

**VILLAGE OF ARDSLEY
BOARD OF TRUSTEES
REGULAR MEETING
MONDAY, MARCH 2, 2020**

Present:	Mayor	Nancy Kaboolian
	Deputy Mayor	Trustee Any DiJusto
	Trustee	Evan Yager
	Trustee	Joann D’Emilio
	Trustee	Steve Edelstein
	Village Manager	Meredith S. Robson
	Village Clerk	Ann Marie Rocco
	Village Attorney	Robert Ponzini
	Recording Secretary	Donna Fusco

8:15 p.m. – PUBLIC HEARING

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

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

I. ANNOUNCEMENT OF EXIT SIGNS

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES: Regular Meeting – Tuesday, February 18, 2020

Trustee Edelstein: RESOLVED, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of Tuesday, February 18, 2020 as submitted. **Seconded by Trustee D’Emilio and passed unanimously.**

IV. DEPARTMENT REPORTS:

LEGAL REPORT: Village Attorney Ponzini stated there is nothing to report other than those items that he is working on with Village staff and he stated that he is available for an Executive Session.

MANAGER’S REPORT 3/2/20

- 1. BUDGET PROCESS:** I am working my way through the 2019-20 budget and capital plan. I have received all information from the departments and am still working through my recommended budget figures. As you know, I am required to have the tentative budget completed and filed with the Clerk by March 20th. We are currently anticipating the following budget work session dates: March 23 and March 26; if needed, April 13.

- 2. HEATHERDELL ROAD GUIDERAIL PROJECT:** We are working with the engineer to set bid and award dates for this project. We do not expect to begin this work until the completion of the school year, but we need to get into the schedule for a contractor.

TREASURER'S REPORT: Village Manager, Meredith S. Robson read the Treasurer's Report for March 2, 2020:

Ms. Robson stated the bills for the past two weeks totaled as follows: From the General Fund: \$220,298.83; from the Trust & Agency Fund: \$10,378.53 and from the Capital Fund: \$0.00.

Trustee D'Emilio: RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the General Fund: \$220,298.83 from the Trust & Agency Fund: \$10,378.53 and from the Capital Fund: \$0.00. **Seconded by Trustee Edelstein and passed unanimously.**

MAYOR'S ANNOUNCEMENTS:

- Nothing to report

COMMITTEE & BOARD REPORTS:

TRUSTEE DIJUSTO:

- Nothing to report

TRUSTEE YAGER:

- Nothing to report

TRUSTEE D'EMILIO:

- Ardsley Historical Society Program is at the Library on April 26, 2020 at 2:00 p.m.; it's going to be a program on the Odell House. The Town of Greenburgh has purchased the house and is trying to raise funds to do renovations.
- The Wellness Fairs are going to be held at middle school on March 9th and high school on March 12th; activities that they are sponsoring are dealing with effects and risks with marijuana use

TRUSTEE EDELSTEIN:

- The Multicultural Committee is having activities this weekend; it is a Rec Dept. Program; you need to register; the sign itself is being designed by a local artist; please check website on how to register.
- March 4th is a talk at St. Johns.
- March 11th is Rory Dolans.
- March 18th is Bingo.

- March 25th is Zumba.

VISITORS

Armen Boyajian, 486 Ashford Avenue, Ardsley appeared and stated that there is a Wellness Series at the Library and the second session is tomorrow; three items that Mr. Boyajian wanted to discuss are underground wiring; to discuss power lines for underground wiring. Pondering at South End before the flood wall on Saw Mill River Road and he stated that they did an excellent job on Saw Mill River Road; he further stated that they ran out of curbing on the Monte Bros. property.

8:15 P.M. – OPEN PUBLIC HEARING

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

Mayor read the Notice on the Record

Public Comments: None

Trustee Yager: RESOLVED, that the Village Board of the Village of Ardsley hereby continues the Public Hearing to consider a local law to establish a program for imposing and collecting sewer rents from among all benefitted properties in the Village and that Public Hearing will extend to the evening of March 16, 2020. **Seconded by Trustee DiJusto and passed unanimously.**

VI. OLD BUSINESS

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

Introductory Local Law

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

RESOLVED, that the Village Board of the Village of Ardsley hereby enacts a Local Law to establish a Program for Imposing and Collecting Sewer Rents from Among All Benefitted Properties in the Village.

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

BE IT ENACTED by the Board of Trustees of the Village of Ardsley as set forth herein:

SECTION ONE: The Code of the Village of Ardsley is hereby amended by adding Article III to Chapter 165 entitled “Sewer Rents” as follows:

ARTICLE III
Sewer Rents

§ __-1. Purpose; authority.

The purpose of this Article is to more equitably distribute the cost of owning, operating and maintaining the Village of Ardsley sanitary sewer system by allocating such expenses among all properties in the Village that use the sewer system. Pursuant to the authority derived from Article 14-F of the General Municipal Law, the Village of Ardsley hereby creates a program for establishing and collecting sewer rents as a means of funding the costs associated with the Village of Ardsley sewer system. Such program shall consist of annual charges against all properties that use the Village’s sanitary sewers. The sewer rents as provided for in this Article shall be segregated into a special purpose fund and applied toward defraying the cost of operation, maintenance, upkeep, repair, replacement and otherwise improving the sewer system.

§ __-2. **Sewer Rent Program.**

A. Establishment.

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

The Village Board shall have the authority by resolution to promulgate rules and procedures, and make revisions thereto, for the efficient administration and operation of the sewer rent program. Such rules and procedures shall be made available to the public as with any record of the Village.

In the event water consumption to a particular property is not indicative of equivalent usage of the sewer system, the Village may establish a procedure for consumption evaluation and make adjustments for good cause shown on a case-by-case basis.

B. Applicability.

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

C. Setting of Rates.

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

D. Payments.

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

E. Billing.

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

F. Late Payment penalties, liens and collection.

All bills for sewer rents are due and payable at the address given on the bill and the time set forth by the Village Board of Trustees. All amounts due for sewer rents will be received without penalty during the first month following the billing. Penalty shall be charged at a rate set forth by the Village Board of Trustees on all bills that remain unpaid past thirty days from the date of billing. Such penalties will be added to the bill, in accordance with the provisions of the Village

Law. The Third party billing company shall send to the Village Treasurer all delinquent accounts which in accordance with General Municipal Law section 452 the delinquent sewer rents shall constitute a lien upon the real property served by the sewer system. The lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge imposed by or for the state or a political subdivision or district thereof. Delinquent accounts, including sewer rents and penalties shall be collected in a manner provided in General Municipal Law Section 452(4).

G. Sewer Rent Fund.

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

H. Sole Exemption.

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

I. Agreement with water source.

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

J. Severability.

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

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

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

VII. NEW BUSINESS

1. Consider a resolution to amend Section A210-3L (3) fees; Miscellaneous of the Ardsley Village Code amending fees for Village residents. Village businesses and employees of Village businesses

RESOLUTION TO AMEND SECTION A210-3L(3) FEES: MISCELLANEOUS OF THE ARDSLEY VILLAGE CODE AMENDING FEES FOR VILLAGE RESIDENTS, VILLAGE BUSINESSES AND EMPLOYEES OF VILLAGE BUSINESSES

Trustee DiJusto: RESOLVED, that the Village Board of the Village of Ardsley hereby amends Section 210-L #3(a) Fees: Miscellaneous of the Ardsley Village Code to amend fees for the Village residents, Village Businesses, and Employees of Village businesses as follows:

Section A210-3L (3):

- (a) For Village Residents, Village Businesses and Employees: \$280 per annum.
- (b) For all others: \$500 per annum.
- (c) Permit parking sticker replacement fee prior to expiration: \$10.
- (d) Prorating of fees will be permitted on a schedule as determined by the Village Manager.

Seconded by Trustee Yager and passed unanimously.

VIII. CALL FOR EXECUTIVE SESSION – No Executive Session

IX. ANNOUNCEMENTS

March 2, 2020 – Ardsley Public Library Health & Wellness Series

March 5, 2020 – Board of Architectural Review Meeting

March 8, 2020 – Ardsley Multicultural, Diversity & Inclusion Committee Law Sign

March 9, 2020 – Planning Board Meeting

March 10, 2020 – Ardsley Public Library Health & Wellness Series

March 12, 2020 – Ardsley Teen Book Club

X. ADJOURNMENT OF MEETING

Trustee D’Emilio: RESOLVED, that the Village Board of the Village of Ardsley hereby adjourns the regular meeting of Monday, March 2, 2020 at 8:26 p.m. **Seconded by Trustee Edelstein and passed unanimously.**

XI. NEXT VILLAGE BOARD MEETING: Monday, March 16, 2020 at 8:00 p.m.

Respectfully submitted,

Donna Fusco
Recording Secretary

Village of Ardsley
Board of Trustees-March 2, 2020