

**VILLAGE OF ARDSLEY
BOARD OF TRUSTEES
REGULAR MEETING
MONDAY, MARCH 16, 2020**

Present:	Mayor	Nancy Kaboolian
	Deputy Mayor	Trustee Any DiJusto
	Trustee	Evan Yager
	Trustee	Joann D’Emilio
	Trustee	Steve Edelstein
	Village Manager	Meredith S. Robson
	Village Attorney	Robert Ponzini

8:15 p.m. –CONTINUATION OF PUBLIC HEARING

To consider a Local Law to establish a program for imposing and collecting sewer rents from among all benefitted properties in the Village.

Mayor Kaboolian called to order the Regular Meeting at 8:00 p.m.

I. ANNOUNCEMENT OF EXIT SIGNS

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES: Regular Meeting – Monday, March 2, 2020

Trustee DiJusto: RESOLVED, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of Monday, March 2, 2020 as submitted.
Seconded by Trustee D’Emilio and passed unanimously.

IV. DEPARTMENT REPORTS:

LEGAL REPORT: Nothing to Report

MANAGER’S REPORT 3/16/2020 Mayor Kaboolian stated that the Manager’s Report of February 2020 be accepted under submission.

- 1. BUDGET PROCESS:** The 2020-2021 budget will be filed with the Village Clerk by close of business on Friday, March 20th. Shortly thereafter it will be posted on our website. Given the restrictions related to the Coronavirus pandemic, we encourage the public’s online review of the document. However, should you require a “hard copy” of the budget, please let us know and we will mail you out a copy. March work sessions on the budget are scheduled for the 23rd and 26th at 7:30 P.M. The public is encouraged to

send questions on the budget to my office and we will get answers back to you as soon as we are able.

- 2. CORONAVIRUS IMPACT:** Today we issued a State of Emergency to allow us to better address issues as they arise regarding the public health emergency. Village notifications regarding the impact of the virus on municipal operations, as well as governmental information on the virus itself, will be disseminated as often as we have information to share. This is a constantly evolving situation and we are all doing the best we can to maintain essential services and keep abreast of any new information frequently coming to us through reputable governmental sources. In the interest of public safety, the safety of our first responders and staff, we are making decisions that we collectively believe are necessary to prevent the spread of this virus in the Village. However, as everyone knows, this is not simply a local issue, nor is it an easy one to manage and we ask for your patience and support as we work to serve this community during this very difficult period. Remember that we are a very small organization and even one positive case could severely impact our ability to work on your behalf. Our elected officials, staff and emergency volunteers are working carefully, but still working hard. It is during these very types of situations that I am most proud to work with others in public service. We are not shying from the responsibility, but rather working to do as much as we can to make sure this community is protected and everyone gets to go home (or stay home) safely! Please be patient with the disruptions so we can all come out on the other side of this as quickly as possible.

TREASURER'S REPORT: Village Manager, Meredith S. Robson read the Treasurer's Report for March 16, 2020:

Ms. Robson stated the bills for the past two weeks totaled as follows: From the General Fund: \$87,235.67; from the Trust & Agency Fund: \$1,519.13 and from the Capital Fund: \$172.50.

Trustee DiJusto: RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the General Fund: \$87,235.67 from the Trust & Agency Fund: \$1,519.13 and from the Capital Fund: \$172.50.
Seconded by Trustee D'Emilio and passed unanimously.

BUILDING DEPARTMENT REPORT: Mayor Kaboolian stated that the Building Department Report be accepted under submission of February 2020:

- 6 Building permits
- 7 Application fees
- 7 Certificates of Occupancy
- 6 Plumbing permits
- 3 Electrical permits
- 4 Letters of Compliance

FIRE DEPARTMENT REPORT: Mayor Kaboolian stated that the Fire Department Report be accepted under submission for February 2020:

Village of Ardsley
Board of Trustees-March 16, 2020

- 2/1/2020- Members attended the annual Andy Fredrick's Seminar hosted by the Elmsford Fire Department.
- 2/13/2020-Chief Lindsay and members attended "Not all Superhero's Wear Capes" at Ardsley Middle School.
- 2/26/2020 Chief Lindsay attended monthly Battalion 14 meeting at Dobbs Ferry FD.
- 2/27/2020 Chief Lindsay and Murray and members participated in flag detail with Dobbs Ferry Fire Department in memory of Firefighter Danny Foley FDNY.
- 20 Calls for the month of February

POLICE DEPARTMENT REPORT:

Police Chief, Anthony Piccolino read the following February 2020 Police Report:

- Property Lost or Stolen - \$474.00
- Property Recovered - \$0
- Meter collection- \$3,727.65
- Alarm fines & feels \$470.00
- 138 Parking summonses issued
- 35 UTT summonses issued
- 7 Appearance ticket issued
- 180 Summonses issued

TRAINING:

- Total training for the month of February – To Be Announced.

COMMUNITY POLICING:

- 16 child seat units installed by appointment and 1 issued child seat for a family in need.
- Our officers along with the Ardsley School District conducted 2 lockdown drills one at the high school and the other at Concord Road school. These drills are to ensure the emergency plans for the schools are working properly for the safety of the students.
- Our officers attended the Ardsley school district safety meeting to review the emergency school plans and discuss any updated changes.
- Our officers also attended an event at the middle school called "Superheroes" put on by Mrs. Zimbaldi Ardsley Middle School counselor for the students to say thank you to our police officers and firefighters. They received over 200 thank you letters and several paintings from the students.
- Our officers also participated in Harlem Wizards PTA fund raising event in which they helped coach the Ardsley All Stars team comprised of teachers and parents.

-Our officers attended with the Ardsley SAYF Coalition Director Theresa Del Grosso CSTAG at Stepinac High School, Ardsley SAYF Coalition meeting, Youth Council Meeting, Westchester County Youth Officer's meeting.

COMMUNITY INFORMATION:

- Bank fraud continues to be an issue. Please make sure you check your bank statements.
- We have had several reports of phone scams so be mindful of it. Many of these scams are explained on our website. If you have any questions, you can contact the police desk.
- Utility companies are working throughout the Village and may affect traffic. Leave enough time for travels during high traffic tie.

CORONAVIRUS 2019:

Prevention:

There is currently no vaccine to prevent COVID-19. The best way to prevent illness is to avoid being exposed to this virus. However, as a reminder, CDC always recommends everyday preventative actions to help the spread of respiratory disease including:

- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose & mouth.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces using a regular household cleaning spray or wipe.
- Follow CDC's recommendations for using a facemask.

-CDC does not recommend that people who are well wear a facemask to protect themselves from respiratory diseases, including COVID-19.

-Facemasks should be used by people who show symptoms of COVID-19 to help prevent the spread of the disease to others. The use of facemasks is also crucial for health works and people who are taking care of someone in close settings (at home or in a health care facility).

- Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing or sneezing.

-If soap and water are not readily available, use an alcohol based hand sanitizer with at least 60% alcohol. Always wash hands with soap and water if hands are visibly dirty.

For information about handwashing, see CDC's Handwashing website:

<https://www.cdc.gov/handwashing/index.html>

For information specific to healthcare, see CDC's Hand Hygiene in Healthcare Settings:

<https://www.cdc.gov/handhygiene/index.html>

These are everyday habits that can help prevent the spread of several viruses. CDC does have specific guidance for travelers.

<https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html>

For more information, please visit the CDC website at:

<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>

MAYOR'S ANNOUNCEMENTS:

Mayor Kaboolian announced the following:

- Thanked the Village Manager and Staff for their work on trying to make the Ardsley Village safe in this ever changing environment with the Coronavirus.
- Reminded residents that if they are feeling ill please call our first responders so they know what to do prior to arriving to your home.
- If you are feeling ill don't go to your doctor or hospital. Call your doctor to see what you should do.
- The best thing we can do now is try and stop the virus from spreading.
- Encouraged everyone to stay safe and to think of our first responders and thanked them for their service.

TRUSTEE DIJUSTO:

Trustee DiJusto announced the following:

- ASVAC answered 63 calls in the month of February.
- Thanked everyone in the Village of Ardsley for being calm during this time.

TRUSTEE YAGER:

Nothing to report

TRUSTEE D'EMILIO:

Nothing to report

TRUSTEE EDELSTEIN:

Nothing to report

VISITORS:

8:15 P.M. – OPEN PUBLIC HEARING

To consider a Local Law to establish a program for imposing and collecting sewer rents from among all benefitted properties in the Village

Public Comments:

Rachael Methal (phone call), Ardsley resident had the following questions regarding the public hearing

1. What is the estimated total cost? What will be the average “rent” per household/business? When will the costs be billed? Will the bill through Suez be due on demand? Is there a payment plan? Most families in ARDSLEY I have spoken with are not aware of the “rent”/assessment. How is the communication regarding cost being handled?
2. Has the Village considered floating bonds? The market is bond friendly. I have seen this done for capital improvement projects in many municipalities.
3. Given many families will face financial hardship due to Coronavirus, is now the right time?

Village Manager, Meredith Robson answered the questions:

1. The total draft budget will be in the amount of \$410,000 for the sewer fund. The vast majority of the sewer fund will be for the analysis and investigation of our sanitary sewer connection. There is also funding in the sewer fund to meet the needs of the billing company. The sewer fund will also be for ongoing maintenance costs. Mayor Kaboolian explained that this is necessary to segregate the cost for the repair of our sewer system that hasn't been touched in 40 years. We are looking long term to maintain our infrastructure. Village Manager, Meredith Robson explained that billing will be done on a quarterly basis. The average residential cost would be approximately \$144.00 and for commercial it would be approximately \$734.00. Please note, these are not finite numbers. The amount will depend on water usage. There was a blast regarding the sewer fund and there was a public hearing. Once we get things finalized with the billing company we will get more information out to everyone.
2. Yes, the Village has considered floating bonds. The Board will have to discuss further.
3. This will be determined by the Board. We have an obligation that the sanitary sewer system is running the way it should.

Mayor Kaboolian stated that we are very cognizant of the economic strain as a result of the Coronavirus but we will have better numbers as we get more data from Suez.

At 8:30 p.m. the Public Hearing was closed

Trustee DiJusto: RESOLVED, that the Village Board of the Village of Ardsley hereby closes the Public Hearing to consider a local law to establish a program for imposing and collecting sewer rents from among all benefitted properties in the Village. **Seconded by Trustee Yager and passed unanimously.**

VI. OLD BUSINESS

1. Consider a resolution to establish a program for imposing and collecting sewer rents from among all benefitted properties in the Village
Introductory Local Law

Introductory Local Law

A LOCAL LAW TO ESTABLISH A PROGRAM FOR IMPOSING AND COLLECTING SEWER RENTS FROM AMONG ALL BENEFITTED PROPERTIES IN THE VILLAGE

Trustee DiJusto: RESOLVED, that the Village Board of the Village of Ardsley hereby enacts a Local Law to establish a Program for Imposing and Collecting Sewer Rents from Among All Benefitted Properties in the Village. **Seconded by Trustee D’Emilio and passed unanimously.**

A LOCAL LAW amending Chapter 165 of the Code of the Village of Ardsley to provide a program for more equitably distributing the costs of owning, operating and maintaining the sanitary sewer system to all real property within the Village.

BE IT ENACTED by the Board of Trustees of the Village of Ardsley as set forth herein:
SECTION ONE: The Code of the Village of Ardsley is hereby amended by adding Article III to Chapter 165 entitled “Sewer Rents” as follows:

ARTICLE III Sewer Rents

§ __-1. Purpose; authority.

The purpose of this Article is to more equitably distribute the cost of owning, operating and maintaining the Village of Ardsley sanitary sewer system by allocating such expenses among all properties in the Village that use the sewer system. Pursuant to the authority derived from Article 14-F of the General Municipal Law, the Village of Ardsley hereby creates a program for establishing and collecting sewer rents as a means of funding the costs associated with the Village of Ardsley sewer system. Such program shall consist of annual charges against all properties that

use the Village's sanitary sewers. The sewer rents as provided for in this Article shall be segregated into a special purpose fund and applied toward defraying the cost of operation, maintenance, upkeep, repair, replacement and otherwise improving the sewer system.

§ _ _ _-2. **Sewer Rent Program.**

A. **Establishment.**

The Village of Ardsley hereby establishes a sewer rent program. All sewer rent shall be used by the Village for the expense of operation, maintenance, repairs and improvements to the Village sewer system. The record owner of all real property using the Village sewer system, or any part thereof, shall be liable to the Village for the payment of sewer rent notwithstanding that said property owner may charge a fee or seek reimbursement from a lessee, licensee or other occupant of the real property. The failure to collect fees or obtain reimbursement shall not be a defense to the property owner's absolute obligation. All sewer rents and penalties shall be a charge against the property for which the property owner and any successor in interest shall be liable.

The Village Board shall have the authority by resolution to promulgate rules and procedures, and make revisions thereto, for the efficient administration and operation of the sewer rent program. Such rules and procedures shall be made available to the public as with any record of the Village. In the event water consumption to a particular property is not indicative of equivalent usage of the sewer system, the Village may establish a procedure for consumption evaluation and make adjustments for good cause shown on a case-by-case basis.

B. **Applicability.**

The system for which the sewer rents are established and imposed is the entire sewer system within the Village of Ardsley as defined in Section 451 of General Municipal Law as such system does now or as it may from time to time exist.

C. **Setting of Rates.**

The initial sewer rent rate and any later adjustments shall be (i) based upon the consumption of water on the property connected with and served by the sewer system and (ii) established in accordance with Section 452 of General Municipal Law by a resolution of the Village Board of Trustees following a public hearing on notice. Once established, the rent rate shall be set forth in the Fee Schedule maintained by the office of the Village Clerk.

D. Payments.

Sewer rents shall be payable on the schedule set by the Village Board of Trustees pursuant to its authority to promulgate rules and procedures.

E. Billing.

Sewer rent bills shall be issued on the basis set forth by the Village Board of Trustees pursuant to its authority to promulgate rules and procedures. The Village is authorized to obtain the services of a third-party billing company to generate and send out all Sewer rent bills. Such bills shall be sent to the address of the property owner as set forth on the assessment rolls and at a frequency and in accordance with a billing period set the by the Village Board. Delivery of such bills to the proper party is not guaranteed. If the property owner does not receive a bill on or before the fifth day following the end of each billing period, the property owner will be provided with contact information of the third-party billing company designated by the Village.

F. Late Payment penalties, liens and collection.

All bills for sewer rents are due and payable at the address given on the bill and the time set forth by the Village Board of Trustees. All amounts due for sewer rents will be received without penalty during the first month following the billing. Penalty shall be charged at a rate set forth by the Village Board of Trustees on all bills that remain unpaid past thirty days from the date of billing. Such penalties will be added to the bill, in accordance with the provisions of the Village Law. The Third party billing company shall send to the Village Treasurer all delinquent accounts which in accordance with General Municipal Law section 452 the delinquent sewer rents shall constitute a lien upon the real property served by the sewer system. The lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge imposed by or for the state or a political subdivision or district thereof. Delinquent accounts, including sewer rents and penalties shall be collected in a manner provided in General Municipal Law Section 452(4).

G. Sewer Rent Fund.

All revenues derived from sewer rents, including penalties, shall be credited by the Treasurer to a special fund to be known as the "Sewer Rent Fund." Monies in such fund shall be used in accordance with section 53 of the General Municipal Law.

H. Sole Exemption.

All property of the Village shall be exempt from the obligation to pay sewer rent.

I. Agreement with water source.

The Village has received authorization from the New York State Public Service Commission (Matter Number/Case No.: 19-01610) to contract with the water source to utilize its water consumption data and provide any other services necessary to administer this Article.

J. Severability.

Should any section or provisions of this Article be adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Article, and it shall be construed to have been the legislative intent to enact the local law without such unconstitutional or invalid parts therein.

SECTION TWO: Except as provided for herein, all other provisions of Chapter 165 shall remain the same.

SECTION THREE: This local law shall take effect immediately upon compliance with filing and publication as required by applicable law, including filing in the Office of the Secretary of State.

VII. NEW BUSINESS

1. Consider a resolution to schedule a Public Hearing on the Tentative 2020-2021 Village Budget

**RESOLUTION TO SCHEDULE A PUBLIC HEARING ON THE
TENTATIVE 2020-2021 BUDGET**

Trustee DiJusto: RESOLVED, that the Village Board of the Village of Ardsley hereby schedules a public hearing at 8:15 p.m. on Monday, April 6, 2020 to review the Tentative 2020-2021 Village Budget. **Seconded by Trustee Edelstein and passed unanimously.**

Proposed Budget:

Village of Ardsley

2020-2021 Tentative Budget Summary

BE IT ORDAINED BY THE Village of Ardsley Board of Trustees THAT THE FOLLOWING SUM COMPRISING THE ANNUAL APPROPRIATION FOR THE YEAR 2020-2021 IS HEREBY APPROVED TO MEET THE VILLAGE'S TENTATIVE BUDGETARY NEEDS FOR THE YEAR 2020-2021.

DATE:	March 20, 2020				
		<u>GENERAL</u>	<u>SEWER</u>	<u>LIBRARY</u>	<u>TOTAL</u>
		<u>FUND</u>	<u>FUND</u>	<u>FUND</u>	
APPROPRIATIONS		\$14,217,332	\$410,101	\$580,298	\$15,207,731
less:					
TOTAL REVENUE		\$2,516,172	\$410,101	\$580,298	\$3,506,571
BALANCE OF APPROPRIATIONS FOR TAX LEVY		\$11,701,160	\$0	\$0	\$11,701,160
less:					
Tax Levy		\$11,701,160			
Add: Estimated Uncollectible Tax Levy		\$0			
Deduct: Estimated Collectible Delinquent Taxes		<u>\$0</u>			
Deduct: Appropriation from Debt Reserve		\$200,000			
Deduct: Appropriation from Fund Balance		\$0			
Adjusted Tax Levy		\$11,501,160			
	Allowable levy at tax cap	\$11,628,500			
	EXCESS LEVY PER TAX CAP	(\$127,340)			
	2020-21 Tax Rate	10.23			
Assessed Values					
03/01/20 - TAX ROLL		\$1,124,335,968			

2. Consider a Resolution Authorizing the Village Manager to Sign an Agreement with MINOL

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN AN AGREEMENT WITH MINOL FOR WATER SEWER BILLING

Trustee DiJusto: RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to sign an agreement with MINOL, located at 15280 Addison Road, Suite 100, Addison, TX 75001 for Sewer billing. **Seconded by Trustee Edelstein and passed unanimously.**

VIII. CALL FOR EXECUTIVE SESSION – No Executive Session

X. ADJOURNMENT OF MEETING

Trustee DiJusto: RESOLVED, that the Village Board of the Village of Ardsley Hereby adjourns the regular meeting of Monday, March 16, 2020 at 8:33 p.m. **Seconded by Trustee Edelstein and passed unanimously.**

XI. NEXT VILLAGE BOARD MEETING: Monday, April 6, 2020 at 8:00 p.m.

Respectfully submitted,

Ann Marie Rocco
Village Clerk