



MINUTES

Ardsley Village Board of Trustees

8:00 PM - Monday, September 19, 2022

507 Ashford Avenue

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

Absent: Trustee Steve Edelstein

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

Roll Call:

Mayor Nancy Kaboolian

Deputy Mayor/Trustee Andy DiJusto

Trustee Asha Bencosme

Trustee Craig Weitz

Trustee Steve Edelstein was absent

PUBLIC HEARING To Discuss Amending Chapter 190 Entitled "Vehicles And Traffic" Section 190-60 Schedule XII: "Parking Prohibited At All Times" Of The Ardsley Village Code

1. Mayor Kaboolian opened the Public Hearing at 8:01 p.m. in the matter of amending Chapter 190 entitled "Vehicles And Traffic" Section 190-60 Schedule XII: "Parking Prohibited At All Times" Of The Ardsley Village Code.

Mayor Kaboolian read the Notice into the record.

No one was present to comment on this Public Hearing.

**Moved by Trustee Bencosme, Seconded by Trustee DiJusto and passed unanimously.
Carried by the following votes: 4-0-0**

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

Nays: None RESOLVED, that the public hearing be closed in the matter of amending Chapter 190 entitled " Vehicles and Traffic Section 190-60 Schedule XII: Parking Prohibited At All Times" of the Ardsley Village Code at 8:41 p.m.

Public Hearing To Discuss Amending Chapter 81 Entitled "Community Choice Aggregation (Energy) Program" of the Ardsley Village Code

1. Mayor Kaboolian opened the Public Hearing at 8:01p.m. in the matter of amending Chapter 81 entitled "Community Choice Aggregation (Energy) Program" of the Ardsley Village Code.

Mayor Kaboolian read the Notice into the record.

Representative from Sustainable Westchester was not able to make it to answer questions regarding this public hearing. All members of the Board agreed to adjourn this hearing until October 3rd.

**Moved by Trustee Weitz, Seconded by Trustee DiJusto and passed unanimously.
Carried by the following votes: 4-0-0**

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

Nays: None RESOLVED, that this public hearing be adjourned to October 3, 2022 in the matter of amending Chapter 81 entitled "Community Choice Aggregation (Energy) Program" of the Ardsley Village Code at 8:40 p.m.

Public Hearing To Discuss the Proposed Application to convert the Vacant Commercial Space at 800 Saw Mill River Road into a Raman Noodle Restaurant

1. Mayor Kaboolian opened the Public Hearing at 8:02 p.m. in the matter of the proposed application to convert the vacant commercial space at 800 Saw Mill River Road into a Raman Noodle Restaurant

Mayor Kaboolian read the Notice into the record.

Mr. Joe Fernandez (Architect) on this project was present to discuss the proposal for the new Raman Noodle takeout Restaurant. Mr. Fernandez explained that there will be some specialty items for sale as well.

Restaurant Owner, Hiromitsu Teraki stated that they are expanding their restaurant business and he owns another restaurant in Scarsdale. The hours of operations are from 11:30 am -8pm Sunday-Thursday and 11:30 am- 9:00 pm. Friday & Saturday.

Building Inspector, Larry Tomasso stated that there should be ample parking for the amount of businesses.

Moved by Trustee DiJusto, Seconded by Trustee Weitz and passed unanimously.
Carried by the following votes: 4-0-0
Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Weitz, Trustee Bencosme
Nays: None RESOLVED, that this public hearing be closed in the matter of converting space at 800 Saw Mill River Road into a Raman Noodle Restaurant at 8:32 p.m.

2. ANNOUNCEMENT OF EXIT SIGNS

3. APPROVAL OF MINUTES:

3.1 September 6, 2022 Board of Trustees Regular Meeting Minutes

Moved by Trustee Weitz, Seconded by Trustee DiJusto and passed unanimously.
Carried by the following votes: 4-0-0
Ayes: Mayor Kaboolian, Trustee DiJusto, Trustee Weitz, Trustee Bencosme
Nays: None RESOLVED, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of September 6, 2022 as submitted.

4. DEPARTMENT REPORTS

1. LEGAL

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

2. MANAGER

- 2.a September 19, 2022 Village Manager Report
Village Manager Cerretani read the following report:

Curbing, Paving and Sewer Camera Work

We had our pre-construction meeting this morning with the Curbing Contractor. Work is scheduled to begin next week on Lincoln Avenue, and will continue to Taft Lane and Euclid Avenue. We will be keeping the public informed as to road closures or changes to traffic patterns through email blasts and Nixle alerts as

we become aware. We also anticipate the sewer camera work to begin in the next week or so.

A/V Upgrades

We received an update today from the contractor upgrading our A/V technology in the Board Room, and after a long wait of supply-chain delays, all of the equipment has finally arrived and we are in the process of scheduling the installation of the new system. We anticipate the installation to begin mid to late October and will keep the Board posted with updates. Special thanks to Larry Tomasso, Ann Marie Rocco and George Malone on their hard work to keep this project moving forward.

Metal & E-Waste: Ardsley Public Works has implemented a new procedure for curbside collection of metal & electronics to residents on Wednesdays. The cut off to schedule a Wednesday metal/electronic collection is noon on Tuesdays. To schedule an appointment please visit Public Works website page at www.ardsleyvillage.com. For assistance please call Highway Dept. at 914-693-0117 or Village Hall at 914-693-1550.

New DPW Garage

Earth work is fully under way. Excavators are cutting and filling and beginning to meet their grades. DPW Superintendent DiGregorio and I have weekly check in meetings with our construction team and we check in on the progress in-person on a daily basis. We will continue to keep the Board and public updated as the project continues to develop.

3. TREASURER

3.a September 19, 2022 Abstract Report

Village Manager Cerretani read the September 6, 2022 Abstract Report as follows:
From the General Fund: \$287,910.68 from the Trust & Agency Fund: \$509.61 and from the Capital Fund: \$0.00, Sewer Fund: \$2,631.90.

**Moved by Trustee Bencosme, Seconded by Trustee Weitz and passed unanimously.
Carried by the following votes: 4-0-0**

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

Nays: None RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the General Fund: \$287,910.68 from the Trust & Agency Fund: \$509.61 and from the Capital Fund: \$0.00, Sewer Fund: \$2,631.90.

4. BUILDING

4.a July 2022 Building Department Report

Building Inspector, Larry Tomasso read the following July 2022 Building Department report:

- 14 Building permits
- 12 Application fees
- 9 Certificates of Occupancy
- 14 Plumbing permits
- 14 Electrical permits
- 11 Title Searches
- 0 Miscellaneous

Total received - \$20,707.00

Other activities-

- 72 Building inspections
- 19 Zoning inspections
- 0 Fire Inspections
- 9 Violations
- 3 Warnings
- 0 Appearance Tickets

August 2022 Building Department Report

Building Inspector, Larry Tomasso read the following August 2022 Building Department report:

- 9 Building permits
- 17 Application fees
- 7 Certificates of Occupancy
- 4 Plumbing permits
- 6 Electrical permits
- 8 Title Searches
- 1 Miscellaneous

Total received - \$10,030.25

Other activities-

- 88 Building inspections
- 16 Zoning inspections
- 1 Fire Inspections
- 12 Violations
- 1 Warnings
- 4 Appearance Tickets

5. FIRE

- 5.a Mayor Kaboolian accepted the July & August 2022 reports under submission.
July 2022 Fire Department Report

Fire Chief Knoesel read the Fire Department Report for July 2022:

- July 7, 14, 21, 28 Department Training Drills
- July 11 Chief Knoesel attended meeting with Motorola regarding future paging needs.
- July 13 Chief Lindsay went to Hudson Valley Fire Equipment with Ladder 50
- 25 Total calls for July

Training Officers Report - July 2022

- July 7th Training Hrs. 22.5, 10 Members Present MPO Pump training & ladder ops
- July 14th Training Hrs. 28, 14 Members present Pre Plans & size up
- July 21st Training Hrs. 32.50, 13 Members present Extrication drill with Dobbs Ferry FD
- July 28th Training Hrs. 37.50, 15 Members present Master stream & hose line ops
- NY State classes: 160.00 hours Training Hours 120.05, 52 Members present
- Online training McNeil & Company Training 120.05 hrs, Inspection 0.00 hrs, Maintenance 0.00 hrs, NYS 160.00 hrs, Online training 0.00 hrs,
- Total 280.05 hours

August 2022 Fire Department Report

Fire Chief Knoesel read the Fire Department Report for August 2022:

- August 4, 11, 18, 25 Department Training Drills
- August 5 members attended Ossining Parade
- August 13 Chief Lindsay assisted Ossining Fire Department with standby crew
- August 20 Chief Knoesel attended funeral for deceased Fishkill Fire Dept. member
- 24 Total calls for August

August Training Hrs.

- August 4th Training Hrs. 14, 12 Members present Cleaning & Parade prep
- August 11th Training Hrs. 28.00, 14 Members present Air bag Operations
- August 18th Training Hrs. 28.00, 14 Members present Hose Line Operations
- NY State classes: 0.00 hours Training Hours 92.0, 49 Members present
- Online training McNeil & Company Training 92.0 hrs, Inspection 0.00 hrs, Maintenance 0.00 hrs, NYS 0.00 hrs, Online training 0.00 hrs,
- Total 92.00 hours

6. POLICE

6.a July 2022 Police Department Report

Chief Piccolino Reported the following activities for July 2022:

Monthly Report July -2022

Property lost or stolen -\$0.00

Property Recovered---- \$0.00

Court fines and fees --- \$78,331.00

Alarm fines and fees--- \$ 235.00
 Meter collection-----\$2,040.20
 Traffic Accidents----- 9
 Arrests----- 1
 Calls for service----- 278
 Investigations----- 9
 Impounded vehicles----- 0
 UTT summonses issued---- 2
 Parking summonses issued- 47
 Appearance tickets issued— 1
 Total summonses issued----- 50

July Events 2022

Training

Total training of the month of July -36 hrs. which consisted of training Community Anti-Drug Coalitions.

Community Policing

Community Policing officers conducted the following events and details:

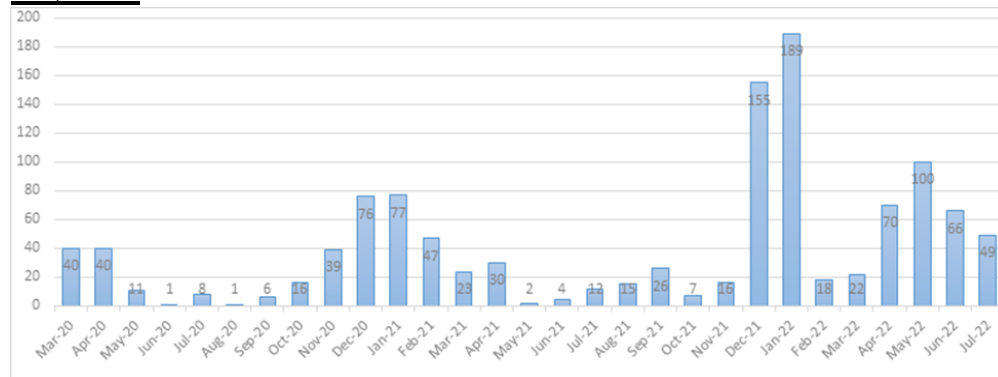
- Conducted a tour of the police station for Ardsley High School camp students.
- Attended 36 hours of training for CADCA (Community anti-drug camp events and activities)
- Participated and assisted with Ardsley Middle School Day Camp events and activities.
- Child Passenger safety seat unit installed 12 child seats and issued 0.

Community information:

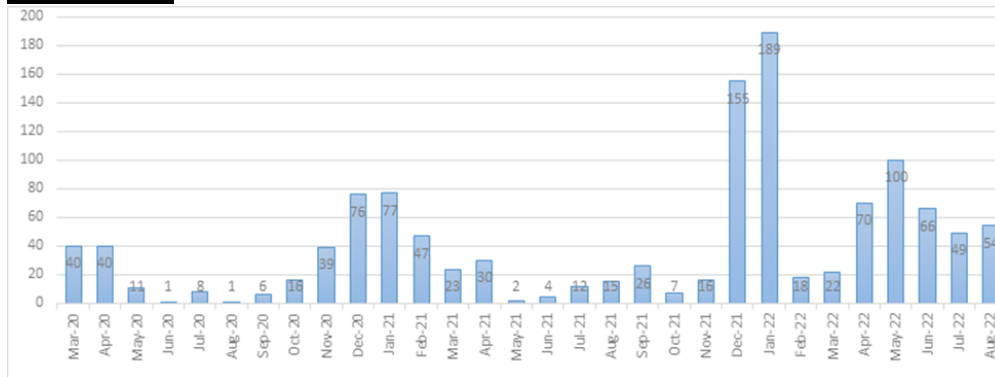
The department maintains a key file and dark house list. If you plan to be away and would like an officer to check your house, call the police department at 914-63-1700 and provide the necessary information. You may also leave a key on file at the station in the event of an emergency.

Coronavirus 2019

July 2022



August 2022



Today, CDC is streamlining its COVID-19 guidance to help people better understand their risk, how to protect themselves and others, what actions to take if exposed to COVID-19, and what actions to take if they are sick or test positive for the virus. COVID-19 continues to circulate globally, however, with so many tools available to us for reducing COVID-19 severity, there is significantly less risk of severe illness, hospitalization and death compared to earlier in the pandemic.

“We’re in a stronger place today as a nation, with more tools—like vaccination, boosters, and treatments—to protect ourselves, and our communities, from severe illness from COVID-19,” said Greta Massetti, PhD, MPH, MMWR author. “We also have a better understanding of how to protect people from being exposed to the virus, like wearing high-quality masks, testing, and improved ventilation. This guidance acknowledges that the pandemic is not over, but also helps us move to a point where COVID-19 no longer severely disrupts our daily lives.”

In support of this update CDC is:

- Continuing to promote the importance of being [up to date with vaccination](#) to protect people against serious illness, hospitalization, and death. Protection provided by the current vaccine against symptomatic infection and transmission is less than that against severe disease and diminishes over time, especially against the currently circulating variants. For this reason, it is important to stay up to date, especially as new vaccines become available.
- Updating its guidance for people who are not up to date on COVID-19 vaccines on what to do if exposed to someone with COVID-19. This is consistent with the existing guidance for people who are up to date on COVID-19 vaccines.
- Recommending that instead of quarantining if you were exposed to COVID-19, you wear a high-quality mask for 10 days and get tested on day 5.
- Reiterating that regardless of vaccination status, you should isolate from others when you have COVID-19.

- You should also isolate if you are sick and suspect that you have COVID-19 but do not yet have test results.
 - If your results are positive, follow CDC's full isolation recommendations.
 - If your results are negative, you can end your isolation.
- Recommending that if you test positive for COVID-19, you stay home for at least 5 days and isolate from others in your home. You are likely most infectious during these first 5 days. Wear a high-quality mask when you must be around others at home and in public.
 - If after 5 days you are fever-free for 24 hours without the use of medication, and your symptoms are improving, or you never had symptoms, you may end isolation after day 5.
 - Regardless of when you end isolation, avoid being around people who are more likely to get very sick from COVID-19 until at least day 11.
 - You should wear a high-quality mask through day 10.
- Recommending that if you had [moderate illness](#) (if you experienced shortness of breath or had difficulty breathing) or [severe illness](#) (you were hospitalized) due to COVID-19 or you have a weakened immune system, you need to isolate through day 10.
- Recommending that if you had [severe illness](#) or have a weakened immune system, consult your doctor before ending isolation. Ending isolation without a viral test may not be an option for you. If you are unsure if your symptoms are moderate or severe or if you have a weakened immune system, talk to a healthcare provider for further guidance.
- Clarifying that after you have ended isolation, if your COVID-19 symptoms worsen, restart your isolation at day 0. Talk to a healthcare provider if you have questions about your symptoms or when to end isolation.
- Recommending screening testing of asymptomatic people without known exposures will no longer be recommended in most community settings.
- Emphasizing that physical distance is just one component of how to protect yourself and others. It is important to consider the risk in a particular setting, including local COVID-19 Community Levels and the important role of ventilation, when assessing the need to maintain physical distance.

Actions to take will continue to be informed by the [COVID-19 Community Levels](#), launched in February. CDC will continue to focus efforts on preventing severe illness and post-COVID conditions, while ensuring everyone have the information and tools, they need to lower their risk.

This updated guidance is intended to apply to community settings. In the coming weeks CDC will work to align stand-alone guidance documents, such as those for healthcare settings, congregate settings at higher risk of transmission, and travel, with today's update.

August 2022 Police Department Report

Monthly Report August -2022

Property lost or stolen -\$0.00
Property Recovered---- \$0.00
Court fines and fees --- \$94,585.00
Alarm fines and fees--- \$895.00
Meter collection-----\$1,984.55
Traffic Accidents----- 9
Arrests----- 5
Calls for service----- 258
Investigations----- 9
Impounded vehicles----- 4
UTT summonses issued---- 22
Parking summonses issued- 66
Appearance tickets issued— 3
Total summonses issued----- 91

August Events 2022

Training

Total training of the month of August -80 hrs. which consisted of training Juvenile law

Community Policing

Community Policing Officers conducted the following events:

Child passenger safety-Officers installed 9 child seats issued -0

Community Policing Officers held ice cream social events for:

- Life skill students attending Ardsley summer camp at AHS
- The school for Adaptive & Integrative Learning at OLHP School
- Ardsley Senior Citizens at the recreating center

A demonstration at Montefiore Hospital of New Rochelle for child seat safety speaking with parents on the proper installations of child seats.

Community information

The department maintains a key file and dark house list. If you plan to be away and would like an officer to check your house, call the police department at 914-693-1700 and provide the necessary information. You may also leave a key on file at the station in the event of an emergency.

7. MAYOR'S ANNOUNCEMENTS

7.a Mayor Kaboolian announced the following:

- Our Ardsley Tennis Tournament was a success. Thank you to Trish Lacy and Mona Swanson for organizing this event.
- Attended the 9/11 service. Thanked the Fire Department for organizing the ceremony.
- Welcome Back Ardsley event was a huge success and thanked Trish Lacy, Charles Hessler, Police Department ASVAC, Library, Department of Public Works. Everyone had a great time.

8. COMMITTEE & BOARD REPORTS

Trustee DiJusto announced the following:

- Attended Welcome Back Ardsley Day and it was a great time, especially for the little kids.

Trustee Weitz did not have anything to report.

Trustee Bencosme announced the following:

- Pollinator Pathway Zoom event on October 12th at 7:30pm-8:30 pm -Preparing your garden for the Winter.
- Multicultural Committee will be hosting Diwali event at Pascone Park from 2pm-5pm on Oct. 22nd.
- Multicultural Committee will be hosting a Community Conversation event on November 10th from 6:30pm-9:00pm.

5. VISITORS

- 5.1 Resident David Fink -Lincoln Ave. was present to finalize his his license agreement for the wall and patio that he built (resolution 7.c).

Village Attorney Robert Ponzini added that this agreement is added every 5 years.

6. OLD BUSINESS:

- 6.1 Consider a Resolution to Amend Chapter 190 Entitled “Vehicles And Traffic” Section 190-60 Schedule XII: “Parking Prohibited At All Times” Of The Ardsley Village Code

**Moved by Trustee Bencosme, Seconded by Trustee Weitz and passed unanimously.
Carried by the following votes: 4-0-0**

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

Nays: None RESOLVED,

that the Village Board of the Village of Ardsley hereby amends Chapter 190 entitled “Vehicles and Traffic Section 190-60 Schedule XII: “Parking Prohibited at all times” of the Ardsley Village Code as follows: (The Proposed text is in bold with yellow highlight)

Ashford Avenue		
[Added5-15-1989byL.L. No. 2-1989]	South	West from Judson Avenue for 300 feet (to west curbline of 505 Ashford Avenue driveway)
Bonaventure Avenue	West	South from Fuller Avenue to end
Bramblebrook Road [Added4-4-2007byL.L. No. 5-2007]	East	From Hillside Place north to Ridge Road
Bramblebrook Road	East/West	South from Sweetbriar Road to Village line
Bramblebrook Road	North	From Lakeview Avenue to Ridge Road
Bramblebrook Road [Added4-4-2007byL.L. No. 5-2007]	West	From a point 164 feet north of Augustine Avenue to Ridge Road
Bramblebrook Road	West	From Sweetbriar Road to Ridge Road
Bridge Street*	North	From Saw Mill River Road to Saw Mill River
Bridge Street*	South	From Saw Mill River Road to Bridge Street parking lot curbline
Captain Honeywell Road [Added10-17-1994byL.L. No. 7-1994]	North	All
Carriere Avenue	West	From Fuller Avenue to Almena Avenue
Center Street	North	West from American Legion Drive for 350 feet
Center Street	South	West from American Legion Drive for 400 feet (to building at 20 Center Street)
Center Street [Repealed3-5-1990byL.L. No. 4-1990]		
Colony Street	North	From Saw Mill River Road to New York State Thruway
Concord Road	West	From Heatherdell Road to Revere Road
Cross Road	East/West	North from Ashford Avenue to Village line
Eastern Drive	East	From the northeast curbline of Ashford Avenue to a point 30 feet northerly

Eastern Drive	East	From Plainview Avenue to Grandview Avenue
Eastern Drive	West	From the northwest curblin of Ashford Avenue to a point 30 feet northerly
Elm Street	East/West	North from Saw Mill River Road to end
Euclid Avenue	East	From the southeast curblin of Ashford Avenue to a point 30 feet southerly
Euclid Avenue [Added6-7-2004byL.L. No. 9-2004]	East	South from Riverview Avenue for 30 feet
Euclid Avenue	West	From Ashford Avenue south curblin to Riverview Avenue south curblin
Exeter Place	North	From the northwest curblin of Cross Road to a point 30 feet westerly
Exeter Place	South	From the southeast curblin of Ashford Avenue to a point 30 feet southerly
Fairmont Avenue [Added1-3-2012byL.L. No. 1-2012]	East	Ashford Avenue north to cul-de-sac
Farm Road	East/West	North from Heatherdell Road to Ardsley High School
Francis McCormack Drive	West	South from Ashford Avenue to Ardsley Middle School
Fuller Avenue	South	From Saw Mill River Road to Ridge Road
Heatherdell Road [Amended5-5-2008byL.L. No. 2-2008]	South/North	East from Saw Mill River Road to Village line
Judson Avenue	West	Ashford Avenue to a point 20 feet south of Lakeview Avenue
King Street	East/West	North from Ashford Avenue to end
Larchmont Street	East	From the southeast curblin of Ashford Avenue to a point 30 feet southerly
Lincoln Avenue	South	From a point 72 feet east of the south-east curblin of Euclid Avenue to to a point 78 feet east of the south-east curblin of Euclid Avenue
Lincoln Avenue	North	From High Street west curblin to Taft Lane west curblin
Markwood Road	East	From Cross Road to Markwood Place
McKinley Place [Added9-5-1989byL.L. No. 4-1989]	North/South	From a point 160 feet east of Taft Lane for 200 feet (to a point in front of 14 McKinley Place)
Mill Court	Both	Entire length

Mount View Avenue	North	From Markwood Road to Wilmoth Avenue
Mount View Avenue	South	West from Markwood Road for 310 feet
Old Mill Lane	South	Entire length
Park Avenue	East	From the northeast curblineline of Ashford Avenue to a point 30 feet northerly
Park Avenue	West	From the northwest curblineline of Ashford Avenue to a point 30 feet northerly
Powderhorn Road	East	From Heatherdell Road south curblineline to Captain Honeywell's Road south curblineline
Prospect Avenue	North	From High Street to McKinley Place
Prospect Avenue [Added12-16-1991byL.L. No. 12-1991]	South	From a point 240 feet west of McKinley Place for 200 feet
Revolutionary Road	East	From Heatherdell Road to Saw Mill River Road
Ridge Road [Repealed11-5-2001byL.L. No. 3-2001]		
Ridge Road [Repealed11-5-2001byL.L. No. 3-2001]		
Ridge Road [Repealed11-5-2001byL.L. No. 3-2001]		
Ridge Road [Added11-5-2001byL.L. No. 3-2001]	East/West	From Saw Mill River Road to Village line
Shady Road North	South	East from Ridge Road for 256 feet
Shady Road South	South	East from Ridge Road for 250 feet
Sheffield Court	Both	Entire length
Shorthill Road [Added12-16-1991byL.L. No. 12-1991]	South/East	East from Abington Avenue and north to Grenfel Place
Swanston Lane	North	West from Ridge Road for 240 feet
Swanston Lane	South	From Ridge Road to Almena Avenue
Sylvia Avenue [Added11-1-2004byL.L. No. 12-2004]	North	East from Route 9A for 384 feet
Sylvia Avenue [Added11-1-2004byL.L. No. 12-2004]	South	East from Route 9A for 440 feet
Taft Lane	West	From Ashford Avenue to McKinley Place
Village Green	West	From a point 90 feet north

Parking Lot**		Colonial Place northerly 125 feet, and from the northwest corner of the parking lot easterly 208 feet
[Added3-21-1988byL.L. No. 1-1988]		
Western Drive		
[Repealed12-18-2006byL.L. No. 8-2006]		
Western Drive [Amended12-18-2006byL.L. No. 8-2006]	East	From Ashford Avenue to Eastern Drive
Western Drive	West	North from Ashford Avenue for 175 feet
Wilmoth Avenue	East	North from Grandview Avenue south curblne to end

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

Moved by Trustee Weitz, Seconded by Trustee DiJusto and passed to TABLE/Adjourn Resolution to October 3, 2022.

Carried by the following votes: 4-0-0

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

Nays: None RESOLVED, that the Village Board of the Village of Ardsley hereby amends Chapter 81 entitled "Community Choice Aggregation (Energy) Program" of the Ardsley Village Code as follows: (The deleted text is in ~~strike through~~ and the new text is underscored)

Chapter 81

Community Choice Aggregation (Energy) Program

[HISTORY: Adopted by the Board of Trustees of the Village of Ardsley 3-19-2018 by L.L. No. 2-2018. Amendments noted where applicable.]

§ 81-1 Legislative findings; intent and purpose; authority.

- A. It is the policy of both the Village of Ardsley and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar,

and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for ~~residential and small commercial customers~~ Eligible Customers in those markets. Among the policies and models that may offer benefits in New York is community choice aggregation ("CCA"), which allows local governments to ~~determine the default supplier of electricity~~ procure electric and natural gas supply on behalf of its ~~residential and small commercial customers~~. Eligible Customers.

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

C. The Village of Ardsley is authorized to implement this Community Choice Aggregation (Energy) Program pursuant to §-Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0564, ~~Petition of Sustainable Westchester for Expedited Approval for the Implementation of a Pilot Community Choice Aggregation Program within the County of Westchester, Order Granting Petition in Part~~ (issued February 26, 2015), as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case NO. 14-M-0564 (collectively, the order). "Order" shall also mean orders of the Public Service Commission related to State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued December 15, 2014) to the extent that orders related to Case No. 14-M-0224 enable actions by the Village of Ardsley not otherwise permitted pursuant to orders related to Case 14-M-0564; provided, however, that in the event of any conflict between orders from Case NO. 14-M-0564 and orders from Case No. 14-M-0224, orders from Case No. 14-M-0564 shall govern the CCA Program. April 20, 2016, hereinafter the CCA Framework Order).

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

§ 81-2 Definitions.

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

BUNDLED CUSTOMERS — ~~Residential and small commercial customers of electricity or natural gas (fuels) who are purchasing the fuels from the distribution utility.~~

~~SMALL COMMERCIAL — Nonresidential customers as permitted by the order.~~

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

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

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

Customers:

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

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

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

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

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

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

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

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

Suppliers: ~~Energy service companies (ESCOs) that procure electric power and natural gas and/or DER providers and/or other entities with authority to provide Energy Services for bundled customers. Participating Customers in connection with this eChapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.~~

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

Value of Distributed Energy Resources (or “VDER”): REV proceeding (Case 15-E-0751) that replaces the net metering program with a weighted value stack tariff mechanism for accurately pricing Distributed Energy Resources on the grid as a reflection of their system value. Value stack components include the price of energy, capacity, avoided carbon emissions, cost savings to

customers and utilities, demand reduction and locational relief. The goal of this proceeding is to increase DER penetration and benefits of DER installations.

§ 81-3 Establishment of a Community Choice Aggregation (Energy) Program.

- A. A Community Choice Aggregation (Energy) Program is hereby established by the Village of Ardsley, whereby the Village of Ardsley shall work together with Sustainable Westchester to implement the CCA Program to the full extent permitted by the CCA Framework Order, as set forth more fully herein. The Village of Ardsley role under the CCA Program involves the aggregating of the electric and/or gas supply demand for energy of its residents-Eligible Customers and the entering into a contract with one or more suppliers for supply and services contracts for Energy Services. Under the CCA Program, the operation and ownership of the utility service shall remain with the ~~distribution utility~~. Distribution Utility.
- B. The Village of Ardsley participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Village of Ardsley will not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with sSuppliers on behalf of ~~participating residential and small commercial customers~~. Participating Customers.
- C. ~~If the Village elects~~ In order to implement the CCA Program, the Village of Ardsley will adopt one or more resolutions that outline the process of and conditions for participation in the CCA Program, including but not limited to signing a contract for a compliant bid with one or more sSuppliers, all as consistent with ~~this chapter~~ the Local Law and the CCA Framework Order .
- D. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating Suppliers, the operation by which Suppliers provide Energy Services and the terms on which customers may be enrolled with Suppliers.~~Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services and the terms on which customers may be enrolled with ESCOs.~~

§ 81-4 Procedures for eligibility; customer data sharing.

- A. As permitted by the ~~order~~CCA Framework Order, the Village of Ardsley may request from the ~~distribution utilities~~ Distribution Utilities aggregated customer information by fuel type, and service classification ~~on a rolling basis~~.and other relevant, authorized data
- B. Sustainable Westchester, on behalf of the Village of Ardsley, shall issue one or more requests for proposals to sSuppliers to provide energy to participants and may then award ~~a contract in accordance with the CCA Program~~ one more contracts -in accordance with the CCA Program.
- C. Sustainable Westchester or the Village of Ardsley, if the Village of Ardsley so chooses, will then request individual ~~customer specific data~~ Customer-specific Data from the ~~distribution utility~~ Distribution Utility in accordance with the CCA Program.

- D. Sustainable Westchester or the Village of Ardsley, if the Village of Ardsley so chooses, and the selected ~~supplier~~ Suppliers(s) will then notify ~~bundled customers~~ Opt-out Eligible Customers of the contract terms and their opportunity to opt out of the CCA Program energy supply and/or CDG Credits.
- E. In accordance with and for purposes of the ~~order~~ CCA Framework Order, ~~ConEd and NYSEG~~ the Distribution Utility will provide to Sustainable Westchester ~~aggregate and customer~~ Customer-specific ~~d~~Data (including usage data, capacity tag obligations, account numbers, and service addresses) of all ~~bundled customers~~ Eligible Customers in the Village of Ardsley. ~~not currently enrolled with an individually chosen ESCO.~~
- F. Sustainable Westchester and the Village of Ardsley will protect customer information as required by law, subject to the ~~order~~ CCA Framework Order and the limitations of the New York State Freedom of Information Law.

§ 81-5 Choice of energy supplier; opt-out notice and procedure.

- A. The Village of Ardsley, ~~or in conjunction with the ESCO,~~ will notify, or will cause notification of, its ~~residential and small commercial customers,~~ Opt-out Eligible Customers by letter notice, of the Village of Ardsley establishing ~~Ardsley's decision to establishing~~ the CCA Program, of the contract terms with an ~~ESCO~~ the Supplier, and of the opportunity to opt out of the CCA Program.
- B. The letter notice will be sent to each ~~customer~~ Opt-out Eligible Customer at the address provided by the ~~distribution utility~~ Distribution Utility and explain the CCA Program and the material provisions of the ~~ESCO and/or CDG~~ Supplier contract, identify the methods by which the customer can opt out of the CCA Program, and provide information on how the customer can access additional information about the CCA Program.
- C. The opt-out period shall be at least ~~20 days~~ thirty (30) Days.
- D. ~~CCA Program bundled customers~~ [\[1\]](#), upon enrollment, will receive a welcome letter that will explain the customers' options for canceling the enrollment if they believe they were enrolled incorrectly or otherwise decide to withdraw from the CCA Program in favor of another supplier. The welcome letter also will explain that residential customers are entitled to the added protection of the mandated three-day ~~escission~~ period as detailed in § 5(B)(3) of the Uniform Business Practices.

§ 81-6 Verification and reporting.

- A. Sustainable Westchester shall be responsible for filing an annual report with the Public Service Commission, ~~which identifies the number of customers enrolled in the CCA Program by municipality and customer class, the number of customers who returned to utility service or service with another supplier during the reporting period, and the average cost of commodity supply by month for the reporting period.~~ as required in the CCA Framework Order.

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

- 6.3 Consider a Resolution Granting Permission to Convert the Vacant Space at at 800 Saw Mill River Road into a Ramen Noodle Restaurant

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

Carried by the following votes: 4-0-0

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

Nays: None RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the proposed change of use to convert the vacant space at 800 Saw Mill River Road into a Ramen Noodle Restaurant as presented by the applicant.

Any approvals should contain the following conditions:

1. The applicant must provide plans for the remainder of the build-out showing full compliance with the NYS Building Code.
2. The applicant must obtain the required permits prior to commencing construction for the build-out.
3. The applicant must obtain a sign permit and BAR approval for all proposed signage.
4. The hours of operation and number of employees per shift should be should be identified/confirmed.
5. The business owner or property owner must install a key box (Knox Box) on the building in a location approved by the Ardsley Fire Chief.
6. Any conditions the Village Board deems appropriate.
7. Any conditions the Village Attorney or Village Manager deem appropriate.

7. NEW BUSINESS:

- 7.1 Consider a Resolution Declaring Lead Agency & Scheduling a Public Hearing for Day Day Spa, LLC, 800 Saw Mill River Road

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

Carried by the following votes: 4-0-0

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

Nays: None RESOLVED,

that the Village Board of the Village of Ardsley hereby declares itself Lead Agency for site plan approval for a proposed permit to convert the vacant commercial space into a day spa at 800 Saw Mill River Road.

NOW THERE FORE BE IT FURTHER RESOLVED, that the Village Board of the Village of Ardsley hereby schedules a public hearing on Monday, October 3, 2022 to discuss the proposed permit.

- 7.2 Consider a Resolution Authorizing the Village Manager to sign a Retainer Agreement for Litigation Services

**Moved by Trustee Weitz, Seconded by Trustee DiJusto and passed unanimously.
Carried by the following votes: 4-0-0**

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

Nays: None RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to sign a Retainer with David Venditti of Murtagh, Cossu, Venditti & Castro-Blanco, LLP. 1133 Westchester Ave., N202, White Plains, NY 10604 for litigation services as per the attached agreement.

7.3 Consider a Resolution Authorizing the Village Manager to Sign a Renewable License Agreement-34 Lincoln Avenue

**Moved by Trustee DiJusto Seconded by Trustee Weitz and passed unanimously.
Carried by the following votes: 4-0-0**

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

Nays: None RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Manager to sign a renewable license agreement between the Village of Ardsley and David Fink/Jessica Perez to maintain a patio and wall on village property adjacent to 34 Lincoln Avenue Ardsley, New York.

8. CALL FOR EXECUTIVE SESSION

9. ADJOURNMENT OF MEETING

9.1 Adjournment

**Moved by Trustee Bencosme, Seconded by Trustee Weitz and passed unanimously.
Carried by the following votes: 4-0-0**

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

Nays: None RESOLVED, that the Village Board of the Village of Ardsley Hereby adjourns the regular meeting of Monday, September 19, 2022 at 8:50 p.m.

10. ANNOUNCEMENTS

- September 20th Board of Architectural Review 8:00 pm
- September 22nd Library Board Meeting 7:30 pm
- September 23rd-September 30th Ardsley's Fire Department Carnival
- September 28th Zoning Board of Appeals 8:00 pm
- For a complete listing of Parks & Recreation programs & events, please visit:
<https://ardsleyny.myrec.com>

11. NEXT BOARD MEETING: Legislative Board Meeting October 3, 2022 8:00 pm
Board of Trustees Work Session October 12, 2022 7:30 pm

Village Clerk, Ann Marie Rocco

Date: