

**MONEY MAGAZINE: GREENBURGH– A BEST PLACE TO LIVE IN AMERICA WINNER (2008)
(One of four in New York State)**

Since 1987, the Town of Greenburgh has annually been granted the “The Certificate of Achievement for Excellence in Financial Reporting” by the National Government Financial Officers Association

Please Note: If the Board has completed the agenda before 11:00 PM, a second opportunity for Public Comment, up to five minutes per speaker, will be provided until 11:00 PM. Speakers will be called in the order of receipt of a Public Comment Request Form for this second Public Comment period.

**Anyone interested in serving on a board or commission should send a resume to
Judith A. Beville, Town Clerk, 177 Hillside Avenue, Greenburgh, NY 10607**

**TOWN OF GREENBURGH TOWN BOARD MEETING
WEDNESDAY, AUGUST 29, 2012, 7:30 PM
TENTATIVE AGENDA**

This meeting can be viewed live on our Web site, www.GreenburghNY.com, as well as viewed archived, generally within 24 hours. Please be reminded that Town Board meetings held at the Greenburgh Town Hall may also be viewed live on the Town's government cable channels, Cablevision Channel 76 and Verizon Channel 35

THE TOWN BOARD RESERVES THE RIGHT TO MODIFY THE TOWN BOARD AGENDA AT ANY TIME

Minutes of Town Board Meetings are posted on our Web site
(Click the link for Meeting Schedules, and then scroll down to Recent Meetings and Minutes)

To e-mail the Town Board (Supervisor Paul Feiner, Councilman Ken Jones, Councilwoman Diana Juettner, Councilman Kevin Morgan and Councilman Francis Sheehan), e-mail: TownBoard@GreenburghNY.com

PLEASE NOTE: TOWN BOARD MEETING AGENDAS ARE POSTED ON THE TOWN WEB SITE AND ONLY MAILED UPON A WRITTEN REQUEST TO THE TOWN CLERK, TownClerk@GreenburghNY.com

EVERYONE IS ENCOURAGED TO SPEAK BEFORE THE TOWN BOARD ON ANY SUBJECT; HOWEVER, PERSONAL ATTACKS, OF ANY KIND, TOWARD ANYONE, WILL NOT BE PERMITTED

John Tomlin, a representative from the office of State Senator Andrea Stewart-Cousins, will be present at a Town Board meeting each month from 6:30 PM to 7:30 PM to respond to constituent concerns

Mary Jackson, a representative from the office of County Legislator Alfreda Williams, will be present at the 2nd Town Board meeting each month from 6:30 PM to 7:30 PM to respond to constituent concerns

UPCOMING TOWN BOARD MEETINGS:

Wednesday, September 12, 7:30 PM

Wednesday, October 10, 2012, 7:30 PM

Wednesday, October 24, 2012, 7:30 PM

Wednesday, November 14, 2012, 7:30 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: Town Clerk Judith Beville

PRESENTATIONS

SUPERVISOR & TOWN COUNCIL REPORTS/ANNOUNCEMENTS

GOOD NEWS...The Town continues to have the highest possible bond rating from both Standard & Poors (AAA) and Moodys (AAA). Only 3% of communities in nation have this rating.

Any individual or group interested in a visit from the Town Board should email the Board at TownBoard@GreenburghNY.com

TOWN CLERK COMMENTS

BOARDS & COMMISSIONS

Appointment of Keith Pettey to the Conservation Advisory Council for a term to expire December 31, 2013

Appointment of Lou Klein to the Comprehensive Plan Steering Committee

PUBLIC COMMENT

Advance signup is preferred. Speakers will be called in the order of receipt of a Public Comment Request Form. The forms are available on the Town Web site, in the Town Clerk's Office (until 7:00 PM on the day of the meeting), and on the dais next to the Town Clerk during the meeting. A three minute limit per speaker will be strictly enforced. No interruptions by the members of the Town Board or public will be permitted. Any questions on agenda items should be asked at this time. Department Heads have the option of leaving the meeting following Public Comment. Therefore, if anyone has questions that are related to resolutions/items on the agenda that she/he would like to direct to a specific Department Head, those questions should be raised at this time.

DECISIONS

To consider the proposed designation of previously Federal, State and County Designated Historical Landmarks as Local Historic Landmarks pursuant to Section 235-5 of the Code of the Town of Greenburgh

To consider a Local Law amending Chapter 285, Section 7, Paragraph A of the Code of the Town of Greenburgh entitled "Zoning Map" (See Resolution CD – 3)

To consider a Local Law amending Chapter 570 of the Code of Ethics to make various amendments to provisions of the Town's Code of Ethics to ensure that Town public officers, employees and agency members continue to exercise independent and impartial judgment in the discharge of their duties

To consider a Local Law amending Chapter 305 of the Code of the Town of Greenburgh entitled "Alcohol Control" as it relates to the public consumption of alcohol on Town property at the Greenburgh Nature Center (See Resolution TB - 3)

INTRODUCTION OF A LOCAL LAW

Introduction of a local law entitled "Assisted Living Facilities" amending the Zoning Ordinance of the Town of Greenburgh by adding a definition to identify assisted living facilities and creating special permit criteria for such uses

TOWN BOARD – 993-1544

TB 1 – 8/29/12 Resolution of the Town Board of the Town of Greenburgh, upon it's own motion, scheduling a Special Town Election on November 6, 2012, pursuant to Town Law §64(2), 91, §94 and other applicable laws of the State of New York, to allow Town electors to consider whether the Town Board should enter into a lease agreement with Game On 365, LLC, to construct a temporary recreation/sports bubble and related appurtenances, and to operate a private entrepreneurial multi-purpose sports facility enterprise on the old Frank's Nursery property at 715 Dobbs Ferry Road, for a period of fifteen years

TB 2 – 8/29/12 Resolution appointing Richard C. Fon Superintendent of Public Works

TB 3 – 8/29/12 Resolution acknowledging adoption of a Local Law amending Chapter 305 of the Town Code of the Town of Greenburgh entitled "Alcohol Control" as it relates to the public consumption of alcohol on Town property at the Greenburgh Nature Center

ATTORNEY – 993-1546

AT 1 – 8/29/12 Resolution authorizing the retention of Ira Levy, Esq. as Outside Counsel for tax certiorari matters associated with property located at 631 Saw Mill River Road, for an amount not to exceed \$2,500

AT 2 – 8/29/12 Resolution authorizing Valuation Plus, Inc. be retained as Real Estate Appraiser for various properties, at a total cost not to exceed \$3,850

AT 3 – 8/29/12 Resolution authorizing tax certiorari settlement with petitioner RBT Company, LLC for property located at 380 Saw Mill River Road. The Town's share of the refund is \$58,951±; Pocantico Hills Central School District's share is \$98,540±; the County's share is \$39,846±; the Saw Mill Valley Sewer District's share is \$6,196±; the No Elmsford Fire Protection District's share is \$7,309±. Refunds from all sources total \$210,842±.

AT 4 – 8/29/12 Resolution authorizing tax certiorari settlement with petitioner Valley Street Associates for property located at 86-96 Valley Street. The Town's share of the refund is \$216±; the Tarrytown Union Free School District's share is \$19,899±; the County's share is \$3,480±; the Saw Mill Valley Sewer District's share is \$541±. Refunds from all sources total \$24,137±.

AT 5 – 8/29/12 Resolution authorizing tax certiorari settlement with petitioner Commerce and Industry LLC for property located at 145 Palisade Street. The Town's share of the refund is \$4,409±; the Dobbs Ferry Union Free School District's share is \$305,134±; the County's share is \$48,341±; the No. Yonkers Sewer District's share is \$7,263±. Refunds from all sources total \$365,146±.

AT 6 – 8/29/12 Resolution authorizing tax certiorari settlement with petitioner National Amusements, Inc. (d/b/a Greenburgh Multiplex Cinemas) for property located at 320-350 Saw Mill River Road. The Town's share of the refund is \$244,504±; the Pocantico Hills Central School District's share is \$426,311±; the County's share is \$177,566±; the Saw Mill Valley Sewer District's share is \$27,865±; the No. Elmsford Fire Protection District's share is \$30,088±. Refunds from all sources total \$906,333±.

AT 7 – 8/29/12 Resolution authorizing tax certiorari settlement with petitioner GBR Tarrytown LLC for property located at 150 White Plains Road. The Town's share of the refund is \$7,539±; the Irvington Union Free School District's share is \$479,073±; the County's share is \$92,921±; the Saw Mill Valley Sewer District's share is \$14,465±. Refunds from all sources total \$593,998±.

AT 8 – 8/29/12 Resolution authorizing settlement of motor vehicle damage related Claim, File No.: 127/11C, by Geico a/s/o Eric Makolo, for an amount not to exceed \$1,025.94

AT 9 – 8/29/12 Resolution authorizing the continued retention of Landman Corsi Ballaine & Ford, as counsel for insurance coverage issues related to the Fortress Bible Church matter, at a cost not to exceed an additional \$25,000

CLERK – 993-1500

CL 1 – 8/29/12 Resolution authorizing permission to close Robin Hill Road on Sunday, September 23, 2012 (Rain date: Sunday, September 30, 2012) from 4:00 PM to 8:00 PM for the Mount Joy/Robin Hill Neighborhood Group to hold its Annual Block Party

CL 2 – 8/29/12 Resolution authorizing permission to close Kempster Road from Cotswold Way to Hadden Road on Sunday, September 23, 2012 from 4:00 PM to 7:00 PM for the Cotswold Association Annual Picnic

CL 3 – 8/29/12 Resolution authorizing closing of Primrose Avenue, from the intersection of Bonnie Briar Road, on Sunday, September 30, 2012, from 1:00 PM to 4:00 PM, for the Hilltop Farms Civic Association to hold its Annual Meet and Greet (Block Party)

CL 4 – 8/29/12 Resolution of an Order of the Town Board setting a Public Hearing to be held on September 12, 2012, 7:30 PM, for the establishment of the Gelsprain Drainage District in the Town of Greenburgh

CL 5 – 8/29/12 Resolution setting a Public Hearing for Wednesday, September 12, 2012, at 7:30 PM, to consider a Local Law amending the Zoning Ordinance of the Town of Greenburgh entitled “Independent and/or Assisted Living Facilities,” by adding a definition to identify “Independent and/or Assisted Living Facilities,” to create Special Permit criteria for such facilities and to amend the Zoning Map of the Town of Greenburgh to rezone the property shown on the Tax Assessment Map of the Town as Section 25, Sheet 3, Block 6, Lots 17, 29, 32 and Section 19, Sheet 3, Block 0000, Lots P-1, 18, 22, 23, 26, 33, 34, 35, 36 and 37 from R-7.5 Single Family Residence and Close Business (C.B.) to R- 7.5 Single Family Residence

CL 6 – 8/29/12 Resolution setting a Public Hearing for Wednesday, September 12, 2012, at 7:30 PM, to consider a Special Permit Application and all related actions by BP Atlantis Management affecting real property located at 74 South Central Park Avenue (also known and designated on the Tax Assessment Map of the Town as Parcel ID: 8.250-195-11)

CL 7 – 8/29/12 Resolution setting a Public Hearing for Wednesday, September 12, 2012, at 7:30 PM, to consider a Special Permit Application and all related actions by Cumberland Farms Inc. affecting real property located at 628 South Central Park Avenue (also known and designated on the Tax Assessment Map of the Town as Parcel ID: 8.410-299-5)

COMPTROLLER – 993-1528

CO 1 – 8/29/12 Resolution authorizing budget transfers for fiscal year 2012

CO 2 – 8/29/12 Resolution approving a 2012 Budget amendment to the Town Entire Fund to increase the appropriation for Village assessment related services

COMMUNITY DEVELOPMENT – 993-1505

CD 1 – 8/29/12 Resolution issuing a Negative Declaration for the SEQRA Determination of Significance by the Town Board of the Town of Greenburgh with respect to amendments to Zoning Map of the Town of Greenburgh consistent with previous Town Board approvals since 1980 to present

CD 2 – 8/29/12 Resolution amending the Zoning Map of the Town of Greenburgh, pursuant to § 285-64 of the Town’s Zoning Ordinance, New York Municipal Home Rule Law Section 10 and New York Town Law Section 271, with respect to amendments to the Zoning Map of the Town of Greenburgh consistent with previous Town Board approvals since 1980 to present

CD 3 – 8/29/12 Resolution issuing a Negative Declaration for the SEQRA Determination of Significance by the Town Board of the Town of Greenburgh with respect to amending the Zoning Ordinance of the Town of Greenburgh Chapter 285, Section 7, Paragraph A, of the Code of the Town of Greenburgh, entitled “Zoning Map”

CD 4 – 8/29/12 Resolution declaring Lead Agency under the State Environmental Quality Review Act for the review of the Special Permit Application and all related actions by BP Atlantis Management affecting real property located at 74 South Central Park Avenue (also known and designated on the Tax Assessment Map of the Town as Parcel ID: 8.250-195-11)

CD 5 – 8/29/12 Resolution declaring Lead Agency under the State Environmental Quality Review Act for the review of the Special Permit Application and all related actions by Cumberland Farms Inc. affecting real property located at 628 South Central Park Avenue (also known and designated on the Tax Assessment Map of the Town as Parcel ID: 8.410-299-5)

POLICE – 682-5340

PO 1 – 8/29/12 Resolution authorizing the Supervisor to execute a Prisoner Transportation Reimbursement Agreement with Westchester County

PO 2 – 8/29/12 Resolution adopting the recommendations of the Greenburgh Police Department to add a stop restriction on Alden Place at the intersection of Joyce Road amending Chapter 460 of the Code of the Town of Greenburgh

PUBLIC WORKS – 993-1573

PW 1 – 8/29/12 Resolution authorizing competitive bidding for materials and supplies for 2013

PW 2 – 8/29/12 Resolution approving a Professional Services Agreement with Woodard & Curran Engineering, PA PC for a Phase II Environmental Site Assessment at 715 Dobbs Ferry Road (FKA Frank’s Nursery) for an amount not to exceed \$43,550

(PUBLIC WORKS, CON'T)

PW 3 – 8/29/12 Resolution awarding Landi Contracting, Inc., the contract for the Route 119 Sidewalk Improvement Project for an amount not to exceed \$108,045

THEODORE D. YOUNG COMMUNITY CENTER – 989-3600

TY 1 – 8/29/12 Resolution entering into an agreement with the Westchester County Board of Legislators to provide a Senior Assistance Service at the Department of Community Resources' Senior Nutrition Program from June 14, 2012 – September 28, 2012, total cost not to exceed \$2,700.00