



## MINUTES

### Ardsley Village Board of Trustees

---

**8:00 PM - Monday, May 3, 2021**

Meeting held via Zoom Platform

Present: Mayor	Nancy Kaboolian
Deputy Mayor/Trustee	Andy DiJusto
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

#### 2. APPROVAL OF MINUTES:

2.1 Regular Meeting Minutes April 19, 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, April 19, 2021 as submitted.

#### 3. 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 Report - May 3, 2021

Village Manager Robson read the following report:

1. **HIRES:** I have appointed the following individuals as skate park attendants effective May 1, 2021 @ \$11/hour – Nathaniel Lew, Naithan Rabadi, Charlie Stein
2. **PUBLIC SERVICE RECOGNITION WEEK:** May 2-8 is Public Service Recognition Week. Once again I want to acknowledge and celebrate the work done by our municipal employees. This is particularly important after the year we have all experienced. Despite the pandemic, our services have largely continued, though in a different format in some instances. The work done by our employees, despite personal concerns and conditions imposed by the pandemic, is acknowledged and greatly appreciated. To all of the public employees engaged in providing service to the public at all times, particularly during this immensely difficult period, I say “THANK YOU”!!! You are the very best and I am proud to work with you.
3. **HIGHWAY GARAGE:** The house on our new highway garage property has been demolished. We continue to work through the easement document with the Town of Greenburgh.

## 3. TREASURER

### 3.a Abstract Report-May 3, 2021

Village Manager, Meredith S. Robson read the Treasurer’s Report for May 3, 2021:

Ms. Robson stated the bills for the past two weeks totaled as follows: From the General Fund: \$51,618.34 from the Capital Fund: \$4,411.00, Trust & Agency Fund: \$3,011.50 and Sewer Fund: \$2,398.41

**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: \$51,618.34; from the Sewer Fund: \$2,398.41, from the Trust & Agency Fund: \$3,011.50 and from the Capital Fund: \$4,411.00.

## 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:

- Acknowledged Public Service Recognition Week.
- Thanked everyone who worked on the Ashford Avenue paving project.
- If you are 16 or older you can get your Covid vaccine.
- We currently have 9 active Covid cases in the Village.
- We will have a Memorial Day ceremony but we are not having a parade.  
More information to follow on this.

## **8. COMMITTEE & BOARD REPORTS**

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

Trustee Weitz announced the following:

- The Ardsley Historical Society meeting will take place on May 23rd.

Trustee Edelstein announced the following:

- Multicultural Committee Book club will be on May 23rd.
- Reminded residents that the tennis courts are open and residents can sign up for individual/family membership through the Recreation department
- Stay tuned for some events coming up in June such as Pride and Juneteenth.

Trustee D'Emilio announced the following:

- The Ardsley Public Library opened today to allow for browsing.  
Appointments can be made by calling the Library at 914-693-1703.  
Appointments are 1/2 hour and limited to 10 people at a time. Curb side pick up will continue.
- Ardsley Police Department had there drug give back day last Saturday and it was a success.
- Stay tuned for more information on the 125th Anniversary Flag contest!  
Students from all three schools will be able to participate.

## **4. VISITORS**

4.1 Scott Fratangelo owner of L'inizio Restaurant spoke about the outdoor dining application parameters. Mr. Fratangelo questioned the amount of seats that he can have outside. Thanked the Village for letting him have outside dining last year. He also had questions regarding his propane heaters and would like to know if they are prohibited.

Mayor Kaboolian explained that she would need to speak with the Building Inspector regarding the formula and the heaters.

Manager Robson agreed that she would need to speak with the Building Inspector. Outdoor dining has been extended through the fall.

**5. OLD BUSINESS:**

**6. NEW BUSINESS:**

- 6.1 Consider a Resolution Authorizing the Village Treasurer to Include Certain Unpaid Sewer Rents and Penalties in the 2021-2022 Annual Tax Levy

**Moved by Trustee Edelstein, Seconded by Trustee D'Emilio and passed unanimously.** WHEREAS, certain sewer customer accounts currently have unpaid sewer rents and penalties, and

WHEREAS, Village Law §165-22 (f) provides for the inclusion of unpaid sewer rents and penalties in the annual tax levy;

NOW THEREFORE BE IT RESOLVED, the Village Board of the Village of Ardsley authorizes the Village Treasurer to include the following unpaid sewer rents and penalties on the 2021-2022 annual tax levy totaling \$55,270.66 as attached.

- 6.2 Consider a Resolution to Schedule a Public Hearing to Revise Chapter 152 Peddling and Soliciting in the Village Code

**Moved by Trustee D'Emilio, Seconded by Trustee Edelstein and passed unanimously.** RESOLVED that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, May 17, 2021 to revise chapter 152 Peddling and Soliciting in the Village Code.

**CHAPTER 152 PEDDLING AND SOLICITING**

**§ 152-1 License required.**

No person shall peddle, vend or offer for sale in or upon any street, park or other public place in the Village of Ardsley, or solicit orders for, or peddle, vend or offer for sale from house to house in the said village any goods, merchandise or other things or commodities of any description without a license as hereinafter provided for, except that such license shall not be required of any holder of a license issued by the Clerk of the County of Westchester, pursuant to § 32 of the General Business Law of the State of New York; and provided, further, that this chapter shall not prevent or in any manner interfere with the hawking or peddling without use of any but a hand-driven vehicle by an honorably discharged soldier, sailor or marine, who is a cripple as a result of injuries received while in

the military or naval service of the United States and the holder of a license granted pursuant to § 32 of the General Business Law of the State of New York; and provided, further, that the licensing conditions of this chapter shall not apply to any person peddling, vending or offering for sale in Ardsley products shipped or services performed in the course of interstate commerce. For purposes of this section, a person who solicits orders for future delivery from another state shall be deemed to be a person engaged in interstate commerce.

§ 152-2 Prohibited acts.

A. No person shall, in peddling, soliciting, vending or offering for sale in or upon any street, park or other public place or in peddling, vending or offering for sale from house to house in said village any goods, wares, merchandise or other things or commodities of any description, unreasonably cry his wares or unreasonably make use of any horn, bell or other noisemaking device to attract attention to his wares or to facilitate his peddling, nor shall be otherwise disturb the peace and quiet of any part of said village in any manner whatsoever.

B. No person shall, in the carrying on of such occupation as aforesaid, permit or suffer any automobile or other vehicle used by him in connection therewith, to stand or remain:

(1) Within 500 feet of any grounds occupied by a school between the hours of 8:00 a.m. and 5:00 p.m.; or

(2) In front of any premises for any time if the owner or lessee thereof objects.

C. No person shall peddle, solicit or distribute merchandise, except between the hours of 9:00 a.m. and 7:00 p.m., unless specifically having been invited into the premises by the occupant, having previously made an appointment with a person residing or conducting business therein.

D. No person in the conduct of peddling, vending, soliciting or offering for sale shall litter the streets, places or properties within the village with any merchandise, packaging materials or printed material.

E. No person conducting the activities addressed herein shall enter upon any property, ring any bell, knock upon any door nor enter any building where there is a sign, visible to the public, containing any or all of the words "no peddlers," "no solicitors" or "no agents."

F. No person shall peddle, solicit, vend or offer for sale food, beverage, or other merchandise in Louis M. Pascone Memorial Park or McDowell Park unless such activity or business is conducted under the auspices of the Village of Ardsley, **or approved by the**

**Village as part of a paid use reservation.**

§ 152-3 Recording of license; cancellation.

A. Such license shall be signed by the Village Clerk, who shall keep a record thereof and the amount of the fee paid therefor. Such license shall specify the fee paid therefor and its date of expiration.

B. If any person to whom a license shall be issued as aforesaid shall at any time be found guilty of a violation of any provision of this chapter, such license shall be subject to immediate cancellation by the court before which such person shall have appeared and been found guilty. Any and all licenses which may be granted by the Village Clerk pursuant to this chapter may, for cause, be suspended by the ~~Mayor~~ **Village Clerk. A hearing** ~~until the next regular meeting of the Board of Trustees.~~

**before the Board of Trustees to appeal this suspension can be requested.**

Thereafter, the license may be revoked by the Board for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for a license.
  - (2) Fraud, misrepresentation or false statement made in the course of carrying on the licensed business.
  - (3) Any violation of this chapter.
  - (4) Conviction of any crime or misdemeanor involving violence, fraud or moral turpitude.
  - (5) Conducting the licensed business in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- C. Notice of the hearing for revocation by the Village Board of Trustees of a license shall be given, in writing, by mail to the licensee at his last known address at least five days prior to the date set for the hearing. The licensee shall be given an opportunity to be heard. A continuation of operation following suspension shall constitute, for each day of such continuance, a separate violation of this chapter.
- D. The determination of the Village Board of Trustees shall be issued, in writing, within 20 days of the hearing.

#### § 152-4 Fees.

The following fees shall be collected for the issuance of licenses under this section:

- A. A license for the term of one year for each applicant for such license, who shall engage in peddling or vending in the Village of Ardsley.
- B. No license fee shall be required of an applicant engaged in interstate commerce.

#### § 152-5 License to be available for display.

Every person, while engaged in such occupation within the limits of this village, shall carry with him such license and shall exhibit the same upon demand.

#### § 152-6 Application.

Every natural person who intends to engage in such occupation within the limits of this village shall first complete and file with the Clerk an application which shall require the following information:

- A. The name, address, height, weight, hair color and eye color of applicant.
- B. A photograph.
- C. The fingerprints of the applicant.
- D. Any convictions of any felony or misdemeanors.
- E. A description of the vehicle, if any, to be used in connection with such occupation, including the make, year, license number and engine number of such vehicle.
- F. A description of products or services to be offered for sale.
- G. Whether or not the applicant claims to be engaged in interstate commerce and, if so, the basis of such claim.

#### § 152-7 Reasons for denial of license.

A license shall not be denied to any applicant unless:

- A. The application reveals that the applicant has been convicted of a crime of violence.
- B. The application reveals a material misrepresentation of the fact.

#### § 152-7.1 Seasonal sales.

- A. Any person desiring a permit to conduct a seasonal sale (i.e, Christmas trees, pumpkins, etc.) shall submit an application, duly verified by the applicant, upon forms prescribed by the Village Clerk as set forth above in § 152-6. Additionally, the proposed applicant shall submit a proposed location for the proposed sale.
  - B. Seasonal sales shall be permitted only in Zones B1, B2 and B3, as those zones are defined by the Village Zoning Ordinance, or such places as the village may designate from time to time in keeping with the public safety and interest. All such sale sites are subject to the approval of the Chief of Police and the Fire Chief or their designated representatives, who shall consider, among other things, the traffic, building and fire safety for the proposed site.
  - C. The application must be filed no less that three weeks before the proposed sale is scheduled to begin.
  - D. The Village Clerk may deny any application or, once a permit has been issued, may revoke any permit in accordance with §§ 152-3 and 152-7 above. Upon such denial or revocation, the person may appeal the decision of the Village Board in their discretion.
  - E. The permit shall expire automatically five weeks after it is effective. The permit shall be nonrenewable.
  - F. The amount of the permit fee shall be \$250. Additionally, the applicant shall file with the Village Clerk a cleanup bond in the amount of \$500, subject to the approval of the Village Attorney. Cleanup of the site must be completed within 48 hours of the conclusion of the sale. Said bond shall be released after an inspection of the site reveals that the site has been left in its original condition, both clean and neat, normal wear and tear excepted.
  - G. This section shall not apply to a retail establishment conducting a sale at its established place of business in the ordinary course of business.
  - H. Licenses issued under the provisions of this chapter may be revoked by the Village Clerk of the Village of Ardsley for cause after written notice, including but not limited to the same reasons for denying an application listed above in §§ 152-3 and 152-7. Upon revocation, the person may appeal the revocation to the Village Board as provided above in § 152-3.
  - I. The Village Clerk shall keep an accurate record of all licenses issued under this chapter.
- § 152-8 Penalties for offenses.
- A. Any person violating the provisions of this chapter or any part thereof shall be liable and pay a fine not exceeding \$50 for the first offense nor \$250 for any subsequent offense.
  - B. Any violation of this chapter shall subject the violator to immediate cancellation of the license of the violator in accordance with § 152-3 above.

### 6.3 Consider a Resolution to Authorize the Village Manager to Execute an Agreement Between the Village of Ardsley and the Cable Access Director

**Moved by Trustee DiJusto, Seconded by Trustee Weitz and passed unanimously.**  
**RESOLVED**, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to execute an agreement between George A. Malone, Cable Access Director and

the Village of Ardsley for cable access services for the period of June 1, 2021 through May 31, 2022.

- 6.4 Consider a Resolution to Authorize the Village Manager to Sign an Agreement Between the Village of Ardsley and Student Assistance Services for Part-Time Youth Advocate

**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 Manager to sign an agreement with Student Assistance Services Corporation to provide a part-time Youth Advocate to work within the Village for 7.0 hours per week from June 1, 2021 through May 31, 2022.

**7. CALL FOR EXECUTIVE SESSION**

**8. ADJOURNMENT OF MEETING**

- 8.1 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, May 3, 2021, at 8:30 p.m.

**9. NEXT BOARD WORK SESSION** May 12, 2021

**10. NEXT BOARD MEETING:** May 17, 2021

---

Village Clerk, Ann Marie Rocco

---

Date: