

October 26, 2016

A Meeting of the Town Board of the Town of Greenburgh was held in the Meeting Room, Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh, New York 10607, at 8:15 PM, Wednesday, October 26, 2016

PLEDGE OF ALLEGIANCE

ROLL CALL: Town Clerk Judith Beville

Present: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Staff Present: Judith Beville, Town Clerk
Timothy Lewis, Town Attorney

SUPERVISOR & TOWN COUNCIL REPORTS/ANNOUNCEMENTS

GOOD NEWS...The Town continues to have the highest possible bond rating from both Standard & Poors (AAA) and Moody's (Aaa). Fewer than 3% of communities in nation have these ratings, which were reaffirmed by both companies 10/2016.

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

TOWN CLERK COMMENTS

PUBLIC HEARINGS

To consider a Local Law imposing upon persons occupying rooms in hotels or motels in those portions of the Town of Greenburgh not located within a village, a "hotel/motel tax," the rate of such shall not exceed three percent of the per diem rental rate for each room whether such room is rented on a daily or longer basis **(Held over to November 21, 2016 Town Board Meeting)**

PUBLIC COMMENT

Phyllis Bazerman expressed concern and dissatisfaction with the way that sidewalks on Sprain Road are being handled.

Deborah Poma commented on the speeding of cars and traffic along Sprain Road. She asked that the police set up a "sting operation" to catch speeders.

Dorrine Livson inquired about the plans for "restriping" in the Greenburgh Shopping Center and commented on a safety issue with respect to the Shell Station on Dobbs Ferry Road and encouraged the

public to attend a Public Hearing on November 9, 2016 regarding the proposed assisted living housing complex for the former Frank's Nursery property.

Bob Bernstein requested to hold over the public hearing and CD-1 regarding Dromore Road. He stated that this matter was referred to Judge Lohr who cited mistakes made by the Town Board regarding zoning in the area. He stated that changes should be made through a notice and a hearing.

Ella Preiser commented on an internal server error and referred to CD-1 recommending that a specific process be followed to amend a zoning map. She asked the Board to hold over CD-1. She also commented the Regeneron proposal, the Manhattan Avenue Senior Project and an apparent conflict of interest regarding consultants for both projects.

Murray Bodin thanked the Town Board for "mentoring" him in reference to feeling empowered to speak out at a Metro North meeting.

Cliff Abrams questioned the significance of reducing the speed only 5 miles per hour between Hillside Avenue and Manhattan Avenue and recommended a crosswalk and stop sign as well as speed bumps on Manhattan Avenue .

APPOINTMENTS

Appointment of Roberta Romano as Town Comptroller

Moved by Supervisor Paul J. Feiner, seconded by Councilwoman Diana D. Juettner

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

BOARDS & COMMISSIONS

Appointment of Richard Ronde to the Police/Community Advisory Commission, for a term to expire December 31, 2016

Moved by Supervisor Paul J. Feiner, seconded by Councilman Kevin Morgan

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

Appointment of Janet Weinstein to the Greenburgh Library Board of Trustees, for a term to expire December 31, 2020

Moved by Supervisor Paul J. Feiner, seconded by Councilman Kevin Morgan

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

TOWN BOARD – 989-1540

TB 1 - 10/26/16

Resolution authorizing the retention of Ashpaugh & Sculco, CPAs, PLC, to provide an analysis and review of certain cable franchise and PEG fees paid by Verizon and Cablevision to the Town of Greenburgh at a cost not to exceed \$28,000 (held over)

TB 2 - 10/26/16

Resolution urging State Legislators representing the Town of Greenburgh to introduce legislation to authorize residents-only parking near train stations

Moved by Supervisor Paul J. Feiner, seconded by Councilman Ken Jones

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

ATTORNEY – 989-1615

AT 1 - 10/26/16

Resolution authorizing the Town Supervisor to enter into a three-month extended agreement with Westchester County to continue to operate and maintain certain bus shelters in Unincorporated Greenburgh, for the period April 1, 2016 through June 30, 2016

Moved by Supervisor Paul J. Feiner, seconded by Councilman Kevin Morgan

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

AT 2 - 10/26/16

Resolution authorizing the Town Supervisor to enter into a five-year agreement with Westchester County to continue to operate and maintain certain bus shelters in Unincorporated Greenburgh, for the period July 1, 2016 through June 30, 2021

Moved by Supervisor Paul J. Feiner, seconded by Councilwoman Diana D. Juettner

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

AT 3 - 10/26/16

Resolution authorizing settlement of property damage related Claim, File No.: 194/16C, by Ivan A. Vogel, Esq., for an amount not to exceed \$295.07

Moved by Supervisor Paul J. Feiner, seconded by Councilman Kevin Morgan

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan

Other: Councilman Ken Jones (RECUSE)

Motion Adopted

CLERK – 989-1500

CL 1 - 10/26/16

Resolution scheduling a Public Hearing for 7:30pm, Wednesday, November 9, 2016, associated with a Special Permit and related applications by Capitol Seniors Housing for property located at 715 Dobbs Ferry Road (P.O. White Plains)

Moved by Supervisor Paul J. Feiner, seconded by Councilman Francis Sheehan

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

CL 2 - 10/26/16

Resolution scheduling a Public Hearing for 7:30 pm, Monday, November 21, 2016, to consider a Local Law amending Article II of Chapter 460 entitled "Traffic Regulations" by creating a new subsection § 460-13.2 entitled "Truck Exclusions Based on Weight as Established by the Town Board"

Moved by Supervisor Paul J. Feiner, seconded by Councilwoman Diana D. Juettner

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

CL 3 - 10/26/16

Resolution of the Town Board of the Town of Greenburgh setting a Public Hearing on Monday, November 21, 2016, at 7:30 pm, to consider the adoption of a local law amending Chapter 460 of the Code of the Town of Greenburgh (1) to prohibit parking on East Hartsdale Avenue from December 1 to March 15 between the hours of 1:00 a.m. to 6:00 a.m only when a snow emergency is declared, and (2) to provide for the towing of vehicles parked on East Hartsdale Avenue during a Snow Emergency

Moved by Supervisor Paul J. Feiner, seconded by Councilman Francis Sheehan

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

COMMUNITY DEVELOPMENT – 989-1538**CD 1 - 10/26/16**

Resolution approving a modification to the Zoning Map of the Town of Greenburgh to reflect a court decision indicating that 1 Dromore Road is located in the CA Central Avenue Mixed-Use Impact District
(Held over to November 9, 2016 meeting)

COMPTROLLER – 989-1603**CO 1 - 10/26/16**

Resolution approving Fiscal Year 2016 budget transfers

Moved by Supervisor Paul J. Feiner, seconded by Councilwoman Diana D. Juettner

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

CO 2 - 10/26/16

Resolution authorizing approval of a budget amendment to the Town Outside Villages Fund for Fiscal Year 2016 by increasing estimated revenues for Anthony F. Veteran Park Fees and Recreation Fees and increasing appropriations

Moved by Supervisor Paul J. Feiner, seconded by Councilman Kevin Morgan

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

CO 3 - 10/26/16

Resolution authorizing the issuance pursuant to Section 90.10 or Section 90.00 of the Local Finance Law of refunding bonds of the Town of Greenburgh, Westchester County, New York, to be designated "Public Improvement Refunding (Serial) Bonds," and providing for other matters in relation thereto

Moved by Supervisor Paul J. Feiner, seconded by Councilman Francis Sheehan

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

PARKS & RECREATION – 693-8985

PR 1 - 10/26/16

Resolution rescinding the September 14, 2016, resolution authorizing the execution of a \$15,904 grant agreement between the Town of Greenburgh and the County of Westchester for transporting seniors since it was superseded by a subsequent resolution

Moved by Supervisor Paul J. Feiner, seconded by Councilwoman Diana D. Juettner

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

POLICE – 989-1740

PO 1 - 10/26/16

Resolution authorizing the Police Department to acquire a mine resistant ambush protected vehicle through the federal 1033 Surplus Equipment Program

Moved by Supervisor Paul J. Feiner, seconded by Councilman Kevin Morgan

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

PO 2 - 10/26/16

Resolution adopting the recommendation of the Greenburgh Police Department to reduce the posted maximum speed limit on Old Tarrytown Road between Hillside Ave and Manhattan Ave to 25 miles per hour where it is currently 30 miles per hour, amending Chapter 460 of the Code of the Town of Greenburgh

Moved by Supervisor Paul J. Feiner, seconded by Councilman Ken Jones

AYE: Supervisor Paul J. Feiner
Councilwoman Diana D. Juettner
Councilman Francis Sheehan
Councilman Kevin Morgan
Councilman Ken Jones

Motion Adopted

There being no further business to come before the Board, on motion, meeting adjourned at 9:35 P.M.

Judith A. Beville, Town Clerk

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

To consider a Local Law imposing upon persons occupying rooms in hotels or motels in those portions of the Town of Greenburgh not located within a village, a “hotel/motel tax,” the rate of such shall not exceed three percent of the per diem rental rate for each room whether such room is rented on a daily or longer basis (**Held over to November 21, 2016 Town Board Meeting**)

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

Appointment of Roberta Romano as Town Comptroller

Boards and Commissions 8. 0.

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

Appointment of Janet Weinstein to the Greenburgh Library Board of Trustees, for a term to expire December 31, 2020

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

Appointment of Richard Ronde to the Police/Community Advisory Commission, for a term to expire December 31, 2016

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

TB 1 - 10/26/16

Resolution authorizing the retention of Ashpaugh & Sculco, CPAs, PLC, to provide an analysis and review of certain cable franchise and PEG fees paid by Verizon and Cablevision to the Town of Greenburgh at a cost not to exceed \$28,000

Attachments

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

TB 2 - 10/26/16

Resolution urging State Legislators representing the Town of Greenburgh to introduce legislation to authorize residents-only parking near train stations

Attachments

TB 2016 1026 TB-2 reso Urge NYS Legislators to Auth Resident Only Parking near Train Stations R 1026

**RESOLUTION URGING STATE LEGISLATORS REPRESENTING THE TOWN
OF GREENBURGH TO INTRODUCE LEGISLATION TO AUTHORIZE
RESIDENTS-ONLY PARKING NEAR TRAIN STATIONS**

WHEREAS, some residents of Edgemont, North White Plains and Hartsdale live near train stations, and over the years the Town Board has received parking related complaints that nonresidents park on streets, taking up the limited number of parking spaces for very long periods of time; and

WHEREAS, the Greenburgh Town Board would like New York State to grant Greenburgh what has been granted other communities in the past— the right to prohibit nonresidents from parking on local streets; and

WHEREAS, .prohibition of non-resident parking has been done in limited instances, such as in areas containing many narrow streets that are not conducive to heavy traffic, especially in the winter months; in neighborhoods that do not contain adequate space for driveways, resulting in the streets within the area generally representing the only parking spaces available to residents; and in the proximity of train stations, where many commuters use the nearby streets for daily long-term parking, severely diminishing the number of parking spaces available to residents in the area;

NOW, THEREFORE, BE IT RESOLVED, that the Greenburgh Town Board hereby petitions State Senator Andrea Stewart Cousins and Assemblyman Tom Abinanti to introduce legislation in Albany to authorize the Town of Greenburgh to issue residents-only parking permits.

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

AT 1 - 10/26/16

Resolution authorizing the Town Supervisor to enter into a three-month extended agreement with Westchester County to continue to operate and maintain certain bus shelters in Unincorporated Greenburgh, for the period April 1, 2016 through June 30, 2016

Attachments

TB 2016 1026 AT-1 reso Auth WC-TOG Bus Shetter 3 month Contract R 1025

TB 2016 1026 AT-1 reso Auth WC-TOG Bus Shetter 3 month Contract R 1025

**RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO ENTER INTO
A THREE-MONTH EXTENDED AGREEMENT WITH WESTCHESTER
COUNTY TO CONTINUE TO OPERATE AND MAINTAIN CERTAIN
BUS SHELTERS IN UNINCORPORATED GREENBURGH, FOR
THE PERIOD APRIL 1, 2016 THROUGH JUNE 30, 2016**

WHEREAS, the County of Westchester and the Town of Greenburgh have participated jointly under a License Agreement with Clear Channel Outdoor, Inc., to operate and maintain certain bus shelters in various areas of the Town, most recently pursuant to Town Board Resolution AT-6 – 02/07/12, adopted February 7, 2012; and

WHEREAS, pursuant to the prior Agreement, the County and the Town divided the revenue 50/50 after the County deducted \$95,000 for administrative expenses; and

WHEREAS, the last license agreement expired on March 31, 2016, and the Town and County wish to enter into a three-month extension contract whereby the County, through its License Agreement with Clear Channel, operates and maintains the bus shelters; and

WHEREAS, the Town is entitled to a share of the license fees received by the County in accordance with the License Agreement the County has with Clear Channel, to provide and maintain bus shelters; and

WHEREAS, the three-month extension is based upon a pro-rata share of revenue at the rates set forth under a new five year agreement it will be entering into with the County pursuant to Resolution AT-2 – 10/26/16;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Greenburgh hereby authorizes the Town Supervisor to enter into the attached agreement for the three-month extension with Westchester County to operate and maintain certain bus shelters in various areas of Unincorporated Greenburgh for the period beginning April 1, 2016 and ending June 30, 2016.

INTERMUNICIPAL AGREEMENT NO. 11-915

THIS FIRST AMENDMENT AGREEMENT entered into this ____ day of _____, 20__ by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (the "County")

and

THE TOWN OF GREENBURGH, a municipal corporation of the State of New York, having an office and place of business at 177 Hillside Avenue, Greenburgh, New York 10607 (the "Cooperating Municipality")

W I T N E S S E T H:

WHEREAS, the County extended for an additional three months, its License Agreement with a private franchisee to construct, operate and maintain bus passenger shelters at various locations within the County as well as provide advertising on bus shelters; and

WHEREAS, the Cooperating Municipality and the County entered into an Intermunicipal Agreement whereby the County provides bus passenger shelters within the Cooperating Municipality pursuant to said License Agreement for the comfort and benefit of its citizens and the Municipality desires to extend the Intermunicipal agreement an additional three months through June 30, 2016.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

FIRST: The Intermunicipal Agreement between the County and the Cooperating Municipality dated February 15, 2012, for the provision of bus passenger shelters pursuant to a License Agreement and First Amendment Agreement dated March 31, 2016 between the County and Clear Channel Outdoor, Inc., at locations within the Cooperating Municipality for the term April 1, 2011 through March 31, 2016 (the "Intermunicipal Agreement"), is hereby amended to

extend the term an additional three months. The first sentence of Paragraph "SECOND" of the Intermunicipal Agreement therefore, is hereby deleted in its entirety and replaced with the following:

"SECOND: The term of this Agreement shall be for the term commencing on April 1, 2011 and expiring on June 30, 2016, which term coincides with the expiration of the License Agreement and First Amendment Agreement with Clear Channel Outdoor, Inc."

SECOND: For the extended term of this First Amendment Agreement, the Cooperating Municipality shall receive its pro-rated share of revenue from the County at the rates detailed in the Intermunicipal Agreement by September 30, 2016.

THIRD: All other terms and conditions of the Intermunicipal Agreement shall remain in full force and effect.

{REMAINING PAGE INTENTIONALLY LEFT BLANK}

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment.

THE COUNTY OF WESTCHESTER

By: _____
Vincent F. Kopicki, P.E.
Commissioner of Public Works and Transportation

COOPERATING MUNICIPALITY

By: _____
(Name & Title)

Authorized by the Board of Legislators of the County of Westchester pursuant to Act
No. 241-2016 adopted on the 18th day of July, 2016.

Authorized by the Board of Acquisition and Contract of the County of Westchester on the ____
day of _____, 20__.

Authorized by the governing board of the Cooperating Municipality on the ____ day of
_____, 20__.

Approved as to form
and manner of execution:

Assistant County Attorney
County of Westchester
S/I/DTR/Bus Shelter IMA First Amendment

MUNICIPALITY'S ACKNOWLEDGMENT

STATE OF NEW YORK)
 ss.:
COUNTY OF WESTCHESTER)

On this _____ day of _____, 20____, before me personally came
_____, to me known, who being by me duly sworn, did
depose and say that he/she resides at _____
and that he/she is the _____
of _____, the municipal corporation described in and which
executed the above instrument; that he/she knows the seal of said municipal corporation; that
the seal affixed to said instrument is such municipal corporate seal that it was so affixed by Act
of the governing body of said municipal corporation; and that he/she signed his/her name thereto
by like Act.

Notary Public

County

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____
(Officer other than Officer signing agreement)

certify that I am the _____ of the _____
(Title) (Name of Municipality)

(the "Municipality"), a corporation duly organized and in good standing under the

(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)

named in the foregoing agreement that _____
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution

_____ of the Municipality, that said agreement
(Title of Person Executing Agreement)

was duly signed for on behalf of said Municipality by authority of its

_____ thereunto duly
(Town Board, Village Board, Town Council)

authorized, and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
 ss.:
COUNTY OF WESTCHESTER)

On this ____ day of _____, 20__, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above certificate and acknowledged to me that he/she executed the above certificate in his/her capacity as

_____ of _____,
(Title) (Municipality)

the municipal corporation described in and which executed the within instrument.

Notary Public

County

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

AT 2 - 10/26/16

Resolution authorizing the Town Supervisor to enter into a five-year agreement with Westchester County to continue to operate and maintain certain bus shelters in Unincorporated Greenburgh, for the period July 1, 2016 through June 30, 2021

Attachments

TB 2016 1026 AT-2 reso Auth WC-TOG Bus Shelter 5 yr Contract R 1025

TB 2016 1026 AT-2 data WC-TOG Bus Shelter 5 yr Contract

**RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO ENTER
INTO A FIVE-YEAR AGREEMENT WITH WESTCHESTER COUNTY
TO CONTINUE TO OPERATE AND MAINTAIN CERTAIN BUS
SHELTERS IN UNINCORPORATED GREENBURGH, FOR T
HE PERIOD JULY 1, 2016 THROUGH JUNE 30, 2021**

WHEREAS, the County of Westchester and the Town of Greenburgh have participated jointly under a License Agreement with outside vendors to continue to operate and maintain certain bus shelters in various areas of the Town, most recently pursuant to Town Board Resolution AT-6 – 02/07/12, adopted February 7, 2012; and

WHEREAS, the last license agreement expired on March 31, 2016; and

WHEREAS, the County and Town wish to enter into a new five-year contract whereby the County operates and maintains the bus shelters and shares its revenue with the Town; and

WHEREAS, pursuant to this new Agreement, the County and the Town divide the revenue 50/50 after the County deducts \$100,000 for administrative expenses; and

WHEREAS, the Town will be entitled to a share of the license fees received by the County in accordance with a new License Agreement the County has with Signal Outdoor Advertising, LLC to provide and maintain bus shelters;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Greenburgh hereby authorizes the Town Supervisor to enter into the attached Inter-Municipal Agreement (IMA) with Westchester County to continue to operate and maintain certain bus shelters in various areas of Unincorporated Greenburgh for the period beginning July 1, 2016 and ending June 30, 2021.

INTERMUNICIPAL AGREEMENT NO. DOTOP12-16

THIS AGREEMENT entered into this ____ day of _____, 20__ by and between

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine-Avenue, White Plains, New York 10601 (the "County")

and

THE TOWN OF GREENBURGH, a municipal corporation of the State of New York, having an office and place of business at 177 Hillside Avenue, Greenburgh, New York 10607 (the "Cooperating Municipality")

W I T N E S S E T H:

WHEREAS, the County has entered into a License Agreement with a private franchisee to construct, operate and maintain bus passenger shelters at various locations within the County as well as provide advertising on bus shelters; and

WHEREAS, the Cooperating Municipality is desirous of having the County provide bus passenger shelters within the Cooperating Municipality pursuant to said License Agreement for the comfort and benefit of its citizens.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

FIRST: The County is hereby authorized to provide and maintain shelters pursuant to a License Agreement between the County and Signal Outdoor Advertising, LLC, or its successors at locations within the Cooperating Municipality, all as shown on Attachment "A" attached hereto and made a part hereof. The Cooperating Municipality warrants and guarantees to the County and its Licensee that all sites shown on Attachment "A" have been reviewed by the Cooperating Municipality and that each and every site conforms with traffic and safety standards, with all local, state and federal laws, rules and regulations, and that it is either wholly contained on a public right-of-way or the appropriate easement has been requested and granted, and a private property release is on file with the Westchester County Department of Public

Works and Transportation. The Cooperating Municipality further certifies and guarantees that the sites designated on Attachment "A" are legally designated bus stop locations or that the sites will be so designated prior to installation of new bus passenger shelters. If such designation is the responsibility of a governmental agency other than the Cooperating Municipality, the Cooperating Municipality will use its best efforts to obtain such designation.

Attachment "A" shall consist of:

1. A list of all bus shelters built under the County Bus Shelter Program located in the Cooperating Municipality.
2. A list of all necessary permits and the name of the municipal official who should be contacted. As the bus shelters are going to be provided as a municipal service, all permit fees shall be waived.

The Cooperating Municipality shall have the opportunity to request additional bus passenger shelters other than those in Attachment A. Requests shall be made to the Westchester County Department of Public Works and Transportation. The County will provide shelters to cooperating municipalities, as they are available based upon the terms of License Agreement. They will be installed according to site suitability and passenger usage.

SECOND: The term of this Agreement shall be for five (5) years commencing on July 1, 2016 and expiring on June 30, 2021, which term coincides with the expiration of the License Agreement with Signal Outdoor Advertising, LLC. A copy of the License Agreement is on file with the Westchester County Department of Public Works and Transportation ("WCDPWT") and may be examined by an authorized representative of the Cooperating Municipality upon reasonable notice to the County. This Agreement shall encompass presently existing bus passenger shelters and those constructed pursuant to the License Agreement.

THIRD: The design and installation of any bus passenger, shelters to be erected within the Cooperating Municipality shall be similar to, but may vary in details from the design drawings entitled "Westchester County Bus Shelter Detail" and dated August 5, 2010, copies of which are on file with the Cooperating Municipality and the County (hereinafter the "Design Drawings"). In no event, however, shall the size and illumination of the advertising signs vary

from those shown in the Design Drawings without prior approval of the Cooperating Municipality.

FOURTH: After the County has deducted \$100,000 annually, for administrative expenses, the remaining revenue received by the County from the Licensee shall be divided between the County and the Cooperating Municipalities on a 50/50 ratio. The share of the revenue due the Cooperating Municipality will be determined by the ratio of that number of shelters operated by the Licensee and producing revenue in the Cooperating Municipality to the total County-wide number of shelters operated under the License Agreement during one annual payment period. Payment will be made by the County to the Cooperating Municipality on August 1st of each year of this Agreement, beginning on August 1, 2017.

FIFTH: The Licensee of the County shall be required to hold harmless and defend the Cooperating Municipality and its employees, officers and agents from all claims, suits and actions arising from the construction and maintenance of the shelters.

SIXTH: All advertising to be displayed on the bus passenger shelters will be submitted to the County Commissioner of Department of Public Works and Transportation for approval. The Cooperating Municipality agrees that this approval shall be sufficient approval for the display of such advertising within the Cooperating Municipality. The County agrees that no political or religious advertising shall be allowed. The County further agrees that no advertising for tobacco products will be allowed, nor shall the County accept any advertising which does not meet reasonable standards of good taste.

SEVENTH: The Licensee of the County shall be required to maintain all shelters in good condition. They shall clean each shelter on a regular basis, and shall be required to repair any damaged shelter.

EIGHTH: The Cooperating Municipality shall not enter into bus shelter advertising programs on its own. The Cooperating Municipality shall waive all municipal fees for the bus shelters.

NINTH: If during the term of this Agreement any bus passenger shelter is required to be removed or relocated for any reason at the request of the Cooperating Municipality, said removal or relocation shall be done only by the County's Licensee, at the sole cost and expense of the Cooperating Municipality.

TENTH: This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

ELEVENTH: This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

TWELFTH: This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

{REMAINING PAGE INTENTIONALLY LEFT BLANK}

THIRTEENTH: In the event of any conflict between the terms of this Agreement and those of its attachments, the terms of the Agreement shall control.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

THE COUNTY OF WESTCHESTER

By: _____
Vincent F. Kopicki, P.E.
Commissioner of Public Works and Transportation

COOPERATING MUNICIPALITY

By: _____
(Name & Title)

Authorized by the Board of Legislators of the County of Westchester pursuant to Act No. 142-2016 adopted on the 18th day of July, 2016.

Authorized by the Board of Acquisition and Contract of the County of Westchester on the 6th day of October, 2016.

Authorized by the governing board of the Cooperating Municipality on the ____ day of _____, 20__.

Approved as to form
and manner of execution:

Assistant County Attorney
County of Westchester
S/I/DTR/Bus Shelter IMA2016

MUNICIPALITY'S ACKNOWLEDGMENT

STATE OF NEW YORK)
 ss.:
COUNTY OF WESTCHESTER)

On this _____ day of _____, 20____, before me personally came
_____, to me known, who being by me duly sworn, did
depose and say that he/she resides at _____
and that he/she is the _____
of _____, the municipal corporation described in and which
executed the above instrument; that he/she knows the seal of said municipal corporation; that
the seal affixed to said instrument is such municipal corporate seal that it was so affixed by Act
of the governing body of said municipal corporation; and that he/she signed his/her name thereto
by like Act.

Notary Public

County

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____
(Officer other than Officer signing agreement)

certify that I am the _____ of the _____
(Title) (Name of Municipality)

(the "Municipality"), a corporation duly organized and in good standing under the

(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)

named in the foregoing agreement that _____
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution

_____ of the Municipality, that said agreement
(Title of Person Executing Agreement)

was duly signed for on behalf of said Municipality by authority of its

_____ thereunto duly
(Town Board, Village Board, Town Council)

authorized, and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
 ss.:
COUNTY OF WESTCHESTER)

On this ____ day of _____, 20__, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above certificate and acknowledged to me that he/she executed the above certificate in his/her capacity as

_____ of _____,
(Title) (Municipality)

the municipal corporation described in and which executed the within instrument.

Notary Public

County

ATTACHMENT A

<u>COMMUNITY</u>	<u>#</u>	<u>Installation Date</u>	<u>LOCATION</u>	<u>DESCRIPTION</u>
Greenburgh	GB01	Pre-4/1/2011	Central Ave & Dalewood Dr	Westbound
Greenburgh	GB03	Pre-4/1/2011	Tarrytown Rd & Hillside Ave	Westbound
Greenburgh	GB04	Pre-4/1/2011	Central Ave & Fountain Lane (no ad)	Southbound
Greenburgh	GB05	Pre-4/1/2011	Saw Mill River Rd & Hunter Lane	Northbound
Greenburgh	GB06	Pre-4/1/2011	Central Park Ave & Ardsley Rd	Southbound
Greenburgh	GB07	Pre-4/1/2011	Tarrytown Rd & Manhattan Ave	Westbound
Greenburgh	GB08	Pre-4/1/2011	Tarrytown Rd & Manhattan Ave	Eastbound
Greenburgh	GB10	Pre-4/1/2011	Clearbrook Rd & Hunter Lane	Southbound
Greenburgh	GB11	Pre-4/1/2011	White Plains Rd & Benedict Ave	Eastbound
Greenburgh	GB12	Pre-4/1/2011	Saw Mill River Rd & Warehouse Lane	Southbound
Greenburgh	GB13	Pre-4/1/2011	White Plains Rd & Dunning Dr	Westbound
Greenburgh	GB14	Pre-4/1/2011	555 White Plains Rd	Westbound
Greenburgh	GB15	Pre-4/1/2011	554 White Plains Rd	Eastbound
Greenburgh	GB16	Pre-4/1/2011	White Plains Rd & Dunning Dr	Eastbound
Greenburgh	GB17	Pre-4/1/2011	White Plains Rd & Benedict Ave	Westbound
Greenburgh	GB18	Pre-4/1/2011	Hillside Ave & South Rd	Southbound
Greenburgh	GB19	Pre-4/1/2011	White Plains Rd @ Marriot Hotel	Eastbound
Greenburgh	GB20	Pre-4/1/2011	White Plains Rd & Carrollwood Ct	Eastbound
Greenburgh	GB21	Pre-4/1/2011	Central Park Ave & Clifton Rd	Northbound
Greenburgh	GB22	Pre-4/1/2011	Central Park Ave @ Ardsley Ave	Northbound
Greenburgh	GB23	Pre-4/1/2011	Central Park Ave & Harvard Dr	Northbound
Greenburgh	GB24	Pre-4/1/2011	Central Park Ave & Marion Ave	Southbound
Greenburgh	GB25	Pre-4/1/2011	Hillside Ave & North Rd	Southbound
Greenburgh	GB26	Pre-4/1/2011	Hillside Ave & Old Tarrytown Rd	Southbound
Greenburgh	GB27	Pre-4/1/2011	N Central Ave & Concord Rd	Northbound
Greenburgh	GB28	Pre-4/1/2011	Central Park Ave & S Washington Ave	Southbound
Greenburgh	GB30	Pre-4/1/2011	Saw Mill River Rd & Secor Rd	Northbound
Greenburgh	GB31	Pre-4/1/2011	Hillside Ave & Lawrence Dr	Southbound
Greenburgh	GB32	Pre-4/1/2011	Saw Mill River Rd @ Sam's Club	Southbound
Greenburgh	GB33	Pre-4/1/2011	Central Park Ave & Dromore Rd	Northbound
Greenburgh	GB34	Pre-4/1/2011	Tarrytown Rd & Greenvale Cir	Eastbound
Greenburgh	GB35	Pre-4/1/2011	Grasslands @ Stephens Lane	Eastbound
Greenburgh	GB36	9/28/2011	Dobbs Ferry Rd & Hartsdale Rd	Westbound
Greenburgh	GB37	9/18/2011	Dobbs Ferry Rd & Hartsdale Rd	Eastbound

List of all permits required:

Name of Contact and title for permit application:

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

AT 3 - 10/26/16

Resolution authorizing settlement of property damage related Claim, File No.: 194/16C, by Ivan A. Vogel, Esq., for an amount not to exceed \$295.07

Attachments

TB 2016 1026 AT-3 reso Settle Vogel Property Damage Claim R 1025

TB 2016 1026 AT-3 memo Settle Vogel Property Damage Claim

**RESOLUTION AUTHORIZING SETTLEMENT OF PROPERTY DAMAGE
RELATED CLAIM, FILE NO.: 194/16C, BY IVAN A. VOGEL, ESQ.,
FOR AN AMOUNT NOT TO EXCEED \$295.07**

WHEREAS, a claim was brought by Ivan A. Vogel, Esq., against the Town of Greenburgh regarding damage sustained the vehicle of his wife, Angela C. Vogel's parked motor vehicle on July 27, 2016; and

WHEREAS, an investigation has been conducted by the Town regarding the events of the incident on July 27, 2016; and

WHEREAS, a settlement has been proposed and recommended whereby the Town of Greenburgh would pay the claimant the sum of Two Hundred Ninety Five Dollars and Seven Cents (\$295.07); and

WHEREAS, the Town Board, in consultation with the Town Attorney's Office, has been satisfied that such a proposed settlement is deemed to be just, reasonable and in the interest of the Town of Greenburgh; and

WHEREAS, pursuant to its policy of insurance with Argonaut Insurance Company, the Town is obligated to pay a liability self insured retention for claims up to \$150,000.00;

NOW, THEREFORE, BE IT RESOLVED, that in the interest of justice:

The Town Board of the Town of Greenburgh hereby authorizes that an offer be made to Ivan A. Vogel, Esq. to settle the claim against the Town of Greenburgh regarding a motor vehicle accident on July 27, 2016, for an amount up to Hundred Ninety Five Dollars and Seven Cents (\$295.07); and that, upon receipt of a general release from Ivan A. Vogel, Esq., and his wife in favor of the Town of Greenburgh and its agents, officials, officers, employees and volunteers in a form approved by the Town Attorney, and receipt of a duly executed claim voucher, said claim be settled by the issuance of a check or checks totaling the sum Hundred Ninety Five Dollars and Seven Cents (\$295.07).

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

CL 1 - 10/26/16

Resolution scheduling a Public Hearing for 7:30pm, Wednesday, November 9, 2016, associated with a Special Permit and related applications by Capitol Seniors Housing for property located at 715 Dobbs Ferry Road (P.O. White Plains)

Attachments

TB 2016 1026 CL-1 reso Schedule CSH Site Plan-Site Plan Special Permit Public Hearing R 1026

RESOLUTION SCHEDULING A PUBLIC HEARING FOR 7:30 PM, WEDNESDAY, NOVEMBER 9, 2016, ASSOCIATED WITH A SPECIAL PERMIT AND RELATED APPLICATIONS BY CAPITOL SENIORS HOUSING FOR PROPERTY LOCATED AT 715 DOBBS FERRY ROAD (P.O. WHITE PLAINS)

BE IT RESOLVED, by the Town Board of the Town of Greenburgh that the Town Clerk set a Public Hearing for 7:30 PM, Wednesday, November 9, 2016, at 177 Hillside Avenue (PO Greenburgh, NY), related to a special permit (Assisted Living Facility) and site plan application by Capitol Seniors Housing, for property located in the R-30 One-Family Residence District at 715 Dobbs Ferry Road, P.O. Scarsdale (also known and designated on the Tax Assessment Map of the Town of Greenburgh as Parcel ID: 8.50-28-9.

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

CL 2 - 10/26/16

Resolution scheduling a Public Hearing for 7:30 pm, Monday, November 21, 2016, to consider a Local Law amending Article II of Chapter 460 entitled "Traffic Regulations" by creating a new subsection § 460-13.2 entitled "Truck Exclusions Based on Weight as Established by the Town Board"

Attachments

TB 2016 1026 CL-2 reso Schedule Truck Exclusion based on Weight Public Hearing R 1026

RESOLUTION SCHEDULING A PUBLIC HEARING FOR 7:30 PM, MONDAY, NOVEMBER 21, 2016, TO CONSIDER A LOCAL LAW AMENDING ARTICLE II OF CHAPTER 460 ENTITLED “TRAFFIC REGULATIONS” BY CREATING A NEW SUBSECTION § 460-13.2, ENTITLED “TRUCK EXCLUSIONS BASED ON WEIGHT AS ESTABLISHED BY THE TOWN BOARD”

BE IT RESOLVED, by the Town Board of the Town of Greenburgh that the Town Clerk set a Public Hearing for 7:30 PM, Monday, November 21, 2016, at Greenburgh Town Hall, 177 Hillside Avenue (PO Greenburgh, NY), to consider a local law amending Article II of Chapter 460 entitled “Traffic Regulations” by creating a new subsection § 460-13.2, entitled “Truck Exclusions based on Weight as Established by the Town Board.”

Town Board- Regular

11. 3.

Meeting Date: 10/26/2016

Text/Header:

CL 3 - 10/26/16

Resolution of the Town Board of the Town of Greenburgh setting a Public Hearing on Monday, November 21, 2016, at 7:30 pm, to consider the adoption of a local law amending Chapter 460 of the Code of the Town of Greenburgh (1) to prohibit parking on East Hartsdale Avenue from December 1 to March 15 between the hours of 1:00 a.m. to 6:00 a.m only when a snow emergency is declared, and (2) to provide for the towing of vehicles parked on East Hartsdale Avenue during a Snow Emergency

Attachments

TB 2016 1026 CL-3 reso Schedule EHA Snow Emergency Public Hearing R 1026

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GREENBURGH SETTING A PUBLIC HEARING ON MONDAY, NOVEMBER 21, 2016, AT 7:30 PM, TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 460 OF THE CODE OF THE TOWN OF GREENBURGH (1) TO PROHIBIT PARKING ON EAST HARTSDALE AVENUE FROM DECEMBER 1 TO MARCH 15 BETWEEN THE HOURS OF 1:00 A.M. TO 6:00 A.M. ONLY WHEN A SNOW EMERGENCY IS DECLARED, AND (2) TO PROVIDE FOR THE TOWING OF VEHICLES PARKED ON EAST HARTSDALE AVENUE DURING A SNOW EMERGENCY

WHEREAS, to facilitate the removal of snow, no person, except a person granted a special permit by the Chief of Police for medical reasons, can park a vehicle from December 1 to March 15 on East Hartsdale Avenue between the hours of 1:00 a.m. to 6:00 a.m., pursuant to Section 460.20 of the Town Code (“SNOW PARKING”), except on the streets specified in Schedule XV (§ 460-64); and

WHEREAS, several Town residents residing in the vicinity of East Hartsdale Avenue and surrounding streets have had difficulty locating parking during the period from December 1 to March 15 and have recommended amending Chapter 460 as it pertains to parking on East Hartsdale Avenue, to reflect a snow emergency system wherein parking is only limited to the times when it actually snows; and

WHEREAS, the Town Board is interested in seeking public comment to determine whether amending Section 460 to reflect a snow emergency system limiting parking to times when a Snow Emergency is declared is a viable alternative to completely eliminating parking from December 1 to March 15;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Greenburgh that the Town Clerk set a Public Hearing to be held at Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh, New York, on the 21st day of November 2016, at 7:30 p.m., or as soon thereafter as the matter can be heard, to consider the adoption of a local law amending Chapter 460 of the Code of the Town of Greenburgh (1) to prohibit parking on East Hartsdale Avenue from December 1 to March 15 between the hours of 1:00 a.m. to 6:00 a.m. only when a Snow Emergency is declared and (2) to provide for the towing of vehicles parked on East Hartsdale Avenue during a Snow Emergency.

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

CD 1 - 10/26/16

Resolution approving a modification to the Zoning Map of the Town of Greenburgh to reflect a court decision indicating that 1 Dromore Road is located in the CA Central Avenue Mixed-Use Impact District **(Held over to November 9, 2016 meeting)**

Attachments

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

CO 1 - 10/26/16

Resolution approving Fiscal Year 2016 budget transfers

Attachments

TB 2016 1026 CO-1 reso Approve Fiscal Year 2016 Budget Transfers R 1026

TB 2016 1026 CO-1 data Fiscal Year 2016 Budget Transfer Details

RESOLUTION APPROVING FISCAL YEAR 2016 BUDGET TRANSFERS

WHEREAS, during the conduct of operations by departments various expenses occur that are necessary to efficiently and effectively provide services to the public that were not anticipated when the budget was prepared or that the costs exceed the amounts anticipated when the budget was prepared; and

WHEREAS, some of the amounts budgeted by a department may not be required in the conduct of the operations of the department in providing services or the department may need funding in excess of the amount budgeted; and

WHEREAS, it is necessary for the amounts in a department's budget be transferred between lines within a department's budget or amounts be transferred from the Contingency amount to a line within a department's budget;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Greenburgh hereby approves the budget transfers dated October 20, 2016, that are attached to this resolution.



TOWN OF GREENBURGH
OFFICE OF THE COMPTROLLER
INTER-OFFICE MEMORANDUM

October 20, 2016

To: Supervisor Feiner & Members of the Town Board

From: Roberta Romano, Comptroller

Re: Budget Transfers

I respectfully request approval of the following budget transfers for 2016:

			Transfer	
			From	To
			<u>Amount</u>	<u>Amount</u>
A1355 51000	Assessor	Salaries	\$18,500	
A1355 54500	Assessor	Professional services		(\$7,500)
A1355 51800	Assessor	Overtime		(\$11,000)
A1420 54520	Town Attorney	Litigation Disbursement	\$925	
A1420 52200	Town Attorney	Office Equipment		(\$925)
F8320 54518	Consolidated Water	Maintenance of Systems	\$10	
F8320 52502	Consolidated Water	Other Equipment-Lab		(\$10)

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

CO 2 - 10/26/16

Resolution authorizing approval of a budget amendment to the Town Outside Villages Fund for Fiscal Year 2016 by increasing estimated revenues for Anthony F. Veteran Park Fees and Recreation Fees and increasing appropriations

Attachments

TB 2016 1026 CO-2 reso Approve FY 2016 TOV AFV Park related fees budget amendment R 1026

**RESOLUTION APPROVING A BUDGET AMENDMENT TO THE TOWN
OUTSIDE VILLAGES FUND FOR FISCAL YEAR 2016 BY INCREASING
ESTIMATED REVENUES FOR ANTHONY F. VETERAN PARK FEES &
RECREATION FEES AND INCREASING APPROPRIATIONS**

WHEREAS, the Town is obligated by General Municipal Law to maintain a balanced budget in the Governmental Funds and Proprietary Funds; and

WHEREAS, the Town Board of the Town of Greenburgh adopted the 2016 operating budget on December 20, 2015; and

WHEREAS, subsequent to the adoption of the 2016 operating budget, the Greenburgh Parks & Recreation generated additional revenues for Anthony F. Veteran park and recreation fees than was anticipated in the original 2016 Adopted budget;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Greenburgh hereby amends the 2016 Town Outside Village Fund Operating Budget by increasing the estimated revenues for Recreation fees B702070 420010 by \$ 30,000 and the A.F.V. Park fees B718070 420250 by \$18,400, and by increasing appropriations for Water expense B7050 542100 by \$17,000, Part time B7180 51900 by \$10,000, and Requested Projects by \$21,400.

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

CO 3 - 10/26/16

Resolution authorizing the issuance pursuant to Section 90.10 or Section 90.00 of the Local Finance Law of refunding bonds of the Town of Greenburgh, Westchester County, New York, to be designated "Public Improvement Refunding (Serial) Bonds," and providing for other matters in relation thereto

Agenda Attachments

TB 2016 1026 CO-3 reso Auth Issuance of Refunding Bond R 1026

Minutes Attachments

TB 2016 1026 CO-3 reso Auth Issuance of Refunding Bond R 1026

REFUNDING BOND RESOLUTION DATED OCTOBER 26, 2016.

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10 OR SECTION 90.00 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF GREENBURGH, WESTCHESTER COUNTY, NEW YORK, TO BE DESIGNATED "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO.

WHEREAS, the Town of Greenburgh, Westchester County, New York (the "Town") heretofore issued, on October 11, 2007, an aggregate principal amount of \$6,307,000 Public Improvement (Serial) Bonds, Series 2007 A, dated October 1, 2007 (the "Series 2007 A Bonds") and of which there are presently \$1,675,000 aggregate principal amount outstanding, maturing on May 15 in each of the following years and amounts;

<u>Year</u>	<u>Amount</u>
2018	\$325,000
2019	325,000
2020	325,000
2021	350,000
2022	350,000

WHEREAS, it appears that it would be in the public interest to refund all or a portion of the \$1,675,000 principal amount of the Series 2007 A Bonds maturing in the years 2018 through 2022 (the "Series 2007 A Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, the Town heretofore issued, on October 11, 2007, an aggregate principal amount of \$10,000,000 Public Improvement (Serial) Bonds, Series 2007 B, dated October 1, 2007 (the "Series 2007 B Bonds") and of which there are presently \$6,200,000 aggregate principal amount outstanding, maturing on May 15 in each of the following years and amounts;

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2018	\$425,000	2025	\$475,000
2019	425,000	2026	500,000
2020	450,000	2027	500,000
2021	450,000	2028	525,000
2022	450,000	2029	525,000
2023	475,000	2030	525,000
2024	475,000		

WHEREAS, it appears that it would be in the public interest to refund all or a portion of the \$6,200,000 principal amount of the Series 2007 B Bonds maturing in the years 2018 through 2030 (the "Series 2007 B Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, the Town heretofore issued on August 27, 2009, an aggregate principal amount of \$11,459,103 Public Improvement (Serial) Bonds, Series 2009, dated August 27, 2009 (the "2009 Bonds") and of which there are presently \$4,825,000 aggregate principal amount outstanding, maturing on June 15 in each of the following years and amounts;

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2020	\$500,000	2026	\$400,000
2021	500,000	2027	400,000
2022	475,000	2028	400,000
2023	475,000	2029	400,000
2024	475,000	2030	400,000
2025	400,000		

WHEREAS, it appears that it would be in the public interest to refund all or a portion of the \$4,825,000 principal amount of the 2009 Bonds maturing in the years 2020 through 2030 (the "2009 Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, the Town heretofore issued on October 13, 2010, an aggregate principal amount of \$6,080,000 Public Improvement (Serial) Bonds, Series 2010 , dated October 13, 2010 (the "2010 Bonds") and of which there are presently \$2,770,000 aggregate principal amount outstanding, maturing on June 15 in each of the following years and amounts;

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2019	\$350,000	2025	\$300,000
2020	350,000	2026	140,000
2021	250,000	2027	130,000
2022	275,000	2028	140,000
2023	275,000	2029	150,000
2024	285,000	2030	125,000

WHEREAS, it appears that it would be in the public interest to refund all or a portion of the \$2,770,000 principal amount of the Series 2010 A Bonds maturing in the years 2019 through

2030 (the "Series 2010 A Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, it appears that each of the refundings of the Series 2007 A Refunded Bonds, Series 2007 B Refunded Bonds, 2009 Refunded Bonds, and the 2010 Refunded Bonds (collectively, the "Refunded Bonds"), will result in present value savings in debt service as required by Section 90.00 or Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Greenburgh, Westchester County, New York, as follows:

Section 1. For the object or purpose of refunding the \$15,470,000 aggregate outstanding principal amount of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) any redemption premiums on the Refunded Bonds at their respective call dates, (iii) the aggregate amount of interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds either maturing or are to be called prior to their respective maturities in accordance with the Refunding Financial Plan, as hereinafter defined, (iv) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the Refunding Financial Plan, as hereinafter defined, compensation to the Purchaser, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, as hereinafter defined, and fees and charges of the Escrow Holder, as hereinafter mentioned, and (v) any premium or premiums for a policy or policies of municipal bond insurance for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued up to \$17,175,000 refunding bonds of the Town pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the aggregate amount of Refunding Bonds actually to be issued will be approximately \$16,350,000 as provided in Section 3 hereof. As

indicated in the Refunding Financial Plan, as hereinafter defined, the Refunding Bonds shall consist of four series of tax-exempt bonds. These four series of Refunding Bonds shall be combined for purposes of sale and be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND", including a year, and a series designation, shall be dated December 1, 2016, or such other date or dates as shall hereafter be determined by the Supervisor pursuant to Section 3 hereof, shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity, and shall mature annually on May 15 in each of the years 2017 through 2030, or such other dates as the Supervisor shall hereafter determine pursuant to Section 3 hereof, and shall bear interest payable on May 15 and November 15, commencing May 15, 2017, or such dates as the Supervisor shall hereafter determine pursuant to Section 3 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Supervisor.

The Refunding Bonds may, if so determined by the Supervisor pursuant to Section 3 hereof, be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor. Notice of such call for redemption shall be given by mailing such notice to the registered owners not more than sixty (60) nor less than thirty (30) days prior to such dates. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the dates for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption dates, and interest shall cease to be paid thereon after such redemption dates.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. Principal of the Refunding Bonds shall be payable to the registered owners as shall hereafter be determined by the Supervisor. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of

America. The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and a facsimile of its corporate seal shall be impressed, imprinted, affixed or otherwise reproduced thereon and may be attested by the manual or facsimile signature of the Town Clerk. In the event of facsimile signatures by the Supervisor and/or the Town Clerk, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of a bank or trust company acting in the capacity of the fiscal agent for the Refunding Bonds, and the Supervisor is hereby authorized to enter into an agreement or agreements containing such terms as he shall deem proper with a bank or trust company to perform the services described in Section 70.00 of the Local Finance Law. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and 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 Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected.

Section 2. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this Resolution shall not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for objects or purposes for which the Refunded Bonds were issued are as shown on Schedule B attached hereto;

(c) the last installment of each series of the Public Improvement Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each object or purpose, or the weighted average of the periods of probable usefulness of objects or purposes,

for which the Refunded Bonds of such series were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law; and

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 3 hereof.

Section 3. The financial plan for the refunding authorized by this Resolution, showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Schedule A attached hereto and hereby made a part of this Resolution (the "Refunding Financial Plan"). The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$16,350,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Schedule A. This Town Board recognizes that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will probably differ from such assumptions and that the Refunding Financial Plan will also probably differ from that attached hereto as Schedule A. The Supervisor is hereby authorized and directed to determine the maturities and amounts of the Refunded Bonds to be refunded, the amount of Refunding Bonds to be issued, the dates of such bonds and the dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Public Improvement Refunding Bonds will be insured by a policy or policies of municipal bond insurance, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, or at par, or a premium, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds, and all powers in connection therewith are hereby delegated to the Supervisor; provided, that the terms of the Refunding Bonds to be

issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Supervisor shall file a copy of the certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided. The Supervisor shall file the certificate, approved by the State Comptroller, setting for the present value of the total debt service savings from the issuance of the Refunding Bonds, with the Town Clerk as required by paragraph f of Section 90.10 of the Local Finance Law.

Section 4. Pursuant to the provisions of paragraph a of Section 56.00 of the Local Finance Law, the power to determine whether to issue the Refunding Bonds having substantially level or declining annual debt service, as provided in paragraph d of Section 21.00 and in paragraph c of Section 90.10 of the Local Finance Law, is hereby delegated to the Supervisor. All other delegable matters relating to such Refunding Bonds to be issued by said Town are hereby delegated to the Supervisor.

Section 5. The Supervisor is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in the State of New York as the Supervisor shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law. The Town is also authorized and directed to enter into a contract with a verification agent in connection with the issuance of the Refunding Bonds

Section 6. The faith and credit of said Town of Greenburgh, Westchester County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding 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 in said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Public Improvement Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Any accrued interest on the Refunding Bonds shall be paid to the Supervisor to be expended to pay interest on the Refunding Bonds on their first interest payment dates as may be determined in accordance with Section 3 hereof. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this Resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause any Refunding Bond issued as a tax-exempt bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder as then in effect. The Refunding Bonds shall be sold at private sale to a purchaser to be selected by the Supervisor or, at the election of the Supervisor, to the successful bidder at public sale (in either case, the "Purchaser") for a purchase price to be determined by the Supervisor (or in the case of a public sale, by public bid), plus accrued interest from the date of the Refunding Bonds to

the date of the delivery of and payment for the Refunding Bonds. Approval of the terms and conditions of such sale by the State Comptroller shall be obtained if and as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor to the Purchaser in accordance with a purchase contract to be entered into with the Purchaser, or according to the terms of the notice of sale, as the case may be.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, and as provided in the final Refunding Financial Plan, the Town hereby elects to call in and redeem i) on May 15, 2017 or such later date or dates as shall be determined by the Supervisor in accordance with the final Refunding Financial Plan, all Series 2007 A Refunded Bonds, and all Series 2007 B Refunded Bonds, ii) on June 15, 2018 or such later date or dates as shall be determined by the Supervisor in accordance with the final Refunding Financial Plan, all 2010 Refunded Bonds, and iii) on June 15, 2019 or such later date or dates as shall be determined by the Supervisor in accordance with the final Refunding Financial Plan, all 2009 Refunded Bonds, provided, however, that only bonds determined to be refunded by the Supervisor as indicated in the final Refunding Financial Plan shall be called and redeemed. The sum to be paid on such redemption dates shall be the par value, without premium. The Escrow Agent for the Refunded Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in or otherwise applicable to the Refunded Bonds. Such notices of redemption shall be in substantially the forms to be attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this Resolution or any document or agreement approved hereby.

Section 11. All other matters pertaining to the terms and conditions of issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor.

Section 12. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the dates 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 dates of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. A summary of this Resolution, which takes effect immediately, shall be published in The Journal News, the official newspaper of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

PR 1 - 10/26/16

Resolution rescinding the September 14, 2016, resolution authorizing the execution of a \$15,904 grant agreement between the Town of Greenburgh and the County of Westchester for transporting seniors since it was superseded by a subsequent resolution

Attachments

TB 2016 1026 PR-1 reso Rescind PR-3--09 14 16 superceded by PR-2-- 10 17 16 R 1026

RESOLUTION RESCINDING PR-3 – 09/14/16, A SEPTEMBER 14, 2016, RESOLUTION AUTHORIZING THE EXECUTION OF A \$15,904 GRANT AGREEMENT BETWEEN THE TOWN OF GREENBURGH AND THE COUNTY OF WESTCHESTER FOR TRANSPORTING SENIORS SINCE IT WAS SUPERSEDED BY A SUBSEQUENTLY ADOPTED RESOLUTION

WHEREAS, on September 14, 2016, the Town Board adopted Resolution PR-3 – 09/14/16, authorizing the execution of a grant agreement between the Town of Greenburgh and the County of Westchester for transporting seniors; and

WHEREAS, on October 17, 2016, the Town Board adopted Resolution PR-2 – 10/17/16, authorizing the execution of a grant agreement between the Town of Greenburgh and the County of Westchester; and

WHEREAS, the October 17, 2016, resolution superseded the September 14, 2016, and the resolution should have stated so; and

WHEREAS, the Town Board desires to formally rescind the PR-3 – 09/14/16 resolution to accurately reflect the October 17, 2016, resolution is controlling;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Greenburgh hereby rescinds Resolution PR-3 – 09/14/16, authorizing the execution of a grant agreement between the Town of Greenburgh and the County of Westchester for transporting seniors, since it was superseded by PR-2 – 10/17/16, adopted October 17, 2016.

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

PO 1 - 10/26/16

Resolution authorizing the Police Department to acquire a mine resistant ambush protected vehicle through the federal 1033 Surplus Equipment Program

Attachments

TB 2016 1026 PO-1 reso Accept Federal 1033 Program Mine Resistant Ambush Protected Vehicle R 1026

**RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO ACQUIRE
A MINE RESISTANT AMBUSH PROTECTED VEHICLE THROUGH
THE FEDERAL 1033 SURPLUS EQUIPMENT PROGRAM**

WHEREAS, the Police Department provides a Special Weapons and Tactics team, pre-hospital basic advanced life support services and technical rescue services to residents of and visitors to the Unincorporated Area of the Town of Greenburgh; and

WHEREAS, the Police Department also provides a Special Weapons and Tactics Team, pre-hospital advanced life support services and Technical Rescue services to residents of and visitors to the entire area of the Town of Greenburgh inclusive of its Six Incorporated Villages; and

WHEREAS, the Police Department is in need of an armored rescue vehicle to aid in response to disasters and provide ballistic protection while transporting and/or rescuing civilians and police officers from highly dangerous situations; and

WHEREAS, a Mine Resistant Ambush Protected Vehicle can be acquired through the Federal 1033 Surplus Equipment Program;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Greenburgh hereby authorizes the Police Department to accept a Mine Resistant Ambush Protected Vehicle via the Federal 1033 Program.

Town Board- Regular

Meeting Date: 10/26/2016

Text/Header:

PO 2 - 10/26/16

Resolution adopting the recommendation of the Greenburgh Police Department to reduce the posted maximum speed limit on Old Tarrytown Road between Hillside Ave and Manhattan Ave to 25 miles per hour where it is currently 30 miles per hour, amending Chapter 460 of the Code of the Town of Greenburgh

Attachments

TB 2016 1026 PO-2 reso Adopt Old Tarrytown Rd 25 mph speed limit Adopted 1026

**RESOLUTION ADOPTING THE RECOMMENDATION OF THE
GREENBURGH POLICE DEPARTMENT TO REDUCE THE POSTED
MAXIMUM SPEED LIMIT ON OLD TARRYTOWN ROAD BETWEEN
HILLSIDE AVE AND MANHATTAN AVE TO 25 MPH WHERE IT IS
CURRENTLY 30 MPH, AMENDING CHAPTER 460 OF
THE CODE OF THE TOWN OF GREENBURGH**

WHEREAS, from time to time modifications and/or additions to the Town's Vehicle and Traffic Code are necessary to help expedite the flow of vehicular traffic, ensure the safety of motorists, bicyclists and pedestrians utilizing the Town's Public Highways and to maintain the quality of life of Town residents; and

WHEREAS, requests for modifications and/or additions to the Town's Vehicle and Traffic Code are often received from members of the public and other service providers, as well as generated from data obtained from Police Department reports; and

WHEREAS, the Greenburgh Police Department is responsible for evaluating requests for modifications and/or additions to the Town's Vehicle and Traffic Code and for providing the Town Board with recommendations as to the need for these changes; and

WHEREAS, Old Tarrytown Road between Hillside Ave and Manhattan Ave becomes narrower with a series of curves bringing the 85th percentile speed to 25 miles per hour, this design standard would suggest that the speed limit be reduced to 25 mph where it is currently 30 mph; and

WHEREAS, the Traffic Unit commander believes this prohibition is necessary to preserve the safety of pedestrians walking along and crossing Old Tarrytown Road;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Greenburgh hereby accepts the recommendations of the Greenburgh Police Department and adopts the following addition to § 460-60 of the Code of the Town of Greenburgh as further described below.

(§ 460-05), The maximum speed at which vehicles may proceed on or along any streets or highways within the Town is hereby established at 30 miles per hour, except that the speed limit for vehicles proceeding on or along those streets or parts of streets described in Schedule II (§ 460-51), attached to and made a part of this chapter, shall be as indicated in said schedule.

Name of Street	New Speed Limit	Hours/Days	Location
Old Tarrytown Road	<u>25 Miles per hour</u>	All Times	Between Hillside Ave and Manhattan Ave

AND, BE IT FURTHER RESOLVED, for the avoidance of doubt, the above change shall only apply to locations on Old Tarrytown Road between Hillside Avenue and Manhattan Avenue where the maximum speed is currently 30 miles per hour.