



MINUTES

Ardsley Village Board of Trustees

8:00 PM - Monday, November 7, 2022

In Person At

Village Hall -Court Facility

507 Ashford Avenue-Ardsley, New York

Present: Mayor	Nancy Kaboolian
Deputy Mayor/Trustee	Andy DiJusto
Trustee	Asha Bencosme
Trustee	Steve Edelstein
Trustee	Craig Weitz
Village Manager	Joseph Cerretani
Village Clerk	Ann Marie Rocco
Village Attorney	Robert J. Ponzini

Absent:

1. PLEDGE OF ALLEGIANCE & ROLL CALL Mayor Kaboolian called to order the Regular Meeting at 8:00 P.M.

Roll Call:

Mayor Nancy Kaboolian

Deputy Mayor/Trustee Andy DiJusto

Trustee Asha Bencosme

Trustee Steve Edelstein

Trustee Craig Weitz

2. CONTINUATION OF PUBLIC HEARING In the Matter of Discussing Chapter 81 Entitled "Community Choice Aggregation (Energy) Program" of the Ardsley Village Code

- 2.1 Mayor Kaboolian opened the Continuation of the Public Hearing at 8:00 p.m. in the matter of amending Chapter 81 Entitled "Community Choice Aggregation (Energy) Program" of the Ardsley Village Code.

Mr. Leo Wiegman Director of Solar Programs from Sustainable Westchester was present to discuss the changes to the code to offer the solar credits. Mr. Wiegman explained that they have not heard back from the NYS Public Service Commission and we are not sure what the timing is of this decision.

Mayor Kaboolian questioned if they anticipate any changes in the language?

Mr. Wiegman does not anticipate drastic changes will likely allow energy aggregation programs to offer opt out solar credits and not electric supply. We are trying to take the next step to explain to the Service Commission that municipalities have adopted a local law.

Trustee DiJusto was also concerned that there will be more changes after the adoption.

Trustee Bencosme stated that she feels comfortable moving forward with this law in it's current form. This enables us to include other energy resources to our community.

Trustee Edelstein question if there has been changes in the language from the initial draft?

Mr. Wiegman explained there weren't any changes.

Mayor Kaboolian suggested the resolution be adopted and to keep track of what the Public Service Commission decides going forward. All members of the Board were in agreement.

**Moved by Trustee Bencosme, Seconded by Trustee Edelstein and passed unanimously.
Carried by the following votes: 5-0-0**

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Edelstein

Nays: None

Abstained: None RESOLVED, that this public hearing be closed in the matter of amending Chapter 81 Entitled "Community Choice Aggregation (Energy) Program" of the Ardsley Village Code at 8:32 p.m.

3. ANNOUNCEMENT OF EXIT SIGNS

4. APPROVAL OF MINUTES:

- 4.1 Board of Trustees Regular Meeting Minutes October 17, 2022

**Moved by Trustee DiJusto, Seconded by Trustee Edelstein and passed unanimously.
Carried by the following votes: 3-0-2**

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Edelstein

Nays: None

Abstained: Trustee Bencosme, Trustee Weitz RESOLVED, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of October 17, 2022 as submitted.

5. DEPARTMENT REPORTS

1. LEGAL

- 1.a Village Attorney Robert J. Ponzini stated he had nothing to report other than those items that may have been submitted in memorandum form and would be available for Executive Session after the meeting if needed.

2. MANAGER

- 2.a Village Manager Joseph Cerretani read the following report:

Election Day: Tomorrow, Tuesday, November 8, 2022 is Election Day. All Village Offices will be open.

Veteran's Day: All Village Offices, including the Library, Community Center, Court and the Department of Public Works will be **CLOSED** on Friday, November 11, 2022 in observance of Veterans Day.

Recycle & Refuse Schedule is as follows:

- Wednesday November 9th all recyclables including newspaper, cardboard, junk mail, office paper, bulk mail & e-waste, commingle glass, metal & plastic will be collected.
- Thursday, November 10th there will be Village-wide refuse collection
- Friday, November 11th there will be no refuse collection

Audio Visual Equipment in Village Hall: We had a significant delay in the project due to supply chain issues, but we're happy to report that we've finally made it this far. We are still working to finalize the remaining pieces of the project with respect to training and implementation of the Zoom integration and operating a hybrid meeting, as well as working out the new broadcasting and streaming capabilities. Special thanks to Larry Tomasso and Ann Marie Rocco who have helped out throughout the project, David DiGregorio and the DPW for their help and support during construction, and George Malone who has fostered this project through from its inception to where we are today. We are looking forward to continuing to develop our capabilities with the new system.

Curbing: Curbing work is fully underway and the contractor will continue to work as long as the plants remain open and operational. Any work leftover will be completed in spring. We encourage residents to sign up for Nixle alerts for any road closures or changes to traffic patterns.

Sewer Line Camera Work: We had some delays in getting the contractor deployed due to unforeseen circumstances, the Fred Cook will be on site this week to prepare for the closed circuit television work of the sewer lines, and may begin jetting sewer lines by the end of this week. The project should be in full swing next week. We do not anticipate any impact to traffic patterns, but we encourage residents to sign up for Nixle alerts just in case. We expect this leg of the camera work (approximately 1/3 of our system) to be complete by the end of the calendar year.

Welcoming New Staff: We would like to welcome Edkeem Jones-VanHook to the Village staff as the new Assistant Court Clerk. His first day with the Village was today and we wish him the best in his new position.

3. TREASURER

3.a November 7, 2022 Abstract Report

Village Manager Cerretani read the November 7, 2022 Abstract Report as follows:

From the General Fund: \$235,660.58 from the Trust & Agency Fund: \$4,081.47 and from the Capital Fund: \$796,865.70, Sewer Fund: \$1,000.00.

**Moved by Trustee Weitz, Seconded by Trustee DiJusto and passed unanimously.
Carried by the following votes: 5-0-0**

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Edelstein, Trustee Bencosme and Trustee Weitz

Nays: None

Abstained: None RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the General Fund: \$235,660.58 from the Trust & Agency Fund: \$4,081.47 and from the Capital Fund: \$796,865.70 Sewer Fund: \$1,000.00.

4. BUILDING No Building Department Report

5. FIRE No Fire Department Report

6. POLICE No Police Department Report

7. MAYOR'S ANNOUNCEMENTS

7.a Mayor Kaboolian announced the following:

- Attended the Arbor Day Event on October 22nd
- Attended the Historical Society event for the dedication of the historical plaque on October 22nd
- Attended Diwali Celebration event on October 22nd.. Thanked Multicultural, Highway, Police, Recreation for all the planning. Thanked Trustee Edelstein for all his hard work on this event.
- Attended Mayor's Climate roundtable on October 27th.
- Attended Ardsley Cares Day on October 29th which was a very successful event. Thanked Trustee Edelstein for planting all the bulbs.
- Attended Trunk & Treat on October 29th. This event was very well attended. Thanked Recreation Supervisor Trish Lacy and the Recreation Department for all their hard work.
- Reminded Residents that November 8th is Election Day and encouraged all to Vote!
- Sky Gazing with the Ardsley Police Department 6:30 pm to 8:00 pm will be on November 16th at McDowell Park.

8. COMMITTEE & BOARD REPORTS

8.a Trustee DiJusto announced the following:

- Reminded residents to get out to Vote tomorrow!
- Traffic Committee is working on a presentation at our November 21st Board Meeting. The topic will be the Slow Down Ardsley Campaign.

Trustee Weitz announced the following:

- November 18th Ardsley Recreation Commission is hosting Friday Night Field Night!-Under the Lights at McDowell Park -Field 1 from 4pm-6:15. Field Games, GAGA Ball, Music DJ, Pizza Food Truck.
- Also brought attention to the Village Manager and Board that we should be monitoring our Recreation Department and the use of our fields and fees.

Trustee Bencosme announced the following:

- Multicultural Committee will be hosting community conversation event on Thursday, November 10th from 6:30pm-9pm.

Trustee Edelstein announced the following:

- Pollinator Pathways is hosting a Kid's Monarch Butterfly event on November 9th at 7:30 pm at the Ardsley Public Library.
- Pollinator Pathways Lawn Rewilding a Suburban Yard Part 1-Zoom event. on November 9th from 7:30-8:45pm.

6. OLD BUSINESS:

- 6.1 Consider a Resolution to Amend Chapter 81 Entitled "Community Choice Aggregation (Energy) Program" of the Ardsley Village Code

**Moved by Trustee Bencosme, Seconded by Trustee Edelstein and passed unanimously.
Carried by the following votes:5-0-0**

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Edelstein, Trustee Bencosme, Trustee Weitz

Nays: None

Abstained: None RESOLVED, that the Village Board of the Village of Ardsley hereby repeals and replaces Chapter 81 entitled "Community Choice Aggregation (Energy) Program" of the Ardsley Village Code as follows:

LOCAL LAW NO. 6 of 2022

A LOCAL LAW TO AMEND ITS COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM IN THE Village of Ardsley

Be it enacted by the Board of Trustees of Village of Ardsley as follows:

Section 1. Chapter 81 of the Code of the Village of Ardsley titled "Community Choice Aggregation (Energy) Program," is hereby amended to read as follows:

ARTICLE I

§1. Legislative findings; intent and purpose; authority.

A. It is the policy of both the Village of Ardsley and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for Eligible Customers in those markets. Among the policies and models that may offer benefits in New York is community choice aggregation ("CCA"), which allows local governments to procure electric and natural gas supply on behalf of its Eligible Customers.

B. The purpose of this CCA Program is to allow participating local governments including Village of Ardsley to procure Energy Services, such as energy supply and Community Distributed Generation (CDG) Credits, for their Eligible Customers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program that will allow the Village of Ardsley to put out Energy Services for bid. Eligible Customers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.

C. The Village of Ardsley is authorized to implement this Community Choice Aggregation (Energy) Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 20, 2016, hereinafter the CCA Framework Order).

D. This Chapter shall be known and may be cited as the “Community Choice Aggregation (Energy) Program Law of the *Village of Ardsley*”.

§2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings set forth below, or if not so defined, as employed in the State of New York Public Service Commission’s Uniform Business Practices:

Community Choice Aggregation Program (or “CCA Program”): A municipal energy procurement program that replaces the incumbent utility as the default electric and/or gas Supplier for all Opt-out Eligible Customers within the *Village of Ardsley*. The CCA Program may include Community Distributed Generation Credits on an opt-out basis and other DER offerings on an opt-in basis.

Community Distributed Generation (or “CDG”): Community shared renewables program expanding customer access to the environmental and system benefits of qualifying renewable project generation located behind a non-residential host meter based on remotely sharing net metering or VDER monetary credits through a monetary credit applied to the utility bills of Participating Customers.

Community Distributed Generation Credits (or “CDG Credits”): The monetary credit applied to the utility bills of Participating Customers through the CDG program.

Customers:

Eligible Customers: Customers of electricity and/or natural gas eligible to participate in CCA, either on an Opt-out or Opt-in basis, as delineated in the CCA Framework Order.

Opt-out Eligible Customers: Eligible Customers that are eligible for opt-out treatment as delineated in the CCA Framework Order.

Participating Customers: Opt-out eligible customers who have been enrolled subsequent to the opt-out process and other customers who have opted in.

Customer-specific Data: Utility data for all Opt-out Eligible Customers including account holder name, service address, primary language, if available, any customer-specific alternate billing name and/or address, and other relevant, authorized data.

Distributed Energy Resources (or “DER”): Reforming the Energy Vision (REV) initiatives that further engage and/or reduce cost of service for participating consumers, optimize system benefits, and/or address infrastructure and demand challenges within the geography of the CCA including, but not limited to, local renewable energy projects, Community Distributed Generation, peak demand management, energy efficiency, demand response, energy storage, community resilience microgrid projects, and other innovative initiatives.

Distribution Utility: Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.

Energy Services: The provision of energy supply as electric power and/or natural gas or the provision of DER offerings.

Public Service Commission (or “PSC”): New York State Public Service Commission.

Suppliers: Energy service companies (ESCOs) and/or DER providers and/or other entities with authority to provide Energy Services for Participating Customers in connection with this Chapter.

Sustainable Westchester, Inc. (or “Sustainable Westchester”): A not-for-profit organization comprised of member municipalities in Westchester County, New York.

Value of Distributed Energy Resources (or “VDER”): REV proceeding (Case 15-E-0751) that replaces the net metering program with a weighted value stack tariff mechanism for accurately pricing Distributed Energy Resources on the grid as a reflection of their system value. Value stack components include the price of energy, capacity, avoided carbon emissions, cost savings to customers and utilities, demand reduction and locational relief. The goal of this proceeding is to increase DER penetration and benefits of DER installations.

§3. Establishment of a Community Choice Aggregation (Energy) Program.

A. A Community Choice Aggregation (Energy) Program is hereby established by the Village of Ardsley, whereby the Village of Ardsley shall work together with Sustainable Westchester to implement the CCA Program to the full extent permitted by the CCA Framework Order, as set forth more fully herein. The Village of Ardsley role under the CCA Program involves the aggregating of demand for energy of its Eligible Customers and the entering into contracts for Energy Services. Under the CCA Program, the operation and ownership of the utility service shall remain with the Distribution Utility.

B. The Village of Ardsley participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Village of Ardsley will not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of Participating Customers.

C. In order to implement the CCA Program, the Village of Ardsley will adopt one or more resolutions that outline the process of and conditions for participation in the CCA Program, including but not limited to signing a contract for a compliant bid with one or more Suppliers, all as consistent with the Local Law and the CCA Framework Order.

D. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating Suppliers, the operation by which Suppliers provide Energy Services and the terms on which customers may be enrolled with Suppliers.

§4. Procedures for Eligibility; Customer Data Sharing.

A. As permitted by the CCA Framework Order, the Village of Ardsley may request from the Distribution Utilities aggregated customer information by fuel type, service classification and other relevant, authorized data.

B. Sustainable Westchester, on behalf of the Village of Ardsley shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award one or more contracts in accordance with the CCA Program.

C. Sustainable Westchester or the Village of Ardsley, if the Village of Ardsley so chooses, will then request Customer-specific Data from the Distribution Utility in accordance with the CCA Program.

D. Sustainable Westchester or the Village of Ardsley, if the Village of Ardsley so chooses, and the selected Supplier(s) will then notify Opt-out Eligible Customers of the contract terms and opportunity to opt out of the CCA Program energy supply and/or CDG Credits.

E. In accordance with and for purposes of the CCA Framework Order, the Distribution Utility will provide to Sustainable Westchester Customer-specific Data (including usage data, capacity tag obligations, account numbers, and service addresses) of all Eligible Customers in the Village of Ardsley.

F. Sustainable Westchester and the Village of Ardsley will protect customer information as required by law, subject to the CCA Framework Order and the limitations of the New York State Freedom of Information Law.

§5. Choice of Energy Supplier; Opt-Out Notice and Procedure.

A. The Village of Ardsley will notify, or will cause notification of, its Opt-out Eligible Customers by letter notice of the Village of Ardsley establishing the CCA Program, of the contract terms with the Supplier, and of the opportunity to opt out of the CCA Program offerings.

B. The letter notice will be sent to each Opt-out Eligible Customer at the address provided by the Distribution Utility and explain the CCA Program and the material provisions of the Supplier contract, identify the methods by which the customer can opt out of the CCA Program, and provide information on how the customer can access additional information about the CCA Program.

C. The opt-out period shall be at least thirty (30) Days.

§6. Verification and Reporting.

A. Sustainable Westchester shall be responsible for filing an annual report with the Public Service Commission as required in the CCA Framework Order.

Section 2. This local law shall take effect upon filing with the Secretary of State.

7. NEW BUSINESS:

7.1 Consider a Resolution to Approve and Accept the Settlement of Sunshine Ardsley Corp. Section 6.50 Block 34 Lot 14, 495 Ashford Avenue

**Moved by Trustee Edelstein, Seconded by Trustee Bencosme and passed unanimously.
Carried by the following votes: 5-0-0**

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Edelstein, Trustee Bencosme and Trustee Weitz

Nays: None

Abstained: None WHEREAS, Sunshine Ardsley Corp. has commenced a proceeding in Supreme Court, Westchester County to challenge the assessments placed on his property for the tax years 2016, 2017, 2018 and 2019, 2020 and 2021, and

WHEREAS, the Village of Ardsley has contested those challenges and defended its assessment roll, and

WHEREAS, the Town of Greenburgh has defended these claims, having assumed the assessment function of the Village of Ardsley and will settle on behalf of the Town, and

WHEREAS, the Ardsley School District as intervenor will approve settlement on similar terms, and

WHEREAS, after consultation with the Village Attorney, the Town attorney and Special Counsel for the Ardsley School District, and in light of the recommended settlement by the Town and School District, the Village of Ardsley now believes that a settlement has been achieved which represents the best interests of the Village and its residents and resolves this lawsuit without the risk and cost of further litigation,

NOW THEREFORE BE IT RESOLVED, that the Village Attorney is authorized to execute a Consent Judgment settling that property's Assessment years as follows:

	Assessment	Reduction	New A/V
2016	\$ 851,300	151,300	700,000
2017	\$ 851,300	126,300	725,000
2018	\$ 851,300	101,300	750,000
2019	\$ 851,300	76,300	775,000
2020	\$ 851,300	51,300	800,000
2021	\$ 861,000	36,000	825,000

AND BE IT FURTHER RESOLVED, that the Village Treasurer is authorized to compute the final amount due on the foregoing Consent Judgement upon execution of all of the parties and "So Ordered" by the Court and to tender payment upon presentation without further resolution.

- 7.2 Consider a Resolution Authorizing the Village Manager to Execute An Agreement for Branding Services with Crafted New York for the Community Branding Initiative

**Moved by Trustee DiJusto, Seconded by Trustee Weitz and passed unanimously.
Carried by the following votes: 5-0-0**

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Edelstein, Trustee Bencosme and Trustee Weitz

Nays: None

Abstained: None RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to sign an agreement with Crafted New York with offices at 450 Lexington Avenue, 4th Floor, New York, NY 10017 for branding services effective October 17, 2022 through the completion of the work.

- 7.3 Consider a Resolution Authorizing Village Manager to Sign an Agreement for Grid Rewards Program with Energy Technology Savings, DBA Logical Buildings

**Moved by Trustee Weitz, Seconded by Trustee DiJusto and passed unanimously.
Carried by the following votes: 5-0-0**

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Edelstein, Trustee Bencosme and Trustee Weitz

Nays: None

Abstained: None RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to sign an agreement with Energy Technology Savings, Inc. DBA Logical Buildings for Grid Rewards Program effective May 1, 2023 through April 30, 2024.

7.4 Consider a Resolution to Amend Blood Borne Pathogens Policy

All members of the Board were in agreement to hold this over to a future meeting to get more clarification on this resolution and disclosure statement. WHEREAS, Village policies have not recently been updated; and

WHEREAS, updated policies are critical to effective Village operations; and

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Ardsley hereby amends the Blood Borne Pathogens policy effective immediately.

7.5 Consider a Resolution to Schedule a Public Hearing to Amend Chapter 180 Article II Entitled "Senior Citizens Tax Exemption" of the Ardsley Village Code

**Moved by Trustee Bencosme, Seconded by Trustee Edelstein and passed unanimously.
Carried by the following votes: 5-0-0**

Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Edelstein, Trustee Bencosme and Trustee Weitz

Nays: None

Abstained: None RESOLVED, that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, November 21, 2022 at 8:00 p.m. or soon thereafter to discuss amending Chapter 180 Article II entitled "Senior Citizens Tax Exemption" of the Ardsley Village code as follows:

Chapter 180, Article II Senior Citizens Tax

Note: Deleted text is in ~~highlighted strikethrough~~ and proposed text is in **bold underlined**

§180-16 Exemptions

Real property located within the Village of Ardsley and owned by one of more persons, each of whom is 65 years of age or over, or real property located within such Village and owned by husband and wife or siblings, one of whom is 65 years of age or over, shall be exempt from

taxation by the Village of Ardsley to a maximum extent of 50% of the assessed valuation thereof as provided in the following schedule:

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
More than \$24,000 but less than \$25,000	45%
\$25,000 or more but less than \$26,000	40%
\$26,000 or more but less than \$27,000	35%
\$27,000 or more but less than \$27,900	30%
\$27,900 or more but less than \$28,800	25%
\$28,800 or more but less than \$29,700	20%
\$29,700 or more but less than \$30,600	15%
\$30,600 or more but less than \$31,500	10%
\$31,500 or more but less than \$32,400	5%

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
<u>Up to \$50,000.00</u>	<u>50%</u>
<u>\$50,000.01 to \$50,000.99</u>	<u>45%</u>
<u>\$51,000.00 to \$51,999.99</u>	<u>40%</u>
<u>\$52,000.00 to \$52,999.99</u>	<u>35%</u>
<u>\$53,000.00 to \$53,899.99</u>	<u>30%</u>
<u>\$53,900.00 to \$54,799.99</u>	<u>25%</u>
<u>\$54,800.00 to \$55,699.99</u>	<u>20%</u>

<u>\$55,700.00 to \$56,599.99</u>	<u>15%</u>
<u>\$56,600.00 to \$57,499.99</u>	<u>10%</u>
<u>\$57,500.00 to \$58,399.99</u>	<u>5%</u>

[§ 180-17 Conditions for exemption.](#)

No exemptions shall be granted pursuant to this article:

[A.](#) If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of ~~\$26,899~~ **\$58,399.99**; provided, however, that "income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year; that where title is vested in either the husband or the wife, their combined income may not exceed such sum, except that where the husband or wife, or ex-husband or ex-wife, is absent from the property as provided in Subsection D(2) of this section, then only the income of the spouse or the exspouse residing on the property shall be considered and may not exceed such sum; and that such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or the exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same tax year, net rental income, salary or earnings and net income from self-employment, but shall not include a return of capital, gifts, inheritance or moneys earned through employment in the Federal Foster Grandparent Program, and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance compensation. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

[B.](#) Unless the owner shall have held an exemption under this section for his previous residence or unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 12 consecutive months prior to the date of making application for exemption; provided, however, that in the event of the death of either the husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or decent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor, and such ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months; and provided, further, that in the event of a transfer by either the husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purpose of computing such period of 12 consecutive months; and provided, further, that where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is

made for exemption, and such periods of ownership shall be deemed to be consecutive for the purposes of this section; and provided, further, that where a residence is sold and replaced within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by the Village of Ardsley; and provided, further, that where the owner or owners transfer title to the property which as of the date of transfer was exempt from taxation under the provisions of this article, the reacquisition of title by such owner or owners within nine months of the date of transfer shall be deemed to satisfy the requirement of this subsection that title of the property shall have been vested in the owner or one of the owners for such period of 12 consecutive months; and provided, further, that where, upon or subsequent to the death of an owner or owners, title to property which as of the date of such death was exempt from taxation under such provisions, becomes vested, by virtue of devise or decent from the deceased owner or owners, or by transfer by any other means within nine months after such death, solely in a person or persons who, at the time of such death, maintained such property as a primary residence, the requirement of this subsection that the title of the property shall have been vested in the owner or one of the owners for such period of 12 consecutive months shall be deemed satisfied.

[C.](#) Unless the property is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not so used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation, and the remaining portion only shall be entitled to the exemption provided by this article.

[D.](#) Unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property; except where (1) an owner is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in § 2801 of the Public Health Law, provided that any income accruing to that person shall only be income only to the extent that it exceeds the amount paid by such owner, spouse or co-owner for care in the facility, and provided, further, that during such confinement such property is not occupied by other than the spouse or co-owner of such property; or (2) the real property is owned by a husband and/or wife, or an ex-husband and/or an ex-wife, and either is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this section are met, provided that where an exemption was previously granted when both resided in the property, then the person remaining in the real property shall be 62 years of age or over.

[§ 180-17.1 Cooperative apartments.](#)

For the purpose of this article, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder. That portion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such

tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this article, and any exemption so granted shall be credited by the Village of Ardsley against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such tax otherwise payable by or chargeable to such tenant-stockholder.

§ 180-18 Application.

A. Application for such exemption must be made by the owner or all of the owners of the property on forms prescribed by the State Board to be furnished by the Ardsley Village Board of Tax Assessors and shall furnish the information and be executed in the manner required or prescribed in such forms and shall be filed in such Assessor's office on or before the appropriate taxable status date. Notwithstanding any other provision of law, any person otherwise qualifying under this article shall not be denied the exemption under this article if he becomes 65 years of age after the appropriate taxable status date and on or before December 31 of the same year.

B. Notwithstanding Subdivision 5 of § 467 of the Real Property Tax Law, an application for such exemption may be filed with the Assessor after the appropriate taxable status date, but not later than the last date on which a petition with respect to complaints of assessments may be filed, where failure to file a timely application results from death of the applicant's spouse, child, parent, brother or sister; or an illness of the applicant or of the applicant's spouse, child, parent, brother or sister which actually prevents the applicant from filing on a timely basis, as certified by a licensed physician. In such case, the Assessor shall approve or deny such application as if it had been filed on or before the taxable status date.

C. The Village Board of Tax Assessors is hereby authorized to accept applications for renewal of exemptions granted under this article after the taxable status date. In the event that the owner or all of the owners of property which have received an exemption pursuant to this article on the preceding assessment roll shall fail to file an application for renewal on or before the taxable status date, such owner or owners may file the application, executed as if such application had been filed on or before the taxable status date, with the Village Board of Tax Assessors on or before the date for the hearing of complaints.

D. Where a person who meets the requirement for an exemption pursuant to this article purchases property after the levy of taxes, such person may file an application for exemption to the Ardsley Village Assessor within 30 days of the transfer of title to such person. The Assessor shall make a determination of whether the person would have qualified for exempt status on the tax roll on which the taxes were levied had title to the parcel been in the name of the applicant on the taxable status date applicable to the tax roll. The application shall be on a form prescribed by the State Board. The Assessor, no later

than 30 days after receipt of such application, shall notify both the applicant and the Board of Assessment Review, by first class mail, of the exempt amount, if any, and the right of the owner to a review of the exempt amount upon the filing of a written complaint. Such complaint shall be on a form prescribed by the State Board and shall be filed with the Board of Assessment Review within 20 days of the mailing of this notice. If no complaint is received, the Board of Assessment Review shall so notify the Assessor, and the exempt amount determined by the Assessor shall be final. If the applicant files a complaint, the Board of Assessment Review shall schedule a time and a place for the hearing with respect thereto no later than 30 days after the mailing of the notice by the Assessor. The Board of Assessment Review shall meet and determine the exempt amount and shall immediately notify the Assessor and the applicant, by first class mail, of its determination. The amount of the exemption determined pursuant to this subsection shall be subject to review as provided in Article 7 of the Real Property Tax Law. Such a proceeding shall be commenced within 30 days of the mailing of the notice of the Board of Assessment Review to the new owner as provided in this subsection. Upon receipt of a determination of exempt amount as provided in this subsection, the Assessor shall determine the pro rata exemption to be credited toward such property by multiplying the tax rate for the Village of Ardsley on the appropriate tax roll used for the fiscal year or years during which the transfer occurred times the exempt amount, as determined pursuant to this subsection, times the fraction of each fiscal year or years remaining subsequent to the transfer of title. The Assessor shall immediately transmit a statement of the pro rata exemption to the applicant. The Village of Ardsley shall include an appropriation in its budget for the next fiscal year equal to the aggregate amount of such credits to be applied in that fiscal year. Where a parcel, the owner of which is entitled to a pro rata exemption credit, is subject to taxation in said next fiscal year, the receiver or collector shall apply the credit to reduce the amount of taxes owed for the parcel in such fiscal year. Pro rata exemption credits in excess of the amount of taxes, if any, owed for the parcel shall be paid by the Treasurer of the Village of Ardsley to all owners of property entitled to such credits within 30 days of the expiration of the warrant to collect taxes in said next fiscal year.

E. Where a person who meets the requirements for an exemption pursuant to this article purchases property after the taxable status date but prior to the levy of taxes, such person may file an application for an exemption to the Assessor within 30 days of the transfer of title to such person. The Assessor shall make a determination within 30 days after receipt of such application of whether the applicant would qualify for an exemption pursuant to this article on the assessment roll if title had been in the name of the applicant on the taxable status date applicable to such assessment roll. The application shall be made on a form prescribed by the State Board. If the Assessor's determination is made prior to the filing of the tentative assessment roll, the Assessor shall enter the exempt amount, if any, on the tentative assessment roll and, within 10 days after filing such roll, notify the applicant of the approval or denial of such exemption, the exempt amount, if any, and the applicant's right to review by the Board of Assessment Review. If the Assessor's determination is made after the filing of the tentative assessment roll, the Assessor shall petition the Board of Assessment Review to correct the tentative or final assessment roll in the manner provided in Title 3 of Article 5 of the Real Property Tax Law, with respect to the

unlawful entries, in the case of wholly exempt parcels, and with respect to clerical errors, in the case of partially exempt parcels, if the Assessor determines that an exemption should be granted and, within 10 days of petitioning the Board of Assessment Review, notify the applicant of the approval or denial of such exemption, the amount of such exemption, if any, and the applicant's right to administrative or judicial review of such determination pursuant to Article 5 or 7 of the Real Property Tax Law, respectively.

[E.](#) If, for any reason, a determination to exempt property from taxation as provided in Subsection [E](#) of this section is not entered on the final assessment roll, the Assessor shall petition the Board of Assessment Review to correct the final assessment roll.

[G.](#) If, for any reason, the pro rata tax credit as provided in Subsection [D](#) of this section is not extended against the tax roll immediately succeeding the fiscal year during which the transfer occurred, the Assessor shall immediately notify the Village of Ardsley of the amount of pro rata exemption credits for the year in which such transfer occurred.

[H.](#) If, for any reason, a determination to exempt property from taxation as provided in Subsection [E](#) of this section is not entered on the tax roll for the year immediately succeeding the fiscal year during which the transfer occurred, the Assessor shall determine the pro rata tax exemption credit for such tax roll by multiplying the tax rate for the Village of Ardsley by the exempt amount and shall immediately notify the Village of Ardsley of the pro rata exemption credits for such tax roll. The Village of Ardsley shall add such pro rata exemption credits for such property to any outstanding pro rata exemption amounts.

[I.](#) The Village of Ardsley shall notify, or cause to be notified, each person owning residential real property in the Village of Ardsley of the provisions of this article. This notice requirement may be met by notice or legend sent in or with each tax bill to such person reading "You may be eligible for a senior citizen tax exemption. Senior citizens have until, to apply for such exemptions. For information please call or write to the Village Clerk, at the Ardsley Village Hall, 507 Ashford Avenue, Ardsley, New York 10502, (914) 693-1550." Each cooperative apartment corporation shall notify each tenant-stockholder thereof in residence of such provisions as set forth herein. Failure to notify or cause to be notified any person who is, in fact, eligible to receive the exemption provided by this article or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of taxes on property owned by such person.

[§ 180-19 Notice of exemption granted or denied.](#)

[A.](#) At least 60 days prior to the appropriate taxable status date, the Ardsley Village Assessor shall mail to each person who was granted exemption pursuant to this article on the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to be granted. The Ardsley Village Assessor shall, within three days of the

completion and filing of the tentative assessment roll, notify by mail any applicant who has included with his application at least one self-addressed, pre-paid envelope of the approval or denial of the application; provided, however, that the Ardsley Village Assessor shall, upon the receipt and filing of the application, send by mail notification of receipt to any applicant who has included two such envelopes with the application. Where an applicant is entitled to a notice of denial pursuant to this subsection, such notice shall be on a form prescribed by the State Board and shall state the reasons for such denial and shall further state that the applicant may have such determination reviewed in the manner provided by law. Failure to mail any such application form or notices or the failure of such person to receive any of the same shall not prevent the levy, collection and enforcement of the payment of the taxes on the property owned by such person.

B. Any person who has been granted exemption pursuant to this article on five consecutive completed assessment rolls, including any years when the exemption was granted to a property owned by a husband and/or wife while both resided in such property, shall not be subject to application requirements set forth in this article. However, said person shall be mailed an application form and a notice informing him of his rights. Such exemption shall be automatically granted on each subsequent assessment roll; provided, however, that when tax payment is made by such person a sworn affidavit must be included with such payment and which shall state that such persons continue to be eligible for such exemption. Such affidavit shall be on a form prescribed by the State Board. If such affidavit is not included with the tax payment, the collecting officer shall proceed pursuant to § 551-a of the Real Property Tax Law.

§ 180-19.1 Property held in trust.

The provisions of this article shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for real property tax exemption, pursuant to this article, were such person or persons the owner or owners of such real property.

8. VISITORS RECOGNITION

9. CALL FOR EXECUTIVE SESSION

10. ADJOURNMENT OF MEETING

10.1 Adjournment

**Moved by Trustee DiJusto, Seconded by Trustee Weitz and passed unanimously.
Carried by the following votes: 5-0-0
Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Edelstein, Trustee Bencosme and Trustee Weitz**

Nays: None

Abstained: None RESOLVED, that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of Monday, November 7, 2022 at 8:36 p.m.

11. UPCOMING MEETINGS & EVENTS November 8th Recreation Commission Meeting 5:00 pm

November 8th Multicultural Diversity & Inclusion Meeting 7:30 pm

November 9th Homework Helpers 3:00 pm

November 9th Senior Citizens Musical Bingo/Pizza Party 12:00 pm

November 10th MDI: Community Conversations 6:30 pm

November 11th: ALL OFFICES CLOSED FOR VETERANS DAY

November 14th Planning Board Meeting 8:00 pm

November 15th Board of Architectural Review Meeting 8:00 pm

November 16th Homework Helpers 3:00 pm

November 16th Senior Citizens Trip to Arthur Avenue 11:30 am

November 16th Sky Gazing with the Ardsley Police 6:30 pm

November 17th Library Board Meeting 7:30 pm

November 18th Middle School Hangout 3:00 pm

November 18th Friday Night Field Night-"Under the Lights" 4:00 pm

November 19th Turkey Shoot 9:00 am

12. NEXT BOARD MEETING: Board of Trustees Work Session November 16, 2022 7:30 pm
Board of Trustees Legislative Meeting November 21, 2022 8:00 pm

Village Clerk, Ann Marie Rocco

Date: