



MINUTES

Ardsey Village Board of Trustees

8:00 PM - Monday, June 7, 2021

Via Zoom Platform

Present: Mayor	Nancy Kaboolian
Deputy Mayor/Trustee	Andy Di Justo
Trustee	Joann D'Emilio
Trustee	Steve Edelstein
Trustee	Craig Weitz
Village Manager	Meredith S. Robson
Village Clerk	Ann Marie Rocco
Village Attorney	Robert J. Ponzini

Absent:

1. PLEDGE OF ALLEGIANCE Mayor Kaboolian called to order the Regular Meeting at 8:00 p.m.

2. PUBLIC HEARING Public Hearing to Discuss a Local Law Pursuant to Cannabis Law Section 131 Opting out of Licensing and Establishing Retail Cannabis Dispensaries and/or on-site Cannabis Consumption Establishments within the Village of Ardsley

At 8:03 p.m. Public Hearing was opened

2. Mayor Kaboolion read the legal ad:

1 PLEASE TAKE NOTICE that the Board of Trustees of the Village of Ardsley will hold a public hearing on Monday, June 7, 2021, via Zoom to discuss whether or not to adopt a Local Law Pursuant to Cannabis Law Section 131 Opting out of licensing and establishing retail cannabis dispensaries and/or on-site Cannabis Consumption Establishments within the Village of Ardsley.

While New York remains in this pandemic crisis, we strongly encourage residents to participate in our Statutory Meetings by Zoom either by web or by

phone. Instructions for remote participation are below. The following is the website and the phone number for participation in this meeting:

Join Zoom Meeting

<https://us02web.zoom.us/j/87601383195?pwd=RkZjcEx6NmtGSVFEOdFFWkE5WFVrUT09>

Meeting ID: 876 0138 3195

Passcode: 728155

One tap mobile

+19292056099,87601383195# US (New York)

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 876 0138 3195

Find your local number: <https://us02web.zoom.us/j/87601383195?pwd=RkZjcEx6NmtGSVFEOdFFWkE5WFVrUT09>

Written comments may be sent to ardsley@ardsleyvillage.com or regular mail to Ardsley Village Hall, 507 Ashford Ave, Ardsley, NY 10502. All comments will be shared with the Board of Trustees.

All residents and taxpayers are invited to attend and be heard via zoom.

BY ORDER OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF ARDSLEY, NEW YORK

Ann Marie Rocco

Village Clerk

Dated: May 17, 2021

Mayor Kaboolian explained that if allowed the dispensaries will operate like liquor stores.

At 8:47 p.m. Trustee D'Emilio: Resolved that this public hearing in the matter of Local Law pursuant to Cannabis Law Section 131 Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and/or on-site Cannabis consumption establishments with the Village of Ardsley be adjourned until the June, 21, 2021 legislative meeting, **Seconded by Trustee Edelstein 5-0-0**

3. PUBLIC HEARING Public Hearing to Discuss Revisions to Chapter 173 Streets and Sidewalks in the Village Code
Public Hearing was opened at 8:04 p.m.

3. Mayor Kaboolian read the following legal ad:

1

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Ardsley will hold a public hearing on Monday, June 7, 2021, via Zoom to discuss revisions to chapter 173 Streets and Sidewalks in the Village Code.

Due to the ongoing COVID-19 public health emergency, we strongly encourage residents to participate in our Statutory Meetings by Zoom either by web or by phone. Instructions for remote participation are below. The following is the website and the phone number for participation in this meeting:

Join Zoom Meeting

<https://us02web.zoom.us/j/87601383195?pwd=RkZjcEx6NmtGSVFEOdFFWkE5WFVrUT09>

Meeting ID: 876 0138 3195

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Meeting ID: 876 0138 3195

Find your local number: <https://us02web.zoom.us/j/87601383195?pwd=RkZjcEx6NmtGSVFEOdFFWkE5WFVrUT09>

Written comments may be sent to the Village Clerk at arocco@ardsleyvillage.com and the Village Manager at mrobson@ardsleyvillage.com, or sent via regular mail to 507 Ashford Ave, Ardsley, NY 10502. All comments will be shared with the Board of Trustees and questions will be answered as quickly as possible.

All residents and taxpayers are invited to attend and be heard via zoom.

BY ORDER OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF ARDSLEY, NEW YORK

Ann Marie Rocco

At 8:49 p.m. Trustee D'Emilio: Resolved, that this public hearing be closed for the Revisions to Chapter 173 Streets and Sidewalks in the Village Code.
Seconded by Trustee Edelstein 5-0-0

Village Clerk

Dated: May 17, 2021

4. APPROVAL OF MINUTES:

4.1 Regular Meeting Minutes May 17, 2021

Moved by Trustee DiJusto, Seconded by Trustee Weitz and passed unanimously.
RESOLVED that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of Monday, May 17, 2021 as submitted.

5. DEPARTMENT REPORTS

1. LEGAL

- 1.a Village Attorney Ponzini stated there is nothing to report other than those items that he submitted in memorandum form and he is continuing to work on various matters with members of the staff and he stated that he is available for an Executive Session.

2. MANAGER

- 2.a Village Manager's June 7, 2021-Village Manager Robson read the following report:

1. **ROAD IMPROVEMENTS:** The bid received for the curbing portion of the work was previously awarded and we expect that work to begin next week. We will be getting notice out to the community ASAP. The bid for the paving portion is on tonight's agenda. We are doing a significant amount of work this year. The curbing work will be done first and the paving will not likely start until the Fall. We are expecting an agreement with Con Ed by the next meeting which will be a joint agreement like we did for Ashford Ave. which will identify the portion of the work on the roads we're doing this year for which Con Ed will reimburse us. The reimbursement is based on what their obligation would be to pave the disturbed portion of the roads they work on, but we are doing the entire road so they are reimbursing us for their piece on each of the impacted roads.
2. **HEATHERDELL ROAD SIDEWALK/GUIDERAIL PROJECT:** We were just notified today that the contractor for this project will begin work tomorrow, June 8th. This work is expected to last through early August.
3. **TAXES DUE:** The 1st half of the 2021 Village Tax is due, without penalty, by June 30th. Payments made in person after June 30th, or that arrive via

mail postmarked by the postal service after June 30th, or arrive thereafter without a postmark, will be assessed a late penalty as required by the New York State Real Property Law. Meter-mailed postmarks are not a valid proof of timely payment. Most payments made through online banking come in without dates and will not be accepted if the envelope is not postmarked by the deadline. Please bear in mind that no Village official is empowered to waive the late fee for any reason.

4. **RE-OPENING OF VILLAGE FACILITIES TO THE PUBLIC:** Village Hall will re-open fully to the public on Tuesday, July 6, 2021. The Community Center is now open again for reservations. Please see the Recreation Department page on the Village website to put in a request. We are also very happy to have welcomed back our seniors last week for their regular programming! Also back is our summer programming through the Recreation Department. Although there will still be certain precautions in place, we all welcome the return to “normal”!
5. **HIRES:** I have appointed Rocco Cipriano as a laborer effective June 7, 2021 @ \$64,956 per year and intend to hire one more laborer as soon as we get authorization from Civil Service for the position, which we have requested. We are also looking to hire a couple of seasonal laborers but have had a challenge this year getting folks interested. We are working on placing an ad for Deputy Village Treasurer. Lastly, I am appointing Fire Chief Padraic Murray to the position of part-time Fire Inspector effective June 14, 2021 at \$19,689 per year.

3. TREASURER

3.a June 7, 2021 Abstract Report

Village Manager Robson stated that the bills for the past two weeks totaled as follows: From the General Fund: \$302,267.04; from the Sewer Fund: \$1,307.33; from the Trust & Agency fund: \$115.90 and from the Capital Fund: \$83,350.00

Moved by Trustee Weitz, Seconded by Trustee DiJusto and passed unanimously.

RESOLVED that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the General Fund: \$302,267.04; from the Sewer Fund: \$1,307.33, from the Trust & Agency Fund: \$115.90 and from the Capital Fund: \$83,350.00.

4. BUILDING No Building Department Report

5. FIRE No Fire Department Report

6. POLICE No Police Department Report

7. MAYOR'S ANNOUNCEMENTS Mayor Kaboolian announced the following:

- Attended the Fire Department Inspection and thanked our Fire Department for all their hard work.
- Attended the Memorial Day Ceremony at Pascone Park hosted by the American Legion. Thanked our Fire & Police Department for their participation.

8. COMMITTEE & BOARD REPORTS Trustee DiJusto announced the following:

- Attended the Fireman's inspection dinner.
- Working on the Drive Safe Ardsley program with the Traffic Committee to present to the Board of Trustees in July.
- Thanked David DiGregorio and Meredith Robson for getting the lights on the thruway overpass.

Trustee Craig Weitz announced the following:

- Attended the Fireman's inspection dinner.
- Encouraged residents to visit the Ardsley Historical website:
www.ardsleyhistoricalsociety.org

Trustee D'Emilio announced the following:

- Received a lot of flag submissions for our flag contest. We will be announcing the winners in the next few weeks.
- Save the date for our celebration in the park on October 10th there will be food, games & music. More information to follow.

Trustee Edelstein announced the following:

- Wednesday, June 9th at 11:30 am the Senior's will have a BBQ at the Community Center.
- June 19th there will be a celebration at Pascone Park for Juneteenth with a concert in the evening.
- June 24th is the annual ice cream social at Pascone Park.
- June 26th there will be a Pride event at Pascone Park.
- Thanked the Highway Department for their work on the Pascone center island.
- We need help at Silliman Park with weeding. Anyone is welcome to come this Saturday, June 12th to help out.

Mayor Kaboolian also announced that Cops and Cones will take place at Carvel on Saturday, June 12th.

6. VISITORS

- 6.1
- Andrea Fallick Concord Road feels that the cannabis dispensaries will compromise the quality of life in the Village. Ms. Fallick shared some of the

research that has come out of municipalities that sell cannabis. Ms. Fallick feels that we need to get additional data before we make any other decisions.

- Marc Kowalsky Honeywells Road stated that we shouldn't assume that if we opt in that a dispensary will open. Mr. Kowalsky feels that it's time for Ardsley to say pause and stop shouldering the burden of these businesses and take a pause and see how other towns are handling the choice.
- Cristiana Sunshine-Longway Ashford Avenue spoke in favor of dispensaries and feels that we should not be denying businesses while Ardsley is trying to revitalize. She feels that this is no different than having a liquor store move in.
- Alexandre Ekierman Park Avenue spoke against the dispensary in the Village.
- Greg Khitrov Mount View Ave. agreed with everyone that is against the dispensary and since we are off the thruway this will also bring in additional traffic we we open a dispensary. Not something that he advocates for.
- Victoria Paroder Mount View Ave. stated that she is strongly opposed to this local law.
- Rachel Zaffrann Western Drive stated that we should opt out at this point. This will pose a lot of risk to the community.
- Piet Quackenbush Northfield spoke against a dispensary and would not be good for the community.
- Eda Kapsis Victoria Road feels that a lot of what she is hearing in resolutions and earlier comments are anchored into the Village's comprehensive plan. The Comprehensive Plan included extensive commentary from the community and a cannabis dispensary does not fit with what the community called for.

7. OLD BUSINESS:

7.1 Consider a Resolution to Revise Chapter 173 Streets and Sidewalks of the Code of the Village of Ardsley

Moved by Trustee D'Emilio, Seconded by Trustee Edelstein and passed unanimously.
BE IT RESOLVED that the Village Board of the Village of Ardsley hereby revises chapter 173 Streets & Sidewalks in the Village Code as listed below. (The deleted text is in ~~striketrough~~ and the new text is underscored)

§ 173-32 Openings on streets and sidewalks restricted.

It shall be unlawful for any person, firm, company or corporation to make or cause to be made any excavation (hereinafter referred to as an "opening") in or under any street, sidewalk or public place or any portion thereof, whether paved or otherwise, in the Village of Ardsley, for any purpose whatsoever, except upon compliance with the provisions of this chapter and the obtaining of a permit and the payment of a fee therefor as hereinafter provided for.

§ 173-33 Application to be filed; permit.

At least 24 hours prior to commencement of work, any person or authorized representative of any firm, company or corporation, desirous of making any opening, shall file with the Village Clerk an application, in writing, for a permit for such opening on an application blank containing such information as the ~~Board of Trustees~~**General Foreman** shall specify. A sketch showing the location, dimensions and character of the opening shall accompany the application.

§ 173-34 Excavations and restoration.

[Added 7-2-2001 by L.L. No. 2-2001]

A. Methods.

(1) All excavations, including temporary and permanent work, within any street shall be performed in accordance with the specifications contained in § **173-41**, or in a manner as prescribed by the ~~Superintendent of Public Works~~**General Foreman** for circumstances not covered by the specifications.

(2) The permittee shall make every effort to keep the amount of pavement damage to a minimum. The pavement damaged in the course of performing the work shall be restored by the permittee, as its own expense, or, in the discretion of the ~~Director of Public Works~~**General Foreman** by the village at the expense of the permittee. Backfilling and compaction of excavations shall be performed by the permittee so that the least possible subsequent settling will occur and as soon as practicable. Before backfilling, the permittee shall notify the ~~Superintendent of Public Works~~**General Foreman** allowing adequate time as determined by the ~~Superintendent of Public Works~~**General Foreman** for inspection, particularly in the area of existing underground utilities. If, after permanent pavement restoration, settlement occurs due to failure of the backfill, the village shall again restore the damaged areas at the expense of the permittee.

(3) Immediately upon the completion of proper backfilling, the permittee shall construct temporary pavement. All temporary pavement shall be installed at a thickness of three inches. The surface of the temporary pavement shall not exceed above or lie below the surface of the adjacent permanent pavement and shall be reasonably smooth. The permittee shall be responsible for the proper placement and maintenance of the temporary pavement and shall keep the temporary pavement level with the surface of the surrounding permanent pavement and in proper repair and condition until such time as permanent pavement restoration is completed.

(4) In any case, upon notice from the ~~Superintendent of Public Works~~, General Foreman, the permittee, at its expense, shall immediately make such temporary repairs and take such corrective and protective measures to the work as directed by the ~~Superintendent of Public Works~~. **General Foreman.**

B. Responsibilities of permittee.

(1) It shall be the responsibility of the permittee to perform the necessary restoration beyond the limits of the pavement, which shall include but not be limited to restoration of lawns, shrubs, gardens, curbing, sidewalks, fences, walls, etc, to a condition as good or better as that which existed prior to pavement work or restoration.

(2) Upon completion of the permanent repairs outside the limits of the pavement, the permittee shall notify the ~~Superintendent of Public Works~~, **General Foreman** in writing, that the permanent repair or replacement has been completed, setting forth the date of completion. The permittee shall, and has the duty and responsibility to, maintain the

replacement area for a period of one year after completion. In any case, upon notice from the ~~Superintendent of Public Works~~ **General Foreman** within said one-year period, the permittee, at its expense, shall immediately make such repair or replacement and take such protective measures to the work as ordered by the ~~Superintendent~~ **General Foreman**.

C. Correction by village at expense of permittee. In any case where the permittee does not timely and properly maintain or repair any temporary or replacement pavement as provided in § 173-34, Excavations and restoration, or does not timely and properly maintain, repair or replace, restore or reestablish any non-paved area disturbed by the excavation work or take such protective measures with respect to any pavement as required by the ~~Superintendent of Public Works~~, **General Foreman** the ~~Superintendent~~**Foreman** may perform said maintenance or make said repairs or replacements or take such protective measures. The cost thereof shall be charged to the permittee by the village, with a minimum charge of \$100 per incident.

§ 173-34.1 Deposit required.

[Amended 6-3-1974; 5-2-1994 by L.L. No. 2-1994; 8-6-2007]

Prior to the issuance of a permit, the applicant shall deposit with the village a sum of money in cash or certified check sufficient to reimburse the village for all expenses which may be incurred by it in restoring the disturbed surface of the street or other area opened. No part of such deposit shall be returned to the applicant until at least 90 days after the final inspection prescribed by § 173-40 of this article. The amount of such deposit shall be computed as follows:

A. Concrete, macadam, brick or other hard-surfaced road, sidewalk or public area: \$10 per square foot of opening; minimum deposit: \$1,000.

B. Gravel, dirt or other surface: \$5 per square foot of opening; minimum deposit: \$750.

C. In the event that more than one type of surface is to be excavated, the deposit shall be based on the square footage of each type of surface, and the minimum deposit shall be \$1,000.

§ 173-35 Exceptions to deposit.

A public service corporation may, in lieu of making deposits required pursuant to § 173-34.1, file and keep on file with the village:

A. A performance bond in the amount of \$10,000, approved by the ~~Board of Trustees~~**Village Attorney** as to form, sufficiency and manner of execution, as security to the village that said public service corporation shall properly restore any and all streets, sidewalks or public places in which it shall make an opening, and this shall include trees, grass, shrubbery and/or any other plantings, to a permanent condition, and shall keep every portion of such restoral work in perfect order and repair during the entire period of maintenance and shall faithfully comply with all the provisions of this article and any amendments hereto and with all the provisions of all permits issued to it under this article and any amendments hereto; and

B. An agreement by said public service corporation, approved by the ~~Board of Trustees~~**Village Attorney** as to form, sufficiency and manner of execution, to indemnify and save harmless the village from and against any and all claims, demands, suits, actions, proceedings, losses, injuries, damage and costs of every name and description in any way arising out of or resulting from any act or omission on the part of said public service corporation under any permit issued to it under this article or from any negligence or fault

of said public service corporation, its contractors, agents, servants or employees, in connection with sidewalks, curb or driveway work or repairs or street openings or any work related thereto.

§ 173-36 Fees.

[Amended 6-3-1974]

A. A fee as indicated in Ch. **A210**, Fees, shall accompany each application for a street opening permit. This fee shall be retained by the village to cover cost of issuing the permit and any inspections required. **[Amended 12-19-1988 by L.L. No. 7-1988]**

B. Any public service corporation electing pursuant to the provisions of § **173-35** to file and keep on file a performance bond and indemnity agreement, in lieu of making the deposits required pursuant to § **173-34.1**, shall nevertheless pay with each application by it for a street opening permit the same fee as would be payable hereunder for such permit, if such public service corporation had elected to make the deposit required pursuant to § **173-34.1**, and the fees so paid shall be retained by the village as herein provided.

§ 173-37 Emergency street openings.

A. Any public service corporation may be entitled to commence street opening work of an emergency nature, provided that, if the ~~office~~**offices** of the Village of Ardsley is **are** closed, the Police Department shall be notified and application for such permit shall be made in the same manner outlined herein before the close of business hours for the first working day following the date of the emergency opening.

B. Street openings for the sole purpose of making original installations or connections will under no circumstances be classed as emergency work.

§ 173-38 Expiration of permit.

[Amended 11-18-2013 by L.L. No. 6-2013]

Each permit, or renewal thereof, shall expire 45 days following the issuance thereof and may be renewed upon written application to the Village Clerk and payment of an additional fee in the amount prescribed by § **173-36**.

§ 173-39 Certificate of insurance.

[Amended 1-17-1977 by L.L. No. 1-1977]

A. No permit shall be issued until applicant has filed with the Village Clerk a certificate of insurance from a company authorized to do business in the State of New York, certifying that the applicant has in full force and effect public liability insurance to indemnify and protect the village against any loss, damage or injury which might be incurred by reason of such street excavation or performance of the work incidental thereto. Such certificates of insurance shall state that the Village of Ardsley shall be notified of any intent to cancel in any manner the policy referred to or of any change in the terms of the policy or limits thereof. Limits of liability of said insurance shall be not less than the following; **[Amended 8-1-1988 by L.L. No. 4-1988]**

(1) Bodily injury damage: \$1,000,000 for any one person and \$1,000,000 for any one accident.

(2) Property damage: \$1,000,000 for any one accident.

B. Such insurance shall remain in force and effect and the operations covered thereunder shall not be deemed completed until at least 90 days after completion of the work hereinafter prescribed by § **173-40** of this article.

C. A public service corporation electing, pursuant to § 173-35, to file and keep on file a performance bond and indemnity agreement may file with the Village Clerk in lieu of a certificate of insurance a certificate that such corporation is a self-insurer.

§ 173-40 Compliance required.

The owner(s) of the property benefited and the person, firm, company or corporation executing the work shall comply with the following;

A. Proper lighting, barricading, reflectors, signs and watchmen shall be provided to the extent necessary to protect the public, **as determined by the Chief of Police and/or General Foreman.**

B. Gutters shall be kept clear to that free flow of water is permitted.

C. All work under the permit shall be pursued diligently and continuously until completed.

D. Not more than 1/2 of the paved width of any street shall be closed to traffic at one time.

E. The size of the opening shall not exceed that for which the permit was issued without first amending the permit as issued.

F. After backfilling openings which have been sheathed, the sheathing shall be left in place and cut down one foot below grade.

G. No tunneling or undercutting is permitted.

H. Openings shall be carefully backfilled with clean earth deposited in four-inch layers and tamped. Frozen earth or stones over six inches shall not be used in backfill. All shall be left in condition safe for travel by the public without hazard. It shall be the responsibility of the applicant to maintain the proper amount of backfilling openings for a period of 90 days after completion of the original backfillings.

I. Pavement shall be restored or rebuilt to a permanent condition.

J. All work done under the permit is subject to the inspection and approval of such persons as the ~~Board of Trustees~~ **Village Manager** may from time to time appoint. The applicant shall notify the Village Clerk when all work prescribed herein is completed, and thereafter a final inspection shall be conducted by a person designated by the ~~Board of Trustees~~ **Village Manager**.

§ 173-41 Specifications.

[Added 7-2-2001 by L.L. No. 2-2001]

The street opening work and the final restoration shall be performed in accordance with specifications approved by the Superintendent of Public Works, which shall include the following minimum specifications:

A. The trench shall be filled with K-Krete, when beneath the paved portion of the street.

B. If a new patch occurs where there is an existing patch, the entire existing patch shall be removed and replaced.

~~C. If the patch falls within 18 inches of the curb or pavement edge, the patch shall extend to the curb or pavement edge.~~

~~D.~~ C. The final patch shall have a crown.

~~E.~~ D. No digging shall start on a Saturday, Sunday or holiday, except in an emergency.

~~F.~~ E. Concrete. If the street is concrete, the patch shall be concrete. The concrete shall be saw-cut to establish a clean, smooth surface. The existing concrete shall be drilled and

doweled to a twelve-inch depth, and the dowel shall be two feet on center. The seam between the new and existing concrete shall be tack coated with tar.

G. F.Asphalt. If the street is asphalt, the patch shall be asphalt. The existing asphalt shall be saw-cut to a depth two inches and shall be 12 inches wider than the trench. A binder course of 4-1/24 inches and a top course of 1-1/22 inches shall be required. The seam between the new and existing asphalt cut tack coated shall be sealed with tar.

Subsection to F

1. Work in roadways paved more than ten (10) years prior. Single service or excavation only disturbing one lane shall be paved a minimum of ten (10) feet from the edge of the trench in each direction of the road and from the curb, or edge of road, to the centerline of the roadway. Multiple services or excavations in one lane that are needed within sixty (60) feet of each other, the restoration required shall extend ten (10) feet outside the far excavations and from the curb, or edge of road, to the centerline of the roadway. Services or excavations that disturb both lanes, or extend over 50 feet in one lane, shall be paved a minimum of ten (10) feet outside the excavation on each side, and from curb to curb, or edge of road to edge of road.

2. Work in roadways paved within previous ten (10) years. Single or multiple services, or excavations within sixty (60) feet of each other, shall be paved a minimum of ten (10) feet outside the excavation on each side, and from curb to curb, or edge of road to edge of road.

3. A restoration plan may be required based upon the proposed improvements. Segmenting the restoration of roadways in a non-contiguous manner should be avoided and will be at the discretion of the General Foreman.

H.— If a pipeline or utility installation shall disturb more than 50% of the road width, the entire road width shall be resurfaced.

I.-G. All work shall be performed in a good and workmanlike manner, satisfactory to the Superintendent of Public Works. **General Foreman**

J. H. All street openings and work areas shall be provided with warning signs, barricades and lighting as necessary for public safety and in conformance with applicable provisions of the State of New York Department of Transportation Manual of Uniform Traffic Control Devices.

K. I. All street openings and work areas shall be provided with warning signs, barricades and lighting as necessary for public safety and in conformance with applicable provisions of the State of New York Department of Transportation Manual of Uniform Traffic Devices.
§ 173-42 Noncompliance.

If an applicant fails to comply with any of the provisions of § **173-40** and the village backfills or restores the pavement to a permanent condition, the applicant shall pay for the cost of such work, such pavement to be deducted from the amount deposited pursuant to § **173-34.1** hereof, the balance, if any, being refunded to the applicant. In the case of a public service corporation which has elected, in lieu of making deposits, to file and keep on file a bond and indemnity agreement pursuant to § **173-35**, the cost of such work shall be paid directly by the corporation and, if not so paid, shall be collected under the bond.

§ 173-42.1 Penalties for offenses.

[Amended 12-19-1988 by L.L. No. 7-1988]

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

8. NEW BUSINESS:

- 8.1 Consider a Resolution Authorizing the Village Mayor to Execute a Collective Bargaining Agreement with the Terms of the CBA and MOA

Moved by Trustee Edelstein, Seconded by Trustee D'Emilio and passed unanimously.
WHEREAS,

the Village of Ardsley ("Village") and Ardsley Policemen's Benevolent Association, Inc. ("PBA") engaged in good-faith negotiations to arrive at a successor agreement to their collective bargaining agreement for the period June 1, 2010 – May 31, 2017, as continued and modified by an Interest Arbitration Award for the period June 1, 2017 – May 31, 2019; and

WHEREAS, the Village and PBA arrived at a successor agreement in the form of the attached Memorandum of Agreement executed on May 13, 2021 ("MOA"); and

WHEREAS, the Village has been notified that the MOA was successfully ratified by the PBA membership,

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees hereby approves and ratifies the attached MOA executed by the Village and PBA on May 13, 2021, including all terms set forth therein.

BE IT FURTHER RESOLVED that the Village Mayor is hereby authorized to execute a collective bargaining agreement consistent with the terms of the CBA and MOA when such document has been prepared and finalized.

- 8.2 Consider a Resolution to Approve the Ardsley Historical Society's Request to Install an Historical Marker

Moved by Trustee Weitz, Seconded by Trustee DiJusto and passed unanimously.
RESOLVED that the Village Board of the Village of Ardsley hereby approves the Ardsley Historical Society's request to install an historical marker on the west side of Elm Street near the entrance to the South County Trailway, with such installation subject to final placement by the Village and dependent on the Historical Society's successful receipt of grant funding for such marker.

8.3 Consider a Resolution to Approve Police Department Rules and Regulations

This Resolution was TABLED WHEREAS the Ardsley Police Department has been developing comprehensive updates to departmental rules and regulations in an effort to obtain New York State accreditation; and

WHEREAS, the Village of Ardsley Labor Counsel has reviewed such updates; and

WHEREAS, the Village Board of the Village of Ardsley has been given a copy of the complete documents, and

WHEREAS, the Village Manager recommends that the Village Board of the Village of Ardsley approves such rules and regulations so that the New York State Accreditation process can begin.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Ardsley hereby approves the Police Department rules and regulations completed in May, 2021 in order for the Police Department to move forward with the accreditation process.

8.4 Consider a Resolution Awarding Contract for 2021 Joint Road Milling & Resurfacing

Moved by Trustee DiJusto, Seconded by Trustee Weitz and passed unanimously.
WHEREAS

the Village of Ardsley is in a cooperative relationship with the Villages of Irvington, Dobbs Ferry, Elmsford, Hastings and Tarrytown, and Irvington has solicited bids for the milling and resurfacing of various streets in the Village of Ardsley and partner municipalities referenced above; and

WHEREAS, a public notice for this project bid was duly advertised in an official newspaper April 20, 2021; and

WHEREAS, at 11:00 A.M., on May 6, 2021 at Irvington Village Hall all bids received were opened as summarized below; and

<u>CONTRACTOR</u>	<u>Bituminous Top Course (per ton)</u>	<u>Cold Milling & Removal of Bituminous Pavement (per square yard)</u>	<u>TOTAL BASE BID</u>
Montesano Brothers Inc. 76 Plain Avenue New Rochelle, NY 10801	\$129.50	\$7.00	\$1,802,068.28

PCI Industries Corp. 550 Franklin Avenue Mount Vernon, NY 10550	\$126.90	\$6.90	\$1,826,963.40
Waters Construction Company 300 Bostwick Avenue Bridgeport, CT 06605	\$131.00	\$6.00	\$1,923,191.00
Morano Brothers Corporation 2045 Albany Post Road Croton-on-Hudson, NY 10520	\$135.00	\$6.10	\$1,927,903.10
ELQ Industries Inc. 567 Fifth Avenue New Rochelle, NY 10801	\$131.30	\$7.60	\$2,013,254.10

WHEREAS, the Irvington Village Administrator and the engineers for the project reviewed the bids submitted and determined that the lowest bidder is in order and responsive to the specifications; and

WHEREAS, following the unit values bid in the contract and the extended totals based upon the Engineer's estimates of the work to be performed in the Village of Ardsley the value of work is \$1,027,869.33 with the balance of the contract value for work apportioned to the Villages of Irvington, Dobbs Ferry, Elmsford, Hastings, and Tarrytown, collectively summing to \$774,198.95; and

WHEREAS, in accordance with the contract, each partner municipality will separately authorize the Contract and be responsible for payment of services performed within their respective municipality directly to the contractor;

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Ardsley hereby awards the contract, for the work to be performed for the 2021 Milling and Resurfacing on various streets in the Village of Ardsley to Montesano Brothers Inc. in accordance with their Unit Prices contained in their Bid of May 6, 2021 for the work to be performed within the Village of Ardsley and the other Villages and to authorize the Village Manager to execute said contract.

9. JUNETEENTH PROCLAMATION

9.1 Mayor Kaboolian read the following proclamation

JUNETEENTH PROCLAMATION

WHEREAS, our country is made up of people from every nation on earth, who are declared equal not only in freedom but also in justice, both of which are essential for a healthy human civilization; and

WHEREAS, our nation was conceived on July 4th, 1776 with the Declaration of Independence, the classic statement being: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness"; and

WHEREAS, on January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, which declared "that all persons held as slaves" within the Confederate states "are, and henceforward shall be free" and "that the Executive

government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons”; and

WHEREAS, the Emancipation Proclamation had little impact on the Texans due to the minimal number of Union troops to enforce the new Executive Order; and

WHEREAS, on April 9, 1865, almost two years after the Emancipation Proclamation was issued, Robert E. Lee surrendered to Lieutenant General Ulysses S. Grant at Appomattox Court House; and

WHEREAS, on June 19, 1865, two years after the Emancipation Proclamation was issued, Union troops led by Major General Gordon Granger arrived at Galveston, Texas, and were finally strong enough to influence and overcome the resistance and deliver the news that the Civil War had ended, and that enslaved Africans were free; and

WHEREAS, upon his arrival in Texas, Major General Granger issued General Order Number 3 which stated “[t]he people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves.”; and

WHEREAS, although Juneteenth is thought of as “the end of slavery”, emancipation for those enslaved in two Union border states (Delaware and Kentucky), would not come until several months later, on December 18, 1865, when ratification of the Thirteenth Amendment to the Constitution which formerly abolished slavery in the United States was announced; and

WHEREAS, Juneteenth is the oldest nationally celebrated commemoration of the ending of slavery in the United States. On June 19, 1865, Union Major General Gordon Granger rode into Galveston, Texas to announce that the Civil War had ended, and slaves had been freed; and

WHEREAS, Juneteenth is a combination of “June” and “nineteenth,” in honor of the day that Major General Gordon Granger announced the abolition of slavery in Texas. The holiday is also known as Freedom Day or Emancipation Day; and

WHEREAS, the vestiges of slavery and racism still permeate throughout New York State, and the United States, and are represented in names of places and monuments; and

WHEREAS, the Black Lives Matter movement challenges us to reexamine our core values as a village, state, and nation, and to ensure freedom, liberation, and justice; and

WHEREAS, it is necessary for our entire Village, State and Country to be aware of the importance of this holiday to our Black neighbors; and

NOW, THEREFORE, I, Nancy Kaboolian, Mayor of the Village of Ardsley, recognize Juneteenth in the Village of Ardsley as a testament to freedom, liberation, and justice, and a day where Black life, Black history, and Black culture is honored and celebrated.

10. CALL FOR EXECUTIVE SESSION-PERSONNEL & LEGAL MATTERS

11. ADJOURNMENT OF MEETING

11.1 Adjournment

Moved by Trustee D'Emilio, Seconded by Trustee Edelstein and passed unanimously. RESOLVED that the Village Board of the Village of Ardsley Hereby adjourns the regular meeting of Monday, June 6, 2021 at 9:06 p.m.

12. NEXT WORKSESSION June 9, 2021

13. NEXT BOARD MEETING: June 21, 2021

14. JUNETEENTH PROCLAMATION

Village Clerk, Ann Marie Rocco

Date: