



MINUTES

Ardsley Village Board of Trustees

8:00 PM - Monday, November 1, 2021

Meeting Held Via Zoom Platform

Present: Mayor	Nancy Kaboolian
Deputy Mayor/Trustee	Andy DiJusto
Trustee	Joann D'Emilio
Trustee	Steve Edelstein
Trustee	Craig Weithz
Interim Village Manager	Charlene Indelicato
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.

PUBLIC HEARING Public Hearing to Discuss Chapter 200-82H of the Code of the Village of Ardsley "Public Donation Bins"

Open Public Hearing at 8:00 p.m. in the matter of Chapter 200-82H of the Code of the Village of Ardsley entitled "Public Donation Bins".

Mayor Kaboolian read the Notice into the Record.

1. Close Public Hearing

Moved by Trustee D'Emilio, Seconded by Trustee DiJusto and passed unanimously. RESOLVED, that the public hearing in the matter of adding Chapter 200-82H of the Code of the Village of Ardsley entitled "Public Donation Bins" be closed at 8:41 p.m.

2. APPROVAL OF MINUTES:

2.1 October 18, 2021 Regular Meeting Minutes

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, October 18, 2021 as submitted.

3. DEPARTMENT REPORTS

1. LEGAL

- 1.a Village Attorney Ponzini stated there is nothing to report other than the matters that may have been submitted in memorandum form and we have had some progress on items that he has been working on with Manager and staff.

2. INTERIM VILLAGE MANAGER

- 2.a November 1, 2021 Interim Village Manager Report
Interim Village Manager Charlene Indelicato read the following report:

Election Day Tuesday November 2, 2021 Vote!

Veteran's Day Thursday November 11, 2021 Village Hall is closed. Wednesday the 10th DPW will pick up paper and cardboard/ and also commingle (which is glass/plastic) usually done on Thursdays.

Bids for the Access Road – part of the DPW project .The bid request was published today. Bids to be received by November 19, 2021.

Bids for the update of the Audio Visual Equipment in Village Hall. Bid request will be published on November 2, 2021 returnable on December 1, 2021. Funding for this project will come out of funds provided by the agreement with Cablevision. No Village funds will be used.

The Village has a newsletter – Ardsley Connect – first edition sent out at 10 AM this morning. This will be a weekly event. Thanks to Charles Hessler for all his hard work.

3. TREASURER

- 3.a November 1, 2021 Abstract Report
Interim Village Manager, Charlene Indelicato read the Treasurer's Report for November 1, 2021:

Ms. Indelicato stated the bills for the past two weeks totaled as follows: From the General Fund: \$65,842.84 from the Capital Fund: \$713,143.28, Trust & Agency Fund: \$1,677.72 and Sewer Fund: \$17,901.15

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: \$65,842.84 from the Capital Fund: \$713,143.28; Trust & Agency Fund: \$1,677.72 and Sewer Fund: \$17,901.15

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:

- Trunk or Treat was a huge success. Thanked ASVAC & Police and all who volunteered their time.
- Please Vote on Election Day, November 2, 2021
- We have launched our newsletter and thanked Charles for his hard work on the Newsletter.

8. COMMITTEE & BOARD REPORTS

8.a Trustee DiJusto did not have anything to report.

Trustee Weitz did not have anything to report and reminded everyone to Vote!

Trustee D'Emilio announced the following:

- 125th Anniversary merchandise is for sale. Please visit hall to purchase.
- Reminded residents to Vote!

Trustee Edelstein announced the following:

- Multicultural Committee has planned Diwali Celebration on Saturday, November 13, 2021 from 2:00 pm-5:00 pm at Pascone Park.

4. VISITORS

- 4.1 Resident Melissa Regenbogen Summit Avenue was present to bring to the Boards attention on the flooding that they are experiencing on their street. The water flows down her driveway and completely floods out her property and 41 Eastern Drive. Our Highway Foreman is seeking the necessary easements to rectify the problem. Ms. Regenbogen feels that this is an unfair burden and at this point she would like this to be a priority at the Village level.

Mayor Kaboolian stated that she understands that this has been a problem for a very long time and will be speaking with our Village Manager, Building Inspector, Highway Foreman and Village Attorney regarding this problem and we need to determine the appropriate steps that need to be taken to fix this issue.

Gary Rappaport Victoria Road feels that the banners/flags should reflect the people who served our nation and would like to see a broad diversity. We should also be honoring our Ardsley Veterans.

Gary Rappaport also spoke regarding the Public Donation Bins. Mr. Rappaport feels that these bins have been an eye sore for many years. He would like to limit the number of bins. Can the color of the bins be regulated? Can we limit the number of bins that a charity can have?

5. OLD BUSINESS:

- 5.1 Consider a Resolution Add Chapter 200-82H to the Code of the Village of Ardsley entitled "Public Donation Bins"

Moved by Trustee D'Emilio, Seconded by Trustee Edelstein and passed unanimously. RESOLVED, that the Village Board of the Village of Ardsley hereby adds Chapter 200-82H of the Village Code entitled "Public Donation Bins" as follows:

200-82H

Public donation bins.

(1) Legislative purpose. The use of public donation bins for the collection of donated clothing, household items, toys and other goods for the benefit of religious, governmental, scientific, literary, sporting, educational or charitable not-for-profit organizations is beneficial to the general welfare of this community, provided that such bins are placed at suitable locations, are well maintained, and are operated for the true benefit of a designated not-for-profit organization. It is the intent of this section to regulate the placement and operation of public donation bins so they serve this declared purpose.

(2) Permit required; conditions. No person shall cause or permit the erection, placement and/or maintenance of a public donation bin (PDB), on a site within the B-1 General Business District, B-2 General Business District or B-3 Shopping Center Business District where there is a permitted or special permitted public building or use, except as authorized by a permit that has been issued by the Building Inspector in accordance with the following conditions:

(a) The PDB shall be placed outside of an enclosed building located on either an approved lot within the Business Districts or, within any other zoning district, on an approved lot on which the PDB's sponsor owns or operates a principal use that complies with the chapter.

(b) The PDB shall not be located within the front yard portion of a lot.

- (c) The PDB shall not be located anywhere on a lot on which a residential dwelling is located.
 - (d) The PDB is hereby identified as an accessory use and structure subject to all setback criteria for said use and structure as provided elsewhere in this chapter of the Village Code except as otherwise set forth in this section.
 - (e) The PDB shall be placed upon a solid, dust-free surface and anchored.
 - (f) The PDB shall be located so as to preserve adequate sight lines, on-site parking and driveway space, pedestrian access and any other elements determined by the Building Inspector to preserve safe and adequate vehicle and pedestrian circulation on the premises.
 - (g) The PDB shall be entirely enclosed except for an opening that is the minimum size necessary to allow for the deposit of donations. There shall be a door used to access the PDB which shall be locked so that the contents may not be accessed by anyone other than those responsible for the retrieval of the contents. No PDB shall be allowed that involves a one-way trap-door device.
 - (h) The maximum size of a PDB shall not exceed six (6) feet wide by six (6) feet long, nor exceed six (6) feet in height.
 - (i) Signs inviting donations may be placed on each of the sides of the public donation bin (PDB), provided that no such sign shall be placed on a side that faces a lot line of an abutting residential district. Each sign shall identify the PDB's sponsor and the charitable, religious, scientific, literary, sporting, educational or governmental purpose of the sponsor that will be advanced by donations to the PDB. Each sign shall also contain the current telephone number for the public to contact in the event said PDB is not being adequately maintained in the manner specified in Subsection **B(11)** below. Such authorized signs shall not exceed two feet by four feet in dimension and shall not be illuminated.
 - (j) Each PDB shall also be clearly posted with a sign that specifies what types of items may and may not be deposited therein.
 - (k) Every PDB shall be maintained on a regular basis to prevent overflow, the accumulation outside the PDB of discarded items, deterioration or malfunction of the PDB, or other unsightly, unsafe or unhealthy conditions. There shall be no overflow of a PDB allowed. In the event of overflow, or other problem condition cited above, the Building Inspector shall immediately notify the contact person that is designated by the PDB's sponsor to correct the problem. All such problems shall be corrected within 24 hours of a violation notification. A permit issued for a PDB shall be revoked and the PDB removed within 48 hours of notice being provided if, within 24 hours after delivery of the third violation notice, the designated contact person fails to correct the problem condition or otherwise indicates by word, action or inaction that the sponsor is no longer willing or able to maintain the PDB.
 - (l) There shall be a maximum of one PDB per property.
- (3) Permit form and content. The application for the permit for a PDB shall be made in writing upon a form prescribed by the Building Inspector that shall contain information sufficient for the CEO to determine whether the proposed PDB structure and use will comply with this section and chapter, including without limitation:
- (a) The name and contact information for the sponsor; and

(b) A description of the not-for-profit status of the sponsor and the charitable, religious, scientific, literary, sporting, educational or charitable purpose to be served by the collection of items donated to the PDB; the name and contact information of the owner of the lot where the PDB is proposed to be located; the name and contact information of the sponsor's designated contact person who is responsible for the sponsor's maintenance of the PDB; and

(c) Information on the dimension, design, signage, and location of the proposed PDB.

(4) Permit fee: A permit fee as indicated in Chapter A210 shall be paid by the applicant

(5) Permit number; dates of issuance and expiration.

(a) Permit number. Each approved application shall be given a drop-off bin permit number issued by the Building Inspector that shall be affixed to the bin as required elsewhere by this chapter.

(b) A PDB permit shall be affixed to every public donation bin device used by a permittee for the collection and storage of new or used clothing, toys or other items, and the permit shall be affixed to the bin prior to placement of the bin.

(d) The permit shall be placed on the same side of the bin as the chute used for the deposit of donated items. Upon the sale or transfer of a bin, a new permit shall be required and shall be affixed to the bin prior to placing it in service.

(e) A permit issued under this section shall be valid from the date of issuance until February 28 of the following odd-numbered year.

(6) Enforcement; penalties for offenses; injunctions.

(a) The owner, lessee, or other person or legal entity in control of the property where a public donation bin is being maintained in violation of this section and the person or entity which owns, maintains, or operates a bin in violation of this section shall be jointly and severally liable therefore.

(b) The Building Inspector is hereby authorized to issue summonses or appearance tickets, returnable to Village Court, for any violations of this section.

(c) Additionally, the Village Attorney may, in an appropriate case, institute an injunction action in the name of the Village to assure compliance with the terms of this section.

(d) Any person, owner, tenant, lessee and/or agent having a legal interest in the subject property who has upon his/her property a Personal Donation Bin without a valid permit or which is overflowing or has items located on the ground around the bin shall be in violation of this section and punishable subject to the penalties for offenses set forth in Section 200-104 of this Code.

(e) All bins which have not received a permit within six months of the passage of this section shall be removed.

§A210-3

M. Chapter 200, Zoning.

(1) Zoning Board of Appeals filing fee: \$200 per applicant.

(2) Zoning Ordinance reproduction: \$25.

(3) Zoning Map reproduction: \$5.

(4) Recreation fee for assisted, independent and/or special needs living units in the CCH District: \$600 per unit.

(5) For a permit to disturb any wetland, watercourse, waterbody, floodplain or wetland buffer area: \$250.

(6) For a permit to disturb a steep slope area: \$250.

(7) Public donation bin permit fee \$100.00

6. NEW BUSINESS:

6.1 Consider a Resolution Approving and Accepting the Settlement of Lock Up Ardsley- Section 6.70 Block 42 Lot 2

Moved by Trustee D'Emilio Seconded by Trustee Edelstein and passed unanimously.
WHEREAS, Lock Up Ardsley LLC has commenced a proceeding in Supreme Court, Westchester County to challenge the assessments placed on his property for the tax years 2017. 2018 and 2019, 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 years 2005 through 2011 are unchanged with a zero reduction

Assessment	Reduction	New A/V
2017 \$7,837,400	\$587,400	\$7,250,000
2018 \$11,751,600	\$3,951,600	\$7,800,000

2019 \$11,751,600

\$ 2,751,600

\$9,000,000

AND BE IT FURTHER RESOLVED, that the Village Treasurer is authorized to compute the foregoing Consent Judgement upon execution of all of the parties and "So Ordered" by the Court.

- 6.2 Consider a Resolution Declaring the Ardsley Historical Society a 501 (C) (3) Charitable Organization Incorporated Under the Laws of the State of New York as the Official Organization for the Preservation of the History of the Village

Moved by Trustee Edelstein, Seconded by Trustee D'Emilio and passed unanimously. RESOLVED, that the Village Board of the Village of Ardsley hereby declares the Ardsley Historical Society the official organization for the preservation of the history of the Village.

- 6.3 Consider a Resolution Declaring the Ardsley Garden Club a 501 (C) (3) Organization Incorporated Under the Laws of the State of New York the Official Organization Dedicated to the Beautification of the Village

Moved by Trustee Edelstein, Seconded by Trustee D'Emilio and passed unanimously. RESOLVED, that the Village Board of the Village of Ardsley hereby declares the Ardsley Garden Club the official organization dedicated to the beautification of the Village.

- 6.4 Consider a Resolution Permitting Memorial Tribute Flags

Moved by Trustee DiJusto, Seconded by Trustee Weitz and passed unanimously. WHEREAS, the Village of Ardsley ("Ardsley") has received a request from the Military Tribute Banner Program to place banners honoring veterans', active duty reserves and National Guards members;

WHEREAS, in conjunction with our American Legion, the Military Tribute Banner Program will provide the banners depicting these brave men and women;

WHEREAS, our Department of Public Works will hang these banners at various locations and time periods determined by the Board of Trustees;

NOW THEREFORE BE IT RESOLVED, that the Memorial Tribute Flags will be permitted to be hung at the dates and locations determined by the Board of Trustees.

- 6.5 Consider a Resolution to Authorize the Interim Village Manager to Sign a Statement of Work Agreement with Civic Plus for the Purposes of Developing and Hosting a Comprehensive Plan Website

Moved by Trustee Weitz, Seconded by Trustee DiJusto and passed unanimously.
WHEREAS, the Village is embarking on an implementation plan for the newly adopted Comprehensive Plan which will require the dissemination of information and community input; and

WHEREAS, it was determined that the primary hosted site for the Village of Ardsley is not the best suited to meet these needs for information dissemination and citizen engagement; and

WHEREAS, Civic Plus of 302 South 4th Street, Manhattan, KS 66502 submitted a proposal to complete the website design; and

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the interim Village Manager to sign an agreement with Civic Plus to web design and hosting services for a Comprehensive Plan website effective on November 1, 2021 for the agreed upon price of \$3,500;

BE IT FURTHER RESOLVED, that the Village of Ardsley may renew this agreement each year at a cost of \$525 per year.

7. CALL FOR EXECUTIVE SESSION- LEGAL ADVICE

8. ADJOURNMENT OF MEETING

8.1 Adjournment

Moved by Trustee Edelstein, Seconded by Trustee DiJusto and passed unanimously.
RESOLVED, that the Village Board of the Village of Ardsley Hereby adjourns the regular meeting of Monday, November 1, 2021 at 8:42 P.M. to go into Executive Session for Legal Advice.

9. ANNOUNCEMENTS November 2, 2021-Election Day!

November 2, 2021-Board of Architectural Review Meeting 8:00 pm

November 3, 2021-Senior Citizens Arts & Crafts 12:00 pm

November 5, 2021-Middle School Hangout- Every Friday! 3:00 pm

November 8, 2021-Planning Board Meeting 8:00 pm

November 9, 2021-Recreation Commission Meeting 5:00 pm

November 9, 2021-Multicultural Diversity & Inclusion Committee 7:30 pm

November 10, 2021-Board of Trustees Worksession Meeting 7:30 pm

November 10, 2021-Movie Matinee-Senior Citizens 12:00 pm

November 11, 2021-Veterans Day - All Village Offices Closed

10. NEXT BOARD MEETING: November 15, 2021

Village Clerk, Ann Marie Rocco

Date: