Village Board of the Village of Ardsley hereby adopts the proposed local law #5-2011 for the abolishment of the assessment function of the Village of Ardsley and its transfer to the Town of Greenburgh;

**AND FURTHER RESOLVED**, the Board of Trustees of the Village of Ardsley shall file a copy of such law with the Clerk, Assessor and Board of Assessors of the Town of Greenburgh and with the State Board of Real Property Services;

**BE IT FURTHER RESOLVED**, that this is effective immediately upon filing with the New York Secretary of State. **Seconded by Tr. Porcino and passed by a vote of 4-1, with Mayor Leon abstaining.**

**VILLAGE OF ARDSLEY BOARD OF TRUSTEES**

**NOTICE OF PUBLIC HEARING  
FOR THE ELM STREET SPORTS GROUP SITE PLAN  
FOR PROPERTY LOCATED AT 1 ELM STREET  
KNOWN & DESIGNATED AS SECTION 18, SHEET 14, BLOCK 1148, LOT 1**

**Tr. Malone: WHEREAS**, an application for site plan approval has been submitted to the Village of Ardsley Board of Trustees by the Elm Street Sports Group, LLC; and

**WHEREAS**, the site plan calls for the demolition of 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

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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**, on July 5, 2011, in accordance with the provisions of 6NYCRR Part 617, the Village of Ardsley Board of Trustees adopted a resolution designating it's intention to serve as Lead Agency for the SEQRA Review of this Unlisted Action; and

**WHEREAS**, this Notice of Intent to Serve as Lead Agency resolution, along with Part 1 of the Environmental Assessment Form was circulated to all Involved Agencies in conformance with §617.6 (b) (3) (i); and

**WHEREAS**, on September 6, 2011, the Board of Trustees confirmed it's Lead Agency designation; and

**WHEREAS**, the Board of Trustees has referred this application to the Planning Board for review and comment; and

**WHEREAS**, in accordance with the provisions of section 167-3 D of the Village Code, the Board of Trustees must hold a public hearing on the site plan application.

**NOW THEREFORE BE IT RESOLVED**, that the Village of Ardsley Board of Trustees hereby schedules a public hearing for the Elm Street Sports Group site plan to be held on October 17, 2011, at 8:15 pm in the board room at Ardsley Village Hall, 507 Ashford Avenue, Ardsley, NY 10502, and

**BE IT FINALLY RESOLVED**, that this resolution shall have an effective date of October 3, 2011. **Seconded by Tr. Levine and passed unanimously.**

## **VII. NEW BUSINESS:**

### **RESOLUTION ESTABLISHING NEW TRUST & AGENCY ACCOUNT SAYF COALITION**

**Tr. Porcino: RESOLVED**, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to establish a Trust & Agency account for the sole purpose of accepting funds (donations) and making expenditures in connection with the Ardsley SAYF Coalition program. **Seconded by Tr. Levine and passed unanimously.**

**RESOLUTION ESTABLISHING NEW TRUST & AGENCY ACCOUNT  
SENIOR CITIZENS**

**Tr. Nardecchia: RESOLVED**, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to establish a Trust & Agency account for the sole purpose of accepting funds and making expenditures in connection with fundraising for the Ardsley Senior Citizens program. **Seconded by Tr. Porcino and passed unanimously.**

**RESOLUTION PERMITTING A MENORAH DISPLAY - 2011**

**Tr. Malone: Whereas**, the Village of Ardsley (“Ardsley”) has a policy of providing locations within its territorial limits for holiday displays with equal opportunity for all Village groups and organizations; and

**Whereas**, permission has been requested from Ardsley, for the sixth year in a row, by Chabad of the River Towns to permit the display of a Menorah in celebration of the holiday season from December 20 through December 28; and

**Whereas**, the location that has been requested is in or about Legion Park within Ardsley; and

**Whereas**, Ardsley believes that such permission is a continuation of its non discriminatory policy for holiday displays by Village groups and organizations; now therefore be it

**Resolved**, that Chabad of the Rivertowns is permitted to construct a Menorah display at or about Village property in Legion Park provided such a display and location is reviewed for safety and compliance by the Chief of Police, the Building Inspector, and the Fire Department, that all costs for the erection, use and maintenance of this display are borne by Chabad of the River Towns, and that a policy of insurance in acceptable form be provided to Ardsley to insure, indemnify, and defend against any and all claims or losses that may arise out of the erection, use, or maintenance of this display. **Seconded by Tr. Levine and passed unanimously.**

**RESOLUTION TO SCHEDULE A PUBLIC HEARING TO CONSIDER A  
REQUEST TO CONVERT EXISTING VACANT OFFICE/RETAIL SPACE INTO  
TWO RESIDENTIAL DWELLING UNITS LOCATED AT  
609 SAW MILL RIVER ROAD – CRETAN PROPERTIES**

**Tr. Levine: RESOLVED**, that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, November 7, 2011 at 8:30 p.m. to consider a request to convert the existing vacant office/retail space into two residential dwelling units located at 609 Saw Mill River Road, Ardsley, New York;

**AND FURTHER RESOLVED**, that the Village Board declares itself as lead agency for this project and refers the applicant to the Zoning Board of Appeals for a use variance. **Seconded by Tr. Malone and passed unanimously.**

**BOND RESOLUTION AUTHORIZING  
THE CONSTRUCTION & RECONSTRUCTION OF SIDEWALKS**

Mayor Leon explained that this is specifically referring to the sidewalk project which is, hopefully, going to be funded with the Safe Routes to School federal grant. Mayor Leon explained the way federal grants work and explained that the Village has decided to move forward with this project. A resolution will be passed which will authorize the Board to borrow \$475,000 at a later date.

Mr. Don Marra, former Mayor of Dobbs Ferry, presented himself to the Board and reviewed the specifics of the potential grant. Mr. Marra explained that the entire bid amount was being requested at this time, however, the full amount may not be needed.

Tr. Porcino requested to view a copy of the engineering agreement. Attorney Ponzini stated that he has seen a draft of the agreement. Mr. Marra explained that once the agreement is finalized, the Board will be given copies.

Mr. Marra indicated that ground breaking will probably take place next Spring and will be completed by the end of Summer, 2012.

The above bond issue is not only for the construction of the above referenced sidewalks but it also includes all related education costs, and the cost of a \$73,000 engineering contract with Berger Lehman Associates of 411 Theodore Fremd Avenue, Rye, New York 10580 for the performance of construction support and construction inspection services. The execution of this contract is a ministerial function of the Village Manager and as such no Village Board resolution is required.

BOND RESOLUTION DATED OCTOBER 3, 2011.

A RESOLUTION AUTHORIZING THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS IN AND FOR THE VILLAGE OF ARDSLEY, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$475,000, AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

**Trustee Levine:** BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Village of Ardsley, Westchester County, New York, as follows:

Section 1. The construction and reconstruction of Village sidewalks in and for the Village of Ardsley, Westchester County, New York, including incidental improvements and expenses in connection therewith, is hereby authorized, at a maximum estimated cost of \$475,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$475,000 serial bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, the amount of serial bonds to be issued shall be reduced dollar-for-dollar by any grants-in-aid received therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years pursuant to subdivision 24 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized shall not exceed five years.

Section 4. 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. 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 5. 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 bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be 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 6. 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 7. 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 8. 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 9. 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.

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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 Malone and passed unanimously.**

Mayor Jay Leon VOTING AYE

Deputy Mayor Peter Porcino VOTING AYE

Trustee Gary Malone VOTING AYE

Trustee Larry Nardecchia VOTING AYE

Trustee Beverly Levine VOTING AYE

The resolution was thereupon declared duly adopted.

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**RESOLUTION TO AWARD BID FOR COLD PATCH (ITEM C)  
AND REJECTS BIDS FOR HOT ASPHALTIC  
CONCRETE MIX (ITEM A)**

Tr. Nardecchia raised the question of cost concerned with either having the product dropped off or having it picked it up.

Due to Mr. Calvi's absence this evening, this resolution was tabled until the second meeting in October, 2011.

**RESOLUTION REGARDING VILLAGE ANNUAL GARAGE SALE SIGNS**

**Tr. Nardecchia: Resolved,** that the Village Board of the Village of Ardsley hereby approves the erection of a sign behind the guardrail at the southwest corner of Ashford Avenue and Route 9A and another at the McCormick Drive jug handle at Ashford Park (soon to be Louis Pascone Memorial Park) for the purpose of publicizing the holding of the annual Village Garage Sale on October 15<sup>th</sup> with rain date on October 22<sup>nd</sup> sponsored by the Ardsley Parks & Recreation Department and Commission. **Seconded by Tr. Porcino and passed unanimously.**

**A RESOLUTION APPROVING AND ACCEPTING THE SETTLEMENT OF  
SELECTO PRODUCTS COMPANY, INC. 2005 -2011  
642 SAW MILL RIVER ROAD 18/12/1143/12**

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**Tr. Porcino:** WHEREAS, Selecto Products Company, Inc. has commenced a proceeding in Supreme Court, Westchester County to challenge the assessments placed on his property for the tax years 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 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:

**2003 – Withdrawn**

<b>Assessment</b>	<b>Reduction</b>	<b>Refund</b>
<b>2004 57, 600</b>	<b>12, 210</b>	<b>2,202.56</b>
<b>2005 57, 600</b>	<b>14, 130</b>	<b>2,743.05</b>
<b>2006 57, 600</b>	<b>13, 400</b>	<b>2, 857.55</b>
<b>2007 57, 600</b>	<b>15, 980</b>	<b>3, 512.08</b>
<b>2008 45, 000</b>	<b>8, 590</b>	<b>1, 939.79</b>
<b>2009 45, 000</b>	<b>8,060</b>	<b>1, 851.62</b>
<b>2010 45, 000</b>	<b>9,300</b>	<b>2, 216.93</b>
<b>2011 45, 000</b>	<b>4,420</b>	<b>1, 099.74</b>

**Total refund \$ 16, 502.92**

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

**A RESOLUTION APPROVING AND ACCEPTING THE SETTLEMENT OF  
ASTORIA FEDERAL SAVINGS AND LOAN ASSN. 2005 -2011  
731-739 SAW MILL RIVER ROAD 17/4/P19/A 16/4/P16/B**

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**Trustee Porcino:** WHEREAS, Astoria Federal Savings and Loan Association has commenced a proceeding in Supreme Court, Westchester County to challenge the assessments placed on his property for the tax years 2005, 2006, 2006, 2008, 2009, 2010, 2011, and

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**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.**

**2005 – Withdrawn**

<b>Assessment</b>	<b>Reduction</b>	<b>Refund</b>
<b>2006 137, 250</b>	<b>37, 030</b>	<b>7, 900.35</b>
<b>2007 137, 250</b>	<b>42, 540</b>	<b>9, 349.44</b>
<b>2008 137, 250</b>	<b>56, 100</b>	<b>12, 668.61</b>
<b>2009 137, 250</b>	<b>59, 320</b>	<b>13, 627.52</b>
<b>2010 137, 250</b>	<b>62, 440</b>	<b>14, 884.45</b>
<b>2011 137, 250</b>	<b>52, 250</b>	<b>13, 000.32</b>

**Total refund \$71, 430.32**

**RESOLUTION MODIFYING 2011-2012 VILLAGE BUDGET TO COVER  
CERTIORARI REFUNDS FOR ASTORIA FEDERAL BANK SHOPPING  
CENTER AND SELECTO PRODUCTS COMPANY**

**Tr. Porcino: 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 \$87,933.24 from Fund Balance to appropriations line item 1964.462 Certiorari for the purpose of covering refunds to Astoria Federal Bank Shopping Center in the amount of \$71,420.32 and to Selecto Products Company in the amount of \$16,502.92. **Seconded by Tr. Nardecchia and passed unanimously.**

**RESOLUTION AUTHORIZING THE VILLAGE OF ARSLEY TO COMMENCE AND PURSUE TO CONCLUSION THE PROCESS THROUGH ITS EMINENT DOMAIN POWERS, IF NECESSARY, OF ACQUIRING CERTAIN REAL PROPERTY ABUTTING SAW MILL RIVER ROAD (ROUTE 9A) IN THE VILLAGE OF ARDSLEY, AND AUTHORIZING THE VILLAGE MANAGER OF ARDSLEY TO NEGOTIATE AND EXECUTE, UPON THE ADVICE OF VILLAGE COUNSEL, AN ACQUISITION AGREEMENT RELATED THERETO, ALL AS MORE FULLY DESCRIBED BELOW, AND FOR THE VILLAGE CLERK OF THE VILLAGE OF ARDSLEY TO CAUSE A NOTICE**

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**OF THE PUBLIC HEARING TO BE PUBLISHED AS REQUIRED BY  
SECTION 202 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW.**

**Tr. Malone:** **WHEREAS**, the Village of Ardsley, Westchester County, New York (the "Village") is a municipal corporation duly established and validly existing under the laws of the State of New York and has the authority to acquire property within its boundaries for any municipal purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, hold, manage and control such property as its interests may require; and

**WHEREAS**, the Village desires to acquire certain real property abutting Saw Mill River Road (Route 9A) in the Village (the "Parcels") for purposes of providing roadway improvements and road widening on Saw Mill River Road (Route 9A, the "Project"); and

**WHEREAS**, in order to complete the Project, it may be necessary for the Village to exercise its power of eminent domain if a voluntary transfer of all or some of the Parcel is not consummated; and

**WHEREAS**, the Village desires to adopt a resolution authorizing the appropriate parties to commence condemnation proceedings in compliance with the New York State Eminent Domain Procedure Law (the "EDPL") if a voluntary transfer of all or some of the Parcel is not consummated, and to pursue such condemnation proceeding or proceedings to completion; and

**WHEREAS**, the Village previously adopted a Resolution on June 6, 2011, and held a Public hearing on July 5, 2011, for a taking or acquisition of portions of the three Parcels described herein but is not proceeding therewith because of required changes in the legal descriptions of the taking or acquisition required and, accordingly, desires to abandon the previous Resolutions related thereto and commence a new process and adopt a new Resolution authorizing taking or acquisition, with updated descriptions of the taking required, or to authorize the negotiation and taking of title by acquisition agreement to a newly described portion of a parcel; and

**WHEREAS**, the Village desires to (1) adopt a resolution authorizing the commencement of all steps necessary for the acquisition of the Parcels, including, if a voluntary transfer of all or some of the Parcels is not consummated, condemnation proceedings, and (2) take title to or an interest in the Parcels pursuant to an acquisition agreement to be negotiated and executed upon the advice and approval of Village counsel and transaction counsel to the Village (the "Acquisition Agreement"), and (3) if such an acquisition agreement can be negotiated and executed with one or more of the affected Parcel owners authorizing the commencement of all steps necessary for the acquisition of the remainder of the required Parcels by condemnation proceedings.

**NOW THEREFORE BE IT RESOLVED** that the Village Board of the Village of Ardsley shall hold a public hearing in the Village Board Chambers, Ardsley Village

Hall, 507 Ashford Avenue, Ardsley, New York, on October 17, 2011, at 8:30 p.m., for purposes of informing the public concerning, and reviewing the public use to be served by, proposed roadway improvements to Saw Mill River Road (Route 9A) and, further, acquisition of fee title to real property comprising approximately 3,216 square feet in total, more or less, located in portions of three separate parcels abutting Saw Mill River Road (Route 9A) by eminent domain, if a voluntary transfer can not be negotiated with the owners thereof, reviewing the public use and impact on the environment and residents of the locality, receiving public comment regarding such potential acquisition by eminent domain of said portions of the described Parcels, and authorizing the Village of Ardsley to commence and pursue to conclusion the process, through its eminent domain powers, if necessary, of acquiring certain real property abutting Saw Mill River Road (Route 9A) in the Village of Ardsley with respect to any described portions of Parcels of which the owner thereof has not executed an acquisition agreement with the Village, as well as authorizing the Village Manager of the Village of Ardsley to negotiate and execute, upon the advice of Village counsel, an Acquisition Agreement related thereto, all as more fully described below, and directing the Village Clerk of the Village of Ardsley to cause a Notice of the Public Hearing to be published as required by Section 202 of the New York Eminent Domain Procedure Law.

Said portions of the Parcels to be so acquired by such eminent domain, or negotiated acquisition, are described hereinbelow:

1. Village of Ardsley Section/Block/Lot 17/04/0000/P19D; 17/04/0000/P19H2A; Town of Greenburgh Section 6.50, Block 34, Lot 10, now or formerly owned by "Butta Enterprises, Inc.," comprised of approximately 1,308 square feet, more or less, situated south of Saw Mill River Road (Route 9A) in the Village of Ardsley, Town of Greenburgh, County of Westchester and State of New York; and
2. Village of Ardsley Section/Block/Lot 17/4/4000/P19P; Town of Greenburgh Section 6.50, Block 34, Lot 9, now or formerly owned by "Sylvia Love," comprised of approximately 676 square feet, more or less, situated south of Saw Mill River Road (Route 9A) in the Village of Ardsley, Town of Greenburgh, County of Westchester and State of New York; and
3. Village of Ardsley Section/Block/Lot 17/04/0000/P19F2; 17/04/0000/P19K2; Town of Greenburgh Section 6.50, Block 30, Lot 5, now or formerly owned by "Ardsley Associates, L.P.," comprised of approximately 1,232 square feet, more or less, situated south of Saw Mill River Road (Route 9A) in the Village of Ardsley, Town of Greenburgh, County of Westchester and State of New York.

**BE IT FURTHER RESOLVED** that the Village Clerk of the Village of Ardsley shall cause a notice of the public hearing to be published as required by Section 202 of the New York Eminent Domain Procedure Law, and shall further cause a copy of said notice of public hearing to be mailed to the condemnees. **Seconded by Tr. Levine and passed unanimously.**

**VILLAGE OF ARDSLEY BOARD OF TRUSTEES**

**NOTICE OF INTENT  
TO SERVE AS SEQRA LEAD AGENCY  
FOR ROAD IMPROVEMENTS TO ROUTE 9A (SAW MILL RIVER ROAD)  
FROM ASHFORD AVENUE TO HEATHERDELL ROAD**

**Tr. Levine: WHEREAS**, pursuant to the Stipulation of Settlement between, the Town of Greenburgh the Village of Ardsley, and the Village of Hastings-on-Hudson (collectively, the "Municipal Petitioners") and the City of Yonkers, which Stipulation provides for FC Yonkers Associates, LLC. to make available to the Municipal Petitioners the sum of \$5,000,000.00 (the "Settlement Escrow Deposit") to be used by the Municipal Petitioners to improve certain intersections and road segments within their respective municipalities as set forth in the Stipulation of Settlement; and

**WHEREAS**, the Municipal Petitioners have formed the Ridgehill Intermunicipal Intersection Improvement Committee (the "Committee") to review these Conceptual Design Plans for certain intersections and **road segments within their respective municipalities; and**

**WHEREAS**, Michael Maris Associates, Inc. (the "Consultant") has been retained to perform the second phase of the project consisting of the detailed construction documents needed to implement the improvements; and

**WHEREAS**, the Committee has identified Route 9A (Saw Mill River Road) from Ashford Avenue to Heatherdell Road (approximately 1000 feet) and instructed the Consultant to design improvements to this roadway segment that will include proposed roadway widening, a center left turn lane to access businesses along Route 9A, and sidewalk and landscaping improvements; and

**WHEREAS**, the action is 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.

**OCTOBER 3, 2011**

**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 October 3, 2011. **Seconded by Tr. 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 Monday, October 3, 2011 at 9:49 p.m. **Seconded by Tr. Porcino and passed unanimously.**

Respectfully submitted,

Lorraine McSpedon, Recording Secretary