



MINUTES

Ardsley Village Board of Trustees

8:00 PM - Monday, May 17, 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 Mayor Kaboolian called to order the Regular Meeting at 8:00 p.m. via Zoom.

STORMWATER MANAGEMENT ANNUAL REPORT Presentation By Lorraine Kuhn
2020 Annual Stormwater Report

1. Lorraine Kuhn presented a Power Point presentation to the Board of Trustees regarding water conservation & reuse. Presentation of NYS DEC Stormwater (SW) Annual Report 2020 (SW Year March 9, 2020 to March 9, 2021). As an MS4 (Municipal Separate Storm Sewer System), the Village of Ardsley is required to prepare and submit a SW Annual Report to NYS DEC. The MS4 program covers 6 Minimum Measures (Outreach & Education, Public Participation, Illicit Discharge Detection & Elimination, Pre-construction SW Control, Post-construction SW Control, and Municipal Good Housekeeping). These measures must be addressed each year to maintain the Village of Ardsley SPDES permit (State Pollution Discharge Elimination System) which allows the Village to drain stormwater to local waterbodies.

Ms. Kuhn provided 5 Tips:

1. Plant native
2. Stop using lawn chemicals-fertilizer runoff causes harmful blue green algal blooms that can sicken and even kill wildlife, pets & people.
3. Don't water the street!-Aim your sprinklers properly.
4. Always pick up the poo!-Keep it out of our waterways & try plant-based plastic bags.
5. Stop smoking!-They're toxic for people, pets and wildlife both on the ground and in our waterways.

Please remember only rain down the storm drain!

PUBLIC HEARING To Amend Chapter 152 Peddling and Soliciting of the Village of Ardsley Code

- 1 At 8:00 p.m. Mayor Kaboolian opened the Public Hearing to Amend Chapter 152 Peddling and Soliciting of the Village of Ardsley Code:

NOTICE OF PUBLIC HEARING
CHAPTER 152 PEDDLING & SOLICITING

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Ardsley will hold a public hearing on Monday, May 17, 2021, via Zoom to discuss revisions to chapter 152 Peddling & Soliciting in the Village Code.

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

Join Zoom Meeting

<https://us02web.zoom.us/j/83620836481?pwd=VDBMemxIK1BycjBmMm5nMDA1M1d0QT09>

Meeting ID: 836 2083 6481

Passcode: 195332

One tap mobile

+19292056099,83620836481# US (New York)

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 836 2083 6481

Find your local number: <https://us02web.zoom.us/j/83620836481?pwd=VDBMemxIK1BycjBmMm5nMDA1M1d0QT09>

Written comments may be sent to the Village Clerk at arocco@ardsleyvillage.com and the Village Manager at mrobson@ardsleyvillage.com, or sent via regular mail to 507

Ashford Ave, Ardsley, NY 10502. All comments will be shared with the Board of Trustees and questions will be answered as quickly as possible.

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

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

Ann Marie Rocco
Village Clerk
Dated: May 4, 2021

At 8:47 p.m. Trustee D'Emilio : Resolved that this public hearing be closed to Amend Chapter 152 Peddling and Soliciting of the Village of Ardsley Code. **Seconded by Trustee Edelstein 5-0-0**

2. APPROVAL OF MINUTES:

2.1 Regular Meeting Minutes May 3, 2021

Moved by Trustee DiJusto, Seconded by Trustee Weitz and passed unanimously.
RESOLVED, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of Monday, May 3, 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 projects with members of the staff and he stated that he is available for an Executive Session.

2. MANAGER

2.a Village Manager Report May 17, 2021

Village Manager, Meredith Robson read the following report:

1. **MEMORIAL DAY CLOSING:** Residents are reminded that Village Hall, including the Court, Community Center, Ardsley Public Library and Highway Department will be closed on Monday, May 31, 2021 in observance of Memorial Day.
 - a. Refuse/Recycle collection is as follows:
 1. Monday May 31, 2021 No Refuse Collection.
 2. Tuesday, June 1, 2021 Refuse will be collected throughout the entire

Village.

2. **TAXES DUE:** The 1st half of the 2021 Village Tax is due, without penalty, by July 1, 2021. Payments made in person after July 1, 2021, or that arrive via mail postmarked by the postal service after July 1, 2021, or arrive thereafter without a postmark, will be assessed a late penalty as required by the New York State Real Property Law. Meter-mailed postmarks are not a valid proof of timely payment. Most payments made through online banking come in without dates and will not be accepted if the envelope is not postmarked by the deadline. Please bear in mind that no Village official is empowered to waive the late fee for any reason.
3. **ROAD IMPROVEMENTS:** Pending contract approval by the Board of Trustees, our road improvements for this summer will begin soon. The curbing work will begin first and then the paving will begin late Summer/early Fall. The Village has an extensive list of roads being improved this year and this work is done as part of a joint contract with the other Rivertowns. If the work is not completed by the end of the paving season, it will be done next Spring. Once we get a schedule from the contractor, we will blast out the information.

3. TREASURER

3.a Warrant to Village Treasurer to Collect and Receive Taxes

Mayor Kaboolian read the Warrant to Village Treasurer to Collect and Receive Taxes and was accepted under submission.

WARRANT TO VILLAGE TREASURER TO COLLECT AND RECEIVE TAXES

TO: TREASURER OF THE VILLAGE OF ARDSLEY IN THE COUNTY OF WESTCHESTER,
STATE OF NEW YORK

YOU ARE HEREBY AUTHORIZED AND DIRECTED to receive and collect from each of the several persons, group of persons and corporations named in the annexed Tax Roll and the owners of real property described therein, the several sums of money set forth in the column headed "Total Tax" of said Tax Roll opposite the name of each person, groups and persons, corporations or owners of real property therein described, in the total sum and for the purposes appearing in the summary statement of the purposes for which the same have been levied as follows:

General Government	\$2,584,838
Public Safety	\$3,981,798
Health	\$141,045
Transportation	\$1,344,726
Economic Development	\$54,640
Culture & Recreation	\$442,867
Home & Community	\$594,295
Employee Benefits	\$3,821,767
Other Funds	\$327,231

Debt Service	\$1,477,644
Total Expenditures	\$14,770,851
Appropriated Debt Reserve	\$300,000
Appropriated Fund Balance	\$100,000
Other Sources of Income	\$2,514,831
Balance to Be Raised by Taxation	\$11,856,020

YOU ARE HEREBY FURTHER AUTHORIZED AND DIRECTED TO COLLECT and receive so much of the above described monies, as by each of said persons, groups of persons, corporations and owners of the real property described in said Tax Roll, as may be voluntarily paid to you, provided, however, that such sum of money required to be paid as aforesaid may be paid to and received by you in two equal installments: the first of which installment may be paid to and received by you during the period of June 1, 2021 to June 30, 2021, both dates inclusive, without penalty or additional charges; and the second equal installment of which may be paid to and received by you without penalty or additional charge at any time prior to or during the period of December 1, 2021 to December 31, 2021,

both dates inclusive, provided further that as to each such installment or any fractional part thereof as shall be unpaid at the expiration of the period during which it may be paid without penalty or additional charge as above provided you shall charge and receive on the payment and collection thereof the additional sum of 5 percent (5.00%) of such installment paid or received during the calendar month next succeeding the close of the period, said sum might, as above provided be paid without penalty or additional charge and an additional charge thereafter at the rate of interest determined by the Commissioner of Taxation & Finance., State of N.Y., pursuant to Section 924-a of the Real Property Tax Law of such sum for each month or fraction thereof thereafter and you are directed to make a return of this warrant and the annexed Tax Roll on or before the third day of February 2022, unless sooner directed by the Board of Trustees of this Village, and if any tax or real property or any interest thereof placed upon the said Tax Roll shall be unpaid at the time that you are required to return this Warrant and Tax Roll, you are directed to deliver to the Board of Trustees, and account of the taxes remaining due, containing a description of the lands, and owners of lands, upon which such taxes are unpaid as the same were replaced on the said Tax Roll, together with the amount of the tax so assessed and the penalty and charges thereon.

IN WITNESS WHEREOF, The Mayor of said Village of Ardsley by order of the Board of Trustees has hereunto set his hand and caused to be affixed the corporate seal of said Village this 17th day of May 2021.

ANNMARIE ROCCO- Village Clerk Village of Ardsley

NANCY KABOOLIAN - Mayor Village of Ardsley

3.b Abstract Report May 17, 2021

Village Manager Meredith Robson read the Treasurer's Report dated May 17, 2021.
Village Manager Robson stated that the bills for the past two weeks totaled as follows:
From the General Fund: \$72,807.79; from the Sewer Fund: \$1,407.75; from the Trust
& Agency fund: \$5,324.00 and from the Capital Fund: \$92,232.10

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: \$72,807.79; from the Sewer
Fund: \$1,407.75, from the Trust & Agency Fund: \$5,324.00 and from the Capital Fund:
\$92,232.10.

4. BUILDING

4.a Mayor Kaboolian accepted the Building Department Report under submission.
April 2021 Building Department Report

- 18 Building permits
- 17 Application fees
- 11 Certificates of Occupancy
- 10 Plumbing permits
- 10 Electrical permits
- 10 Title Searches
- 3 Miscellaneous

Total received - \$18,876.25

Other activities:

- 61 Building inspections
- 20 Zoning inspections
- 12 Violations
- 5 Warnings

5. FIRE

5.a April 2021 Fire Department Report

Chief Murray read the following Fire Department report for April 2021:

Fire Department Report for the month of April 2021

- April 1 Department held CPR requalifications
- April 2 Chief Murray met with electrician and cleaning supply company for work at the firehouse.
- April 5 Hastings Roofing worked on roof repairs
- April 6 Department held annual meeting and elections
- April 7 Chief Murray notified all agencies of changes in the Ardsley Fire Dept. officers

- April 13 Chief Murray met RFC Lighting to fix L-50 light bar
- April 15 Apparatus committee held meeting
- April 28 Chief Murray, Knoesel, and Podolski attended the B-14 Chiefs Meeting

Total calls for the month of April: 16

Training Officers Report- April 2021

- April 1st Training Hrs. 29.25, 13 Members present
- April 8th- No Drill alternate week
- April 15th Monthly Drill- Training Hrs. 32.00 16 Members present
- April 22nd -No Drill
- April 29th Training Hrs. 24.00 14 members present
- NYS Classes Training Hrs. 85.25 41 Members present

6. POLICE

6.a April 2021 Police Department Report

Chief Piccolino reported the following activities for April 2021:

- Court fine and fees - \$63,401.00
- Property lost or stolen - \$0.00
- Alarm fines and fees - \$120.00
- Meter collection - \$1,497.05
- 15 Traffic Accidents
- 2 Arrests
- 218 Calls for service
- 22 Investigations
- 1 Impoundment
- 5 UTT summonses issued
- 2 Parking summonses issued
- 3 appearance tickets issued
- 10 total summonses issued

Training in April:

28 hours which consisted of SWAT and community policing.

COMMUNITY POLICING:

Our child passenger safety officers-installed 16 car seats and issued 1.

- Spring egg hunt was co-sponsored with the recreation department. We had 3,000 eggs dispersed for children to pick up. The event was very well attended.
- AHS senior revue event was attended by 2021 senior class students. We utilized our video and sound equipment for the event, which was supervised by Officer Vacca and staff from high school senior advisors.

- Tony attended training on police reform & reinvention practices via zoom which was sponsored by Victims Assistance Services of Westchester County.
- Tony attended the Westchester County Coalition meeting.
- Tony attended the Westchester County Town Hall meeting Know2Prevent marihuana issues and new legislation.
- The Department performed lock down drills at the High School and Middle School.
- AHS zoom meeting with advisors and senior class board of upcoming prom preparations for June.
- Tony participated in the youth court training. There were 23 students from local school districts who are attending a 7 week training where they will learn the aspects of the law, defense, jurors, judge, DA functions of the court and also used as a diversion program for youth who are charged with an offense. The students are assigned different sectors of the criminal court process and will hear an actual court case on a juvenile who will then determine the sentence for the case if found guilty.

Community Information:

The Department has received numerous reports of fraud involving the fraudulent filing of unemployment. 9 reports for the month of April alone. If you are a victim of this type of fraud, please file a report with our department. We are working closely with the county as a whole to investigate these claims.

CORONAVIRUS 2019:

- The Coronavirus is still infecting people and the village has seen a steady uptick in cases so please wear your masks and follow the CDC recommendations listed below.

Prevention:

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>

How to Protect Yourself & Others

- Older adults and people who have severe underlying medical conditions like heart or lung disease or diabetes seem to be at high risk for developing serious complications from COVID-19 illness.
- Know how it spreads
- Between people who are in close contact with one another (within about 6 feet).
- Through respiratory droplets produced when an infected person coughs, sneezes, or talks.
- These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs.

Some recent studies have suggested that COVID-19 may be spread by people who are not showing symptoms.

7. MAYOR'S ANNOUNCEMENTS

7.a Mayor Kaboolian announced the following:

- Memorial Day - The Ardsley American Legion Post #458 will be hosting a Memorial Day Service at 11:00 am on May 31 in Pascone Park. There will not be a parade this year, but we encourage you to come, socially distance, and honor our veterans and fallen heroes.
- School Budget and BOE vote - The 2021-2022 Budget Vote and Election of one (1) member of the Board of Education for the period July 1, 2021 to June 30, 2024 will take place on Tuesday, May 18, 2021, between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 2:00 p.m. and 9:00 p.m. The polling place is in the Ardsley High School Building.

- New York has not yet adopted the CDC's guidelines. As of May 13, 2021, 60.9% of adult New Yorker have had at least one vaccine shot. In the 10502- zip code 73.5% of people 18 or older have received at least one vaccine shot. The more we vaccinate the faster we return to life as we knew it. All New York State-operated vaccination sites are open for walk-ins on a first-come, first-serve basis.
- Ardsley Police Department is hosting the following events:
- Cops & Cones will take place on June 12th at Carvel from 1:00 pm-3:00 pm
- Ice cream social will take place at Pascone park on June 24th from 6:00 pm-8:00 pm
- Senior Barbeque will take place at Pascone park on June 9th

8. COMMITTEE & BOARD REPORTS

8.a Trustee DiJusto did not have anything to report

Trustee Weitz announced the following:

- Ardsley Historical Society will be having their annual meeting on May 23rd.

Trustee D'Emilio announced the following:

- 125th Flag contest is underway. Flag submissions will be divided into 3 categories: Elementary School, Middle School and High School. A winner will be selected from each of these three categories. All winners will receive a set of the merchandise printed by the committee along with the prestige of having your design on merchandise and stick flags that will be circulating throughout the Village. Submission can be made in paper form or digitally. If you would like to submit digitally, please email Ardsley125@gmail.com. Please visit www.ardsleyvillage.com for more information.

Trustee Edelstein announced the following:

- How to be an anti racist virtual book club will meet on May 23rd from 4:00 pm-5:00 pm
- Juneteenth will take place on June 19th at Pascone Park from 12:00 pm-4:00 pm
- The Recreation Commission will be sponsoring their first concert in the park on June 19th 6:00 pm & 8:00 pm. Please contact the recreation department for tickets. This event is Free but registration is required.
- Our pride celebration will take place on June 26th from 1:00 pm-4:00 pm at Pascone Park
- Pollinator event was a success last weekend.

4. VISITORS

5. OLD BUSINESS:

5.1 Consider a Resolution to Amend Chapter 152 Peddling & Soliciting of the Village of Ardsley Code

Moved by Trustee D'Emilio, Seconded by Trustee Edelstein and passed unanimously.
RESOLVED that the Village Board of the Village of Ardsley hereby amends Chapter 152
Peddling and Soliciting as follows:

§ 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 until the next regular meeting of the Board of Trustees.~~ **Village Clerk. A hearing 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 than 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. NEW BUSINESS:

- 6.1 Consider a Resolution Authorizing, the Purchase of a Pumper Fire-Fighting Vehicle, for the Village of Ardsley, Westchester County, New York, at a Maximum Estimated Cost of \$805,800 and Authorizing the Issuance of \$805,800 of Said Village to Pay the Cost Thereof

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

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, will not result in any significant adverse environmental effects; and

WHEREAS, it is now desired to authorize such capital project and its financing; **NOW, THEREFORE, BE IT**

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Ardsley, Westchester County, New York, as follows:

Section 1. The purchase of a pumper fire-fighting vehicle, including incidental expenses in connection therewith, for the Village of Ardsley, Westchester County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$805,800.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$805,800 bonds of the Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Ardsley, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and

contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. Pursuant to the provisions of Section 36.00 of the Local Finance Law, this resolution is adopted subject to permissive referendum.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Trustee Andy DiJusto VOTING Aye

Trustee Craig Weitz VOTING Aye

Trustee Joann D'Emilio VOTING Aye

Trustee Steve Edelstein VOTING Aye

Mayor Nancy Kaboolian VOTING Aye

- 6.2 Consider a Resolution Authorizing the Issuance of \$75,750 Bonds of the Village of Ardsley, Westchester County, New York, to Pay the Cost of the Purchase of Highway Equipment, for said Village

Moved by Trustee DiJusto, Seconded by Trustee Weitz and passed unanimously.
WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as such, will not result in any significant adverse environmental effects; and

WHEREAS, it is now desired to authorize such capital project and its financing; **NOW, THEREFORE, BE IT**

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Ardsley, Westchester County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the purchase of highway equipment, in and for the Village of Ardsley, Westchester County, New York, each item of which costs \$30,000 or over, including incidental equipment and expenses in connection therewith, there are hereby authorized to be issued \$75,750 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$75,750, which class of objects or purposes is hereby authorized at said maximum estimated cost, and that the plan of financing thereof is by the issuance of the \$75,750 bonds of said Village authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Ardsley, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. Pursuant to the provisions of Section 36.00 of the Local Finance Law, this resolution is adopted subject to permissive referendum.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Trustee Andy DiJusto VOTING Aye

Trustee Evan Yager VOTING Aye

Trustee Joann D'Emilio VOTING Aye

Trustee Steve Edelstein VOTING Aye

Mayor Nancy Kaboolian VOTING Aye

The resolution was thereupon declared duly adopted.

- 6.3 Consider a Resolution Authorizing the Issuance of \$2,642,971 Bonds of the Village of Ardsley, Westchester County, New York, to Pay the Cost of the Reconstruction of Roads, Throughout and In and For Said Village

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

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as such, will not result in any significant adverse environmental effects; and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE, BE IT

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Ardsley, Westchester County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the reconstruction of roads, in and for the Village of Ardsley, Westchester County, New York, including drainage, sidewalks, curbs, gutters, landscaping, grading or improving rights-of-way, as well as other incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$2,642,971 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$2,642,971, which class of objects or purposes is hereby authorized at said

maximum estimated cost, and that the plan of financing thereof is by the issuance of the \$2,642,971 bonds of said Village authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Ardsley, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. Pursuant to the provisions of Section 36.00 of the Local Finance Law, this resolution is adopted subject to permissive referendum.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Trustee Andy DiJusto VOTING Aye

Trustee Evan Yager VOTING Aye

Trustee Joann D’Emilio VOTING Aye

Trustee Steve Edelstein VOTING Aye

Mayor Nancy Kaboolian VOTING Aye

The resolution was thereupon declared duly adopted.

- 6.4 Consider a Resolution Authorizing the Issuance of \$87,720 Bonds of the Village of Ardsley, Westchester County, New York, to Pay the Cost of Led Lighting Upgrade and Radio Upgrade for the Fire Department, for Said Village

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

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which, as such, will not have any significant adverse effect on the environment; and

WHEREAS, it is now desired to authorize such capital project and its financing; **NOW, THEREFORE, BE IT**

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Ardsley, Westchester County, New York, as follows:

Section 1. LED lighting upgrade and radio upgrade for the Fire Department, for the Village of Ardsley, Westchester County, New York, including incidental equipment and expenses in connection therewith, at a maximum estimated cost of \$87,720, is hereby authorized, allocated \$35,700 to the LED upgrade and \$52,020 to the radio upgrade.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$87,720 serial bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of each of the aforesaid specific objects or purposes is 5 years, pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Village of Ardsley, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the

Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Trustee Andy DiJusto VOTING Aye

Trustee Evan Yager VOTING Aye

Trustee Joann D'Emilio VOTING Aye

Trustee Steve Edelstein VOTING Aye

Mayor Nancy Kaboolian VOTING Aye

The resolution was thereupon declared duly adopted.

- 6.5 Consider a Resolution to Schedule a Public Hearing to Discuss whether or not to adopt a Local Law Pursuant to Cannabis Law Section 131 Opting out of Licensing and Establishing Retail Cannabis Dispensaries and/or on-site Cannabis Consumption Establishments within the Village of Ardsley

Moved by Trustee Edelstein, Seconded by Trustee D'Emilio and passed unanimously.
RESOLVED that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, June 7, 2021 to discuss whether or not to adopt a local law pursuant to cannabis law section 131 opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments with the village of Ardsley.

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of Ardsley out of hosting retail cannabis dispensaries and/or on-site cannabis establishments within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law Section 131, which expressly authorizes cities and village to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within its boundaries.

Section 3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out.

The Board of Trustees of the Village of Ardsley, County of Westchester, hereby opts-out of licensing and establishing cannabis retail dispensaries and/or cannabis on-site consumption establishments within its boundaries.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision or part of this local law or the application thereof to any person, firm or corporation, of circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law Section 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition, or a referendum has been conducted approving this local law.

6.6 Consider a Resolution to Schedule a Public Hearing to Revise Chapter 172 Streets & Sidewalks of the Code of the Village of Ardsley

Moved by Trustee Weitz, Seconded by Trustee DiJusto and passed unanimously.
RESOLVED, that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, June 7, 2021 to revise chapter 173 Streets and Sidewalks in the Village Code.

§ 173-32 Openings on streets and sidewalks restricted.

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

§ 173-33 Application to be filed; permit.

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

§ 173-34 Excavations and restoration.

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

A. Methods.

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

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

(3) Immediately upon the completion of proper backfilling, the permittee shall construct temporary pavement. All temporary pavement shall be installed at a thickness of three inches. The surface of the temporary pavement shall not exceed above or lie below the surface of the adjacent permanent pavement and shall be reasonably smooth. The permittee shall be responsible for the proper placement and maintenance of the temporary pavement and shall keep the

temporary pavement level with the surface of the surrounding permanent pavement and in proper repair and condition until such time as permanent pavement restoration is completed.

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

B. Responsibilities of permittee.

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

(2) Upon completion of the permanent repairs outside the limits of the pavement, the permittee shall notify the ~~Superintendent of Public Works~~, **General Foreman** in writing, that the permanent repair or replacement has been completed, setting forth the date of completion. The permittee shall, and has the duty and responsibility to, maintain the replacement area for a period of one year after completion. In any case, upon notice from the ~~Superintendent of Public Works~~ **General Foreman** within said one-year period, the permittee, at its expense, shall immediately make such repair or replacement and take such protective measures to the work as ordered by the ~~Superintendent~~. **General Foreman**.

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

§ 173-34.1 Deposit required.

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

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

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

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

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

§ 173-35 Exceptions to deposit.

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

A. A performance bond in the amount of \$10,000, approved by the ~~Board of Trustees~~**Village Attorney** as to form, sufficiency and manner of execution, as security to the village that said public service corporation shall properly restore any and all streets, sidewalks or public places in

which it shall make an opening, and this shall include trees, grass, shrubbery and/or any other plantings, to a permanent condition, and shall keep every portion of such restoral work in perfect order and repair during the entire period of maintenance and shall faithfully comply with all the provisions of this article and any amendments hereto and with all the provisions of all permits issued to it under this article and any amendments hereto; and

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

§ 173-36 Fees.

[Amended 6-3-1974]

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

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

§ 173-37 Emergency street openings.

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

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

§ 173-38 Expiration of permit.

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

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

§ 173-39 Certificate of insurance.

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

A. No permit shall be issued until applicant has filed with the Village Clerk a certificate of insurance from a company authorized to do business in the State of New York, certifying that the applicant has in full force and effect public liability insurance to indemnify and protect the village against any loss, damage or injury which might be incurred by reason of such street excavation or performance of the work incidental thereto. Such certificates of insurance shall state that the Village of Ardsley shall be notified of any intent to cancel in any manner the policy

referred to or of any change in the terms of the policy or limits thereof. Limits of liability of said insurance shall be not less than the following; **[Amended 8-1-1988 by L.L. No. 4-1988]**

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

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

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

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

§ 173-40 Compliance required.

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

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

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

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

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

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

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

G. No tunneling or undercutting is permitted.

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

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

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

§ 173-41 Specifications.

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

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

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

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

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

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

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

F. E. Concrete. If the street is concrete, the patch shall be concrete. The concrete shall be saw-cut to establish a clean, smooth surface. The existing concrete shall be drilled and doweled to a twelve-inch depth, and the dowel shall be two feet on center. The seam between the new and existing concrete shall be tack coated with tar.

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

Subsection to F

1. Work in roadways paved more than five (5) years prior. Single service or excavation only disturbing one lane shall be paved a minimum of ten (10) feet from the edge of the trench in each direction of the road and from the curb, or edge of road, to the centerline of the roadway. Multiple services or excavations in one lane that are needed within sixty (60) feet of each other, the restoration required shall extend ten (10) feet outside the far excavations and from the curb, or edge of road, to the centerline of the roadway. Services or excavations that disturb both lanes, or extend over 50 feet in one lane, shall be paved a minimum of ten (10) feet outside the excavation on each side, and from curb to curb, or edge of road to edge of road.

2. Work in roadways paved within previous five (5) years. Single or multiple services, or excavations within sixty (60) feet of each other, shall be paved a minimum of ten (10) feet outside the excavation on each side, and from curb to curb, or edge of road to edge of road.

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

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

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

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

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

§ 173-42 Noncompliance.

If an applicant fails to comply with any of the provisions of § 173-40 and the village backfills or restores the pavement to a permanent condition, the applicant shall pay for the cost of such work, such pavement to be deducted from the amount deposited pursuant to § 173-34.1 hereof, the balance, if any, being refunded to the applicant. In the case of a public service corporation which has elected, in lieu of making deposits, to file and keep on file a bond and indemnity agreement

pursuant to § 173-35, the cost of such work shall be paid directly by the corporation and, if not so paid, shall be collected under the bond.

§ 173-42.1 Penalties for offenses.

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

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

6.7 Consider a Resolution to Promote Patrolman David Piccolino to Police Sergeant

Moved by Trustee DiJusto, Seconded by Trustee Weitz and passed unanimously.
RESOLVED, that the Village Board of the Village of Ardsley hereby promotes Patrolman David Piccolino to the position of Police Sergeant, at the annual salary of \$133,332.00, effective June 1, 2021;

BE IT FURTHER RESOLVED, that in accordance with the civil service rules of the Westchester County Department of Human Resources such appointment is subject to a probationary period of not less than 12 and not more than 52 weeks.

6.8 Consider a Resolution Authorizing the Village Manager to Sign an Intermunicipal Agreement with Westchester County for the Mutual Aid and Rapid Response Plan

Moved by Trustee D'Emilio, Seconded by Trustee Edelstein and passed unanimously.
RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to sign an inter-municipal agreement with Westchester County for the Mutual Aid and Rapid Response Plan at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, New York 10601 from July 31, 2020 through July 20, 2025.

6.9 Consider a Resolution to Adopt the 2020 Annual MS4 Stormwater Report

Moved by Trustee Edelstein, Seconded by Trustee D'Emilio and passed unanimously.
RESOLVED, that the Village Board of the Village of Ardsley hereby adopts the 2020 Annual MS4 Stormwater Report.

6.10 Consider a Resolution to Award Bid For Proposed Ardsley Curbs Parts 1 & 2

Moved by Trustee Weitz, Seconded by Trustee DiJusto and passed unanimously.
WHEREAS, a public notice for the proposed Ardsley Curbs 2021 Parts 1 & 2 Project was duly advertised in an official newspaper on April 16, 2021; and

WHEREAS, on May 6, 2021 at 11:00 a.m. at Village Hall, 507 Ashford Avenue, Ardsley, NY the Village Manager in the presence of the Village Clerk and Project Engineer opened four bids as summarized below;

HEATHERDELL ROAD SIDEWALK IMPROVEMENT & GUIDERAIL PROJECT

CONTRACTOR	COMBINED TOTAL + ALTERNATES
Con-Tech Construction Technology Inc.	\$1,668,700.00
Gianfia Corp.	\$1,796,550.00
Paladino Concrete Creations Corp.	\$2,083,000.00
Morano Brothers Corp.	\$2,653,200.00

RESOLVED, that the Village Board of the Village of Ardsley hereby awards the base bid for the Village to Con-Tech Construction Technology Inc. in the amount of \$1,668,700.00

NOW, THEREFORE, BE IT RESOLVED, the Village Board of the Village of Ardsley hereby authorizes the Village Manager to execute a contract and all other applicable documents with Con-Tech Construction Technology Inc. 1961 Route 6 Box 12 Suite R-3, Carmel, NY 10512 to perform work pertaining to the Ardsley Curbs 2021 Parts 1 & 2 project .

7. CALL FOR EXECUTIVE SESSION

8. ADJOURNMENT OF MEETING

8.1 Adjournment

Moved by Trustee DiJusto, Seconded by Trustee Weitz and passed unanimously.
RESOLVED, that the Village Board of the Village of Ardsley Hereby adjourns the regular meeting of Monday, May 17 2021, at 9:06 p.m.

9. NEXT BOARD WORK SESSION

10. NEXT BOARD MEETING: June 7, 2021

11. NEXT WORK SESSION MEETING: June 9, 2021

Village Clerk, Ann Marie Rocco

Date: